

subsection, the Secretary may reimburse the private entity over a period of time agreed to by the parties to the agreement through the payment of subsequent user fees. Such fees may include the payment of a disposal or tipping fee for placement of suitable dredged material at the facility.

**(C) Amount of fees**

User fees paid pursuant to subparagraph (B) shall be sufficient to repay funds contributed by the private entity plus a reasonable return on investment approved by the Secretary in cooperation with the non-Federal interest with respect to the project and the private entity.

**(D) Federal share**

The Federal share of such fees shall be equal to the percentage of the total cost that would otherwise be borne by the Federal Government as required pursuant to existing cost-sharing requirements, including section 2213 of this title and section 2326 of this title.

**(E) Budget Act compliance**

Any spending authority (as defined in section 651(c)(2) of title 2) authorized by this section shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

(Pub. L. 104-303, title II, §217, Oct. 12, 1996, 110 Stat. 3694; Pub. L. 110-114, title II, §2005, Nov. 8, 2007, 121 Stat. 1071.)

REFERENCES IN TEXT

The Budget Act, referred to in subsec. (d)(2)(E) heading, probably means the Congressional Budget Act of 1974, titles I through IX of Pub. L. 93-344, July 12, 1974, 88 Stat. 297, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2, The Congress, and Tables.

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1996, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

AMENDMENTS

2007—Subsec. (c). Pub. L. 110-114, §2005(2), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 110-114, §2005(1), redesignated subsec. (c) as (d).

Subsec. (d)(1). Pub. L. 110-114, §2005(3), inserted “and maintenance” after “operation” and “processing, treatment, contaminant reduction, or” after “dredged material”.

Subsec. (d)(2)(A). Pub. L. 110-114, §2005(3), inserted “and maintenance” after “operation” and “processing, treatment, contaminant reduction, or” after “of a dredged material”.

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 104-303, set out as a note under section 2201 of this title.

**§ 2326b. Sediment management**

**(a) In general**

The Secretary may enter into cooperation agreements with non-Federal interests with respect to navigation projects, or other appro-

priate non-Federal entities, for the development of long-term management strategies for controlling sediments at such projects.

**(b) Contents of strategies**

Each strategy developed under subsection (a) of this section shall—

(1) include assessments of sediment rates and composition, sediment reduction options, dredging practices, long-term management of any dredged material disposal facilities, remediation of such facilities, and alternative disposal and reuse options;

(2) include a timetable for implementation of the strategy; and

(3) incorporate relevant ongoing planning efforts, including remedial action planning, dredged material management planning, harbor and waterfront development planning, and watershed management planning.

**(c) Consultation**

In developing strategies under subsection (a) of this section, the Secretary shall consult with interested Federal agencies, States, and Indian tribes and provide an opportunity for public comment.

**(d) Dredged material disposal**

**(1) Study**

The Secretary shall conduct a study to determine the feasibility of constructing and operating an underwater confined dredged material disposal site in the Port of New York-New Jersey that could accommodate as much as 250,000 cubic yards of dredged material for the purpose of demonstrating the feasibility of an underwater confined disposal pit as an environmentally suitable method of containing certain sediments.

**(2) Report**

The Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1), together with any recommendations of the Secretary that may be developed in a strategy under subsection (a) of this section.

**(e) Great Lakes tributary model**

**(1) In general**

In consultation and coordination with the Great Lakes States, the Secretary shall develop a tributary sediment transport model for each major river system or set of major river systems depositing sediment into a Great Lakes federally authorized commercial harbor, channel maintenance project site, or Area of Concern identified under the Great Lakes Water Quality Agreement of 1978. Such model may be developed as a part of a strategy developed under subsection (a) of this section.

**(2) Requirements for models**

In developing a tributary sediment transport model under this subsection, the Secretary shall build on data and monitoring information generated in earlier studies and programs of the Great Lakes and their tributaries.

**(3) Report**

Not later than December 31, 2003, the Secretary shall transmit to Congress a report on

the Secretary's activities under this subsection.

**(f) "Great Lakes States" defined**

In this section, the term "Great Lakes States" means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

**(g) Authorization of appropriations**

**(1) In general**

There is authorized to be appropriated to the Secretary to carry out this section \$5,000,000 for each of fiscal years 1998 through 2001.

**(2) Great Lakes tributary model**

In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) of this section \$5,000,000 for each of fiscal years 2002 through 2012.

(Pub. L. 104-303, title V, § 516, Oct. 12, 1996, 110 Stat. 3763; Pub. L. 106-541, title V, § 505, Dec. 11, 2000, 114 Stat. 2645; Pub. L. 110-114, title V, § 5013, Nov. 8, 2007, 121 Stat. 1195.)

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1996, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

AMENDMENTS

2007—Subsec. (g)(2). Pub. L. 110-114 substituted "through 2012" for "through 2006".

2000—Subsec. (e)(3). Pub. L. 106-541, § 505(1), added par. (3).

Subsec. (g). Pub. L. 106-541, § 505(2), designated existing provisions as par. (1), inserted heading, realigned margins, and added par. (2).

NEW YORK-NEW JERSEY HARBOR, NEW YORK AND NEW JERSEY

Pub. L. 106-53, title V, § 540, Aug. 17, 1999, 113 Stat. 350, provided that:

"(a) IN GENERAL.—The Secretary shall conduct a study to analyze the economic and environmental benefits and costs of potential sediment management and contaminant reduction measures.

"(b) COOPERATIVE AGREEMENTS.—In conducting the study, the Secretary may enter into cooperative agreements with non-Federal interests to investigate, develop, and support measures for sediment management and reduction of sources of contaminant that affect navigation in the Port of New York-New Jersey and the environmental conditions of the New York-New Jersey Harbor estuary."

"SECRETARY" DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 104-303, set out as a note under section 2201 of this title.

**§ 2326c. Dredged material marketing and recycling**

**(a) Dredged material marketing**

**(1) In general**

Not later than 180 days after December 11, 2000, the Secretary shall establish a program to allow the direct marketing of dredged material to public agencies and private entities.

**(2) Limitations**

The Secretary shall not establish the program under paragraph (1) unless the Secretary

determines that the program is in the interest of the United States and is economically justified, equitable, and environmentally acceptable.

**(3) Regional responsibility**

The program described in paragraph (1) may authorize each of the 8 division offices of the Corps of Engineers to market to public agencies and private entities any dredged material from projects under the jurisdiction of the regional office. Any revenues generated from any sale of dredged material to such entities shall be deposited in the United States Treasury.

**(4) Reports**

Not later than 180 days after December 11, 2000, and annually thereafter for a period of 4 years, the Secretary shall transmit to Congress a report on the program established under paragraph (1).

**(5) Authorization of appropriations**

There is authorized to be appropriated to carry out this subsection \$2,000,000 for each fiscal year.

**(b) Dredged material recycling**

**(1) Pilot program**

The Secretary shall conduct a pilot program to provide incentives for the removal of dredged material from confined disposal facilities associated with Corps of Engineer navigation projects for the purpose of recycling the dredged material and extending the life of the confined disposal facilities.

**(2) Report**

Not later than 90 days after the date of completion of the pilot program, the Secretary shall transmit to Congress a report on the results of the program.

**(3) Authorization of appropriations**

There is authorized to be appropriated to carry out this subsection \$2,000,000, except that not to exceed \$1,000,000 may be expended with respect to any project.

(Pub. L. 106-541, title II, § 215, Dec. 11, 2000, 114 Stat. 2594.)

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2000, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

"SECRETARY" DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 106-541, set out as a note under section 2201 of this title.

**§ 2327. Definition of rehabilitation for inland waterway projects**

For purposes of laws relating to navigation on inland and intracoastal waterways of the United States, the term "rehabilitation" means—

(1) major project feature restoration—

(A) which consists of structural work on an inland navigation facility operated and maintained by the Corps of Engineers;

(B) which will significantly extend the physical life of the feature;