

or section 1333(e) of title 43, the Secretary of the Army (hereinafter in this section referred to as the “Secretary”) shall—

(1) consult with and consider the views of appropriate Federal agencies, States, local governments, and other interested parties;

(2) ensure that the provisions for siting, constructing, monitoring, and managing the artificial reef are consistent with the criteria and standards established under this chapter;

(3) ensure that the title to the artificial reef construction material is unambiguous, and that responsibility for maintenance and the financial ability to assume liability for future damages are clearly established; and

(4) consider the plan developed under section 2103 of this title and notify the Secretary of Commerce of any need to deviate from that plan.

**(b) Terms and conditions of permits**

(1) Each permit issued by the Secretary subject to this section shall specify the design and location for construction of the artificial reef and the types and quantities of materials that may be used in constructing such artificial reef. In addition, each such permit shall specify such terms and conditions for the construction, operation, maintenance, monitoring, and managing the use of the artificial reef as are necessary for compliance with all applicable provisions of law and as are necessary to ensure the protection of the environment and human safety and property.

(2) Before issuing a permit under section 1342 of this title for any activity relating to the siting, design, construction, operation, maintenance, monitoring, or managing of an artificial reef, the Administrator of the Environmental Protection Agency shall consult with the Secretary to ensure that such permit is consistent with any permit issued by the Secretary subject to this section.

**(c) Liability of permittee**

(1) A person to whom a permit is issued in accordance with subsection (a) of this section and any insurer of that person shall not be liable for damages caused by activities required to be undertaken under any terms and conditions of the permit, if the permittee is in compliance with such terms and conditions.

(2) A person to whom a permit is issued in accordance with subsection (a) of this section and any insurer of that person shall be liable, to the extent determined under applicable law, for damages to which paragraph (1) does not apply.

(3) The Secretary may not issue a permit subject to this section to a person unless that person demonstrates to the Secretary the financial ability to assume liability for all damages that may arise with respect to an artificial reef and for which such permittee may be liable.

(4) Any person who has transferred title to artificial reef construction materials to a person to whom a permit is issued in accordance with subsection (a) of this section shall not be liable for damages arising from the use of such materials in an artificial reef, if such materials meet applicable requirements of the plan published under section 2103 of this title and are not otherwise defective at the time title is transferred.

**(d) Liability of the United States**

Nothing in this chapter creates any liability on the part of the United States.

**(e) Civil penalty**

Any person who, after notice and an opportunity for a hearing, is found to have violated any provision of a permit issued in accordance with subsection (a) of this section shall be liable to the United States for a civil penalty, not to exceed \$10,000 for each violation. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation. The Secretary may compromise, modify, or remit with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section. If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection.

(Pub. L. 98-623, title II, § 205, Nov. 8, 1984, 98 Stat. 3396.)

**§ 2105. Definitions**

For purposes of this chapter—

(1) The term “artificial reef” means a structure which is constructed or placed in waters covered under this chapter for the purpose of enhancing fishery resources and commercial and recreational fishing opportunities.

(2) The term “State” means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, American Samoa, Guam, Johnston Island, Midway Island, and Wake Island.

(3) The term “waters covered under this chapter” means the navigable waters of the United States and the waters superjacent to the Outer Continental Shelf as defined in section 1331 of title 43, to the extent such waters exist in or are adjacent to any State.

(Pub. L. 98-623, title II, § 206, Nov. 8, 1984, 98 Stat. 3397.)

**§ 2106. Savings clauses**

**(a) Tennessee Valley Authority jurisdiction**

Nothing in this chapter shall be construed as replacing or superseding section 831y-1 of title 16.

**(b) State jurisdiction**

Nothing in this chapter shall be construed as extending or diminishing the jurisdiction or authority of any State over the siting, construction, monitoring, or managing of artificial reefs within its boundaries.

(Pub. L. 98-623, title II, § 208, Nov. 8, 1984, 98 Stat. 3398.)

**CHAPTER 36—WATER RESOURCES  
DEVELOPMENT**

Sec.  
2201. “Secretary” defined.

**SUBCHAPTER I—COST SHARING**

2211. Harbors.

Sec.		Sec.	
2211a.	Preserving United States harbors.	2282b.	Submission of reports to Congress.
2212.	Inland waterway transportation.	2282c.	Vertical integration and acceleration of studies.
2213.	Flood control and other purposes.	2282d.	Annual report to Congress.
2214.	General credit for flood control.	2283.	Fish and wildlife mitigation.
2215.	Feasibility studies; planning, engineering, and design.	2283a.	Status report.
2216.	Rate of interest.	2283b.	Clarification of mitigation authority.
2217.	Limitation on applicability of certain provisions in reports.	2283c.	Technical assistance.
2218.	General applicability of cost sharing.	2284.	Benefits and costs attributable to environmental measures.
2219.	Definitions.	2284a.	Benefits to navigation.
2220.	Rivers and harbors and other waterways projects for benefit of navigation, flood control, hurricane protection, beach erosion control, and other purposes.	2284b.	Scenic and aesthetic considerations.
2221.	Cost limitations on projects.	2285.	Environmental Protection and Mitigation Fund.
2222.	Use of other Federal funds.	2286.	Acceptance of certain funds for mitigation.
2223.	Transfer of excess credit.	2287.	Continued planning and investigations.
2224.	Crediting authority for federally authorized navigation projects.	2288.	Repealed.
2225.	Credit in lieu of reimbursement.	2289.	Urban and rural flood control frequency.
2226.	Water resources projects on Federal land.	2290.	Flood control in Trust Territory of the Pacific Islands.
2227.	Clarification of impacts to other Federal facilities.	2291.	Federal Project Repayment District.
SUBCHAPTER II—HARBOR DEVELOPMENT		2292.	Surveying and mapping.
2231.	Study of water resources development projects by non-Federal interests.	2293.	Reprogramming during national emergencies.
2232.	Construction of water resources development projects by non-Federal interests.	2293a.	Reprogramming of funds for projects by Corps of Engineers.
2233.	Coordination and scheduling of Federal, State, and local actions.	2294.	Office of Environmental Policy.
2234.	Nonapplicability to Saint Lawrence Seaway.	2295.	Compilation of laws; annual reports.
2235.	Construction in usable increments.	2296.	Acquisition of recreation lands.
2236.	Port or harbor dues.	2297.	Operation and maintenance on recreation lands.
2237.	Information for national security.	2298.	Impact of proposed projects on existing recreation facilities.
2238.	Authorization of appropriations.	2299.	Acquisition of beach fill.
2238a.	Estimate of harbor maintenance needs.	2300.	Study of Corps capabilities.
2238b.	Funding for harbor maintenance programs.	2301, 2302.	Omitted.
2238c.	Additional measures at donor ports and energy transfer ports.	2303.	Historical properties.
2239.	Repealed.	2304.	Separability.
2240.	Emergency response services.	2305.	Use of FMHA funds.
2241.	Definitions.	2306.	Reports.
2242.	Remote and subsistence harbors.	2307.	Control of ice.
2243.	Arctic deep draft port development partnerships.	2308.	Campgrounds for senior citizens.
SUBCHAPTER III—INLAND WATERWAY TRANSPORTATION SYSTEM		2309.	Great Lakes Commodities Marketing Board.
2251.	Inland Waterways Users Board.	2309a.	Project modifications for improvement of environment.
2252.	Project delivery process reforms.	2310.	Cost sharing for Territories.
2253.	Annual financial review.	2311.	Report to Congress covering proposals for water impoundment facilities.
2254.	Assessment of operation and maintenance needs of the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway.	2312.	Comments on certain changes in operations of reservoirs.
2255.	Inland waterways riverbank stabilization.	2313.	Collaborative research and development.
SUBCHAPTER IV—WATER RESOURCES STUDIES		2313a.	Engineering and environmental innovations of national significance.
2261.	Territories development study.	2313b.	Support of Army civil works program.
2262.	Survey of potential for use of certain facilities as hydroelectric facilities.	2314.	Innovative technology.
2263.	Study of Corps capability to conserve fish and wildlife.	2314a.	Technical assistance program.
2264.	Deauthorization of studies.	2314b.	Advanced modeling technologies.
2265.	Columbia River/Arkansas River Basin transfers.	2315.	Periodic statements.
2266.	Canadian tidal power study.	2315a.	Transparency in accounting and administrative expenses.
2267.	New York Bight study.	2316.	Environmental protection mission.
2267a.	Watershed and river basin assessments.	2317.	Wetlands.
2267b.	Post-disaster watershed assessments.	2317a.	Cooperative agreements.
2268.	Marine technology review.	2317b.	Wetlands mitigation.
2269.	Tribal partnership program.	2318.	Flood plain management.
SUBCHAPTER V—GENERAL PROVISIONS		2319.	Reservoir management.
2280.	Maximum cost of projects.	2320.	Protection of recreational and commercial uses.
2281.	Matters to be addressed in planning.	2321.	Operation and maintenance of hydroelectric facilities.
2282.	Feasibility reports.	2321a.	Hydroelectric power project uprating.
2282a.	Planning.	2321b.	Expediting hydropower at Corps of Engineers facilities.
		2322.	Single entities.
		2323.	Technical assistance to private entities.
		2323a.	Interagency and international support authority.
		2324.	Reduced pricing for certain water supply storage.
		2325.	Voluntary contributions for environmental and recreation projects.

Sec.	
2325a.	Authority to accept and use materials and services.
2326.	Regional sediment management.
2326a.	Dredged material disposal facility partnerships.
2326b.	Sediment management.
2326c.	Dredged material marketing and recycling.
2327.	Definition of rehabilitation for inland waterway projects.
2328.	Challenge cost-sharing program for management of recreation facilities.
2328a.	Special use permits.
2329.	International outreach program.
2330.	Aquatic ecosystem restoration.
2330a.	Monitoring ecosystem restoration.
2331.	Use of continuing contracts for construction of certain projects.
2332.	Flood mitigation and riverine restoration program.
2333.	Irrigation diversion protection and fisheries enhancement assistance.
2334.	Innovative technologies for watershed restoration.
2335.	Coastal aquatic habitat management.
2336.	Abandoned and inactive noncoal mine restoration.
2337.	Property protection program.
2338.	Reburial and conveyance authority.
2339.	Assistance programs.
2339a.	Cooperative agreements with Indian tribes.
2340.	Revision of project partnership agreement; cost sharing.
2341.	Expedited actions for emergency flood damage reduction.
2341a.	Prioritization.
2342.	Access to water resource data.
2343.	Independent peer review.
2344.	Safety assurance review.
2345.	Electronic submission of permit applications.
2346.	Project administration.
2347.	Coordination and scheduling of Federal, State, and local actions.
2347a.	Determination of project completion.
2348.	Project acceleration.
2349.	Categorical exclusions in emergencies.
2350.	Corrosion prevention.
2351.	Durability, sustainability, and resilience.
2352.	Funding to process permits.

### § 2201. “Secretary” defined

For purposes of this Act, the term “Secretary” means the Secretary of the Army.

(Pub. L. 99-662, § 2, Nov. 17, 1986, 100 Stat. 4082.)

#### REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 99-662, Nov. 17, 1986, 100 Stat. 4082, as amended, known as the Water Resources Development Act of 1986. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

#### SHORT TITLE OF 2014 AMENDMENT

Pub. L. 113-121, § 1(a), June 10, 2014, 128 Stat. 1193, provided that: “This Act [see Tables for classification] may be cited as the ‘Water Resources Reform and Development Act of 2014’.”

#### SHORT TITLE OF 2007 AMENDMENT

Pub. L. 110-114, § 1(a), Nov. 8, 2007, 121 Stat. 1041, provided that: “This Act [see Tables for classification] may be cited as the ‘Water Resources Development Act of 2007’.”

#### SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-541, § 1(a), Dec. 11, 2000, 114 Stat. 2572, provided that: “This Act [see Tables for classification]

may be cited as the ‘Water Resources Development Act of 2000’.”

#### SHORT TITLE OF 1999 AMENDMENT

Pub. L. 106-53, § 1(a), Aug. 17, 1999, 113 Stat. 269, provided that: “This Act [see Tables for classification] may be cited as the ‘Water Resources Development Act of 1999’.”

#### SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-303, § 1(a), Oct. 12, 1996, 110 Stat. 3658, provided that: “This Act [see Tables for classification] may be cited as the ‘Water Resources Development Act of 1996’.”

#### SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-580, § 1(a), Oct. 31, 1992, 106 Stat. 4797, provided that: “This Act [enacting sections 59gg, 426i-1, 569d to 569f, 653, 1271, 2268, and 2325 to 2329 of this title, amending sections 426j, 467f, 467j to 467l, 562, 652, 1342, 1412, 1413, 1414, 1415, 1416, 1420, 1421, 2211, 2213, 2283, and 2309a of this title, section 3036 of Title 10, Armed Forces, sections 460tt, 4702, and 4711 of Title 16, Conservation, and section 1962d-16 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under this section and sections 541, 1271, 2211, 2239, 2267, and 2281 of this title, section 9505 of Title 26, Internal Revenue Code, and sections 390h-4 and 390h-5 of Title 43, Public Lands] may be cited as the ‘Water Resources Development Act of 1992’.”

#### SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-640, § 1(a), Nov. 28, 1990, 104 Stat. 4604, provided that: “This Act [enacting sections 59bb and 2316 to 2324 of this title, amending sections 579a, 652, 701n, 709a, 2213, 2215, 2232, 2238, 2281, 2309a, and 2314a of this title, section 460tt of Title 16, Conservation, and section 1962d-16 of Title 42, The Public Health and Welfare, repealing sections 579 and 2239 of this title, enacting provisions set out as notes under this section, sections 426e, 1252, 1268, 2213, 2232, 2239, 2313, and 2317 of this title, and section 1405c of Title 48, Territories and Insular Possessions, and amending provisions set out as notes under sections 2294 and 2314 of this title and section 460d of Title 16] may be cited as the ‘Water Resources Development Act of 1990’.”

#### SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-676, § 1(a), Nov. 17, 1988, 102 Stat. 4012, provided that: “This Act [enacting sections 59j-1, 59y, 59z, and 2312 to 2315 of this title, amending sections 426j, 701b-12, 1293a, 2211, 2239, 2280, and 2291 of this title and section 1962d-5a of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section, sections 579a, 988, 2211, 2294, 2300, and 2314 of this title, and section 1962d-5g of Title 42, and amending provisions set out as a note under section 2294 of this title] may be cited as the ‘Water Resources Development Act of 1988’.”

#### SHORT TITLE

Pub. L. 99-662, § 1(a), Nov. 17, 1986, 100 Stat. 4082, provided that: “This Act [enacting this chapter and sections 59n-1, 59v, 59w, 403b, 426n, 426o, 467f to 467n, 555a, 579a, 652, 701b-12, 709b, 988a, and 1414a of this title, sections 460tt of Title 16, Conservation, sections 4461, 4462, 9505, and 9506 of Title 26, Internal Revenue Code, section 483d of former Title 40, Public Buildings, Property, and Works, and sections 1962d-11b and 1962d-20 of Title 42, The Public Health and Welfare, amending sections 409, 414, 415, 426g, 426i, 426j, 426m, 467, 467b, 555, 557, 603a, 610, 701a-1, 701g, 701n, 701r, 701s, 984, and 1804 of this title, section 3036 of Title 10, Armed Forces, sections 460ee and 1002 of Title 16, section 4042 of Title 26, sections 1962d-5a, 1962d-5b, 1962d-5d, 1962d-5f, and 1962d-16 of Title 42, sections 390 and 390b of Title 43, Public Lands, and section 1121-1 of Title 46, Appendix, Shipping, repealing sections 1801 and 1802 of this title, en-