

2014—Subsec. (a)(1), (2). Pub. L. 113–121, §1006(1)(A), (B), substituted “Funding to process permits” for “In general” in subsec. heading, added par. (1), redesignated text of subsec. (a) as par. (2), inserted heading, and inserted “or a public-utility company or natural gas company” after “non-Federal public entity” and “or company” after “that entity”.

Subsec. (a)(3) to (5). Pub. L. 113–121, §1006(1)(C), added pars. (3) to (5).

Subsecs. (d), (e). Pub. L. 113–121, §1006(2), added subsecs. (d) and (e) and struck out former subsecs. (d) and (e) which read as follows:

“(d) PUBLIC AVAILABILITY.—The Secretary shall ensure that all final permit decisions carried out using funds authorized under this section are made available to the public, including on the Internet.

“(e) DURATION OF AUTHORITY.—The authority provided under this section shall be in effect from October 1, 2000, through December 31, 2016.”

2010—Subsec. (a). Pub. L. 111–315, §1(1), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “The Secretary, after public notice, may accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits under the jurisdiction of the Department of the Army.”

Subsec. (b). Pub. L. 111–315, §1(3), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “In carrying out this section, the Secretary shall ensure that the use of funds accepted under subsection (a) will not impact impartial decision-making with respect to permits, either substantively or procedurally.”

Subsecs. (c) to (e). Pub. L. 111–315, §1(2)–(4), added subsecs. (c) and (d), redesignated former subsec. (c) as (e), and, in subsec. (e), substituted “2016” for “2010”.

2009—Subsec. (c). Pub. L. 111–120 substituted “2010” for “2009”.

2007—Subsec. (c). Pub. L. 110–114 substituted “2009” for “2008”.

2006—Subsec. (c). Pub. L. 109–434 substituted “December 31, 2008” for “December 31, 2006”.

Pub. L. 109–209 substituted “December 31, 2006” for “March 31, 2006”.

2005—Subsec. (a). Pub. L. 109–99, §1(1), substituted “The” for “In fiscal years 2001 through 2005, the”.

Subsec. (c). Pub. L. 109–99, §1(2), added subsec. (c).

2003—Subsec. (a). Pub. L. 108–137 substituted “2005” for “2003”.

“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.

§ 2353. Structural health monitoring

(a) In general

The Secretary shall design and develop a structural health monitoring program to assess and improve the condition of infrastructure constructed and maintained by the Corps of Engineers, including research, design, and development of systems and frameworks for—

- (1) response to flood and earthquake events;
- (2) predisaster mitigation measures;
- (3) lengthening the useful life of the infrastructure; and
- (4) identifying risks due to sea level rise.

(b) Consultation and considerations

In developing the program under subsection (a), the Secretary shall—

- (1) consult with academic and other experts; and
- (2) consider models for maintenance and repair information, the development of degrada-

tion models for real-time measurements and environmental inputs, and research on qualitative inspection data as surrogate sensors.

(Pub. L. 114–322, title I, §1151, Dec. 16, 2016, 130 Stat. 1661.)

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2016, and also as part of the Water Infrastructure Improvements for the Nation Act, also known as the WIIN Act, 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 1002 of Pub. L. 114–322, set out as a note under section 2201 of this title.

§ 2354. Easements for electric, telephone, or broadband service facilities

(a) Definition of water resources development project

In this section, the term “water resources development project” means a project under the administrative jurisdiction of the Corps of Engineers that is subject to part 327 of title 36, Code of Federal Regulations (or successor regulations).

(b) No consideration for easements

The Secretary may not collect consideration for an easement across water resources development project land for the electric, telephone, or broadband service facilities of nonprofit organizations eligible for financing under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.).

(c) Administrative expenses

Nothing in this section affects the authority of the Secretary under section 2695 of title 10 or under section 9701 of title 31 to collect funds to cover reasonable administrative expenses incurred by the Secretary.

(Pub. L. 114–322, title I, §1172, Dec. 16, 2016, 130 Stat. 1671.)

REFERENCES IN TEXT

The Rural Electrification Act of 1936, referred to in subsec. (b), is act May 20, 1936, ch. 432, 49 Stat. 1363, which is classified generally to chapter 31 (§901 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see section 901 of Title 7 and Tables.

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2016, and also as part of the Water Infrastructure Improvements for the Nation Act, also known as the WIIN Act, 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 1002 of Pub. L. 114–322, set out as a note under section 2201 of this title.

CHAPTER 37—ORGANOTIN ANTIFOULING PAINT CONTROL

§§ 2401 to 2410. Repealed. Pub. L. 111–281, title X, § 1048, Oct. 15, 2010, 124 Stat. 3032

Section 2401, Pub. L. 100–333, §2, June 16, 1988, 102 Stat. 605, provided findings and purposes for chapter.

Section 2402, Pub. L. 100-333, §3, June 16, 1988, 102 Stat. 605, provided definitions for chapter.

Section 2403, Pub. L. 100-333, §4, June 16, 1988, 102 Stat. 606, prohibited, with exceptions, application of antifouling paint containing organotin to any vessel less than 25 meters in length.

Section 2404, Pub. L. 100-333, §5, June 16, 1988, 102 Stat. 606, prohibited certain organotin paints and additives.

Section 2405, Pub. L. 100-333, §6, June 16, 1988, 102 Stat. 607, related to certification of antifouling paints containing organotin.

Section 2406, Pub. L. 100-333, §7, June 16, 1988, 102 Stat. 607; Pub. L. 104-106, div. A, title X, §1064(f), Feb. 10, 1996, 110 Stat. 445, related to monitoring and research of ecological effects.

Section 2407, Pub. L. 100-333, §8, June 16, 1988, 102 Stat. 608, provided for alternative antifouling research.

Section 2408, Pub. L. 100-333, §9, June 16, 1988, 102 Stat. 608, related to issuance of a final water quality criteria document.

Section 2409, Pub. L. 100-333, §10, June 16, 1988, 102 Stat. 608, provided for civil and criminal penalties for violations of certain sections of chapter.

Section 2410, Pub. L. 100-333, §11, June 16, 1988, 102 Stat. 608, related to other authorities and State laws.

EFFECTIVE DATE; USE OF EXISTING STOCKS

Pub. L. 100-333, §12, June 16, 1988, 102 Stat. 609, which provided that this chapter would take effect on June 16, 1988, and provided for a limited amount of time after that date to sell and use existing stocks of organotin paints and additives, was repealed by Pub. L. 111-281, title X, §1048, Oct. 15, 2010, 124 Stat. 3032.

SHORT TITLE

Pub. L. 100-333, §1, June 16, 1988, 102 Stat. 605, which provided that this chapter could be cited as the "Organotin Antifouling Paint Control Act of 1988", was repealed by Pub. L. 111-281, title X, §1048, Oct. 15, 2010, 124 Stat. 3032.

CHAPTER 38—DUMPING OF MEDICAL WASTE BY PUBLIC VESSELS

Sec.	
2501.	Findings.
2502.	Definitions.
2503.	Prohibition.
2504.	Guidance.

§ 2501. Findings

The Congress finds the following:

(1) The washing ashore of potentially infectious medical wastes from public vessels of the United States may pose serious and widespread risks to public health and to the welfare of coastal communities.

(2) Current Federal law provides inadequate protections against the disposal of such wastes from such vessels into ocean waters.

(3) Operators of such vessels must take immediate action to stop disposing of such wastes into ocean waters.

(Pub. L. 100-688, title III, §3102, Nov. 18, 1988, 102 Stat. 4152.)

SHORT TITLE

Pub. L. 100-688, title III, §3101, Nov. 18, 1988, 102 Stat. 4152, provided that: "This subtitle [subtitle A (§§3101-3105) of title III of Pub. L. 100-688, enacting this chapter] may be cited as the 'United States Public Vessel Medical Waste Anti-Dumping Act of 1988'."

§ 2502. Definitions

For the purposes of this chapter:

(1) Potentially infectious medical waste

The term "potentially infectious medical waste" includes isolation wastes; infectious agents; human blood and blood products; pathological wastes; sharps; body parts; contaminated bedding; surgical wastes; and other disposable medical equipment and material that may pose a risk to the public health, welfare or the marine environment.

(2) Public vessel

The term "public vessel" means a vessel of any type whatsoever (including hydrofoils, air-cushion vehicles, submersibles, floating craft whether propelled or not, and fixed or floating platforms) that is owned, or demise chartered, and operated by the United States Government, and is not engaged in commercial service.

(Pub. L. 100-688, title III, §3103, Nov. 18, 1988, 102 Stat. 4152.)

§ 2503. Prohibition

After 6 months after November 18, 1988, no public vessel shall dispose of potentially infectious medical waste into ocean waters unless—

(1)(A) the health or safety of individuals on board the vessel is threatened; or

(B) during time of war or a declared national emergency;

(2) the waste is disposed of beyond 50 nautical miles from the nearest land; and

(3)(A) in the case of a public vessel which is not a submersible, the waste is sterilized, properly packaged, and sufficiently weighted to prevent the waste from coming ashore after disposal; and

(B) in the case of a public vessel which is a submersible, the waste is properly packaged and sufficiently weighted to prevent the waste from coming ashore after disposal.

(Pub. L. 100-688, title III, §3104, Nov. 18, 1988, 102 Stat. 4152.)

§ 2504. Guidance

Not later than 3 months after November 18, 1988, the Secretary of Defense and the head of each affected agency, in consultation with the Administrator of the Environmental Protection Agency, shall each issue guidance for public vessels under the jurisdiction of their agency regarding implementation of section 2503 of this title.

(Pub. L. 100-688, title III, §3105, Nov. 18, 1988, 102 Stat. 4153.)

CHAPTER 39—SHORE PROTECTION FROM MUNICIPAL OR COMMERCIAL WASTE

SUBCHAPTER I—SHORE PROTECTION

Sec.	
2601.	Definitions.
2602.	Vessel permits and numbers.
2603.	Waste handling practices.
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2607.	Fees.
2608.	Civil penalty procedures.
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