

(c) Authorization of appropriations**(1) In general**

Subject to paragraph (2), the Secretary may expend, from any appropriations made available to the Secretary for the purpose of carrying out civil works, not more than \$30,000,000 during any fiscal year to pay the Federal share of the costs of construction of small shore and beach restoration and protection projects or small projects under this section.

(2) Limitation

The total amount expended for a project under this section shall—

(A) be sufficient to pay the cost of Federal participation in the project (including periodic nourishment as provided for under section 426e of this title), as determined by the Secretary; and

(B) be not more than \$10,000,000.

(Aug. 13, 1946, ch. 960, § 3, 60 Stat. 1056; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501; July 28, 1956, ch. 768, 70 Stat. 703; Pub. L. 87-874, title I, § 103(a)(4), Oct. 23, 1962, 76 Stat. 1178; Pub. L. 89-298, title III, § 310(b), Oct. 27, 1965, 79 Stat. 1095; Pub. L. 91-611, title I, § 112(b), Dec. 31, 1970, 84 Stat. 1821; Pub. L. 99-662, title IX, § 915(e), Nov. 17, 1986, 100 Stat. 4191; Pub. L. 104-303, title II, § 227(e)(2)(C), Oct. 12, 1996, 110 Stat. 3703; Pub. L. 106-53, title II, § 226, Aug. 17, 1999, 113 Stat. 298; Pub. L. 110-114, title II, § 2038(a), Nov. 8, 2007, 121 Stat. 1097; Pub. L. 114-322, title I, § 1167, Dec. 16, 2016, 130 Stat. 1670.)

REFERENCES IN TEXT

The Shoreline Erosion Control Demonstration Act of 1974, referred to in subsec. (b)(2)(C)(viii), is Pub. L. 93-251, title I, § 54, Mar. 7, 1974, 88 Stat. 26, formerly set out as a note under section 1962d-5 of Title 42, The Public Health and Welfare.

AMENDMENTS

2016—Subsec. (c)(2)(B). Pub. L. 114-322 substituted “\$10,000,000” for “\$5,000,000”.

2007—Pub. L. 110-114 amended section generally. Prior to amendment, section related to authorization of small shore and beach restoration and protection projects not specifically authorized by Congress.

1999—Pub. L. 106-53 substituted “\$3,000,000” for “\$2,000,000”.

1996—Pub. L. 104-303 substituted “Secretary” for “Secretary of the Army”.

1986—Pub. L. 99-662 substituted “\$30,000,000” for “\$25,000,000” and “\$2,000,000” for “\$1,000,000”.

1970—Pub. L. 91-611 increased authorized annual allotment for Federal share of project construction costs from \$10,000,000 to \$25,000,000 and the limitation on allotment for any single project from \$500,000 to \$1,000,000.

1965—Pub. L. 89-298 increased authorized annual allotment for Federal share of project construction costs from \$3,000,000 to \$10,000,000 and the limitation on allotment for any single project from \$400,000 to \$500,000.

1962—Pub. L. 87-874 substituted provisions which authorize the Secretary of the Army to undertake small shore and beach projects not specifically authorized by Congress, which otherwise comply with section 426e of this title, and to allot from any civil works appropriations hereafter made, an amount not to exceed \$3,000,000 for the Federal share of such projects in any one fiscal year, provide that no such single project shall be allotted more than \$400,000, including periodic nourishment, that provisions of local cooperation shall apply, and that the work shall be complete and not

commit the United States to any additional improvement except for periodic beach nourishment, and as may result from procedure applying to projects authorized after submission of survey reports, for provisions which permitted the Chief of Engineers to make advance payments, not exceeding the United States pro rata part of the value of the labor and materials actually put in, and to undertake construction of restoration and protective works under sections 426e to 426h of this title upon the request of, and contribution of funds by, the interested political subdivision.

1956—Act July 28, 1956, substituted “restoration and protective works under sections 426e to 426h of this title” for “improvement and protective works”.

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.

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-662, title IX, § 915(i), Nov. 17, 1986, 100 Stat. 4191, provided that: “The amendments made by this section [amending this section and sections 426i, 577, 603a, 701g, 701r, and 701s of this title] shall not apply to any project under contract for construction on the date of enactment of this Act [Nov. 17, 1986].”

EFFECTIVE DATE OF 1970 AMENDMENT

Pub. L. 91-611, title I, § 112(c), Dec. 31, 1970, 84 Stat. 1821, provided that: “The amendments made by this section [amending this section and section 577 of this title] shall not apply to any project under contract for construction on the date of enactment of this Act [Dec. 31, 1970].”

TRANSFER OF FUNCTIONS

Functions, powers, and duties of Secretary of the Army and other offices and officers of Department of the Army under section 401 of this title to extent that they relate generally to location and clearances of bridges and causeways in navigable waters of United States transferred to and vested in Secretary of Transportation by Pub. L. 89-670, § 6(g)(6)(A), Oct. 15, 1966, 80 Stat. 941, which created Department of Transportation. Pub. L. 97-449 amended section 401 of this title to reflect transfer made by section 6(g)(6)(A) of Pub. L. 89-670, and repealed section 6(g)(6)(A).

§ 426g-1. State and regional plans

The Secretary may—

(1) cooperate with any State in the preparation of a comprehensive State or regional plan for the conservation of coastal resources located within the boundaries of the State;

(2) encourage State participation in the implementation of the plan; and

(3) submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out the plan.

(Aug. 13, 1946, ch. 960, § 4, as added Pub. L. 104-303, title II, § 227(d)(2), Oct. 12, 1996, 110 Stat. 3700.)

PRIOR PROVISIONS

A prior section 4 of act Aug. 13, 1946, was renumbered section 5 of that act, and was classified to section 426h of this title prior to repeal by Pub. L. 104-303.

§ 426h. Repealed. Pub. L. 110–114, title II, § 2038(b), Nov. 8, 2007, 121 Stat. 1100

Section, act Aug. 13, 1946, ch. 960, § 5, as added Pub. L. 104–303, title II, § 227(e)(1), Oct. 12, 1996, 110 Stat. 3700; amended Pub. L. 106–53, title V, § 581, Aug. 17, 1999, 113 Stat. 375; Pub. L. 109–234, title II, § 2305, June 15, 2006, 120 Stat. 456; Pub. L. 110–161, div. C, title I, § 113, Dec. 26, 2007, 121 Stat. 1944, related to national shoreline erosion control development and demonstration program.

A prior section 426h, acts Aug. 13, 1946, ch. 960, § 5, formerly § 4, 60 Stat. 1057; July 28, 1956, ch. 768, 70 Stat. 703; renumbered § 5, Oct. 12, 1996, Pub. L. 104–303, title II, § 227(d)(1), 110 Stat. 3700, defined the word “shores” as used in sections 426e to 426h of this title, prior to repeal by Pub. L. 104–303, title II, § 227(e)(1), Oct. 12, 1996, 110 Stat. 3700.

§ 426h–1. Definitions

In sections 426e and 426f to 426h–1 of this title, the following definitions apply:

(1) Erosion control program

The term “erosion control program” means the national shoreline erosion control development and demonstration program established under this section.

(2) Secretary

The term “Secretary” means the Secretary of the Army.

(3) Separable element

The term “separable element” has the meaning provided by section 2213(f) of this title.

(4) Shore

The term “shore” includes each shoreline of the Atlantic and Pacific Oceans, the Gulf of Mexico, the Great Lakes, and lakes, estuaries, and bays directly connected therewith.

(5) Shore protection project

The term “shore protection project” includes a project for beach nourishment, including the replacement of sand.

(Aug. 13, 1946, ch. 960, § 6, as added Pub. L. 104–303, title II, § 227(e)(1), Oct. 12, 1996, 110 Stat. 3702.)

§ 426i. Shore damage prevention or mitigation

(a) In general

The Secretary of the Army is authorized to investigate, study, plan, and implement structural and nonstructural measures for the prevention or mitigation of shore damages attributable to Federal navigation works and shore damage attributable to the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway, if a non-Federal public body agrees to operate and maintain such measures, and, in the case of interests in real property acquired in conjunction with nonstructural measures, to operate and maintain the property for public purposes in accordance with regulations prescribed by the Secretary.

(b) Cost sharing

The costs of implementing measures, including a study, shall be cost-shared in the same proportion as the cost-sharing provisions applicable to construction of the project causing the shore damage.

(c) Requirement for specific authorization

No such project shall be initiated without specific authorization by Congress if the Federal first cost exceeds \$10,000,000.

(d) Coordination

The Secretary shall—

(1) coordinate the implementation of the measures under this section with other Federal and non-Federal shore protection projects in the same geographic area; and

(2) to the extent practicable, combine mitigation projects with other shore protection projects in the same area into a comprehensive regional project.

(e) Reimbursement for feasibility studies

Beginning on December 16, 2016, in any case in which the Secretary implements a project under this section, the Secretary shall reimburse or credit the non-Federal interest for any amounts contributed for the study evaluating the damage in excess of the non-Federal share of the costs, as determined under subsection (b).

(Pub. L. 90–483, title I, § 111, Aug. 13, 1968, 82 Stat. 735; Pub. L. 99–662, title IX, §§ 915(f), 940, Nov. 17, 1986, 100 Stat. 4191, 4199; Pub. L. 106–53, title II, § 214, Aug. 17, 1999, 113 Stat. 291; Pub. L. 113–121, title I, § 1030(c), June 10, 2014, 128 Stat. 1232; Pub. L. 114–322, title I, § 1169, Dec. 16, 2016, 130 Stat. 1671.)

AMENDMENTS

2016—Subsec. (b). Pub. L. 114–322, § 1169(1), substituted “measures, including a study, shall be cost-shared in the same proportion as the cost-sharing provisions applicable to construction of the project” for “measures under this section shall be cost-shared in the same proportion as the cost-sharing provisions applicable to the project”.

Subsec. (e). Pub. L. 114–322, § 1169(2), added subsec. (e). 2014—Subsec. (c). Pub. L. 113–121 substituted “\$10,000,000” for “\$5,000,000”.

1999—Pub. L. 106–53 designated first sentence as subsec. (a), inserted heading, and inserted “and shore damage attributable to the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway” after “navigation works”, designated second sentence as subsec. (b) and inserted heading, and designated third sentence as subsec. (c), inserted heading, and substituted “\$5,000,000” for “\$2,000,000”, and added subsec. (d).

1986—Pub. L. 99–662, § 940, amended section generally. Prior to amendment, section read as follows: “The Secretary of the Army, acting through the Chief of Engineers, is authorized to investigate, study, and construct projects for the prevention or mitigation of shore damages attributable to Federal navigation works. The cost of installing, operating, and maintaining such projects shall be borne entirely by the United States. No such project shall be constructed without specific authorization by Congress if the estimated first cost exceeds \$2,000,000.”

Pub. L. 99–662, § 915(f), substituted “\$2,000,000” for “\$1,000,000”.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by section 915(f) of Pub. L. 99–662 not applicable to any project under contract for construction on Nov. 17, 1986, see section 915(i) of Pub. L. 99–662, set out as a note under section 426g of this title.

§ 426i–1. Repealed. Pub. L. 113–121, title I, § 1014(c)(2), June 10, 2014, 128 Stat. 1222

Section, Pub. L. 102–580, title II, § 206, Oct. 31, 1992, 106 Stat. 4828; Pub. L. 104–303, title II, § 227(c)(2), Oct. 12,