

disposition study under section 549a of this title or an assessment under section 6002 of the Water Resources Reform and Development Act of 2014 (Public Law 113-121; 128 Stat. 1349), the Secretary shall consider the extent to which the property concerned has economic, cultural, historic, or recreational significance or impacts at the national, State, or local level.

(b) Completion of assessment and inventory

Not later than 1 year after December 16, 2016, the Secretary shall complete the assessment and inventory required under section 6002(a) of the Water Resources Reform and Development Act of 2014 (Public Law 113-121; 128 Stat. 1349).

(Pub. L. 114-322, title I, §1165, Dec. 16, 2016, 130 Stat. 1670.)

REFERENCES IN TEXT

Section 6002 of the Water Resources Reform and Development Act of 2014, referred to in text, is section 6002 of Pub. L. 113-121, title VI, June 10, 2014, 128 Stat. 1349, which is not classified to the Code.

“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.

§ 578b. Disposition of projects

(a) In general

In carrying out a disposition study for a project of the Corps of Engineers, or a separable element of such a project, including a disposition study under section 549a of this title, the Secretary shall consider modifications that would improve the overall quality of the environment in the public interest, including removal of the project or separable element of a project.

(b) Disposition study transparency

The Secretary shall carry out disposition studies described in subsection (a) in a transparent manner, including by—

- (1) providing opportunities for public input; and
- (2) publishing the final disposition studies.

(c) Removal of infrastructure

For disposition studies described in subsection (a) in which the Secretary determines that a Federal interest no longer exists, and makes a recommendation of removal of the project or separable element of a project, the Secretary is authorized, using existing authorities, to pursue removal of the project or separable element of a project in partnership with other Federal agencies and non-Federal entities with appropriate capabilities to undertake infrastructure removal.

(Pub. L. 115-270, title I, §1168, Oct. 23, 2018, 132 Stat. 3798.)

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 102 of Pub. L. 115-270, set out as a note under section 2201 of this title.

§ 579. Repealed. Pub. L. 101-640, title I, § 119(b), Nov. 28, 1990, 104 Stat. 4630

Section, Pub. L. 93-251, title I, §12, Mar. 7, 1974, 88 Stat. 16; H. Res. 988, Oct. 8, 1974; Pub. L. 94-587, §157(a),

Oct. 22, 1976, 90 Stat. 2933; S. Res. 4, Feb. 4, 1977, provided for deauthorization of projects of improvement of rivers and harbors and other waterways for navigation, beach erosion, flood control, and other purposes which the Secretary of the Army determined should no longer be authorized.

§ 579a. Corps budgeting; project deauthorizations; comprehensive backlog report

(a) Funds to be obligated for construction to avoid deauthorization

Any project authorized for construction by this Act shall not be authorized after the last day of the 5-year period beginning on November 17, 1986, unless during such period funds have been obligated for construction, including planning and designing, of such project.

(b) Transmission to Congress of list of unconstructed projects or separable elements authorized but not receiving obligations during 10 fiscal years preceding transmission; two-year updates of list

(1) Not later than one year after November 17, 1986, the Secretary shall transmit to Congress a list of unconstructed projects, or unconstructed separable elements of projects, which have been authorized, but have received no obligations during the 10 full fiscal years preceding the transmittal of such list. A project or separable element included in such list is not authorized after December 31, 1989, if funds have not been obligated for construction of such project or element after November 17, 1986, and before December 31, 1989.

(2) Notwithstanding section 3003 of Public Law 104-66 (31 U.S.C. 1113 note; 109 Stat. 734), every year after the transmittal of the list under paragraph (1), the Secretary shall transmit to Congress a list of projects or separable elements of projects which have been authorized, but have received no obligations during the 5 full fiscal years preceding the transmittal of such list. Upon 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. A project or separable element included in such list is not authorized after the date which is the last date of the fiscal year following the fiscal year in which the list is so transmitted if funds have not been obligated for the planning, design, or construction of such project or element during such period.

(3) COMPREHENSIVE CONSTRUCTION BACKLOG AND OPERATION AND MAINTENANCE REPORT.—

(A) IN GENERAL.—The Secretary, once every 2 years, shall compile and publish—

- (i) a complete list of all projects and separable elements of projects of the Corps of Engineers that are authorized for construction but have not been completed;
- (ii) a complete list of all feasibility studies of the Corps of Engineers that Congress has authorized the Secretary to carry out for which a Report of the Chief of Engineers has not been issued;
- (iii) a complete list of all environmental infrastructure projects authorized by Con-

gress under section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835); and

(iv) a list of major Federal operation and maintenance needs of projects and properties under the control of the Corps of Engineers.

(B) REQUIRED INFORMATION.—The Secretary shall include on each list developed under clause (i), (ii), or (iii) of subparagraph (A) for each feasibility study, project, and separable element on that list—

(i) the date of authorization of the feasibility study, project, or separable element, including any subsequent modifications to the original authorization;

(ii) the original budget authority for the feasibility study, project, or separable element;

(iii) a brief description of the feasibility study, project, or separable element;

(iv) the estimated date of completion of the feasibility study, project, or separable element, assuming all capability is fully funded;

(v) the estimated total cost of completion of the feasibility study, project, or separable element;

(vi) the amount of funds spent on the feasibility study, project, or separable element, including Federal and non-Federal funds;

(vii) the amount of appropriations estimated to be required in each fiscal year during the period of construction to complete the project or separable element by the date specified under clause (iv);

(viii) the location of the feasibility study, project, or separable element;

(ix) a statement from the non-Federal interest for the project or separable element indicating the non-Federal interest's capability to provide the required local cooperation estimated to be required for the project or separable element in each fiscal year during the period of construction;

(x) the benefit-cost ratio of the project or separable element, calculated using the discount rate specified by the Office of Management and Budget for purposes of preparing the President's budget pursuant to chapter 11 of title 31;

(xi) the benefit-cost ratio of the project or separable element, calculated using the discount rate utilized by the Corps of Engineers for water resources development project planning pursuant to section 1962d-17 of title 42; and

(xii) the last fiscal year in which the project or separable element incurred obligations.

(C) REQUIRED OPERATION AND MAINTENANCE INFORMATION.—The Secretary shall include on the list developed under subparagraph (A)(iv), for each project and property under the control of the Corps of Engineers on that list—

(i) the authority under which the project was authorized or the property was acquired by the Corps of Engineers;

(ii) a brief description of the project or property;

(iii) an estimate of the Federal costs to meet the major operation and maintenance needs at the project or property; and

(iv) an estimate of unmet or deferred operation and maintenance needs at the project or property.

(D) PUBLICATION.—

(i) IN GENERAL.—For fiscal year 2020, and once every 2 years thereafter, in conjunction with the President's annual budget submission to Congress under section 1105(a) of title 31, the Secretary shall submit a copy of the lists developed under subparagraph (A) to—

(I) the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives; and

(II) the Director of the Office of Management and Budget.

(ii) PUBLIC AVAILABILITY.—The Secretary shall make a copy of the lists available on a publicly accessible website site¹ in a manner that is downloadable, searchable, and sortable.

(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; Pub. L. 115-270, title I, §1154(a), Oct. 23, 2018, 132 Stat. 3791.)

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.

Section 219 of the Water Resources Development Act of 1992, referred to in subsec. (b)(3)(A)(iii), is section 219 of Pub. L. 102-580, title II, Oct. 31, 1992, 106 Stat. 4835, which is not classified to the Code.

AMENDMENTS

2018—Pub. L. 115-270, §1154(a)(1), substituted “Corps budgeting; project deauthorizations; comprehensive backlog report” for “Project deauthorizations” in section catchline.

Subsec. (b)(3), (4). Pub. L. 115-270, §1154(a)(2), added pars. (3) and (4) and struck out former pars. (3) and (4) which related to minimum funding lists and comprehensive backlog reports, respectively.

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”.

¹ So in original.

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.”

SAVINGS CLAUSE

Pub. L. 115–270, title I, §1332(b), Oct. 23, 2018, 132 Stat. 3835, provided that: “Notwithstanding the third sentence of section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), projects and separable elements of projects identified in the fiscal year 2017 report prepared in accordance with such section and submitted to Congress on December 15, 2016, shall not be deauthorized unless such projects and separable elements meet the requirements of section 1301(b)(1)(A) of the Water Resources Development Act of 2016 (130 Stat. 1687) [33 U.S.C. 579d(b)(1)(A)].”

PROJECT DEAUTHORIZATIONS: EXTENSION OF LIMITATION ON PERIOD OF AUTHORIZATION

Pub. L. 100–676, §52(a), Nov. 17, 1988, 102 Stat. 4044, which provided that subsecs. (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. Omitted

CODIFICATION

Section, Pub. L. 113–121, title VI, §6001, June 10, 2014, 128 Stat. 1345; Pub. L. 114–322, title I, §1301(g), Dec. 16, 2016, 130 Stat. 1690, consisted of subsecs. (a) to (f) relating to deauthorization of inactive projects authorized for construction before Nov. 8, 2007. Subsecs. (a) and (c) to (f) were repealed by Pub. L. 114–322, title I, §1301(g), Dec. 16, 2016, 130 Stat. 1690. Subsec. (b) of section 6001 of Pub. L. 113–121 amended section 579a of this title.

§ 579c. Backlog prevention: projects from Public Law 113–121

(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 10-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 10-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).

(3) Calculation

In calculating the time period under paragraph (1), the Secretary shall not include any period of time during which the project is being reviewed and awaiting determination by the Secretary to implement a locally preferred plan for that project under section 701b–15(a) of this title.

(4) Exception

The Secretary shall not deauthorize any project during the period described in paragraph (3).

(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; Pub. L. 115–270, title I, §1330(a), Oct. 23, 2018, 132 Stat. 3827.)

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 of 2014 Amendment note set out under section 2201 of this title and Tables.

2018—Subsec. (a)(1), (2). Pub. L. 115–270, §1330(a)(1), substituted “10-year period” for “7-year period”.

Subsec. (a)(3), (4). Pub. L. 115–270, §1330(a)(2), added pars. (3) and (4).

“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–1. Backlog prevention: projects from Public Law 114–322

(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 10-year period beginning on December 16, 2016, unless—