

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which funds had to be obligated to prevent deauthorization began on the date of the authorization of such projects, was repealed by Pub.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—

(A) funds have been obligated for construction of, or a post-authorization study for, such project or separable element during that period; or

(B) the authorization contained in this Act has been modified by a subsequent Act of Congress.

(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).

(b) Report to Congress

Not later than 60 days after the expiration of the 12-year period beginning on December 16, 2016, 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. 114-322, title I, § 1302, Dec. 16, 2016, 130 Stat. 1690.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(1) and (b)(1), is Pub. L. 114-322, Dec. 16, 2016, 130 Stat. 1628, known as the Water Infrastructure Improvements for the Nation Act or the WIIN Act. For complete classification of this Act to the Code, see Short Title of 2016 Amendment note set out under section 2201 of this title and Tables.

“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.

§ 579c-2. Backlog prevention: projects from Public Law 115-270

(a) Project deauthorization

(1) In general

A water resources development project authorized for construction by this Act shall not be authorized after the last day of the 10-year period beginning on October 23, 2018 unless—

(A) funds have been obligated for construction of, or a post-authorization study for, such project or such separable element during such period; or

(B) a subsequent Act of Congress modifies the authorization contained in this Act.

(2) Identification of projects

Not later than 60 days after the expiration of the 10-year period described 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).

(b) Report to Congress

Not later than 60 days after the expiration of the 12-year period beginning on October 23, 2018, 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;

(2) a description of the reasons each project was not completed;

(3) a schedule for the completion of the projects based on expected levels of appropriations;

(4) a 5-year and 10-year projection of construction backlog; and

(5) any recommendations to Congress regarding how to mitigate the backlog.

(Pub. L. 115-270, title I, § 1302, Oct. 23, 2018, 132 Stat. 3817.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(1) and (b)(1), is Pub. L. 115-270, Oct. 23, 2018, 132 Stat. 3765, known as the America’s Water Infrastructure Act of 2018. For complete classification of this Act to the Code, see Short Title of 2018 Amendment note set out under section 2201 of this title and Tables.

“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.

§ 579d. Deauthorization of inactive projects as of Public Law 114-322

(a) Purposes

The purposes of this section are—

(1) to identify \$10,000,000,000 in water resources development projects authorized by Congress that are no longer viable for construction due to—

(A) a lack of local support;

(B) a lack of available Federal or non-Federal resources; or

(C) an authorizing purpose that is no longer relevant or feasible;

(2) to create an expedited and definitive process for Congress to deauthorize water resources development projects that are no longer viable for construction; and

(3) to allow the continued authorization of water resources development projects that are viable for construction.

(b) Interim deauthorization list

(1) In general

The Secretary shall develop an interim deauthorization list that identifies—

(A) each water resources development project, or separable element of a project,