

1962—Subsec. (b). Pub. L. 87-874, §103(a)(1), (2), increased maximum limit on amount of Federal contributions from one-third to one-half of project cost, provided that costs for restoration and protection of Federal property shall be borne fully by the Federal Government, and that costs for restoration and protection of State, county and other publicly owned shore parks and conservation areas may be borne by Federal Government up to not more than 70 per centum, exclusive of land costs, when such areas include a zone which excludes permanent human habitation, include recreational beaches, satisfy criteria for conservation and development of natural resources, extend landward enough to include natural features to protect uplands, and provide essentially full park facilities for public use, all of which meet with approval of Chief of Engineers.

Subsec. (e). Pub. L. 87-874, §103(a)(3), required approval of plans by Chief of Engineers in case of a small project under section 426g of this title.

1956—Act July 28, 1956, extended assistance to privately owned shores, to include shores of Territories and possessions, substituted “restoration” for “improvement”, defined “construction”, and struck out provisions which authorized Federal aid toward the repair and protection of seawalls constructed by political subdivisions to protect important public highways.

#### BEACH RECREATION

Pub. L. 106-541, title II, §220, Dec. 11, 2000, 114 Stat. 2596, provided that: “Not later than 1 year after the date of enactment of this Act [Dec. 11, 2000], the Secretary shall develop and implement procedures to ensure that all of the benefits of a beach restoration project, including those benefits attributable to recreation, hurricane and storm damage reduction, and environmental protection and restoration, are displayed in reports for such projects.”

#### SHORE MANAGEMENT PROGRAM

Pub. L. 106-53, title II, §213, Aug. 17, 1999, 113 Stat. 291, required the Secretary to review the implementation of the Corps of Engineers shore management program, with particular attention to inconsistencies in implementation among the divisions and districts of the Corps of Engineers and complaints by or potential inequities regarding property owners in the Savannah District during the 5-year period preceding Aug. 17, 1999, and directed the Secretary to submit to Congress a report of the review by Aug. 17, 1999.

#### REPORT ON SHORES OF THE UNITED STATES

Pub. L. 106-53, title II, §215(c), Aug. 17, 1999, 113 Stat. 293, required the Secretary to report to Congress, not later than 3 years after Aug. 17, 1999, on the state of the shores of the United States and specified the contents of such report and the use of specific location data.

#### REPORT TO CONGRESS ON SHORELINE PROTECTION PROGRAMS

Pub. L. 101-640, title III, §309, Nov. 28, 1990, 104 Stat. 4638, provided that not later than 1 year after Nov. 28, 1990, the Secretary was to transmit to Congress a report on the advisability of not participating in the planning, implementation, or maintenance of any beach stabilization or renourishment project involving Federal funds unless the State in which the proposed project would be located had established or committed to establish a beach front management program, which included specified restrictions and other regulatory provisions.

### § 426e-1. Shore protection projects

#### (a) In general

In accordance with the Act of July 3, 1930 (33 U.S.C. 426) of this title, and notwithstanding administrative actions, it is the policy of the

United States to promote beach nourishment for the purposes of flood damage reduction and hurricane and storm damage reduction and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach renourishment for a period of 50 years, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises.

#### (b) Preference

In carrying out the policy under subsection (a), preference shall be given to—

(1) areas in which there has been a Federal investment of funds for the purposes described in subsection (a); and

(2) areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.

#### (c) Applicability

The Secretary shall apply the policy under subsection (a) to each shore protection and beach renourishment project (including shore protection and beach renourishment projects constructed before November 8, 2007).

(Pub. L. 110-114, title II, §2018, Nov. 8, 2007, 121 Stat. 1077.)

#### REFERENCES IN TEXT

The Act of July 3, 1930, referred to in subsec. (a), is act July 3, 1930, ch. 847, 46 Stat. 918. For complete classification of this Act to the Code, see Tables.

#### “SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 110-114, set out as a note under section 2201 of this title.

### § 426e-2. Clarification of munition disposal authorities

#### (a) In general

The Secretary may, at full Federal expense, implement any response action the Secretary determines to be necessary at a site where—

(1) the Secretary has carried out a project under civil works authority of the Secretary that includes placing sand on a beach; and

(2) as a result of the project described in paragraph (1), military munitions that were originally released as a result of Department of Defense activities are deposited on the beach, posing a threat to human health or the environment.

#### (b) Response action funding

A response action described in subsection (a) shall be reimbursed from amounts made available to the agency within the Department of Defense responsible for the original release of the munitions.

(Pub. L. 113-121, title I, §1027, June 10, 2014, 128 Stat. 1230; Pub. L. 114-322, title I, §1154, Dec. 16, 2016, 130 Stat. 1663.)

#### AMENDMENTS

2016—Subsec. (a). Pub. L. 114-322, §1154(1), inserted “, at full Federal expense,” after “The Secretary may” in introductory provisions.