

contract provides cost savings compared to the awarding of such work on a project-by-project basis.

“(b) PROJECT SELECTION.—In carrying out the pilot program under subsection (a), the Secretary shall consult with relevant State agencies in selecting projects.

“(c) CRITERIA.—In carrying out the pilot program under subsection (a), the Secretary shall establish criteria and other considerations that—

“(1) foster Federal, State, and local collaboration;

“(2) evaluate the performance of projects being carried out under a single contract with respect to whether such projects yield any regional or multi-district benefits; and

“(3) include other criteria and considerations that the Secretary determines to be appropriate.

“(d) REPORT.—Not later than 1 year after the date of enactment of this Act [Oct. 23, 2018], and annually thereafter, 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 includes findings and recommendations of the Secretary with respect to the projects completed under the pilot program carried out under subsection (a).

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$75,000,000.

“(f) TERMINATION.—The authority of the Secretary to enter into contracts pursuant to the pilot program carried out under subsection (a) shall expire on the date that is 10 years after the date of enactment of this Act.”

§ 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 Repealed.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 develop-

ment 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 \$12,500,000.

(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; Pub. L. 115-270, title I, §1157(c), Oct. 23, 2018, 132 Stat. 3794.)

AMENDMENTS

2018—Subsec. (c). Pub. L. 115-270 substituted “\$12,500,000” for “\$10,000,000”.

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.

COASTAL EROSION

Pub. L. 115-270, title I, §1172, Oct. 23, 2018, 132 Stat. 3799, provided that:

“(a) IN GENERAL.—Pursuant to section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i), the Secretary [of the Army] shall, to the maximum extent practicable, complete operation and maintenance re-nourishment to mitigate coastal erosion attributed to Federal project structures in the upper northeast United States.

“(b) PROJECT SELECTION.—In carrying out the work under subsection (a), the Secretary shall—

“(1) identify and carry out not more than five projects—

“(A) located in any of the States of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, or New York; and

“(B) for which a feasibility study has been completed by December 31, 2019, that includes findings that a Federal project structure is interrupting the natural flow of sediment and causing coastal erosion; and

“(2) consult with relevant State agencies in selecting projects.”

§ 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,

1996, 110 Stat. 3700, related to construction of shoreline protection projects by non-Federal interests.

§ 426i-2. National coastal data bank

(1) Establishment of data bank

Not later than 2 years after August 17, 1999, the Secretary shall establish a national coastal data bank containing data on the geophysical and climatological characteristics of the shores of the United States.

(2) Content

To the extent practicable, the national coastal data bank shall include data regarding current and predicted shore positions, information on federally authorized shore protection projects, and data on the movement of sand along the shores of the United States, including impediments to such movement caused by natural and manmade features.

(3) Access

The national coastal data bank shall be made readily accessible to the public.

(Pub. L. 106-53, title II, §215(d), Aug. 17, 1999, 113 Stat. 293.)

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 106-53, set out as a note under section 2201 of this title.

§ 426j. Repealed. Pub. L. 110-114, title II, § 2037(b)(1), Nov. 8, 2007, 121 Stat. 1096

Section, Pub. L. 94-587, §145, Oct. 22, 1976, 90 Stat. 2931; Pub. L. 99-662, title IX, §933, Nov. 17, 1986, 100 Stat. 4197; Pub. L. 100-676, §35, Nov. 17, 1988, 102 Stat. 4031; Pub. L. 102-580, title II, §207, Oct. 31, 1992, 106 Stat. 4829; Pub. L. 106-53, title II, §217(a), Aug. 17, 1999, 113 Stat. 294, related to placement on State beaches of sand dredged in constructing and maintaining navigation inlets and channels adjacent to such beaches.

EXISTING PROJECTS

Pub. L. 110-114, title II, §2037(b)(2), Nov. 8, 2007, 121 Stat. 1096, provided that: “The Secretary [of the Army] may complete any project being carried out under section 145 of the Water Resources Development Act of 1976 [this section] on the day before the date of enactment of this Act [Nov. 8, 2007].”

§ 426k. Five year demonstration program to temporarily increase diversion of water from Lake Michigan at Chicago, Illinois

(a) Authorization of Secretary of the Army; purpose; amounts of increase; incremental accomplishment; effects on Illinois Waterway; responsibilities for development, implementation, and supervision

In order to alleviate water damage on the shoreline of Lake Michigan and others of the Great Lakes during periods of abnormally high water levels in the Great Lakes, and to improve the water quality of the Illinois Waterway, the Secretary of the Army, acting through the Chief of Engineers, is authorized to carry out a five-year demonstration program to temporarily increase the diversion of water from Lake Michigan at Chicago, Illinois, for the purpose of testing the practicability of increasing the average annual diversion from the present limit of three thousand two hundred cubic feet per second to