

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.)

Statutory Notes and Related Subsidiaries

“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 Repealed.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) 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 Congress 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.

(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; Pub. L. 116-260, div. AA, title III, §360(b), Dec. 27, 2020, 134 Stat. 2732.)

Editorial Notes

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)(2)(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.

¹ So in original.

AMENDMENTS

2020—Subsec. (b)(2), (3). Pub. L. 116-260, §360(b)(1), redesignated par. (3) as (2) and struck out former par. (2) which related to project deauthorizations and notification to Congress.

Subsec. (c). Pub. L. 116-260, §360(b)(2), struck out subsec. (c). Prior to amendment, text read as follows: “The Secretary shall publish in the Federal Register a list of any projects or separable elements that are deauthorized under this section.”

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”.

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.”

Statutory Notes and Related Subsidiaries

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 (former 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) [former 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**Editorial Notes**

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. Repealed. Pub. L. 116-260, div. AA, title III, § 360(d), Dec. 27, 2020, 134 Stat. 2733

Section, 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, related to backlog prevention pertaining to projects from Public Law 113-121.

§ 579c-1. Repealed. Pub. L. 116-260, div. AA, title III, § 360(f), Dec. 27, 2020, 134 Stat. 2733

Section, Pub. L. 114-322, title I, § 1302, Dec. 16, 2016, 130 Stat. 1690, related to backlog prevention pertaining to projects from Public Law 114-322.

§ 579c-2. Repealed. Pub. L. 116-260, div. AA, title III, § 360(h), Dec. 27, 2020, 134 Stat. 2733

Section, Pub. L. 115-270, title I, § 1302, Oct. 23, 2018, 132 Stat. 3817, related to backlog prevention pertaining to projects from Public Law 115-270.

§ 579d. Repealed. Pub. L. 116-260, div. AA, title III, § 360(e), Dec. 27, 2020, 134 Stat. 2733

Section, Pub. L. 114-322, title I, § 1301, Dec. 16, 2016, 130 Stat. 1686, related to deauthorization of inactive projects as of Public Law 114-322.

§ 579d-1. Repealed. Pub. L. 116-260, div. AA, title III, § 360(g), Dec. 27, 2020, 134 Stat. 2733

Section, Pub. L. 115-270, title I, § 1301, Oct. 23, 2018, 132 Stat. 3814, related to deauthorization of inactive projects as of Public Law 115-270.

§ 579d-2. Deauthorization of inactive projects**(a) Purposes**

The purposes of this section are—

(1) to identify 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) Proposed deauthorization list**(1) Preliminary list of projects****(A) In general**

The Secretary shall develop a preliminary list of each water resources development project, or separable element of a project,

authorized for construction before November 8, 2007, for which—

- (i) planning, design, or construction was not initiated before December 27, 2020; or
- (ii) planning, design, or construction was initiated before December 27, 2020, but for which no funds, Federal or non-Federal, were obligated for planning, design, or construction of the project or separable element of the project during the current fiscal year or any of the 10 preceding fiscal years.

(B) Use of comprehensive construction backlog and operation and maintenance report

The Secretary may develop the preliminary list from the comprehensive construction backlog and operation and maintenance reports developed pursuant to section 579a(b)(2) of this title.

(C) Exclusions

The Secretary shall not include on the preliminary list—

- (i) an environmental infrastructure assistance project authorized to be carried out by the Secretary (including a project authorized pursuant to an environmental assistance program); or
- (ii) a project or separable element of a project authorized as part of the Comprehensive Everglades Restoration Plan described in section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680).

(2) Preparation of proposed deauthorization list**(A) Deauthorization amount**

The Secretary shall prepare a proposed list of projects for deauthorization comprised of a subset of projects and separable elements identified on the preliminary list developed under paragraph (1) that have, in the aggregate, an estimated Federal cost to complete that is at least \$10,000,000,000.

(B) Determination of Federal cost to complete

For purposes of subparagraph (A), the Federal cost to complete shall take into account any allowances authorized by section 2280 of this title, as applied to the most recent project schedule and cost estimate.

(C) Inclusion of deauthorization of anti-quoted projects

The Secretary shall reduce the amount identified for deauthorization under paragraph (2)(A) by an amount equivalent to the estimated current value of each project, or separable element of a project, that is deauthorized by subsection (f).

(3) Sequencing of projects**(A) In general**

The Secretary shall identify projects and separable elements for inclusion on the proposed list of projects for deauthorization under paragraph (2) according to the order in which the projects and separable elements