

(d) Review of environmental, economic, and social impacts of navigation in United States portion of Great Lakes

The Secretary and the Administrator of the Environmental Protection Agency, in cooperation with the Secretary of the Interior, the Administrator of the National Oceanic and Atmospheric Administration, and other appropriate Federal and non-Federal entities, shall carry out a review of the environmental, economic, and social impacts of navigation in the United States portion of the Great Lakes. In carrying out such review, the Secretary and the Administrator shall use existing research, studies, and investigations relating to such impacts to the maximum extent possible. Special emphasis shall be made in such review of the impacts of navigation on the shoreline and on fish and wildlife habitat, including, but not limited to, impacts associated with resuspension of bottom sediment. The Secretary and the Administrator shall submit to Congress an interim report of such review not later than September 30, 1988, and a final report of such review along with recommendations not later than September 30, 1990.

(Pub. L. 99-662, title XI, §1132, Nov. 17, 1986, 100 Stat. 4246; Pub. L. 116-260, div. AA, title V, §512(c)(5)(D), Dec. 27, 2020, 134 Stat. 2756.)

Editorial Notes

REFERENCES IN TEXT

Section 5311(b) of title 5, referred to in subsec. (b)(5)(A), (B), was repealed by Pub. L. 101-509, title V, §529 [title I, §104(c)(1)], Nov. 5, 1990, 104 Stat. 1427, 1447.

AMENDMENTS

2020—Subsec. (b)(3)(E), (4)(D). Pub. L. 116-260 substituted “Great Lakes St. Lawrence Seaway Development Corporation” for “Saint Lawrence Seaway Development Corporation”.

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (c)(3) of this section relating to the requirement that the international advisory group report biennially to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 193 of House Document No. 103-7.

§ 2309a. Project modifications for improvement of environment

(a) Determination of need

The Secretary is authorized to review water resources projects constructed by the Secretary to determine the need for modifications in the structures and operations of such projects for the purpose of improving the quality of the environment in the public interest and to determine if the operation of such projects has contributed to the degradation of the quality of the environment.

(b) Authority to make modifications

The Secretary is authorized to carry out a program for the purpose of making such modifications in the structures and operations of water resources projects constructed by the Secretary

which the Secretary determines (1) are feasible and consistent with the authorized project purposes, and (2) will improve the quality of the environment in the public interest.

(c) Restoration of environmental quality

(1) In general

If the Secretary determines that construction of a water resources project by the Secretary or operation of a water resources project constructed by the Secretary has contributed to the degradation of the quality of the environment, the Secretary may undertake measures for restoration of environmental quality and measures for enhancement of environmental quality that are associated with the restoration, through modifications either at the project site or at other locations that have been affected by the construction or operation of the project, if such measures do not conflict with the authorized project purposes.

(2) Control of sea lamprey

Congress finds that—

(A) the Great Lakes navigation system has been instrumental in the spread of sea lamprey and the associated impacts on its fishery; and

(B) the use of the authority under this subsection for control of sea lamprey at any Great Lakes basin location is appropriate.

(d) Non-Federal share; limitation on maximum Federal expenditure

The non-Federal share of the cost of any modifications or measures carried out or undertaken pursuant to subsection (b) or (c) shall be 25 percent. The non-Federal share may be provided in kind, including a facility, supply, or service that is necessary to carry out the modification or measure. Not more than \$10,000,000 in Federal funds may be expended on any single modification or measure carried out or undertaken pursuant to this section.

(e) Coordination of actions

The Secretary shall coordinate any actions taken pursuant to this section with appropriate Federal, State, and local agencies.

(f) Omitted

(g) Nonprofit entities

Notwithstanding section 1962d-5b of title 42, a non-Federal sponsor for any project carried out under this section may include a nonprofit entity, with the consent of the affected local government.

(h) Authorization of appropriations

There is authorized to be appropriated not to exceed \$50,000,000 annually to carry out this section.

(i) Definition

In this section, the term “water resources project constructed by the Secretary” includes a water resources project constructed or funded jointly by the Secretary and the head of any other Federal agency (including the Natural Resources Conservation Service).

(Pub. L. 99-662, title XI, §1135, Nov. 17, 1986, 100 Stat. 4251; Pub. L. 100-676, §41, Nov. 17, 1988, 102

Stat. 4040; Pub. L. 101-640, title III, § 304, Nov. 28, 1990, 104 Stat. 4634; Pub. L. 102-580, title II, § 202, Oct. 31, 1992, 106 Stat. 4826; Pub. L. 104-303, title II, § 204, Oct. 12, 1996, 110 Stat. 3678; Pub. L. 106-53, title V, § 506, Aug. 17, 1999, 113 Stat. 338; Pub. L. 106-541, title II, § 210(c), Dec. 11, 2000, 114 Stat. 2592; Pub. L. 110-114, title II, § 2024, Nov. 8, 2007, 121 Stat. 1079; Pub. L. 113-121, title I, § 1030(f), June 10, 2014, 128 Stat. 1232; Pub. L. 115-270, title I, § 1157(g), Oct. 23, 2018, 132 Stat. 3794.)

Editorial Notes

CODIFICATION

Subsec. (f) of this section, which required the Secretary to transmit biennial reports to Congress on the results of reviews conducted under subsec. (a) of this section and on the programs conducted under subssecs. (b) and (c) of this section, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 72 of House Document No. 103-7.

Section was formerly set out as a note under section 2294 of this title.

AMENDMENTS

2018—Subsec. (h). Pub. L. 115-270 substituted “\$50,000,000” for “\$40,000,000”.

2014—Subsec. (d). Pub. L. 113-121 substituted “The non-Federal share may be provided” for “Not more than 80 percent of the non-Federal share may be” and “\$10,000,000” for “\$5,000,000”.

2007—Subsec. (h). Pub. L. 110-114 substituted “\$40,000,000” for “\$25,000,000”.

2000—Subsecs. (g) to (i). Pub. L. 106-541 added subsec. (g) and redesignated former subssecs. (g) and (h) as (h) and (i), respectively.

1999—Subsec. (c). Pub. L. 106-53 designated existing provisions as par. (1), inserted heading, and added par. (2).

1996—Subsec. (a). Pub. L. 104-303, § 204(a), struck out “the operation of” after “to review” and inserted before period at end “and to determine if the operation of such projects has contributed to the degradation of the quality of the environment”.

Subsec. (b). Pub. L. 104-303, § 204(b), struck out at end “The non-Federal share of the cost of any modifications carried out under this section shall be 25 percent. No modification shall be carried out under this section without specific authorization by Congress if the estimated cost exceeds \$5,000,000.”

Subsecs. (c), (d). Pub. L. 104-303, § 204(c)(2), added subssecs. (c) and (d). Former subssecs. (c) and (d) redesignated (e) and (f), respectively.

Subsec. (e). Pub. L. 104-303, § 204(c)(1), redesignated subsec. (c) as (e). Former subsec. (e) redesignated (g).

Subsec. (f). Pub. L. 104-303, § 204(c)(1), (3), redesignated subsec. (d) as (f) and substituted “programs conducted under subsections (b) and (c)” for “program conducted under subsection (b)”.

Subsec. (g). Pub. L. 104-303, § 204(c)(1), redesignated subsec. (e) as (g).

Subsec. (h). Pub. L. 104-303, § 204(d), added subsec. (h).

1992—Subsec. (b). Pub. L. 102-580, § 202(1), inserted at end “No modification shall be carried out under this section without specific authorization by Congress if the estimated cost exceeds \$5,000,000.”

Subsec. (e). Pub. L. 102-580, § 202(2), substituted “\$25,000,000” for “\$15,000,000”.

1990—Subsec. (a). Pub. L. 101-640, § 304(a), struck out “before the date of enactment of this Act” after “constructed by the Secretary”.

Subsec. (b). Pub. L. 101-640, § 304(b), substituted “program” for “demonstration program in the 5-year period beginning on the date of enactment of this Act” and struck out “before the date of enactment of this Act” after “constructed by the Secretary”.

Subsec. (d). Pub. L. 101-640, § 304(c), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “Not later than 5 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the review conducted under subsection (a) and on the demonstration program conducted under subsection (b). Such report shall contain any recommendations of the Secretary concerning modification and extension of such program.”

Subsec. (e). Pub. L. 101-640, § 304(d), substituted “\$15,000,000 annually to carry out this section” for “\$25,000,000 to carry out this section”.

1988—Subsec. (b). Pub. L. 100-676, § 41(a), substituted “5-year period” for “two-year period”.

Subsec. (d). Pub. L. 100-676, § 41(b), substituted “5 years” for “two years”.

§ 2310. Cost sharing for Territories and Indian tribes

(a) In general

The Secretary shall waive local cost-sharing requirements up to \$200,000 for all studies and projects—

(1) in American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, Puerto Rico, and the Trust Territory of the Pacific Islands; and

(2) for any Indian tribe or tribal organization (as those terms are defined in section 5304 of title 25).

(b) Inflation adjustment

The Secretary shall adjust the dollar amount specified in subsection (a) on an annual basis for inflation.

(Pub. L. 99-662, title XI, § 1156, Nov. 17, 1986, 100 Stat. 4256; Pub. L. 113-121, title I, § 1032, June 10, 2014, 128 Stat. 1233; Pub. L. 114-322, title I, § 1119, Dec. 16, 2016, 130 Stat. 1643; Pub. L. 115-270, title I, §§ 1155(a), 1156, Oct. 23, 2018, 132 Stat. 3793; Pub. L. 116-260, div. AA, title I, § 135, Dec. 27, 2020, 134 Stat. 2649.)

Editorial Notes

AMENDMENTS

2020—Subsec. (b). Pub. L. 116-260 substituted “on an annual basis for inflation.” for “for inflation for the period beginning on November 17, 1986, and ending on October 23, 2018.”

2018—Subsec. (a)(2). Pub. L. 115-270, § 1155(a), substituted “or tribal organization (as those terms are defined in section 5304 of title 25).” for “(as defined in section 5130 of title 25).”

Subsec. (b). Pub. L. 115-270, § 1156, substituted “October 23, 2018” for “June 10, 2014”.

2016—Pub. L. 114-322, § 1119(1), inserted “and Indian tribes” after “Territories” in section catchline.

Subsec. (a). Pub. L. 114-322, § 1119(2), inserted dash after “projects” and par. (1) designation before “in American” and added par. (2).

2014—Pub. L. 113-121 designated existing provisions as subsec. (a) and inserted heading, inserted “Puerto Rico,” before “and the Trust Territory of the Pacific Islands”, and added subsec. (b).

Executive Documents

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.