

the equipment of the non-Federal interest, except for damage due to the fault or negligence of a contractor of the Federal Government.

**(e) Reimbursement eligibility limitations**

Costs that are eligible for reimbursement under this section are the costs of maintenance activities directly related to the costs associated with operation and maintenance of a dredge based on the lesser of—

- (1) the costs associated with operation and maintenance of the dredge during the period of time that the dredge is being used in the performance of work for the Federal Government during a given fiscal year; or
- (2) the actual fiscal year Federal appropriations that are made available for the portion of the maintenance activities for which the dredge was used.

**(f) Audit**

Not earlier than 5 years after December 16, 2016, the Secretary may conduct an audit on any maintenance activities for an authorized navigation project (or a separable element of an authorized navigation project) carried out under this section to determine if permitting a non-Federal interest to carry out maintenance activities under this section has resulted in—

- (1) improved reliability and safety for navigation; and
- (2) cost savings to the Federal Government.

**(g) Termination of authority**

The authority of the Secretary under this section terminates on the date that is 10 years after December 16, 2016.

(Pub. L. 114-322, title I, §1113, Dec. 16, 2016, 130 Stat. 1637.)

**Editorial Notes**

**CODIFICATION**

Section was enacted as part of the Water Resources Development Act of 2016, and also as part of the Water Infrastructure Improvements for the Nation Act, also known as the WIIN Act, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

**Statutory Notes and Related Subsidiaries**

**“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.

**§ 2326f. Maintenance dredging data**

**(a) In general**

The Secretary shall establish, maintain, and make publicly available a database on maintenance dredging carried out by the Secretary, which shall include information on maintenance dredging carried out by Federal and non-Federal vessels.

**(b) Scope**

The Secretary shall include in the database maintained under subsection (a), for each maintenance dredging project and contract, estimated and actual data on—

- (1) the volume of dredged material removed;

(2) the initial cost estimate of the Corps of Engineers;

(3) the total cost;

(4) the party and vessel carrying out the work; and

(5) the number of private contractor bids received and the bid amounts, including bids that did not win the final contract award.

(Pub. L. 114-322, title I, §1133, Dec. 16, 2016, 130 Stat. 1654.)

**Editorial Notes**

**CODIFICATION**

Section was enacted as part of the Water Resources Development Act of 2016, and also as part of the Water Infrastructure Improvements for the Nation Act, also known as the WIIN Act, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

**Statutory Notes and Related Subsidiaries**

**“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.

**§ 2326g. Beneficial use of dredged material; dredged material management plans**

**(a) National policy on the beneficial use of dredged material**

**(1) In general**

It is the policy of the United States for the Corps of Engineers to maximize the beneficial use, in an environmentally acceptable manner, of suitable dredged material obtained from the construction or operation and maintenance of water resources development projects.

**(2) Placement of dredged materials**

**(A) In general**

In evaluating the placement of dredged material obtained from the construction or operation and maintenance of water resources development projects, the Secretary shall consider—

- (i) the suitability of the dredged material for a full range of beneficial uses; and
- (ii) the economic and environmental benefits, efficiencies, and impacts (including the effects on living coral) of using the dredged material for beneficial uses, including, in the case of beneficial use activities that involve more than one water resources development project, the benefits, efficiencies, and impacts that result from the combined activities.

**(B) Calculation of Federal standard**

**(i) Determination**

The economic benefits and efficiencies from the beneficial use of dredged material considered by the Secretary under subparagraph (A) shall be included in any determination relating to the “Federal standard” by the Secretary under section 335.7 of title 33, Code of Federal Regulations, for the placement or disposal of such material.

**(ii) Reports**

The Secretary shall submit to Congress—

(I) a report detailing the method and all of the factors utilized by the Corps of Engineers to determine the Federal standard referred to in clause (i); and

(II) for each evaluation under subparagraph (A), a report displaying the calculations for economic and environmental benefits and efficiencies from the beneficial use of dredged material (including, where appropriate, the utilization of alternative dredging equipment and dredging disposal methods) considered by the Secretary under such subparagraph for the placement or disposal of such material.

**(C) Omitted**

(Pub. L. 116-260, div. AA, title I, §125(a), Dec. 27, 2020, 134 Stat. 2636.)

**Editorial Notes**

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2020, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

Section is comprised of section 125(a) of div. AA of Pub. L. 116-260. Par. (2)(C) of section 125(a) of div. AA of Pub. L. 116-260 amended section 2326 of this title.

**Statutory Notes and Related Subsidiaries**

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of div. AA of Pub. L. 116-260, set out as a note under section 2201 of this title.

**§ 2326h. Five-year regional dredged material management plans**

**(1) In general**

Not later than 1 year after December 27, 2020, and annually thereafter, the District Commander of each district of the Corps of Engineers that obtains dredged material through the construction or operation and maintenance of a water resources development project shall, at Federal expense, develop and submit to the Secretary a 5-year dredged material management plan in coordination with relevant State agencies and stakeholders.

**(2) Scope**

Each plan developed under this subsection shall include—

(A) a dredged material budget for each watershed or littoral system within the district;

(B) an estimate of the amount of dredged material likely to be obtained through the construction or operation and maintenance of all water resources development projects projected to be carried out within the district during the 5-year period following submission of the plan, and the estimated timing for obtaining such dredged material;

(C) an identification of potential water resources development projects projected to be carried out within the district during such 5-year period that are suitable for, or that require, the placement of dredged material, and an estimate of the amount of dredged material placement capacity of such projects;

(D) an evaluation of—

(i) the suitability of the dredged material for a full range of beneficial uses; and

(ii) the economic and environmental benefits, efficiencies, and impacts (including the effects on living coral) of using the dredged material for beneficial uses, including, in the case of beneficial use activities that involve more than one water resources development project, the benefits, efficiencies, and impacts that result from the combined activities;

(E) the district-wide goals for beneficial use of the dredged material, including any expected cost savings from aligning and coordinating multiple projects (including projects across Corps districts) in the use of the dredged material; and

(F) a description of potential beneficial use projects identified through stakeholder solicitation and coordination.

**(3) Public comment**

In developing each plan under this subsection, each District Commander shall provide notice and an opportunity for public comment, including a solicitation for stakeholders to identify beneficial use projects, in order to ensure, to the extent practicable, that beneficial use of dredged material is not foregone in a particular fiscal year or dredging cycle.

**(4) Public availability**

Upon submission of each plan to the Secretary under this subsection, each District Commander shall make the plan publicly available, including on a publicly available website.

**(5) Transmission to Congress**

As soon as practicable after receiving a plan under subsection (a), the Secretary shall transmit the plan to Congress.

**(6) Regional sediment management plans**

A plan developed under this section—

(A) shall be in addition to regional sediment management plans prepared under section 2326(a) of this title; and

(B) shall not be subject to the limitations in section 2326(g) of this title.

(Pub. L. 116-260, div. AA, title I, §125(c), Dec. 27, 2020, 134 Stat. 2638.)

**Editorial Notes**

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2020, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

**Statutory Notes and Related Subsidiaries**

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of div. AA of Pub. L. 116-260, set out as a note under section 2201 of this title.

**§ 2327. Definition of rehabilitation for inland waterway projects**

For purposes of laws relating to navigation on inland and intracoastal waterways of the United States, the term “rehabilitation” means—