

(1) major project feature restoration—

(A) which consists of structural work on an inland navigation facility operated and maintained by the Corps of Engineers;

(B) which will significantly extend the physical life of the feature;

(C) which is economically justified by a benefit-cost analysis;

(D) which will take at least 2 years to complete; and

(E)(i) which is initially funded before October 1, 1994, and will require at least \$5,000,000 in capital outlays; or

(ii) which is initially funded on or after such date and will require at least \$20,000,000 in capital outlays; and

(2) structural modification of a major project component (not exhibiting reliability problems)—

(A) which will enhance the operational efficiency of such component or any other major component of the project by increasing benefits beyond the original project design; and

(B) which will require at least \$1,000,000 in capital outlays.

Such term does not include routine or deferred maintenance. The dollar amounts referred to in paragraphs (1) and (2) shall be adjusted annually according to the economic assumption published each year as guidance in the Annual Program and Budget Request for Civil Works Activities of the Corps of Engineers.

(Pub. L. 102-580, title II, §205, Oct. 31, 1992, 106 Stat. 4827; Pub. L. 113-121, title II, §2006(a)(4), June 10, 2014, 128 Stat. 1268.)

#### Editorial Notes

##### CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1992, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

##### AMENDMENTS

2014—Par. (1)(E)(ii). Pub. L. 113-121 substituted “\$20,000,000” for “\$8,000,000”.

#### § 2327a. Rehabilitation of Corps of Engineers constructed pump stations

##### (a) Definitions

In this section:

##### (1) Eligible pump station

The term “eligible pump station” means a pump station—

(A) constructed, in whole or in part, by the Corps of Engineers for flood risk management purposes;

(B) that the Secretary has identified as having a major deficiency; and

(C) the failure of which the Secretary has determined would impair the function of a flood risk management project constructed by the Corps of Engineers.

##### (2) Rehabilitation

##### (A) In general

The term “rehabilitation”, with respect to an eligible pump station, means to address a

major deficiency of the eligible pump station caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the eligible pump station.

##### (B) Inclusions

The term “rehabilitation”, with respect to an eligible pump station, includes—

(i) the incorporation into the eligible pump station of—

(I) current design standards;

(II) efficiency improvements; and

(III) associated drainage; and

(ii) increasing the capacity of the eligible pump station, subject to the condition that the increase shall—

(I) significantly decrease the risk of loss of life and property damage; or

(II) decrease total lifecycle rehabilitation costs for the eligible pump station.

##### (b) Authorization

The Secretary may carry out rehabilitation of an eligible pump station, if the Secretary determines that the rehabilitation is feasible.

##### (c) Cost sharing

The non-Federal interest for the eligible pump station shall—

(1) provide 35 percent of the cost of rehabilitation of an eligible pump station carried out under this section; and

(2) provide all land, easements, rights-of-way, and necessary relocations associated with the rehabilitation described in subparagraph (A), at no cost to the Federal Government.

##### (d) Agreement required

The rehabilitation of an eligible pump station pursuant to this section shall be initiated only after a non-Federal interest has entered into a binding agreement with the Secretary—

(1) to pay the non-Federal share of the costs of rehabilitation under subsection (c); and

(2) to pay 100 percent of the operation and maintenance costs of the rehabilitated eligible pump station, in accordance with regulations promulgated by the Secretary.

##### (e) Treatment

The rehabilitation of an eligible pump station pursuant to this section shall not be considered to be a separable element of the associated flood risk management project constructed by the Corps of Engineers.

##### (f) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$60,000,000, to remain available until expended.

(Pub. L. 116-260, div. AA, title I, §133, Dec. 27, 2020, 134 Stat. 2647.)

#### 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.

**§ 2328. Challenge cost-sharing program for management of recreation facilities****(a) In general**

The Secretary is authorized to develop and implement a program to share the cost of managing recreation facilities and natural resources at water resource development projects under the Secretary’s jurisdiction.

**(b) Cooperative agreements**

To implement the program under this section, the Secretary is authorized to enter into cooperative agreements with non-Federal public and private entities to provide for operation and management of recreation facilities and natural resources at civil works projects under the Secretary’s jurisdiction where such facilities and resources are being maintained at complete Federal expense.

**(c) User fees****(1) Collection of fees****(A) In general**

The Secretary may allow a non-Federal public entity that has entered into an agreement pursuant to subsection (b) to collect user fees for the use of developed recreation sites and facilities, whether developed or constructed by that entity or the Department of the Army.

**(B) Use of visitor reservation services**

A non-Federal public entity described in subparagraph (A) may use, to manage fee collections and reservations under this section, any visitor reservation service that the Secretary has provided for by contract or interagency agreement, subject to such terms and conditions as the Secretary determines to be appropriate.

**(2) Use of fees**

A non-Federal public entity that collects user fees under paragraph (1)—

(A) may retain up to 100 percent of the fees collected, as determined by the Secretary; and

(B) notwithstanding section 460d-3(b)(4) of title 16, shall use any retained amount for operation, maintenance, and management activities at the recreation site at which the fee is collected.

**(3) Terms and conditions**

The authority of a non-Federal public entity under this subsection shall be subject to such terms and conditions as the Secretary determines necessary to protect the interests of the United States.

**(d) Contributions**

For purposes of carrying out this section the Secretary may accept contributions of funds, materials, and services from non-Federal public and private entities. Any funds received by the

Secretary under this section shall be deposited into the account in the Treasury of the United States entitled “Contributions and Advances, Rivers and Harbors, Corps of Engineers (8862)” and shall be available until expended to carry out the purposes of this section.

(Pub. L. 102-580, title II, § 225, Oct. 31, 1992, 106 Stat. 4838; Pub. L. 104-303, title II, § 236(b), Oct. 12, 1996, 110 Stat. 3705; Pub. L. 114-322, title I, § 1155, Dec. 16, 2016, 130 Stat. 1663.)

**Editorial Notes****CODIFICATION**

Section was enacted as part of the Water Resources Development Act of 1992, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

**AMENDMENTS**

2016—Subsecs. (c), (d). Pub. L. 114-322 added subsec. (c) and redesignated former subsec. (c) as (d).

1996—Subsec. (c). Pub. L. 104-303 substituted “(8862)” for “(8662)”.

**RECREATION PARTNERSHIP INITIATIVE**

Pub. L. 104-303, title V, § 519, Oct. 12, 1996, 110 Stat. 3765, as amended by Pub. L. 106-53, title III, § 350(a), Aug. 17, 1999, 113 Stat. 310, provided that:

“(a) IN GENERAL.—The Secretary shall promote Federal, non-Federal, and private sector cooperation in creating public recreation opportunities and developing the necessary supporting infrastructure at water resources projects of the Corps of Engineers.

“(b) INFRASTRUCTURE IMPROVEMENTS.—

“(1) RECREATION INFRASTRUCTURE IMPROVEMENTS.—

In determining the feasibility of the public-private cooperative under subsection (a), the Secretary shall provide such infrastructure improvements as are necessary to support a potential private recreational development at the Raystown Lake Project, Pennsylvania, generally in accordance with the Master Plan Update (1994) for the project.

“(2) AGREEMENT.—The Secretary shall enter into an agreement with an appropriate non-Federal public entity to ensure that the infrastructure improvements constructed by the Secretary on non-project lands pursuant to paragraph (1) are transferred to and operated and maintained by the non-Federal public entity.

“(3) ENGINEERING AND DESIGN SERVICES.—The Secretary may perform engineering and design services for project infrastructure expected to be associated with the development of the site at Raystown Lake, Hesston, Pennsylvania.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$3,000,000.

“(c) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the cooperative efforts carried out under this section, including the improvements required by subsection (b).”

**Statutory Notes and Related Subsidiaries****“SECRETARY” DEFINED**

Secretary means the Secretary of the Army, see section 3 of Pub. L. 102-580, set out as a note under section 2201 of this title.

**§ 2328a. Special use permits****(a) Special use permits****(1) In general**

The Secretary may issue special permits for uses such as group activities, recreation