

Resources Development Act of 1986 which comprises this chapter.

#### AMENDMENTS

2014—Pub. L. 113–121 amended section generally. Prior to amendment, section related to project streamlining.

#### Statutory Notes and Related Subsidiaries

##### “SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 110–114, set out as a note under section 2201 of this title.

#### § 2349. Categorical exclusions in emergencies

For the repair, reconstruction, or rehabilitation of a water resources project that is in operation or under construction when damaged by an event or incident that results in a declaration by the President of a major disaster or emergency pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Secretary shall treat such repair, reconstruction, or rehabilitation activity as a class of action categorically excluded from the requirements relating to environmental assessments or environmental impact statements under section 1508.4 of title 40, Code of Federal Regulations (or successor regulations), if the repair or reconstruction activity is—

- (1) in the same location with the same capacity, dimensions, and design as the original water resources project as before the declaration described in this section;<sup>1</sup> and
- (2) commenced within a 2-year period beginning on the date of a declaration described in this section.

(Pub. L. 113–121, title I, § 1005(b), June 10, 2014, 128 Stat. 1212.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in text, is Pub. L. 93–288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§ 5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

This section, referred to in par. (1), means section 1005 of title I of Pub. L. 113–121, which amended this section and section 2348 of this title.

##### CODIFICATION

Section was enacted as part of the Water Resources Reform and Development Act of 2014, 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 Pub. L. 113–121, set out as a note under section 2201 of this title.

#### § 2350. Corrosion prevention

##### (a) In general

To the greatest extent practicable, the Secretary shall encourage and incorporate corro-

sion prevention activities at water resources development projects.

##### (b) Activities

In carrying out subsection (a), the Secretary, to the greatest extent practicable, shall ensure that contractors performing work for water resources development projects—

- (1) use best practices to carry out corrosion prevention activities in the field;
- (2) use industry-recognized standards and corrosion mitigation and prevention methods when—
  - (A) determining protective coatings;
  - (B) selecting materials; and
  - (C) determining methods of cathodic protection, design, and engineering for corrosion prevention;
- (3) use certified coating application specialists and cathodic protection technicians and engineers;
- (4) use best practices in environmental protection to prevent environmental degradation and to ensure careful handling of all hazardous materials;
- (5) demonstrate a history of employing industry-certified inspectors to ensure adherence to best practices and standards; and
- (6) demonstrate a history of compliance with applicable requirements of the Occupational Safety and Health Administration.

##### (c) Corrosion prevention activities defined

In this section, the term “corrosion prevention activities” means—

- (1) the application and inspection of protective coatings for complex work involving steel and cementitious structures, including structures that will be exposed in immersion;
- (2) the installation, testing, and inspection of cathodic protection systems; and
- (3) any other activities related to corrosion prevention the Secretary determines appropriate.

##### (d) Report

In the first annual report submitted to Congress after December 16, 2016, in accordance with section 556 of this title, and section 2295(b) of this title, the Secretary shall report on the corrosion prevention activities encouraged under this section, including—

- (1) a description of the actions the Secretary has taken to implement this section; and
- (2) a description of the projects utilizing corrosion prevention activities, including which activities were undertaken.

(Pub. L. 113–121, title I, § 1033, June 10, 2014, 128 Stat. 1233; Pub. L. 114–322, title I, § 1142, Dec. 16, 2016, 130 Stat. 1658.)

#### Editorial Notes

##### CODIFICATION

Section was enacted as part of the Water Resources Reform and Development Act of 2014, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

##### AMENDMENTS

2016—Subsec. (d). Pub. L. 114–322 added subsec. (d).

<sup>1</sup> See References in Text note below.

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

Secretary means the Secretary of the Army, see section 2 of Pub. L. 113–121, set out as a note under section 2201 of this title.

**§ 2351. Durability, sustainability, and resilience**

In carrying out the activities of the Corps of Engineers, the Secretary, to the maximum extent practicable, shall encourage the use of durable and sustainable materials and resilient construction techniques that—

(1) allow a water resources infrastructure project—

(A) to resist hazards due to a major disaster; and

(B) to continue to serve the primary function of the water resources infrastructure project following a major disaster;

(2) reduce the magnitude or duration of a disruptive event to a water resources infrastructure project; and

(3) have the absorptive capacity, adaptive capacity, and recoverability to withstand a potentially disruptive event.

(Pub. L. 113–121, title III, § 3022, June 10, 2014, 128 Stat. 1301.)

**Editorial Notes****CODIFICATION**

Section was enacted as part of the Water Resources Reform and Development Act of 2014, 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 Pub. L. 113–121, set out as a note under section 2201 of this title.

**§ 2351a. Operation and maintenance of existing infrastructure**

The Secretary shall improve the reliability, and operation and maintenance of, existing infrastructure of the Corps of Engineers, and, as necessary, improve its resilience to cyber-related threats.

(Pub. L. 115–270, title I, § 1113, Oct. 23, 2018, 132 Stat. 3775.)

**Editorial Notes****CODIFICATION**

Section was enacted as part of the Water Resources Development Act of 2018, and also as part of the America’s Water Infrastructure Act of 2018, 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 102 of Pub. L. 115–270, set out as a note under section 2201 of this title.

**§ 2352. Funding to process permits****(a) Funding to process permits****(1) Definitions**

In this subsection:

**(A) Natural gas company**

The term “natural gas company” has the meaning given the term in section 16451 of title 42, except that the term also includes a person engaged in the transportation of natural gas in intrastate commerce.

**(B) Public-utility company**

The term “public-utility company” has the meaning given the term in section 16451 of title 42.

**(C) Railroad carrier**

The term “railroad carrier” has the meaning given the term in section 20102 of title 49.

**(2) Permit processing**

The Secretary, after public notice, may accept and expend funds contributed by a non-Federal public entity or a public-utility company, natural gas company, or railroad carrier to expedite the evaluation of a permit of that entity, company, or carrier related to a project or activity for a public purpose under the jurisdiction of the Department of the Army.

**(3) Effect on other entities**

To the maximum extent practicable, the Secretary shall ensure that expediting the evaluation of a permit through the use of funds accepted and expended under this section does not adversely affect the timeline for evaluation (in the Corps district in which the project or activity is located) of permits under the jurisdiction of the Department of the Army of other entities that have not contributed funds under this section.

**(4) GAO study**

Not later than December 31, 2022, the Comptroller General of the United States shall carry out a followup study of the implementation by the Secretary of the authority provided under paragraph (2) to public-utility companies, natural gas companies, and railroad carriers, including an evaluation of the compliance with the requirements of this section and, with respect to a permit for those entities, the requirements of applicable Federal laws.

**(b) Effect on permitting****(1) In general**

In carrying out this section, the Secretary shall ensure that the use of funds accepted under subsection (a) will not impact impartial decisionmaking with respect to permits, either substantively or procedurally.

**(2) Impartial decisionmaking**

In carrying out this section, the Secretary shall ensure that the evaluation of permits carried out using funds accepted under this section shall—

(A) be reviewed by—

(i) the District Commander, or the Commander’s designee, of the Corps District in which the project or activity is located; or

(ii) the Commander of the Corps Division in which the District is located if the evaluation of the permit is initially conducted by the District Commander; and