

making with respect to permits, either substantively or procedurally.”

Subsecs. (c) to (e), Pub. L. 111-315, §1(2)-(4), added subsecs. (c) and (d), redesignated former subsec. (c) as (e), and, in subsec. (e), substituted “2016” for “2010”.

2009—Subsec. (c), Pub. L. 111-120 substituted “2010” for “2009”.

2007—Subsec. (c), Pub. L. 110-114 substituted “2009” for “2008”.

2006—Subsec. (c), Pub. L. 109-434 substituted “December 31, 2008” for “December 31, 2006”.

Pub. L. 109-209 substituted “December 31, 2006” for “March 31, 2006”.

2005—Subsec. (a), Pub. L. 109-99, §1(1), substituted “The” for “In fiscal years 2001 through 2005, the”.

Subsec. (c), Pub. L. 109-99, §1(2), added subsec. (c).

2003—Subsec. (a), Pub. L. 108-137 substituted “2005” for “2003”.

Statutory Notes and Related Subsidiaries

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 106-541, set out as a note under section 2201 of this title.

§ 2353. Structural health monitoring

(a) In general

The Secretary shall design and develop a structural health monitoring program to assess and improve the condition of infrastructure constructed and maintained by the Corps of Engineers, including research, design, and development of systems and frameworks for—

- (1) response to flood and earthquake events;
- (2) predisaster mitigation measures;
- (3) lengthening the useful life of the infrastructure; and
- (4) identifying risks due to sea level rise.

(b) Consultation and considerations

In developing the program under subsection (a), the Secretary shall—

- (1) consult with academic and other experts; and
- (2) consider models for maintenance and repair information, the development of degradation models for real-time measurements and environmental inputs, and research on qualitative inspection data as surrogate sensors.

(Pub. L. 114-322, title I, §1151, Dec. 16, 2016, 130 Stat. 1661.)

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.

§ 2353a. Aging infrastructure

(a) Definitions

In this section:

(1) Aging infrastructure

The term “aging infrastructure” means a water resources development project of the Corps of Engineers, or any other water resources, water storage, or irrigation project of another Federal agency, that is greater than 75 years old.

(2) Enhanced inspection

The term “enhanced inspection” means an inspection that uses current or innovative technology, including Light Detection and Ranging (commonly known as “LiDAR”), ground penetrating radar, subsurface imaging, or subsurface geophysical techniques, to detect whether the features of the aging infrastructure are structurally sound and can operate as intended, or are at risk of failure.

(b) Contracts for enhanced inspection

(1) In general

The Secretary may carry out enhanced inspections of aging infrastructure, pursuant to a contract with the owner or operator of the aging infrastructure.

(2) Certain circumstances

Subject to the availability of appropriations, or funds available pursuant to subsection (d), the Secretary shall enter into a contract described in paragraph (1), if—

- (A) the owner or operator of the aging infrastructure requests that the Secretary carry out the enhanced inspections; and
- (B) the inspection is at the full expense of such owner or operator.

(c) Limitation

The Secretary shall not require a non-Federal entity associated with a project under the jurisdiction of another Federal agency to carry out corrective or remedial actions in response to an enhanced inspection carried out under this section.

(d) Funding

The Secretary is authorized to accept funds from an owner or operator of aging infrastructure, and may use such funds to carry out an enhanced inspection pursuant to a contract entered into with such owner or operator under this section.

(Pub. L. 116-260, div. AA, title I, §138, Dec. 27, 2020, 134 Stat. 2651.)

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.