

Protection Agency shall consult with the Secretary to ensure that such permit is consistent with any permit issued by the Secretary subject to this section.

(c) Liability of permittee

(1) A person to whom a permit is issued in accordance with subsection (a) of this section and any insurer of that person shall not be liable for damages caused by activities required to be undertaken under any terms and conditions of the permit, if the permittee is in compliance with such terms and conditions.

(2) A person to whom a permit is issued in accordance with subsection (a) of this section and any insurer of that person shall be liable, to the extent determined under applicable law, for damages to which paragraph (1) does not apply.

(3) The Secretary may not issue a permit subject to this section to a person unless that person demonstrates to the Secretary the financial ability to assume liability for all damages that may arise with respect to an artificial reef and for which such permittee may be liable.

(4) Any person who has transferred title to artificial reef construction materials to a person to whom a permit is issued in accordance with subsection (a) of this section shall not be liable for damages arising from the use of such materials in an artificial reef, if such materials meet applicable requirements of the plan published under section 2103 of this title and are not otherwise defective at the time title is transferred.

(d) Liability of the United States

Nothing in this chapter creates any liability on the part of the United States.

(e) Civil penalty

Any person who, after notice and an opportunity for a hearing, is found to have violated any provision of a permit issued in accordance with subsection (a) of this section shall be liable to the United States for a civil penalty, not to exceed \$10,000 for each violation. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation. The Secretary may compromise, modify, or remit with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section. If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection.

(Pub. L. 98-623, title II, §205, Nov. 8, 1984, 98 Stat. 3396.)

§ 2105. Definitions

For purposes of this chapter—

(1) The term “artificial reef” means a structure which is constructed or placed in waters covered under this chapter for the purpose of enhancing fishery resources and commercial and recreational fishing opportunities.

(2) The term “State” means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, American Samoa, Guam, Johnston Island, Midway Island, and Wake Island.

(3) The term “waters covered under this chapter” means the navigable waters of the United States and the waters superjacent to the Outer Continental Shelf as defined in section 1331 of title 43, to the extent such waters exist in or are adjacent to any State.

(Pub. L. 98-623, title II, §206, Nov. 8, 1984, 98 Stat. 3397.)

§ 2106. Savings clauses

(a) Tennessee Valley Authority jurisdiction

Nothing in this chapter shall be construed as replacing or superseding section 831y-1 of title 16.

(b) State jurisdiction

Nothing in this chapter shall be construed as extending or diminishing the jurisdiction or authority of any State over the siting, construction, monitoring, or managing of artificial reefs within its boundaries.

(Pub. L. 98-623, title II, §208, Nov. 8, 1984, 98 Stat. 3398.)

CHAPTER 36—WATER RESOURCES DEVELOPMENT

Sec.	“Secretary” defined.
2201.	SUBCHAPTER I—COST SHARING
2211.	Harbors.
2211a.	Preserving United States harbors.
2212.	Inland waterway transportation.
2213.	Flood control and other purposes.
2214.	General credit for flood control.
2215.	Feasibility studies; planning, engineering, and design.
2216.	Rate of interest.
2217.	Limitation on applicability of certain provisions in reports.
2218.	General applicability of cost sharing.
2219.	Definitions.
2220.	Rivers and harbors and other waterways projects for benefit of navigation, flood control, hurricane protection, beach erosion control, and other purposes.
2221.	Cost limitations on projects.
2222.	Use of other Federal funds.
2223.	Transfer of excess credit.
2224.	Crediting authority for federally authorized navigation projects.
2225.	Credit in lieu of reimbursement.
2226.	Water resources projects on Federal land.
2227.	Clarification of impacts to other Federal facilities.
	SUBCHAPTER II—HARBOR DEVELOPMENT
2231.	Study of water resources development projects by non-Federal interests.
2232.	Construction of water resources development projects by non-Federal interests.
2233.	Coordination and scheduling of Federal, State, and local actions.
2234.	Nonapplicability to Saint Lawrence Seaway.
2235.	Construction in usable increments.
2236.	Port or harbor dues.
2237.	Information for national security.
2238.	Authorization of appropriations.
2238a.	Estimate of harbor maintenance needs.
2238b.	Funding for harbor maintenance programs.
2238c.	Additional measures at donor ports and energy transfer ports.
2239.	Repealed.
2240.	Emergency response services.
2241.	Definitions.

Sec.		Sec.	
2242.	Remote and subsistence harbors.	2310.	Cost sharing for Territories.
2243.	Arctic deep draft port development partnerships.	2311.	Report to Congress covering proposals for water impoundment facilities.
	SUBCHAPTER III—INLAND WATERWAY TRANSPORTATION SYSTEM	2312.	Comments on certain changes in operations of reservoirs.
2251.	Inland Waterways Users Board.	2313.	Collaborative research and development.
2252.	Project delivery process reforms.	2313a.	Engineering and environmental innovations of national significance.
2253.	Annual financial review.	2313b.	Support of Army civil works program.
2254.	Assessment of operation and maintenance needs of the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway.	2314.	Innovative technology.
2255.	Inland waterways riverbank stabilization.	2314a.	Technical assistance program.
	SUBCHAPTER IV—WATER RESOURCES STUDIES	2314b.	Advanced modeling technologies.
2261.	Territories development study.	2315.	Periodic statements.
2262.	Survey of potential for use of certain facilities as hydroelectric facilities.	2315a.	Transparency in accounting and administrative expenses.
2263.	Study of Corps capability to conserve fish and wildlife.	2316.	Environmental protection mission.
2264.	Deauthorization of studies.	2317.	Wetlands.
2265.	Columbia River/Arkansas River Basin transfers.	2317a.	Cooperative agreements.
2266.	Canadian tidal power study.	2317b.	Wetlands mitigation.
2267.	New York Bight study.	2318.	Flood plain management.
2267a.	Watershed and river basin assessments.	2319.	Reservoir management.
2267b.	Post-disaster watershed assessments.	2320.	Protection of recreational and commercial uses.
2268.	Marine technology review.	2321.	Operation and maintenance of hydroelectric facilities.
2269.	Tribal partnership program.	2321a.	Hydroelectric power project uprating.
	SUBCHAPTER V—GENERAL PROVISIONS	2321b.	Expediting hydropower at Corps of Engineers facilities.
2280.	Maximum cost of projects.	2322.	Single entities.
2281.	Matters to be addressed in planning.	2323.	Technical assistance to private entities.
2282.	Feasibility reports.	2323a.	Interagency and international support authority.
2282a.	Planning.	2324.	Reduced pricing for certain water supply storage.
2282b.	Submission of reports to Congress.	2325.	Voluntary contributions for environmental and recreation projects.
2282c.	Vertical integration and acceleration of studies.	2325a.	Authority to accept and use materials and services.
2282d.	Annual report to Congress.	2326.	Regional sediment management.
2283.	Fish and wildlife mitigation.	2326a.	Dredged material disposal facility partnerships.
2283a.	Status report.	2326b.	Sediment management.
2283b.	Clarification of mitigation authority.	2326c.	Dredged material marketing and recycling.
2283c.	Technical assistance.	2327.	Definition of rehabilitation for inland waterway projects.
2284.	Benefits and costs attributable to environmental measures.	2328.	Challenge cost-sharing program for management of recreation facilities.
2284a.	Benefits to navigation.	2328a.	Special use permits.
2284b.	Scenic and aesthetic considerations.	2329.	International outreach program.
2285.	Environmental Protection and Mitigation Fund.	2330.	Aquatic ecosystem restoration.
2286.	Acceptance of certain funds for mitigation.	2330a.	Monitoring ecosystem restoration.
2287.	Continued planning and investigations.	2331.	Use of continuing contracts for construction of certain projects.
2288.	Repealed.	2332.	Flood mitigation and riverine restoration program.
2289.	Urban and rural flood control frequency.	2333.	Irrigation diversion protection and fisheries enhancement assistance.
2290.	Flood control in Trust Territory of the Pacific Islands.	2334.	Innovative technologies for watershed restoration.
2291.	Federal Project Repayment District.	2335.	Coastal aquatic habitat management.
2292.	Surveying and mapping.	2336.	Abandoned and inactive noncoal mine restoration.
2293.	Reprogramming during national emergencies.	2337.	Property protection program.
2293a.	Reprogramming of funds for projects by Corps of Engineers.	2338.	Reburial and conveyance authority.
2294.	Office of Environmental Policy.	2339.	Assistance programs.
2295.	Compilation of laws; annual reports.	2339a.	Cooperative agreements with Indian tribes.
2296.	Acquisition of recreation lands.	2340.	Revision of project partnership agreement; cost sharing.
2297.	Operation and maintenance on recreation lands.	2341.	Expedited actions for emergency flood damage reduction.
2298.	Impact of proposed projects on existing recreation facilities.	2341a.	Prioritization.
2299.	Acquisition of beach fill.	2342.	Access to water resource data.
2300.	Study of Corps capabilities.	2343.	Independent peer review.
2301, 2302.	Omitted.	2344.	Safety assurance review.
2303.	Historical properties.	2345.	Electronic submission of permit applications.
2304.	Separability.	2346.	Project administration.
2305.	Use of FMHA funds.	2347.	Coordination and scheduling of Federal, State, and local actions.
2306.	Reports.	2347a.	Determination of project completion.
2307.	Control of ice.		
2308.	Campgrounds for senior citizens.		
2309.	Great Lakes Commodities Marketing Board.		
2309a.	Project modifications for improvement of environment.		

Sec.	
2348.	Project acceleration.
2349.	Categorical exclusions in emergencies.
2350.	Corrosion prevention.
2351.	Durability, sustainability, and resilience.
2352.	Funding to process permits.

§ 2201. “Secretary” defined

For purposes of this Act, the term “Secretary” means the Secretary of the Army.

(Pub. L. 99–662, § 2, Nov. 17, 1986, 100 Stat. 4082.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 99–662, Nov. 17, 1986, 100 Stat. 4082, as amended, known as the Water Resources Development Act of 1986. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

SHORT TITLE OF 2014 AMENDMENT

Pub. L. 113–121, § 1(a), June 10, 2014, 128 Stat. 1193, provided that: “This Act [see Tables for classification] may be cited as the ‘Water Resources Reform and Development Act of 2014’.”

SHORT TITLE OF 2007 AMENDMENT

Pub. L. 110–114, § 1(a), Nov. 8, 2007, 121 Stat. 1041, provided that: “This Act [see Tables for classification] may be cited as the ‘Water Resources Development Act of 2007’.”

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106–541, § 1(a), Dec. 11, 2000, 114 Stat. 2572, provided that: “This Act [see Tables for classification] may be cited as the ‘Water Resources Development Act of 2000’.”

SHORT TITLE OF 1999 AMENDMENT

Pub. L. 106–53, § 1(a), Aug. 17, 1999, 113 Stat. 269, provided that: “This Act [see Tables for classification] may be cited as the ‘Water Resources Development Act of 1999’.”

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104–303, § 1(a), Oct. 12, 1996, 110 Stat. 3658, provided that: “This Act [see Tables for classification] may be cited as the ‘Water Resources Development Act of 1996’.”

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102–580, § 1(a), Oct. 31, 1992, 106 Stat. 4797, provided that: “This Act [enacting sections 59gg, 426i–1, 569d to 569f, 653, 1271, 2268, and 2325 to 2329 of this title, amending sections 426j, 467f, 467j to 467l, 562, 652, 1342, 1412, 1413, 1414, 1415, 1416, 1420, 1421, 2211, 2213, 2283, and 2309a of this title, section 3036 of Title 10, Armed Forces, sections 460tt, 4702, and 4711 of Title 16, Conservation, and section 1962d–16 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under this section and sections 541, 1271, 2211, 2239, 2267, and 2281 of this title, section 9505 of Title 26, Internal Revenue Code, and sections 390h–4 and 390h–5 of Title 43, Public Lands] may be cited as the ‘Water Resources Development Act of 1992’.”

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101–640, § 1(a), Nov. 28, 1990, 104 Stat. 4604, provided that: “This Act [enacting sections 59bb and 2316 to 2324 of this title, amending sections 579a, 652, 701n, 709a, 2213, 2215, 2232, 2238, 2281, 2309a, and 2314a of this title, section 460tt of Title 16, Conservation, and section 1962d–16 of Title 42, The Public Health and Welfare, repealing sections 579 and 2239 of this title, enacting provisions set out as notes under this section, sections 426e, 1252, 1268, 2213, 2232, 2239, 2313, and 2317 of this title, and section 1405c of Title 48, Territories and Insu-

lar Possessions, and amending provisions set out as notes under sections 2294 and 2314 of this title and section 460d of Title 16] may be cited as the ‘Water Resources Development Act of 1990’.”

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100–676, § 1(a), Nov. 17, 1988, 102 Stat. 4012, provided that: “This Act [enacting sections 59j–1, 59y, 59z, and 2312 to 2315 of this title, amending sections 426j, 701b–12, 1293a, 2211, 2239, 2280, and 2291 of this title and section 1962d–5a of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section, sections 579a, 988, 2211, 2294, 2300, and 2314 of this title, and section 1962d–5g of Title 42, and amending provisions set out as a note under section 2294 of this title] may be cited as the ‘Water Resources Development Act of 1988’.”

SHORT TITLE

Pub. L. 99–662, § 1(a), Nov. 17, 1986, 100 Stat. 4082, provided that: “This Act [enacting this chapter and sections 59n–1, 59v, 59w, 403b, 426n, 426o, 467f to 467n, 555a, 579a, 652, 701b–12, 709b, 988a, and 1414a of this title, sections 460tt of Title 16, Conservation, sections 4461, 4462, 9505, and 9506 of Title 26, Internal Revenue Code, section 483d of former Title 40, Public Buildings, Property, and Works, and sections 1962d–11b and 1962d–20 of Title 42, The Public Health and Welfare, amending sections 409, 414, 415, 426g, 426i, 426j, 426m, 467, 467b, 555, 557, 603a, 610, 701a–1, 701g, 701n, 701r, 701s, 984, and 1804 of this title, section 3036 of Title 10, Armed Forces, sections 460ee and 1002 of Title 16, section 4042 of Title 26, sections 1962d–5a, 1962d–5b, 1962d–5d, 1962d–5f, and 1962d–16 of Title 42, sections 390 and 390b of Title 43, Public Lands, and section 1121–1 of Title 46, Appendix, Shipping, repealing sections 1801 and 1802 of this title, enacting provisions set out as notes under this section, sections 426, 426g, 467, 661, 984, 988, 1414a, and 2294 of this title, sections 460d and 1004 of Title 16, sections 1, 4042, 4461, 9505, and 9506 of Title 26, sections 1962d–5b, 1962d–20, and 10301 of Title 42, and section 390b of Title 43, and amending provisions set out as a note under section 1962b–3 of Title 42] may be cited as the ‘Water Resources Development Act of 1986’.”

Pub. L. 99–662, title II, § 215, Nov. 17, 1986, 100 Stat. 4109, provided that: “This title [enacting subchapter II of this chapter] may be cited as the ‘Harbor Development and Navigation Improvement Act of 1986’.”

REPORTS TO CONGRESS

Pub. L. 113–121, title I, § 1042, June 10, 2014, 128 Stat. 1243, provided that:

“(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary [of the Army] shall complete and submit to Congress by the applicable date required the reports that address public safety and enhanced local participation in project delivery described in subsection (b).

“(b) REPORTS.—The reports referred to in subsection (a) are the reports required under—

“(1) subparagraphs (A) and (B) of section 1043(a)(5) [33 U.S.C. 2201 note];

“(2) section 1046(a)(2)(B) [33 U.S.C. 2319 note];

“(3) section 210(e)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(e)(3)) (as amended by section 2102(a)); and

“(4) section 7001 [33 U.S.C. 2282d].

“(c) FAILURE TO PROVIDE A COMPLETED REPORT.—

“(1) IN GENERAL.—Subject to subsection (d), if the Secretary fails to provide a report listed under subsection (b) by the date that is 180 days after the applicable date required for that report, \$5,000 shall be reprogrammed from the General Expenses account of the civil works program of the Army Corps of Engineers into the account of the division of the Army Corps of Engineers with responsibility for completing that report.

“(2) SUBSEQUENT REPROGRAMMING.—Subject to subsection (d), for each additional week after the date