

**(b) Funding****(1) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 1997 through 2000.

**(2) Funding from other sources**

The Secretary may accept and expend additional funds from other Federal agencies, States, or non-Federal entities for purposes of carrying out this section.

(Pub. L. 104-303, title II, §212, Oct. 12, 1996, 110 Stat. 3684.)

## CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1996, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

## “SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 104-303, set out as a note under section 2201 of this title.

**§ 2313b. Support of Army civil works program****(a) General authority**

In carrying out research and development in support of the civil works program of the Department of the Army, the Secretary may utilize contracts, cooperative research and development agreements, cooperative agreements, and grants with non-Federal entities, including State and local governments, colleges and universities, consortia, professional and technical societies, public and private scientific and technical foundations, research institutions, educational organizations, and nonprofit organizations.

**(b) Commercial application**

With respect to contracts for research and development, the Secretary may include requirements that have potential commercial application and may use such potential application as an evaluation factor where appropriate.

(Pub. L. 104-303, title II, §229, Oct. 12, 1996, 110 Stat. 3703.)

## CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1996, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

## “SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 104-303, set out as a note under section 2201 of this title.

**§ 2314. Innovative technology****(a) Use**

The Secretary shall, whenever feasible, seek to promote long- and short-term cost savings, increased efficiency, reliability, and safety, and improved environmental results through the use of innovative technology in all phases of water resources development projects and programs under the Secretary's jurisdiction. To further this goal, Congress encourages the Secretary to—

(1) use procurement and contracting procedures that encourage innovative project design, construction, rehabilitation, repair, and operation and maintenance technologies;

(2) frequently review technical and design criteria to remove or modify unnecessary impediments to innovation;

(3) increase timely exchange of technical information with universities, private companies, government agencies, and individuals;

(4) foster design competition; and

(5) encourage greater participation by non-Federal project sponsors in the development and implementation of projects.

**(b) Accelerated adoption of innovative technologies for management of contaminated sediments****(1) Test projects**

The Secretary shall approve an appropriate number of projects to test, under actual field conditions, innovative technologies for environmentally sound management of contaminated sediments.

**(2) Demonstration projects**

The Secretary may approve an appropriate number of projects to demonstrate innovative technologies that have been pilot tested under paragraph (1).

**(3) Conduct of projects**

Each pilot project under paragraph (1) and demonstration project under paragraph (2) shall be conducted by a university with proven expertise in the research and development of contaminated sediment treatment technologies and innovative applications using waste materials.

**(4) Location**

At least 1 of the projects under this subsection shall be conducted in New England by the University of New Hampshire.

**(c) Reports**

Within 2 years after November 17, 1988, and thereafter at the Secretary's discretion, the Secretary shall provide Congress with a report on the results of, and recommendations to increase, the development and use of innovative technology in water resources development projects under the Secretary's jurisdiction. Such report shall also contain information regarding innovative technologies which the Secretary has considered and rejected for use in water resources development projects under the Secretary's jurisdiction.

**(d) “Innovative technology” defined**

For the purpose of this section, the term “innovative technology” means designs, materials, or methods which the Secretary determines are previously undemonstrated or are too new to be considered standard practice.

(Pub. L. 100-676, §8, Nov. 17, 1988, 102 Stat. 4023; Pub. L. 106-53, title V, §503(b), Aug. 17, 1999, 113 Stat. 337.)

## CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1988, and not as part of the Water

Resources Development Act of 1986 which comprises this chapter.

#### AMENDMENTS

1999—Subsecs. (b) to (d), Pub. L. 106-53 added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

#### DESIGN-BUILD CONTRACTING

Pub. L. 106-541, title II, §221, Dec. 11, 2000, 114 Stat. 2596, provided that:

“(a) **PILOT PROGRAM.**—The Secretary [of the Army] may conduct a pilot program consisting of not more than 5 authorized projects to test the design-build method of project delivery on various authorized civil works projects of the Corps of Engineers, including levees, pumping plants, revetments, dikes, dredging, weirs, dams, retaining walls, generation facilities, mattress laying, recreation facilities, and other water resources facilities.

“(b) **DESIGN-BUILD DEFINED.**—In this section, the term ‘design-build’ means an agreement between the Federal Government and a contractor that provides for both the design and construction of a project by a single contract.

“(c) **REPORT.**—Not later than 4 years after the date of enactment of this Act [Dec. 11, 2000], the Secretary shall transmit to Congress a report on the results of the pilot program.”

#### REVIEW OF INNOVATIVE DREDGING TECHNOLOGIES

Pub. L. 106-53, title V, §503(a), Aug. 17, 1999, 113 Stat. 337, provided that:

“(1) **IN GENERAL.**—Not later than June 1, 2001, the Secretary shall complete a review of innovative dredging technologies designed to minimize or eliminate contamination of a water column upon removal of contaminated sediments.

“(2) **TESTING.**—

“(A) **SELECTION OF TECHNOLOGY.**—After completion of the review under paragraph (1), the Secretary shall select, from among the technologies reviewed, the technology that the Secretary determines will best increase the effectiveness of removing contaminated sediments and significantly reduce contamination of the water column.

“(B) **AGREEMENT.**—Not later than December 31, 2001, the Secretary shall enter into an agreement with a public or private entity to test the selected technology in the vicinity of Peoria Lakes, Illinois.

“(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$2,000,000.”

#### BENEFICIAL USE OF WASTE TIRE RUBBER

Pub. L. 106-53, title V, §561, Aug. 17, 1999, 113 Stat. 355, provided that:

“(a) **IN GENERAL.**—The Secretary shall, when appropriate, encourage the beneficial use of waste tire rubber (including crumb rubber and baled tire products) recycled from tires.

“(b) **INCLUDED BENEFICIAL USES.**—Beneficial uses under subsection (a) may include marine pilings, underwater framing, floating docks with built-in flotation, utility poles, and other uses associated with transportation and infrastructure projects receiving Federal funds.

“(c) **USE OF WASTE TIRE RUBBER.**—The Secretary shall encourage the use, when appropriate, of waste tire rubber (including crumb rubber) in projects described in subsection (b).”

#### “SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 100-676, set out as a note under section 2201 of this title.

### § 2314a. Technical assistance program

#### (a) In general

The Secretary is authorized to provide technical assistance, on a nonexclusive basis, to any

United States firm which is competing for, or has been awarded, a contract for the planning, design, or construction of a project outside the United States, if the United States firm provides, in advance of fiscal obligation by the United States, funds to cover all costs of such assistance. In determining whether to provide such assistance, the Secretary shall consider the effects on the Department of the Army civil works mission, personnel, and facilities. Prior to the Secretary providing such assistance, a United States firm must—

(1) certify to the Secretary that such assistance is not otherwise reasonably and expeditiously available; and

(2) agree to hold and save the United States free from damages due to the planning, design, construction, operation, or maintenance of the project.

#### (b) Federal employees’ inventions

As to an invention made or conceived by a Federal employee while providing assistance pursuant to this section, if the Secretary decides not to retain all rights in such invention, the Secretary may—

(1) grant or agree to grant in advance, to a United States firm, a patent license or assignment, or an option thereto, retaining a non-exclusive, nontransferable, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the United States and such other rights as the Secretary deems appropriate; or

(2) waive, subject to reservation by the United States of a nonexclusive, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the United States, in advance, in whole, or in part, any right which the United States may have to such invention.

#### (c) Protection of confidential information

Information of a confidential nature, such as proprietary or classified information, provided to a United States firm pursuant to this section shall be protected. Such information may be released by a United States firm only after written approval by the Secretary.

#### (d) Definitions

For purposes of this section—

##### (1) United States firm

The term “United States firm” means a corporation, partnership, limited partnership, or sole proprietorship that is incorporated or established under the laws of any of the United States with its principal place of business in the United States.

##### (2) United States

The term “United States”, when used in a geographical sense, means the several States of the United States and the District of Columbia.

(Pub. L. 100-676, §9, Nov. 17, 1988, 102 Stat. 4024; Pub. L. 101-640, title III, §318(c), Nov. 28, 1990, 104 Stat. 4642.)

#### CODIFICATION

Section was formerly set out as a note under section 2314 of this title.