

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.

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

1990—Pub. L. 101-640, §318(c)(1), struck out “demonstration” after “Technical assistance” in section catchline.

Subsec. (a). Pub. L. 101-640, §318(c)(2), struck out “to undertake a demonstration program for a 2-year period, which shall begin within 6 months after the date of enactment of this Act,” after “The Secretary is authorized”.

Subsecs. (d), (e). Pub. L. 101-640, §318(c)(3), (4), redesignated subsec. (e) as (d) and struck out former subsec. (d) which read as follows: “Within 6 months after the end of the demonstration program authorized by this section, the Secretary shall submit to Congress a report on the results of such demonstration program.”

“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.

§ 2315. Periodic statements

Upon receipt of a request from a non-Federal sponsor of a water resources development project under construction by the Secretary, the Secretary shall provide such sponsor with periodic statements of project expenditures. Such statements shall include an estimate of all Federal and non-Federal funds expended by the Secretary, including overhead expenditures, the purpose for expenditures, and a schedule of anticipated expenditures during the remaining period of construction. Statements shall be provided to the sponsor at intervals of no greater than 6 months.

(Pub. L. 100-676, §10, Nov. 17, 1988, 102 Stat. 4024.)

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.

“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.

§ 2316. Environmental protection mission

(a) General rule

The Secretary shall include environmental protection as one of the primary missions of the Corps of Engineers in planning, designing, constructing, operating, and maintaining water resources projects.

(b) Limitation

Nothing in this section affects—

- (1) existing Corps of Engineers’ authorities, including its authorities with respect to navigation and flood control;
- (2) pending Corps of Engineers permit applications or pending lawsuits involving permits or water resources projects; or
- (3) the application of public interest review procedures for Corps of Engineers permits.

(Pub. L. 101-640, title III, §306, Nov. 28, 1990, 104 Stat. 4635.)

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1990, 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. 101-640, set out as a note under section 2201 of this title.

§ 2317. Wetlands

(a) Goals and action plan

(1) Goals

There is established, as part of the Corps of Engineers water resources development program, an interim goal of no overall net loss of the Nation’s remaining wetlands base, as defined by acreage and function, and a long-term goal to increase the quality and quantity of the Nation’s wetlands, as defined by acreage and function.

(2) Use of authorities

The Secretary shall utilize all appropriate authorities, including those to restore and create wetlands, in meeting the interim and long-term goals.

(3) Action plan

(A) Development

The Secretary shall develop, in consultation with the Environmental Protection Agency, the Fish and Wildlife Service, and other appropriate Federal agencies, a wetlands action plan to achieve the goals established by this subsection as soon as possible.

(B) Contents

The plan shall include and identify actions to be taken by the Secretary in achieving the goals and any new authorities which may be necessary to accelerate attainment of the goals.

(C) Completion deadline

The Secretary shall complete the plan not later than 1 year after November 28, 1990.

(b) Constructed wetlands for Mud Creek, Arkansas

Notwithstanding any other provision of law, the Secretary is authorized and directed to establish and carry out a research and pilot project to evaluate and demonstrate—

- (1) the use of constructed wetlands for wastewater treatment, and
- (2) methods by which such projects contribute—

(A) to meeting the objective of the Federal Water Pollution Control Act [33 U.S.C. 1251 et seq.] to restore and maintain the physical, chemical, and biological integrity of the Nation’s waters, and

(B) to attaining the goals established by subsection (a) of this section.

The project under this subsection shall be carried out to improve the quality of effluent discharged from publicly owned treatment works operated by the city of Fayetteville, Arkansas, into Mud Creek or its tributaries.