

whether the vessel placed in ready reserve status under paragraph (2) is needed to be returned to active status or continued in a ready reserve status or whether another Federal hopper dredge should be placed in a ready reserve status.

(7) Limitations

(A) Reductions in status

The Secretary may not further reduce the readiness status of any Federal hopper dredge below a ready reserve status except any vessel placed in such status for not less than 5 years that the Secretary determines has not been used sufficiently to justify retaining the vessel in such status.

(B) Increase in assignments of dredging work

For each fiscal year beginning after October 12, 1996, the Secretary shall not assign any greater quantity of dredging work to any Federal hopper dredge in active status than was assigned to that vessel in the average of the 3 prior fiscal years. This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers.

(C) Remaining dredges

In carrying out the program under this section, the Secretary shall not reduce the availability and utilization of Federal hopper dredge vessels stationed on the Pacific and Atlantic coasts below that which occurred in fiscal year 1996 to meet the navigation dredging needs of the ports on those coasts.

(8) Contracts; payment of capital costs

The Secretary may enter into a contract for the maintenance and crewing of any Federal hopper dredge retained in a ready reserve status. The capital costs (including depreciation costs) of any dredge retained in such status shall be paid for out of funds made available from the Harbor Maintenance Trust Fund and shall not be charged against the Corps of Engineers' Revolving Fund Account or any individual project cost unless the dredge is specifically used in connection with that project.

(Aug. 11, 1888, ch. 860, §3, 25 Stat. 423; July 25, 1912, ch. 253, §1, 37 Stat. 222; Mar. 2, 1919, ch. 95, §3, 40 Stat. 1287; Pub. L. 95-269, §1, Apr. 26, 1978, 92 Stat. 218; Pub. L. 104-303, title II, §237, Oct. 12, 1996, 110 Stat. 3705; Pub. L. 110-114, title II, §2047(b), Nov. 8, 2007, 121 Stat. 1106.)

REFERENCES IN TEXT

Section 563 of the Water Resources Development Act of 1996, referred to in subsec. (c)(2), is section 563 of Pub. L. 104-303, Oct. 12, 1996, 110 Stat. 3784, which is not classified to the Code.

CODIFICATION

Prior to the general amendment by Pub. L. 95-269, this section was a composite of several Acts as follows:

The first sentence was from a part of section 3 of Act of Aug. 11, 1888, the Rivers and Harbors Appropriation Act of 1888. The remainder of section 3 was classified to section 623 of this title.

The second sentence, which provided that all improvement works authorized by contract may, in the

discretion of the Secretary of War [now Army], be carried on by contract or otherwise, as may be most economical or advantageous to the United States, was from section 1 of the Act of July 25, 1912, the Rivers and Harbors Appropriation Act of 1912. Previous similar provisions were contained in Acts Mar. 2, 1907, ch. 2509, §1, 34 Stat. 1110; Feb. 27, 1911, ch. 166, §1, 36 Stat. 952.

The third sentence, which provided that in all cases where the project for a work of river or harbor improvement provides for the construction or use of Government dredging plant, the Secretary of War [now Army] may, in his discretion, have the work done by contract if reasonable prices can be obtained, was from section 3 of the Act of Mar. 2, 1919, the Rivers and Harbors Appropriation Act of 1919, which superseded a somewhat similar provision in section 3 of the Act of Aug. 8, 1917, ch. 49, 40 Stat. 261. Section 1 of the 1917 Act, 40 Stat. 255, provided in part that "the work proposed under the project adopted by the river and harbor Act approved July twenty-fifth, nineteen hundred and twelve, may be done by contract if reasonable prices can be obtained".

AMENDMENTS

2007—Subsec. (c)(7)(B). Pub. L. 110-114 inserted "This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers." at end.

1996—Subsec. (c). Pub. L. 104-303 added subsec. (c).

1978—Pub. L. 95-269 designated existing provision as subsec. (a), substituted provisions relating to authority of Secretary of the Army, acting through the Chief of Engineers, to implement improvement projects by contract or otherwise and dredging and related work by contract with private industry, for provisions relating to authority of the Secretary of the Army to apply moneys appropriated for improvements by contract or otherwise and for construction or use of a Government dredging plant by contract, and added subsec. (b).

§ 623. Repealed. Oct. 31, 1951, ch. 654, § 1(57), 65 Stat. 703

Section, act Aug. 11, 1888, ch. 860, §3, 25 Stat. 423, related to letting of contracts to lowest responsible bidder.

§ 624. Limitation on improvement work by private contract

(a) Determinations respecting comparison of private contract price with estimation of cost of performance of work by Government plant or by well-equipped contractor

No works of river and harbor improvement shall be done by private contract—

(1) if the Secretary of the Army, acting through the Chief of Engineers, determines that Government plant is reasonably available to perform the subject work and the contract price for doing the work is more than 25 per centum in excess of the estimated comparable cost of doing the work by Government plant; or

(2) in any other circumstance where the Secretary of the Army, acting through the Chief of Engineers, determines that the contract price is more than 25 per centum in excess of what he determines to be a fair and reasonable estimated cost of a well-equipped contractor doing the work.

(b) Considerations involved in determinations of estimation of cost of performance of work by Government plant

In estimating the comparable cost of doing the work under subsection (a)(1) of this section by