

of the Army, upon recommendation of the Chief of Engineers, is authorized, in his discretion, to provide in the permanent parts of any dam authorized at any time by Congress for the improvement of navigation such foundations, sluices, and other works, as may be considered desirable for the future development of its water power.

(July 25, 1912, ch. 253, §12, 37 Stat. 233; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

CODIFICATION

Section is from act July 25, 1912, the Rivers and Harbors Appropriation Act of 1912.

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

§ 610. Control of aquatic plant growths

(a) In general

(1) In general

There is hereby authorized a comprehensive program to provide for prevention, control, and progressive eradication of noxious aquatic plant growths and aquatic invasive species from the navigable waters, tributary streams, connecting channels, and other allied waters of the United States, in the combined interest of navigation, flood control, drainage, agriculture, fish and wildlife conservation, public health, and related purposes, including continued research for development of the most effective and economic control measures, to be administered by the Chief of Engineers, under the direction of the Secretary of the Army, in cooperation with other Federal and State agencies.

(2) Local interests

Local interests shall agree to hold and save the United States free from claims that may occur from control operations and to participate to the extent of 30 per centum of the cost of such operations.

(3) Federal costs

Costs for research and planning undertaken pursuant to the authorities of this section shall be borne fully by the Federal Government.

(b) Appropriations

There are authorized to be appropriated such amounts, not in excess of \$40,000,000, of which \$20,000,000 shall be made available to implement subsection (d), annually, as may be necessary to carry out the provisions of this section. Any such funds employed for control operations shall be allocated by the Chief of Engineers on a priority basis, based upon the urgency and need of each area, and the availability of local funds.

(c) Support

In carrying out the program under this section, the Secretary is encouraged to use con-

tracts, cooperative agreements, and grants with colleges and universities and other non-Federal entities.

(d) Watercraft inspection stations

(1) In general

In carrying out this section, the Secretary may establish, operate, and maintain new or existing watercraft inspection stations to protect the Columbia River Basin to be located in the States of Idaho, Montana, Oregon, and Washington at locations, as determined by the Secretary in consultation with such States, with the highest likelihood of preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Secretary. The Secretary shall also assist the States referred to in this paragraph with rapid response to any aquatic invasive species, including quagga or zebra mussel, infestation.

(2) Cost share

The non-Federal share of the cost of constructing, operating, and maintaining watercraft inspection stations described in paragraph (1) (including personnel costs) shall be—

(A) 50 percent; and

(B) provided by the State or local governmental entity in which such inspection station is located.

(3) Coordination

In carrying out this subsection, the Secretary shall consult and coordinate with—

(A) the Governors of the States described in paragraph (1);

(B) Indian tribes; and

(C) other Federal agencies, including—

(i) the Department of Agriculture;

(ii) the Department of Energy;

(iii) the Department of Homeland Security;

(iv) the Department of Commerce; and

(v) the Department of the Interior.

(e) Monitoring and contingency planning

In carrying out this section, the Secretary may—

(1) carry out risk assessments of water resources facilities;

(2) monitor for aquatic invasive species;

(3) assist States in early detection of aquatic invasive species, including quagga and zebra mussels; and

(4) monitor water quality, including sediment cores and fish tissue samples.

(Pub. L. 85-500, title I, §104, July 3, 1958, 72 Stat. 300; Pub. L. 89-298, title III, §302, Oct. 27, 1965, 79 Stat. 1092; Pub. L. 98-63, title I, July 30, 1983, 97 Stat. 313; Pub. L. 99-662, title IX, §941, Nov. 17, 1986, 100 Stat. 4199; Pub. L. 104-303, title II, §225, Oct. 12, 1996, 110 Stat. 3697; Pub. L. 106-53, title II, §205, Aug. 17, 1999, 113 Stat. 285; Pub. L. 113-121, title I, §1039(d), June 10, 2014, 128 Stat. 1238; Pub. L. 114-322, title I, §1178(b), Dec. 16, 2016, 130 Stat. 1674.)

AMENDMENTS

2016—Subsec. (d)(1). Pub. L. 114-322, §1178(b)(1)(A), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: "In carrying out this section, the Secretary may establish watercraft inspec-

tion stations in the Columbia River Basin to be located in the States of Idaho, Montana, Oregon, and Washington at locations, as determined by the Secretary, with the highest likelihood of preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Secretary.”

Subsec. (d)(3)(A). Pub. L. 114-322, § 1178(b)(1)(B), inserted “Governors of the” before “States”.

Subsec. (e)(3). Pub. L. 114-322, § 1178(b)(2), added par. (3) and struck out former par. (3) which read as follows: “establish watershed-wide plans for expedited response to an infestation of aquatic invasive species; and”.

2014—Subsec. (a). Pub. L. 113-121, § 1039(d)(1)(A)–(C), designated first, second, and third sentences as pars. (1) to (3), respectively, and inserted headings.

Subsec. (a)(1). Pub. L. 113-121, § 1039(d)(1)(D)(ii), inserted “and aquatic invasive species” after “noxious aquatic plant growths”.

Pub. L. 113-121, § 1039(d)(1)(D)(i), which directed substitution of “prevention, control, and progressive” for “control and progressive,” was executed by making the substitution for “control and progressive” to reflect the probable intent of Congress.

Subsec. (b). Pub. L. 113-121, § 1039(d)(2), substituted “\$40,000,000, of which \$20,000,000 shall be made available to implement subsection (d), annually” for “\$15,000,000 annually”.

Subsecs. (d), (e). Pub. L. 113-121, § 1039(d)(3), added subsecs. (d) and (e).

1999—Subsec. (a). Pub. L. 106-53, § 205(1), substituted “noxious aquatic plant growths from” for “water-hyacinth, alligatorweed, Eurasian water milfoil, melaleuca, and other obnoxious aquatic plant growths, from” in first sentence.

Subsec. (b). Pub. L. 106-53, § 205(2), substituted “\$15,000,000” for “\$12,000,000” in first sentence.

Subsec. (c). Pub. L. 106-53, § 205(3), added subsec. (c). 1996—Subsec. (a). Pub. L. 104-303 inserted “melaleuca,” after “milfoil,”.

1986—Subsec. (b). Pub. L. 99-662 substituted “\$12,000,000” for “\$10,000,000”.

1983—Subsec. (b). Pub. L. 98-63 substituted “\$10,000,000” for “\$5,000,000”.

1965—Subsec. (a). Pub. L. 89-298 designated part of existing provisions as subsec. (a), substituting “comprehensive program” and “other allied waters of the United States” for “comprehensive project” and “other allied waters in the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas”, respectively, providing for control and eradication of Eurasian water milfoil, and striking out “in accordance with the report of the Chief of Engineers, published as House Document Numbered 37, Eighty-fifth Congress” after “Federal and State agencies”.

Subsec. (b). Pub. L. 89-298 designated part of existing provisions as subsec. (b), substituting the appropriations authorization of \$5,000,000 annually as first sentence for former provisions which authorized “an estimated additional cost for the expanded program over that now underway of \$1,350,000 annually for five years, of which 70 per centum, presently estimated at \$945,000, shall be borne by the United States and 30 per centum, presently estimated at \$405,000, by local interests” and incorporating former second proviso in second sentence.

SUBCHAPTER V—PROSECUTION OF WORK GENERALLY

§ 621. By what methods river and harbor work may be authorized to be prosecuted

Any public work on canals, rivers, and harbors adopted by Congress may be prosecuted by direct appropriations, by continuing contracts, or by both direct appropriations and continuing contracts.

(Sept. 22, 1922, ch. 427, § 10, 42 Stat. 1043.)

CODIFICATION

Section is from the Rivers and Harbors Appropriation Act of 1922.

§ 622. Contracts, etc., with private industry for implementation of projects for improvements and dredging; reduction of federally owned fleet

(a) Contracts for dredging and related work

The Secretary of the Army, acting through the Chief of Engineers (hereinafter referred to as the “Secretary”), in carrying out projects for improvement of rivers and harbors (other than surveys, estimates, and gagings) shall, by contract or otherwise, carry out such work in the manner most economical and advantageous to the United States. The Secretary shall have dredging and related work done by contract if he determines private industry has the capability to do such work and it can be done at reasonable prices and in a timely manner. During the four-year period which begins on April 26, 1978, the Secretary may limit the application of the second sentence of this subsection for work for which the federally owned fleet is available to achieve an orderly transition to full implementation of this subsection.

(b) Reduction of federally owned fleet

As private industry reasonably demonstrates its capability under subsection (a) to perform the work done by the federally owned fleet, at reasonable prices and in a timely manner, the federally owned fleet shall be reduced in an orderly manner, as determined by the Secretary, by retirement of plant. To carry out emergency and national defense work the Secretary shall retain only the minimum federally owned fleet capable of performing such work and he may exempt from the provisions of this section such amount of work as he determines to be reasonably necessary to keep such fleet fully operational, as determined by the Secretary, after the minimum fleet requirements have been determined. Notwithstanding the preceding sentence, in carrying out the reduction of the federally owned fleet, the Secretary may retain so much of the federally owned fleet as he determines necessary, for so long as he determines necessary, to insure the capability of the Federal Government and private industry together to carry out projects for improvements of rivers and harbors. For the purpose of making the determination required by the preceding sentence the Secretary shall not exempt any work from the requirements of this section. The minimum federally owned fleet shall be maintained to technologically modern and efficient standards, including replacement as necessary. The Secretary is authorized and directed to undertake a study to determine the minimum federally owned fleet required to perform emergency and national defense work. The study, which shall be submitted to Congress within two years after April 26, 1978, shall also include preservation of employee rights of persons presently employed on the existing federally owned fleet.