

(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; Pub. L. 115-270, title I, §1170, Oct. 23, 2018, 132 Stat. 3798.)

#### AMENDMENTS

2018—Subsec. (b). Pub. L. 115-270, §1170(1), amended subsec. (b) generally. Prior to amendment, text read as follows: “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.”

Subsec. (d)(1). Pub. L. 115-270, §1170(2)(A), amended par. (1) generally. Prior to amendment, text read as follows: “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.”

Subsec. (d)(3)(A). Pub. L. 115-270, §1170(2)(B), amended subpar. (A) generally. Prior to amendment, text read as follows: “the Governors of the States described in paragraph (1):”

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 inspection 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-hy-

acinth, 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.

#### HARMFUL ALGAL BLOOM TECHNOLOGY DEMONSTRATION

Pub. L. 115-270, title I, §1109, Oct. 23, 2018, 132 Stat. 3774, provided that:

“(a) IN GENERAL.—The Secretary [of the Army], acting through the Engineer Research and Development Center, shall implement a 5-year harmful algal bloom technology development demonstration program under the Aquatic Nuisance Research Program. To the extent practicable, the Secretary shall support research that will identify and develop improved strategies for early detection, prevention, and management techniques and procedures to reduce the occurrence and effects of harmful algal blooms in the Nation’s water resources.

“(b) SCALABILITY REQUIREMENT.—The Secretary shall ensure that technologies identified, tested, and deployed under the harmful algal bloom technology development demonstration program have the ability to scale up to meet the needs of harmful-algal-bloom-related events.”

#### 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.

**(c) Program to increase use of private hopper dredges**

**(1) Initiation**

The Secretary shall initiate a program to increase the use of private-industry hopper dredges for the construction and maintenance of Federal navigation channels.

**(2) Ready reserve status for hopper dredge Wheeler**

In order to carry out this subsection, the Secretary shall place the Federal hopper dredge Wheeler in a ready reserve status not later than the earlier of 90 days after the date of completion of the rehabilitation of the hopper dredge McFarland pursuant to section 563 of the Water Resources Development Act of 1996 or October 1, 1997.

**(3) Testing and use of ready reserve hopper dredge**

The Secretary may periodically perform routine tests of the equipment of the vessel placed in a ready reserve status under paragraph (2) to ensure the vessel's ability to perform emergency work. The Secretary shall not assign any scheduled hopper dredging work to such vessel but shall perform any repairs needed to maintain the vessel in a fully operational condition. The Secretary may place the vessel in active status in order to perform any dredging work only if the Secretary determines that private industry has failed to submit a responsive and responsible bid for work advertised by the Secretary or to carry out the project as required pursuant to a contract with the Secretary.

**(4) Repair and rehabilitation**

The Secretary may undertake any repair and rehabilitation of any Federal hopper dredge, including the vessel placed in ready reserve status under paragraph (2) to allow the vessel to be placed in active status as provided in paragraph (3).

**(5) Procedures**

The Secretary shall develop and implement procedures to ensure that, to the maximum extent practicable, private industry hopper dredge capacity is available to meet both routine and time-sensitive dredging needs. Such procedures shall include—

(A) scheduling of contract solicitations to effectively distribute dredging work throughout the dredging season; and

(B) use of expedited contracting procedures to allow dredges performing routine work to be made available to meet time-sensitive, urgent, or emergency dredging needs.

**(6) Report**

Not later than 2 years after October 12, 1996, the Secretary shall report to Congress on 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.