

lotted by the Secretary of the Army for the maintenance of these waterways by the collection and removal of drift.

(Aug. 8, 1917, ch. 49, § 1, 40 Stat. 252; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

Editorial Notes

CODIFICATION

Section is from act Aug. 8, 1917, the Rivers and Harbors Appropriation Act of 1917.

Statutory Notes and Related Subsidiaries

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 Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641.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.

§ 607a. Appropriations; separate project

On and after July 3, 1930, direct allotments from appropriations for maintenance and improvement of existing river and harbor works or other available appropriation may be made by the Secretary of the Army for the collection and removal of drift in New York Harbor and its tributary waters, and this work on and after July 3, 1930, shall be carried as a separate and distinct project.

(July 3, 1930, ch. 847, § 6, 46 Stat. 947; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

Statutory Notes and Related Subsidiaries

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 Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641.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.

§ 608. Construction of fishways

Whenever river and harbor improvements shall be found to operate (whether by lock and dam or otherwise), as obstructions to the passage of fish, the Secretary of the Army may, in his discretion, direct and cause to be constructed practical and sufficient fishways, to be paid for out of the general appropriations for the streams on which such fishways may be constructed.

(Aug. 11, 1888, ch. 860, § 11, 25 Stat. 425; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

Editorial Notes

CODIFICATION

Section is from act Aug. 11, 1888, the Rivers and Harbors Appropriation Act of 1888.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Sec-

retary 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.

§ 609. Sluices and other work in dams for development of water power

In order to make possible the economical future development of water power, the Secretary 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.)

Editorial Notes

CODIFICATION

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

Statutory Notes and Related Subsidiaries

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 and invasive species

(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) Authorization of appropriations

(1) In general

There is authorized to be appropriated to carry out this section (except for subsections (f) and (g)) \$130,000,000 for each fiscal year, of which—

(A) \$30,000,000 shall be made available to carry out subsection (d)(1)(A)(i);

(B) \$30,000,000 shall be made available to carry out subsection (d)(1)(A)(ii);

(C) \$30,000,000 shall be made available to carry out subsection (d)(1)(A)(iii);

(D) \$30,000,000 shall be made available to carry out subsection (d)(1)(A)(iv); and

(E) \$10,000,000 shall be made available to carry out subsection (d)(1)(A)(v).

(2) Other programs

(A) In general

There are authorized to be appropriated—

(i) \$10,000,000 for each of fiscal years 2021 through 2024 to carry out subsection (f); and

(ii) \$50,000,000 for each of fiscal years 2021 through 2024 to carry out subsection (g)(2).

(B) Invasive plant species pilot program

There is authorized to be appropriated to the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, \$10,000,000 to carry out subsection (g)(3).

(3) Control operations

Any funds made available under paragraph (1) or (2)(A) to be used for control operations shall be allocated by the Chief of Engineers on a priority basis, based on 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 contracts, cooperative agreements, and grants with colleges and universities and other non-Federal entities.

(d) Watercraft inspection and Decontamination stations

(1) In general

(A) Watercraft inspection and decontamination stations

In carrying out this section, the Secretary shall establish (as applicable), operate, and maintain new or existing watercraft inspection and decontamination stations—

(i) to protect the Columbia River Basin;

(ii) to protect the Upper Missouri River Basin;

(iii) to protect the Upper Colorado River Basin and the South Platte and Arkansas River Basins;

(iv) to protect the Russian River Basin, California; and

(v) to protect basins and watersheds that adjoin an international border between the United States and Canada.

(B) Locations

The Secretary shall place watercraft inspection and decontamination stations

under subparagraph (A) at locations with the highest likelihood of preventing the spread of aquatic invasive species into and out of waters of the United States, as determined by the Secretary in consultation with the Governors and entities described in paragraph (3).

(C) Rapid response

The Secretary shall assist States within the areas described in subparagraph (A) 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 and decontamination 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 within the areas described in each of clauses (i) through (v) of paragraph (1)(A), as applicable;

(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.

(f) Invasive species management pilot program

(1) Definition of invasive species

In this subsection, the term “invasive species” has the meaning given the term in section 1 of Executive Order 13112 (64 Fed. Reg. 6183; relating to invasive species (February 3, 1999)) (as amended by section 2 of Executive Order 13751 (81 Fed. Reg. 88609; relating to safeguarding the Nation from the impacts of invasive species (December 5, 2016))).

(2) Development of plans

The Secretary, in coordination with the Aquatic Nuisance Species Task Force, shall carry out a pilot program under which the Secretary shall collaborate with States in the Upper Missouri River Basin in developing voluntary aquatic invasive species management plans to mitigate the effects of invasive species on public infrastructure facilities located

on reservoirs of the Corps of Engineers in those States.

(3) Management plan

(A) In general

The Secretary, in consultation with the Governor of each State in the Upper Missouri River Basin that elects to participate in the pilot program, shall prepare a management plan, or update or expand an existing plan, for each participating State that identifies public infrastructure facilities located on reservoirs of the Corps of Engineers in those States that—

- (i) are affected by aquatic invasive species; and
- (ii) need financial and technical assistance in order to maintain operations.

(B) Use of existing plans

In developing a management plan under subparagraph (A), the Secretary shall consider a management plan submitted by a participating State under section 4724(a) of title 16.

(4) Termination of authority

The authority provided under this subsection shall terminate on September 30, 2024.

(g) Invasive species prevention, control, and eradication

(1) Definition of invasive species

In this subsection, the term “invasive species” has the meaning given the term in section 1 of Executive Order 13112 (64 Fed. Reg. 6183; relating to invasive species (February 3, 1999)) (as amended by section 2 of Executive Order 13751 (81 Fed. Reg. 88609; relating to safeguarding the Nation from the impacts of invasive species (December 5, 2016))).

(2) Invasive species partnerships

(A) In general

The Secretary may enter into partnerships with applicable States and other Federal agencies to carry out actions to prevent the introduction of, control, or eradicate, to the maximum extent practicable, invasive species that adversely impact water quantity or water quality in the Platte River Basin, the Upper Colorado River Basin, the Upper Snake River Basin, and the Upper Missouri River Basin.

(B) Prioritization

In selecting actions to carry out under a partnership under subparagraph (A), the Secretary shall give priority to projects that are intended to control or eradicate the Russian olive (*Elaeagnus angustifolia*) or saltcedar (of the genus *Tamarix*).

(3) Invasive plant species pilot program

(A) Definitions

In this paragraph:

(i) Eligible entity

The term “eligible entity” means a partnership between or among 2 or more entities that—

- (I) includes—

- (aa) at least 1 flood control district; and

- (bb) at least 1 city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State or Indian Tribe (as defined in section 5304 of title 25); and

- (II) may include any other entity (such as a nonprofit organization or institution of higher education), as determined by the Secretary.

(ii) Invasive plant species

The term “invasive plant species” means a plant that is nonnative to the ecosystem under consideration, the introduction of which causes or is likely to cause economic harm or harm to human health.

(B) Pilot program

The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall establish a pilot program under which such Secretary shall work with eligible entities to carry out activities—

- (i) to remove invasive plant species in riparian areas that contribute to drought conditions in—

- (I) the Lower Colorado River Basin;
- (II) the Rio Grande River Basin;
- (III) the Texas Gulf Coast Basin; and
- (IV) the Arkansas-White-Red Basin;

- (ii) where appropriate, to replace the invasive plant species described in clause (i) with ecologically suitable native species; and

- (iii) to maintain and monitor riparian areas in which activities are carried out under clauses (i) and (ii).

(C) Report to Congress

Not later than 18 months after December 27, 2020, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the implementation of the pilot program.

(D) Termination of authority

The authority provided under this paragraph shall terminate on September 30, 2024.

(4) Cost share

The Federal share of an action carried out under a partnership under paragraph (2) or an activity carried out under the pilot program under paragraph (3) shall not exceed 80 percent of the total cost of the action or activity.

(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; Pub. L. 116–260, div. AA, title V, § 505, Dec. 27, 2020, 134 Stat. 2746.)

Editorial Notes

REFERENCES IN TEXT

Executive Order 13112, referred to in subsecs. (f)(1) and (g)(1), is set out as a note under section 4321 of Title 42, The Public Health and Welfare.

AMENDMENTS

2020—Subsec. (b)(1). Pub. L. 116–260, § 505(1)(A)(i), substituted “this section (except for subsections (f) and (g)) \$130,000,000” for “this section \$110,000,000” in introductory provisions.

Subsec. (b)(1)(D), (E). Pub. L. 116–260, § 505(1)(A)(ii)–(iv), added subpars. (D) and (E).

Subsec. (b)(2). Pub. L. 116–260, § 505(1)(C), added par. (2). Former par. (2) redesignated (3).

Subsec. (b)(3). Pub. L. 116–260, § 505(1)(B), (D), redesignated par. (2) as (3) and inserted “or (2)(A)” after “paragraph (1)”.

Subsec. (d). Pub. L. 116–260, § 505(2)(A), inserted “and Decontamination” after “inspection” in heading.

Subsec. (d)(1)(A). Pub. L. 116–260, § 505(2)(B)(i)(I), (D), inserted “and decontamination” after “inspection” in heading and substituted “watercraft inspection and decontamination stations” for “watercraft inspection stations” in introductory provisions.

Subsec. (d)(1)(A)(iii). Pub. L. 116–260, § 505(2)(B)(i)(III), substituted “Arkansas River Basins;” for “Arizona River Basins.”

Subsec. (d)(1)(A)(iv), (v). Pub. L. 116–260, § 505(2)(B)(i)(II), (IV), added cls. (iv) and (v).

Subsec. (d)(1)(B). Pub. L. 116–260, § 505(2)(B)(ii), added subpar. (B) and struck out former subpar. (B). Prior to amendment, text read as follows: “The Secretary shall establish watercraft inspection stations under subparagraph (A) at locations with the highest likelihood of preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Secretary, as determined by the Secretary in consultation with States within the areas described in subparagraph (A).”

Subsec. (d)(2). Pub. L. 116–260, § 505(2)(D), substituted “watercraft inspection and decontamination stations” for “watercraft inspection stations” in introductory provisions.

Subsec. (d)(3)(A). Pub. L. 116–260, § 505(2)(C), substituted “(v)” for “(iii)” in introductory provisions.

Subsecs. (f), (g). Pub. L. 116–260, § 505(3), added subsecs. (f) and (g).

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-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.

Statutory Notes and Related Subsidiaries

HARMFUL ALGAL BLOOM DEMONSTRATION PROGRAM

Pub. L. 116–260, div. AA, title I, § 128, Dec. 27, 2020, 134 Stat. 2642, provided that:

“(a) IN GENERAL.—The Secretary [of the Army] shall carry out a demonstration program to determine the causes of, and implement measures to effectively de-

tect, prevent, treat, and eliminate, harmful algal blooms associated with water resources development projects.

“(b) CONSULTATION; USE OF EXISTING DATA AND PROGRAM AUTHORITIES.—In carrying out the demonstration program under subsection (a), the Secretary shall—

“(1) consult with the heads of appropriate Federal and State agencies; and

“(2) make maximum use of existing Federal and State data and ongoing programs and activities of Federal and State agencies, including the activities of the Secretary carried out through the Engineer Research and Development Center pursuant to section 1109 of the Water Resources Development Act of 2018 [Pub. L. 115-270] (33 U.S.C. 610 note).

“(c) FOCUS AREAS.—In carrying out the demonstration program under subsection (a), the Secretary shall undertake program activities related to harmful algal blooms in the Great Lakes, the tidal and inland waters of the State of New Jersey, the coastal and tidal waters of the State of Louisiana, the waterways of the counties that comprise the Sacramento-San Joaquin Delta, California, the Allegheny Reservoir Watershed, New York, and Lake Okeechobee, Florida.

“(d) ADDITIONAL FOCUS AREAS.—In addition to the areas described in subsection (c), in carrying out the demonstration program under subsection (a), the Secretary shall undertake program activities related to harmful algal blooms at any Federal reservoir located in the Upper Missouri River Basin or the North Platte River Basin, at the request and expense of another Federal agency.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$25,000,000 to carry out this section. Such sums shall remain available until expended.”

UPDATE ON INVASIVE SPECIES POLICY GUIDANCE

Pub. L. 116-260, div. AA, title V, § 501, Dec. 27, 2020, 134 Stat. 2744, provided that:

“(a) IN GENERAL.—The Secretary [of the Army] shall periodically update the Invasive Species Policy Guidance, developed under section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) and the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.), in accordance with the most recent National Invasive Species Council Management Plan developed pursuant to Executive Order 13112 [42 U.S.C. 4321 note].

“(b) INCLUSION.—The Secretary may include in the updated guidance invasive species specific efforts at federally authorized water resources development projects located in—

“(1) high-altitude lakes; and

“(2) the Tennessee and Cumberland River basins.”

TERRESTRIAL NOXIOUS WEED CONTROL PILOT PROGRAM

Pub. L. 116-260, div. AA, title V, § 503, Dec. 27, 2020, 134 Stat. 2745, provided that:

“(a) IN GENERAL.—The Secretary [of the Army] shall carry out a pilot program, in consultation with the Federal Interagency Committee for the Management of Noxious and Exotic Weeds, to identify and develop new and improved strategies for terrestrial noxious weed control on Federal land under the jurisdiction of the Secretary.

“(b) PARTNERSHIPS.—In carrying out the pilot program under subsection (a), the Secretary shall act in partnership with such other individuals and entities as the Secretary determines to be appropriate.

“(c) COOPERATIVE AGREEMENTS.—The Secretary may utilize cooperative agreements with county and State agencies for the implementation of the pilot program under subsection (a).

“(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act [Dec. 27, 2020], the Secretary shall provide to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the

House of Representatives a report describing the new and improved strategies developed through the pilot program under subsection (a).”

ASIAN CARP PREVENTION AND CONTROL PILOT PROGRAM

Pub. L. 116-260, div. AA, title V, § 509(a), Dec. 27, 2020, 134 Stat. 2750, provided that:

“(a) CORPS OF ENGINEERS ASIAN CARP PREVENTION PILOT PROGRAM.—

“(1) IN GENERAL.—The Secretary [of the Army], in conjunction with the Tennessee Valley Authority and other relevant Federal agencies, shall carry out an Asian carp prevention pilot program to carry out projects to manage and prevent the spread of Asian carp using innovative technologies, methods, and measures.

“(2) PROJECT SELECTION.—

“(A) LOCATION.—Each project under the pilot program shall be carried out in a river system or reservoir in the Cumberland River Watershed or Tennessee River Watershed in which Asian carp populations are expanding or have been documented.

“(B) CONSULTATION.—In selecting projects to carry out under the pilot program, the Secretary shall consult with—

“(i) applicable Federal, State, and local agencies;

“(ii) institutions of higher education; and

“(iii) relevant private organizations, including nonprofit organizations.

“(C) LIMITATIONS.—

“(i) NUMBER OF PROJECTS.—The Secretary may select not more than 10 projects to carry out under the pilot program.

“(ii) DEADLINE.—Not later than September 30, 2024, the Secretary shall complete projects selected to be carried out under the pilot program.

“(3) BEST PRACTICES.—In carrying out the pilot program, to the maximum extent practicable, the Secretary shall consider existing best practices, such as those described in the document of the Asian Carp Working Group of the Aquatic Nuisance Species Task Force entitled ‘Management and Control Plan for Bighead, Black, Grass, and Silver Carps in the United States’ and dated November 2007.

“(4) COST-SHARE.—

“(A) IN GENERAL.—The Federal share of the costs of a project carried out under the program may not exceed 75 percent of the total costs of the project.

“(B) OPERATION, MAINTENANCE, REHABILITATION, AND REPAIR.—After the completion of a project under the pilot program, the Federal share of the costs for operation, maintenance, rehabilitation, and repair of the project shall be 100 percent.

“(5) MEMORANDUM OF AGREEMENT.—For projects carried out in reservoirs owned or managed by the Tennessee Valley Authority, the Secretary and the Tennessee Valley Authority shall execute a memorandum of agreement establishing the framework for a partnership and the terms and conditions for sharing expertise and resources.

“(6) PAYMENTS.—The Secretary is authorized to accept and expend funds from the Tennessee Valley Authority to complete any work under this section at a reservoir owned or managed by the Tennessee Valley Authority.

“(7) REPORT.—Not later than 2 years after the date of enactment of this Act [Dec. 27, 2020], and 2 years thereafter, the Secretary shall submit to Congress a report describing the results of the pilot program, including an analysis of the effectiveness of the innovative technologies, methods, and measures used in projects carried out under the pilot program at preventing the spread, or managing the eradicating of, Asian carp.

“(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$25,000,000, to remain available until expended.”

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.)

Editorial Notes

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 re-