

ties and prototype projects carried out under this section.

**(2) Contents**

Each report under paragraph (1) shall include—

(A) a description of each ongoing and new activity or project, including—

(i) the estimated total cost of the activity or project;

(ii) the amount of Federal expenditures for the activity or project;

(iii) the amounts provided by a non-Federal party to a transaction described in subsection (c), if applicable;

(iv) the estimated timeline for completion of the activity or project;

(v) the requesting district of the Corps of Engineers, if applicable; and

(vi) how the activity or project is consistent with subsection (a); and

(B) any additional information that the Secretary determines to be appropriate.

**(f) Savings clause**

Nothing in this section affects the authority of the Secretary to carry out, through the Engineer Research and Development Center, any activity requested by a district of the Corps of Engineers in support of a water resources development project or feasibility study (as defined in section 2215(d) of this title).

**(g) Establishment of account**

The Secretary, in consultation with the Director of the Office of Management and Budget, shall establish a separate appropriations account for administering funds made available to carry out this section.

(Pub. L. 100-676, § 7, Nov. 17, 1988, 102 Stat. 4022; Pub. L. 104-303, title II, § 214, Oct. 12, 1996, 110 Stat. 3684; Pub. L. 117-263, div. H, title LXXXI, § 8160(a), Dec. 23, 2022, 136 Stat. 3741.)

**Editorial Notes**

**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.

**AMENDMENTS**

2022—Pub. L. 117-263 amended section generally. Prior to amendment, section related to collaborative research and development with non-Federal entities.

1996—Subsec. (a). Pub. L. 104-303, § 214(a)(1), inserted “civil works” before “mission”.

Subsecs. (b), (c). Pub. L. 104-303, § 214(b)(1), (2), added subsec. (b) and redesignated former subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 104-303, § 214(b)(1), (3), redesignated subsec. (c) as (d) and substituted “subsection (c)” for “subsection (b)”. Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 104-303, § 214(b)(1), redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Pub. L. 104-303, § 214(a)(2), added subsec. (e) and struck out heading and text of former subsec. (e). Text read as follows: “Notwithstanding the third proviso under the heading ‘GENERAL INVESTIGATIONS’ of title I of the Energy and Water Development Appropriations Act, 1989 (102 Stat. 857), an additional \$3,000,000 of the funds appropriated under such heading shall be avail-

able to the Secretary for obligation to carry out the purposes of this section in fiscal year 1989.”

Subsec. (f). Pub. L. 104-303, § 214(b)(1), redesignated subsec. (e) as (f).

**Statutory Notes and Related Subsidiaries**

**MAGNETIC LEVITATION TECHNOLOGY**

Pub. L. 101-640, title IV, § 417, Nov. 28, 1990, 104 Stat. 4652, provided that:

“(a) RESEARCH AND DEVELOPMENT.—The Secretary is authorized, in cooperation with the Secretary of Transportation, to conduct research and development activities on magnetic levitation technology or to provide for such research and development.

“(b) COLLABORATION.—The Secretary is authorized to collaborate with non-Federal entities (including State and local governments, colleges and universities, and corporations, partnerships, sole proprietorships, and trade associations which are incorporated or established under laws of a State or the District of Columbia) in carrying out research and development on magnetic levitation technology.

“(c) COOPERATIVE RESEARCH CONTRACTS.—In carrying out this section, the Secretary may enter into contracts or cooperative research and development agreements under section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a), except that the Secretary may fund up to 50 percent of the cost of each collaborative research and development project undertaken.

“(d) LICENSING OF RESEARCH AND DEVELOPMENT.—The research, development, and use of any technology developed under an agreement entered into pursuant to this section, including the terms under which such technology may be licensed and the resulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3701-3714). In addition, the Secretary may require the non-Federal entity to certify that such research and development will be performed substantially in the United States and that products embodying inventions made under an agreement entered into pursuant to this section or produced through the use of such inventions will be manufactured substantially in the United States.

“(e) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there is authorized to be appropriated \$1,000,000 for fiscal year 1990 and \$4,000,000 for fiscal year 1991. Such funds shall remain available until expended. No funds are authorized to be appropriated under this section for any fiscal year beginning after September 30, 1991.”

**“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.

**§ 2313a. Engineering and environmental innovations of national significance**

**(a) Surveys, plans, and studies**

To encourage innovative and environmentally sound engineering solutions and innovative environmental solutions to problems of national significance, the Secretary may undertake surveys, plans, and studies and prepare reports that may lead to work under existing civil works authorities or to recommendations for authorizations.

**(b) Funding**

**(1) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 1997 through 2000.

**(2) Funding from other sources**

The Secretary may accept and expend additional funds from other Federal agencies, States, or non-Federal entities for purposes of carrying out this section.

(Pub. L. 104-303, title II, §212, Oct. 12, 1996, 110 Stat. 3684.)

**Editorial Notes**

## CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1996, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

**Statutory Notes and Related Subsidiaries**

## "SECRETARY" DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 104-303, set out as a note under section 2201 of this title.

**§ 2313b. Support of Army civil works program****(a) General authority**

In carrying out research and development in support of the civil works program of the Department of the Army, the Secretary may utilize contracts, cooperative research and development agreements, cooperative agreements, and grants with non-Federal entities, including State and local governments, colleges and universities, consortia, professional and technical societies, public and private scientific and technical foundations, research institutions, educational organizations, and nonprofit organizations.

**(b) Commercial application**

With respect to contracts for research and development, the Secretary may include requirements that have potential commercial application and may use such potential application as an evaluation factor where appropriate.

(Pub. L. 104-303, title II, §229, Oct. 12, 1996, 110 Stat. 3703.)

**Editorial Notes**

## CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1996, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

**Statutory Notes and Related Subsidiaries**

## "SECRETARY" DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 104-303, set out as a note under section 2201 of this title.

**§ 2314. Innovative technology****(a) Use**

The Secretary shall, whenever feasible, seek to promote long- and short-term cost savings, increased efficiency, reliability, and safety, and improved environmental results through the use of innovative technology in all phases of water resources development projects and programs

under the Secretary's jurisdiction. To further this goal, Congress encourages the Secretary to—

(1) use procurement and contracting procedures that encourage innovative project design, construction, rehabilitation, repair, and operation and maintenance technologies;

(2) frequently review technical and design criteria to remove or modify unnecessary impediments to innovation;

(3) increase timely exchange of technical information with universities, private companies, government agencies, and individuals;

(4) foster design competition; and

(5) encourage greater participation by non-Federal project sponsors in the development and implementation of projects.

**(b) Accelerated adoption of innovative technologies for management of contaminated sediments****(1) Test projects**

The Secretary shall approve an appropriate number of projects to test, under actual field conditions, innovative technologies for environmentally sound management of contaminated sediments.

**(2) Demonstration projects**

The Secretary may approve an appropriate number of projects to demonstrate innovative technologies that have been pilot tested under paragraph (1).

**(3) Conduct of projects**

Each pilot project under paragraph (1) and demonstration project under paragraph (2) shall be conducted by a university with proven expertise in the research and development of contaminated sediment treatment technologies and innovative applications using waste materials.

**(4) Location**

At least 1 of the projects under this subsection shall be conducted in New England by the University of New Hampshire.

**(c) Reports**

Within 2 years after November 17, 1988, and thereafter at the Secretary's discretion, the Secretary shall provide Congress with a report on the results of, and recommendations to increase, the development and use of innovative technology in water resources development projects under the Secretary's jurisdiction. Such report shall also contain information regarding innovative technologies which the Secretary has considered and rejected for use in water resources development projects under the Secretary's jurisdiction.

**(d) "Innovative technology" defined**

For the purpose of this section, the term "innovative technology" means designs, methods, or materials, including roller compacted concrete, geosynthetic materials, and advanced composites, that the Secretary determines are appropriate to carry out this section.

(Pub. L. 100-676, §8, Nov. 17, 1988, 102 Stat. 4023; Pub. L. 106-53, title V, §503(b), Aug. 17, 1999, 113 Stat. 337; Pub. L. 113-121, title III, §3021, June 10, 2014, 128 Stat. 1301.)