

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

2014—Subsec. (d). Pub. L. 113–121 substituted “methods, or materials, including roller compacted concrete, geosynthetic materials, and advanced composites, that the Secretary determines are appropriate to carry out this section.” for “materials, or methods which the Secretary determines are previously undemonstrated or are too new to be considered standard practice.”

1999—Subsecs. (b) to (d). Pub. L. 106–53 added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

Statutory Notes and Related Subsidiaries**DESIGN-BUILD CONTRACTING**

Pub. L. 106–541, title II, §221, Dec. 11, 2000, 114 Stat. 2596, provided that the Secretary of the Army could conduct a pilot program consisting of not more than 5 authorized projects to test the design-build method of project delivery on various authorized civil works projects of the Corps of Engineers, including levees, pumping plants, revetments, dikes, dredging, weirs, dams, retaining walls, generation facilities, mattress laying, recreation facilities, and other water resources facilities, and, not later than 4 years after Dec. 11, 2000, to transmit to Congress a report on the results of the pilot program.

REVIEW OF INNOVATIVE DREDGING TECHNOLOGIES

Pub. L. 106–53, title V, §503(a), Aug. 17, 1999, 113 Stat. 337, provided that:

“(1) **IN GENERAL.**—Not later than June 1, 2001, the Secretary shall complete a review of innovative dredging technologies designed to minimize or eliminate contamination of a water column upon removal of contaminated sediments.

“(2) **TESTING.**—

“(A) **SELECTION OF TECHNOLOGY.**—After completion of the review under paragraph (1), the Secretary shall select, from among the technologies reviewed, the technology that the Secretary determines will best increase the effectiveness of removing contaminated sediments and significantly reduce contamination of the water column.

“(B) **AGREEMENT.**—Not later than December 31, 2001, the Secretary shall enter into an agreement with a public or private entity to test the selected technology in the vicinity of Peoria Lakes, Illinois.

“(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$2,000,000.”

BENEFICIAL USE OF WASTE TIRE RUBBER

Pub. L. 106–53, title V, §561, Aug. 17, 1999, 113 Stat. 355, provided that:

“(a) **IN GENERAL.**—The Secretary shall, when appropriate, encourage the beneficial use of waste tire rubber (including crumb rubber and baled tire products) recycled from tires.

“(b) **INCLUDED BENEFICIAL USES.**—Beneficial uses under subsection (a) may include marine pilings, under-water framing, floating docks with built-in flotation, utility poles, and other uses associated with transportation and infrastructure projects receiving Federal funds.

“(c) **USE OF WASTE TIRE RUBBER.**—The Secretary shall encourage the use, when appropriate, of waste tire rubber (including crumb rubber) in projects described in subsection (b).”

“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.

§ 2314a. Technical assistance program**(a) In general**

The Secretary is authorized to provide technical assistance, on a nonexclusive basis, to any United States firm which is competing for, or has been awarded, a contract for the planning, design, or construction of a project outside the United States, if the United States firm provides, in advance of fiscal obligation by the United States, funds to cover all costs of such assistance. In determining whether to provide such assistance, the Secretary shall consider the effects on the Department of the Army civil works mission, personnel, and facilities. Prior to the Secretary providing such assistance, a United States firm must—

(1) certify to the Secretary that such assistance is not otherwise reasonably and expeditiously available; and

(2) agree to hold and save the United States free from damages due to the planning, design, construction, operation, or maintenance of the project.

(b) Federal employees’ inventions

As to an invention made or conceived by a Federal employee while providing assistance pursuant to this section, if the Secretary decides not to retain all rights in such invention, the Secretary may—

(1) grant or agree to grant in advance, to a United States firm, a patent license or assignment, or an option thereto, retaining a non-exclusive, nontransferable, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the United States and such other rights as the Secretary deems appropriate; or

(2) waive, subject to reservation by the United States of a nonexclusive, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the United States, in advance, in whole, or in part, any right which the United States may have to such invention.

(c) Protection of confidential information

Information of a confidential nature, such as proprietary or classified information, provided to a United States firm pursuant to this section shall be protected. Such information may be released by a United States firm only after written approval by the Secretary.

(d) Definitions

For purposes of this section—

(1) United States firm

The term “United States firm” means a corporation, partnership, limited partnership, or sole proprietorship that is incorporated or established under the laws of any of the United States with its principal place of business in the United States.

(2) United States

The term “United States”, when used in a geographical sense, means the several States

of the United States and the District of Columbia.

(Pub. L. 100–676, § 9, Nov. 17, 1988, 102 Stat. 4024; Pub. L. 101–640, title III, § 318(c), Nov. 28, 1990, 104 Stat. 4642.)

Editorial Notes

CODIFICATION

Section was formerly set out as a note under section 2314 of this title.

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

1990—Pub. L. 101–640, § 318(c)(1), struck out “demonstration” after “Technical assistance” in section catchline.

Subsec. (a). Pub. L. 101–640, § 318(c)(2), struck out “to undertake a demonstration program for a 2-year period, which shall begin within 6 months after the date of enactment of this Act,” after “The Secretary is authorized”.

Subsecs. (d), (e). Pub. L. 101–640, § 318(c)(3), (4), redesignated subsec. (e) as (d) and struck out former subsec. (d) which read as follows: “Within 6 months after the end of the demonstration program authorized by this section, the Secretary shall submit to Congress a report on the results of such demonstration program.”

Statutory Notes and Related Subsidiaries

“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.

§ 2314b. Advanced modeling technologies

(a) In general

To the greatest extent practicable, the Secretary shall encourage and incorporate advanced modeling technologies, including 3-dimensional digital modeling, that can expedite project delivery or improve the evaluation of water resources development projects that receive Federal funding by—

- (1) accelerating and improving the environmental review process;
- (2) increasing effective public participation;
- (3) enhancing the detail and accuracy of project designs;
- (4) increasing safety;
- (5) accelerating construction and reducing construction costs; or
- (6) otherwise achieving the purposes described in paragraphs (1) through (5).

(b) Activities

In carrying out subsection (a), the Secretary, to the greatest extent practicable, shall—

- (1) compile information related to advanced modeling technologies, including industry best practices with respect to the use of the technologies;
- (2) disseminate to non-Federal interests the information described in paragraph (1); and
- (3) promote the use of advanced modeling technologies.

(Pub. L. 113–121, title I, § 1034, June 10, 2014, 128 Stat. 1234.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Water Resources Reform and Development Act of 2014, 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. 113–121, set out as a note under section 2201 of this title.

§ 2315. Periodic statements

Upon receipt of a request from a non-Federal sponsor of a water resources development project under construction by the Secretary, the Secretary shall provide such sponsor with periodic statements of project expenditures. Such statements shall include an estimate of all Federal and non-Federal funds expended by the Secretary, including overhead expenditures, the purpose for expenditures, and a schedule of anticipated expenditures during the remaining period of construction. Statements shall be provided to the sponsor at intervals of no greater than 6 months.

(Pub. L. 100–676, § 10, Nov. 17, 1988, 102 Stat. 4024.)

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Statutory Notes and Related Subsidiaries

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§ 2315a. Transparency in accounting and administrative expenses

On the request of a non-Federal interest, the Secretary shall provide to the non-Federal interest a detailed accounting of the Federal expenses associated with a water resources project.

(Pub. L. 113–121, title I, § 1012(a), June 10, 2014, 128 Stat. 1218.)

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