

**(e) Effect on other authority**

This section shall not affect the authority of the Secretary and the Administrator of the Bonneville Power Administration under section 839d-1 of title 16.

(Pub. L. 104-303, title II, §216, Oct. 12, 1996, 110 Stat. 3694; Pub. L. 106-541, title II, §212, Dec. 11, 2000, 114 Stat. 2593.)

## 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.

## AMENDMENTS

2000—Subsec. (a). Pub. L. 106-541, §212(1), inserted introductory provisions and struck out former introductory provisions which read as follows: “In carrying out the maintenance, rehabilitation, and modernization of a hydroelectric power generating facility at a water resources project under the jurisdiction of the Department of the Army, the Secretary may take, to the extent funds are made available in appropriations Acts, such actions as are necessary to increase the efficiency of energy production or the capacity of the facility, or both, if, after consulting with the heads of other appropriate Federal and State agencies, the Secretary determines that the increase—”.

Subsec. (a)(1). Pub. L. 106-541, §212(1), substituted “are” for “is” before “economically justified”.

Subsec. (b). Pub. L. 106-541, §212(2), substituted “any proposed uprating” for “the proposed uprating” in first sentence.

Subsecs. (c) to (e). Pub. L. 106-541, §212(3), (4), added subsecs. (c) and (d) and redesignated former subsec. (c) as (e).

## “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.

**§ 2321b. Expediting hydropower at Corps of Engineers facilities****(a) Policy**

Congress declares that it is the policy of the United States that—

(1) the development of non-Federal hydroelectric power at Corps of Engineers civil works projects, including locks and dams, shall be given priority;

(2) Corps of Engineers approval of non-Federal hydroelectric power at Corps of Engineers civil works projects, including permitting required under section 408 of this title, shall be completed by the Corps of Engineers in a timely and consistent manner; and

(3) approval of hydropower at Corps of Engineers civil works projects shall in no way diminish the other priorities and missions of the Corps of Engineers, including authorized project purposes and habitat and environmental protection.

**(b) Report**

Not later than 2 years after June 10, 2014, and biennially thereafter, the Secretary 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 and make publicly available a report that, at a minimum, shall include—

(1) a description of initiatives carried out by the Secretary to encourage the development of hydroelectric power by non-Federal entities at Corps of Engineers civil works projects;

(2) a list of all new hydroelectric power activities by non-Federal entities approved at Corps of Engineers civil works projects in that fiscal year, including the length of time the Secretary needed to approve those activities;

(3) a description of the status of each pending application from non-Federal entities for approval to develop hydroelectric power at Corps of Engineers civil works projects;

(4) a description of any benefits or impacts to the environment, recreation, or other uses associated with Corps of Engineers civil works projects at which non-Federal entities have developed hydroelectric power in the previous fiscal year; and

(5) the total annual amount of payments or other services provided to the Corps of Engineers, the Treasury, and any other Federal agency as a result of approved non-Federal hydropower projects at Corps of Engineers civil works projects.

(Pub. L. 113-121, title I, §1008, June 10, 2014, 128 Stat. 1215.)

## 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.

## “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.

**§ 2322. Single entities**

For purposes of Federal participation in water resource development projects which are to be carried out by the Secretary, benefits which are to be provided to a facility owned by a State (including the District of Columbia and a territory or possession of the United States), county, municipality, or other public entity shall not be treated as benefits to be provided a single owner or single entity. The Secretary shall not treat such a facility as a single owner or single entity for any purpose.

(Pub. L. 101-640, title III, §317, Nov. 28, 1990, 104 Stat. 4641.)

## CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1990, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

## “SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 101-640, set out as a note under section 2201 of this title.

**§ 2323. Technical assistance to private entities****(a) Use of Corps research and development labs**

The Secretary is authorized to use Corps of Engineers research and development laboratories to provide research and development assistance to corporations, partnerships, limited

partnerships, consortia, public and private foundations, universities, and nonprofit organizations operating within the United States, territories or possessions of the United States, and the Commonwealths of Puerto Rico and the Northern Mariana Islands—

(1) if the entity furnishes in advance of fiscal obligation by the United States such funds as are necessary to cover any and all costs of such research and development assistance;

(2) if the Secretary determines that the research and development assistance to be provided is within the mission of the Corps of Engineers and is in the public interest;

(3) if the entity has certified to the Secretary that provision of such research and development assistance is not otherwise reasonably and expeditiously obtainable from the private sector; and

(4) if the entity has agreed to hold and save the United States free from any damages due to any such research and development assistance.

**(b) Contract**

The Secretary may provide research and development assistance under subsection (a) of this section, or any part thereof, by contract.

**(c) Omitted**

(Pub. L. 101-640, title III, §318, Nov. 28, 1990, 104 Stat. 4641.)

CODIFICATION

Section is comprised of section 318 of Pub. L. 101-640. Subsec. (c) of section 318 of Pub. L. 101-640 amended section 2314a of this title.

Section was enacted as part of the Water Resources Development Act of 1990, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 101-640, set out as a note under section 2201 of this title.

**§ 2323a. Interagency and international support authority**

**(a) In general**

The Secretary may engage in activities (including contracting) in support of Federal departments or agencies, nongovernmental organizations, international organizations, or foreign governments to address problems of national significance to the United States.

**(b) Consultation**

The Secretary may engage in activities in support of international organizations or foreign governments only after consulting with the Department of State.

**(c) Use of Corps’ expertise**

The Secretary may use the technical and managerial expertise of the Corps of Engineers to address domestic and international problems related to water resources, infrastructure development, and environmental protection and restoration.

**(d) Funding**

**(1) In general**

There is authorized to be appropriated to carry out this section \$1,000,000 for fiscal year 2008 and each fiscal year thereafter.

**(2) Acceptance of funds**

The Secretary may accept and expend additional funds from Federal departments or agencies, nongovernmental organizations, international organizations, or foreign governments to carry out this section.

(Pub. L. 104-303, title II, §234, Oct. 12, 1996, 110 Stat. 3704; Pub. L. 106-541, title II, §207, Dec. 11, 2000, 114 Stat. 2590; Pub. L. 110-114, title II, §2030, Nov. 8, 2007, 121 Stat. 1081; Pub. L. 113-121, title I, §1029, June 10, 2014, 128 Stat. 1230.)

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.

AMENDMENTS

2014—Subsec. (a). Pub. L. 113-121, §1029(1), substituted “Federal departments or agencies, nongovernmental organizations,” for “other Federal agencies.”

Subsec. (b). Pub. L. 113-121, §1029(2), inserted “or foreign governments” after “organizations”.

Subsec. (c). Pub. L. 113-121, §1029(3), inserted “and restoration” after “protection”.

Subsec. (d). Pub. L. 113-121, §1029(4), designated first and second sentences as pars. (1) and (2), respectively, inserted headings, and substituted “Federal departments or agencies, nongovernmental organizations,” for “other Federal agencies,” in par. (2).

2007—Subsec. (a). Pub. L. 110-114, §2030(1), added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows: “The Secretary may engage in activities in support of other Federal agencies or international organizations to address problems of national significance to the United States.”

Subsec. (b). Pub. L. 110-114, §2030(2), substituted “Department of State” for “Secretary of State”.

Subsec. (d). Pub. L. 110-114, §2030(3), substituted “\$1,000,000 for fiscal year 2008” for “\$250,000 for fiscal year 2001” and “, international organizations, or foreign governments” for “or international organizations”.

2000—Subsec. (d). Pub. L. 106-541 substituted “There is authorized to be appropriated to carry out this section \$250,000 for fiscal year 2001 and each fiscal year thereafter.” for “There is authorized to be appropriated \$1,000,000 to carry out this section.” and inserted “out” after “carry” in second sentence.

NATIONAL RECREATION RESERVATION SERVICE

Pub. L. 106-541, title II, §206, Dec. 11, 2000, 114 Stat. 2590, provided that: “Notwithstanding section 611 of the Treasury and General Government Appropriations Act, 1999 (112 Stat. 2681-515), the Secretary [of the Army] may—

“(1) participate in the National Recreation Reservation Service on an interagency basis; and

“(2) pay the Department of the Army’s share of the activities required to implement, operate, and maintain the Service.”

“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.

**§ 2324. Reduced pricing for certain water supply storage**

**(a) Provision of storage space**

If a low income community requests the Secretary to provide water supply storage space in a water resources development project operated by the Secretary and if the amount of space re-