

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), 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 requested is available or could be made available through reallocation of water supply storage space in the project or through modifications to operation of the project, the Secretary may provide such space to the community at a price determined under subsection (c).

(b) Maximum amount of storage space

The maximum amount of water supply storage space which may be provided to a community under this section may not exceed an amount of water supply storage space sufficient to yield 2,000,000 gallons of water per day.

(c) Price

The Secretary shall provide water supply storage space under this section at a price which is the greater of—

(1) the updated construction cost of the project allocated to provide such amount of water supply storage space or \$100 per acre foot of storage space, whichever is less; and

(2) the value of the benefits which are lost as a result of providing such water supply storage space.

(d) Determinations

For purposes of subsection (c), the determinations of updated construction costs and value of benefits lost shall be made by the Secretary on the basis of the most recent information available.

(e) Inflation adjustment of dollar amount

The \$100 amount set forth in subsection (c) shall be adjusted annually by the Secretary for changes in the Consumer Price Index of All Urban Consumers published by the Bureau of Labor Statistics.

(f) Non-Federal responsibilities

Nothing in this section shall be construed as affecting the responsibility of non-Federal interests to provide operation and maintenance costs assigned to water supply storage provided under this section.

(g) “Low income community” defined

The term “low income community” means a community with a population of less than 20,000 which is located in a county with a per capita income less than the per capita income of two-thirds of the counties in the United States.

(Pub. L. 101-640, title III, § 322, Nov. 28, 1990, 104 Stat. 4643.)

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.