

(b) and (c) of this section, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 72 of House Document No. 103-7.

Section was formerly set out as a note under section 2294 of this title.

AMENDMENTS

2025—Pub. L. 118-272, § 1107(g)(1), inserted “or drought resiliency” after “environment” in section catchline.

Subsec. (a). Pub. L. 118-272, § 1107(g)(2), substituted “for the purpose of—” for “for the purpose of”, designated remainder of existing provisions as par. (1), substituted “environment; or” for “environment.”, and added par. (2).

Subsec. (b). Pub. L. 118-272, § 1107(g)(3), substituted “(2) will provide for drought resilience or will improve” for “(2) will improve”.

Subsec. (d). Pub. L. 118-272, § 1107(g)(4), substituted “\$15,000,000” for “\$10,000,000”.

Subsec. (h). Pub. L. 118-272, § 1107(g)(5), substituted “\$62,000,000” for “\$50,000,000”.

Subsec. (j). Pub. L. 118-272, § 1107(g)(6), added subsec. (j).

2018—Subsec. (h). Pub. L. 115-270 substituted “\$50,000,000” for “\$40,000,000”.

2014—Subsec. (d). Pub. L. 113-121 substituted “The non-Federal share may be provided” for “Not more than 80 percent of the non-Federal share may be” and “\$10,000,000” for “\$5,000,000”.

2007—Subsec. (h). Pub. L. 110-114 substituted “\$40,000,000” for “\$25,000,000”.

2000—Subsecs. (g) to (i). Pub. L. 106-541 added subsec. (g) and redesignated former subsecs. (g) and (h) as (h) and (i), respectively.

1999—Subsec. (c). Pub. L. 106-53 designated existing provisions as par. (1), inserted heading, and added par. (2).

1996—Subsec. (a). Pub. L. 104-303, § 204(a), struck out “the operation of” after “to review” and inserted before period at end “and to determine if the operation of such projects has contributed to the degradation of the quality of the environment”.

Subsec. (b). Pub. L. 104-303, § 204(b), struck out at end “The non-Federal share of the cost of any modifications carried out under this section shall be 25 percent. No modification shall be carried out under this section without specific authorization by Congress if the estimated cost exceeds \$5,000,000.”

Subsecs. (c), (d). Pub. L. 104-303, § 204(c)(2), added subsecs. (c) and (d). Former subsecs. (c) and (d) redesignated (e) and (f), respectively.

Subsec. (e). Pub. L. 104-303, § 204(c)(1), redesignated subsec. (c) as (e). Former subsec. (e) redesignated (g).

Subsec. (f). Pub. L. 104-303, § 204(c)(1), (3), redesignated subsec. (d) as (f) and substituted “programs conducted under subsections (b) and (c)” for “program conducted under subsection (b)”.

Subsec. (g). Pub. L. 104-303, § 204(c)(1), redesignated subsec. (e) as (g).

Subsec. (h). Pub. L. 104-303, § 204(d), added subsec. (h).
1992—Subsec. (b). Pub. L. 102-580, § 202(1), inserted at end “No modification shall be carried out under this section without specific authorization by Congress if the estimated cost exceeds \$5,000,000.”

Subsec. (e). Pub. L. 102-580, § 202(2), substituted “\$25,000,000” for “\$15,000,000”.

1990—Subsec. (a). Pub. L. 101-640, § 304(a), struck out “before the date of enactment of this Act” after “constructed by the Secretary”.

Subsec. (b). Pub. L. 101-640, § 304(b), substituted “program” for “demonstration program in the 5-year period beginning on the date of enactment of this Act” and struck out “before the date of enactment of this Act” after “constructed by the Secretary”.

Subsec. (d). Pub. L. 101-640, § 304(c), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “Not later than 5 years after the date of enactment of this Act, the Secretary shall transmit to Con-

gress a report on the results of the review conducted under subsection (a) and on the demonstration program conducted under subsection (b). Such report shall contain any recommendations of the Secretary concerning modification and extension of such program.”

Subsec. (e). Pub. L. 101-640, § 304(d), substituted “\$15,000,000 annually to carry out this section” for “\$25,000,000 to carry out this section”.

1988—Subsec. (b). Pub. L. 100-676, § 41(a), substituted “5-year period” for “two-year period”.

Subsec. (d). Pub. L. 100-676, § 41(b), substituted “5 years” for “two years”.

§ 2310. Cost sharing for Territories and Indian tribes

(a) In general

The Secretary shall waive local cost-sharing requirements up to \$200,000 for all studies and projects—

(1) in American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, Puerto Rico, and the Trust Territory of the Pacific Islands;

(2) for any Indian tribe or tribal organization (as those terms are defined in section 5304 of title 25); and

(3) for any organization that—

(A) is composed primarily of people who are—

(i) recognized and defined under Federal law as indigenous people of the United States; and

(ii) from a specific community; and

(B) assists in the social, cultural, and educational development of such people in that community.

(b) Inflation adjustment

The Secretary shall adjust the dollar amount specified in subsection (a) on an annual basis for inflation.

(c) Inclusion

For purposes of this section, the term “study” includes a watershed assessment.

(d) Application

The Secretary shall apply the waiver amount described in subsection (a) to reduce only the non-Federal share of study and project costs.

(Pub. L. 99-662, title XI, § 1156, Nov. 17, 1986, 100 Stat. 4256; Pub. L. 113-121, title I, § 1032, June 10, 2014, 128 Stat. 1233; Pub. L. 114-322, title I, § 1119, Dec. 16, 2016, 130 Stat. 1643; Pub. L. 115-270, title I, §§ 1155(a), 1156, Oct. 23, 2018, 132 Stat. 3793; Pub. L. 116-260, div. AA, title I, § 135, Dec. 27, 2020, 134 Stat. 2649; Pub. L. 117-263, div. H, title LXXXI, § 8114, Dec. 23, 2022, 136 Stat. 3707.)

Editorial Notes

AMENDMENTS

2022—Subsec. (a)(3). Pub. L. 117-263, § 8114(1), added par. (3).

Subsecs. (c), (d). Pub. L. 117-263, § 8114(2), added subsecs. (c) and (d).

2020—Subsec. (b). Pub. L. 116-260 substituted “on an annual basis for inflation.” for “for inflation for the period beginning on November 17, 1986, and ending on October 23, 2018.”

2018—Subsec. (a)(2). Pub. L. 115-270, § 1155(a), substituted “or tribal organization (as those terms are defined in section 5304 of title 25).” for “(as defined in section 5130 of title 25).”

Subsec. (b). Pub. L. 115-270, §1156, substituted “October 23, 2018” for “June 10, 2014”.

2016—Pub. L. 114-322, §1119(1), inserted “and Indian tribes” after “Territories” in section catchline.

Subsec. (a). Pub. L. 114-322, §1119(2), inserted dash after “projects” and par. (1) designation before “in American” and added par. (2).

2014—Pub. L. 113-121 designated existing provisions as subsec. (a) and inserted heading, inserted “Puerto Rico,” before “and the Trust Territory of the Pacific Islands”, and added subsec. (b).

Executive Documents

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 2311. Report to Congress covering proposals for water impoundment facilities

Any report that is submitted to the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives by the Secretary, or the Secretary of Agriculture acting under Public Law 83-566, as amended [16 U.S.C. 1001 et seq.], which proposes construction of a water impoundment facility, shall include information on the consequences of failure and geologic or design factors which could contribute to the possible failure of such facility.

(Pub. L. 99-662, title XII, §1202, Nov. 17, 1986, 100 Stat. 4263.)

Editorial Notes

REFERENCES IN TEXT

Public Law 83-566, as amended, referred to in text, is act Aug. 4, 1954, ch. 656, 68 Stat. 666, known as the Watershed Protection and Flood Prevention Act, which is classified principally to chapter 18 (§1001 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 16 and Tables.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

§ 2312. Comments on certain changes in operations of reservoirs

Before the Secretary may make changes in the operation of any reservoir which will result in or require a reallocation of storage space in such reservoir or will significantly affect any project purpose, the Secretary shall provide an opportunity for public review and comment.

(Pub. L. 100-676, §5, Nov. 17, 1988, 102 Stat. 4022.)

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.

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.

§ 2313. Research and development

(a) In general

The Secretary is authorized to carry out basic, applied, and advanced research activities as required to aid in the planning, design, construction, operation, and maintenance of water resources development projects and to support the missions and authorities of the Corps of Engineers.

(b) Testing and application

In carrying out subsection (a), the Secretary is authorized to test and apply technology, tools, techniques, and materials developed pursuant to such subsection, including the testing and application of such technology, tools, techniques, and materials at authorized water resources development projects, in consultation with the non-Federal interests for such projects.

(c) Other transactional authority for prototype projects

(1) In general

In carrying out subsection (b), the Secretary is authorized to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out prototype projects to support basic, applied, and advanced research activities that are directly relevant to the civil works missions and authorities of the Corps of Engineers.

(2) Follow-on production transactions

A transaction entered into under paragraph (1) for a prototype project may provide for the award of a follow-on production contract or transaction to the participants in the transaction in accordance with the requirements of section 4022 of title 10.

(3) Guidance

Prior to entering into the first transaction under this subsection, the Secretary shall issue guidance for entering into transactions under this subsection (including guidance for follow-on production contracts or transactions under paragraph (2)).

(4) Conditions

In carrying out this subsection, the Secretary shall ensure that—

(A) competitive procedures are used to the maximum extent practicable to award each transaction; and

(B) at least one of the following conditions is met with respect to each transaction:

(i) The prototype project includes significant participation by at least one non-profit research institution or nontraditional defense contractor, as that term is defined in section 3014 of title 10.

(ii) All significant participants in the transaction other than the Federal Gov-