

**Section 211 of the
Water Resources Development Act of 2000
(PL 106-541) as amended by Section 109 of the Energy
and Water Development Appropriations Act
of 2002 (PL 107-66)**

SEC. 211. PERFORMANCE OF SPECIALIZED OR TECHNICAL SERVICES.

(a) **DEFINITION OF STATE**—In this section, the term “State” has the meaning given the term in section 6501 of title 31, United States Code.

(b) **AUTHORITY**—The Corps of Engineers may provide specialized or technical services to a Federal agency (other than an agency of the Department of Defense) or a State or local government under section 6505 of title 31, United States Code, only if the chief executive of the requesting entity submits to the Secretary—

(1) a written request describing the scope of the services to be performed and agreeing to reimburse the Corps for all costs associated with the performance of the services; and

(2) a certification that includes adequate facts to establish that the services requested are not reasonably and quickly available through ordinary business channels.

(c) **CORPS AGREEMENT TO PERFORM SERVICES**—The Secretary, after receiving a request described in subsection (b) to provide specialized or technical services, shall, before entering into an agreement to perform the services—

(1) ensure that the requirements of subsection (b) are met with regard to the request for services; and

(2) execute a certification that includes adequate facts to establish that the Corps is uniquely equipped to perform such services.

(d) **ANNUAL REPORT TO CONGRESS**—

(1) **IN GENERAL**—Not later than the last day of each calendar year, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report identifying any request submitted by a Federal agency (other than an agency of the Department of Defense) or a State or local government to the Corps to provide specialized or technical services.

(2) **CONTENTS OF REPORT**—The report shall include, with

respect to each request described in paragraph (1)—

- (A) a description of the scope of services requested;
- (B) the certifications required under subsection (b) and (c);
- (C) the status of the request;
- (D) the estimated and final cost of the services;
- (E) the status of reimbursement;
- (F) a description of the scope of services performed; and
- (G) copies of all certifications in support of the request.

(e) ENGINEERING RESEARCH AND DEVELOPMENT CENTER—The Engineering Research and Development Center is exempt from the requirements of this section.