

**§ 2336. Abandoned and inactive noncoal mine restoration**

**(a) In general**

The Secretary may provide technical, planning, and design assistance to Federal and non-Federal interests for carrying out projects to address water quality problems caused by drainage and related activities from abandoned and inactive noncoal mines.

**(b) Specific measures**

Assistance provided under subsection (a) may be in support of projects for the purposes of—

- (1) managing drainage from abandoned and inactive noncoal mines;
- (2) restoring and protecting streams, rivers, wetlands, other waterbodies, and riparian areas degraded by drainage from abandoned and inactive noncoal mines; and
- (3) demonstrating management practices and innovative and alternative treatment technologies to minimize or eliminate adverse environmental effects associated with drainage from abandoned and inactive noncoal mines.

**(c) Non-Federal share**

The non-Federal share of the cost of assistance under subsection (a) shall be 50 percent, except that the Federal share with respect to projects located on land owned by the United States, on land held in trust by the Secretary of the Interior on behalf of, and for the benefit of, an Indian Tribe, or on restricted land of any Indian Tribe, shall be 100 percent.

**(d) Effect on authority of Secretary of the Interior**

Nothing in this section affects the authority of the Secretary of the Interior under title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.).

**(e) Technology database for reclamation of abandoned mines**

The Secretary may provide assistance to non-Federal and nonprofit entities to develop, manage, and maintain a database of conventional and innovative, cost-effective technologies for reclamation of abandoned and inactive noncoal mine sites. Such assistance shall be provided through the Restoration of Abandoned Mine Sites Program managed by the Albuquerque District Office of the Corps of Engineers.

**(f) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$50,000,000.

(Pub. L. 106-53, title V, § 560, Aug. 17, 1999, 113 Stat. 354; Pub. L. 108-137, title I, § 118, Dec. 1, 2003, 117 Stat. 1836; Pub. L. 110-114, title II, § 2025, Nov. 8, 2007, 121 Stat. 1079; Pub. L. 116-260, div. AA, title III, § 302, Dec. 27, 2020, 134 Stat. 2703; Pub. L. 117-263, div. H, title LXXXI, § 8390, Dec. 23, 2022, 136 Stat. 3831.)

**Editorial Notes**

REFERENCES IN TEXT

The Surface Mining Control and Reclamation Act of 1977, referred to in subsec. (d), is Pub. L. 95-87, Aug. 3, 1977, 91 Stat. 445. Title IV of the Act is classified gen-

erally to subchapter IV (§1231 et seq.) of chapter 25 of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 1201 of Title 30 and Tables.

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1999, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

AMENDMENTS

2022—Subsec. (c). Pub. L. 117-263, § 8390(1), inserted “, on land held in trust by the Secretary of the Interior on behalf of, and for the benefit of, an Indian Tribe, or on restricted land of any Indian Tribe,” after “land owned by the United States”.

Subsec. (e). Pub. L. 117-263, § 8390(2), substituted “Restoration” for “Rehabilitation” and “Albuquerque” for “Sacramento”.

Subsec. (f). Pub. L. 117-263, § 8390(3), substituted “\$50,000,000” for “\$30,000,000”.

2020—Subsec. (f). Pub. L. 116-260 substituted “\$30,000,000” for “\$20,000,000”.

2007—Subsec. (f). Pub. L. 110-114 substituted “\$20,000,000” for “\$7,500,000”.

2003—Subsec. (f). Pub. L. 108-137 substituted “\$7,500,000” for “\$5,000,000”.

**Statutory Notes and Related Subsidiaries**

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 106-53, set out as a note under section 2201 of this title.

**§ 2337. Property protection program**

**(a) In general**

The Secretary may carry out a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army.

**(b) Provision of rewards**

In carrying out the program, the Secretary may provide rewards (including cash rewards) to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property.

**(c) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$500,000 for fiscal year 2001 and each fiscal year thereafter.

(Pub. L. 106-541, title II, § 205, Dec. 11, 2000, 114 Stat. 2590.)

**Editorial Notes**

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2000, 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. 106-541, set out as a note under section 2201 of this title.

**§ 2338. Reburial and conveyance authority**

**(a) Definition of Indian tribe**

In this section, the term “Indian tribe” has the meaning given the term in section 5304 of title 25.

**(b) Reburial****(1) Reburial areas**

In consultation with affected Indian tribes, the Secretary may identify and set aside areas at civil works projects of the Department of the Army that may be used to rebury Native American remains that—

(A) have been discovered on project land; and

(B) have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law.

**(2) Reburial**

In consultation with and with the consent of the lineal descendant or the affected Indian tribe, the Secretary may recover and rebury, at Federal expense, the remains at the areas identified and set aside under subsection (b)(1).

**(c) Conveyance authority****(1) In general**

Subject to paragraph (2), notwithstanding any other provision of law, the Secretary may convey to an Indian tribe for use as a cemetery an area at a civil works project that is identified and set aside by the Secretary under subsection (b)(1).

**(2) Retention of necessary property interests**

In carrying out paragraph (1), the Secretary shall retain any necessary right-of-way, easement, or other property interest that the Secretary determines to be necessary to carry out the authorized purposes of the project.

(Pub. L. 106-541, title II, §208, Dec. 11, 2000, 114 Stat. 2590.)

**Editorial Notes**

## CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2000, 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. 106-541, set out as a note under section 2201 of this title.

**§ 2339. Assistance programs****(a) Conservation and recreation management**

To further training and educational opportunities about water resources development projects under the jurisdiction of the Secretary, the Secretary may enter into cooperative agreements with non-Federal public and nonprofit entities for services relating to natural resources conservation or recreation management.

**(b) Rural community assistance**

In carrying out studies and projects under the jurisdiction of the Secretary, the Secretary may enter into cooperative agreements with multistate regional private nonprofit rural community assistance entities for services, including water resource assessment, community participation, planning, development, and management activities.

**(c) Youth service and conservation corps organizations**

The Secretary, to the maximum extent practicable, shall enter into cooperative agreements with qualified youth service and conservation corps organizations for services relating to projects under the jurisdiction of the Secretary and shall do so in a manner that ensures the maximum participation and opportunities for such organizations.

**(d) Cooperative agreements**

A cooperative agreement entered into under this section shall not be considered to be, or treated as being, a cooperative agreement to which chapter 63 of title 31 applies.

(Pub. L. 106-541, title II, §213, Dec. 11, 2000, 114 Stat. 2593; Pub. L. 113-121, title I, §1047(e), June 10, 2014, 128 Stat. 1257; Pub. L. 114-322, title I, §1101, Dec. 16, 2016, 130 Stat. 1632.)

**Editorial Notes**

## CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2000, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

## AMENDMENTS

2016—Subsecs. (c), (d). Pub. L. 114-322 added subsec. (c) and redesignated former subsec. (c) as (d).

2014—Subsec. (a). Pub. L. 113-121 substituted “about” for “at”.

**Statutory Notes and Related Subsidiaries**

## “SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 106-541, set out as a note under section 2201 of this title.

**§ 2339a. Cooperative agreements with Indian tribes**

The Secretary may enter into a cooperative agreement with an Indian tribe (or a designated representative of an Indian tribe) to carry out authorized activities of the Corps of Engineers to protect fish, wildlife, water quality, and cultural resources.

(Pub. L. 113-121, title I, §1031(b), June 10, 2014, 128 Stat. 1233.)

**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.

**§ 2340. Revision of project partnership agreement; cost sharing****(a) Federal allocation**

Upon authorization by law of an increase in the maximum amount of Federal funds that