

(3) Requirements

In updating the policies, regulations, or guidance under paragraph (2), the Secretary shall—

(A) provide notice to interested non-Federal stakeholders, including representatives of minority communities, low-income communities, and Indian Tribes;

(B) provide opportunities for interested stakeholders to comment on potential updates of policies, regulations, or guidance;

(C) consider the recommendations from the reports submitted under subsection (a); and

(D) promote the meaningful involvement of minority communities, low-income communities, and Indian Tribes.

(c) Community engagement

In carrying out a water resources development project, the Secretary shall, to the extent practicable—

(1) promote the meaningful involvement of minority communities, low-income communities, and Indian Tribes;

(2) provide guidance and technical assistance to such communities or Tribes to increase understanding of the project development and implementation activities, regulations, and policies of the Corps of Engineers; and

(3) cooperate with State, Tribal, and local governments with respect to activities carried out pursuant to this subsection.

(d) Tribal lands and consultation

In carrying out water resources development projects, the Secretary shall, to the extent practicable and in accordance with the Tribal Consultation Policy affirmed and formalized by the Secretary on November 1, 2012 (or a successor policy)—

(1) promote meaningful involvement with Indian Tribes specifically on any Tribal lands near or adjacent to any water resources development projects, for purposes of identifying lands of ancestral, cultural, or religious importance;

(2) consult with Indian Tribes specifically on any Tribal areas near or adjacent to any water resources development projects, for purposes of identifying lands, waters, and other resources critical to the livelihood of the Indian Tribes; and

(3) cooperate with Indian Tribes to avoid, or otherwise find alternate solutions with respect to, such areas.

(Pub. L. 116–260, div. AA, title I, § 112, Dec. 27, 2020, 134 Stat. 2625.)

Editorial Notes

REFERENCES IN TEXT

Section 1214 of the Water Resources Development Act of 2018, referred to in subsec. (a)(1), is section 1214 of Pub. L. 115–270, title I, Oct. 23, 2018, 132 Stat. 3768, which is not classified to the Code.

Section 1120(a)(3) of the Water Resources Development Act of 2016, referred to in subsec. (a)(2), is section 1120(a)(3) of Pub. L. 114–322, title I, Dec. 16, 2016, 130 Stat. 1632, which is not classified to the Code.

CODIFICATION

Section was enacted as a part of the Water Resources Development Act of 2020, and not as a 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 div. AA of Pub. L. 116–260, set out as a note under section 2201 of this title.

§ 2357. Managed aquifer recharge study and working group**(a) Assessment****(1) In general**

The Secretary shall, in consultation with applicable non-Federal interests, conduct a national assessment of carrying out managed aquifer recharge projects to address drought, water resiliency, and aquifer depletion at authorized water resources development projects.

(2) Requirements

In carrying out paragraph (1), the Secretary shall—

(A) assess and identify opportunities to support non-Federal interests, including Tribal communities, in carrying out managed aquifer recharge projects; and

(B) assess preliminarily local hydrogeologic conditions relevant to carrying out managed aquifer recharge projects.

(3) Coordination

In carrying out paragraph (1), the Secretary shall coordinate, as appropriate, with the heads of other Federal agencies, States, regional governmental agencies, units of local government, experts in managed aquifer recharge, and Tribes.

(b) Feasibility studies**(1) Authorization**

The Secretary is authorized to carry out feasibility studies, at the request of a non-Federal interest, of managed aquifer recharge projects in areas that are experiencing, or have recently experienced, prolonged drought conditions, aquifer depletion, or water supply scarcity.

(2) Limitation

The Secretary may carry out not more than 10 feasibility studies under this subsection.

(3) Use of information

The Secretary shall, to the maximum extent practicable, use information gathered from the assessment conducted under subsection (a) in identifying and selecting feasibility studies to carry out under this subsection.

(4) Cost share

The Federal share of the cost of a feasibility study carried out under this subsection shall be 90 percent.

(c) Working group**(1) In general**

Not later than 180 days after December 23, 2022, the Secretary shall establish a managed

aquifer recharge working group made up of subject matter experts within the Corps of Engineers and relevant non-Federal stakeholders.

(2) Composition

In establishing the working group under paragraph (1), the Secretary shall ensure that members of the working group have expertise working with—

(A) projects providing water supply storage to meet regional water supply demand, particularly in regions experiencing drought;

(B) the protection of groundwater supply, including promoting infiltration and increased recharge in groundwater basins, and groundwater quality;

(C) aquifer storage, recharge, and recovery wells;

(D) dams that provide recharge enhancement benefits;

(E) groundwater hydrology;

(F) conjunctive use water systems; and

(G) agricultural water resources, including the use of aquifers for irrigation purposes.

(3) Duties

The working group established under this subsection shall—

(A) advise the Secretary regarding the development and execution of the assessment under subsection (a) and any feasibility studies under subsection (b);

(B) assist Corps of Engineers offices at the headquarter, division, and district levels with raising awareness of non-Federal interests of the potential benefits of carrying out managed aquifer recharge projects; and

(C) assist with the development of the report required to be submitted under subsection (d).

(d) Report to Congress

Not later than 2 years after December 23, 2022, the Secretary shall submit 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 on managed aquifer recharge that includes—

(1) the results of the assessment conducted under subsection (a) and any feasibility studies carried out under subsection (b), including data collected under such assessment and studies and any recommendations on managed aquifer recharge opportunities for non-Federal interests, States, local governments, and Tribes;

(2) a status update on the implementation of the recommendations included in the report of the U.S. Army Corps of Engineers Institute for Water Resources entitled “Managed Aquifer Recharge and the U.S. Army Corps of Engineers: Water Security through Resilience”, published in April 2020 (2020-WP-01); and

(3) an evaluation of the benefits of creating a new or modifying an existing planning center of expertise for managed aquifer recharge, and identify potential locations for such a center of expertise, if feasible.

(e) Savings provision

Nothing in this section affects the non-Federal share of the cost of construction of a managed

aquifer recharge project under section 2213 of this title or any other provision of law.

(f) Definitions

In this section:

(1) Managed aquifer recharge

The term “managed aquifer recharge” means the intentional banking and treatment of water in aquifers for storage and future use.

(2) Managed aquifer recharge project

The term “managed aquifer recharge project” means a project to incorporate managed aquifer recharge features into a water resources development project.

(Pub. L. 117-263, div. H, title LXXXI, §8108, Dec. 23, 2022, 136 Stat. 3700.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2022, and also as part of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, 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 8002 of Pub. L. 117-263, set out as a note under section 2201 of this title.

CHAPTER 37—ORGANOTIN ANTIFOULING PAINT CONTROL

§§ 2401 to 2410. Repealed. Pub. L. 111-281, title X, § 1048, Oct. 15, 2010, 124 Stat. 3032

Section 2401, Pub. L. 100-333, § 2, June 16, 1988, 102 Stat. 605, provided findings and purposes for chapter.

Section 2402, Pub. L. 100-333, § 3, June 16, 1988, 102 Stat. 605, provided definitions for chapter.

Section 2403, Pub. L. 100-333, § 4, June 16, 1988, 102 Stat. 606, prohibited, with exceptions, application of antifouling paint containing organotin to any vessel less than 25 meters in length.

Section 2404, Pub. L. 100-333, § 5, June 16, 1988, 102 Stat. 606, prohibited certain organotin paints and additives.

Section 2405, Pub. L. 100-333, § 6, June 16, 1988, 102 Stat. 607, related to certification of antifouling paints containing organotin.

Section 2406, Pub. L. 100-333, § 7, June 16, 1988, 102 Stat. 607; Pub. L. 104-106, div. A, title X, §1064(f), Feb. 10, 1996, 110 Stat. 445, related to monitoring and research of ecological effects.

Section 2407, Pub. L. 100-333, § 8, June 16, 1988, 102 Stat. 608, provided for alternative antifouling research.

Section 2408, Pub. L. 100-333, § 9, June 16, 1988, 102 Stat. 608, related to issuance of a final water quality criteria document.

Section 2409, Pub. L. 100-333, § 10, June 16, 1988, 102 Stat. 608, provided for civil and criminal penalties for violations of certain sections of chapter.

Section 2410, Pub. L. 100-333, § 11, June 16, 1988, 102 Stat. 608, related to other authorities and State laws.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE; USE OF EXISTING STOCKS

Pub. L. 100-333, § 12, June 16, 1988, 102 Stat. 609, which provided that this chapter would take effect on June 16, 1988, and provided for a limited amount of time after that date to sell and use existing stocks of organotin