

**§ 2281. Matters to be addressed in planning****(a) In general**

Enhancing national economic development (including benefits to particular regions of the Nation not involving the transfer of economic activity to such regions from other regions), the quality of the total environment (including preservation and enhancement of the environment), the well-being of the people of the United States, the prevention of loss of life, and the preservation of cultural and historical values shall be addressed in the formulation and evaluation of water resources projects to be carried out by the Secretary, and the associated benefits and costs, both quantifiable and unquantifiable, and information regarding potential loss of human life that may be associated with flooding and coastal storm events, shall be displayed in the benefits and costs of such projects.

**(b) Assessments**

For all feasibility reports for water resources projects completed after December 31, 2007, the Secretary shall assess whether—

- (1) the water resources project and each separable element is cost-effective; and
- (2) the water resources project complies with Federal, State, and local laws (including regulations) and public policies.

(Pub. L. 99-662, title IX, § 904, Nov. 17, 1986, 100 Stat. 4185; Pub. L. 101-640, title III, § 315, Nov. 28, 1990, 104 Stat. 4641; Pub. L. 104-303, title II, § 231, Oct. 12, 1996, 110 Stat. 3704; Pub. L. 110-114, title II, § 2033(a), Nov. 8, 2007, 121 Stat. 1084.)

**Editorial Notes**

## AMENDMENTS

2007—Pub. L. 110-114 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1996—Pub. L. 104-303 inserted “and information regarding potential loss of human life that may be associated with flooding and coastal storm events,” after “unquantifiable.”

1990—Pub. L. 101-640 inserted “(including preservation and enhancement of the environment)” after “environment”.

**Statutory Notes and Related Subsidiaries**

## RURAL PROJECT EVALUATION AND SELECTION CRITERIA

Pub. L. 102-580, title II, § 214, Oct. 31, 1992, 106 Stat. 4831, directed Comptroller General, not later than 18 months after Oct. 31, 1992, to report to Congress with specific legislative and other recommendations on improving the equitable distribution of water resources development projects in rural areas, prior to repeal by Pub. L. 104-316, title I, § 117, Oct. 19, 1996, 110 Stat. 3835.

**§ 2281a. Tribal Liaison****(a) In general**

Beginning not later than 1 year after December 23, 2022, the District Commander for each Corps of Engineers district that contains a Tribal community shall have on staff a Tribal Liaison.

**(b) Duties**

Each Tribal Liaison shall make recommendations to the applicable District Commander regarding, and be responsible for—

(1) removing barriers to access to, and participation in, Corps of Engineers programs for Tribal communities, including by improving implementation of section 2213(m) of this title;

(2) improving outreach to, and engagement with, Tribal communities about relevant Corps of Engineers programs and services;

(3) identifying and engaging with Tribal communities suffering from water resources challenges;

(4) improving, expanding, and facilitating government-to-government consultation between Tribal communities and the Corps of Engineers;

(5) coordinating and implementing all relevant Tribal consultation policies and associated guidelines, including the requirements of section 2356 of title;

(6) training and tools to facilitate the ability of Corps of Engineers staff to effectively engage with Tribal communities in a culturally competent manner, especially in regards to lands of ancestral, historic, or cultural significance to a Tribal community, including burial sites; and

(7) such other issues identified by the Secretary.

**(c) Uniformity**

Not later than 120 days after December 23, 2022, the Secretary shall finalize guidelines for—

(1) a position description for Tribal Liaisons; and

(2) required qualifications for Tribal Liaisons, including experience and expertise relating to Tribal communities and water resource issues.

**(d) Funding**

Funding for the position of Tribal Liaison shall be allocated from the budget line item provided for the expenses necessary for the supervision and general administration of the civil works program, and filling the position shall not be dependent on any increase in this budget line item.

**(e) Definitions**

In this section:

**(1) Tribal community**

The term “Tribal community” means a community of people who are recognized and defined under Federal law as indigenous people of the United States.

**(2) Tribal Liaison**

The term “Tribal Liaison” means a permanent employee of a Corps of Engineers district whose primary responsibilities are to—

(A) serve as a direct line of communication between the District Commander and the Tribal communities within the boundaries of the Corps of Engineers district; and

(B) ensure consistency in government-to-government relations.

(Pub. L. 117-263, div. H, title LXXXI, § 8112, Dec. 23, 2022, 136 Stat. 3704.)

**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.

### § 2281b. Corps of Engineers support for underserved communities; outreach

#### (a) In general

It is the policy of the United States for the Corps of Engineers to strive to understand and accommodate and, in coordination with non-Federal interests, seek to address the water resources development needs of all communities in the United States.

#### (b) Outreach and access

##### (1) In general

The Secretary shall, at Federal expense, develop, support, and implement public awareness, education, and regular outreach and engagement efforts for potential non-Federal interests with respect to the water resources development authorities of the Secretary, with particular emphasis on—

(A) technical service programs, including the authorities under—

- (i) section 709a of this title;
- (ii) section 1962d–16 of title 42; and
- (iii) section 2269 of this title;

(B) continuing authority programs, as such term is defined in section 2282d(c)(1)(D) of this title; and

(C) ensuring that a potential non-Federal interest is aware of the roles, responsibilities, and financial commitments associated with a completed water resources development project prior to initiating a feasibility study (as defined in section 2215(d) of this title), including operations, maintenance, repair, replacement, and rehabilitation responsibilities.

##### (2) Implementation

In carrying out this subsection, the Secretary shall—

(A) develop and make publicly available (including on a publicly available website), technical assistance materials, guidance, and other information with respect to the water resources development authorities of the Secretary;

(B) designate and make publicly available a community project advisor at each district and division office of the Corps of Engineers for—

- (i) inquiries from potential non-Federal interests relating to the water resources development authorities of the Secretary; and
- (ii) any other responsibilities as determined by the Secretary that are appropriate to carry out this section;

(C) conduct regular outreach and engagement, including through hosting seminars

and community information sessions, with local elected officials, community organizations, and previous and potential non-Federal interests, on opportunities to address local water resources challenges through the water resources development authorities of the Secretary;

(D) issue guidance for, and provide technical assistance through technical service programs to, non-Federal interests to assist such interests in pursuing technical services and developing proposals for water resources development projects;

(E) provide, at the request of a non-Federal interest, assistance with researching and identifying existing project authorizations or authorities to address local water resources challenges; and

(F) to the maximum extent practicable—

(i) develop and continue to make publicly available, through a publicly available existing website, information on the projects and studies within the jurisdiction of each district of the Corps of Engineers; and

(ii) ensure that the information described in clause (i) is consistent and made publicly available in the same manner across all districts of the Corps of Engineers.

#### (3) Guidance

The Secretary shall develop and issue guidance to ensure that community project advisors designated under paragraph (2)(B) are adequately fulfilling their obligations under that paragraph.

#### (4) Prioritization

In carrying out this subsection, the Secretary shall, to the maximum extent practicable, prioritize awareness, education, and outreach and engagement to economically disadvantaged communities (as defined by the Secretary under section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note)), including economically disadvantaged communities located in urban and rural areas.

#### (5) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$30,000,000 for each fiscal year.

(Pub. L. 117–263, div. H, title LXXXI, §8117, Dec. 23, 2022, 136 Stat. 3709; Pub. L. 118–272, div. A, title I, §1101(a), Jan. 4, 2025, 138 Stat. 2996.)

### Editorial Notes

#### REFERENCES IN TEXT

Section 160 of the Water Resources Development Act of 2020, referred to in subsec. (b)(4), is section 160 of div. AA of Pub. L. 116–260, which is set out as a note under section 2201 of this title.

#### 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.

#### AMENDMENTS

2025—Subsec. (b)(1)(C). Pub. L. 118–272, §1101(a)(1), added subpar. (C).