

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).

Subsec. (b)(2)(B). Pub. L. 118–272, § 1101(a)(2)(A), added subpar. (B) and struck out former subpar. (B) which read as follows: “establish and make publicly available (including on a publicly available website), an appropriate point of contact at each district and division office of the Corps of Engineers for inquiries from potential non-Federal interests relating to the water resources development authorities of the Secretary;”.

Subsec. (b)(2)(F). Pub. L. 118–272, § 1101(a)(2)(B)–(D), added subpar. (F).

Subsec. (b)(3) to (5). Pub. L. 118–272, § 1101(a)(3), (4), added par. (3) and redesignated former pars. (3) and (4) as (4) and (5), respectively.

#### Statutory Notes and Related Subsidiaries

##### TRIBAL AND ECONOMICALLY DISADVANTAGED COMMUNITIES ADVISORY COMMITTEE

Pub. L. 117–263, div. H, title LXXXI, § 8115, Dec. 23, 2022, 136 Stat. 3707, provided that:

“(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act [Dec. 23, 2022], the Secretary [of the Army] shall establish a committee, to be known as the ‘Tribal and Economically Disadvantaged Communities Advisory Committee’, to develop and make recommendations to the Secretary and the Chief of Engineers on activities and actions that should be undertaken by the Corps of Engineers to ensure more effective delivery of water resources development projects, programs, and other assistance to Indian Tribes and economically disadvantaged communities, including economically disadvantaged communities located in urban and rural areas.

“(b) MEMBERSHIP.—The Committee shall be composed of members, appointed by the Secretary, who have the requisite experiential or technical knowledge needed to address issues related to the water resources needs and challenges of economically disadvantaged communities and Indian Tribes, including—

“(1) 5 individuals representing organizations with expertise in environmental policy, rural water resources, economically disadvantaged communities, Tribal rights, or civil rights; and

“(2) 5 individuals, each representing a non-Federal interest for a Corps of Engineers project.

“(c) DUTIES.—

“(1) RECOMMENDATIONS.—The Committee shall provide advice and make recommendations to the Secretary and the Chief of Engineers to assist the Corps of Engineers in—

“(A) efficiently and effectively delivering solutions to the needs and challenges of water resources development projects for economically disadvantaged communities and Indian Tribes;

“(B) integrating consideration of economically disadvantaged communities and Indian Tribes, where applicable, in the development of water resources development projects and programs of the Corps of Engineers; and

“(C) improving the capability and capacity of the workforce of the Corps of Engineers to assist economically disadvantaged communities and Indian Tribes.

“(2) MEETINGS.—The Committee shall meet as appropriate to develop and make recommendations under paragraph (1).

“(3) REPORT.—Recommendations made under paragraph (1) shall be—

“(A) included in a report submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

“(B) made publicly available, including on a publicly available website.

“(d) INDEPENDENT JUDGMENT.—Any recommendation made by the Committee to the Secretary and the Chief of Engineers under subsection (c)(1) shall reflect the independent judgment of the Committee.

“(e) ADMINISTRATION.—

“(1) COMPENSATION.—Except as provided in paragraph (3), the members of the Committee shall serve without compensation.

“(2) TRAVEL EXPENSES.—The members of the Committee shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

“(3) TREATMENT.—The members of the Committee shall not be considered to be Federal employees, and the meetings and reports of the Committee shall not be considered a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(f) DEFINITIONS.—In this section:

“(1) COMMITTEE.—The term ‘Committee’ means the Tribal and Economically Disadvantaged Communities Advisory Committee established under subsection (a).

“(2) ECONOMICALLY DISADVANTAGED COMMUNITY.—The term ‘economically disadvantaged community’ has the meaning given the term as defined by the Secretary under section 160 of the Water Resources Development Act of 2020 [div. AA of Pub. L. 116–260] (33 U.S.C. 2201 note).

“(3) INDIAN TRIBE.—The term ‘Indian Tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).”

#### “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.

### § 2281c. Continuing authority programs

#### (a) Community revitalization program

##### (1) In general

Not later than 180 days after December 27, 2020, the Secretary shall implement a program, in accordance with this subsection, for carrying out a project under a continuing authority program for an economically disadvantaged community.

##### (2) Participation in program

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

(A) solicit project proposals from non-Federal interests by posting program information on a public-facing website and reaching out to non-Federal interests that have previously submitted relevant project proposals to the Secretary; and

(B) review such proposals and select projects, taking into consideration geographic diversity among the selected projects.

##### (3) Cost share

Notwithstanding the cost share authorized for the applicable continuing authority program, the Federal share of the cost of a project selected under paragraph (2) shall be 100 percent.

##### (4) Continuing authority program defined

In this subsection, the term “continuing authority program” has the meaning given that term in section 2282d(c)(1)(D) of this title.

##### (5) Authorization of appropriations

There is authorized to be appropriated to carry out this subsection \$150,000,000 for each fiscal year.