

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.

**(b) Authorizations of Appropriations****(1) Emergency streambank and shoreline protection**

Notwithstanding section 701r of this title, there is authorized to be appropriated to carry out such section \$25,500,000 for each of fiscal years 2021 through 2024.

**(2) Storm and hurricane restoration and impact minimization program**

Notwithstanding section 426g(c) of this title, there is authorized to be appropriated to carry out such section \$38,000,000 for each of fiscal years 2021 through 2024.

**(3) Small river and harbor improvement projects**

Notwithstanding section 577(a) of this title, there is authorized to be appropriated to carry out such section \$63,000,000 for each of fiscal years 2021 through 2024.

**(4) Regional sediment management**

Notwithstanding section 2326(g) of this title, there is authorized to be appropriated to carry out such section \$63,000,000 for each of fiscal years 2021 through 2024.

**(5) Small flood control projects**

Notwithstanding section 701s of this title, there is authorized to be appropriated to carry out such section \$69,250,000 for each of fiscal years 2021 through 2024.

**(6) Aquatic ecosystem restoration**

Notwithstanding section 2330(f) of this title, there is authorized to be appropriated to carry out such section \$63,000,000 for each of fiscal years 2021 through 2024.

**(7) Removal of obstructions; clearing channels**

Notwithstanding section 701g of this title, there is authorized to be appropriated to carry out such section \$8,000,000 for each of fiscal years 2021 through 2024.

**(8) Project modifications for improvement of environment**

Notwithstanding section 2309a(h) of this title, there is authorized to be appropriated to carry out such section \$50,500,000 for each of fiscal years 2021 through 2024.

(Pub. L. 116–260, div. AA, title I, §165, Dec. 27, 2020, 134 Stat. 2668; Pub. L. 117–263, div. H, title LXXXI, §8118(b), Dec. 23, 2022, 136 Stat. 3711; Pub. L. 118–272, div. A, title I, §1107(k), Jan. 4, 2025, 138 Stat. 3006.)

**Editorial Notes****CODIFICATION**

Section was enacted as part of the Water Resources Development Act of 2020, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

Section was formerly set out as a note under section 2201 of this title.

Section 1107(k) of Pub. L. 118–272, which amended this section, contains two pars. (3), the first of which amended subsec. (a)(2) of this section and the second of which amended subsec. (a)(4) of this section.

**AMENDMENTS**

Subsec. (a). Pub. L. 118–272, §1107(k)(1), substituted “Community revitalization program” for “Pilot Pro-

gram for Continuing Authority Projects in Small or Disadvantaged Communities” in heading.

Subsec. (a)(1). Pub. L. 118–272, §1107(k)(2), substituted “a program” for “a pilot program”.

Subsec. (a)(2). Pub. L. 118–272, §1107(k)(3)(A), struck out “pilot” before “program” in heading. See Codification note above.

Subsec. (a)(2)(A). Pub. L. 118–272, §1107(k)(3)(B), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “publish a notice in the Federal Register that requests non-Federal interest proposals for a project under a continuing authority program for an economically disadvantaged community; and”. See Codification note above.

Subsec. (a)(2)(B). Pub. L. 118–272, §1107(k)(3)(C), substituted “select projects” for “select a total of 20 projects”. See Codification note above.

Subsec. (a)(4), (5). Pub. L. 118–272, §1107(k)(3)–(6), added par. (5), redesignated former par. (5) as (4), made technical amendment to reference in original act which appears in text as reference to section 2282d(c)(1)(D) of this title, and struck out former par. (4). Prior to amendment, text of par. (4) read as follows: “The authority to commence pursuant to this subsection a project selected under paragraph (2) shall terminate on the date that is 10 years after December 27, 2020.” See Codification note above.

**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.

**DEFINITIONS**

For definition of “economically disadvantaged community” as used in subsec. (a)(1) of this section, see section 160 of div. AA of Pub. L. 116–260, set out as a note under section 2201 of this title.

**§ 2281d. Declaration of policy****(a) In general**

It is the policy of the United States for the Corps of Engineers, consistent with applicable statutory authorities—

(1) to maximize opportunities for water supply, water conservation measures, and drought resiliency efforts at and in the operation of water resources development projects;

(2) in accordance with section 390b of title 43, to participate and cooperate with States and local interests in developing water supplies for domestic, municipal, industrial, and other purposes in authorized connection with the construction, maintenance, and operation of water resources development projects; and

(3) in coordination with non-Federal interests, to enable the adoption of water conservation measures and drought resiliency measures that are in alignment with the authorized purposes of water resources development projects.

**(b) Full consideration**

In support of subsection (a), the Secretary shall give full consideration to requests and proposals from non-Federal interests to utilize the authorities of the Corps of Engineers in furtherance of water supply features, water conservation measures, and drought resiliency efforts that are in alignment with the authorized purposes of water resources development projects.

**(c) Limitation**

Nothing in this section—