



**DEPARTMENT OF THE ARMY
ASSISTANT SECRETARY OF THE ARMY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108**

SACW

MEMORANDUM FOR COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Implementation Guidance for Section 160 of the Water Resources Development Act of 2020, Definition of Economically Disadvantaged Community

1. Section 160 of the Water Resources Development Act (WRDA) of 2020 directs the Secretary to define the term “economically disadvantaged community” for the purposes of the Act and the amendments made by the Act. To the maximum extent practicable and to the extent that such criteria are applicable in relation to the development of water resources development projects, the criteria under paragraph (1) and (2) of section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161) is utilized. The Secretary is directed to provide notice and opportunity for public comment. Section 160 of WRDA 2020 is enclosed.

2. This Section is applicable to Headquarters and all Divisions, Districts, and Field Offices of the U.S. Army Corps of Engineers (Corps) with civil works responsibilities.

3. References:

- a. Alaskan Natives Claims Settlement Act, as amended (43 U.S. Code Chapter 33)
- b. Indian Self-Determination and Education Assistance Act, as amended (25 U.S. Code Chapter 46)
- c. Water Resources Development Act of 2020, Division AA of P.L. 116-260

4. The definition of Economically Disadvantaged Community in this document applies to all provisions in WRDA 2020 including any amendments, and future WRDA provisions for which no specific definition appears in the law. An economically disadvantaged community is defined as meeting one or more of the following:

a. Low per capita income - The area has a per capita income of 80 percent or less of the national average;

b. Unemployment rate above national average - The area has an unemployment rate that is, for the most recent 24-month period for which data are available, at least 1 percent greater than the national average unemployment rate;

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c. Indian country as defined in 18 U.S.C. 1151 or in the proximity of an Alaska Native Village;

d. U.S. Territories; or

e. Communities identified as disadvantaged by the Council on Environmental Quality's Climate and Economic Justice Screening Tool (<https://screeningtool.geoplatform.gov>).

5. Under no circumstances shall this policy be modified, supplemented, amended, or rescinded, directly or indirectly, nor shall the Corps take action not in accordance with the direction herein, without the express written approval from the ASA(CW). This guidance shall be transmitted to the appropriate Corps Division and District Commanders and posted to the Corps' WRDA website within five business days of receipt (written or electronic) from this office. Guidance shall be transmitted and posted as is and without additional guidance attached.

6. Questions regarding this implementation guidance should be directed to Gib Owen, Office of the ASA(CW), at gib.a.owen.civ@army.mil or 703-695-4641.

Encls

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Assistant Secretary of the Army
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CF:
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Section 160 Definition of Economically Disadvantaged Community

(a) IN GENERAL. Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidance defining the term “economically disadvantaged community” for the purposes of this Act and the amendments made by this Act.

(b) CONSIDERATIONS. In defining the term “economically disadvantaged community” under subsection (a), the Secretary shall, to the maximum extent practicable, utilize the criteria under paragraph (1) or (2) of section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161), to the extent that such criteria are applicable in relation to the development of water resources development projects.

(c) PUBLIC COMMENT. In developing the guidance under subsection (a), the Secretary shall provide notice and an opportunity for public comment