



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, DC 20314-1000

CECW-P

MAR 29 2019

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Revised Implementation Guidance for Section 1143 of the Water Resources Development Act of 2018 (WRDA 2018), Acknowledgement of Credit

1. The Assistant Secretary of the Army Civil Works approved on 22 March 2019 Section 1143 of WRDA 2018. The attached implementation guidance is posted for internal and external use on the Corps official WRDA website:
<http://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/>.
2. Please ensure wide dissemination of this guidance. Questions regarding this implementation guidance should be directed to the Headquarters POC, Ada Benavides, Senior Policy Advisor and WRDA Program Manager, Planning and Policy Division, at (202) 761-0415 or ada.benavides@usace.army.mil.

A handwritten signature in blue ink, appearing to read "J. Dalton".

JAMES C. DALTON, P.E.
Director of Civil Works

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

22 MAR 2019

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

SUBJECT: Implementation Guidance for Section 1143 of the Water Resources Development Act of 2018, Acknowledgement of Credit

1. Reference.

a. Implementation Guidance for Louisiana Coastal Area, Sections 7001-7008, and 7011 of Title VII of the Water Resources Development Act of 2007 (WRDA 2007), dated 10 July 2009.

b. Implementation Guidance for Section 1019 of the Water Resources, Reform and Development Act of 2014 (WRRDA 2014) - In-Kind Credit Authority, dated 2 February 2015.

c. Engineer Regulation (ER) 1165-2-208 - In-Kind Contribution Credit Provisions of Section 221(a)(4) of the Flood Control Act of 1970, as amended, dated 16 December 2015.

2. Section 1143 of the Water Resources Development Act of 2018 (WRDA 2018), which amends Section 7007(a) of WRDA 2007, allows the Secretary to provide credit for work carried out by the non-Federal interest from November 8, 2007 through October 23, 2018 without an executed In-Kind Memorandum of Understanding (MOU) for a project under Title VII of WRDA 2007, if the Secretary determines that the work is integral to the project and was carried out in accordance with the requirements of Subchapter 4 of Chapter 31, and Chapter 37, of Title 40 United States Code. Section 7007(a) of WRDA 2007, as amended by Section 1143 of WRDA 2018, is enclosed.

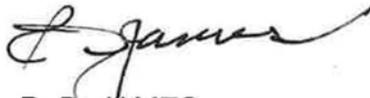
3. As provided in Section 7007(a), as amended, no In-Kind MOU is required for work carried out by a non-Federal interest for a project under Title VII of WRDA 2007 between November 8, 2007 and October 23, 2018 to be eligible for credit. Authority is hereby delegated to the U.S. Army Corps of Engineers (Corps) Mississippi Valley Division Commander to approve credit for such work if the work is determined to be integral to the project, consistent with the requirements contained in ER1165-2-208, and

SUBJECT: Implementation Guidance for Section 1143 of the Water Resources Development Act of 2018, Acknowledgement of Credit

if the work was carried out in accordance with the requirements of 40 U.S.C 3141-3148 and 40 U.S.C. 3701-3708 (labor standards originally enacted as the Davis Bacon Act, the Contract Work Hours and Safety Standards Act, and the Copeland Anti-Kickback Act).

4. 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.

5. Questions regarding this implementation guidance should be directed to Gib Owen, Office of the Assistant Secretary of the Army for Civil Works, at gib.a.owen.civ@mail.mil or 703-695-4641.



R. D. JAMES
Assistant Secretary of the Army
(Civil Works)

Enclosure

cf: MG Scott Spellmon, Deputy Commanding General, Civil and Emergency Operations
James Dalton, Director of Civil Works

Water Resources Development Act of 2007, Section 7007(a), as amended by Section 1143 of the WRDA 2018 Acknowledgement of Credit.

(a) Credit. The Secretary shall credit, in accordance with section 221 of the Flood Control Act 1970 (42 U.S.C. 1962d-5b), toward the non-Federal share of the cost of a study or project under this title the cost of work carried out in the coastal Louisiana ecosystem by the non-Federal interest for the project before the date of the execution of the partnership agreement for the study or project. Notwithstanding section 221(a)(4)(C)(i) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)(4)(C)(i)), the Secretary may provide credit for work carried out during the period beginning on November 8, 2007, and ending on the date of enactment of the Water Resources Development Act of 2018 by the non-Federal interest for a project under this title if the Secretary determines that the work is integral to the project and was carried out in accordance with the requirements of subchapter 4 of chapter 31, and chapter 37, of title 40, United States Code.