



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

CECW-P

MAY 06 2019

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Revised Implementation Guidance for Section 1136 of the Water Resources Development Act (WRDA) of 2018, Credit and Reimbursement

1. The Assistant Secretary of the Army, Civil Works approved on 2 May 2019 Section 1136 of WRDA 2018. The attached implementation guidance is posted for internal and external use on the U.S. Army Corps of Engineers 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, 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", with a long horizontal flourish extending to the right.

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

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

MAY -2 2019

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

SUBJECT: Implementation Guidance for Section 1136 of the Water Resources Development Act of 2018, Credit or Reimbursement

1. Section 1136 of the Water Resources Development Act of 2018 (WRDA 2018) amends Section 1022 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014) (33 U.S.C. 2225) to modify the eligibility of authorized flood damage reduction projects constructed by non-Federal interests under Section 211 of the Water Resources Development Act of 1996 (WRDA 1996) (33 U.S.C. 701b-13) for credit in lieu of reimbursement. Section 1136 also expands Section 1022 to include authorized coastal navigation projects constructed by the U.S. Army Corps of Engineers (Corps) prior to October 23, 2018 using funds advanced by non-Federal interests pursuant to Section 11 of the Act of March 3, 1925 (33 U.S.C. 561). Section 1136 limits the application of credits and reimbursements to flood damage reduction and coastal navigation projects or studies. Section 1136 is enclosed.
2. The Implementation Guidance for Section 1022 of the WRRDA 2014, as amended by Section 1171 of the Water Resources Development Act of 2016 (WRDA 2016), dated 11 July 2017, is rescinded and replaced by this guidance.
3. Section 1022 of WRRDA 2014, as amended, applies to authorized flood damage reduction projects, or separable elements thereof, that have been constructed by non-Federal interests under Section 211 of WRDA 1996 before October 23, 2018. In addition, Section 1022, as amended, also applies to authorized coastal navigation projects constructed by the Corps before October 23, 2018 using funds advanced by non-Federal interests pursuant to 33 U.S.C. 561. A coastal navigation project is a navigation project that is subject to tidal influence.
4. Section 1136 amends Section 1022 to authorize the Secretary, subject to availability of appropriations, to provide reimbursements for a project described in paragraph 3 to the non-Federal interests covering the Federal share, or a portion of the Federal share, of the cost of construction. Reimbursements will be provided to a non-Federal interest in accordance with existing procedures. A non-Federal interest is free to provide funding issued as a reimbursement back to the Corps to fulfill its required non-Federal cash contribution for a water resources development project or study.
5. A non-Federal interest with an executed Project Partnership Agreement (PPA) for a project described in paragraph 3 may submit to the appropriate District Commander a request that unreimbursed amounts covering the Federal share of the construction be

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applied instead as a credit against the non-Federal interests share of other flood damage reduction or coastal navigation projects or studies. The non-Federal interest request must identify the donor project, the amounts for which it is seeking credit in lieu of reimbursement, and the flood damage reduction or coastal navigation projects or studies to which such credit would be applied.

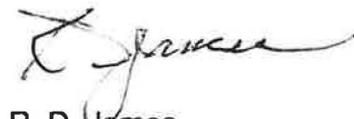
6. The District Commander will forward a package, which includes the request, a copy of the executed PPAs or Feasibility Cost Sharing Agreements (FCSA), an information paper that describes the status of the projects and/or studies, an allocation table showing federal and non-federal cost shares, and amounts of any reimbursements, through the Major Subordinate Command Commander, Headquarters Regional Integration Team (RIT), to the Director of Civil Works (DCW) with a recommendation. Within 30 days of the DCW receiving the request, the DCW will transmit the request with a recommendation to the Assistant Secretary of the Army for Civil Works (ASA(CW)) for review and action.

7. If the request is approved by the ASA(CW), within 60 days of receipt of the approval, the DCW will provide additional written direction on the development and approval of amendments to the PPAs or FCSAs to address credit in lieu of reimbursement to the District Commander.

8. 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.

9. 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.

Enclosures



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

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

Water Resources Development Act of 2018, Section 1136 - Credit or Reimbursement

(a) IN GENERAL. Section 1022 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2225) is amended to read as follows:

(a) REQUESTS FOR CREDITS. With respect to an authorized flood damage reduction project, or separable element thereof, that has been constructed by a non-Federal interest under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b– 13), or an authorized coastal navigation project that has been constructed by the Corps of Engineers pursuant to section 11 of the Act of March 3, 1925, before the date of enactment of the Water Resources Development Act of 2018, the Secretary may provide to the non-Federal interest, at the request of the non-Federal interest, a credit in an amount equal to the estimated Federal share of the cost of the project or separable element, in lieu of providing to the non-Federal interest a reimbursement in that amount or reimbursement of funds of an equivalent amount, subject to the availability of appropriations.

(b) APPLICATION OF CREDITS. At the request of the non-Federal interest, the Secretary may apply all or a portion of such credit to the share of the cost of the non-Federal interest of carrying out other flood damage reduction and coastal navigation projects or studies.

(c) APPLICATION OF REIMBURSEMENT. At the request of the non-Federal interest, the Secretary may apply such funds, subject to the availability of appropriations, equal to the share of the cost of the non-Federal interest of carrying out other flood damage reduction and coastal navigation projects or studies.

(b) CLERICAL AMENDMENT. The table of contents contained in section 1(b) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1193) is amended by striking the item relating to section 1022 and inserting the following: "Sec. 1022. Credit or reimbursement."