



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

CECW-P

FEB 02 2018

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Implementation Guidance for Section 1114 of the Water Resources Development Act of 2016 (WRDA 2016), Transportation Cost Savings

1. Section 1114 of WRDA 2016 was completed and signed on 17 January 2018. The implementation guidance is posted in the U.S. Army Corps of Engineers website: <http://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/>.
2. Questions regarding this implementation guidance should be directed to Sheryl Carrubba, Acting Chief, Navigation and Operations Branch, at (202) 761-8648 or Sheryl.A.Carrubba@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
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JAN 17 2013

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

**SUBJECT: Implementation Guidance for Section 1114 of the Water Resources
Development Act of 2016 (WRDA 2016), Transportation Cost Savings**

1. Section 1114 of WRDA 2016 amends Section 210(e)(3) of WRDA 1986 (33 U.S.C. 2238(e)(3)) to require the Secretary to identify, to the maximum extent practicable, transportation cost savings realized by achieving and maintaining the constructed width and depth for the harbors and inland harbors referred to in Section 210(e)(3) of WRDA 1986 subsection (a)(2), on a project-by-project basis. Section 1114 of WRDA 2016 is attached.

2. Guidance.

a. This guidance amends Section 210(e)(3) of WRDA 1986. Subject to the availability of funds specifically appropriated for this work, the Secretary shall identify, to the maximum extent practicable, transportation cost savings realized by achieving and maintaining the constructed width and depth for the harbors and inland harbors on a project-by-project basis.

b. The project-by-project transportation cost savings of harbors and inland harbors in the United States shall be included in the first report submitted under Section 210(e)(3) of WRDA 1986 subparagraph (A) following enactment of WRDA 2016, subject to the availability of funds specifically appropriated for this report.

3. The point of contact for this implementation guidance is Gib Owen at 703-695-4641 or gib.a.owen.civ@mail.mil. For technical questions contact the Chief, Navigation and Operations Branch at 202-761-8648.

A handwritten signature in black ink that reads "Ryan A. Fisher".

RYAN A. FISHER
Acting Assistant Secretary of the Army
(Civil Works)

Encl

SEC. 1114. TRANSPORTATION COST SAVINGS.

Section 210(e)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(e)(3)) is amended—

- (1) by redesignating subparagraph (B) as subparagraph (C); and
- (2) by inserting after subparagraph (A) the following:

“(B) ADDITIONAL REQUIREMENT.—In the first report submitted under subparagraph (A) following the date of enactment of the Water Resources Development Act of 2016, the Secretary shall identify, to the maximum extent practicable, transportation cost savings realized by achieving and maintaining the constructed width and depth for the harbors and inland harbors referred to in subsection (a)(2), on a project-by-project basis.”

WRRDA 2014, SEC. 1042. REPORTS TO CONGRESS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete and submit to Congress by the applicable date required the reports that address public safety and enhanced local participation in project delivery described in subsection (b).

(b) REPORTS.—The reports referred to in subsection (a) are the reports required under—

- (1) subparagraphs (A) and (B) of section 1043(a)(5);
- (2) section 1046(a)(2)(B);
- (3) section 210(e)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(e)(3)) (as amended by section 2102(a)); and (4) section 7001.

(c) FAILURE TO PROVIDE A COMPLETED REPORT.—

(1) IN GENERAL.—Subject to subsection (d), if the Secretary fails to provide a report listed under subsection (b) by the date that is 180 days after the applicable date required for that report, \$5,000 shall be reprogrammed from the General Expenses account of the civil works program of the Army Corps of Engineers into the account of the division of the Army Corps of Engineers with responsibility for completing that report.

(2) SUBSEQUENT REPROGRAMMING.—Subject to subsection (d), for each additional week after the date described in paragraph (1) in which a report described in that paragraph remains uncompleted and unsubmitted to Congress, \$5,000 shall be reprogrammed from the General Expenses account of the civil works program of the Army Corps of Engineers into the account of the division of the Secretary of the Army with responsibility for completing that report.

(d) LIMITATIONS.—

(1) IN GENERAL.—For each report, the total amounts reprogrammed under subsection (c) shall not exceed, in any fiscal year, \$50,000.

(2) AGGREGATE LIMITATION.—The total amount reprogrammed under subsection (c) in a fiscal year shall not exceed \$200,000.

(e) **NO FAULT OF THE SECRETARY.**—Amounts shall not be reprogrammed under subsection (c) if the Secretary certifies in a letter to the applicable committees of Congress that—

(1) a major modification has been made to the content of the report that requires additional analysis for the Secretary to make a final decision on the report;

(2) amounts have not been appropriated to the agency under this Act or any other Act to carry out the report; or

(3) additional information is required from an entity other than the Corps of Engineers and is not available in a timely manner to complete the report by the deadline.

(f) **LIMITATION.**—The Secretary shall not reprogram funds to the General Expenses account of the civil works program of the Corps of Engineers for the loss of the funds.

WRDA 1986, SEC. 210(E). ASSESSMENT OF HARBORS AND INLAND HARBORS

(1) **IN GENERAL.**— Not later than 270 days after June 10, 2014, and biennially thereafter, the Secretary shall assess the operation and maintenance needs and uses of the harbors and inland harbors referred to in subsection (a)(2).

(2) **Assessment of harbor needs and activities**

(A) **Total operation and maintenance needs of harbors** In carrying out paragraph (1), the Secretary shall identify—

(i) the total future costs required to achieve and maintain the constructed width and depth for the harbors and inland harbors referred to in subsection (a)(2); and

(ii) the total expected costs for expanded uses at eligible harbors or inland harbors referred to in subsection (d)(2).

(B) **Uses of harbors and inland harbors.** In carrying out paragraph (1), the Secretary shall identify current uses (and, to the extent practicable, assess the national, regional, and local benefits of such uses) of harbors and inland harbors referred to in subsection (a)(2), including the use of those harbors for—

(i) commercial navigation, including the movement of goods;

(ii) domestic trade;

(iii) international trade;

(iv) commercial fishing;

(v) subsistence, including use by Indian tribes (as defined in section 5304 of title 25) for subsistence and ceremonial purposes;

(vi) use as a harbor of refuge;

(vii) transportation of persons;