



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
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WASHINGTON, DC 20314-1000

CECW-P

FEB 02 2018

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Implementation Guidance for Section 2002(d) of the Water Resources Reform and Development Act of 2014 (WRRDA 2014), Project Delivery Process Reforms, Inland Waterways Users Board

1. Section 2002(d) of WRRDA 2014 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. Any 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](mailto: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 2018

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

SUBJECT: Implementation Guidance for Section 2002(d) of the Water Resources Reform and Development Act of 2014 (WRRDA 2014), Project Delivery Process Reforms, Inland Waterways Users Board

1. Section 2002(d) of the WRRDA 2014 amends section 302 of the Water Resources Development Act of 1986 (33 U.S.C. 2251) to re-define and expand the duties of the Inland Waterways Users Board (IWUB). Section 302 of the Water Resources Development Act of 1986 and WRRDA 2014 Section 2002(d) are enclosed.

2. Pursuant to the amendments provided by section 2002(d), the duties of the IWUB are:

a. The IWUB is required to meet at least semi-annually to develop and make recommendations to the ASA(CW) and Congress regarding the inland waterways and inland harbors of the United States.

b. The IWUB is required to, for commercial navigation features and components of the inland waterways and inland harbors of the United States, provide:

(1) Advice and make recommendations to the ASA(CW) regarding construction and rehabilitation priorities and spending levels prior to the development of the budget proposal of the President for a given fiscal year;

(2) Advice and make recommendations to Congress regarding any feasibility report for a project on the inland waterway system that has been submitted to Congress pursuant to WRRDA 2014 Section 7001;

(3) Advice and make recommendations to Congress regarding an increase in the authorized cost of those features and components;

(4) Advice and make recommendations to Congress regarding construction and rehabilitation priorities and spending levels within 60 days after the date of the submission of the budget proposal of the President to Congress; and

SUBJECT: Implementation Guidance for Section 2002(d) of the Water Resources Reform and Development Act of 2014 (WRRDA 2014), Project Delivery Process Reforms, Inland Waterways Users Board

(5) Advice and make recommendations on the development of a long-term capital investment program in accordance with subsection (d) described in Paragraph 4 below.

3. The Inland Waterways Users Board Executive Secretary and Designated Federal Officer will continue to schedule a minimum of two IWUB meetings annually.

4. The chairperson of the Users Board shall appoint a representative of the Users Board to serve as an advisor to the project development team for a qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States. The chairperson of the Users Board and the project development team member appointed by the chairperson under subsection (b)(3) may sign the project management plan for the qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States.

5. The amendments included in section 2002(d) also established the requirements for a capital investment program as follows:

a. The ASA(CW), in coordination with the IWUB, is required to develop and submit to Congress a report describing a 20-year Capital Investment Program for making capital investments on the inland and intracoastal waterways based on the application of objective, national project selection criteria.

b. In developing the Capital Investment Program, the ASA(CW) is required to take into consideration the 20-year capital investment strategy contained in the Inland Marine Transportation System (IMTS) Capital Projects Business Model (CPBM), Final Report published on April 13, 2010, as approved by the IWUB and submitted to the ASA(CW).

c. In developing the plan and prioritization criteria under the Capital Investment Program, the ASA(CW) is required to ensure, to the maximum extent practicable, that investments made under the 20-year Program:

- (1) Are made in all geographical areas of the inland waterways system; and
- (2) Ensure efficient funding of inland waterways projects.

d. Not later than five years after the date of enactment of this subsection, and not less frequently than once every five years thereafter, the ASA(CW), in coordination with the IWUB, is required to :

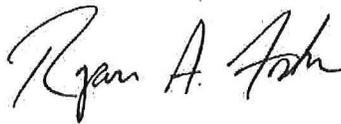
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(1) Submit to Congress and make publicly available a strategic review of the 20-year Program in effect under this subsection, which shall identify and explain any changes to the project-specific recommendations contained in the previous 20-year program including changes to the prioritization criteria used to develop the updated recommendations, and

(2) Make revisions to the Program, as appropriate.

6. The Inland and Intracoastal Waterways Twenty-Year Capital Investment Strategy, March 2016, was submitted to Congress on 24 March 2016 as required by Section 2002(d) and as described in paragraph 4 above. Future five-year updates to the Inland and Intracoastal Waterways Twenty-Year Capital Investment Strategy will depend on the availability of funds to prepare the report.

7. The point of contact for this implementation guidance is Gib Owen at 703-695-4641 or [gib.a.owen.civ@mail.mil](mailto:gib.a.owen.civ@mail.mil). Technical questions regarding this implementation guidance may be directed to Chief, Navigation and Operations Branch at 202-761-8648.



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

Encl

**WRRDA 2014, SECTION 2002(d). INLAND WATERWAYS USERS BOARD.**

(d) INLAND WATERWAYS USERS BOARD. Section 302 of the Water Resources Development Act of 1986 (33 U.S.C. 2251) is amended

(1) by striking subsection (b) and inserting the following:

(b) DUTIES OF USERS BOARD.

(1) IN GENERAL. The Users Board shall meet not less frequently than semiannually to develop and make recommendations to the Secretary and Congress regarding the inland waterways and inland harbors of the United States.

(2) ADVICE AND RECOMMENDATIONS. For commercial navigation features and components of the inland waterways and inland harbors of the United States, the Users Board shall provide

(A) prior to the development of the budget proposal of the President for a given fiscal year, advice and recommendations to the Secretary regarding construction and rehabilitation priorities and spending levels;

(B) advice and recommendations to Congress regarding any feasibility report for a project on the inland waterway system that has been submitted to Congress pursuant to section 7001 of the Water Resources Reform and Development Act of 2014;

(C) advice and recommendations to Congress regarding an increase in the authorized cost of those features and components;

(D) not later than 60 days after the date of the submission of the budget proposal of the President to Congress, advice and recommendations to Congress regarding construction and rehabilitation priorities and spending levels; and

(E) advice and recommendations on the development of a long-term capital investment program in accordance with subsection (d).

(3) PROJECT DEVELOPMENT TEAMS. The chairperson of the Users Board shall appoint a representative of the Users Board to serve as an advisor to the project development team for a qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States.

(4) INDEPENDENT JUDGMENT. Any advice or recommendation made by the Users Board to the Secretary shall reflect the independent judgment of the Users Board.;

(2) by striking subsection (c) and inserting the following:

(c) DUTIES OF SECRETARY. The Secretary shall

(1) communicate not less frequently than once each quarter to the Users Board the status of the study, design, or construction of all commercial navigation features or components of the inland waterways or inland harbors of the United States; and

(2) submit to the Users Board a courtesy copy of all completed feasibility reports relating to a commercial navigation feature or component of the inland waterways or inland harbors of the United States.

(d) CAPITAL INVESTMENT PROGRAM.

(1) IN GENERAL. Not later than 1 year after the date of enactment of this subsection, the Secretary, in coordination with the Users Board, shall develop and submit to Congress a report describing a 20-year program for making capital investments on the inland and intracoastal waterways based on the application of objective, national project selection prioritization criteria.

(2) CONSIDERATION. In developing the program under paragraph (1), the Secretary shall take into consideration the 20-year capital investment strategy contained in the Inland Marine Transportation System (IMTS) Capital Projects Business Model, Final Report published on April 13, 2010, as approved by the Users Board.

(3) CRITERIA. In developing the plan and prioritization criteria under paragraph (1), the Secretary shall ensure, to the maximum extent practicable, that investments made under the 20-year program described in paragraph (1)

- (A) are made in all geographical areas of the inland waterways system; and
- (B) ensure efficient funding of inland waterways projects.

(4) STRATEGIC REVIEW AND UPDATE. Not later than 5 years after the date of enactment of this subsection, and not less frequently than once every 5 years thereafter, the Secretary, in coordination with the Users Board, shall

- (A) submit to Congress and make publicly available a strategic review of the 20-year program in effect under this subsection, which shall identify and explain any changes to the project-specific recommendations contained in the previous 20-year program (including any changes to the prioritization criteria used to develop the updated recommendations); and
- (B) make revisions to the program, as appropriate.

(e) PROJECT MANAGEMENT PLANS. The chairperson of the Users Board and the project development team member appointed by the chairperson under subsection (b)(3) may sign the project management plan for the qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States.

(f) ADMINISTRATION.

(1) IN GENERAL. The Users Board shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.), other than section 14, and, with the consent of the appropriate agency head, the Users Board may use the facilities and services of any Federal agency.

(2) MEMBERS NOT CONSIDERED SPECIAL GOVERNMENT EMPLOYEES. For the purposes of complying with the Federal Advisory Committee Act (5 U.S.C. App.), the members of the Users Board shall not be considered special Government employees (as defined in section 202 of title 18, United States Code).

(3) TRAVEL EXPENSES. Non-Federal members of the Users Board while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

**WRDA 1986, SECTION 302 (33 USC 2251). INLAND WATERWAYS USERS BOARD.**

**(a) Establishment of Users Board:**

There is hereby established an Inland Waterway Users Board (hereinafter in this section referred to as the "Users Board") composed of the eleven members selected by the Secretary, one of whom shall be designated by the Secretary as Chairman. The members shall be selected so as to represent various regions of the country and a spectrum of the primary users and shippers utilizing the inland and intracoastal waterways for commercial purposes. Due consideration shall be given to assure a balance among the members based on the ton-mile shipments of the various categories of commodities shipped on inland waterways. The Secretary of the Army shall designate, and the Secretaries of Agriculture, Transportation, and Commerce may each designate, a representative to act as an observer of the Users Board.

**(b) Duties of Users Board:**

(1) In general the Users Board shall meet not less frequently than semiannually to develop and make recommendations to the Secretary and Congress regarding the inland waterways and inland harbors of the United States.

(2) Advice and recommendations: For commercial navigation features and components of the inland waterways and inland harbors of the United States, the Users Board shall provide

(A) prior to the development of the budget proposal of the President for a given fiscal year, advice and recommendations to the Secretary regarding construction and rehabilitation priorities and spending levels;

(B) advice and recommendations to Congress regarding any feasibility report for a project on the inland waterway system that has been submitted to Congress pursuant to section 2282d of this title;

(C) advice and recommendations to Congress regarding an increase in the authorized cost of those features and components;

(D) not later than 60 days after the date of the submission of the budget proposal of the President to Congress, advice and recommendations to Congress regarding construction and rehabilitation priorities and spending levels; and

(E) advice and recommendations on the development of a long-term capital investment program in accordance with subsection (d).

(3) Project development teams: The chairperson of the Users Board shall appoint a representative of the Users Board to serve as an advisor to the project development team for a qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States.

(4) Independent judgment: Any advice or recommendation made by the Users Board to the Secretary shall reflect the independent judgment of the Users Board.

**(c) Duties of Secretary: The Secretary shall:**

(1) communicate not less frequently than once each quarter to the Users Board the status of the study, design, or construction of all commercial navigation features or components of the inland waterways or inland harbors of the United States; and

(2) submit to the Users Board a courtesy copy of all completed feasibility reports relating to a commercial navigation feature or component of the inland waterways or inland harbors of the United States.

(d) Capital investment program:

(1) In general not later than 1 year after June 10, 2014, the Secretary, in coordination with the Users Board, shall develop and submit to Congress a report describing a 20-year program for making capital investments on the inland and intracoastal waterways based on the application of objective, national project selection prioritization criteria.

(2) Consideration in developing the program under paragraph (1), the Secretary shall take into consideration the 20-year capital investment strategy contained in the Inland Marine Transportation System (IMTS) Capital Projects Business Model, Final Report published on April 13, 2010, as approved by the Users Board.

(3) Criteria in developing the plan and prioritization criteria under paragraph (1), the Secretary shall ensure, to the maximum extent practicable, that investments made under the 20-year program described in paragraph (1):

(A) are made in all geographical areas of the inland waterways system; and

(B) ensure efficient funding of inland waterways projects.

(4) Strategic review and update not later than 5 years after June 10, 2014, and not less frequently than once every 5 years thereafter, the Secretary, in coordination with the Users Board, shall

(A) submit to Congress and make publicly available a strategic review of the 20-year program in effect under this subsection, which shall identify and explain any changes to the project-specific recommendations contained in the previous 20-year program (including any changes to the prioritization criteria used to develop the updated recommendations); and

(B) make revisions to the program, as appropriate.

(e) Project management plans: The chairperson of the Users Board and the project development team member appointed by the chairperson under subsection (b)(3) may sign the project management plan for the qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States.

(f) Administration:

(1) In general the Users Board shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.), other than section 14, and, with the consent of the appropriate agency head, the Users Board may use the facilities and services of any Federal agency.

(2) Members not considered special Government employees  
For the purposes of complying with the Federal Advisory Committee Act (5 U.S.C. App.), the members of the Users Board shall not be considered special Government employees (as defined in section 202 of title 18).

(3) Travel expenses: Non-Federal members of the Users Board while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.