



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

CECW-P

JUL 11 2017

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Implementation Guidance for Section 1022 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014), as amended by Section 1171 of the Water Resources Development Act of 2016 (WRDA 2016), Credit in Lieu of Reimbursement

1. Section 1171 of WRDA 2016 amends Section 1022 of WRRDA 2014 to provide that for an authorized flood damage reduction project, or separable element thereof, with a project partnership agreement for construction under Section 211 of WRDA 1996 that was executed on or before December 31, 2014, the Secretary may provide the non-federal interest, at its request, a credit equal to the estimated federal share of the cost of the project or separable element, in lieu of providing a reimbursement of that amount. Section 1022, as amended, further provides that the Secretary may apply such credit to the non-federal share of the cost of carrying out other water resource development projects or studies. Section 1022 of WRRDA 2014, as amended by Section 1166 of WRDA 2016 (33 U.S.C. 2225), is enclosed.
2. A non-federal sponsor with an executed project partnership agreement for construction under Section 211 of WRDA 1996 may submit to the appropriate district a request that unreimbursed amounts be applied instead as a credit against another water resources development project or study being carried out by the non-federal sponsor. The non-federal sponsor's request must identify the Section 211 project, the amounts for which it is seeking credit in lieu of reimbursement, and the project or study to which such credit would be applied.
3. The district commander will forward a package, which includes the request, a copy of the executed agreement, an information paper that describes the status of the project, an allocation table showing federal and non-federal cost shares, and amounts of any reimbursements, through the Major Subordinate Commander, to the applicable HQUSACE Regional Integration Team (RIT), with a recommendation on whether the request should be approved by the Assistant Secretary of the Army (Civil Works) (ASA(CW)). The RIT will review the request and transmit it, through the Director of Civil Works, to the ASA(CW) for action.
4. If the request is approved by the ASA(CW), the RIT will provide additional direction on the development and approval of an amendment to the project partnership agreement to provide for credit in lieu of reimbursement.

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5. Implementation guidance for Section 1022 of WRRDA 2014, dated 19 May 2016, is rescinded and replaced by this guidance.



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

Encl

DISTRIBUTION:

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Section 1022 of WRRDA 2014, AS AMENDED BY Section 1171 of WRDA 2016 (33 U.S.C. 2225)- Credit in Lieu of Reimbursement.

(a) Requests for credits

With respect to an authorized flood damage reduction project, or separable element thereof, for which a written agreement with the Corps of Engineers for construction was finalized on or before December 31, 2014, under section 701b–13 of this title (as it existed before the repeal made by section 1014(c)(3)), 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.

(b) Application of credits

At the request of the non-Federal interest, the Secretary may apply such credit to the non-Federal share of the cost of carrying out other water resources development projects or studies of the non-Federal interest.