



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

CECW-P (1105)

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Planning Update for Section 8119 of the Water Resources and Development Act of 2022 (WRDA 2022), Technical Assistance

1. References:

a. Section 22 of the Water Resources Development Act (WRDA) of 1974, as amended (42 U.S. Code 1962d-16).

b. Engineer Regulation (ER) 1105-2-100, Planning Guidance Notebook, 2000.

c. Section 160 WRDA 2020, Definition of Economically Disadvantaged Community. <https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll5/id/36002>

d. Section 8119 WRDA 2022, Technical Assistance.

2. The purpose of this memorandum is to provide guidance on the provision of assistance under the Section 22 Planning Assistance to States (PAS) program to economically disadvantaged communities, in accordance with Section 8119 of WRDA 2022.

3. Section 8119 of WRDA 2022 further amends Section 22 of WRDA 1974, as amended (42 U.S.C. 1962d-16), to authorize the Secretary to waive the collection of fees for any local government to which assistance is provided under Section 22 of WRDA 1974, as amended, for economically disadvantaged communities as defined by the Secretary under Section 160 of WRDA 2020. Implementation guidance for Section 160 of WRDA 2020, to include the definition of economically disadvantaged community, is published here: <https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll5/id/36002>. Teams will use the definition provided and the Council on Environmental Quality's Climate and Economic Justice Screening tool to identify economically disadvantaged communities.

4. Eligible entities that meet the definition of economically disadvantaged community as defined under Section 160 of WRDA 2020 may request technical assistance and comprehensive water resource planning support under the PAS program at full federal cost. A Letter of Intent from the non-federal entity requesting assistance is required and will be used by the District to determine eligibility for the cost-share waiver where the non-federal entity falls under the definition of Economically Disadvantaged Community, as defined under Section 160 of WRDA 2020. To be eligible for the waiver, the Letter of Intent must be from the economically disadvantaged community.

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5. Where work will be completed by USACE, the cost-share is waived, and the PAS assistance will be provided at full federal expense, a Section 22 Agreement, Certificate of Authority and Certification Regarding Lobbying will not be required. A scope of work negotiated with the non-federal partner is required to define the PAS assistance, tasks, and cost. The negotiated scope of work will be submitted to the Headquarters PAS Program Manager through the Major Subordinate Command PAS Program Manager via the PAS Database, at which time federal funding will be distributed to commence work. If any part of the PAS assistance will be conducted using a contract, a Section 22 Agreement, Certificate of Authority and Certificate Regarding Lobbying is required.

6. Proponent. The point of contact for this memorandum is the HQUSACE PAS Program Manager, CECW-MVD, Ms. Sharon M. Sartor, 202-761-4495 or sharon.m.sartor@usace.army.mil.

EDWARD E. BELK, JR. P.E.
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