DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
441 G Street, NW
Washington, DC 20314-1000

CECW-I

EC 11-2-226

Engineer Circular
No. 11-2-226

1 July 2022

EXPIRES 30 JUNE 2024

Army Program
Civil Works Direct Annual Execution Program Guidance

1. Purpose. This Circular provides U.S. Army Corps of Engineers (USACE) program and project management policies and practices to ensure that execution of the Fiscal Year (FY) 2022 Civil Works Program is conducted according to the Energy and Water Development and Related Agencies Appropriations Act, 2022 (Division D of the Consolidated Appropriations Act, 2022 (per Sec. 1 of Public Law 117-103) and with Executive Branch policies. This document provides guidance and is not to be construed as an official legal opinion regarding any particular item in Public Law 117-103.

2. Applicability. This Circular applies to all USACE elements having Civil Works responsibilities and is applicable to all USACE Civil Works activities.

3. Distribution Statement. Approved for public release; distribution is unlimited.

FOR THE COMMANDER:

Alvin B. Lee

ALVIN B. LEE
Director of Civil Works

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4. References:

a. P.L. 115-123. Bipartisan Budget Act of 2018, https://www.congress.gov/115/plaws/publ123/PLAW-115publ123.htm

b. Emergency Supplemental Program Management Plan for BBA 2018 and DRA 2019, dated 1 September 2021, https://www.usace.army.mil/Missions/Civil-Works/Budget/

c. Program Management Plan for Long-term Disaster Recovery Investment Plan (LDRIP) Appendix C - Program Performance Management – Governance Document, Version 6.0 dated 1 September 2021

d. P.L. 117-43. Division B – Disaster Relief Supplemental Appropriations Act, 2022 https://www.congress.gov/117/plaws/publ43/PLAW-117publ43.pdf

e. Policy Guidance on Implementation of Disaster Relief Supplemental Appropriations Act, 2022 (Public Law 117-43), CG, USACE - Policy Guidance on Implementation of Disaster Relief Supplemental Appropriations Act, 2022 (Public Law 117-43) - 2 (oclc.org)

f. P.L. 117-58. Infrastructure Investment and Jobs Act, https://www.congress.gov/117/plaws/publ58/PLAW-117publ58.pdf

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h. House Report (Appropriations Committee Report) 117-98 accompanying FY2022 Energy and Water Development Appropriations, https://www.congress.gov/117/crpt/hrpt98/CRPT-117hrpt98.pdf

i. P.L. 117-103. Energy and Water Development and Related Agencies Appropriations Act, 2022, Division D of the FY22 Omnibus Act t (per Sec. 1 of Public Law 117-103) H.R.2471 - https://www.congress.gov/bill/117th-congress/house-bill/2471

j. Senate Report (Appropriations Committee Report) 117-36 accompanying FY2022 Energy and Water Development Appropriations, https://www.congress.gov/117/crpt/srpt36/CRPT-117srpt36.pdf.

k. Joint Explanatory Statement, https://www.congress.gov/117/crec/2022/03/09/168/42/CREC-2022-03-09-bk3.pdf

l. DoD Financial Management Regulation (FMR), Vol. 3, Chapter 2, http://comptroller.defense.gov/Portals/45/documents/fmr/Volume_03.pdf

m. Defense Federal Acquisition Regulation Supplement (DFARS) 232.705-70 and DFARS Clause 252.232-7007, https://www.acq.osd.mil/dpap/dars/dfars/html/current/232_7.htm#232.705

n. Limitation of Government's Obligations, https://www.acq.osd.mil/dpap/dars/dfars/html/current/252232.htm#252.232-7007

o. USACE Acquisition Instruction (UAI) Part 5152 and UAI Clause 5152.232-9001 and Alternate I, Continuing Contacts, Special Continuing Contract for Civil Works Projects Managed by the USACE [DEVIATION], Revised June 2019, updated 10 April 2020, https://cops.usace.army.mil/sites/CT/P/UAI_UDG/USACE_Aquisition_Instruction and Desk Guide dated 3 Jun 2019_Update_1, 10 Apr 2020.pdf

p. Engineer Regulation 5-1-11, Management, USACE Business Process, https://www.publications.usace.army.mil/Portals/76/ER_5-1-11.pdf?ver=2019-05-02-093141-910

q. Engineer Regulation 37-1-30, Financial Administration - Accounting and Reporting, https://www.publications.usace.army.mil/Portals/76/Users/182/86/2486/ER%2037-1-30.pdf?ver=2019-12-13-115622-003

r. Engineer Regulation 1105-2-100, Planning - Planning Guidance Notebook, https://www.publications.usace.army.mil/Portals/76/Publications/EngineerRegulations/ER_1105-2-100.pdf?ver=OjSERNnMS4-6VFwmhg5kEA%3d%3d

s. CERM-F Memorandum 2018-01, 01 October 2017, subject: Collection of Civil Works Appropriation Refunds, Second Amendment, 2018-01_Collection_of_CW Appropriation_Refunds,_Second_Amendment.pdf (army.mil)

t. Office of Management and Budget (OMB) Circular A-11, 06 August 2021 Preparation, Submission, and Execution of the Budget, OMB Circular No. A-11 Revised Transmittal Memorandum No. 95
https://www.whitehouse.gov/wp-content/uploads/2018/06/a11.pdf

5. Records Management (Recordkeeping) Requirements. The records management requirement for all members, associated forms, and reports required by this regulation are addressed in the Army (RRS-A). Detailed information for all related record numbers are located in in ARIMS/RRS-A at https://www.arims.army.mil. If any record numbers, forms, and reports are not current, addressed, and/or published correctly in ARIMS/RRS-A, see Department of the Army (DA) Pamphlet 25-403. Guide to Recordkeeping in the Army.

6. Definitions. See Glossary

7. Limitations on Use of Funding. The following limitations are in addition to the Reprogramming limitations discussed in paragraphs 9.b) through 9.e); that is, the most restrictive limitation must apply:

a. Statutory Prohibitions.

(1) Sections 101 (see paragraph 9.b.), 103 (see paragraph 11.d.), 105, 106, and 107 of Division D, Title I of Public Law 117-103 include prohibitions on the use of FY 2022 Funding and, in some cases, of prior-year funding. Section 105 prohibits open lake dredged material disposal in Lake Erie and its tributaries unless it is approved under a State water quality certification following 33 U.S.C. 1341. Section 106 prohibits use of any funds under the Act for any water supply reallocation study for Wolf Creek Dam, Lake Cumberland, Kentucky. Section 107 prohibits use of any funds under the Act or any other Act to reorganize or to transfer the Civil Works functions or the authority of the Corps of Engineers or the Secretary of the Army to another department or agency.

(2) Title I of Division D of Public Law 117-103 also includes general prohibitions.

(3) Section 102 of Division D, Title I of Public Law 117-103, which directs USACE to allocate Funding only in line with the provisions of Public Law 117-103 and the Statement of Managers (SoM).

b. Statutory Prohibitions from Previous Acts. Limitations applied by a previous Act to Funding provided by that Act remain in effect so long as the Funding remains available for expenditure.

c. Expiring Funding. FY 2022 appropriations for the Regulatory Program, Expenses, and the Office of the Assistant Secretary of the Army (Civil Works) (ASA(CW)) expire on 30 September 2023. This Funding may not be obligated past this date, except for within-scope contract modifications and for within-scope replacement contracts for contracts terminated due to default by the contractor. This Funding must be expended within 5 years after expiration, by 30 September 2028, after which the Funding will be canceled.

d. New Start or New Phase Feasibility, Watershed or Comprehensive Study. No Initial Work Allowance will be provided to, and no Funding will be obligated on, a new start feasibility study (as identified as a new start in budget or work plan documents) until the Cost Sharing Agreement has been executed.

e. Inactive Study. If a study does not meet the definition of Active in Appendix C, then no Funding may be reprogrammed to, allocated to, reallocated to, obligated, or expended on the study. The USACE Chief of Planning and Policy may grant an exception to this rule on a case-by-case basis. See Appendix C.

f. Limits on Federal Funding for Studies. In line with Civil Works policy, all feasibility studies, except 100% Federal funded studies, require approval from the DCG(CEO) prior to allocation of Funding beyond $1.5 million Federal. The DCG-CEO must notify the Deputy Assistant Secretary of the Army for Management and Budget in writing when a cost increase is approved. Furthermore, according to Section 1001 of WRRDA 2014, all feasibility studies initiated after 10 June 2014 require an approved exception from the ASA(CW) prior to allocation of Funding beyond $3 million Federal. Should appropriations beyond the applicable limit be received prior to the applicable approval, the excess will be held at HQUSACE and not provided to the study until such approval is obtained.

g. Construction New Start and Project Partnership Agreement.

(1) The SoM directs USACE to notify the Committees on Appropriations of both Houses of Congress at least 7 days prior to execution of an agreement for construction of any specifically authorized water resources development project except environmental infrastructure projects and projects under the Continuing Authorities Program (CAP). POC is the Congressional Liaison, Corps of Engineers-Civil Works-Integration Future Directions (CECW-IF).

(2) For those project partnership agreements that are approved by the Director of Civil Works or by the ASA(CW), the appropriate Headquarters Regional Integration Team (RIT) will notify CECW-IF of the pending execution of the agreement. For those project partnership agreements for which approval has been delegated to the Major Subordinate Command (MSC) Commanders, the MSC will inform the appropriate RIT of approval and pending execution of the agreement, and the RIT will provide this information to CECW-IF. MSC notice to the RIT via e-mail is acceptable. Following Committee notification by CECW-IF, the RIT will advise the MSC of the earliest date that the agreement may be executed. Following execution of the project partnership agreement, the MSC will notify the RIT, which will provide that information to CECW-IF. CECW-IF will notify the Committees that the agreement has been executed.

h. Appropriation Refunds. Revised policy is provided in Reference 4.p. Highlights follow:

(1) Formerly Utilized Sites Remedial Action Program (FUSRAP) appropriation refunds following Department of Justice settlements are collected as standard appropriation refunds against the original disbursement that funded the work. Subsequently, the expense will be reversed, the obligation de-obligated, and the commitment de-committed, thus creating funding available on the Field Operating Activity (FOA's) database. CECW/CERM-BC will then issue a revocation Funding Authorization Document (FAD) to revoke the funding to Headquarters S0 database and will move the revoked Funding to Army Management Structure code (AMSCO) 190096 (Direct) for redistribution. Redistribution will use the ALC (Allocation of Collected Appropriation Refunds) work allowance code.

(2) FOAs must process collections for damages to USACE properties, property sales, commodity sales, and real estate fees against a customer order with advance, public notice.

(3) As a special case of the foregoing paragraph, all FOA's must request Maintenance and Operations of Dams (M&O) Funding (96 5125) from CECW to perform repair work related to all allision damages. An allision is a moving object striking a stationary object, such as a barge striking a lock wall. Operation and Maintenance (O&M) (96 3123) Funding may not be used for allision repairs. CECW will provide the M&O Dams Funding to the Civil Works project AMSCO, and the FOA must execute the M&O Dams Funding on the project AMSCO. However, if compensation is collected from a third party for allisions, FOA's must collect the damages compensation when received as a customer order with advance for the Civil Works project using the O&M appropriation as the carrier appropriation, or, if a project was under construction when damaged, then collect as a customer order with advance using the Construction appropriation. The FOA will retain the O&M funds on the customer order with advance until the next fiscal year. In the meantime, the FOA will adjust capability estimates supporting budget and appropriations decisions for that next following fiscal year, so that these decisions reflect the increase in Funding collected. The FOA cannot spend from the customer order with advance until that next fiscal year. In that next fiscal year, the FOA will be able to use the customer order with advance for current year requirements.

i. Maintenance and Operation of Dams (Appropriation 96 5125):

(1) As discussed in paragraph 7.h.(3), only M&O Funding (not O&M Funding) must be used to finance allision repairs.

(2) Only M&O Funding (not O&M Funding) must be used to finance the costs of coordination with hydropower developers licensed by the Federal Energy Regulatory Commission. AMSCO 190014, Category-Class-Subclass (CCS) 641 will be used for this purpose.

j. Annual Limit on Reimbursements and Credits:

(1) Section 102 of the Energy and Water Development Appropriations Act, 2006, Public Law 109-103, states that beginning in fiscal year 2006 and thereafter, agreements proposed for execution by the ASA(CW) or the United States Army Corps of Engineers after the date of the enactment of this Act following section 4 of the River and Harbor Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended, Public Law 99–662; section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102–580; section 211 of the Water Resources Development Act of 1996, Public Law 104–303; and any other specific project authority, must be limited to total credits and reimbursements for all applicable projects not to exceed $100,000,000 in each fiscal year.

Note: Section 102 limits reimbursement and credit authority. It does not create reimbursement or credit authority.

(2) For purposes of Section 102:

(a) A "credit" is the federal share of non-federal work in kind under a free-standing crediting agreement that would be credited toward the non-federal share under a future agreement. The credit amount applied to section 102 limits in a fiscal year is the federal share of non-federal work completed under the free-standing agreement in that fiscal year.

(b) A "reimbursement" is an actual payment to the sponsor as a consequence of non-federal advanced funds or non-federal work in kind. The reimbursement amount applied to section 102 limits in a fiscal year is the actual amount paid in that fiscal year, adjusted for previous credits to avoid double counting. There is no reimbursement, as defined in this paragraph, in the case of accelerated funds, contributed funds, or refunds of excess non-federal contributions as part of cost share balancing, including refunds for or the financing of lands, easements, rights-of-way, relocations (LERRD's), or dredged or excavated material disposal areas LERRD's when the LERRD values drive the non-federal contributions above the non-federal required cost share.

(c) A "project" includes a Civil Works project, a Civil Works study, or a Civil Works environmental infrastructure program or specifically authorized environmental infrastructure project. "Specific project authority" is statutory authority for such project, study, or program.

(3) Reimbursements and credits in all appropriations are applied toward the limit. However, reimbursements and credits under agreements executed, or for which the Assistant Secretary had notified the Appropriations Committees, on or before the date of enactment of Public Law 109-103 (19 November 2005) are exempt from section 102.

(4) CECW-I will monitor reimbursements and credits throughout each fiscal year. If total non-exempt reimbursements for the then-current fiscal year, together with total non-exempt credits for the then-current fiscal year, are projected to exceed the Section 102 limit, CECW-I will instruct an MSC or MSCs to defer to the next fiscal year specific reimbursements scheduled for late in the then-current fiscal year.

8. Program, Project, or Activity and Program Codes. Also see Appendices G and H.

a. Program Code and AMSCO are synonymous. The associated Program Code Description field contains the “official” project name and should closely match the name shown in the authorizing legislation.

b. Each Specifically Authorized Project or Program, or each study intended to lead to a new, Specifically Authorized Project or Program, should have its own Program Code, and may not share a Program Code with any other such project, program, or study. This is necessary even in the case of a Specifically Authorized Project or Program that is a component of a broader project or program funded as a Line Item, in order to track total project costs, and to avoid cost transfers should such project or program later be funded as a line item in its own right.

(1) Once the feasibility phase of a study has been completed, the Program Code of the study carries forward through project authorization, Preconstruction Engineering and Design (PED), and construction. Even a General Reevaluation (GRR) Study, study of additional separable elements or separately implementable features, or study of a substitute plan that is found to be beyond the authority of the original project as authorized or proposed for authorization should retain the Program Code of the original project, so long as that study does not meet the definition of a PPA separate from the original project.

(2) Once the Project Partnership Agreement has been executed for a project, or for a separable element thereof, work under that agreement is limited to work within the authorized scope of that project or element as described in the decision document, and a separate agreement and Cost Share Control Record are required for any work outside that authorized scope.

c. In cases where an exception to paragraph b. above has been made and the Specifically Authorized Project or Program, or the study intended to lead to a new, Specifically Authorized Project or Program, does not have a unique Program Code, nonetheless it must be given its own Program Code if it has received Funding through a Line Item, thereby becoming a PPA.

d. Each separable element or component of a Specifically Authorized Project or Program should not have its own Program Code unless it has received Funding through a Line Item. This is true even if the separable element or component is separately identified in a Budget or a work plan.

e. Each project or program within a Parent Program should have its own Program Code, although only the Parent Program, which is defined by the Parent Program's CCS, is a PPA. The children, including the "HQ Master Program Code," are not. Parent Programs include the Continuing Authorities (CAP) programs, Coordination with Other Water Resources Agencies, the Floodplain Management Services program, the Planning Assistance to States program, the Great Lakes Remedial Action Plans program, Research and Development, Employee Compensation, the Estuary Restoration Program, and the National Emergency Preparedness Program. Even a CAP project that has been modified in an Act is not a PPA if it still is to be carried out under the CAP program.

f. All P2 projects should be mapped to (populate the Program Code field in P2 with) a Program Code according to the foregoing paragraphs. Processes for approval of a new Program Code are described in Appendix G.

g. All Corps of Engineers Financial Management Systems (CEFMS II) transactions involving Civil Works Funding, apart from Work Allowance transactions taking place in the Civil Work Allowance component of the Funds Distribution Module (FDM), must be associated with a work item assigned to a P2 Project to ensure all CEFMS II data is accounted for at the P2 Project Level.

9. Reprogrammings. The limitations in paragraphs 9.b through 9.e below are in addition to the limitations on the use of FY 2022 Funding discussed in paragraph 7; that is, the most restrictive limitation must apply:

a. Processing of Reprogrammings:

(1) The District should develop its schedule for execution of appropriated Funding in collaboration with the non-federal cost sharing partner. Funding that is over and above capability for the current FY is surplus and may be considered for a Reprogramming. Funding considered for Congressional Reprogrammings should be "true excess". True excess is defined as funding from a donor project that has been either completed or terminated and is fiscally and physically closed. If there are projects that could productively use the surplus/excess funds, the District should consult with the non-federal cost sharing partner, other stakeholders, and Congressional members in the donor/receiver Area Of Responsibility (AOR) concerning their views on a prospective reprogramming. Each Reprogramming action must be treated as a one-time transaction with no commitment or expectation to return funding to the source PPA.

(2) There are four types of Reprogrammings: REP (Reprogramming with no Committee notification required); CGR (Reprogramming subject to prior notification of the Committees); Emergency Management Reprogramming (EMR) (Reprogramming in O&M or Mississippi River and Tributaries (MR&T) (M) to enable USACE to respond to an Emergency, with post-facto notification to the Committees required); and CLM (Reprogramming in C or MR&T (C) for settled claim, Changed Conditions, or real estate deficiency judgment).

(3) REP Reprogrammings:

(a) A REP Reprogramming is a Reprogramming that does not qualify as CLM or EMR and does not result in the absolute value of the Cumulative Net Amount of REP and CGR Reprogrammings exceeding the applicable threshold. Also see paragraph 9.a.(4)(a) below.

(b) To see the Baseline for a PPA and determine whether the Cumulative Net Amount of REP and CGR Reprogrammings exceeds the threshold, log into CEFMS II, go to the USACE Funds Distribution Module (10), select Civil Work Allowances (3), select Reports, select Work Allowance Baseline Report by AMSCO – Excel Only, and click on “Execute Selection.” Input the AMSCO of the PPA or click on “Mltpl AMSCO,” then click on “Run.”

(c) Before implementing a planned REP Reprogramming, the District, Division, or FOA with responsibility should dialog with the non-federal cost sharing partner and other stakeholders, especially those with an interest in the donor PPAs, concerning the planned REP Reprogramming, and should coordinate the Reprogramming internally.

(d) In the case of a recipient PPA in the Construction or MR&T (C) appropriation that did not Receive an Appropriation in FY 2022, the threshold for determining whether a Reprogramming is an REP or a CGR depends on whether the Reprogramming is for Existing Obligations and Concomitant Administrative Expenses. Any Reprogramming resulting in a Cumulative Net Amount of REP and CGR Reprogrammings for such a recipient of more than $49,999 must be coordinated with the Appropriation Manager, who will determine whether or not it is for Existing Obligations and Concomitant Administrative Expenses, and therefore whether the higher or lower threshold applies, and whether the Reprogramming is a REP or CGR. See paragraphs 9.e.(5)(a)(ii) and (iii). Vertical alignment is required for all Investigations Reprogrammings, reference Appendix C paragraph C-8.

(e) If an REP is to partially fund planned work and is to be followed by a CGR for the remainder, ensure that the REP funds a useful increment of work that can be executed without the CGR should the CGR not be approved.

(f) For any REP (or any other) work allowance transaction involving Contingency Code 8 (for example, Statutory Earmark), the transaction will automatically trigger HQ Appropriation Manager review.

(4) CGR Reprogrammings:

(a) A CGR Reprogramming is a Reprogramming that does not qualify as a CLM or EMR, and that does result in the absolute value of the Cumulative Net Amount of REP and CGR Reprogrammings exceeding the applicable threshold. Also see paragraph 9.a.(3)(a) and (b) above.

(b) CGR Reprogrammings require <u>prior</u> written notification by the ASA(CW) to the House and Senate Appropriations Subcommittees for Energy and Water Development. The goal is to process, per FY per PPA, no more than one action that requires notification of the Subcommittees.

(c) Initial coordination is conducted by the District, with support from the Division, to identify a potential reprogramming donor(s) for a specific recipient PPA within the Division's AOR. If no donor is available within the Division's AOR, the Division should coordinate with the RIT and/or other MSCs to identify a donor outside the AOR. Once donor and recipients are clearly identified, the RIT will then coordinate with appropriate account manager and business line manager to ensure vertical alignment on the reprogramming. The reprogramming prohibitions found below in subsection (b) should be observed.

(d) If one or more of the donor projects have been terminated or completed, the District will need to submit proof of fiscal and physical completion with the package. Also, if possible, all funds should be removed from those projects; Per paragraph 9.b.(5), this would constitute a case where Reprogramming of regular funding does not result in elimination of a PPA.

(e) After initial vertical alignment is obtained between District, Division, RIT, and CECW-PID, the District/Division will coordinate with the sponsor and Congressional representatives in the PPAs AOR to ascertain their views. A sample Congressional concurrence correspondence is included in Appendix K. Once the stakeholders acknowledge receipt of intent to reprogram funds and indicate their views on requested action, the Division will prepare the completed package for submission to the RIT for HQ staffing. The completed package should contain the following:

- Email traffic documenting Congressional notification of the Representatives and Senators from the donor project. Notification and acknowledgement are required. While non-concurrence from a member does not preclude the project from being forwarded to the Director Programs and the Administration for consideration, it will be weighed heavily in determining whether to move forward (see Appendix K).

- Draft notification letters for signature by the ASA(CW) (see Appendix K).

- Reprogramming data sheet (see Appendix L) providing data on the potential reprogramming donors and recipients. The reprogramming data sheet should be in an Excel file and the amounts should be specified to the cent.

(f) The completed package will be reviewed and staffed by the RIT. The following areas will be consulted as appropriate, Planning or Operations (if applicable), the PPAs BLM, and CECW-ID Appropriation's Program Manager, and Office of Counsel.

(g) The RIT will submit the completed reviewed package to CECW-IF (see Appendix K). A short paragraph outlining a description of the proposed reprogramming will be provided to CECW-IF by the RIT. CECW-IF will present the final package to the Programs Chief for approval.

(h) If the Programs Chief has concurred with the reprogramming, CECW-IF will coordinate the proposal with the Office of the ASA(CW). All data related to the proposed reprogramming will be forwarded to the ASA(CW) office in electronic format. CECW-IF will also copy the RIT and Civil Works Integration Division (CWID) Chief for awareness.

(i) After the ASA(CW) has signed the notification letters and coordination processes are complete, CECW-IF will notify the RIT, the Division, and CECW-ID. The signed memos will be provided for documentation of the completion of notification. No funds transfer will occur until written approval from CECW-IF. Once the documentation is provided; the Division will then enter the CGR Work Allowance, and the Appropriation Manager or Program Manager will approve the Work Allowance.

(5) CLM Reprogrammings:

(a) As discussed in paragraph 9.e.(5)(b), sections 101(a)(7) and (9) of Public Law 117-103 establish a special Reprogramming threshold for Reprogrammings to a PPA in the Construction appropriation or the MR&T Construction sub-account for settled contractor claims, Changed Conditions, and real estate deficiency judgments. The costs covered by the CLM Reprogramming can include the EDC and S&A associated with the claim, Changed Conditions, or judgment.

(b) Reprogramming under this paragraph should be used only when all of the following criteria are met: the Reprogramming to the recipient PPA is for settled contractor claims, Changed Conditions, or real estate deficiency judgments; in the case of Supplemental Funding, the recipient PPA qualifies for the Supplemental Funding; and for both the recipient PPA and the donor PPA the absolute value of the sum of the Cumulative Net Amount of CLM Reprogrammings plus the amount of the proposed CLM Reprogramming is within the special CLM Reprogramming threshold.

(c) Before implementing a planned CLM Reprogramming, the District, Division, or FOA with responsibility should dialog with the non-federal cost sharing partner and other stakeholders, especially those with an interest in the donor PPA, concerning the planned CLM Reprogramming, and should coordinate the Reprogramming internally. The Division or FOA also should provide information to the Appropriation Manager demonstrating that the above criteria are met. After coordination with stakeholders and concurrence by the Appropriation Manager that the criteria are met, the Division should code the Work Allowance as CLM. Once the Division has approved the CLM Reprogramming, the Appropriation Manager will do so.

(6) EMR Reprogrammings:

(a) As discussed in paragraph 9.e.(6)(b), sections 101(a)(8) and (9) of Public Law 117-103 establish post-facto notification requirements for a Reprogramming to a PPA in the O&M appropriation or the MR&T Maintenance sub-account that enables USACE to respond to an Emergency. The costs covered by the EMR Reprogramming can include the EDC and S&A associated with responding to the Emergency.

(b) EMR Reprogrammings should be used only when all of the following criteria are met:

- The Reprogramming is to a PPA in the O&M appropriation or MR&T Maintenance sub-account;

- The Reprogramming to the recipient PPA enables USACE to respond to an Emergency; in the case of Supplemental Funding, the recipient PPA qualifies for the Supplemental Funding;

- The Funding is planned for obligation or use in a solicitation within 21 days after the actual event or failure occurs or the imminent event or failure is recognized, or within 14 days after a non-objectionable source for the Reprogramming is identified.

(c) Initial coordination is conducted by the District with the Division to identify a potential reprogramming donor(s). If no donor is available within the Division's AOR, the Division should coordinate with Appropriation Manager and RIT to identify a donor outside the AOR. The District or Division with responsibility should dialog with the non-federal cost sharing partner and other stakeholders concerning the planned EMR Reprogramming.

(d) The Division Commander and/or Programs Director will provide a signed memo to the Deputy Commanding General for Civil and Emergency Operations, copying the Appropriation Manager, RIT and CECW-IF, demonstrating that the above criteria are met (see Appendix M). Once the memo is received, CECW-IF, in conjunction with CECW-ID will coordinate with Programs Chief for concurrence on proceeding with proposed course of action.

(e) Concurrently with the steps outlined above, the Division will transmit to the RIT: draft notification letters for both the House and Senate Appropriations Subcommittees for Energy and Water Development for signature by the ASA(CW) (see Appendix M) and Reprogramming data sheet (see Appendix L). The package will be provided to the RIT for processing, copy furnished to the Appropriation Manager and to CECW-IF.

(f) The Reprogramming is approved after:

- The Division has provided a signed memo declaring and approving the Emergency situation to the Deputy Commanding General for Civil and Emergency Operations.

- The Programs Chief has indicated concurrence of the requested action.

- Draft notification letters to both the House and Senate Appropriations Subcommittees for Energy and Water Development (see Appendix M), and Reprogramming data sheet (see Appendix L) have been provided to the RIT.

(g) Once the EMR is approved:

- CECW-IF will forward all data related to the reprogramming to the ASA(CW) office in electronic format, including the emergency declaration memo from the Division, Reprogramming data sheet, and draft notification letters to both the House and Senate Appropriations Subcommittees. The RIT and CWID Chief will be copied for awareness.

- CECW-IF will notify the House and Senate Appropriations Subcommittees for Energy and Water Development.

- RIT processes the paperwork for the reprogramming according to guidance for CGR Reprogrammings (paragraph 9.a.(4)).

- The Division communicates to District to notify Congressional Members of donor projects (from Appendix K).

b. Reprogramming Prohibitions. The following types of Reprogrammings either are not authorized or are prohibited by law:

(1) Statutory Prohibitions. The limitations under Sections 103, 105, 106, and 107 of Public Law 117-103, apply to FY 2022 Funding that is provided to a PPA not only through an Initial Work Allowance, but also to FY 2022 Funding provided through a Reprogramming or Reallocation. Likewise, limitations under general provisions of previous appropriations acts for energy and water development continue to apply both to Initial Work Allowances and to Reprogrammings and Reallocations for Funding provided under those Acts. See paragraphs 7.a. and 7.b.

(2) Funding from a Statutory Earmark. Except as provided in law, Funding may only be reprogrammed from a Statutory Earmark following informal coordination with the specific Congressional interests. Once an Appropriations Manager is informed of the proposed reprogramming, they will coordinate with CECW-ID prior to further action.

(3) Creation or Initiation of a PPA. Funding appropriated in Title I of any Act may not be reprogrammed to create or initiate a PPA. This is an absolute prohibition in section 101(a)(1) of Public Law 117-103. To ensure compliance with this provision, Appropriation Manager approval is required for any Reprogramming or Reallocation to a Program Code (other than within a Parent Program or otherwise designated as a non-PPA) that apparently has never received an Initial Work Allowance in the applicable appropriation. See paragraph 6.h.

(4) Elimination of a PPA. Funding appropriated in Title I of any Act may not be reprogrammed from a PPA to eliminate the PPA. This is an absolute prohibition in Section 101(a)(2) of Public Law 117-103. This prohibition does not apply to Reallocations, Rescissions, or Transfers.

(a) Generally, a Reprogramming of Funding from a PPA "eliminates" the PPA when no Funding that could be used on the PPA remain, or so little Funding remains that constructive work cannot be performed with in-house labor or by contract. Constructive work includes such activities as planning, engineering, and design, or coordination with the non-federal cost sharing partner.

(b) The prohibition does not apply to Supplemental Funding that is surplus to the PPA, and any such Funding may be reprogrammed from the PPA. The reason is that Supplemental Funding is appropriated for certain purposes, and surplus Supplemental Funding could not be used for any other purpose on the PPA.

(c) To ensure compliance with Section 101(a)(2), Appropriation Manager approval is needed for any Reprogramming that would leave less than $1,000 in non-Supplemental Funding on the donating Program Code. The Appropriation Manager will approve the Reprogramming if the Reprogramming is one of the special cases that does not result in elimination of a PPA, as described in the next paragraph.

(5) Cases Where Reprogramming of Regular Funding Does Not Result in Elimination of a PPA. In the cases enumerated below, no further work on the PPA is possible, and the Reprogramming of all or any amount of Regular Funding from the PPA does not eliminate it. In these cases, all or any amount of Regular Funding may be reprogrammed from the PPA so long as the Reprogramming is otherwise permissible. It is not an elimination of a PPA if:

(a) The PPA has been deauthorized.

(b) The following conditions are met for a terminated study or project PPA: no Funding was provided for the PPA in Public Law 117-103 or in the accompanying SoM; and (in a case where a cost sharing agreement has been executed) the agreement has been legally terminated and any required final accounting, reconciling payments, and audit have been performed.

(c) For C or MR&T (C), the PPA has been physically completed, the final operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) manual has been provided to the non-federal cost sharing partner (in cases of non-federal OMRR&R), and (in the case where a cost sharing agreement has been executed) any required final accounting, reconciling payments, and audit have been performed; or

(d) For I or MR&T (I), the PPA has been converted to, and funded as, a CAP project, or the PPA has received C or MR&T (C) appropriations for implementation; or

(e) For O&M or MR&T (M), all of the following criteria are met: the PPA has not received any positive net allotments in the current or past three FY's; the PPA has not had any obligations in the current or past three FY's; and the Reprogramming would not have a significant effect on project performance.

c. Statutory Restriction on Increases to Funding or Personnel:

(1) Following Section 101(a)(3) of Public Law 117-103, absent prior notification by the ASA(CW) to the Committees, Funding appropriated in Title I of any Act may not be reprogrammed to a PPA to increase Funding or personnel for the PPA, if Funding for the PPA has been denied or restricted. However, following Section 101(b), notification is not required for such Reprogrammings of $49,999 or less. This restriction does not apply to Reallocations.

(2) Funding is “denied” to a PPA if:

(a) The Funding is expressly denied in Public Law 117-103; or

(b) The Funding is expressly denied in the narrative in the SoM, or in the narrative in the House Report or the Senate Report if not superseded by the SoM; or

(c) The President’s Budget for FY 2022 included Funding for the PPA, and the SoM for FY 2022 did not, or the PPA is listed in a table within the FY 2022 SoM but provided $0. There are two exceptions: new starts that are funded from Project Funding Pots following Public Law 117-103; and projects that are reduced to zero due to reduced capability.

(3) Funding is “restricted” to a PPA if:

(a) Public Law 117-103 states that the Funding provided to the PPA must not exceed a certain amount: or

(b) The narrative in the SoM, or the narrative in the House or Senate Report if not superseded by the SoM, states that the Funding provided to the PPA must not exceed a certain amount.

d. Statutory Restriction on Purpose:

(1) Following Section 101(a)(4) of Public Law 117-103, absent prior notification by the ASA(CW) to the Committees, any Funding that was appropriated in Title I of any Act and for which a purpose was stated by that Act, or by the accompanying Explanatory Statement, or by either the House or Senate Report if not superseded by the SoM, may not be reprogrammed from the applicable PPA. This means that if narrative language directed how the Funding provided for a PPA is to be used, or how any portion of such Funding is to be used, the Funding, or the affected portion thereof, may not be reprogrammed from the PPA absent notification to the ASA(CW). This restriction

applies even when Funding is excess to the needs for a specific PPA. This restriction applies to Funding restricted as to purpose in FY 2022 or in any prior FY, and it applies until the restricted Funding is exhausted. However, following Section 101(b), notification is not required for such Reprogrammings of $49,999 or less. This restriction does not apply to Reallocations or Transfers.

(2) For FY 2022, studies, projects, and programs (including RIs) containing specific direction include:

(a) In the Investigations appropriation, Coastal Field Data Collection, Coordination with other Water Resource Agencies, Disposition of Completed Projects, Flood Policy in Urban Areas, McClellan-Kerr Arkansas River Navigation System, New York-New Jersey Harbor and Tributaries Study, Non-Contiguous Regional Sediment Study, Planning Assistance to States, Puget Sound Nearshore Study, Washington, and Research and Development.

(b) In the Construction appropriation, the Aquatic Plant Control Program, Beneficial Use of Dredged Material Pilot Program, Bipartisan Budget Act of 2018, Camp Ellis Beach, Chesapeake Bay Comprehensive Water Resources and Restoration Plan, Columbia River Treaty, Construction Funding Schedules, CAP, Howard Hanson Dam, Kentucky Lock and Dam, Matagorda Ship Channel, South Florida Ecosystem Restoration (SFER).

(c) In the O&M appropriation, Aquatic Nuisance Research Program, Asset Management/Facilities and Equipment Management, Beneficial Use of Dredged Material, Coastal Inlet Research Program, Dredging Operations Technical Support Program System Enhancements and Visualization, Electric Vehicle Fleet and Charging Infrastructure, Emerging Harbor Projects, Engineering With Nature, Federal Breakwaters and Jetties, Flood and Earthquake Modeling, Forecast-Informed Reservoir Operations, Harmful Algal Bloom and Hypoxia Research and Control Act, Levee Safety, Monitoring of Completed Navigation Projects (Fisheries and Structural Health), National Coastal Mapping Program, Performance Based Budgeting Support Program, Recreational Facilities, Regional Sediment Management, Small Remote, or Subsistence Harbors, Tuttle Creek Lake, Upper St. Anthony Falls, Water Control Manuals and Section 7 Dams, Water Operations Technical Support and Damage Repairs to Corps Projects.

(d) In the MR&T appropriation, Lower Mississippi River Main Stem, Mississippi River Commission, Yazoo Basin Backwater Area.

(3) To identify projects for which Funding has purposes specified by Act or Committee language for previous fiscal years, refer to the Acts, accompanying reports, or execution guidance for that fiscal year.

e. Statutory Restriction on Augmentation or Reduction:

(1) Following Sections 101(a)(5) through (10) of Public Law 117-103 as modified by Section 101(b) (the de minimis rule) of that Act, absent prior notification by the ASA(CW) to the Committees, USACE must not initiate a Reprogramming that augments or reduces an existing PPA in excess of the limits outlined below (rounded to the nearest dollar). These restrictions apply to Reprogrammings to and from PPAs in the I, C, O&M, and MR&T appropriations, and Reprogrammings to PPAs in the FUSRAP appropriation, that take place during the period when the current Baselines apply. Reprogrammings that comply with these restrictions are coded as REP. Reprogrammings that do not comply are coded as CGR, unless they qualify as CLM or EMR. These restrictions do not apply to Reallocations or Transfers. See Appendix I for examples of Reprogramming limit calculations.

(2) As Reprogrammings of any of this Funding to or from a PPA take place during the period when the current Baselines apply, the amounts reprogrammed are included in the Cumulative Net Amount for that PPA and applied toward a Reprogramming limit for the PPA. The Reprogramming limit is derived from the Baseline. The limits for each appropriation are discussed below.

(3) Special rules apply in the case of any receiving PPA that previously received an Appropriation, but funds have been denied or restricted in the current program year. The special rules are discussed in specific locations below.

(4) Investigations and MR&T Investigations. Prior notification to the Subcommittees is required (the Reprogramming is a CGR for the applicable PPA rather than a REP) when:

(a) For a donating PPA, the sum of the Cumulative Net Amount of REP and CGR Reprogrammings plus the amount of the planned Reprogramming is negative (the PPA would be a donor on a cumulative net basis), and its absolute value exceeds the higher of $49,999 or 25 percent of the Baseline or exceeds $150,000.

(b) For a receiving PPA that Received an Appropriation for FY 2022, the value of the sum of the Cumulative Net Amount of REP and CGR Reprogrammings plus the amount of the planned Reprogramming is positive (the PPA would be a recipient on a cumulative net basis) and exceeds the higher of $49,999 or 25 percent of the Baseline, or exceeds $150,000.

(c) For a receiving PPA that previously Received an Appropriation but that did not Receive an Appropriation for FY 2022, the sum of the Cumulative Net Amount of REP and CGR Reprogrammings plus the amount of the planned Reprogramming is positive (the PPA would be a recipient on a cumulative net basis) and exceeds $49,999, irrespective of the amount of the Baseline.

(5) Construction and MR&T Construction:

(a) Prior notification to the Subcommittees is required (the Reprogramming is a CGR for the applicable PPA rather than a REP) when:

- For a donating PPA, the sum of the Cumulative Net Amount of REP and CGR Reprogrammings plus the amount of the planned Reprogramming would be negative (the PPA would be a donor on a cumulative net basis), and its absolute value exceeds the higher of $300,000 or 15 percent of the Baseline or exceeds $3,000,000.

- For a receiving PPA that Received an Appropriation for FY 2022, the sum of the Cumulative Net Amount of REP and CGR Reprogrammings plus the amount of the planned Reprogramming is positive (the PPA would be a recipient on a cumulative net basis) and exceeds the higher of $300,000 or 15 percent of the Baseline or exceeds $3,000,000.

- For a receiving PPA that previously Received an Appropriation but that did not Receive an Appropriation for FY 2022, the sum of the Cumulative Net Amount of REP and CGR Reprogrammings plus the amount of the planned Reprogramming is positive (the PPA would be a recipient on a cumulative net basis), and, irrespective of the amount of the Baseline, either exceeds $49,999 (if the planned Reprogramming <u>is not</u> for Existing Obligations and Concomitant Administrative Expenses), or exceeds $300,000 (if the planned Reprogramming <u>is</u> for Existing Obligations and Concomitant Administrative Expenses). See paragraph 9.a.(3)(d).

(b) Notwithstanding the foregoing paragraphs, a maximum Cumulative Net Amount of CLM Reprogrammings of $3,000,000 may be reprogrammed, during the period when the current Baselines apply, to a recipient PPA or from a donor PPA when the recipient PPA Received an Appropriation for FY 2022 or a previous FY, irrespective of the amount of the Baseline. A CLM Reprogramming must be for settled contractor claims, Changed Conditions, or real estate deficiency judgments on the recipient PPA, including the costs of associated engineering and design and supervision and administration. A CLM Reprogramming does not count toward the REP limits described in the foregoing paragraphs. See paragraph 9.a.(5), above, for guidance on the appropriate use and processing of CLM Reprogrammings.

(6) O&M Appropriation and MR&T Maintenance Sub-Account:

(a) Prior notification to the Subcommittees is required (the Reprogramming is a CGR for the applicable PPA rather than a REP) when:

- For a donating PPA, the sum of the Cumulative Net Amount of REP and CGR Reprogrammings plus the amount of the planned Reprogramming is negative (the PPA would be a donor on a cumulative net basis), and its absolute value exceeds the higher of $150,000 or 15 percent of the Baseline or exceeds $5,000,000.

- For a receiving PPA that Received an Appropriation for FY 2022, the sum of the Cumulative Net Amount of REP and CGR Reprogrammings plus the amount of the planned Reprogramming is positive (the PPA would be a recipient on a cumulative net basis) and exceeds the higher of $150,000 or 15 percent of the Baseline or exceeds $5,000,000.

- For a receiving PPA that previously received an Appropriation but did not Receive an Appropriation for FY 2022, the sum of the Cumulative Net Amount of REP and CGR Reprogrammings plus the amount of planned Reprogramming, is positive (the PPA would be a net recipient) and its absolute value exceeds $150,000, irrespective of the amount of the Baseline.

(b) Notwithstanding the immediately foregoing paragraph, no limit is placed on the amount of a Reprogramming that is required in order for USACE to be able to respond to an Emergency. The costs of responding to an Emergency that may be funded with such a Reprogramming include the costs of associated engineering and design and supervision and administration. Such a Reprogramming does not count toward the limits in the foregoing paragraphs. See paragraph 9.a.(6), above, for guidance on the appropriate use and processing of these Reprogrammings using the EMR code.

(7) FUSRAP. Prior notification to the Subcommittees is required when, for a receiving PPA, the sum of the Cumulative Net Amount plus the amount of the planned Reprogramming is positive (the PPA would be a recipient on a cumulative net basis), and its absolute value exceeds the higher of $49,999 or 15 percent of the Baseline.

f. Other Annual Appropriations. There are no PPAs in the other annual appropriations (Flood Control and Coastal Emergencies, Expenses, and Regulatory Program) other than rare Statutory Earmarks, so all movements of Funding within these appropriations are Reallocations, with the exception of Reprogramming to Statutory Earmarks, where permitted under paragraph 9.b.(1) and 9 b. (2).

g. Permanent Appropriations. M&O and the other permanent appropriations do not receive Funding in Title I of Acts. Consequently, all movements of Funding within these appropriations are Reallocations.

h. The Division or Laboratory must approve or disapprove the following:

(1) Any Reprogramming transaction in its area of responsibility that requires CECW-I approval and was not created by HQUSACE. Division or Laboratory approval is required before CECW-I approval.

(2) For a Division, any transaction created by a District user in its area of responsibility.

i. he CECW-I Appropriation Manager must approve or disapprove the following:

(1) Any work allowance that involves Supplemental Funding. This is to ensure that the recipient project qualifies for the Supplemental Funding, that the amount of

Supplemental Funding from donors exactly offsets the amount of Supplemental Funding to recipients, that the amount of Supplemental Funding from donors under each Contingency Code or FAD type exactly offsets the amount of Supplemental Funding to recipients under that Contingency Code or FAD type, and that the Supplemental Funding is put to the best use Nation-wide.

(2) Any work allowance in which the amount of Funding with a given PY from donors is not exactly offset by the amount of Funding with the same PY to recipients.

(3) Any work allowance in which the Baseline Override is used.

(4) Any work allowance in which the Transaction Type Override is used, including any (RLC) between Program Codes in the I, C, O&M, MR&T, or FUSRAP appropriation, other than Program Codes in the Parent Programs.

(5) Any Reallocation in the M&O appropriation.

(6) Any work allowance involving the EMR, CLM, or REC Work Allowance code. This is to ensure that the use of the code in the transaction is appropriate.

(7) Any work allowance involving the CGR Work Allowance code. The approval must follow completion of the Committee notification process.

(8) Any work allowance in the I, C, O&M, MR&T, or FUSRAP appropriation in which the recipient Program Code has never been funded in the appropriation, according to available financial data. This is to avoid inadvertent "Creation or Initiation of a PPA." Exceptions are Program Codes within Parent Programs, and Program Codes for Civil Works projects in the O&M or MR&T (M) appropriation that previously were funded in the C or MR&T (C) appropriation.

(9) Any work allowance in the I, C, O&M, MR&T, or FUSRAP appropriation, other than within a Parent Program, that leaves less than $1,000 on a Program Code. This is to avoid inadvertent "elimination" of a PPA.

(10) Any work allowance in the C appropriation, involving a REP to a receiving Program Code that did not Receive an Appropriation for FY 2021, in which the Cumulative Net Amount of REP and CGR Reprogrammings, including the proposed REP, since enactment of the last Act is positive and is greater than $49,999 but no greater than $300,000. Such a REP depends on a finding by the HQUSACE Appropriation Manager that the REP is for Existing Obligations and Concomitant Administrative Expenses. See paragraph 9.e.(5)(a)(3).

(11) In the I or MR&T I appropriation, any work allowance involving a Reprogramming or Reallocation providing PED Funding (based on CCS) to a Program Code that has not received an Initial Work Allowance for PED Funding previously. This is to ensure that the PED phase is not initiated without Washington-level review.

However, Reprogramming of one dollar will be permitted if the previous phase is fiscally closed out and the Reprogramming is needed to make the study eligible for Funding under a future short-term or full-year CR.

(12) Any work allowance involving a REP into or out of a CAP Section.

(13) Any work allowance in the O&M appropriation in which there is a net change in the CCS for emergency activities. These CCS are 11E, 12E, 21E, 22E, and 31E. The reason is that this Funding is earmarked in law for emergency activities.

(14) A Reallocation within a CAP Section under any of the following circumstances:

(a) To a Program Code, other than Coordination, that neither has an executed agreement for the phase, nor already has received a Reallocation in the current FY.

(b) To a Program Code, other than Coordination, that has already received $100,000 for the phase and does not have an executed agreement for the phase.

(c) To a Program Code that is not Active.

(15) Reprogramming in the I, C, MR&T I, or MR&T C appropriation to a Program Code that has received Funding previously but has not received a positive Initial Work Allowance with the PY of the current FY or the previous nine FYs. This is to ensure that funds are focused on completion of priority projects, and that projects that might become eligible for deauthorization are not reactivated without sufficient justification. Under 33 U.S.C. 579a, as amended, the Secretary of the Army each year is to submit to Congress a list of specifically authorized construction projects, separable elements, and environmental infrastructure assistance projects and programs on which no obligations have been made for planning, design, or construction in the current or preceding ten fiscal years, that have not received positive Initial Work Allowances in the current or preceding ten fiscal years. Exceptions may be approved by CECW-I as follows:

(a) For within-scope modifications, settled claims, or judgments.

(b) For completion of a nearly completed study phase, project, separable element, or functional portion.

(c) For fiscal closeout of a completed or terminated study phase, project, or separable element.

(d) For a study phase, project, or separable element that is included in a President's Budget for the current fiscal year or the next fiscal year.

(e) One dollar, to enable the PPA to be eligible for Funding in a work plan under a full-year CR.

(f) Other exceptions case-by-case.

(16) Any proposed Reprogramming from a Dam Safety Action Classification (DSAC) I, II, or III, safety of dams project (dam safety assurance, seepage control, or static instability correction). Such a Reprogramming must be coordinated with the Division Dam Safety Officer, the Chief, CECW-I, and the Chief, CECW-CE.

(17) A work allowance in which the Regular Funding in each Program Activity Code (PAC) from donors is not exactly offset by Regular Funding in the same PAC to recipients.

(18) A work allowance resulting in a net reduction of Funding for RIs executed by an organization or organizations different from those of the RI proponent / manager. The applicable CCS are listed below. The Appropriation Manager will coordinate any such proposed transaction with the RI proponent / manager:

(a) Appropriation = 3121 and CCS = 164, or CCS >= 170 and CCS <= 249, or CCS = 25X series (250-259) as a whole, or CCS>= 260 and <= 299, or CCS = 3XX series (300-399) as a whole.

(b) Appropriation = 3122 and CCS = 216, 232, 250, 420, 430, 511, 516, 517, 518, 722, 732, 737, 740, 750, 771, 792, 793, 794, 795, 900, or dam safety series (240, 241, 242, 540, 541, 542, 640, 641, and 642) as a whole.

(c) Appropriation = 3123 and CCS = 640, 64H, 110,210, 221, 290, 408, 411, 412, 491, 492, 495, 42X series (420-422) as a whole, or 500 series (500-599) as a whole.

(19) Any transaction in which each Contingency Code, Supplemental Indicator, or Disaster Emergency Funding Type code does not net exactly to zero.

(20) Any work allowance transaction involving Contingency Code 8.

j. HQUSACE must approve or disapprove the following. The approver is the manager of the appropriation, and is not necessarily CECW-I:

(1) In the Regulatory Program appropriation, a Reallocation among EROCs.

(2) In the Regulatory Program appropriation, a Reallocation involving activities with CCS in the 300, 400, or 500 series.

(3) In the Expenses appropriation, any Reallocation.

(4) In the Flood Control and Coastal Emergencies appropriation, any Reallocation.

(5) For PY 2018 and thereafter, any work allowance, other than an initial work allowance, if there is a change in the amount of Funding on any FAD Type. For the

Construction (C), Operation and Maintenance (O&M), or Mississippi River and Tributaries (MR&T) appropriation, the split between Inland Waterway Trust Fund (IWTF), Harbor Maintenance Trust Fund (HMTF), and N FAD Types is specified in a written apportionment signed by OMB and may not be changed except through a written reapportionment. Additionally, for Public Law 115-123 and thereafter, FAD Types are used to designate specified amounts within the I, C, MR&T and O&M appropriations, and migration of Funding between these FAD Types is not permissible. The exception is where the account titles of the Public Law state that “not less than” a specified amount may be used, the Funding on the applicable FAD Type may be increased above the “not less than” amount.

k. See Appendices I through L.

10. Policy on Response to Emergencies:

a. O&M and MR&T (M) Funding reprogrammed using the EMR code following Sections 101(a)(8) and (9) of Public Law 117-103, the one percent of Funding set-aside following the O&M title of Public Law 117-103, and Supplemental Funding in all appropriations all are authorized for limited purposes related to response to Emergencies. Accordingly, additional controls, including approval of Work Allowances by the Appropriation Manager, are placed on the allocation and Reprogramming of this Funding to ensure that the intended uses are consistent with these purposes.

b. Response to an Emergency could include immediate response under Emergency conditions, including actions to prevent or mitigate an imminent event, or later repair of damaged project features or restoration of degraded project functions resulting from an actual Emergency event. However, use of the EMR authority is time-sensitive; see paragraph 9.a.(6)(b).

c. The costs eligible for Funding with EMR Reprogrammings, the one percent set-aside, and Supplemental Funding are limited to the costs of the response to an Emergency. Any costs attributable to additional maintenance and repairs, over and above costs of response to an Emergency, must be funded otherwise. Where necessary, repair and restoration costs must be apportioned between response to an Emergency and additional maintenance and repairs and funded accordingly.

d. EMR Reprogrammings. Reprogrammings to enable USACE to respond to Emergencies are discussed in paragraphs 9.a.(6).

e. One Percent Set-Aside:

(1) A provision in the O&M title in Public Law 117-103 specifies that one percent of the Funding provided for each PPA under that heading must not be allocated to a FOA prior to the beginning of the fourth quarter of the FY and must be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate. Further, the proviso states that the Chief

of Engineers must allocate during the fourth quarter any remaining Funding that has not been used for Emergency activities, proportionally to the amounts provided for the PPAs. The term “emergency activities” has the same meaning as the term “response to an Emergency” discussed in paragraph 10.b.

(2) The one percent set-aside will be managed as follows. One hundred percent of the amount included in the SoM for each O&M PPA will be issued to that PPA in the applicable EROC or EROCs using a C or CRA transaction code. At the same time, a Work Allowance equal to negative one percent of the amount issued with the CRA Work Allowance code will be issued to the PPA using the DED (Deduction) Work Allowance code. The one percent set-aside will be treated as a Project Funding Pot, with the one percent deduction being issued to the Master Program Code for that Project Funding Pot. Any distribution of the retained Funding will be with the ALL Work Allowance code, as is the case for other Project Funding Pots. Until sometime in the fourth quarter of FY 2022, the retained Funding will be available for emergency activities. In the fourth quarter of FY 2022, remaining retained Funding, if any, will be allocated to the original PPAs on a pro-rata basis.

f. Supplemental Funding:

(1) Work accomplished with Supplemental Funding must be within the statutory purposes of the appropriations that they supplement. Further, Supplemental Funding is to enable USACE to respond to Emergencies, or certain types of Emergencies. The language of each Supplemental Act specifies the purposes of the Supplemental Funding. For instance, the FY 2012 Supplemental Funding is for disaster relief as defined in the Stafford Act, and the FY 2013 Supplemental Funding is for Hurricane Sandy relief.

(2) Recent Supplemental Acts have specified that O&M Supplemental Funding is “to dredge navigation channels and repair other Corps projects related to natural disasters.” Therefore, in these cases, the O&M Supplemental Funding is authorized to be used only for responses to natural events (or specified natural events, as the case may be), but is not authorized to be used for responses to project component failures unrelated to natural events.

(3) The work accomplished with Supplemental Funding must be within the scope of work upon which the Initial Work Allowance is based. This ensures that Supplemental Funding is applied to the best uses nationwide. Supplemental Funding surplus to that work should be offered for revocation.

(4) Reprogramming of supplemental O&M or MR&T (M) Funding should be coded as REP or CGR unless the criteria in paragraph 9.a.(6) are met for use of the EMR code.

(5) Funding emergency dredging and repairs with existing supplemental funds designated for this purpose (short term supplemental funds):

(a) HQUSACE will continue to apply short-term supplemental funds based on risks and consequences. The foundation is the 4-class MSC Classification system as described in the annual Program Development Manual.

(b) Where the needs exceed available funds, HQUSACE draws a "cut line." Work packages above the cut line will be funded in useful increments (for instance, P&S, then contract award). The useful increments will be funded just-in-time, upon demand (the exception is O&M, which has many work packages and is maintaining a quarterly battle rhythm). Incremental funding enables, for instance, the MSC to request funding for a contract once the Independent Government Estimate has been prepared.

(c) The incremental funding approach also enables HQUSACE to move the cut line up as additional, higher-Class work packages are identified. Remaining, unfunded work that drops below the cut line will compete for budget and work plan funding or future supplemental funding. Other work remaining above the cut line will continue to be funded incrementally unless and until it drops below the line. This approach enables rapid execution of planned work accounting for all of the available funds, while providing the flexibility to adjust the universe of planned work overtime. For details regarding Investigations incremental allocations, reference Appendix C paragraph C-9

(d) Where an MSC has surplus short-term supplemental funds on projects that can be used to meet new requirements, they will be asked to reprogram the funds within-threshold in conjunction with receiving new supplemental funds.

(e) MSCs are required to populate Civil Works Integrated Funding Databases(CWIFD) with the necessary data on emergency dredging and repair work packages necessitated by natural events, including checking the Request for Supplemental box and providing Class, Event, Declaration Type, Declaration Number, MSC Classification, HQ Classification, etc. HQ takes monthly snapshots of requirements and after each snapshot makes adjustments to the universe of funded work packages. Please apprise the Appropriation Manager of any high-Class requirements requiring action out of the monthly cycle.

11. Contracting:

a. Acquisition Strategies:

(1) An acquisition plan or strategy should be developed for each contract. The acquisition plan or strategy should focus on:

(a) Developing a biddable and awardable contract, including consideration of appropriate contract scope and timing.

(b) Recognizing risks and uncertainties (for example, escalating energy and material costs).

(c) Maintaining project schedules with available Funding.

(d) Complying with the statutory requirements concerning continuing contracts (see below) and obtaining the necessary approvals where a continuing contract is required.

(e) Identifying the most cost-effective and awardable acquisition method, including consideration of fixed price contract, base plus options contract, indefinite delivery – indefinite quantity contract, and job order contract as well as continuing contract.

(2) In order to assure proper acquisition planning, several codes are required in P2. When any of the Contractual Services resources (AESVCS – Architect and Engineering, CONSTSVCS – Construction, OTHCONSVC – Other, ADV&ASTSVC – Advisory and Assistance, or O&MCONT – Operation and Maintenance of Facilities) are used, the activity must also contain a value for the activity codes Contracting Type, Contracting Method, and Set Aside Decision. As soon as contracts are scheduled in P2, a strategy must be entered using the above activity codes. The PM is highly encouraged to work with the Contracting and Small Business representatives of the Project Delivery Team to identify these data values. The strategy may change based on acquisition board guidance; at which time the codes will require updating.

b. Availability of Funding for Contract Solicitation and Award. Funding must be available prior to solicitation for the entire contract amount for fully funded contracts, for the base contract amount on fully funded base plus option contracts, and for the amount to be reserved in the fiscal year for new continuing contracts. When the Resource Manager cannot certify that sufficient Funding is available at the time of solicitation, Army Federal Acquisition Regulation Supplement (AFARS) 5132.7, Contract Funding, permits the Contracting Officer to solicit for the contract so long as the Chief of Resource Management indicates in writing that there is a high probability that the requirement will not be canceled. In any case, the Funding must be available at the time of bid opening or proposal receipt.

c. Bonneville Power Administration (BPA) Contracts. The use of incrementally funded contracts funded wholly from BPA is approved.

d. Continuing Contracts, also known as Incrementally Funded Contracts:

(1) Continuing contracts may be used only for construction or operation and maintenance of specifically authorized Civil Works projects, including post-authorization planning, engineering, and design costs associated with construction.

(2) Section 103 of Public Law 117-103 provides that: “None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming following Section 101.”

(3) To address Section 103 and its predecessors, the Director, Defense Procurement and Acquisition Policy (DPAP), approved a permanent class deviation from DFARS 232.705-70 and DFARS Clause 252.232-9007 (Reference 4.n.) to authorize USACE contracting officers to use UAI Clause 5152.232-9001, Continuing Contracts - Special Continuing Contract for Civil Works Project Managed by the USACE [DEVIATION], and its alternate (Reference 4.o.) in solicitations and contracts that are identified as supporting civil works projects that are not fully funded.

Table 11-1
Approval Authorities for Contracts

CONTRACT TYPE / CONDITIONS	APPROVER	TIMING OF REQUEST
Contract is not a continuing contract, and is for a work package included in President's Budget or cleared work plan, or is for emergency FRM/NAV/HYD repairs	District	Prior to solicitation
Contract is not a continuing contract, and is for a work package <u>not</u> included in President's Budget or cleared work plan, and is <u>not</u> for emergency FRM/NAV/HYD repairs	HQUSACE, CECW-I	Prior to solicitation
Contract is a continuing contract using UAI clause 5152.232-9001 in the O&M or C, or MR&T (C) or (M) appropriation, where the contract has been partially funded in the budget or work plan for the current FY, and funding to fully fund the balance of the contract is already included in the President's Budget for the forthcoming FY. For the case where the forthcoming FY has not been released yet, the Division may request a waiver from CECW-I as long as the following additional conditions are met: 1) The remaining balance to fully fund the contract is in the latest FY+1 Army Budget request 2) 52.232-19 Availability of Funds is included in the contract 3) The contract will not be awarded until the President's budget for the forthcoming FY has been released.	Division	Prior to solicitation
Other uses of the UAI clause 5152.232-9001	ASA(CW)	60 days prior to solicitation
Contract is a continuing contract using the UAI clause 5152.232-9001, Alternate 1, and is for unbudgeted work specifically added by Congress	District	Prior to solicitation
Contract is a continuing contract using the UAI clause 5152.232-9001, Alternate 1, and is <u>not</u> for unbudgeted work specifically added by Congress	HQUSACE, CECW-I	Prior to solicitation

12. FAD Type. For each combination of Appropriation, Public Law, FAD Type, and CCS, there will be a separate fund account, and a separate line item in each PR&C and contract.

Table 12-1
Regular Appropriation FAD types for 3112, 3121, 3122, 3123, 3124, 3125, 3126 and 3130

PUBLIC LAW	DESCRIPTION	FAD TYPE
ALL	Not Applicable	N
ALL	IWTF Share	6
ALL	Eligible HMTF	7
107-103	Harbor Maintenance – General (Donor and Energy Transfer Ports)	25

Table 12-2
Supplemental Appropriation FAD Types for 3112, 3121, 3122, 3123, 3124, 3125 for FY 2018, 2019, 2020, and 2022

PUBLIC LAW	DESCRIPTION	FAD TYPE
115-123	Not Applicable	N
	Eligible HMTF	7
	Eligible States Hurricane H-I-M	10
	Other Eligible States H-I-M	11
	Emergency	12
	FDR Construction	13
116-136	Not Applicable	N
116-20	Not Applicable	N
	Eligible HMTF	7
117-43	Not Applicable	N
	FDR Construction	13
	Harbor Maintenance Damages General	21
	IDA Eligible States	23
	Non-Harbor Maintenance Damages	24
117-58	Not Applicable	N
	WIFIA Administrative Expense Appropriation	19
	Harbor Maintenance Damages General	21
	Inland Waterways – General	22
	Non-Harbor Maintenance Damages	24
	Harbor Maintenance General	25
	Continuing Authorities Program (CAP)	26

	Rivers and Harbors	27
	Aquatic Ecosystem Restoration	28
	Coastal/Hurricane Storm Risk Management	29
	Inland Flood Risk Management	30
	CAP Section 206	31

13. Financing of Inland Waterways Trust Fund Costs.

a. For Work Allowances for Funding to be derived from the General Fund with FAD Type N, CCS is 220. Work Allowances for Funding to be derived from the IWTF with FAD Type IWTF, CCS is 310.

b. Work Allowances for projects funded in part from the IWTF will be issued in increments on a periodic basis. The remainder will be withheld (see Appendix H). The reason for periodic Work Allowances is that the FADs (which equal the sum of Work Allowances) for IWTF Funding count as payables against the IWTF, payables cannot exceed the gross total assets in the IWTF, and less frequent, larger Work Allowances are not affordable based on the flow of revenues into the IWTF.

c. IWTF share of project costs. Except as provided below, all inland waterway construction and construction eligible rehabilitation projects will be funded 35 percent from the IWTF.

(1) Inland waterway construction projects authorized before enactment of the Water Resources Development Act (WRDA) of 1986, Public Law 99-662, and lock and dam construction projects on waterways that are not part of the designated inland waterway system (see Section 206 of the Inland Waterways Revenue Act of 1978 as amended by Section 1404 of WRDA 1986) are financed 100 percent from the General Fund.

(2) In each FY 2009 through 2013, the applicable Act specified which inland waterway construction and rehabilitation projects were to be funded 50 percent from the IWTF. For those projects, the Funding from the applicable fiscal year was derived 50 percent from the IWTF, even if the Funding were not obligated until a subsequent fiscal year. For other projects, the Funding from the applicable fiscal year was derived 100 percent from the general fund, even if the Funding were not obligated until a subsequent fiscal year.

(3) Funding from FY 2014 provided to Olmsted Locks and Dam, Illinois and Kentucky, following Public Law 113-76 was derived 25 percent from the IWTF, even if the Funding is not obligated until a subsequent fiscal year.

(4) According to Section 2006(a)(2) of the Water Resources Reform and Development Act of 2014, Funding for Olmsted Lock and Dam, Illinois and Kentucky, with a PY of FY 2015 and thereafter is to be derived 15 percent from the IWTF.

(5) FY 2019 funding provided to Chickamauga Lock, Tennessee River, Tennessee, following Public Law 115-244 is to be derived 15 percent from the IWTF.

(6) FY 2020 funding provided to Chickamauga Lock, Tennessee River, Tennessee, following Public Law 116-94 is to be derived 35 percent from the IWTF.

(7) WRDA 2020 states that notwithstanding section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212), for a project for navigation on the inland waterways receiving a construction appropriation during any of fiscal years 2021 through 2031, 35 percent of the costs of construction of the project shall be paid from amounts appropriated from the Inland Waterways Trust Fund until such construction of the project is complete.

d. The Funding provided (over and above carry-in) under a CR for a given fiscal year to an inland waterway construction or rehabilitation project is financed (General Fund and IWTF) in the same manner as under the Act for the previous fiscal year. However, once the Act for that fiscal year has been enacted, the Funding provided under the CR is merged with the Funding provided under the Act and is financed accordingly. In some cases, this may mean that the financing must be re-balanced between the General Fund and the IWTF.

e. For PY 2015 and thereafter, Funding reprogrammed from an inland waterway project will be derived from the IWTF and the General Fund in the same proportions as the Funding for that PY was provided to the project, and Funding reprogrammed to an inland waterway project will be derived from the IWTF and the general fund in the same proportions as the Funding for that PY would have been provided to the project under the applicable Act. Since all Funding enacted before FY 2015 is assigned the PY of 2014, assume that any PY 2014 funding reprogrammed to or from an inland waterway project was enacted in the latest FY through FY 2014 that the recipient project or the donor project, respectively, received an Initial Work Allowance.

f. Projects that are out of balance with respect to the above guidance should be rebalanced between the General Fund and the Trust Fund, subject to paragraph 13.h. below.

g. The split of Construction Funding between General Fund and IWTF is specified in written apportionments signed by OMB and reflected in the Funding Distribution Module of CEFMS II. The total allocated to each FAD Type must agree with the written apportionment. Per A11 120.49, trust fund apportioned amounts are maximum, not to exceed, amounts and can be reduced or adjusted downward followed by a reapportionment of these funds. In other words, IWTF amounts shown on the applicable trust fund apportionment documents are maximum allowable amounts where the funding control totals can be adjusted downwards, if needed. Later, before the end of the FY, the reapportionment of these funds will be submitted to OMB for their approval. Please note that the downward adjustment is a permanent decrease to the IWTF ceiling amount.

h. An ordering USACE organization will not MIPR Funding with IWTF FAD Type to a performing USACE organization. Either labor cross-charges will be used, or the Funding will be reallocated within the same AMSCO between the organizations using work allowances document (WADs) and (FADs). MIPRs to other agencies are not affected by this guidance.

14. Financing of Harbor Maintenance Trust Fund Costs.

a. According to sections 210(a) and 214 of the Water Resources Development Act (WRDA) of 1986, Public Law 99-662, as amended by section 316 of WRDA 1990, Public Law 101-640, and section 201 of WRDA 1996, Public Law 104-303, there are authorized to be appropriated from the HMTF up to 100 percent of “eligible operations and maintenance costs.” Except as applied to the Saint Lawrence Seaway, “eligible operations and maintenance costs” means all Federal operations, maintenance, repair, and rehabilitation, including: (i) maintenance dredging reasonably necessary to maintain the width and nominal depth of any harbor or inland harbor; (ii) the construction of dredged material disposal facilities that are necessary for the operation and maintenance of any harbor or inland harbor; (iii) dredging and disposing of contaminated sediments that are in or that affect the maintenance of Federal navigation channels; (iv) mitigating for impacts resulting from Federal navigation operation and maintenance activities; and (v) operating and maintaining dredged material disposal facilities. The term does not include providing any lands, easements, or rights-of-way, or performing relocations required for project operations and maintenance. Eligible operations and maintenance costs funded from appropriations for a given FY must be derived from the HMTF if the appropriations act for that FY so provides.

b. Beneficial uses of dredged material from harbor maintenance, including disposal on beaches, marsh creation, and ecosystem restoration, are considered reasonably necessary for maintenance of the harbors. Further, disposal of material for beneficial uses is a type of dredged material disposal, and the beneficial use site is considered to be a type of dredged material disposal facility. Accordingly, the Federal share of the incremental costs of beneficial uses must be derived from the HMTF, if the applicable title in the appropriations act for the applicable FY provides that the Federal costs of eligible operations and maintenance costs or the Federal costs of the dredged material disposal facility program must be derived from the HMTF. It should be noted that whether the costs for constructing dredged material placement facilities, providing sand mitigation, and the additional costs of beneficial use of dredged material are funded in the Construction appropriation or the O&M appropriation is a policy issue, except that consistent with the law the sand mitigation for the Brevard County, Florida Shore Protection Project (North Reach Segment) is funded in the O&M appropriation under the Canaveral Harbor, Florida, project.

c. Beneficial uses of dredged material from fuel taxed inland waterway maintenance, including disposal on riverbanks, in-water, beaches, marsh creation, and ecosystem restoration, are considered reasonably necessary for maintenance of the waterways.

Further, disposal of material for beneficial uses is a type of dredged material disposal, and the beneficial use site is considered to be a type of dredged material disposal facility. Accordingly, the Federal share of the incremental costs of beneficial uses must be derived from the General Treasury (for example, non-HMTF eligible).

d. CCS and FAD Type. The following CCS will be used for "eligible operation and maintenance costs," irrespective of whether the applicable appropriations act includes language deriving those costs from the HMTF. That is, the CCS will always match eligible operation and maintenance costs, but the FAD Type will differ depending on whether there is such language.

(1) O&M Appropriation.

(a) The following CCS will be used for specific "eligible operation and maintenance costs":

- 111 REGULAR CHANNELS AND HARBORS (HMTF)
- 113 MITIGATION OF SHORE DAMAGES ATTRIB TO NAV PROJ (HMTF)
- 114 MAJOR REHABILITATION OF CHANNELS & HARBORS REPORT (HMTF)
- 11D DONOR & ENERGY TRANSFER PORTS (EXCEPT REBATES) (HMTF)
- 11E 1% EMERGENCY ACTIVITIES FOR O&M NAV (HMTF)
- 11G EXPANDED USES (HMTF)
- 125 LOCKS AND DAMS (HMTF)
- 131 NAVIGATION-DEFICIENCY CORRECTION REPORT (HMTF)
- 133 NAVIGATION-DREDGED MATERIAL MANAGEMENT REPORT (HMTF)
- 134 MITIGATION OF SHORE DAMAGES ATTRIB TO NAV PROJ REPORT (HMTF)
- 138 NAVIGATION-OTHER REPORT (HMTF)
- 411 REMOVAL OF SUNKEN VESSELS & NAVIGATION OBSTRUCTIONS - CHNL & HBR (HMTF)
- 421 PROT, CLR & STRTNG CHANS OF NAV WAT NOT REQ SPEC AUTH - CHNL & HBR (HMTF)
- 430 PREVENTION OF OBSTRUCTIVE AND INJURIOUS DEPOSITS (HMTF)
- 450 DRIFT REMOVAL (HMTF)
- 460 REMOVAL OF AQUATIC GROWTH (HMTF)
- 470 PROJECT CONDITION SURVEYS (HMTF)
- 480 SURVEILLANCE OF NORTHERN BOUNDARY WATERS (HMTF)
- 491 HARBOR MAINTENANCE FEE DATA COLLECTION (HMTF)

(b) If a project funded in the O&M appropriation has no joint use costs and a portion of the costs is specific "eligible operation and maintenance costs," the Funding for the specific "eligible operation and maintenance costs" will use the HMTF CCS, and the Funding for the other specific costs will use non-HMTF CCS. For the other specific costs at such a project, use CCS 600 if navigation is the predominant purpose, or use the CCS of the predominant purpose if it is not navigation. In either case, for any study-like activity use the CCS for study-like activity of the predominant purpose.

(c) If a multi-purpose project funded in the O&M appropriation has joint use costs that are partially allocable to "eligible operation and maintenance costs" according to the project cost allocation, and if the applicable Act does include language that Funding is derived in part from the HMTF, then each PR&C for joint use costs will have two line items, one with the HMTF FAD Type and one with the NA FAD Type. The split between the FAD Types will be based on the approved cost allocation document. Although the FAD Types will be different, the CCS for the joint use costs will be the same (either 30H or 150), as follows:

CCS for Specific Project Type	CCS for Joint HMTF Costs	CCS for Specific Use Costs	Non-HMTF Costs
MP Power with HMTF	Applicable HMTF	30H	300
MP, no Power, with HMTF	Applicable HMTF	150	151

Figure 1. CCS for Joint Use Costs

However, if the applicable Act does not have language that Funding is derived in part from the HMTF, then two-line items in the PR&C are not necessary because the HMTF FAD Type is not used.

(2) Construction Appropriation:

(a) The following CCS will be used for specific "eligible operation and maintenance costs":

- 212 DREDGED MATERIAL DISPOSAL FACILITIES (HMTF)
- 218 DISPOSAL OF MATERIAL ON BEACHES (HMTF)
- 231 MITIGATION OF SHORE DAMAGES ATTRIBUTABLE TO NAV PROJ (HMTF)
- 232 MITIGATION OF SHORE DAMAGES ATTRIB TO NAV PROJ (SEC 111) (HMTF)
- 791 WETLAND & OTHER AQ HABITAT CREATION – SPEC AUTH (HMTF)
- 792 WETLAND & OTHER AQ HABITAT CREATION – NOT SPEC AUTH (204) (HMTF)
- 794 Beneficial Use Dredged Material Pilot Program Sec 1122 HMTF

(b) For a project funded in the C appropriation with costs that are partially "eligible operation and maintenance costs," such as shore protection projects that are partially for flood risk management and partially to mitigate navigation impacts, Funding will be split between HMTF CCS and non-HMTF CCS according to the approved cost allocation document.

(3) Funding for the five harbor projects in the MR&T appropriation will use CCS 410 only, and no other Funding will use CCS 410. The five projects including AMSCOs are:

- 77053 BATON ROUGE HARBOR, DEVIL SWAMP, LA
- 77051 GREENVILLE HARBOR, MS
- 07440 HELENA HARBOR, PHILLIPS COUNTY, AR
- 77050 MEMPHIS HARBOR, MCKELLAR LAKE, TN
- 77052 VICKSBURG HARBOR, MS

d. The split of C, O&M, and MR&T Funding between General Fund and HMTF is specified in written apportionments signed by OMB and reflected in the FDM of CEFMS II. The total allocated to each FAD Type must agree with the written apportionment. Per A11 120.49, trust fund apportioned amounts are maximum, not to exceed, amounts and can be reduced or adjusted downward followed by a reapportionment of these funds. In other words, HMTF amounts shown on the applicable trust fund apportionment documents are maximum allowable amounts where the funding control totals can be adjusted downwards, if needed. Later, before the end of the FY, the reapportionment of these funds will be submitted to OMB for their approval. Please note that the downward adjustment is a permanent decrease to the HMTF ceiling amount. Please note that this does not apply to FY2022 HMTF funds. Since specific amounts were specified for Construction, MR&T and O&M, no downward adjustments can be made.

e. An ordering USACE organization will not MIPR Funding with HMTF FAD Type to a performing USACE organization. Either labor cross-charges will be used, or the Funding will be reallocated within the same AMSCO between the organizations using WADs and FADs. MIPRs to other agencies are not affected by this guidance.

15. <u>Temporary Sequestration of Rivers and Harbors Contributed Funds:</u>

a. On 28 May 2021, per the Balanced Budget and Emergency Deficit Control Act, as amended by the Budget Control Act of 2011, Public Law 112-90 and the American Taxpayer Relief Act of 2012, Public Law 112-240, Title IX, the President ordered a sequestration of FY 2021 funding in mandatory appropriations. The accompanying report to Congress is in Reference 4.w.

b. The Rivers and Harbors Contributed Funds appropriation is a mandatory appropriation. The appropriation is sequesterable to the extent it funds administrative expenses, as defined by OMB. The sequestration of the appropriation is temporary.

c. FY 2022 funding estimated for the appropriation is $860 million, of which $153 million was identified for administrative expenses and sequestered at a 5.7 percent sequestration rate. This is equal to an effective sequestration rate of 1.01 percent.

d. Each MSC will ensure that, at each point in time during FY 2022, a sum equal to 1.01 percent of the cumulative total funding provided to its Districts in the appropriation in FY 2022 remains unobligated. Any funding otherwise available in the appropriation across its Districts (including funding received in previous fiscal years) may be used to meet the Division's 1.62 percent requirement. The mix of PPAs contributing to the 1.01

percent requirement may change over time. The 1.01 percent requirement will grow through FY 2022 as the cumulative total funding provided in FY 2022 grows.

e. On 1 October 2022, the 1.01 percent sequestered in FY 2022 will become available for obligation.

16. Scheduling and Execution:

a. According to the Project Management Delivery Process, each Project Manager and the Project Delivery Team (PDT) are to create and maintain a network analysis schedule for each project in P2 based on the FY 2022 Funding provided plus carry-in Funding, as well as FY2023 President's Budget requested amounts. Each schedule must have appropriate activities with accurate durations, successor(s), predecessor(s), risk, constraints, and lead and lag relationships, and must reflect an assessment of the risks and opportunities facing the project. In compliance with the Critical Path Method, all activities will have a predecessor (except the start milestone) and a successor (except the completion milestone). Resources are to be applied at the activity level or at the appropriate work package level within a work breakdown structure (WBS).

b. The Project Manager must accurately identify the appropriate business program using the Primary Business Program field for all activities in P2 which will have scheduled or actual obligations and/or expenditures in FY 2022 and all subsequent years of planned execution. This is required in order to assess execution by business program. Primary Business Program is a mandatory data field which is entered in the Project Initiation Dashboard and Maintenance Portlet in P6Web, at the project level. If activities within a project are in a different business program than the project's primary purpose, use the Primary Business Program (Override) activity code in Primavera Project Manager to identify the business program for those activities.

c. Value Engineering (VE) Workshops will be performed according to ER 11-1-321, Value Engineering for Army Programs. The milestones for VE (such as, VE Study Completion), as defined in the USACE Command Guidance (UCG) document, must be included in P2 and will be tracked by the Districts. VE milestone data will be used to ensure and demonstrate compliance with Public Law 99-662 and OMB Circular A-131.

d. Performance will be evaluated in monthly Civil Works Delivery Review with Commanders (DRC) based on attainment of objectives for obligations and expenditures, and for milestones for agreement execution and contract award. The guidance on project execution and delivery metrics is provided in Appendix A.

e. Agreements:

(1) A District may execute a cost sharing agreement for a specifically authorized project or project element, or for a study phase, only if the project, element, or study phase has received an allocation sufficient to fund substantive work on the project, element, or study and there is explicit approval from the Chief of Management and

Budget Office of the ASA (CW). Reallocation within a study or project and Reprogramming to a study or project do not count as authorizing execution of an agreement. Exceptions must be approved by CECW-P for studies and CECW-I for projects.

(2) Funding for PED prior to execution of the Design Agreement is limited to $100,000. Remaining Funding allocated to a project will be withheld (see Appendix H) until execution of the agreement. Exceptions must be approved by CECW-P.

(3) Environmental infrastructure assistance projects and programs are inconsistent with Executive Branch policy for Civil Works. Any funding provided for such a project or program in an OMB-cleared Work Plan is for a useful increment of work. Accordingly, Districts should execute cost sharing agreements only for the funded useful increments of work. No agreements should be signed that contemplate future, unfunded increments of work.

f. Initial Work Allowances for Review Plans. To receive an Initial Work Allowance, each specifically authorized water resources development PPA in feasibility (except feasibility new starts in their first FY of funding), PED, construction, or operation and maintenance must have an actual date for Milestone CW035 in its P2 schedule representing the date that the approved review plan applicable to the PPA was posted on the District's review plan web site. Until Milestone CW035 is populated, Funding allocated to a project will be withheld at HQUSACE (see Appendix H).

g. Priorities for Use of Funding:

(1) Among expiring Funding with a limited period of availability, that with the earliest Appropriation Expiration Fiscal Year should be used first once annual or full-year appropriations are enacted. Furthermore, in the Appropriation Expiration Fiscal Year of expiring Funding, the expiring Funding should be obligated preferentially on labor, to avoid contract deobligations late in the expiration FY.

(2) Subject to the above paragraphs, Funding with the earliest PY should be used before Funding with a later PY.

h. Cost Savings Measures (formerly Sustainability and Energy):

(1) In P2, each CW P2 project receiving Cost Savings Measures (CSM) funds must have a new activity [or a new (WBS) section with subordinate activities] for each work package (line item), including a descriptive title similar to the Work Package Title provided in separate guidance.

(2) Each new activity in P2 will be used to create separate Funded Work Item(s) (FWIs) in CEFMS II.

(3) Each of the new FWIs in CEFMS II will use the Command Indicator Code "SUS22" to enable complete and accurate centralized pulls of CSM funding and execution data. Ensure the CIC is assigned to the FWI for the sustainability activity and not at the P2 project level.

(4) All CSM activities must be scheduled in P2. Surplus funds may be reprogrammed to other requirements; likewise, any shortfalls in funding for the work packages provided in separate guidance must be met through reprogramming. The objective is to accomplish all listed work despite changes in cost estimates.

(5) All reasonable efforts should be made to completely execute all CSM work packages during FY22. Any execution delays must be tracked in P2.

(6) On a quarterly basis, HQ USACE will pull data from P2 and CEFMS II via the Enterprise Data Warehouse (EDW) to track progress on each CSM activity. Initial projected cost and final/actual cost will be reported in P2 for each activity. Past years' efforts to develop and refine the EDW "SUSyy" query demonstrated the capability to track all properly coded FWIs without need for HQ USACE to issue data calls to the MSCs. The query is available to registered EDW users in EDW.

(7) HQ USACE may periodically request from the MSC-level Sustainability POC, on an exception basis, execution status updates for Sustainability and Energy activities that incur particularly lengthy or recurring delays.

i. Linking Budget to Execution for O&M. To facilitate integrated management of Civil Works assets, program development guidance requires alignment of CW-IFD, P2, CEFMS II, and FEM across both budget development and execution to track funding decisions. To align the systems during execution:

(1) The "Work Package ID #" field must be populated for each P2 Activity in the O&M account as follows:

(a) For P2 activities associated with Specific Work activity work packages, enter the CW-IFD Work Package ID in the Work Package ID activity code field. Multiple activities may have the same Work Package ID, but a single activity cannot have multiple Work Package IDs. For linked Specific Work activity work packages that span different Levels of Performance, use the Work Package ID for the Partial Mission work package.

(b) For P2 activities associated with Common O&M work packages, enter the word “Common” (without the quote marks) in the Work Package ID activity code field.

(2) The "CEFMS II Work Item" field must be populated with the CEFMS II Ordering Work Item for each O&M FEM Work Order.

j. Linking Short-term Supplemental Damage Repairs to Execution. To facilitate integrated management of Short-term Supplemental Damage Repairs, work plan development guidance and execution requires alignment of CWI-IFD, P2, CEFMS II 2101 system to develop and track funding requirements and execution across the enterprise. To align the systems during development and execution, the following will be performed:

- The “Work Package ID #” field must be populated for a short-term damage repair.

- A single CW-IFD Work Package ID will be entered into P2 for the associated P2 Activities. In no cases will multiple CW-IFD Work Package IDs be entered for an individual P2 Activity; however, multiple P2 activities may have the same CW-IFD Work Package ID.

- P2 activities associated with a short-term damage repair will also assign the applicable supplemental public law and ensure said public law, FAD type and source appropriation is also assigned to the corresponding CC820 construction completion milestone. This will help distinguish short-term supplemental work from long-term.

- If the P2 Project contains supplemental budgeted activities for both short-term and long term supplemental, the override field must be utilized to modify the P2 data.

Appendix A
Civil Works Program Execution Manual (A-1-1) and Civil Works Project Execution and Delivery Metrics (A-2-1)

A-1-1. Purpose: The Civil Works (CW) Program Execution Manual is intended to describe business processes and instructions to support the Project Execution and Delivery Metrics in A-2. The following information will enable a common understanding of the execution monitoring framework to promote **safely finishing quality projects on time and within budget**. It will also ensure that Automated Information System (AIS) data is consistently input and maintained to allow for evaluation of CW Program delivery across all echelons of USACE. Figure A-1.1 at the end of A-1 provides a summary of the scheduling requirements which are described in detail below.

A-1-2. Definitions and Business Processes

a. Definitions

(1) Primavera is a module of PROMIS, aka P2, and is the USACE tool that is used to create project schedules and budgets and can capture project baselines, both milestone and financial, within the PROMIS environment.

(2) The CEFMS 2101 Module is the USACE tool that is used to schedule project financial data (obligations and expenditures) by month to measure execution performance.

(3) Data analytics software, such as Qlik Sense or Power BI, is an application that allows users to create data visualizations, charts, interactive dashboards, and analytics apps from multiple sources. The "Milestone Snapshot Comparison" application in the "CEHQ-CW" stream in Qlik is used to generate the visualizations for milestones used in the Delivery Review with Commanders (DR-C) meetings. The "USACE CW Program and Project Delivery" App will be used to generate visualizations for the DR-C meetings following the HQ Capture Event.

(4) The Enterprise Data Warehouse (EDW) is the repository for USACE PROMIS and CEFMS project data. Many reports used in USACE HQ analyses derive their data from the EDW, which classifies and stores data nightly. EDW reports should be utilized to isolate and correct data inaccuracies in the systems of origin such as PROMIS and CEFMS.

(5) A baseline is a copy of an approved project schedule at a given point in time. Baselines provide a mechanism for documenting commitments toward budget and schedule execution goals. A baseline provides a fixed point of reference as a schedule changes over time. It allows comparison of the original schedule to the current one, identification of significant changes in cost or schedule performance, and development of contingency plans. Establishing a baseline in PROMIS means that a Project Manager

or their proxy has logged into PROMIS, opened the project, and initiated the technical action of creating the baseline. PROMIS can baseline one or many projects at a time. Once a baseline has been created, it is assigned a baseline type, e.g., Initial Approved PMP, Performance Measurement Baseline (PMB), etc.", which describes its use.

(6) The HQ Capture Event is a process that occurs at a specified point in time, as determined by the Programs Integration Division (PID) at HQUSACE, in which a snapshot of designated project baseline type(s) and/or current schedule is taken from PROMIS in conjunction with the CEFMS 2101 obligation schedule. The event captures schedule (milestone) and resourcing (financial) information from PROMIS for the purposes of monitoring project execution and delivery. During this event, within the CEFMS 2101 Module, a schedule "capture" occurs which generates what is described as the 'Basic'. At that time the schedule of obligations and expenditures in the system known as "'Scheduled Obligations (Current)" and "Scheduled Expenditures (Current)" become the 'Scheduled Obligations (Basic)" and "Scheduled Expenditures (Basic)". Once the 'Basic' is established it cannot be changed by the PDT. However, the PDT can update the 'Current' line with the most recent projections.

(7) Active Projects are projects set to an 'Approved' or 'Pending Budget approval' Workflow Status within PROMIS. Projects in this status should have an unobligated balance greater than 0 or be actively elevated for budget consideration. Other projects such as Training or 'What if' Projects should be set to an 'inactive' project status. Projects that are in Active status at the time of a HQ Capture event should not be changed to "Closed" status even if all of the project activities have been completed, until either the final accounting has been completed, start of the next FY following completion of activities or the next HQ capture event, whichever comes first.

(8) Work Breakdown Structure (WBS) Status refers to the WBS "Planned", "Active", "What-If", or "Inactive" status built into PROMIS. Activities and resources within an Active status WBS synchronize with CEFMS, CW2101, and other AIS. Resources within a Planned WBS are generally used for planning and workload workforce assessments. "What-If" WBS are used for scenario development, and Inactive for other items.

(9) Data Date is a point in time when the status of the project is recorded. This attribute is set within the scheduling application of PROMIS before rescheduling and initiating the forward and backward passes on the project. *NOTE*: USACE's configuration of the PROMIS application allows the actuals update process to overwrite the data date without initiating the forward and backward pass on a project. While this allows users to see that something on the project was updated within the project at a given point in time, it does not perform the forward and backward pass on the schedule. This can leave the schedule invalid with dates less than the data date. Additionally, this implementation can give the false impression that the schedule was recently updated in the past month because the actuals process can be automated without a user actively looking at the project.

(10) Rescheduled Date is the date a member of the PDT has rescheduled the project to run the forward and backward pass recalculating project durations. This is the date a deliberate action was taken to update the project

(11) Fully Funded Estimate – For a Construction Project, this is the cost derived from the TPCS (Total Project Cost Summary) and includes the project first cost plus future (which includes contingencies derived from a Cost and Schedule Risk Analysis (CSRA) or Abbreviated Risk Analysis (ARA), and inflation to the midpoint of construction, CW projects. For the purposes of the metrics herein the value entered into this field in PROMIS is the Federal and Non-Federal amount of the Fully Funded Estimate from the latest certified TPCS. This cost can be inflated to the current price level as long as it has not exceeded the 2-year limit for recertification based on ER 110-2-01302 (Cost Estimating for Civil Works). The original Fully Funded cost would ideally be found within the TPCS that was utilized within a Chief's Report or other decision documents. For a project without a TPCS, use the latest fully funded estimate.

Note: For a Feasibility Study, this will initially be $3M plus the estimate for the IEPR; if you have an approved 3x3x3 waiver, it will be that amount plus the estimate for the IEPR. For Pre-construction Engineering and Design (PED) phase, this will be the amount that is included in the Design Agreement.

(12) At Completion Cost Normalization Code – this field allows the At Completion Cost data from the PROMIS project to be "normalized" to be compared to the Fully Funded Estimate. For example, if you have used the same PROMIS project for Feasibility through PED to Construction, a negative number can be entered into this field to "remove" the Feasibility cost from the At Completion Cost. If you had separate PROMIS Projects for PED and Construction, a positive number can be entered into the field to "add" the PED cost to the At Completion Cost. This allows the data in the system to align with the way Total Project Cost is considered (no study costs, but Preconstruction Engineering and Design plus Construction equal the Total Project Cost).

(13) For definition of capability, reference the current year Program Development EC.

(14) Available funding is funding that has been allotted to the project in the current FY, plus unobligated or unexpended carry-in. It includes the Total Work Allowances received on a project including any Work Allowances being held at HQ pending Agreement Execution.

(15) Funding Programmed to become available is funding included in an Approved "Workplan" for which the project has not yet received the Work Allowances plus any funding included in the CFY+1 President's Budget. This also includes funding held at HQ within a "CWE" amount for the project, and funding designated for the project in the annual CAP Allocation Plan. CWIFD will be the system of record for this data. It will be

populated, as funding decisions become known. The data will be made available to other systems, such as the 2101 Module, for use within those systems.

(16) Project-based Remaining Items (RIs) include the Disposition of Completed Projects, Flood Plain Management Services, Planning Assistance to States and Tribal Partnership Program (TPP) within the Investigations account; and Beneficial Use of Dredged Material Pilot Program, all sections included in CAP and TPP within the Construction account; and Sustainable Rivers Program within the Operations and Maintenance account.

(17) For additional terms and acronym definitions, refer to the PDBP Manual, EM 5-1-11.

b. Project Groups. The following Project Group codes will be used to designate the “Project Group” field in PROMIS. Projects will move between groups based on their funding status. The project group must be verified on each project prior to the HQ Capture Event to ensure the appropriate grouping is assigned based on the project status and so the project is rated in the appropriate metrics. The applicability of processes described in Appendix A-1 and metrics described in Appendix A-2 will be based upon these groupings.

(1) Project Group 1: Funded to Completion Project - Project has been funded the total remaining cost to complete the project phase (Feasibility, PED, or Construction). This does not include projects in the O&M phase. This would include, but is not limited to most BBA18, recent Disaster Supplemental projects in I & C, as well as some IIJA and “Last Year” (LY) funded projects via Regular appropriations. Project-based RIs could also be included and should apply to phases as appropriate.

(2) Incrementally Funded Project -

(a) Project Group 2a: A feasibility, PED, construction Project, including Project-based RIs, that has been funded in the last 3 years as part of the of the President’s Budget or Work Plan, receiving funds less than or equal to the Fiscal Year capability expressed in the budget cycle. The project has available funding on hand to progress to the next deliverable.

(b) Project Group 2b: Common O&M work on an Operation & Maintenance Project and Specific Work - Inspections.

(c) Project Group 2c: Specific Work Not Commonly Performed (SWNCP) and Specific Work – Dredging on an Operation & Maintenance Project. This may also include Common O&M activities within the project.

(d) Project Group 2d: Any project, including Project-based RIs, that has been funded an amount greater than the stated FY capability (a.k.a. Advanced Funded), but there is a remaining balance needed to complete the project, phase, or activity.

(3) Project Group 3: Provisional Project - Project has previously received Federal funds in the current phase (a.k.a. not a new start) but has not been funded in the last 3 fiscal years or does not have enough funding to progress to the next major deliverable. The project typically expresses annual capability.

(4) Project Group 4: New Investment Project - Project is authorized but requires a new start designation or new investment decision. The project has completed all activities of the prior funded phase (if applicable) and is awaiting funding to progress to the next phase. The project typically expresses annual capability.

(5) Project Group 5: Non-Project Activities – Activities that do not meet the definition of a project in ER 5-1-11. They exist in the system to fund discrete tasks supporting an overarching program. This would include, but is not limited to, all non-project-based RI activities, Regulatory, and Expenses.

Note: If a project's phase (or status) changes during an FY, it is allowable to change the Project Group designation. For example, the group code would need to be evaluated if a Feasibility that had been funded to complete (Group 1) then becomes an Incrementally funded PED project (Group 2a). Or, an O&M project may have previously only had Common O&M (Group 2b), but Specific Work not Commonly Performed is now included, so it will need to be changed to Group 2c.

c. Performance Measurement Baseline – All projects in Project Groups 1, 2a, 2c, 2d, and 3 as described above, should have a complete project schedule and resourcing loaded in PROMIS for the phase, or activity in the case of O&M, the project is executing. The baseline type to be used is the "Performance Measurement Baseline" (PMB). The PMB baseline type will serve to capture the original scope, schedule, and budget of the entire project phase or activity, for example, the known project, including all funds currently available to the project, programmed to become available, and future funding necessary to complete and deliver the known project, to include completion of incrementally funded SWNCP or SW-Dredging packages. The PMB shall be kept through the life of the project phase.

Note: For projects that fall solely into Project Group 2b, a PMB is required and will serve to capture the scope, schedule, and budget of activities to be achieved with known funding allocations. This PMB will not include any HQ Tracked milestones; however, there could be MSC/District requirements.

For projects that fall into Group 2c, the PMB will include HQ Tracked milestones associated with either SWNCP or SW-Dredging activities, if the package funded is over the $250,000 threshold.

If a SWNCP or SW-Dredging package is incrementally budgeted/funded, it will be treated similarly to an "incrementally funded project". That is, the full schedule to complete that effort to include contract award/construction/close-out should be scheduled. Unfunded activities are distinguished using 'Planned' WBS.

When a SWNCP package is funded for less than capability or not funded at all in subsequent years, the schedule should be revisited to test the funding assumptions made. See Re-baselining Criteria and Procedures paragraph for more information.

(1) Once the first allocation of funding is provided for a project phase, the PDT should then begin development of a schedule and financial resource plan for use in establishing a PMB in PROMIS in preparation for a HQ Capture Event. The baseline should be set as required to align with published HQ Capture event date(s) and in accordance with the following:

(a) For all project phases, new and existing funded activities must be within an active status WBS, or if the activities are within a planned WBS, when funded, the WBS status will be changed to active. Future, unfunded activities can remain in a planned status WBS for planning and scheduling workload.

(b) For feasibility phase, an initial baseline will be captured from initiation of the study to the Alternatives Milestone. The full study baseline is established as part of the Alternatives Milestone Meeting. Depending on timing, this could be out of cycle with a broader HQ Capture Event.

(c) For watershed/comprehensive studies, an initial baseline will be captured from initiation of the study to the Shared Vision Milestone. The full study baseline is established as part of the Shared Vision Milestone. Depending on timing, this could be out of cycle with a broader HQ Capture Event.

(d) For PED and Construction phases, an initial baseline will be captured to reflect the agreement execution; the full phase baseline is established 30 days after execution of the applicable cost-sharing agreement or 90 days after the initial funding allocation is committed to the project if cost-sharing is not applicable. Depending on timing, this could be out of cycle with a broader HQ Capture Event.

(e) Additionally for PED/Construction, the latest Cost and Schedule Risk Analysis (CSRA) and/or Total Project Cost Summary (TPCS) should be used in developing the resource plan in PROMIS. For quality control purposes, the total "At Completion Cost" in PROMIS should match the fully funded amount (with contingencies) from the latest cost estimate. If a TPCS is not available, the total "At Completion Cost" should match the Fully Funded Estimate as stated in the authorizing document (e.g., Chief's Report, Director's Report, DMDS, DPS, etc.), adjusted for inflation. The contingency amount included in the TPCS should be resourced as "Contingency" in the schedule.

(f) For O&M Projects, this baseline is established at the next scheduled HQ Capture Event to reflect activities and milestones to be achieved with known funding allocations. In future years when new budget/funding allocations become known, some activities may need to have baseline set or be re-baselined, while others do not within the same P2 number. O&M projects are only subject to re-baselining if they are affected by the budget/funding decisions that prompt a new HQ Capture Event. Only those affected activities within the project should be changed unless approved by proper levels of authority.

(g) For other study-like activities, such as Dam Safety Modification studies or Major Rehabilitation Reports, this baseline is established at the next scheduled HQ Capture Event to reflect activities and milestones to be achieved with known funding allocations.

(2) If a project previously received funding in a phase but does not have a PMB baseline established for that phase, then the project should set a PMB prior to the next scheduled HQ Capture event. This baseline will reflect the known project's schedule as of the current fiscal year through completion.

(3) When a project is incrementally funded or not funded at all in subsequent years, the schedule should be revisited to test the funding assumptions made. See Re-baselining Criteria and Procedures paragraph below for more information.

d. 101 Obligation Schedules. All projects with funding are required to establish a 2101 obligation schedule in the CEFMS 2101 Module. By default, the schedule values are based on the resourcing, activity dates, resource curves, and some activity coding (e.g., Contract funding status code) in a project's Current Schedule in PROMIS. The Current Schedule will feed into the CEFMS 2101 Module and allow for any necessary manual adjustments/overrides to the current 2101 obligation schedule, known as "Scheduled Obligations (Current)". Current 2101 obligation schedules must be maintained in monthly increments for the CFY and CFY+1. CFY+2 through 5 will be reflected in annual intervals.

e. The HQ Capture Event takes a snapshot of the financial and milestone performance schedule (from PROMIS), the obligation schedule (from CEFMS 2101 module), and becomes the benchmark from which to measure project delivery from that point in time forward, unless or until one of the following occur:

- The project or phase is complete, in the case of funded to completion (Project Group 1)
- Available and programmed to become available funds are exhausted, in the case of an incrementally funded project or phase (Project Group 2)
- An approval to re-baseline.

(1) By the date and time of the HQ Capture Event, each project in Project Groups 1, 2a, 2b, 2c, and 2d with an 'Approved' Workflow Status will develop a PMB baseline type in PROMIS for financial and milestone scheduling.

(a) This PMB baseline schedule will reflect the planned execution of the known project, including all funds currently available to the project, programmed to become available, and future funding necessary to complete and deliver the known project. The PMB will span all FYs necessary to reflect such execution and delivery. This data will be held constant and serve as the baseline for overall project delivery performance monitoring.

(b) Project milestone activity dates in the PMB baseline type will be used to capture a complete set of all applicable milestone data. This capture will reflect the planned execution of all milestones correlated with funded projects, spanning all FYs necessary to reflect such execution. All milestone dates will include day/month/year, regardless of the FY in which they will be executed. This data will be held constant and serve as the baseline for milestone performance monitoring. The data from the capture will be stored offline from PROMIS and CEFMS as a reference table and will be made available as read only to all levels internal to USACE CW.

(2) By the date and time of the HQ Capture event, each project in Project Groups 1, 2a, 2b, 2c, and 2d with an 'Approved' Workflow Status, will develop and maintain the "Current Schedule" in PROMIS. At the time of the HQ Capture Event the Current Schedule should correlate to the PMB baseline. The CEFMS 2101 system will capture the current 2101 obligation schedule, creating a "Scheduled Obligations (Basic)" schedule. This "Scheduled Obligations (Basic)" schedule data will then be used as the baseline for project obligation monitoring vs. the current schedule as it is adjusted over time.

f. Re-baselining Criteria and Procedures.

(1) The PDT shall attempt to eliminate or minimize impacts to project scope, schedule, key milestones, costs and fiscal execution prior to initiating a re-baseline request. When the PDT determines significant events have impacted the project's PMB baseline and/or the 2101 Scheduled Obligations (Basic) a re-baselining request can be submitted. This request shall list the factors driving the change(s), to minimally include answering the following questions, and will be submitted for approval from the authority as designated further below.

(a) What were the key factors driving the changes?

i. Budget or Funding changes that affected the baseline or obligation Schedule?

ii. Changes in scope that represent a significant change to the baseline or obligation schedule?

iii. Contract changes that consume the project contingencies?

iv. Factors creating cost increases that cannot be managed within existing contingencies?

(b) What actions have you taken to mitigate the impact of the changes to the overall project?

c. Lessons Learned for future schedule development by PM/PDT.

(2) A request to re-baseline a schedule reflected in a HQ Capture can be submitted for approval to the designated authority level as follows:

(a) District Commander or Deputy District Engineer for Program and Project Management (DPM), if delegated. [*NOTE*: If approved, re-baseline will occur as part of the next scheduled HQ Capture Event.]

i. An incrementally funded project or phase, including Specific Work Not Commonly Performed and Specific Work Dredging activities in Project Group 2c, receives an allocation of funding from an appropriation or a President's Budget request that is less than the capability reflected in the PMB baseline.

ii. O&M projects in Group 2b are typically annually funded and do not have a defined start and end and as a result re-baselining of these projects is allowed with each HQ Capture Event.

iii. The certified project cost for a project has been updated, for example, as a result of the two-year requirement, and the updated cost will not require the scheduled milestones to change; the baseline can be updated for costs only. No schedule dates can be changed in the baseline.

iv. A new phase project reaches the milestone that sets the full PDT vetted and vertically aligned schedule for the entire phase (for example, Alternatives Milestone for Feasibility, DA execution for PED, or PPA Execution for Construction). [*Note:* Can be requested "out of cycle" per paragraph (3) below.]

(b) MSC Programs Director.

i. An incrementally funded project or phase receives a new allocation of funding from a subsequent appropriation or a President's Budget request that substantially alters the delivery plan as reflected in the PMB baseline. [*NOTE*: If approved, re-baseline will occur as part of the next scheduled HQ Baseline Lock event.]

ii. O&M Projects in Group 2c include delivery of Specific Work Not Commonly Performed and Specific Work Dredging. These activities are more akin to a "project" as defined by ER 5-1-11 and if over $250,000 will have tracked milestones associated with them. As a result, re-baselining of these activities when funded to complete within the broader O&M Project is subject to approval.

iii. A project or phase incurs an unanticipated delay due to a non-Federal sponsor's (NFS) inability to cost share.

iv. A NFS's inability to provide required LERRDs as mutually agreed upon, or an NFS's withdrawal of support.

v. A project funded to completion incurs a major scope change (additions or reduction) impacting the scheduled milestones but does not require additional funding.

vi. A project or phase is impacted by new legislation and implementation guidance, if applicable, resulting in the need to revisit scope, schedule, or cost.

vii. The certified project cost for a project has been updated, for example, as a result of the two-year requirement, and the updated cost will require the scheduled milestones to change.

(c) HQUSACE Authority.

i. A project incurs a major scope change (additions or reduction), was previously funded to completion, and requires additional funding to complete.

ii. A project receives an exemption as described in Planning Bulletin 2012-04, 3x3x3 Rule Exemption Process or HQUSACE Change Control Board (CCB) as described in EC 5-2-1, Execution of Change Control Boards.

(d) Other cases beyond those specifically listed above could arise that prompt re-baselining consideration. These will be handled on a case-by-case basis and will minimally require MSC Programs Director approval.

(3) For re-baseline requests that are approved at the MSC or higher levels of authority, the PM will ensure the new financial and milestone baseline is loaded into PROMIS and new obligation schedule is loaded in the 2101 Module following the procedures prescribed above. The PM will then request, through their MSC Civil Work Integration Division (CWID) office, a HQ Capture of the new PROMIS and 2101 data. The CWID office will relay this request to the Chief of Project Execution and Controls Branch within Programs Integration Division at HQUSACE. The request will then be tasked to appropriate action officers within the PROMIS and CEFMS 2101 systems. This data then becomes the benchmark from which to measure project delivery, milestone, and obligation performance from that point in time forward.

Scheduling Principles

1. The PDBP Manual (EM 5-1-11) is the USACE doctrine for program and project management and delivery.
2. Risk informed schedule development must begin with the PM and PDT, which should include all internal resource providers and external partners.
3. Resource providers must take ownership of their contribution and commit to project schedules and budgets. Their experience, knowledge of risks, and visibility of the aggregate requirements of their resources is paramount to success.

Scheduling Requirements

1. With a decision to commit funding to a project, PDT begins development of a schedule and financial resource plan for use in establishing a PMB in PROMIS in preparation for a HQ Capture Event; depending on timing, this could be out of cycle with a broader HQ Capture Event.
2. The PMB baseline should reflect the plan to deliver the entire known project phase, whether funded incrementally or funded to complete. *
3. 2101 obligations schedules will ONLY reflect known commitments of funding, such as President Budget amounts, Work Plan releases (Regular and Supplemental), HQ PgM allocation decisions, etc. across all fiscal years of planned execution.

Scheduling Requirements Table - For Project Groups 1 & 2 Only (see Appendix A-1 for definitions)

		PROMIS BASELINE	2101 SYSTEM			
	Phase	PMB*	CFY & CFY+1 (By Month)	CFY+2 thru 5 (Annual)	Current Schedule	Resourcing
PROMIS project	Feasibility/WS Study	X	X	X	X	CFY to CFY+2 - detailed CFY+3 to COMP - summary
PROMIS project	PED**	X	X	X	X	
	CONST	X	X	X	X	
PROMIS project	CAP-FEAS	X	X	X	X	
	CAP-DI	X	X	X	X	
PROMIS project	O&M	X	X	X	X	

*For Feas, PED, Const phases: Initial baseline required from phase initiation thru milestones specified in para A-1-2.C.(1), at which point another Capture event will be allowed to represent the full PDT vetted and vertically aligned schedule.
**Pre-construction Engineering and Design only. It is recommended that you set up a separate PROMIS project when you move from Feasibility to PED.

FIGURE A-1.1. Scheduling Principles and Requirements

Appendix A

A-2-1. Data Quality Metrics: The purpose of the following metrics is to establish minimum data standards for applicable projects across the Civil Works Portfolio. These metrics are intended to demonstrate that active projects are being maintained and utilized by PDTs to deliver projects. However, these are the minimum standards and future elements will be added as scheduling competencies are improved across the agency. The following metrics are applicable CW Funded Projects – (in this context defined as: the Project number in the R_3011a with Fund Type = D and 3121, 3112, 3122, 3123, 3125, 3126, appropriation symbols, unless otherwise noted). Below metrics may only apply to some or all projects' groups as noted within the metrics. Each metric data will be collected at the PROMIS Project level and aggregated and evaluated to various elements such as District, MSC.

a. Percent of Project Group Codes Assigned (metric CW20).

(1) Purpose. This metric will ensure all projects are assigned a group code and as a result the rest of the Data Quality, Financial, and Milestone metrics are appropriately applied.

(2) Metric. Projects with Group Codes Established (%) = Total Projects with an Assigned Group Code / Total # Project Count.

(3) Application of Metric. All projects with a Workflow Status equal to "Approved" or "Pending Budget Approval" or "Inactive" will be included in the project count.

NUMERATOR = Number of Projects with a Project Group Code assigned.

DENOMINATOR = The total number of projects with a Workflow Status equal to "Approved" or "Pending Budget Approval" or "Inactive"

(4) Calculation of Ratings.

Green: > 90%
Amber: 80% ≤ 89%
Red: < 80%

(5) Update of Data. Suspense for updating information to support monthly data pulls is by 5:00 PM ET on the fourth business day of each month. The data sets used to update the ratings are collected after 6:00 AM ET on the fifth business day of each month.

(6) Applicable Project Groups – All Project Groups

b. Percent of Valid Projects (metric CW21).

(1) Purpose. This metric will ensure that there has been a deliberate effort to review applicable projects on a routine basis. It provides assurance that the financial and milestone data shown in the current schedule reflects a recent review at the project management level.

(2) Metric. Valid Projects (%) = Total # Valid Projects / Total # Applicable Projects

(3) Application of Metric. Project Workflow Status equal to “Approved” or “Pending Budget Approval”

NUMERATOR = Number of Valid Projects. Projects are considered Valid if the Rescheduled Date and Data Date are less than 31 days from the 5th business day.

DENOMINATOR = The total number of applicable projects

(4) Calculation of Ratings.

Green: > 90%
Amber: 80% ≤ 89%
Red: < 80%

(5) Update of Data. Suspense for updating information to support monthly data pulls is by 5:00 PM ET on the fourth business day of each month. The data sets used to update the ratings are collected after 6:00 AM ET on the fifth business day of each month.

(6) Applicable Project Groups - 1, 2 (all sub-groups), & 3, 4

c. <u>Percent of “PMB” Baselined Projects (metric CW22).</u>

(1) Purpose. This metric will aid in validation of all projects expected to have a PMB, per guidance in A-1 above. This will ensure that we are setting a life-cycle plan on projects where required, improving project delivery.

(2) Metric. Baselined Projects (%) = Total # Projects with a PMB baseline / Total Count of Applicable Projects.

(3) Application of Metric. Project Workflow Status equal to “Approved” or “Pending Budget Approval”

NUMERATOR = Number projects with a PMB established.

DENOMINATOR = The total number of applicable projects

(4) Calculation of Ratings.
Green: > 90%

Amber: 80% ≤ 89%
Red: < 80%

(5) Update of Data. Suspense for updating information to support monthly data pulls is by 5:00 PM ET on the fourth business day of each month. The data sets used to update the ratings are collected after 6:00 AM ET on the fifth business day of each month. Data is extracted from the EDW.

(6) Applicable Project Groups - 1, 2 (all sub-groups)

d. <u>Comparison of Projects Total Resourced At-Completion Cost (ACC) in PROMIS vs Fully Funded Estimate (metric CW23).</u>

(1) Purpose. This metric provides a comparison of the current working estimate at the completion of the ongoing project phase vs. the fully funded estimate. It will provide an indication of ability to deliver within the authorized amount.

(2) Metric. Sum of all resourced activities, including both Active and Planned WBS, in a project schedule plus any value loaded into the At Completion Cost normalization field divided by Fully Funded Estimate

(3) Application of Metric. Project Workflow Status equal to “Approved” or “Pending Budget Approval”

NUMERATOR = Sum of All Resourced Activities in a PROMIS Project + (At Completion Cost Normalization field in PROMIS)

DENOMINATOR = (Amount populated in the Fully Funded Estimate field in PROMIS

NOTE: At Completion Cost Normalization Code can be expressed as either +/-

(4) Calculation of Ratings. Each project will be rated per below:

Green: >= 90% and <= 110%
Amber: < 90% and > 110%

An aggregate count of green and amber rated projects will be displayed.

(5) Update of Data. Suspense for updating information to support monthly data pulls is by 5:00 PM ET on the fourth business day of each month. The data sets used to update the ratings are collected after 6:00 AM ET on the fifth business day of each month.

(6) Applicable Project Groups - 1, 2a, 2d

e. <u>Percentage of Mandatory Project Codes in PROMIS (metric CW24).</u>

(1) Purpose. This metric is designed to determine if we have properly coded the projects, with the intention to reduce future data calls, which will allow additional time for project delivery. Definitions of the codes are available here: https://p2pmbpportaltrain.usace.army.mil/P2UserGuide/Content/REF9830G.htm

(2) Metric. Mandatory Project Codes Established (%) = Count of populated mandatory project codes for each Project Group / Number of Required Mandatory Codes for each Project Group.

(3) Application of Metric. Project Workflow Status equal to “Approved” “Pending Budget Approval”

NUMERATOR = Count of user populated mandatory project codes for each Project Group (as shown in table A-2.1).
DENOMINATOR = The total Number of Required Mandatory Codes for each Project Group (as shown in table A-2.1).

(4) Calculation of Ratings.

Green: > 90%
Amber: 80% ≤ 89%
Red: < 80%

(5) Update of Data. Suspense for updating information to support monthly data pulls is by 5:00 PM ET on the fourth business day of each month. The data sets used to update the ratings are collected after 6:00 AM ET on the fifth business day of each month.

(6) Applicable Project Groups - All CW Funded Projects as defined above

Table A-2.1
Minimum Data Requirements

Project Code	Group 1 Funded to Complete	Group 2a Incrementally Funded at or below FY Capability	Group 2b Incrementally Funded O&M Common	Group 2c Incremental Funded O&M SWNCP	Group 2d Incrementally Funded Above FY capability	Group 3 Provisional Project	Group 4 New Investment Project	Group 5 Non-Project Activities
Primary Business Program	Y	Y	Y	Y	Y	Y	Y	Y
Funds Type	Y	Y	Y	Y	Y	Y	Y	Y
Primary Basin Code	Y	Y	Y	Y	Y	Y	Y	
Program Code	Y	Y	Y	Y	Y	Y	Y	Y
Area of Responsibility	Y	Y	Y	Y	Y	Y	Y	Y
Primary Congressional District	Y	Y	Y	Y	Y	Y	Y	
Project Group	Y	Y	Y	Y	Y	Y	Y	Y
Applicable Discount Rate	Y	Y			Y	Y	Y	
Certified Cost Estimate Date	Y	Y			Y	Y	Y	
Construction Authority	Y	Y			Y	Y	Y	
Corps Project Notebook (CPN) ID	Y	Y	Y	Y	Y	Y	Y	
Initial BCR	Y	Y			Y	Y	Y	
Study Authority	Y	Y			Y	Y	Y	
Fully Funded Estimate	Y	Y			Y	Y	Y	
Total BCR	Y	Y			Y	Y	Y	
VE Study Waiver	Y	Y			Y	Y	Y	
Total Required Project Codes	**16**	**16**	**8**	**8**	**16**	**16**	**16**	**5**

A-2-2. Financial Metrics: There are 6 metrics used by HQUSACE to measure program and project financial performance across all USACE appropriation accounts of Direct Funding: Investigations, Construction (including CAP), Operation and Maintenance, Mississippi River and Tributaries, FUSRAP, Flood Control and Coastal Emergencies, Regulatory and Expenses. Not all metrics are applicable to each account and metrics are dependent on the designated Project Group. The applicability for each metric is prescribed below.

a. Percent of Funding Actually Obligated YTD vs. the "Scheduled Obligations (Basic)" (metric CW01a):

(1) Purpose. This information is measured to assess fiscal performance each month against the plan for the project/program set at the HQ Capture Event. Underperformance in this metric could be predictive of future schedule performance, serving as an "advance warning" for the time period defined.

(2) Metric. The CW01a metric measures the "Actual Obligations" YTD as a percentage of the funding scheduled for obligation YTD in the CEFMS 2101 Module "Scheduled Obligations (Basic)". [Reminder: The "Scheduled Obligations (Basic)" is a capture of the Scheduled Obligations (Current) in the 2101 Module obligation schedule taken at the time of a HQ Capture event.]

(3) Application of Metric. The metric is applied to all appropriation accounts represented in Project Groups 1 and 2. *NOTE*: This excludes Expenses and Regulatory. RI activities outside of the HQUSACE are included in the MSC/responsible organization's scoring.

(4) Calculation of Ratings.

(a) Ratings will be presented by appropriation for I, C, O&M, MR&T, FUSRAP and FCCE (as applicable per Appendix E). Only MSCs, ERDC and IWR are rated for these appropriations and the scoring includes RIs where applicable.

(b) Standards for all rated appropriations and organizations are as follows:

Green: ≥ 95% to ≤ 105%
Amber: ≥ 90% to < 95% or >105% to ≤110%
Red: < 90% or >110%

(5) Update of Ratings. Once a "Scheduled Obligations (Basic)" schedule is established during a HQ Capture Event, the Current Schedule data must be updated by 5:00 PM ET on the fourth business day of each month. The data sets used to update the ratings are collected after 6:00 AM ET on the fifth business day of each month to reflect changes in actual obligations for the end of the prior month. The report used is the D05 Report.

(6) Remaining Items are included in the metrics when measuring financial execution outside of the HQUSACE. Additionally, monthly RI execution reports and quarterly execution reviews are provided to proponents and HQ Functional Deputies by the RI Integrator, respectively. Pertinent RI information can be found in the Program Development EC Appendix I or on the CW-IFD landing page here: https://cwifd.usace.army.mil/wpapex/f?p=800:1.

b. Percent Variance of Current Schedule (CFY and CFY+1) YTD vs. the "Scheduled Obligations (Basic)" for CFY and CFY+1 (metric CW01b):

(1) Purpose. This information is measured to assess the projection of fiscal performance at the end of the CFY and the next FY against the plan for the project as set at the HQ Capture Event. It will allow USACE to better forecast performance and set expectations for the defined period of time.

(2) Metric. The CW01b metric examines the variance of the current obligation schedules for CFY and CFY+1 against the CEFMS 2101 Module "Scheduled Obligations (Basic)" for CFY and CFY+1.

(3) Application of Metric. The metric is applied to all appropriation accounts represented in Project Groups 1 and 2. *NOTE*: This excludes Expenses and Regulatory. RIs activities outside of the HQUSACE are included in the MSC/responsible organization's scoring.

(4) Calculation of Ratings.

(a) Ratings will be presented by appropriation for I, C, O&M, MR&T, FUSRAP and FCCE (as applicable per Appendix E). Only MSCs, ERDC and IWR are rated for these appropriations and the scoring includes RIs where applicable.

(b) Standards for all rated appropriations and organizations for are as follows:

Green (on track): less than or equal to +/- 10%
Amber (minor deviation): Between +/- 10% and +/- 20%
Red (major deviation): greater than +/- 20%

(5) Update of Ratings. Once a "Scheduled Obligations (Basic)" schedule is established during a HQ Capture Event, the Current Schedule data must be updated by 5:00 PM ET on the fourth business day of each month. The data sets used to update

the ratings are collected after 6:00 AM ET on the fifth business day of each month to reflect changes in the Current Schedules through the end of the CFY and CFY+1. The report used is the D05 Report.

(6) Remaining Items are included in the metrics when measuring financial execution outside of the HQUSACE. Additionally, monthly RI execution reports and quarterly execution reviews are provided to proponents and HQ Functional Deputies by the RI Integrator, respectively. Pertinent RI information can be found in the Program Development EC Appendix I or on the CW-IFD splash screen here: https://cwifd.usace.army.mil/wpapex/f?p=800:1.

c. Percent of Funding Actually Expended YTD vs. the "Scheduled Expenditures (Basic)" (metric CW02a):

(1) Purpose. This information is measured to assess fiscal performance each month against the plan for the project/program set at the HQ Capture Event. Underperformance in this metric could be predictive of future schedule performance, serving as an "advance warning" for the time period defined.

(2) Metric. The CW02a metric measures the funding expended YTD, as a percentage of the funding scheduled for expenditure YTD in the CEFMS 2101 Module "Scheduled Expenditures (Basic)". [Reminder: The "Scheduled Expenditures (Basic)" is a capture of the Scheduled Expenditures (Current) in the 2101 Module obligation schedule taken at the time of a HQ Capture event.]

(3) Application of Metric. The metric is applied to the Regulatory and Expenses appropriation accounts.

(4) Calculation of Ratings.

(a) Ratings will be presented by appropriation. HQUSACE, MSCs, ERDC and IWR are rated for these appropriations.

(b) Standards for all rated appropriations and organizations are as follows:

Green: ≥ 95% to ≤ 105%
Amber: ≥ 90% to < 95% or >105% to ≤110%
Red: < 90% or >110%

(5) Update of Ratings. Once a "Scheduled Expenditures (Basic)" schedule is established during a HQ Capture Event, the Current Schedule data must be updated by 5:00 PM ET on the fourth business day of each month. The data sets used to update the ratings are collected after 6:00 AM ET on the fifth business day of each month to reflect changes in actual expenditures for the end of the prior month. The report used is the D05 Report.

d. Percent of Available Funds Currently Scheduled for Expenditure in CFY and CFY+1 (metric CW02b):

(1) Purpose. This information is measured to assess the projection of fiscal performance at the end of the CFY and the next FY against the plan for the project as set at the HQ Capture Event. It will allow USACE to better forecast performance and set expectations for the defined period of time.

(2) Metric. Current 2101 expenditures schedules must be maintained in monthly increments for the CFY and CFY+1. The CW02b metric examines the variance of the current expenditure schedules for CFY and CFY+1 against the CEFMS 2101 Module "Scheduled Expenditures (Basic)" for CFY and CFY+1.

(3) Application of Metric. This metric only applies to funding for the Expenses and Regulatory accounts.

(4) Calculation of Ratings:

(a) Ratings will be presented by appropriation. HQUSACE, MSCs, ERDC and IWR are rated for these appropriations.

(b) Standards for all rated appropriations and organizations are as follows:

Green (on track): less than or equal to +/- 10%
Amber (minor deviation): Between +/- 10% and +/- 20%
Red (major deviation): greater than +/- 20%

(5) Update of Ratings. Once a "Scheduled Expenditures (Basic)" schedule is established during a HQ Capture Event, the Current Schedule data must be updated by 5:00 PM ET on the fourth business day of each month. The data sets used to update the ratings are collected after 6:00 AM ET on the fifth business day of each month to reflect changes in total available Funding for the end of the prior month. The report used is the D05.

e. Reasons for Carry-Out (CW09):

(1) Purpose. This information is tracked to be able to classify carryover in conversations with higher HQ about funding needs in future FYs. It also informs discussions with Congress about use of Appropriated funding.

(a) The reason for carry-out should be entered in the 2101 module for any AMSCO in the I, C, O&M, MR&T, or FUSRAP appropriation that results in carry-out (available for obligation minus scheduled for obligation) of regular and supplemental funds above the following thresholds. Pick at least one reason from the standardized pick list below for each AMSCO. The 2101 module allows up to three (3) carryover reasons to be entered. The reasons should be selected in order of largest amount of carryover (primary reason) to smallest amount of carryover (secondary or tertiary reason). If 2101 data are entered at the PROMIS project level and carry-out for the AMSCO is above the threshold (see Table A-2.2), enter the reason for carry-out only for the PROMIS project with the highest carry-out. Reasons are shown in Table A-2.3 below. Reasons should be updated as needed over time to reflect changes in project schedules and conditions. Excess funding on any project must be coded regardless of any threshold limits. MSCs also may direct their districts to populate the reason for scheduled regular carry-out below the thresholds, or for scheduled supplemental carry-out.

Table A-2.2
Carry-out Thresholds

Account	Threshold
Investigations	$50,000
C (incl CAP), O&M, MR&T	$250,000 or 10% of the available to obligate, whichever is less
FUSRAP	$100,000 or 10% of the available to obligate, whichever is less.

(2) The reason pertains to the original, root cause of the carry-out, that is, what caused the carry-out to arise in the first place. The reasons are not intended to indicate a new plan for the funds if they are being “re-purposed”. For example, if a bid savings was realized and now the intent is to use the carryover for EDC/S&A on the project, the carryover reason is "Cost Savings,” not “Deliberate Carryover – EDC & S&A”. The reasons also do not include why reprogramming might be difficult once carry-out has occurred.

(a) Under the “Deliberate Carryover” reasons, a project is required to schedule a yearly obligation amount that can be measured until the funds are exhausted. The carryover funds can only be classified as “Deliberate” carryover as long as the project is executing according to that schedule. If the schedule changes on the project, the PM/PDT must assess how to adjust the carryover reasons based on what has changed and which reason or combination of reasons now applies. An update to a project’s PMB does not impact the coding of the carryover. The carryover reason is not meant to be static for the project’s life cycle and must be revisited regularly. This is especially true when considering assignments and updates between planned and unplanned carryover categories as execution conditions change.

(3) MSCs/ERDC/IWR should expect a slide and subsequent discussion on carry-out. HQUSACE will extract a carry-out report from the 2101 module that displays total amount of Adjusted Current Schedule CFY carry-out; the percent of carry-out, Planned carry-out, and Unplanned carry-out, compared to the total funds available; and identified Excess.

(a) The Adjusted Current Schedule CFY carry-out will be evaluated as a percentage of the total unplanned funds available within the five accounts. Ratings are as follows:

Green: ≤ 10 %
Amber: 11% ≤ 15%
Red: > 15%

(b) The data will be displayed by responsible organization and include the I, C, O&M, MR&T, and FUSRAP accounts. 1Q through 3Q, discussions will be based upon currently scheduled carry-out. For 4Q, actual carry-out will be discussed.

(4) The 2101 module will also be able to label/identify funds as “Excess”. This function is to allow near real-time visibility of funds that are truly excess on a project. Funds are defined as “Excess” if they can no longer be used on a particular project for various reasons (for example, fiscally closed, termination, deauthorization, etc.) and may be used as a source for enterprise-wide reprogramming actions, emergency transfers or rescissions. If funds are identified as “Excess” in the module dropdown menu, a mandatory reason must also be entered under “Other Reason”.

Table A-2.3
FY 2022 Reasons for Carryout

	FY 2022 Reasons for Carry-out
Not included in Metric – Deliberate / "Planned"	
1	Deliberate Carryover – Funded to Completion. This includes funding of future-FY work, such as for a study phase, separable element, or project in its last FY of funding.
2	Deliberate Carryover – Funded above Capability. This includes where funding was provided above the expressed capability in the CFY Workplan cycle when capability information was pulled for decision-making. It does not include if you reduced a capability AFTER the funding decisions were made. This category should only increase in future years if additional funding is received on a project in a Workplan or Budget cycle.
3	Deliberate Carryover. EDC and S&A. This includes funding of carry-out of funds for EDC and S&A on awarded contracts.
4	Deliberate Carryover. Long lead time award. This includes only funds for award of contracts solicited but not awarded in the FY where this was PLANNED when the funds were requested. It does not include a change in acquisition timing AFTER the funding was received (use appropriate Unplanned Carryover reason).
"Not included in metric"	
5	Cost Savings. Unobligated carryout from the FY results from cost savings on contracts, such as from favorable bids or favorable site conditions. This will typically only apply in the year the project realized the bid savings, as future capability amounts for that project need to be adjusted/reduced to align with outyear capabilities. An exception may be a project funded to completion or if the project does not have annual capability, but the saving is still necessary to the project in a subsequent year, e.g., 5-yr dredging cycle.
6	Excess. Funds that are truly excess on a project. Only assign this reason if the funds can no longer be used on a particular project for various reasons (such as, fiscally closed, terminated, deauthorized, etc. where a final accounting has been performed) and may be used as a source for enterprise-wide reprogrammings, emergency transfers or rescissions. Do not assign this reason if the project is not yet fiscally closed. This reason must be assigned regardless of amount of carryover, so all Excess funds can be seen in the report.
7	COVID-19 Impacts. Use this reason for all delays associated with the COVID-19 pandemic. This includes Contractor initiated actions, Government Initiated Actions, Material/Worker Shortage, and Residual Impacts. Indicate which kind of impact it is in the "Reason comments" field.

Included in Metric – “Unplanned”	
8	Contract Award Delays. Unobligated carryout results from contract award delays due to no bid, high bid, bid protest, or cancellation of solicitation.
9	Contractor Performance Delays. Unobligated carryout results from contractor performance, for whatever reason, taking longer than scheduled either on continuing contract or as it affects follow-on awards of options, task orders, or additional contracts.
10	Work Plan Clearance Delay. For unbudgeted work, unobligated carryout is due to delay in work plan clearance beyond the date assumed in guidance from HQUSACE on estimating capabilities.
11	Washington-Level Processing Delay. HQUSACE, SACW, or OMB took longer than agreed upon to provide guidance, make or obtain policy decision, process agreement, or approve report.
12	Environmental or Legal Issue Delay. Unobligated carryout is due to delay in meeting environmental requirements, including delay in O&M work due to limitations in funding during CRA that pushes work past environmental "window," or to other environmental or legal issues.
13	Sponsor Delay - support. Unobligated carryout is due to lack of support from non-federal partner.
14	Sponsor Delay - cost share agreement. Unobligated carryout is due to delay in non-federal partner executing cost sharing agreement beyond agreed-upon time.
15	Sponsor Delay - funding. Unobligated carryout is due to delay in non-federal partner providing funding beyond agreed-upon time.
16	Sponsor Delay - WIK or Lands Easement Right of Ways Unobligated carryout is due to delay in non-federal partner providing LERRDs beyond agreed-upon time.
17	Rescoping / Redesign Delays. Unobligated carryout is due to delay for rescoping or redesign.
18	Natural Event. Unobligated carryout is due to delays from high water or other natural event.
19	Other Reason. *Note*: use “Other Reason” only as a last resort or when describing why funds are excess. Otherwise, try to use one of the reasons above. In addition, if funds are identified as “Other” in the module dropdown menu, a reason must also be entered under “Reason Comments”.

(5) Additional Table Notes:

(a) If only one carryover reason is selected, the module will auto-populate the total “Unscheduled Obligations (Current)” amount as the “Primary Reason Amount” when the form is saved. If more than one carryover reason is selected, you must input the amount per reason, to sum to the total of the “Unscheduled Obligations (Current)” amount.

(b) The 2101 input form automatically calculates the total of the reasons and displays the Variance amount between the “Unscheduled Obligations (Current)” amount” and the “Total Reason Amount;” it is critical to review this column to ensure you have accounted for all of the carryover on the project.

(c) If your “Unscheduled Obligations (Current)” amount is below the thresholds identified in paragraph a. above, the System will break this amount out in Reports as “Unplanned – Under Threshold.”

(6) Update of Ratings. The data must be updated by 5:00 PM ET on the fourth business day of each month. The data sets used to update the ratings are collected after 6:00 AM ET on the fifth business day of each month to reflect changes in total available Funding for the end of the prior month. The report used is the Carry-Out Report (or equivalent) currently generated within the CEFMS II 2101 module.

f. <u>Available plus Programmed Funds Currently Scheduled for Obligation by FY (CW10 indicator)</u>:

(1) Purpose. This information is measured to assess how much funding is being scheduled in a given year. It provides the percentage equivalent of the Carryover metric. It will allow USACE to better forecast project execution and set expectations for the duration of available funds.

(2) The CW10 indicator is a qualitative review that provides a representation of the funding scheduled for obligation in the 2101 Current Schedule for each FY. The intent is to portray the yearly planned obligation of all known funding for the CW portfolio.

(a) Available funds would include any/all of the following:

i. Prior year carry-over allocated to a project (including funding held at HQ pending Agreement execution).

ii. Funds allocated to a project in the CFY from PBUD, work plan, and/or any other prior appropriation acts.

(b) Programmed funds to become available would include any/all of the following when known:

i. Funds included in a PBUD or appropriated to the project, but not yet apportioned, as in the case of a CRA.

ii. Funds appropriated to CAP, RIs or other programmatic line items, being held at HQ, but intended for allocation to program, project, or activity.

iii. Funds appropriated via non-Regular appropriations that are held at HQ level but intended for allocation to a project in the future, e.g., BBA, DRSA, IIJA.

iv. Amounts included for a project in a PBUD for CFY+1

(3) Application. For all appropriation accounts represented in Project Groups 1 and 2, once funding allocations from appropriations act(s) are known, the entire amount available to the project should be scheduled across all FYs in which the funds will be obligated. Similarly, once the President's Budget is released, the entire amount included for a project should be scheduled across all FYs in which the funds will be obligated.

(a) For the current FY, actual obligations will be coupled with "Scheduled Obligations (Current).

(b)The data will be presented cumulatively by FY based on current scheduled obligation data for each MSCs, ERDC, IWR and HQUSACE are rated.

(4) Update of Data. The Current Schedule data must be updated by 5:00 PM ET on the fourth business day of each month. The data sets used to update the ratings are collected after 6:00 AM ET on the fifth business day of each month to reflect updated current schedules, to include actual obligations from the end of the prior month.

A-2-3. Tracked Milestones: The milestones listed below in tables A-2.4, A-2.5, A-2.6, and A-2.7 are used by HQUSACE in accordance with the metrics that follow, to measure program and project delivery performance in the Investigations, Construction, Operation and Maintenance, Mississippi River and Tributaries, FCCE and FUSRAP appropriations. Milestone code, appropriation, and WBS/Override code requirements are assigned. Milestones are captured for all Public Law IDs (or if there is no Public Law ID as those are assumed to be associated with regular funds), if they meet the below data requirements. The milestones listed in tables A-2.4, A-2.5, A-2.6, and A-2.7 are not intended to represent the entirety of all milestones that may be of interest or required by to a particular Program, Project, or Activity at any of the three levels of the Vertical Team. Complementary milestone guidance from a Program Management Team or Functional Office should also be followed but may not be reflected in these metrics. Refer to the PDBP Manual (EM 5-1-11), Appendix F for a full list of available milestone definitions/descriptions.

A-2-4. Milestone Metrics. Using the milestones in tables A-2.4, A-2.5, A-2.6, and A-2.7, the following metrics will be used to track performance vs. PMB baselines in the categories of Feasibility and Implementation:

a. Percent of Feasibility Milestones on Schedule (metric CW11):

(1) Purpose. This metric is intended to measure progress on study schedules, including mandatory milestones required by Planning Bulletin 2018-01, to demonstrate performance against commitments made on delivering those efforts to the Nation.

(2) Metric. This metric measures the percent of Feasibility type milestones (as listed in Table A-2.4) that are executed or currently on schedule to be executed by the milestone date in the PMB baseline, as taken at the time of a HQ Capture Event. Districts must ensure all milestones are entered in PROMIS with correct Public Law, appropriation, and WBS codes.

(3) Application of Metric. The metric is applied to all projects across all appropriation accounts represented in Project Groups 1 and 2. *NOTE*: This excludes Expenses and Regulatory. MSCs, ERDC and IWR are rated. Actual dates will be compared to the PMB Baseline and scored, accordingly. If a milestone was achieved on or before the baseline date, then it is counted as “executed on schedule”. If the milestone is not achieved on or before the baseline date, then it is counted as “missed”.

(a) Milestones remaining in forward-looking months of the current schedule will be compared to the applicable HQ Capture Event. Milestones having a current date on or before the baseline date will be considered “currently on schedule”. Milestones having a current date that is later than the baseline date will be considered as “not on schedule”.

(4) Calculation of Ratings. Data will be obtained from the EDW and displayed a the Qlik Sense dashboard. Ratings will be displayed for each MSC. All applicable

milestones in the HQ Capture Event will be displayed vs. their actual dates or current schedule. Ratings are as follows:

Green: ≥ 90% executed on schedule or currently on schedule
Amber: ≥ 80% < 90%
Red: < 80%

(5) Update of Ratings. Milestone Actual dates must be entered in the system before 5:00PM ET on the fourth business day of the month following completion of a milestone. The data sets used to update the ratings are collected after 6:00 AM ET on the fifth business day of each month, to reflect changes in PROMIS Schedules from the prior month. Data is extracted from the EDW to compare current schedules against the PMB Baseline from the applicable HQ Capture Event.

b. <u>Percent of Implementation Milestones on Schedule (CW12)</u>

(1) Purpose. This metric is intended to measure progress on project schedules, to demonstrate performance against commitments made on delivering the benefits of the project to the Nation.

(2) Metric. This metric measures the percent of Implementation type milestones (as listed in Table A-2.5 and A-2.6) that are executed or currently on schedule to be executed by the milestone date in the PMB baseline, as taken at the time of a HQ Capture Event. Districts must ensure all milestones are entered in PROMIS with correct Public Law, appropriation, and WBS codes.

(3) Application of Metric. The metric is applied to all projects across all appropriation accounts represented in Project Groups 1 and 2. *NOTE*: This excludes Expenses and Regulatory. MSCs, ERDC and IWR are rated. Actual dates will be compared to the PMB Baseline and scored, accordingly. If a milestone was achieved on or before the baseline date, then it is counted as “executed on schedule”. If the milestone is not achieved on or before the baseline date, then it is counted as “missed”.

(a) Milestones remaining in forward-looking months of the current schedule will be compared to the applicable HQ Capture Event. Milestones having a current date on or before the baseline date will be considered “currently on schedule”. Milestones having a current date that is later than the baseline date will be considered as “not on schedule”.

(4) Calculation of Ratings. Data will be obtained from the EDW and displayed in a Qlik Sense dashboard. Ratings will be displayed for each MSC. All applicable milestones in the HQ Capture Event will be displayed vs. their current schedule. Ratings are as follows:

Green: ≥ 90% executed on schedule or currently on schedule
Amber: ≥ 80% < 90%
Red: < 80%

(5) Update of Ratings. Milestone Actual dates must be entered in the system before 5:00PM ET on the fourth business day of the month following completion of a milestone. The data sets used to update the ratings are collected after 6:00 AM ET on the fifth business day of each month, to reflect changes in PROMIS Schedules from the prior month. Data is extracted from the EDW to compare current schedules against the PMB Baseline from the applicable HQ Capture Event.

Table A-2.4
Feasibility (includes Feasibility, Watershed Study, DSMR, and PIR)

CODE	MILESTONE NAME	EXAMPLE ACTIVITY	APPROP	WBS
CW130	Agreement Execution	FCSA Executed, Watershed CSA Executed, FCCE CSA Executed, or Agreement Executed	3121, 3122 (incl CAP), 3112, 3125	22000
CW261	Alternatives Milestone	Alternative Evaluation & Analysis	3121, 3112	22000
CW262	Tentatively Selected Plan (TSP) Milestone	Tentatively Selected Plan (TSP)	3121, 3112	22000
CW160	District Final Report Submittal	District Submit Final Report to next higher HQs	3121, 3112, 3122 (CAP)	22000
CW170	Report Approval	CAP Federal Interest Determination Approval, Approval of Final CAP Decision Document, Final Watershed Plan, FCCE Complete Project Information Report or Report Approval	3121, 3112, 3122 (CAP), 3125	22000
CW250	Release of Draft Feasibility Report for Public Review	Release of Draft Feasibility Report for Public Review	3121, 3112, 3122 (CAP)	22000
CW269	Director of Civil Works Report	Director of Civil Works Report	3121, 3112	22000
CW270	Signed Chief's Report	Signed Chief's Report	3121, 3112	22000
CW500	Shared Vision Meeting	Shared Vision Meeting for Watershed Study	3121, 3112	22000
CW501	Recommendations Meeting	Recommendations Meeting for Watershed Study	3121, 3112	22000
DS140	Final IES Report Approval	Final IES Report Approval for Dam Safety	3122	30000
DS280	Final DSM Report Approval by USACE DSO	Approval of the final Dam Safety Modification Report	3122	30000

Table A-2.5
Implementation I (incl MR&T-I) & C (incl CAP & MR&T-C) FUSRAP, & FCCE

CODE	MILESTONE NAME	EXAMPLE ACTIVITY	APPROP	WBS
CW130	Agreement Execution	Design Agreement for PED	3121, 3112	30000 (including children)
CW130	Agreement Execution	Project Partnership Agreement	3122 (incl CAP), 3112	30000 (including children)
CW330	Plans & Specs Approval	Plans & Specifications Approval	3122, 3112	30000 (including children)
CW340	Real Estate Acquisition Start	Non-Federal Sponsor Begins Real Estate Acquisition	3122, 3112	30000 (including children)
CW350	Sponsor Notification of RE Requirements	Corps Issues Notice to Proceed to Non-Federal Sponsor to provide LERRD	3122, 3112	30000 (including children)
CW360	Certify Real Estate Receipt	Certify Real Estate Receipt	3122, 3112	30000 (including children)
CW400	RTA	Contract RTA	3122, 3112	30000 (including children)
CC800	Contract Award	Contract Award	3122, 3112, 3125	30000 (including children), 010000 (including children)
CC800_1	Construction Contract Modifications	Construction Contract Modifications	3122, 3112, 3125	30000 (including children), 010000 (including children)
CW801	A&E Contract Award for P&S services	Architect/Engineering Design Contract Award	3122, 3112	30000 (including children)
CW802	Other Contract/ Services Award (non-construction contract)	Contract award for any other type, not construction contracts or Architect/Engineer design contracts	3122, 3112	30000 (including children)
CC820	Construction Contract Complete	Contract Completion	3122, 3112, 3125	30000 (including children), 010000 (including children)
CC850	Beneficial Occupancy Date	Beneficial Occupancy Date (BOD), Level of Protection Restored	3125	30000 (including children), 010000 (including children)
ENF5	Award Remediation Contract	Award Remediation Contract	3130	ENF.10000

CW450	Project Physical Completion	Project Physical Completion	3122, 3112, 3125	30000 (including children), 010000 (including children)
CW480	Notice of Project Completion / Turnover	Notification to Sponsor of Project Completion or Turnover	3122, 3112	30000 (including children)
CW470	Project Fiscally Complete	Project Fiscally Complete	3122, 3112, 3125	30000 (including children), 010000 (including children)

Table A-2.6
Implementation - O&M (incl MR&T-M) SWNCP and Dredging Only (Work Packages funded at $250,000 or more)

CODE	MILESTONE NAME	EXAMPLE ACTIVITY	APPROP	WBS
CW330	Plans & Specs Approval	Plans & Specifications Approval	3123, 3112	60000 (including children), 61000 (including children)
CW400	RTA	Contract RTA	3123, 3112	60000 (including children) 61000 (including children)
CC800	Contract Award	Contract Award	3123, 3112	60000 (including children), 61000 (including children)
CC800_1	Construction Contract Modifications	Construction Contract Modifications	3123, 3112	60000 (including children), 61000 (including children)
CW801	A&E Contract Award for P&S services	Architect/Engineering Design Contract Award	3123, 3112	60000 (including children), 61000 (including children)
CW802	Other Contract / Services Award (non-construction contract)	Contract award for any other type, not construction or A/E design	3123, 3112	60000 (including children), 61000 (including children)
CW803	Initiation of non-contract services	Initiation of non-contract services, reposition of funds	3123, 3112	60000 (including children), 61000 (including children)
CC820	Construction Contract Complete	Contract Completion	3123, 3112	60000 (including children), 61000 (including children)

Table A-2.7
Implementation - O&M (incl MR&T-M) Major Rehabilitation Evaluation Reports (MRERs) Only

CODE	MILESTONE NAME	EXAMPLE ACTIVITY	APPROP	WBS
OP065	MRER Initial Concept Charrette	Initial team meeting to scope components to be investigated	3123, 3112	60000 (including children), 61000 (including children)
OP050	Major Rehabilitation Decision Milestone (MRDM)	Major Rehabilitation Decision Milestone (MRDM)	3123, 3112	60000 (including children), 61000 (including children)
OP250	Release of Draft MRER for Concurrent Public Review	Concurrent policy and NEPA review initiated	3123, 3112	60000 (including children), 61000 (including children)
OP160	District Submit Final MRER	DE signs and submits final report for USACE final review and Director's Memo development	3123, 3112	60000 (including children), 61000 (including children)
OP260	MSC Transmittal Letter with Final MRER	MSC Commander approves and transmits final report to support Director's Memo	3123, 3112	60000 (including children), 61000 (including children)
OP269	Director of Civil Works Implementation Decision	Director of CW signs Director's Memo	3123, 3112	60000 (including children),61000 (including children)

A-2-5. Point of Contact. POC is CECW-IP.

Appendix B
Standard Operating Procedures for Continuing Authorities Programs (CAP)

B-1. Guidance. Implementation of the FY 2022 CAP is based on the Committee direction provided in the Statement of Managers accompanying the Energy and Water Development and Related Agencies Appropriations Act, 2022 (Division D of the Consolidated Appropriations Act, 2022 (Public Law 117-103), guidance contained in EP 1105-2-58, CAP Planning, March 2019; Director's Policy Memo, 3 Sep 2020, CAP Feasibility Phase Process Changes; and implementation guidance for various sections of Water Resources Development Acts as they are developed.

B-2. Contracts. Continuing contracts and incrementally funded contracts will not be used for CAP. All CAP contracts will be fully funded.

B-3. CAP Project/Stage Classification:

a. Active. An Active project is a project that received a Reallocation in the applicable FY or either of the two previous FYs, or a project for which the CAP data base reflects that non-Federal sponsor provided a reaffirmation letter in the applicable FY or either of the two previous FY's according to with paragraph 4, or a project with an executed agreement, apart from any project classified by the District as Converted, Terminated, or Completed. However, the District may reclassify an Active project as Deferred.

b. Deferred. A Deferred project is a project that qualifies as an Active project, but that the District has reclassified as Deferred because no work is scheduled for the CFY.

c. Suspended. A formerly Active or Deferred project is suspended according to paragraph 5. According to paragraph 5, a Suspended project either should be reaffirmed and returned to Active status or should be Terminated.

d. Unstarted. An Unstarted project is a project for which Funding never has been provided. An Unstarted project is also referred to as a New Project.

e. Converted. A Converted project has been converted to a study in the Investigations appropriation following EP 1105-2-58, para 12, or to a specifically authorized project in the Construction appropriation, or to another non-CAP activity.

f. Terminated. A project is Terminated if all work has ceased on the project, but it is not Completed or Converted. For a Terminated project with a cost sharing agreement, the agreement should be legally terminated, and any required final accounting, reconciling payments, and audit should be performed.

g. Completed. A project is completed if it is physically completed (Such as. constructed). For a Completed project, the notice of completion and OMRR&R manual, where applicable, should be provided to the Non-Federal Sponsor.

h. Districts at any time may reclassify projects, other than Unstarted projects, to Converted, Terminated, or Completed. Districts at any time may reclassify Active projects to Deferred, and vice versa. Suspension of projects and their return to Active or Deferred status are discussed in paragraph 5.

B-4. <u>CAP Database</u>:

a. Capability estimates for CAP should conform to the definition of capability in the latest Civil Works Program Development Policy EC. Specifically, capability estimates should be consistent with law and policy. This means, for instance, that if an agreement is required for a project phase, capability beyond a cumulative $100,000 may not be expressed unless the agreement is scheduled for execution in the applicable FY.

b. Data in the CAP database include estimates of project-specific capabilities for the CFY through the CFY+3, plus planned and actual agreement execution dates. CAP data are used to prioritize projects, select projects for Funding, and determine Funding amounts to report National Program Level summaries and statistics to support/defend CAP Value to the Nation, among other things. Poor data jeopardizes the opportunities for otherwise qualified projects to receive Funding. CAP Project Managers, District/Division Program Managers, and RITs must ensure that all CAP project data are kept current, and that data QA/QC procedures are implemented on an ongoing basis. Districts will maintain communication with Non-Federal Sponsors regarding project schedules and capabilities for the use of additional Funding and will reflect the results in the CAP data.

B-5. <u>Processes for Suspension and Reaffirmation</u>:

a. As of 1 October, of the CFY, an Active or Deferred project is automatically moved to Suspended status if it meets all of the following criteria:

(1) According to Work Allowance data, it did not receive Funding in either CFY-1 or CFY-2;

(2) According to the CAP database, it did not have a cost sharing agreement executed in either CFY-1 or CFY-2; and

(3) According to the CAP database, it was not reaffirmed in writing by the Non-Federal Sponsor in either CFY-1 or CFY-2.

b. During the CFY, a Suspended project is returned to Active status if it is reaffirmed in writing by the Non-Federal Sponsor, and the date is entered in the CAP database.

c. During the CFY, the CECW-IP Program Manager will notify the Divisions of the additional Active and Deferred projects that would be suspended as of 1 October of CFY+1 unless they were reaffirmed by the Non-Federal Sponsor during the CFY.

d. For each Suspended project and each Active or Deferred project that would be suspended as of 1 October of CFY+1, the District may ask the Non-Federal Sponsor, in its discretion, to reaffirm in writing its support and capability for the project. The District may provide the sample below. The sample includes variants to cover projects at different stages of development.

This is to reaffirm the support of the Town of Anytown, Texas, for the Anytown Levee Project. (Choose one of the four following sentences, depending on the stage of project development: The Town of Anytown is willing and has the financial capability to execute a feasibility cost sharing agreement for the project, and a project partnership agreement for the project should the project report be approved. The Town of Anytown will continue to carry out its obligations under the executed feasibility cost sharing agreement and is willing and has the financial capability to execute a project partnership agreement for the project should the project report be approved. The Town of Anytown is willing and has the financial capability to execute a project partnership agreement for the project should the project report be approved. The Town of Anytown is willing and has the financial capability to execute a project partnership agreement for the project.) The Town understands that under the project partnership agreement it will be responsible for sharing in the costs of the project, acquiring necessary real estate interests, and performing necessary operation, maintenance, repair, rehabilitation, and replacement of the project.

Figure B-1. Sample Message for Non-Federal Sponsor to Reaffirm Its Support and Capability for the Project

e. If and when the project is reaffirmed in writing, the District will enter the reaffirmation date in the CAP database and reclassify the project to Active or Deferred status.

f. If the Non-Federal Sponsor indicates that it does not wish to reaffirm the project, or fails to reaffirm an already-Suspended project in a reasonable time as determined by the District, the District will conduct the following actions:

(1) Notify the Non-Federal Sponsor and the local offices of the affected Members of Congress of the pending Termination of the project.

(1) Thereafter, reclassify the project in the CAP database as Terminated, unless the Non-Federal Sponsor reaffirms the project within a reasonable time after notification.

B-6. Funding Priorities:

a. According to the following priorities, the CECW-IP Program Manager may reallocate to project phases the Funding available or projected to be available in each Section for obligation in the applicable FY. Funding will not be reallocated to projects or phases classified as Deferred, Converted, Terminated, or Suspended. The term reallocated in this appendix means moving to the project phase Funding from either the Master Program Code or from projects within the same Section:

(1) Approximately twenty percent of the available Funding will be reallocated to Feasibility phases and eighty percent will be reallocated to D&I phases; provided, that minor deviations from exactly 80/20 are expected due to project capabilities and useful increments.

(2) Funding for each type of phase will be reallocated first for the estimated unfunded costs for award for already-solicited contracts; for contract management, known claims, and known within-scope modifications for already-solicited and already-awarded contracts; for monitoring for completed construction; and for District level program Coordination.

(3) Funding for each type of phase will be reallocated to the next added project phase until all Funding for that type of phase has been reallocated or remaining Funding for that type of phase is not sufficient to fund useful work on the next-added project phase. However, the CECW-IP Program Manager may reserve Funding for post-agreement work on project phases for which agreements have been authorized.

(4) The amount reallocated to each project phase will not exceed the capability for that project phase for the applicable fiscal year. In addition:

(a) No more than $50,000 cumulative will be reallocated to a Feasibility phase until a positive Federal Interest Determination (FID) has been made.

(b) Except in the case of a phase that does not require an agreement or a Section 204 Feasibility study, no more than $100,000 may be reallocated to a project phase until the agreement for that phase has been executed.

b. Section 14. Subject to paragraph 5 above, project phases that address the most significant risks and adverse consequences have priority, irrespective of agreement or phase status. Data input for risks and consequences are entered in the CAP database.

c. Other Sections. Subject to paragraph 5 above:

(1) Previously funded project phases have priority over previously unfunded project phases.

(2) Among previously funded project phases:

(a) Project phases with executed agreements (except for project phases with agreements authorized under paragraph 10 b., but for which the CECW-IP Program Manager has not yet provided, reserved, or planned Funding for post-execution work) have priority over project phases without executed agreements.

(b) Among previously funded phases without executed agreements and previously funded project phases with agreements authorized under paragraph 10 c., but for which the CECW-IP Program Manager has not yet provided, reserved, or planned Funding for post-execution work, priority is given first to project phases for which execution of an agreement is scheduled for the applicable FY or has taken place, and last to project phases for which execution of a required agreement is not scheduled for the applicable FY.

(3) Subject to the foregoing paragraphs, project phases that are the highest-performing and that are closest to fiscal completion (that is, cumulative obligations for the phases, as a percent of total Federal costs for the phases are the highest) have priority. For Section 107, projects for which CECW-Z has concurred in the fact sheet will be treated as highest-performing, projects with no CECW-Z action will be treated as next-highest performing, and projects in which the CECW-Z has non-concurred should be terminated by the District.

B-7. Funding Processes. Consistent with paragraph 6 above:

a. At the beginning of the CFY, CECW-IP Program Manager will provide an Initial Allocation Plan for the Program based on carry-in Funding and anticipated CFY Funding during a Continuing Resolution period, if applicable. The CECW-IP Program Manager will determine acceptable risks to ensure a proactive approach to managing the program with the goal of maximizing project delivery and execution.

b. Projects funded in the Initial Allocation Plan that did not receive carry-in Funding must be executed using Funding made available by work allowances under the Continuing Resolution Act.

c. Upon the enactment of an annual or full year appropriations bill, the CECW-IP Program Manager will provide a Final Allocation Plan and work allowances for the Program.

d. After enactment, an affordability analysis will be undertaken to determine if it is appropriate to initiate any new Projects. This assessment will consider if such projects can be funded over time based on historical averages of the appropriation for that Section. A decision to fund any new Projects will be coordinated with the Committees on Appropriations of the House of Representatives and the Senate. The affordability analysis may be performed more than once per year, depending on availability of funds. New starts for section 14 will be prioritized in according to paragraph 6.b.

B-8. Reprogramming and Reallocation: With the roll out of the CEFMS II (FDM) in FY2018, all CAP work allowances require HQ program manager approval as well as HQ Budget approval. When the link to the CAP database is established in CEFMS II, the prior reallocation rules will be reinstated.

a. Approval of the CECW-IP Program Manager is required to reprogram Funding into or out of a CAP Section, which is a PPA. Any CAP reprogramming is considered a CGR.

b. During the CFY, HQUSACE will reallocate from the applicable Master Program Codes all project Funding scheduled for obligation or solicitation in the CFY.

c. Districts and MSCs may initiate work allowances in FDM to reallocate Funding from terminated/completed projects to the applicable CAP Section Coordination account up to $3,000. Any reallocation above that threshold will require HQ program manager approval.

d. The District may initiate a work allowance to reallocate Funds to a project phase that has received a reallocation already in the current FY, provided that no more than $50,000 cumulative will be reallocated to a Feasibility phase until a positive Federal Interest Determination has been made, and no more than $100,000 cumulative will be reallocated to any project phase until the agreement for the phase has been executed.

e. When excess funds are identified on projects, see 9.b below. Once the funds are available in CEFMS II as unregistered and undistributed, the district/MSC will initiate the work allowance for the donor project to "revoke" the funds and may also selects from the FDM Line button the Master Program Code to receive the funds. Once the master program code info is entered the business rules can be run and the work allowance submitted for approval.

B-9. Quarterly Reviews:

a. MSCs will ensure that Districts update data in the CAP Database on phase, capabilities, agreement dates, the unfunded costs of already-awarded and already-solicited contracts, Coordination costs, and the like. For consistency purposes, the MSCs will ensure the data is updated by the 10th day of the month preceding the next quarter: (for example, 10 Dec, 10 Mar, 10 Jun, 10 Sep).

b. The CECW-IP Program Manager will carry out "sweeps" of Funding not scheduled for obligation in the CFY. However, the Program Manager may permit a project to retain Funding needed in the next FY for contract management, known claims, and known within-scope modifications on already-solicited or already-awarded contracts, or may permit any project to retain Funding scheduled for obligation in the first quarter of the next FY. The CECW-IP Program Manager may approve Reallocation of Funding within the Division, if consistent with paragraph 6, in lieu of revocation to the applicable Master Program Code.

c. The CECW-IP Program Manager will reallocate Funding to project phases for the applicable FY according to paragraph 7 above and notify the MSCs of newly reallocated Funding.

d. The CECW-IP Program Manager will coordinate New Project initiations with MSCs prior to submittal of the affordability analysis to the Appropriations Committees.

B-10. Authorization of Agreements:

a. No cost sharing agreements (Feasibility Cost Sharing Agreements or Project Partnership Agreements) will be executed for CAP projects without the prior authorization of the CECW-IP Program Manager. Each authorized agreement will be negotiated, reviewed, approved, and executed according to current policies and practices (see EP 1105-2-158). *Note* that authorization of an agreement under this Appendix and approval of an agreement under EP 1105-2-58 are two separate actions.

b. The CECW-IP Program Manager will authorize an agreement for a project phase if the agreement is scheduled for execution in the applicable FY, the CECW-IP Program Manager has reserved Funding to the project phase for post-agreement work in the applicable FY or has planned the use of budgeted Funding for post-agreement work in the next FY, and, in the case of a Section 107 project, CECW-Z has concurred in the fact sheet.

c. Should an MSC request authorization of an agreement for a previously funded project phase for which execution of the agreement alone (without necessarily obligating Funding after execution) prevents non-Federal cost sharing Funding from being lost, the CECW-IP Program Manager will authorize the agreement after verifying the necessity of execution. Such authorization does not create a commitment to fund post-agreement work.

d. Once an agreement is authorized, the authorization will not be rescinded. However, continued authorization of the agreement does not exempt the project from Reallocation of project Funding that is not scheduled for the CFY.

B-11. Point of Contact. POC is CECW-IP.

Appendix C
Investigations Execution Guidance

C-1. References:

a. CECW-P Memorandum, dated 25 March 2019, subject: Revised Implementation Guidance for Section 1001 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014), Vertical Integration and Acceleration of Studies as Amended by Section 1330(b) of the Water Resources Development Act (WRDA) of 2018.

b. CECW-P Memorandum, dated 17 May 2017, Subject: Updated Implementation Guidance for Section 1002 of the Water Resources Reform and Development Act (WRRDA) of 2014, Consolidation of Studies

c. Section 2045(e) of the Water Resources Development Act of 2007 (33 U.S.C. 2348(e)).

d. Civil Works Direct Program Development Policy Guidance Fiscal Year 2022 EC-11-2-225.

e. Scheduling and Scoping a Three Year Feasibility Study; Key Timelines and Decisions: https://planning.erdc.dren.mil/toolbox/webinars/17Jan19-feas3yearframework.pdf

C-2. Strategic Focus – Specifically Authorized and Remaining Items.

a. USACE is continuing to aggressively manage the existing portfolio studies to ensure efficient execution and is also looking toward the future to ensure a continued pipeline of viable studies to address the Nation's dynamic growing water resources needs. A well-managed portfolio offers funding forecasts and workload management. It is vital that Planning, Project Management and Programs work closely together to ensure that resources are being used on the highest priority issues, this includes outreach efforts, technical services, feasibility studies, re-evaluations etc.

b. Specifically authorized studies are authorized feasibility studies (including GRR studies), watershed studies, and comprehensive study assessments. These studies are conducted using SMART planning principles and follow a single-phase study process as required by WRRDA 2014. Successful conduct of feasibility studies is a shared responsibility between all functional areas including, but not limited to Planning, Program Management, Engineering, Construction, Real Estate, and Operations. Prior to expending federal appropriations to undertake studies, Commanders will certify the following:

(1) Confirm Federal Interest – should we do the study? Do we have a capable non-federal sponsor? Will the study result in a policy compliant and implementable project?

(2) Is the NFS capable to provide their cost-share and do work-in-kind (if applicable) and be prepared to sign a Feasibility Cost Sharing Agreement this calendar year (NLT 31 December 2022).

(3) Confirm that resources within the District, Division or the Civil Works Enterprise at large are available to perform the study.

(4) Perform an assessment of the likelihood that the study will be completed within 3 years and $3 million. According to Section 1001 of WRRDA 2014, if the district identifies the need for a waiver from the 3x3x3 rule, a request for additional time and/or funding endorsed by the MSC Commander should be elevated to the appropriate HQ RIT as soon as the need is confirmed.

(5) MSCs will confirm that the study will be completed according to the approved schedule and budget at each study milestone and document confirmation in a memorandum from the MSC to the RIT. If, between study milestones, the MSC validates a district's request for additional time and funding necessary to complete the study, the request should be elevated to the appropriate HQ RIT as soon as the need is confirmed.

Upon initiation of work, re-enforce the following tenets for delivering quality work on time and within budgets:

(1) Get the engineering right: leverage subject matter experts throughout the Civil Works Enterprise including our Centers of Expertise.

(2) Ensure transparency and collaboration with the Vertical Team and rapid issue escalation to decision-makers.

(3) Perform Quality Control (Districts) and Quality Assurance (MSCs) to standard.

(4) Adhere to project management principles, including monitoring progress, expenditures, and contingencies, and reporting at Regional PRBs, DMRs, and CMRs.

(5) Adhere to WRRDA 2014 Sections 1001, 1002, and 1005 requirements. These basic requirements are now codified in federal law governing the conduct of studies.

(6) Coordinate with the policy and legal compliance review team from study initiation through the study completion.

c. Investigations Remaining Items (RI) is another means by which USACE is able to respond to the Nation's water resources challenges, engage across the lifecycle of water resources management beyond USACE project development and build relationships and trust internal to USACE, with other agencies, and with stakeholders. USACE is able to meet this Integrated Water Resource Management (IWRM) strategy by utilizing Investigations RIs which are identified by these three primary categories:

(1) Data and Technical Support - Gathering and developing technical data, modeling, etc. helps us do our studies better.

(2) Partnerships & Information Sharing - Partnerships established and nurtured at the District level establishes trust and lays the foundation for future work and collaboration.

(3) Technical Programs and Special Studies - Flexibility to meet nation's water resources needs beyond specifically authorized studies.

With USACE's limited resources, it is critical that Remaining Items are strategically managed to focus on the highest priority issues, ensuring that we are communicating to key stakeholders and identifying and filling priority data gaps.

C-3. Study Classification. The terms Active and Inactive in this EC are for study classification purposes and are not intended to replace the definitions provided for the CEFMS II Financial database or P2.

a. Active. Active studies are defined as authorized studies that have received a Federal allocation in any of the last 3 fiscal years; have a commitment from HQUSACE to support continued sequential Federal study funding; have a non-federal sponsor committed to funding its share; have Federal interest; have reasonable prospects for a Federal project or watershed study; and are proceeding according to a vertical team aligned scope, schedule, and budget. The exemption process is part of the study process so the need to obtain an exemption decision does not in and of itself determine the status of a study.

b. Inactive.

(1) If a study does not meet the definition of Active (3.a.) then no funding may be reprogrammed to, allocated to, reallocated to, obligated on or expended on the study. The USACE Chief of Planning and Policy may grant an exception to this rule on a case-by-case basis. For more information about Inactive categories and the reclassification process reference the EC-11-2-225, Appendix C.

(2) When the USACE determines that a study is inactive, then it is terminated, and the District must follow the termination notification process. If there is a reason to defer termination the district commander can hold off termination for no more than ninety days to allow for resolution. During this time, minimal funding is being expended and work is not being conducted. This suspension of work does not extend the approved timeline of the study. If there is reason to defer termination for more than ninety days, the HQUSACE Chief of Planning and Policy may approve a waiver.

C-4. First Year Funding.

a. For feasibility and watershed studies funded through annual appropriations, per WRRDA 14 Section 1001, no initial funds are provided in advance of a signed cost sharing agreement. The required timeframe for executing the cost sharing agreement is within 60 days from confirmation that the study has received appropriations. This timeframe assumes the use of a model cost sharing agreement. If use of the model agreement is not feasible, and the agreement cannot be executed within 60 days, the District should notify the MSC and HQUSACE and communicate the anticipated time required to execute. The goal is to have all new cost sharing agreements executed by 31 December 2022. Once the agreement is signed, the funds required for the first FY are allocated by HQUSACE.

b. For feasibility and watershed studies funded through Supplemental appropriations, initial funds are provided in advance of a signed cost sharing agreement. The required timeframe for executing the cost sharing agreement is within 60 days from confirmation that initial funding for coordination is available. This timeframe assumes the use of a model cost sharing agreement. If use of the model agreement is not feasible, and the agreement cannot be executed within 60 days, the District should notify the MSC and HQUSACE and communicate the anticipated time required to execute. The goal is to have all new cost sharing agreements executed by 31 December 2022. Once the agreement is signed, the balance of funds required for the first FY are allocated by HQUSACE.

c. PED, $100K may be allocated in advance of a design agreement being signed. The remaining funding will be allocated following the signing of the design agreement and a completed Review Plan posted and documented in P2.

C-5. <u>Second Year Funding</u>. Feasibility and watershed studies must have a completed Review Plan and have it posted and documented in P2 prior to receiving the second-year funds. The amount allocated will correspond to the amount included in the vertically aligned memo signed by the MSC Planning Chief.

C-6. <u>Remaining Year Funding</u>. Feasibility and watershed studies will be allocated funding based off the fiscal needs included in the vertically aligned memo signed by the MSC Planning Chief or in the case of an exemption, signed by the DCG-CEO or ASA(CW).

C-7. <u>A New Phase may not be started without explicit approval from the Management and Budget OASA(CW)</u>. If the need to initiate a New Phase does not fit within the budget or work plan cycle, USACE may request a decision to initiate the phase from the Management and Budget OASA(CW).

C-8. <u>Support Documentation (Vertical Team Alignment Memo, Exemption Approval etc) is necessary to support all funding requests</u>. The established vertical alignment process is required to be completed and documented in an affirmative Support Document or Exemption Approval before funding can be supported in a work plan, budget, or reprogramming. All reprogrammings, including a below threshold or $49,999 reprogramming, requires support documentation to ensure vertical alignment in advance of additional funding. Reference the EC-11-2-225, Appendix C and WRRDA 2014 Section 1001 implementation guidance: https://usace.contentdm.oclc.org/utils/getfile/collection/p16021coll5/id/35383.

a. For feasibility studies, if funding is over $1.5M Federal, an exemption approval is required from the DCG-CEO.

b. For feasibility studies, if funding is over $3M Federal, an exemption approval is required from the ASA(CW).

C-9. Supplemental Funding Allocations. To ensure we optimally manage the flow of funding and ensure vertical alignment while reducing potential reprogramming issues, please request funds through vertically aligned support documentation:

a. Support Documentation for Supplemental studies. All studies are single phase and will follow the established SMART planning process and milestones established for either feasibility or watershed/comprehensive studies. To support funding requests, all studies require a Vertical Team Alignment Memo, with an attached meeting MFR, summarizing the scope schedule and funding stream signed by the MSC Planning Chief and provided to the RIT, HQCECW-P and HQCECW-PID Supplemental.

(1) For feasibility studies, initial funding is provided to sign the FCSA and then additional funding is provided to complete the Alternatives Milestone. Prior to the Alternatives Milestone, the Project Delivery Team (PDT) will verify Federal interest and conduct and document a preliminary analysis of the Federal interest and the rough order of magnitude of costs, benefits, and environmental impacts. Documentation of the Alternatives Milestone Meeting will record the scope, schedule and funding stream of the study and will be used to support the requested funding stream that will be needed throughout the study. The alignment memo is signed by the MSC Planning Chief and provided to the RIT, HQCECW-P and HQCECW-PID Supplemental.

(2) For a watershed/comprehensive study, no agreement is required and initial funds are provided to scope the study. Prior to receiving additional funding, documentation of vertical team alignment from the initial scoping meetings or at the Shared Vision Milestone is required.

b. Changes to Scope, Schedule and/or Funding Stream. As the study progresses, changes in the scope, schedule and needed funding stream will be coordinated within the vertical team for alignment and captured in an updated Vertical Alignment Memo signed by the MSC Planning Chief and provided to the RIT, HQCECW-P and HQCECW-PID Supplemental.

C-10. Requirements within 90 days of signing a Feasibility Cost Sharing Agreement. For each study the District Engineer must:

a. Provide the study milestone schedule to each non-federal sponsor via certified mail, reference WRRDA 2014 Section 1002 implementation guidance: http://cdm16021.contentdm.oclc.org/utils/getfile/collection/p16021coll5/id/603/filename/604.pdf

b. Initiate the process for completing mandated reviews, reference WRRDA 2014 Section 1001 and Section 1005.

c. Convene a meeting of Federal, Tribal and State agencies according to the criteria outlined in WRDA 2007 Section 2045(e) and WRRDA 2014 Section 1001.

C-11. WRRDA 2014 Section 1002 Annual Reporting Requirement.

a. Section 1002 requires that within thirty (30 days) of failing to meet any of the deadlines in the project schedule determined by the Secretary as being needed for the completion of a feasibility study, the District Engineer will submit to the non-Federal sponsor a report detailing why the District Engineer failed to meet the deadline and a revised schedule reflecting amended deadlines for the feasibility study.

b. Annual Reporting. By 5 August of each year, the RIT will provide CECW-P a comprehensive list of vertically aligned study schedules from its respective major subordinate command.

C-12. Schedule Rules of Thumb.

Table C-1
Schedule Rules of Thumb

Action	Rule of Thumb
Coordination and reporting per WRRDA 2014 Sections 1001, 1002, 1005	Within 3 Months after signing FCSA
Alternatives Milestone	3-6 Months after signing FCSA
Tentatively Selected Plan (TSP) Milestone	9 Months after the Alternatives MS
Release of Draft Feasibility Report for Public Review	1 Month after the TSP
Agency Decision Milestone	5 Months after TSP
District Submit Final Feasibility Report	Dependent on the Level of Detail decided at ADM
Signed Chief's Report or Director's Report	4 Months following the transmittal of Final Feasibility Report

C-13. Point of Contact. POC is CECW-P.

Appendix D
Executive Direction and Management
Expenses (E) Program Execution Guidance

D-1. General:

a. The Expenses Program appropriation funds Executive Direction and Management (ED&M) functions of the Civil Works Program (CWP) which are conducted by Headquarters U.S. Army Corps of Engineers (HQUSACE), Divisions, and selected (FOAs) that receive Expenses manpower allocation. ED&M functions include command and control, coordination and issuance of policy and guidance, program management in developing, defending and executing the CWP programs, national and regional level coordination with elements of the Administration, Congress, and other agencies and national stakeholders, and quality assurance to ensure that the CWP is being executed consistent with law, policy and regulation.

b. In FY12, the Energy and Water Development Appropriation Act (E&WDA) enacted appropriation law which for the first time made the Expenses (E) appropriation 2-year funding. Under the terms of Energy and Water Development and Related Agencies Appropriations Act, 2022 (Division D of the Consolidated Appropriations Act, 2022 (Public Law 117-103), FY22 Expenses Funding is for a comparable period of availability and the appropriation, FY22/23, expires on 30 September 2023. The Expenses (E) appropriation authorizes funding for supervision and general administration of HQUSACE and its Division Offices, as well as the cost of management and operation of the FOAs Humphreys Engineer Center Support Activity (HECSA), Institute for Water Resources (IWR) and Engineer Research and Development Center (ERDC). The Expenses account language also prohibits use of any other appropriation provided in Title I of the Act to fund CWP activities of HQUSACE except that any Flood Control and Coastal Emergencies appropriation not otherwise restricted as to use, may be used to fund supervision and general administration of Emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster. In addition, no Expenses Program Funding will be used to implement any pending or future competitive sourcing action under Office of Management and Budget (OMB) Circular A-76 or High Performing Organizations for the U.S. Army Corps of Engineers.

D-2. Program Challenges:

a. The Corps is transforming and evolving to meet changing needs of the nation, and its Armed Forces. As the needs of society and the workforce have changed, the CWP mission of development and management of water resources have changed, to include protection and restoration of water resources and the ecosystems they support. The complexity of water resources development and management requires closer partnerships and greater collaboration.

b. Executive Order 13693, signed March 2015, introduces new requirements and expands upon requirements by Executive Order 13514, signed October 2009 that required Federal agencies to set a 2020 Greenhouse gas (GHG) emissions reduction target and to meet energy, water and petroleum reduction goals established in EO 13423, the Energy Independence and Security Act of 2007, and the Energy Policy Act of 2005. ASA(CW) submits annually to OMB and CEQ the USACE-wide Sustainability Plan and the Comprehensive Greenhouse Gas Inventory, Annual Energy Management Report, and Sustainability and Energy scorecard. To this end, the Corps established USACE-wide policies, plans, processes, and tools, required to improve USACE performance and support annual reporting requirements related to (GHG), energy/fuel efficiency, renewable energy, green buildings, regional and local planning, water use efficiency, pollution prevention, sustainable acquisition, electronic stewardship, and data centers. The Corps' ED&M staff frequently updates policy, guidance and technical documents and interacts with regional and national stakeholders at the federal, state, local and private sectors.

c. Many of the Corp's aging workforce, possessing required knowledge, abilities, and skills, are retiring on a regular basis. The surge in labor costs to market and recruit employees of choice, and attracting and retaining disciplined, competent, professional talented employees, who can deliver innovative solutions now and into the future will continue. USACE continues to face the challenge of fully funding labor, critical requirements and have sufficient funding for operational requirements, such as, training, travel, supplies, etc.

D-3. <u>Highlights of Initiatives and Priorities</u>:

a. The USACE strategy plan is called the "Campaign Plan". The Corps' Campaign Plan describes its vision, strategy, goals and objectives for the entire organization and is fully nested with the Army Campaign Plan (ACP) and National Goals and Objectives. The Commanding General's four priorities are:

(1) Support National Readiness: USACE is trusted by DA, DoD, our partners / stakeholders, and the Nation to deliver quality projects and programs, on time and within budget, that enable the National Command Authority to secure the homeland, project national power, and pursue our Nation's vital interests.

(2) Modernize USACE: USACE effectively anticipates and deliberately implements meaningful innovations for all programs, projects, and processes. We enthusiastically embrace changes and new technologies that set the standard for program and project delivery for our partners and stakeholders.

(3) Improve Partnering and Strengthen Relationships: USACE is the most trusted advisor and valued "partner of choice" for our International Allies and Partners, the Federal Government, industry, academia, State and local agencies, and the public through aggressive partnering that builds and maintains strong, meaningful, and lasting relationships.

(4) Innovate Program and Project Delivery: USACE embodies “world-class” delivery excellence through consistent behaviors and proven, value-driven processes that achieve exceptional results and maintain trust. Our reputation is unchallenged, and we are trusted and respected as the Nation’s Engineer

b. These four goals are compatible with the accomplishment of the Civil Works Program. They are accomplished through Strategic Goals one through five:

(1) Transform the Civil Works Program to deliver sustainable water resources solutions through Integrated Water Resources Management.

(2) Improve the safety and resilience of communities and water resources infrastructure.

(3) Facilitate the transportation of commerce goods on the Nation’s coastal channels and inland waterways.

(4) Restore, protect, and manage aquatic ecosystems to benefit the Nation.

(5) Manage the life cycle of water resources infrastructure systems in order to consistently deliver sustainable services.

D-4. Civil Works Strategic Plan: The Expenses appropriation is aligned with all of the Civil Works Strategic Plan goals that guide, inform, and shape Civil Works objectives and priorities.

a. Relevant Goal(s):

(1) Transform the Civil Works program to deliver sustainable water resources solutions through integrated water resources management.

(2) Improve the safety and resilience of communities and water resources infrastructure.

(3) Facilitate the transportation of commerce goods on the Nation’s coastal channels and inland waterways.

(4) Restore, protect, and manage aquatic ecosystems to benefit the Nation.

(5) Manage the life-cycle of water resources infrastructure systems in order to consistently deliver sustainable services.

b. Relevant Objective(s):

(1) Modernize the Civil Works project planning process.

(2) Deliver quality solutions and services.

(3) Develop a ready and resilient workforce through innovative talent management and leader development strategies and programs.

(4) Reduce the Nation’s risk and increase resilience to disasters.

(5) Support the Department of Homeland Security/Federal Emergency Management Agency to provide lifecycle public works and engineering support in response to disasters.

(6) Effectively and efficiently execute response, recovery, and mitigation.

(7) Facilitate commercial navigation by providing safe, reliable, highly cost-effective and environmentally sustainable waterborne transportation systems.

(8) Restore aquatic habitat to a more natural condition in ecosystems in which structure, function, and dynamic processes have been degraded.

(9) Reduce adverse impacts to the Nation’s wetlands and waterways through an effective, transparent, and efficient Regulatory process.

(10) Clean up radioactive waste sites.

(11) Manage, conserve, and preserve natural resources at USACE projects.

(12) Provide opportunities for quality outdoor public recreation.

(13) Support the Nation and the Army in achieving our energy security and sustainability goals.

(14) Capitalize, recapitalize, operate, and maintain water resources infrastructure to provide maximum value to the Nation.

(15) Provide reliable, renewable, hydropower to the Nation.

(16) Provide water supply storage in partnership with state and local interests.

c. Relevant Performance Measure(s).

(1) Percent of Planners trained in Planning Core Curriculum Courses.

(2) Percent of Planners achieving certification under the National Planner Certification Program.

(3) Percent of projects on schedule. This measure compares project progress to the schedules established and reported in the USACE project management system. USACE's tracking of actual schedules is essential to determine whether or not projects are delivered on time and, if not, determining the underlying causes for not meeting the schedules.

(4) Percent of customers indicating USACE delivered quality products and services (based on Customer Satisfaction Survey).

(5) Percent completion and deployment of Command Training Plans for all USACE mission critical occupations.

(6) Percent increase of technical competencies for USACE Mission Critical Occupations that meet or exceed Army Competency Management System (CMS) targets.

(7) Percent progress to develop and implement a National Flood Characterization tool in collaboration with FEMA.

(8) Percent of Levee Safety Action Classifications complete.

(9) Number of Dam Safety Action Classifications Reduced.

(10) Number of trained and certified Planning Response Teams, Team Leaders, Assistant Team Leaders, Subject Matter Experts, and National Emergency Support Function #3 Cadres ready and able to respond.

(11) Percent of current Annual updated All Hazards contingency plans across USA.

(12) Percent scheduled and executed assigned and funded missions and programs.

(13) Number of active state-led interagency flood risk management teams (Silver Jackets).

(14) The number of instances where mechanically driven failure at locks results in delays of more than 24 hours.

(15) The number of instances where mechanically driven failure at locks results in delays of more than one week.

(16) Acres of habitat restored, created, improved or protected.

(17) Percent of general permit decisions reached within 60 days.

(18) Number of individual properties returned to beneficial use.

(19) Percent of USACE fee-owned and/or administered lands and waters that have achieved desired natural resource conditions.

(20) Annually increase PSA compliance in each standard by 1% over the FY 13 baseline.

(21) Non-tactical Vehicle (NTV) Petroleum: Percent reduction in NTV Petroleum Use. This measures progress on reducing the use of traditional petroleum fuels (gasoline and diesel) in fleet vehicles.

(22) Facility Energy Intensity: Percent reduction in Goal Subject Energy Intensity (Btu/GSF). This measures progress on making “buildings” more energy efficient.

(23) Percentage of Preventative Maintenance completed on critical components maintenance completed per maintenance management improvement plans.

(24) Peak unit availability (percentage of time generating units are available during periods of peak demand).

(25) Percentage of time units are out of service due to unplanned outage.

(26) Percent of acre-feet of storage under contract versus acre-feet available.

(27) Percent of investment costs recovered versus the total investment costs available for recovery.

D-5. <u>Expenses Strategic Priorities</u>:

a. Improve the current ability to develop and defend Civil Works labor funding within the Administration.

b. Align available ED&M Resources at the Headquarters, FOAs, and MSCs with the most appropriate CW Program Business Line Requirements, in order to best address Goals and Priorities outlined in the CW Strategic Plan.

c. Directly support the five ED&M functions: Command and Control, Policy Guidance, Program Management, National/Regional Interface, and Quality Assurance.

d. Establish and update policy, develop guidelines, review performance and manage the direction of work accomplished by other organizations in the Corps of Engineers, in support of CWP objectives.

e. Maintain the appropriate level of management and oversight over all CW Program business lines such that CWP Priorities/Goals are achieved at an efficiency that is superior to other Government and Industry benchmarks.

D-6. Performance under Various Levels: The Expenses appropriation funds ED&M labor, Mandatory costs, and Discretionary costs for HQUSACE, eight Divisions, and three FOAs. The three FOA with personnel performing command and control functions and who receive Expenses manpower allocation are: HECSA, ERDC and IWR. The proposed Funding and Full Time Equivalents (FTE) have remained constant at the FY12 level and does not provide for inflation or growth in labor or mandatory items such as rent, utilities and communication costs. Due to lack of sufficient FY2022 appropriated funds to cover Must Fund requirements and level of support for operational requirements, the Enterprise Requirements, formerly program accounts/campaign accounts, will be funded based on availability of funds. Some items formerly funded by Remaining Items, such as GUMP, received line item funding in the FY2022 Expenses appropriation. Requirements will be prioritized within current funding level, though they may remain unfunded.

D-7. Execution. Appropriations for the Expenses Program are insufficient to fully fund mandatory labor requirements and provide for a sufficient amount of operational funding. Funding for non-labor requirements is required for effective accomplishment of the mission. Full labor funding represents 79% of total funding for the program; labor management is of top priority:

a. Work of the Expenses Program is accomplished through subdivision of work among HQUSACE, eight Divisions, and three FOAs. Within HQUSACE, work is managed by three groups – the two mission directorates, Civil Works and Military Programs, and all others comprising of the support offices, including, Human Resources, Resource Management, Inspector General, Internal Review, Counsel, Public Affairs, Diversity and Leadership, are represented by the Chief of Staff.

b. WADs and FADs provide work and funding authorization to 13 work subdivisions that execute Corps ED&M activities.

c. The Directorate of Resource Management (DRM) allocates Funding based on Congressional direction, appropriation, OMB apportionment, and priority.

d. Allocation of Expenses Program Funding among work subdivisions (HQ and non-HQ) is accomplished by DRM through successive recommendations of the Program Management Advisory Committee (PMAC), Headquarters Prioritization Group (HPG), and Senior Program and Budget Advisory Committee (SPBAC).

e. Sub-allocations within HQUSACE work subdivisions and USACE Commands are accomplished for both labor and non-labor items. Non-labor has two categories, Must Fund and operational. Operational is at the discretion of the Commands, mindful of the need to maintain adequate force strength.

f. Sub-allocation of Expenses Program Funding among the three management groups within HQUSACE is accomplished by the Chief of Staff through successive recommendations of the Headquarters Operations Prioritization (HOP) Group and Junior Program and Budget Advisory Council (JPBAC).

g. Execution of HQ Expenses Program Funding is based on collective recommendations of constituent offices within the three management groups (CW, MP and CoS) within HQUSACE and is accomplished by the Executive Directors of the mission directorates and Chief of Staff.

h. Allocations for any given year must be obligated in that year to the fullest extent practicable to include obligations by performing organizations in receipt of funding provided by the issuing organization through the CEFMS II function called, repositioning of funds. Corps-to-Corps MIPRs are no longer authorized. Labor purchased from others is to be executed by cross charge labor purchase requests. To ensure proper budget management by program year, all unobligated amounts are to be returned to DRM IAW dates of the close out plan.

i. DRM establishes deadlines for completion, by work subdivision, of basic milestone and obligation schedules for both labor and non-labor activities. Labor funding must be devoted to labor activities and scheduled and reported accordingly.

j. The DCW will review performance of all work subdivisions at monthly Project Review Board (PRB) meetings and Directorate Management Reviews (DMRs) in terms of actual versus scheduled milestones and obligations. DRM also will host quarterly execution reviews.

D-8. <u>ED&M of the Regulatory Program performed by Division Regulatory Program Managers should be charged to the Expenses appropriation, not the Regulatory Program appropriation</u>. The following activities pertaining to the Regulatory Program are ED&M and should be charged to Expenses:

a. Costs associated with the development of regional general permits consistent with 33 CFR § 325.2(e) (2).

b. Costs associated with the development, review, and approval for the use of Emergency procedures in line with 33 CFR § 325.2(e) (4) and ER 500-1-.1

c. Costs associated with the Division staff participation in public hearings consistent with 33 CFR § 327.5.

d. Costs associated with the process of making navigability determinations consistent with 33 CFR § 329.14(b), § 329.15, and § 329.16.

e. Costs associated with the reissuance of the nationwide permits including the development and implementation of regional conditions in line with 33 CFR § 330. Exercising the regional discretionary authority in line with 33 CFR § 330.

f. Costs associated with the referral of permit applications to the Division or Headquarters consistent with 33 CFR § 325.8.

g. Costs associated with administrative oversight of the Administrative Appeals Program consistent with 33 CFR § 331 except for those costs incurred by the Division Engineer's designated Appeal Review Officer while executing his/her duties as Review Officer.

h. Costs associated with duties assigned to the Administrative Appeals Review Officer and any general and administrative costs that are not directly related to the execution of an administrative appeal review. Review Officers who work on non-appeal related Division level tasks are to charge to ED&M (or other appropriate Funding).

D-9. Details and Developmental Assignments. Persons detailed to vacant allocated positions are detailees for whom labor obligation authority is provided through cross charge PR&C from the host offices to home offices. Temporary duty (TDY) costs will be provided by CEFMS II Repositioning of funds feature to the home office. Persons not filling vacant positions are developmental assignees for whom labor costs are absorbed by home offices. TDY costs are handled in the same way as for detailees. Funding for developmental assignments and details will derive solely from hiring lag provided within the annual funding allocation.

D-10. Point of Contact. POC is CERM-BI.

Appendix E
Flood Control Coastal Emergencies Execution Guidance

E-1. The Flood Control and Coastal Emergencies (FCCE) appropriation funds all Public Law (PL) 84-99 activities, includes responsibility for disaster preparedness, inspection of non-Federal flood risk management projects, emergency operations, rehabilitation of damaged flood and coastal storm risk management projects, emergency dredging, emergency water assistance, Advance Measures for the imminent threat of unusual flooding, and participation in the hazard mitigation program.

E-2. Previously appropriated Funding, Funding previously transferred from other appropriations for flood control, and new FY 2022 Funding will be used to fund these purposes.

E-3. Roles and Responsibilities:

a. CECW-HS will:

(1) Provide guidance on prioritization and execution of FCCE Funding;

(2) Maintain data on Funding needs for preparedness, operations, and emergency water, Advance Measures, inspections of eligible non-Federal flood risk management projects, and preparation and completion recordation of Project Information Reports (PIRs);

(3) Provide FCCE work allowances quarterly for priority preparedness activities, inspections, and participation in the hazard mitigation program, including revocations as needed;

(4) Provide FCCE work allowances upon request for priority emergency operations, emergency water, Advance Measures, and preparation of PIRs, including revocations as needed;

(5) Provide data quality assurance and spend plan on PL 84-99 project rehabilitation requirements;

(6) Provide FCCE work allowances for PL 84-99 rehabilitations and project repairs determined by CECW-HS to be eligible for FCCE Funding, including revocations as needed.

(7) Ensure Synchronization of FCCE projects, with long term recovery efforts managed by HQUSACE Storm Supplemental Senior Program Manager.

b. CECW-I will:

(1) Consistent with Section 20401 of Public Law 115-123, prepare monthly lists of detailed repair estimates of damages to each Corps of Engineers project, caused by natural disasters or otherwise;

(2) Provide data quality assurance and report on completion milestone CC820 for damage repair work packages funded, or planned by HQUSACE to be funded, from supplemental appropriations;

(3) Provide FCCE work allowances as directed/requested by CECW-MVD-RIT, for work in response to Hurricane Katrina and other 2005 hurricanes eligible for FCCE Funding;

(4) Ensure synchronization of FCCE projects, with long term recovery efforts managed by HQUSACE Storm Supplemental Senior Program Manager.

(5) Implement actions resulting from USAAA review of Hurricane Katrina or Hurricanes Harvey, Irma, and Maria long-term recovery efforts;

(6) Manage transfers into the FCCE appropriation of Funding from other flood control appropriations as needed.

E-4. Primavera project schedules and obligation/expenditure (2101) schedules are to be developed in P2 for all FCCE activities funded under the CCS codes having the first two digits of 11, 12, 13, 14, 16, 31, 32, 33, 34, 35, 36, 37, 41, 42, and 51. Where applicable, (for example, flood risk management projects such as levees), the District's National Levee Database (NLD) manager will update the NLD with the P2 # of each project.

E-5. Point of Contact. POCs CECW-HS and CECW-IP

Appendix F
Regulatory Program Execution Guidance

F-1. Purpose. The purpose of this Appendix is to provide guidance for the execution of the Regulatory Program budget. USACE's Regulatory Program mission is to protect aquatic resources and navigation capacity while allowing reasonable development through fair and balanced decisions. USACE's jurisdiction extends to the navigable waters, their tributaries, and adjacent wetlands and certain other waters.

F-2. Focus. Funding will be used by the Regulatory Community of Practice (CoP) to focus on providing regulators with the tools and training they need to achieve the end state efficiently and effectively for all stakeholders. These efforts are organized along four lines: (1) science and technology initiatives, (2) technical and leadership training, (3) program efficiencies, and (4) ORM2/public website updates. These lines of effort support the six pillars of the Regulatory Program: Transparency, Program efficiencies, Training and Development, Science and Technology, Strong Leaders, and Knowledge Management. The Regulatory CoP, which include HQ, division, and district regulators, will continue to work as one team to deliver a Regulatory Program according to the national goals noted above.

F-3. Appropriation. The appropriation, General Regulatory Functions (GRF), for FY 2022 is $212,000,000 and will expire on 30 September 2023.

F-4. Programmed Schedule. Obligation and expenditure schedules (GRF) funds are to be developed in P2, until use of P2 is discontinued or replaced with another system, following the guidance detailed in the main body of this circular. These P2 obligation and expenditure schedules will establish the baseline schedules for measuring FY 2022 execution and are reported on specific monthly Delivery Reviews with Commanders. It is the Districts' responsibility to ensure schedules are accurate before the schedules are locked. Adjustments may be made to the basic schedule once the appropriation has been received.

F-5. Programmed Carryover. Unobligated GRF carried into the FY, should be included in the current FY P2 schedule, but not be programmed beyond the current FY. Expiring funds should be used first and fully expended on labor before the end of the first quarter of the FY, unless otherwise directed. Any unobligated prior year funds that remain in the second quarter of the_current FY may be pulled by Headquarters.

F-6. Work Allowances. See guidance provided in the main body of this circular.

F-7. Execution of Mission Success Criteria: Regulatory decision-making is more than processing paperwork and takes more than numbers of people. Recruiting, retaining, and maintaining a competent, well-trained, and well-equipped workforce is essential to supporting a strong, balanced, and efficient Regulatory Program that serves the needs of all stakeholders. The evaluation and decision-making process requires current data, science, and technology to ensure defensible, efficient, and transparent decisions.

In 2017 Regulatory HQ realized historical performance metrics did not adequately or fully capture resource expenditures associated with the current Program complexities, requirements, and needs. Historical metrics were replaced with new “Mission Success Criteria” meant to represent a balanced program and reflect the additional responsibilities of Regulators beyond issuing and verifying permits. There are substantial training, science/technology, and human resource needs in Districts for regulators to effectively execute the Program. The criteria were developed to link the Regulatory budget to performance and necessary labor and non-labor expenditures that would help advance the Regulatory end state and provide a balanced program. The green/amber/red/blue scale and percentages in the Mission Success Criteria target ranges indicate performance gaps and/or work imbalances. This information will be used to make decisions on where to accept risk, and where to redirect resources or efforts to address imbalances. Divisions and districts should focus resources to deliver the best overall program possible, recognizing that all criteria may not be met every time. District Regulatory Chiefs and division Regulatory Program Managers will have an understanding of why criteria elements are not being met or why criteria are exceeded and use that information to adjust efforts or resources to respond to local or regional needs.

a. With a continued emphasis on tracking budget levels, obligation and expenditure baselines will be created in P2. Program performance, as measured through the achievement of the mission success criteria in section F-7, will inform resource execution and allow headquarters, divisions, and districts to manage and confirm progress towards achieving established performance targets for all aspects of the Regulatory Program.

b. The Regulatory Program goals and the mission success criteria were developed through a collaborative process with the (OMB), with each of the goals having an equal focus. The Regulatory CoP views the new criteria as better indicators of Program performance based on the current challenges and needs. These criteria were coordinated with OMB, tested in FY 2018, calibrated in FY 2019 and fully implemented in FY 2020. To track and evaluate performance and budget execution, the criteria will be part of the Command Monitoring Requirements (CMR)

c. Compliance, Permit, and Administrative Appeals Data. Districts and divisions are still required to enter all data into the ORM2 database and report performance for each of the criteria every quarter, with the exception of Mission Success Criteria 2.1 and 2.2, which are tracked outside of ORM and reported annually. Headquarters will also run performance reports to inform national program execution.

d. For FY 2022, districts and divisions (for administrative appeals) will receive GRF funding based on a $212 million to administer the national Regulatory Program. The FY 2022 base allocations to districts and divisions do not provide for any increases in locality pay or the general costs of doing business. Each district/division must manage its Regulatory Program budget carefully to ensure labor for all on-board staff is covered.

F-8. Reallocation. There are no restrictions on district reallocation of funding among the Permit, Compliance, Enforcement, and district Appeals accounts, with spending limitations for Compliance and Enforcement detailed in F-11c and F-11e below. Also note the requirement for prior approval when moving funds in identified in item F-11f. In consultation with Headquarters, a division may reallocate up to 10% of a district's annual allocation to other districts within its division (see the 6 Mar 2012 memorandum "Delegated Authority to Reallocate up to 10% of a District's Annual Regulatory Allocation"). Reallocations will be limited to short-term current FY labor needs and will not result in establishing new GRF distribution baselines for the involved districts for future FYs. Please note this is not the same as re-baselining. Re-baselining is a more labor-intensive process requiring division approval and coordination with Headquarters including a detailed plan with current and future workload projections, performance, staffing, and historic budget information. The plan should support the re-baseline recommendations provided to Headquarters for review and approval.

F-9. Division Level Funding:

a. Headquarters will distribute GRF Work Allowances to the divisions' administrative appeals account CCS 600 (AMSCO 013579), for the administrative appeals program and related costs incurred by the Division Engineer's designated Review Officer. According to the 16 April 2013 CECW-CO-R memorandum, "Guidance on the Use of Administrative Appeals Funds in the Regulatory Program", this funding may be used by the Division Engineer's designated Review Officer for expenses, except when specifically assigned duties are not related to the Regulatory administrative appeals program.

b. Expenditures at the division level are limited to the costs incurred by the Division Engineer's designated Review Officer while executing his/her duties consistent with 33 CFR §331. In the event a Review Officer is working on an appeal from outside his/her own division, they are to charge to their own division's Administrative Appeals (if applicable) account for all costs incurred in reviewing those appeals. Unless acting as the Division Engineer's designated Review Officer, other division staff may not charge to the Regulatory appropriation, including the administrative appeals account, without prior Headquarters approval.

c. Divisions should not distribute division Appeals account funding to the districts via repositioning funds or Work Allowances to support district staff work on appeal related activities.

F-10. District Level Funding:

a. According to the 7 October 2004 memorandum to USACE Commanders regarding Regulatory Work Category Codes, districts may no longer program funding in the following CCS codes: 110, 120, and 130.

b. Permit Evaluation - CCS 100 (AMSCO 008204). All permit related work items must be established under CCS 100 in the district's P2 work breakdown structure.

c. Unauthorized Activities - CCS 210 (AMSCO 008205). All enforcement (unauthorized) related work items must be established under CCS 210 in the district's P2 work breakdown structure. As a reminder, districts should not expend more than 25% of their overall allocation in the unauthorized and compliance categories combined.

d. Studies and Support of Enterprise Level Initiatives - CCS 300 (AMSCO 088890-99). Includes all costs related to support the Regulatory LOEs, including studies, science, technology, development of leadership and technical training, ORM2 data entry initiatives, knowledge management, and District/Division programmatic initiatives to increase program efficiencies. Some examples include supplemental jurisdiction assistance (e.g., ERDC assistance; actual jurisdictional determinations are included under permit evaluation), mapping/GIS efforts, wetland studies, shoreline inventories, navigation studies, database development, virtual tools, equipment for collection of data for environmental databases, funding slated to increase transparency or technical competencies. Resource requests must be grouped by an identified and defined specific study/initiative. Studies/initiatives must be justified and approved by HQUSACE prior to allocation or expenditure. This will ensure district initiatives align with national level goals, objectives, and priorities and will advance the Regulatory desired end state. Science and Technology studies will be submitted via the Statement of Need process outlined in the ERDC and IWR Guidance Memos. Funding moved to/from this account requires HQUSACE approval.

e. Other Regulations – CCS 400 (AMSCO 008207). Includes all costs related to administration of the miscellaneous regulations such as danger zones and restricted areas. Security concerns may require a need for funds for administration of restricted areas and danger zones.

f. Environmental Impact Statement (EIS) - CCS 500 (AMSCO 088870-79 and 088941-40). Includes all costs associated with the preparation of EISs where the Corps is the NEPA lead or co-lead. In most cases, the Corps cost is for labor to review and manage the EIS and to complete the Record of Decision, with the permit applicant(s) providing the project information/data and paying for the third-party contractor that develops the EIS for the Corps. If an EIS is to be prepared without the use of a third-party contractor (for example, done in-house), HQUSACE must approve. Resource requests for all EISs (whether in-house or third-party contractor) will be described and grouped by type. Any new project specific EISs will be resourced under the district Regulatory organization codes. Resource requests for programmatic EISs may require support from other offices in the district, and those organization codes should be included. All EISs must be identified as either ongoing or projected, and the likelihood of the EIS being required should be indicated (represented as a percentage). Any reprogramming requests to/from this account require HQUSACE approval. These costs should be included in Table F-4. No resource request for any EIS may be submitted where the EIS is not specifically identified. Costs for all EISs may be submitted at Level

1 and 2 if the EIS is ongoing or a determination has been made it will be undertaken in the current budget year. When there has been a preliminary decision that an EIS will likely be needed, the information should be placed in Funding Level 2 of Table F-4 and ranked below any request tied to performance

Note: Current NEPA regs at 40 CFR 1502.11(g) requires the lead agency to track costs of DEIS and FEIS development, at a minimum. Specifically, it says: "…(g) For the final environmental impact statement, the estimated total cost to prepare both the draft and final environmental impact statement, including the costs of agency full-time equivalent (FTE) personnel hours, contractor costs, and other direct costs. If practicable and noted where not practicable, agencies also should include costs incurred by cooperating and participating agencies, applicants, and contractors." Districts can refer to the tracking methodology guidance that was previously issued for EO 13807, as it has not changed since revocation of the EO.

g. Appeals - CCS 600 (AMSCO 0135790). All district level administrative appeal related work items must be established under CCS 600 in the district's P2 work breakdown structure. This includes district costs for assembling, copying, and transmitting the administrative record to the division assigned Review Officer, as well as other appropriate costs as listed in Section 2 of the 16 April 2013 Memorandum from CECW-CO-R, "Guidance on the Use of Administrative Appeals Funds in the Regulatory Program".

h. Direct funds provided by Congress above PBUD-CCS 750. All work associated with the additional funds provided Congress above the PBUD must be established under CCS 750 in the district's P2 work breakdown structure. CCS 750 should be the only CCS code utilized for this additional funding and these funds should not be moved into a different CCS for <u>any</u> reason This CCS code was newly established in FY 2022 for the specific purpose of tracking additional funding appropriated by Congress to ensure the funding is executed in the manner Congress intended. An associated AMSCO was not created for use of these CCS in FY 2022 and districts are to use AMSCO 008204. Additionally, approximately $2.3M of additional funding within PBUD is also being tracked under this CCS code, in accordance with the Regulatory Program FY 2022 Plus-Up Funding Allocation Memo dated 11 May 2022. It is being counted in CCS 750 since the funding will be utilized for the same purpose and for ease of tracking.

i. Compliance Activities - CCS 800 (AMSCO 010688). All compliance related work items must be established under CCS 800 in the district's P2 work breakdown structure. See above item F-11c for expenditure limits for this CCS code.

j. Headquarters Approval - Funding may not be programmed into or out of the Studies account CCS 300, Other Navigation Regulation account CCS 400, or EIS account CCS 500, without prior Headquarters approval.

k. Districts may not fund any new studies, EISs, or other navigation regulation activities from other accounts. See also 7 December 1997 Memorandum, "Guidance on

EIS Preparation, Corps Regulatory Program”. This guidance also applies during any continuing resolution authority periods.

Note: Current NEPA regs at 40 CFR 1502.11(g) requires the lead agency to track costs of DEIS and FEIS development, at a minimum. Specifically, it says: “…(g) For the final environmental impact statement, the estimated total cost to prepare both the draft and final environmental impact statement, including the costs of agency full-time equivalent (FTE) personnel hours, contractor costs, and other direct costs. If practicable and noted where not practicable, agencies also should include costs incurred by cooperating and participating agencies, applicants, and contractors.” Districts can refer to the tracking methodology guidance that was previously issued for EO 13807, as it has not changed since revocation of the EO.

F-11. Obligation Schedule and Fund Distribution. Initially, GRF funding is distributed directly to district accounts when there is a signed budget (e.g. Initial Work Allowance); however it is subject to quarterly apportionment by OMB. Funding is distributed directly to divisions during a Continuing Resolution. The Regulatory Program Budget is informed, by the following factors:

a. Workload.

b. FTE Execution.

c. Mission Success Criteria Trends

d. Efficiency factors.

e. Qualitative factors and MSC recommendations (e.g., District Reorganizations/direct report upgrades, increase in PCS costs due to hiring, known incoming workload such as EIS, One Federal Decision projects, litigation outcomes, etc.).

F-12. Enterprise-wide initiatives. GRF funding will be retained at Headquarters for enterprise initiatives, including: policy support, science and technology tool development (for example, ORM2, Regulatory In-lieu Fee and Banking Information Tracking System (RIBITS), Knowledge Management (KM), development of an integrated training program, ERDC wetland delineation manual regional supplements, Hydrogeomorphic (HGM) guidebooks, National Wetland Plant List, Tech Notes and Tech Reports, and the Wetlands Regulatory Assistance Program (WRAP), etc.), litigation, and emerging requirements during the year. District Regulatory Chiefs are expected to manage funding to deliver a balanced program per the Regulatory Program mission, desired end state, and Civil Works Strategic Plan objectives.

In addition, districts are reminded that accurate performance reporting is critical to our ability to deliver a balanced program with the resources at hand, and to inform future budgeting needs. Districts and divisions should not expect to receive additional funding from Headquarters to cover normal operating expenses near the end of the fiscal year. If a shortage is predicted at the end of the fiscal year, funds should be identified from within a District's own Division and then among all other Divisions prior to requesting any funds from HQ. HQ will not consider any requests for additional funds until Divisions exhaust all available funding.

Prior year funding should be obligated by 31 December of the current fiscal year. Any amounts not obligated may be deducted from the current FY allocation.

F-13. Funding from External Sources:

a. 23 U.S.C. Section 139(j) and 49 U.S.C. 307 provides for the acceptance of funding from public entities and Section 214 of the Water Resources Development Act of 2000, as amended, (WRDA 214) provides for the acceptance of funding from non-Federal public entities, public-utility companies, railroad carriers, and natural gas companies into the Regulatory Program under certain conditions.

b. Tracking of Section 214, Section 139(j), and Section 307 Funding. All funding received in line with local agreements under Section 214, Section 139(j), or Section 307 must be programmed under the 96 2022/2023 3126 appropriation code for FY 2022. A new two-year funding code must be established each fiscal year. Districts must fully expend any Section 214, Section 139(j), or Section 307 funding in the 96 X 3126 appropriation code prior to expending Section 214, Section 139(j), or Section 307 funding in any of the two-year appropriation codes consistent with the 5 March 2013 memorandum, "Programming of Funds Accepted from a Reimbursable Agreement within the Regulatory Program". Districts must establish a separate work item for each funding agreement. The following CCS codes will be used for tracking of this funding: CCS 991 – Section 214, and CCS 992 – Section 139(j) and CCS 993 - (49 USC 307).

c. Tracking and acceptance of other Federal/Non-federal funding arrangements. All funding received according to the local agreements that may be established under public law, executive order or judiciary finding must be programmed under the 96 2022/2023 3126 appropriation code for FY 2022. Districts must expend any other reimbursable carryover funding in the 96 X 3126 appropriation code prior to expending other reimbursable funding in any two-year appropriation codes. Districts will establish a separate work item for each funding agreement. The following CCS code will be used for the tracking of funding: 999 – All other reimbursables.

F-14. Point of Contact. POC is CECW-CO-R

Appendix G
Civil Works use of Army Management Structure Code and Program Code

G-1. With few exceptions (see paragraph 8 in the main EC) each PPA has a unique AMSCO and Program Management Information Systems (*PROMIS*) *Version 2* (P2) Program Code. AMSCO Name and Program Code Name fields contain the "official" project name as shown in the authorizing legislation, including the state(s) in which the project is located. Funding is budgeted and allocated using the AMSCO / Program Code only.

G-2. All Primavera projects should be mapped to (populate the Program Code field in P2 with) a Program Code.

G-3. To request a new AMSCO / Program Code, or to edit an existing AMSCO / Program Code name to match the "official" project name as shown in the authorizing legislation, users must submit a request to the Headquarters, National Programs Branch (CECW-IN). Requests should include the "official" project name as shown in the authorizing legislation and the appropriation(s) that may provide funding for the AMSCO / Program Code. Other than for AMSCOs / Program Codes for "children" within the Parent Programs, concurrence of Headquarters, Project Programs Branch (CECW-IP) is required for creation or editing of an AMSCO / Program Code. After CECW-IP concurrence, CECW-IN will manage the process of assigning new codes and the coordination with ACE-IT and the USACE Finance Center (CEFC-AF) for inclusion in CEFMS II.

G-4. After a Program Code has been assigned it will be made available within each AIS. Please refer to the AIS-specific guidance for requirements.

G-5. In most cases, the AMSCO in CEFMS II will also be the P2 Program Code. There may be exceptions, particularly in FCCE, Regulatory, and in some Labs and Centers, an individual Primavera project is funded from multiple AMSCOs. In these cases, we usually recommend that a "primary" AMSCO be assigned as the Program Code.

G-6. Point of Contact. POC is CECW-I.

Appendix H
Standard Operating Procedures for Recording Work Allowances for Project-Based Appropriations

H-1. Work Allowance transactions. including within-Program Code transactions that move Funding between CCS, EROCs, States, or Program Activities, must be loaded into the Work Allowance Module in CEFMS II.

H-2. Each appropriation is assigned a Public Law number. If there are Statutory Earmarks within the appropriation, the earmarks are assigned Contingency Codes. The Public Law numbers and Contingency Codes are in the line of accounting and travel with the funds.

H-3. Regular Funding of I, C, O&M, and MR&T (other than Parent Programs and Project Funding Pots):

a. Initial Work Allowances:

(1) Funding identified in the Act or SoM for a PPA is issued to the Program Code for the PPA using the C Work Allowance code. Funding identified for the PPA under a full-year Continuing Resolution will be issued to the Program Code for the PPA using the C Work Allowance code. Where the PPA spans multiple EROCs, the total is distributed in multiple C- coded Work Allowances, or may be issued to one EROC, then Reallocated (RLC) in part to other EROCs.

(2) Where Funding is allocated to a PPA but is to be withheld temporarily, the Funding is allocated to the PPA, but on the HQUSACE (S0) database with a CCS of 033 indicating that the Funding is not distributed for use. Later, the funding is reallocated within the PPA from HQUSACE to the District.

(3) Funding for a new start is retained in the Project Funding Pot until the conditions specified in paragraph 7.d. or 7.f. of this EC are met, at which point the Initial Work Allowance is issued.

b. Corrections are accomplished by issuing a negative Work Allowance in the original code. The Funding is then available for issuance.

c. A Reduction is applied on a pro-rata basis to each PPA using negative Work Allowances with the SEQ (Sequestration), ATB (Across the Board), DED (One Percent Reduction in the O&M appropriation), or S&S (Reduction for Anticipated Savings and Slippages) Work Allowance code. The pro-rata requirements are in the Balanced Budget and Deficit Control Act, each annual appropriations act with an across-the-board reduction, the Operation and Maintenance title of each annual appropriations act, and Section 503 of Public Law 102-377, respectively. Funding from DED Reductions is issued to the Emergency Activities Funding Pot (Program Code 190013, CCS 033, FAD Type 7 or N) using a positive DED Work Allowance code and further distributed from there according to paragraph 4 below. The S&S Work Allowance code currently is not used.

d. Funding to be transferred to or from another appropriation is revoked from PPAs using the T (Transfer) Work Allowance code in the original appropriation. Program Year and Appropriation Expiration Fiscal Year travel with the transferred Funding. In the case of a transfer to the FC&CE appropriation, if and when the transfer is reimbursed from the FC&CE appropriation, a T Work Allowance is used to restore the Funding.

e. Reprogramming to or from a PPA is coded as CLM, CGR, EMR, or REP. To determine whether a Reprogramming exceeds Reprogramming limits for an REP, the CWA Module of CEFMS II computes the Baseline for the PPA, computes the Reprogramming limit based on the Baseline, and compares the absolute value of the cumulative net amount of REP and CGR Reprogrammings, including the proposed Reprogramming, to the limit. Both regular Funding and supplemental Funding are included in the computations, and the Baselines, limits, and cumulative net Reprogrammings combine regular and supplemental Funding. The same code may not necessarily apply to both the receiving PPA and the donor PPA, except that the donor PPA is coded as CLM or EMR if the receiving PPA is coded as CLM or EMR, respectively. Limits for CLM transactions have standalone special reprogramming thresholds calculated independently of any other reprogramming transaction.

f. Undistributed Balance and Non-Offsetting Work Allowances.

(1) The undistributed balance is comprised of Funding previously reprogrammed from PPAs in one-way Reprogrammings and not yet reprogrammed to other PPAs in one-way Reprogrammings. When Funding previously reprogrammed from PPAs by HQ and included in the undistributed balance is reprogrammed (reissued) to PPAs, the applicable Reprogramming Work Allowance code of CLM, CGR, EMR, or REP is used for receiving PPAs. This Funding is not the same as previously unissued Funding, and Initial Work Allowance codes are not used.

(2) The undistributed balance is also used to accumulate Funding revoked from projects using the RES Work Allowance code in preparation for a reduction in the undistributed balance to implement a Rescission.

(3) CECW-ID Appropriation Manager approval is required for any non-offsetting Work Allowance, since this would affect the undistributed balance.

H-4. Regular Funding of I, C, O&M, and MR&T (Parent Programs).

a. Each Parent Program includes a Master P2 Program Code, usually on the HQ (S0) database. Ordinarily, no work is executed under the Master Program Code.

b. All Funding provided in the Act or Statement of Managers is issued to the Master Program Code using the C Work Allowance code. Funding identified for the PPA under a full-year Continuing Resolution is issued to the Master Program Code using the CRA Work Allowance Code.

c. Funding is reallocated to, from, and among Children using the RLC Work Allowance code. Funding may be reallocated over time.

d. Reprogrammings arise only when Funding is moved into or out of the CCS or set of CCS for the Parent Program. In that case the CEFMS II Work Allowance Module checks compliance with Reprogramming limits for the entire CCS or set of CCS.

e. Corrections, Reductions, Transfers, and non-offsetting Work Allowances among Parent Programs are managed in the same manner as for specifically authorized studies and projects, as described in paragraph 1 above.

H-5. <u>Regular Funding of I, C, O&M, and MR&T (Project Funding Pots)</u>.

a. Each Project Funding Pot is funded in a Master P2 Program Code, usually on the HQ (S0) database. No work is executed under the Master Program Code.

b. All regularly appropriated Funding provided by the Act or Statement of Managers is issued to the Master Program Code using the C Work Allowance code. Funding identified for the PPA under a full-year Continuing Resolution is issued to the Master Program Code using the CRA Work Allowance Code. Thereafter, Funding is passed through to individual specifically authorized studies and projects by issuing to the Master Program Code a negative Work Allowance using the ALL Work Allowance code, and issuing to the Program Codes of the individual studies and projects positive Work Allowances summing to the same amount using the ALL code.

c. Once Funding is passed through to a recipient study or project, the Funding becomes part of the Reprogramming Baseline for the recipient.

d. Once all never-issued Funding has been passed through to eligible PPAs from the Master Program Code, then the Master Program Code may be used to facilitate Reprogrammings. Funding may be reprogrammed into or out of the Master Program Code for a Project Funding Pot (except in the case of earmarks) in the same manner as described in paragraph 1 above. Funding previously reprogrammed into a Master Program Code in turn either may be reprogrammed to eligible PPAs, in which case there will not have been a net Reprogramming into or out of the Master Program Code or may be passed through to qualifying studies or projects using the ALL Work Allowance code, just as is other Funding in the Master Program Code, in which case there will have been a net Reprogramming into the Master Program Code.

e. Corrections, Reductions, Transfers, and non-offsetting Work Allowances for Project Funding Pots are managed in the same manner as for specifically authorized studies and projects, as described in paragraph 1 above.

H-6. Regular Funding of Flood Control and Coastal Emergencies:

a. There are no PPAs in the FC&CE appropriation, except for Statutory Earmarks.

b. Regularly appropriated Funding is carried in the undistributed balance. This Funding is issued (reallocated) to qualifying Civil Works and Public Law 84-99 rehabilitation projects and to preparedness and response activities using the RLC Work Allowance code. Regular Funding also is revoked (reallocated) from projects and activities using the RLC code. The undistributed balance fluctuates based on these transactions.

H-7. Regular Funding of FUSRAP:

a. Initial Work Allowances are issued using the ALL code, except that the C code is used where the Act or Statement of Managers has specified an amount. All appropriated Funding is issued in Initial Work Allowances.

b. The undistributed balance is comprised of Funding reprogrammed from projects in one-way Reprogrammings. This funding is issued using Work Allowance codes for Reprogrammings (REP or CGR).

c. Corrections, ATBs, and SEQs are managed as under paragraph 1 above. There are no statutory deductions or transfers for FUSRAP.

H-8. Supplemental Funding for Appropriations Other than FC&CE:

a. Supplemental Funding is distributed to PPAs using the SUP Work Allowance code. Undistributed Supplemental Funding is in the undistributed balance and is identified by Public Law and Contingency Code, if applicable.

b. Funding reprogrammed from PPAs in one-way Reprogrammings is retained in a Master Program Code, and if issued later from the Master Program Code also is treated as a Reprogramming. The Master Program Code is not a PPA, so no Reprogramming limits apply to it. The Master Program Codes are as follows:

190061	Investigations
190062	Construction
190060	Operation and Maintenance
190059	Mississippi River and Tributaries

c. Once Supplemental Funding is issued to a recipient PPA, the Funding becomes part of the Reprogramming Baseline for the recipient.

d. Corrections, ATBs, SEQs, and Transfers are managed in the same manner as for regular Funding, as described in paragraph 1 above. There are no statutory deductions for supplemental Funding.

H-9. Supplemental Funding for FC&CE. The principles and procedures applicable to FC&CE are the same as described in paragraph 8 above, with the following exceptions: a) there are no PPAs in the FC&CE appropriation except for Statutory Earmarks; b) FC&CE Funding is issued using the Reallocation (RLC) Work Allowance code instead of the SUP code; and c) Funding is moved among FCCE work activities using the RLC code instead of Reprogramming codes.

H-10. Additional Resources. Work allowance codes are displayed in Table H-1. Remaining Items shown in the "Table of Remaining Items and Proponents" file at https://cwifd.usace.army.mil/wpapex/f?p=800:1.

H-11. Point of Contact. POC is CECW-I.

Table H-1
P2 Work Allowance Types

CODE	TYPE	DESCRIPTION 1/
	INITIAL WORK ALLOWANCE CODES	
ALL	FURTHER ALLOCATE	Revocation of Funding from Funding Pot, or equal and offsetting allocation of revoked Funding to a PPA.
ATB	ACROSS THE BOARD	Deduction of a pro-rated amount from each PPA following enacted across the board reduction of current-year Funding. Negative number.
C	ALLOCATE CONFERENCE	Allocation of amount from Statement of Managers table accompanying latest annual E&W appropriations Act.
CRA	ALLOCATE FULL-YEAR CRA	Allocation of amount from work plan for full-year Continuing Resolution Act.
DED	STATUTORY DEDUCTION	Deduction of a pro-rated amount from each PPA following current-year Act, or allocation of deducted Funding to Funding Pot.
RES	RESCISSION	Cancellation in current-year Act of prior-year Funding. Negative number.
SEQ	SEQUESTRATION	Sequestration of a pro-rated amount from each PPA under Balanced Budget Enforcement and Deficit Control Act, as amended by the Budget Control Act.
SUP	ALLOCATE SUPPLEMENTAL	Revocation of supplemental funds from supplemental Funding Pot, or equal and offsetting allocation to a PPA.
T	TRANSFER	Revocation of Funding to be transferred out of the appropriation. Negative number.
	REPROGRAMMING CODES	
CGR	REPROGRAM – PRIOR CONGRESSIONAL	A Reprogramming requiring prior Congressional approval (does not qualify as REP, CLM, or EMR). The CGR code may apply to donor, recipient, both, or neither.
CLM	REPROGRAM – SETTLED CLAIM, CHANGED CONDITIONS, OR REAL ESTATE JUDGMENT	A Reprogramming within CLM limit in C or MR&T (C) for a settled contractor claim, changed conditions, or real estate deficiency judgment on the recipient. The CLM code applies to donor as well as recipient.
EMR	REPROGRAM – RESPOND TO EMERGENCY	A Reprogramming in O&M or MR&T (M) to respond to an emergency on the recipient. Requires post-facto Congressional notification. The EMR code applies to donor as well as recipient.

REP	REPROGRAM – OTHER	A Reprogramming other than CLM or EMR and within REP limit. The REP code may apply to donor, recipient, both, or neither.
OTHER CODES		
RLC	REALLOCATION	A movement of Funding that does not qualify as a Reprogramming

1/ Corrections are accomplished by issuance of a negative work allowance that offsets the error, using the same work allowance code as the original, erroneous work allowance.

Appendix I
Reprogramming Limits

I-1. Limits apply to Cumulative Net Amount. Limits apply to both Reprogrammings from a PPA and Reprogrammings to a PPA. Cumulative Net Amount is the total dollar amount of Reprogrammings **to and from** a specific PPA in a certain period of time (for example, since the passage of the most recent Appropriations bill). For example, a PPA with a proposed reprogramming of $100,000 **to** it that had $10,000 reprogrammed **from** it in FY22 would have a Cumulative Net Amount of $90,000.

Reprogramming limits are determined by the recipient and/or donor projects' baselines and vary by account (Investigations, Construction, O&M, and MR&T) per the most recent FY's appropriations bill, e.g., the 2022 Act. Special rules apply in the case of any receiving PPAs that received an appropriation in prior years but did not receive an appropriation in the current program year (PY). As an example, if the PPA is in the Investigations account and has a baseline of less than $100,000, a reprogramming to it of a Cumulative Net Amount of $90,000 requires prior approval from Congress, such as, Congressional Reprogramming. This is because the PPA is in the Investigations account, has a baseline of less than $100,000, and the proposed reprogramming is more than $25,000 (Section 101(a)(6) of the 2022 Act); further, the proposed reprogramming is more than $50,000, which is the least amount of a Congressional reprogramming (Section 101(b) of the 2022 Act).

I-2. Point of Contact is CECW-IP.

Appendix J
Processing and Approval of Reprogramming Actions for PPA's

	Committee Approval Required?	Who Approves in CWA
Initiate a new PPA (move Funding into a PPA never before funded in the applicable appropriation, other than a PPA in O&M or MR&T M previously funded in C or MR&T C)	Not Authorized	Not Authorized
Reprogram all but a remainder of less than $1,000 from a continuing PPA		
Eliminates the PPA (see EC for discussion)	Not Authorized	Not Authorized
Does not eliminate the PPA (see EC for discussion)	See below	DIV/FOA, then HQ Manager
Investigations & MR&T Investigations – Continuing PPA		
In any other case, except a receiving PPA that did not receive an Appropriation for Program Year 2022		
Increase absolute value of Cumulative Net Amount of REP and CGR Reprogrammings to both $50,000 or more AND > 25% of Baseline or > $150,000	YES	DIV/FOA, then HQ Manager
Otherwise 1/	No	Dist/FOA
In the case of a receiving PPA that did NOT Receive an Appropriation for Program Year 2022		
Increase absolute value of Cumulative Net Amount of REP and CGR Reprogrammings to receiving PPA to $50,000 or more	YES	DIV/FOA, then HQ Manager
Otherwise 1/	No	Dist/FOA
Construction & MR&T Construction – Continuing PPA		
When Reprogramming to receiving PPA is for settled claim, Changed Conditions, or real estate deficiency judgment (Use CLM Work Allowance code for both receiving PPA and contributing PPA.)		
Increase absolute value of Cumulative Net Amount of CLM Reprogrammings to > $3,000,000	YES	DIV/FOA, then HQ Manager
Otherwise 1/	No	DIV/FOA, then HQ Manager
In any other case, except a receiving PPA that did not receive an Appropriation for Program Year 2022		
Increase absolute value of Cumulative Net Amount of REP and CGR Reprogrammings to both > $300,000 AND > 15% of Baseline or to > $3,000,000	YES	DIV/FOA, then HQ Manager
Otherwise 1/	No	Dist/FOA
In the case of a receiving PPA that did NOT Receive an Appropriation for Program Year 2022		
Increase absolute value of Cumulative Net Amount of REP and CGR Reprogrammings to receiving PPA to > $300,000	YES	DIV/FOA, then HQ Manager
Increase absolute value of Cumulative Net Amount of REP and CGR Reprogrammings to receiving PPA to $50,000 or more but ≤ $300,000, where reprogramming is NOT for Existing Obligations and Concomitant Administrative Expenses	YES	DIV/FOA, then HQ Manager
Increase absolute value of Cumulative Net Amount of REP and CGR Reprogrammings to receiving PPA to $50,000 or more but ≤ $300,000, where reprogramming IS for Existing Obligations and Concomitant Administrative Expenses	No	DIV/FOA, then HQ Manager
Otherwise 1/	No	Dist/FOA
O&M and MR&T O&M – Continuing PPA		
When Reprogramming is to enable the Corps to respond to an Emergency (as defined). (Use EMR Work Allowance code for both receiving PPA and contributing PPA.)	After	DIV/FOA, then HQ Manager
In any other case, except a receiving PPA that did not receive an Appropriation for Program Year 2022		
Increase absolute value of Cumulative Net Amount of REP and CGR Reprogrammings to both > 15% of Baseline AND > $150,000 or to >$5,000,000	YES	DIV/FOA, then HQ Manager
Otherwise 1/	No	Dist/FOA
In the case of receiving PPA that did not Receive an Appropriation for Program Year 2022		
Increase Cumulative Net Amount reprogrammed to > $150,000	YES	DIV/FOA, then HQ Manager

			Otherwise 1/	No	Dist/FOA
FUSRAP – Continuing PPA					
	Increase absolute value of Cumulative Net Amount of REP and CGR Reprogrammings to receiving PPA to both $50,000 or more and > 15% of Baseline			YES	DIV/FOA, then HQ Manager
	Otherwise 1/			No	Dist/FOA

1/ Includes a Reprogramming that reduces the Cumulative Net Amount reprogrammed without changing the sign, that is, that partially offsets the Cumulative Net Amount.

Appendix K
Examples of Letters Providing Prior Notifications to Appropriations Committees

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

NOTE: Prepare two letters with the same information and address to the 1) Chair of the Subcommittee on Energy and Water, House of Representatives; and 2) Chair of the Subcommittee on Energy and Water, Senate. Use the below headers to address two separate letters (for example, one letter addressed to the House and one letter addressed to the Senate).

Replace BRACKETED prompts to insert information with the necessary details, and then delete the Brackets [ ] and change bold to regular font.

The Honorable **[INSERT NAME]**
[Chairman/Chairwoman], Subcommittee on Energy
and Water Development
Committee on Appropriations
United States **[House of Representatives/Senate]**
Washington, D.C. **[20515/20510]**

Dear **[Mr. Chairman/Madam Chairwoman]**:

This letter is to inform you that the Department of the Army plans to reprogram $**[insert total amount]** of **[insert account]** funds to **[insert name of recipient project with the state spelled out, for example, not abbreviated]** from the **[insert name of donor project with the state spelled out ($insert amount)]**. The U.S. Army Corps of Engineers would use the reprogrammed funds to **[insert description of use of funds and justification for the funds]**.

The **[insert name of recipient project]** was authorized in **[insert Section and name of authorization with the Public Law # using the following format: Section XX of the Water Resources Development Act of XXXX, Public Law XX]**. Since enactment of the **[Energy and Water Development and Related Agencies Appropriations Act, 2022, Division D of the Consolidated Appropriations Act, 2022, Public Law 117-103 (2022 Act)]**, a cumulative net amount of $**[insert cumulative net amount prior to this reprogramming]** has been reprogrammed to this **[select study or project]**. With this reprogramming, the cumulative net reprogramming to this **[select study or project]** would be $**[insert cumulative net amount with this reprogramming]**. The reprogramming baseline for this project is $**[insert amount of baseline]**. Consistent with Sections 101(a)(5) and 101(a)(**[insert # corresponding with the appropriate account]**) of the 2022 Act, prior notification of the House and Senate Committees on Appropriations is required for any reprogramming that would exceed $**[insert amount of reprogramming limit]** on a cumulative net basis.

The funds to be reprogrammed from the **[insert donor project name]** were appropriated in the **[insert the relevant Appropriations Act in the following format: Energy and Water Development Appropriations Act, 20xx, Division X of the Consolidated Appropriations Act, 20xx, Public Law XX]**. Since enactment of the 2022 Act, $**[insert cumulative net amount prior to this reprogramming]** has been reprogrammed from the **[insert name of donor project]** on a cumulative net basis. With this reprogramming, the cumulative net reprogramming from this project would be $**[insert cumulative net amount with this reprogramming]**. The reprogramming baseline for this project is $**[insert amount of baseline]**. Consistent with Section 101(a)(5) and 101 (a)(**[insert # corresponding with the appropriate account]**) of the 2022 Act, prior notification of the House and Senate Committees on Appropriations is required for any reprogramming that would exceed $**[insert amount of reprogramming limit]** on a cumulative net basis. **[repeat as required for each donor project]**

If applicable: For the funds appropriated from the **[insert name of donor project]** the amount involved in the current reprogramming action does not require prior notification. For this project, prior notification is required only with respect to the line item to which these funds would be reprogrammed. The funds to be reprogrammed from the **[insert name of donor project]** were appropriated in the **[insert the relevant Appropriations Act in the following format as applicable: Energy and Water Development Appropriations Act, 20xx, Division X of the Consolidated Appropriations Act, 20xx, Public Law XX]**.

All of the reprogrammed funds are excess funds remaining after the **[termination and/or] fiscal closeout]** of the source **[select project(s) or study(ies)]**, and no commitment has been made to restore these funds.

I am sending an identical letter to the Honorable **[INSERT NAME]**, **[Chairman/ Chairwoman]**, Subcommittee on Energy and Water Development, Committee on Appropriations, United States **[Senate/House of Representatives]**.

Sincerely,

[INSERT NAME]
Assistant Secretary of the Army
(Civil Works)

CF: Honorable **[INSERT NAME]**
Ranking Member

EXAMPLE OF EMAIL CORRESPONDENCE REQUESTING REPROGRAMMING CONCURRENCE FROM CONGRESSIONAL MEMBERS

Dear Senator/Representative [INSERT NAME],

We are in need of additional funds to complete the [insert recipient project]. Without additional funds, [insert consequence of no funding being received]. With additional funds we will [insert description of work to be performed with funds]. In order to accomplish this work, we need to transfer funds from the [insert donor projects]. [Insert donor project] was fiscally closed in [insert date]. In accordance with Congressional reprogramming guidance, we are informing your office that we are transferring [insert funds amount] from [insert donor] to the [insert recipient] for the work described above. For our records, please acknowledge that you have read and understood this email. If you have any questions, please don't hesitate to contact me at the number below or email.

Respectfully,

EXAMPLE OF CORRESPONDENCE REQUESTING REPROGRAMMING CONCURRENCE FROM CECW-IF

Sir/Madam,

The U.S. Army Corps of Engineers plans to reprogram $400,000 of Construction funds from [insert donor] to [insert recipient]. The donor project has been completed and remaining funds are excess. Funds will be used to [insert description of work to be performed with funds]. [insert explanation of the need for the funds]. Senators [insert name] and Representative [insert name] were contacted and acknowledged the proposed reprogramming.

The package was reviewed by the Programs Integration Division, the business line manager, Counsel, and the NAD RIT.

Respectfully,

Appendix L
Format for Reprogramming Data Sheet (use Excel)

	DONOR PROJECT	DONOR PROJECT	RECIPIENT PROJECT
APPROPRIATION (ACCOUNT)			
BUSINESS LINE			
STUDY/PROJECT NAME (Authorized Name)			
AMSCO			
Authorized In (Public Law and Year; Resolution, Committee, and Date, etc.)			
CCS Code			
FY 202**[x]** BASELINE (SUM OF INITIAL WORK ALLOWANCES AND UNEXPENDED CARRY-IN)			
PROPOSED REPROGRAMMING AMOUNT			
Proposed Reprogramming Funds Appropriated In (Public Law and Year)			
WHY IS FUNDING SURPLUS (DONOR); PROPOSED USE OF FUNDING (RECIPIENT)			
PRESIDENT'S BUDGET AMOUNT SINCE FY 2019 (this is NOT ENACTED HISTORY; President's Budget only)			
2019			
2020			
2021			
2022			
2023			
IF RECIPIENT PROJECT NOT IN MOST RECENT BUDGET, WHY NOT?			
FY AND PAGE NUMBER FOR LATEST J SHEET			
IF CONST OR PED, DID OMB EVER "CLEAR" IT WITH A FAVORABLE EXECUTIVE BRANCH POSITION? IF SO, WAS IT LOW BUDGET PRIORITY?			
IF CONST OR PED, DOES IT MEET CURRENT CONST GUIDELINES? WHICH (E.G. BCR, INUNDATION HAZARD TO LIFE, ETC.)?			
SUMMARY OF BUSINESS CASE AND ANY SPECIAL CONSIDERATIONS			

NAMES AND CONGRESSIONAL DISTRICTS OF AFFECTED MEMBERS FOR DONOR PROJECT			
DO MEMBERS FOR DONOR PROJECT OBJECT?			
NAME OF USACE P.O.C. WHO CONSULTED WITH OFFICES OF MEMBERS			
FOR RECIPIENT PROJECT, DROP DEAD DATE AND WHY			

Appendix M
Example Memo to Corps HQ for Emergency Reprogramming and Example of Letter Providing Congressional Reprogrammings After the Fact Notifications to Appropriations Committees

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

CE**[XXX]-**PM XX XXX 2022

MEMORANDUM FOR MAJOR GENERAL WILLIAM H. GRAHAM, DEPUTY COMMANDING GENERAL for Civil and Emergency Operations, U.S. Army Corps of Engineers

SUBJECT: Emergency Repairs of **[insert project name from Appropriations Bill]**

1. **[insert description of emergency]**

2. **[insert impact/justification of emergency, for example, how does it support a life safety event, emergency/disaster repair, or work to prevent an eminent failure]**

3. If you have any questions or would like additional information about this emergency project, please contact **[insert POC name, phone number, email]**.

[insert signature block for Division Commander and/or Division Programs Director]

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

NOTE: Prepare two letters with the same information and address to the 1) Chair of the Subcommittee on Energy and Water, House of Representatives; and 2) Chair of the Subcommittee on Energy and Water, Senate. Use the below headers to address two separate letters (for example, one letter addressed to the House and one letter addressed to the Senate).

Replace BRACKETED prompts to insert information with the necessary details, and then delete the Brackets [ ] and change bold to regular font.

The Honorable **[INSERT NAME]**
[Chairman/Chairwoman], Subcommittee on Energy
and Water Development
Committee on Appropriations
United States **[House of Representatives/Senate]**
Washington, D.C. **[20515/20510]**

Dear **[Madam Chairwoman/Mr. Chairman]**:

This letter is to notify you that the Department of the Army has reprogrammed $**[insert amount reprogrammed]** of Operation and Maintenance funds from **[insert name of donor project(s) (with amounts reprogrammed if there is more than one donor project)]** to the **[insert name of recipient project]** to enable the Army Corps of Engineers to respond to an emergency. This notification is provided following Section 101(a)(8) of the **[Energy and Water Development and Related Agencies Appropriations Act, 2022, Division D of the Consolidated Appropriations Act, 2022, Public Law 117-103]**.

The reprogrammed funds were appropriated in **[insert the relevant Appropriations Act in the following format: Energy and Water Development Appropriations Act, 20xx, Division X of the Consolidated Appropriations Act, 20xx, Public Law XX]**. The U.S. Army Corps of Engineers (Corps) used these funds for **[insert description of work]**. The Army reprogrammed these funds in **[insert month and year]**. The Corps has completed all of the work associated with these reprogrammed funds.

All of the reprogrammed funds were in excess to the current fiscal year's requirements for the projects from which they were obtained, and no commitment has been made to restore these funds to those projects.

I am sending an identical letter to the Honorable **[INSERT NAME]**, **[Chairwoman/Chairman]**, Subcommittee on Energy and Water Development, Committee on Appropriations, United States **[Senate/House of Representatives]**.

Sincerely,

[INSERT NAME]
Assistant Secretary of the Army
(Civil Works)

cc: Honorable **[INSERT NAME]**
Ranking Member

Appendix N
Examples of Letters Providing Notifications to Authorizing and Appropriations for Contributed Funds

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

NOTE: Prepare four letters with the same information and address to the 1) Chair of the Committee on Transportation and Infrastructure, House of Representatives; 2) Chair of the Committee on Environment and Public Works, Senate; 3) Chair of the Subcommittee on Energy and Water, House of Representatives; and 4) Chair of the Subcommittee on Energy and Water, Senate. Use the below headers to address four separate letters.

Replace BRACKETED prompts to insert information with the necessary details, and then delete the Brackets [ ] and change bold to regular font.

The Honorable **[INSERT NAME]**
[Chairwoman/Chairman], Committee on **[Transportation and Infrastructure/ Environment and Public Works]**
United States **[House of Representatives/Senate]**
Washington, D.C. **[20515/20510]**

The Honorable **[INSERT NAME]**
[Chairwoman/Chairman], Subcommittee on Energy and Water Development
Committee on Appropriations
United States **[House of Representatives/Senate]**
Washington, D.C. **[20515/20510]**

Dear **[Mr. Chairman/Madam Chairwoman]**:

This letter is to inform you that the Department of the Army has initiated negotiations for accepting contributed funds under 33 U.S. Code § 701h for certain work at the [**insert name of the project or study]** with the **[name of sponsor]**, the non-Federal sponsor for this project. The purpose of these negotiations is to enter into a Memorandum of Agreement (MOA) that would allow the **[name of sponsor]** to provide funds to cover the costs of certain work, which the U.S. Army Corps of Engineers (Corps) would perform in Fiscal Year**[s]** 20**[XX] [and 20XX]**.

The proposed work involves **[describe work]**. **[Select which is applicable: 1) The Non-Federal sponsor is offering to contribute all funds needed to perform this work. 2) The non-Federal sponsor is offering to contribute up to $X,XXX,XXX.]** The Corps estimates that this work will cost **[$Y,YYY,YYY]**.

The **[name of sponsor]** is offering to contribute these funds voluntarily and understands that the MOA will recognize that no repayment or credit for such funds is authorized. In addition, **the [name of sponsor]** understands that the MOA will provide that acceptance of these funds by the Department of Army will not constitute or imply any commitment to budget or appropriate funds for this project in the future. Therefore, execution of the MOA will not represent or give rise to obligations of the United States.

I am sending an identical letter to the Honorable **[INSERT NAME]**, [**Chairman/Chairwoman]**, **[Committee on Environment and Public Works, United States Senate/Committee on Transportation and Infrastructure, United States House of Representatives]** [Subcommittee on Energy and Water Development, Committee on Appropriations, United States **Senate/House of Representatives**].

Sincerely,

[INSERT NAME]
Assistant Secretary of the Army
(Civil Works)

cc: Honorable **[INSERT NAME]**
Ranking Member

Appendix O
Continuing Contract

O-1. Format for Request to Award a Continuing Contract Using UAI clause 5152.232-9001. Revised June 2019, is available at: https://cops.usace.army.mil/sites/CT/P/UAI_UDG/3%20June%202019%20Consolidated%20UAI_UDG_UDG%20Attachments%20Tracked%20Changes.pdf

Requests for approval to award continuing contracts consistent with the format in the above link, should be developed concurrently with the Acquisition Plan and submitted to the approval authority 60 days prior to the proposed solicitation date.

O-2. Business Case for use of Continuing Contract

a. Availability of Full Funding. Demonstrate that funding available on the project or for reprogramming to the project within Section 101 limits is insufficient to fully fund the contract, including all contingencies and associated in-house costs.

b. Description of Contract Acquisition Strategy. Provide a comprehensive multi-year acquisition plan with an overall description of the project to include biddable and awardable scope, the schedule for award, contract duration, and estimated cost for each year of construction. Include a description of the benefits that would be achieved through awarding the construction contract.

c. Contract Earnings and Expected Funding Stream:

(1) Provide a funding table showing the required funding stream by fiscal year for the contract, and the funding sources by fiscal year (e.g., funding included in PY appropriations and/or President's Budget request for PY+1).

(2) Discuss the timing of contract award.

(3) Discuss likelihood of follow-on funding.

(4) Describe cost growth risks and controls (material cost growth trends, recent bid climate, potential for changed conditions, opportunities for value engineering savings, opportunities for technology driven savings, etc.).

d. Evaluation of Contract Alternatives. Provide analysis of various contracting options, including pros and cons for each option investigated. Alternative contracting vehicles to be investigated should include, but not be limited to:

(1) Multiple Fully Funded Contracts awarded sequentially.

(2) Delaying contract award until sufficient funding is available.

(3) Fully Funded Contract with Base Bid, and Option(s).

(4) Continuing Contract per UAI clause 5152.232-9001.

e. Management Controls. Although UAI clause 5152.232-9001 prohibits the contractor from working beyond exhaustion of available funding, there must be management controls to ensure that the contractor has adequate notice of exhaustion of funding and is positioned to conclude work before exhaustion. Describe the management controls to that end.

f. Recommendation. Describe the recommended course of action.

O-3. Point of contact is CECW-IF.

Glossary

Act. An Act providing annual appropriations or full-year appropriations for Energy and Water Development.

Appropriation Expiration Fiscal Year. The FY at the end of which the appropriation no longer is available for obligation, except for within-scope contract modifications and for within-scope replacement contracts for contracts terminated due to default by the contractor. At the end of the FY five years hence, the appropriation is cancelled, that is, undisbursed funds are no longer available for use.

Baseline. Each PPA (see paragraph 6.u.) has a Baseline for each applicable appropriation from which it has received Funding and to which Reprogramming limits apply. These appropriations are Investigations (I), Construction (C), Operation and Maintenance (O&M), Mississippi River and Tributaries (MR&T), and Formerly Utilized Sites Remedial Action Program (FUSRAP). However, for MR&T, MR&T (I) Category-Class-Subclass (CCS 1XX and 2XX), MR&T (C) (CCS 3XX), and MR&T (M) (CCS 4XX) each is treated as a separate appropriation. Only a PPA has a Baseline. For each PPA and applicable appropriation, the Baseline is set as of the date of enactment of a new Act, but no earlier than 1 October of the FY for which that Act provides appropriations and is in effect until enactment of a new Act, or 1 October of the next FY, if later. For each applicable appropriation, the Baseline for each PPA is equal to the sum, rounded to the nearest dollar, of unexpended Funding (not just unobligated funding) from all previous Program Years (PY) carried on that PPA into the FY for which that Act provides appropriations, plus or minus Initial Work Allowances on or after 1 October of that FY. A Baseline may change over time as its constituent's change. The term is synonymous with "base amount," "base level," and "base."

CCS. A three-digit code for the type and phase of study or project. The set of CCS for each appropriation is unique, except for pre-FY 2012 Supplemental Funding, as discussed in the definition of Supplemental Funding.

Changed Conditions. Changed Conditions are equivalent to differing site conditions. The costs of Changed Conditions are considered to be the same as the costs of equitable adjustments to contracts resulting from differing site conditions. The FAR clause 52.243-5 refers to Changed Conditions as "subsurface or latent physical conditions differing materially from those indicated in this contract or unknown unusual physical conditions at the site," that is, differing site conditions.

Contingency Code. A code in the Standard Line of Accounting used to designate a Statutory Earmark within an appropriation. Contingency Code is used in conjunction with Public Law Code.

Continuing Resolution Period (CR Period). The period from 1 October of an FY through the day before enactment of the Act for that FY. If the Act is enacted by 1 October, there is no CR Period.

Creation or Initiation of a PPA. The provision of Funding in the I or C appropriation or in the Investigations or Construction sub-account of the MR&T appropriation (MR&T (I) or MR&T (C)), or as a Remaining Item (RI) in the O&M appropriation, of a PPA (see paragraph 6u.) that never has received an Initial Work Allowance in that appropriation or sub-account. However, with respect to the O&M appropriation or the MR&T (M) sub-account, Creation or Initiation of a PPA excludes the first-time funding of a completed construction project, separable element migrating from the C appropriation or the MR&T (C) sub-account or spinoff RI.

Cumulative Net Amount. This is the net value of all Reprogrammings of a certain type or types into and out of a PPA in an appropriation during the period that a Baseline is in effect (see “Baseline” definition). Reprogrammings coded as REP and Congressional Reprogramming (CGR) have a shared Cumulative Net Amount. Reprogrammings coded as Contracting Claim (CLM) have a separate Cumulative Net Amount. All Reprogrammings into or out of the PPA in that appropriation during the period that the Baseline is in effect are included in the computation of Cumulative Net amount, no matter whether they involve Regular Funding or Supplemental Funding, and no matter the FAD Type, CCS, PY, or other discriminator within the appropriation. Reprogrammings into and out of a PPA offset each other, at least in part. The absolute value of the Cumulative Net Amount is used to determine whether limits for Reprogramming have been exceeded. The Cumulative Net Amount is reset to zero when a new Baseline takes effect.

Emergency. An actual or imminent natural disaster, storm event, other act of God, accident, act of terrorism, or actual or imminent failure event for a key project component, that damages or would damage project functions such that substantial and immediate health, safety, economic, or environmental risks or impacts are or would be created. An Emergency is an actual or imminent event of significance. A gradually developing, known change in condition is not an Emergency, whereas a sudden change in condition or suddenly discovered condition may be.

Engineer Reporting Organization Code (EROC). A unique two-digit code for each District, Division, Field Operating Activity (FOA), or HQUSACE.

Existing Obligations and Concomitant Administrative Expenses. Existing financial, legal, or contractual obligations of the Federal Government that may give rise to additional costs, including but not limited to: within-scope contract modifications arising from settled claims or Changed Conditions; real estate deficiency judgments; reservation of additional Funding under an awarded continuing contract; payments on an already-executed lease; and administrative expenses associated with satisfying existing obligations, such as contract management costs on awarded contracts.

Whether there is an “existing obligation” is subject to concurrence by the Appropriation Manager. This term applies only to PPAs in I, C, MR&T (I), and MR&T (C).

Funding Authorization Document (FAD). A document distributing Funding that has been appropriated by Congress and apportioned by OMB, and of changes thereto. FADs ensure that the Funding available for obligation is within the amounts appropriated by Congress (31 U.S.C. 1301). The FAD function is performed by the Funds Distribution Module (FDM) in the Corps of Engineers Financial Management System (CEFMS II).

FAD Type. An indicator of the source of Funding from which the (FAD; see definition) is derived. See paragraph 12 for a list of Regular and Supplemental FAD Types per Public Law, FY18 and thereafter.

Fiscal Year (FY). 1 October to the following 30 September.

Funding. Authority to financially obligate the Federal Government, also known as Budget Authority.

Initial Work Allowance. Initial allocation of direct Funding, or adjustment thereto. This includes the following: 1) allocation to a PPA of Funding made available by a Statement of Managers (“C”), a Work Plan under a full-year Continuing Resolution (“CRA”), or a Supplemental Act (“SUP”); plus or minus adjustment to reflect pass-through funding from a Project Funding Pot to a PPA (“ALL”); minus adjustment for Rescission (“RES”); minus adjustment for Reductions; plus or minus adjustment for Transfer (“T”); but excluding Reprogrammings and Reallocations (see definitions). Initial work allowances do not include work allowances issued using funding made available by a short-term Continuing Resolution (CR).

Line Item. A study, project, separable element, program, or RI that receives a specified amount in a table in the applicable SoM. However, if a maintenance dredged material disposal facility, dam safety assurance project, static instability correction project, seepage control project, major rehabilitation project, or deficiency correction project receives a specified amount, the Line Item is construed to be the original authorized project. A Line Item may be indented, or the specified amount may be in parentheses. A separable element or RI identified in the Budget or in a work plan is not a Line Item unless it also receives a specified amount in the corresponding table in the SoM. A Line Item is a type of PPA with respect to the PY of the Line Item.

Parent Program. A PPA is comprised of numerous individual projects and activities. The Parent Program is defined by a unique CCS or set of CCS. Each project or activity has a P2 Program Code, and all projects and activities in the Parent Program, including the HQUSACE “Master Program Code,” share the same unique CCS or set of CCS. The Parent Program (that is, the CCS or set of CCS) is called a PPA, but the

constituent projects and activities are not and therefore it is not considered a creation or initiation of a PPA when creating a child AMSCO. Some RIs are Parent Programs and Line Items listed under states that include subsidiary projects that are not separately authorized but have their own Program Codes, such as the Channel Improvement (Construction) and the Channel Improvement (Maintenance) projects funded from MR&T. For a table showing the universe of Parent Programs, see the "Table of Remaining Items and Proponents" file at:
https://cwifd.usace.army.mil/wpapex/f?p=800:1

Program Activity Code. A mandatory code in CEFMS II that corresponds to business line. For any AMSCO that involves more than one business line, use code 0005, Multipurpose and Other.

Program, Project, or Activity (PPA). A PPA is one of the following:

(1) For the FUSRAP appropriation, a funded project.

(2) For the I, C, O&M, or MR&T appropriation, a project, program, project element, or study that has been funded through a Line Item, with respect to Funding from the PY of the Act that funded the Line Item.

(3) For the I, C, O&M, or MR&T appropriation, a Specifically Authorized Project or Program (see definition). However, if the Specifically Authorized Project or Program is a component of a broader PPA funded as a Line Item for a given PY, then the component is not a PPA with respect to that PY unless it also was a Line Item for that PY.

(4) For the I, C, O&M, or MR&T appropriation, a study intended to lead to a new, Specifically Authorized Project or Program (see definition), including a "spinoff" sub-basin study from a basin-wide or comprehensive study, or a study for an unauthorized project that would incorporate or subsume an already-authorized project, such as a study for widening or deepening beyond authorized channel dimensions. However, if such a study is a component of a broader PPA funded as a Line Item for a given PY, then the component is not a PPA with respect to that PY unless it also was a Line Item for that PY.

Program Code. A mandatory field in P2 used to store the unique Congressional line-item identifier, which corresponds to (AMSCO). See also Appendix G.

Program Year. The Program Year (PY) is the FY when Funding becomes available for obligation. However, all unexpired Funding enacted before FY 2015 has been assigned a PY of 2014.

Programmatic Remaining Item. A RI for which all Funding is obligated and expended under the Program Code for the RI. For a table showing the universe of Programmatic

RIs, see the “Table of Remaining Items and Proponents” file at https://cwifd.usace.army.mil/wpapex/f?p=800:1

Project Funding Pot. A conduit for funding multiple PPAs. The Funding is passed through to recipient PPAs using the “ALL” transaction code and becomes part of the Baselines for the recipient PPAs. A Project Funding Pot is created either as a Line Item or Statutory Earmark, in which case it is a PPA, or as a convenience to manage Supplemental Funding, in which case it is not a PPA. For a table showing the universe of Project Funding Pots, see the “Table of Remaining Items and Proponents” file at https://cwifd.usace.army.mil/wpapex/f?p=800:1

Public Law Code. A code in the Standard Line of Accounting used to identify the Public Law that appropriated the Funding.

Reallocation (RLC). A Work Allowance moving Funding within a PPA, or from a higher-level PPA to a subsidiary PPA authorized as part of the higher-level PPA (such as from a basin-wide study to a spinoff sub-basin study), but not from a lower-level PPA to the higher-level PPA (which would be a Reprogramming, except in the case for Parent RIs). Moving Funding within a Program Code is a Reallocation, provided the Program Code represents only one PPA. Moving Funding between Program Codes is not a Reallocation unless neither Program Code is a PPA, the donor is higher-level and the recipient is lower-level, or the recipient Program Code is a replacement for the donor Program Code for the same PPA. The Work Allowance for a Reallocation is coded “RLC”, and also includes any changes in the lines of accounting such as for a CCS (programmatic PPAs), State, EROC, Program Activity Code (PAC).

Receive an Appropriation. Reprogramming thresholds in the I, C, O&M, and MR&T appropriations depend on whether the receiving PPA “Received an Appropriation.” A PPA Receives an Appropriation if it receives an Initial Work Allowance of Funding with the PY of the latest Act.

Reduction. A Work Allowance that reduces the Funding for a PPA from the PY of the latest Act, other than a Reprogramming or Reallocation. Reductions are applied on a pro-rated basis to each PPA. There are three types of Reduction: Sequestration (“SEQ”) following the Balanced Budget and Emergency Deficit Control Act and the Budget Control Act Amendments; Across-the-Board Reductions (“ATB”) following the latest Act; and One Percent Reductions (“DED”) in the O&M appropriation, with the Funding reserved in a Project Funding Pot and made available for responses to Emergencies.

Regular Funding. Funding provided by an Act other than a Supplemental Act. See definition of Supplemental Funding.

Remaining Item. A Remaining Item (RI) is a PPA customarily listed as a Line Item in a SoM table following the listings by state. It can either be a Programmatic, Parent or Hybrid type RI. A table showing the universe of Remaining Items, type and relevant points of contact, can be found at https://cwifd.usace.army.mil/wpapex/f?p=800:1

Repositioning Process. Replaces the Corps-to-Corps MIPR for Direct and Plant Replacement and Improvement Program (PRIP) funds, Fund Type Codes "D" and "P", respectively in FY20 and Reimbursable funds, Fund Type Codes "A" and "F" at a later date. This is a new CEFMS II process that has been added to enable movement of funds from one USACE to another to perform work. This tool will not be used for Revolving Funds (RF). (See Memorandum CERM-F, dated 30 September 2019 - Termination of Corps-to-Corps Military Interdepartmental Purchase Requests.)

Reprogramming. A Work Allowance moving Funding to or from a PPA, with the following exceptions: a) an Initial Work Allowance; or b) a RLC Reallocation of Funding from a higher-level PPA to a lower-level PPA within the higher-level PPA or from the old Program Code of a PPA to its new Program Code.

Rescission (RES). A reduction, following the latest Act, in Funding from the PY(s) of previous Act(s). Also called a cancellation.

Specifically Authorized Project or Program. A Specifically Authorized Project or Program is a project or program with an authorization for implementation under the Civil Works program that is particular to that project or program, including any amendment to that authorization.

(1) Work to modify a completed Civil Works project that requires additional authorization beyond that afforded by the completed project or by the applicable CAP (such as a reconstruction or replacement project, or a beneficial use, navigation mitigation, or environmental modification project) is a Specifically Authorized Project or Program.

(2) An entire specifically authorized environmental infrastructure assistance program, or an entire specifically authorized environmental infrastructure assistance project (that is, an environmental infrastructure assistance project for which the authorization is limited to that project, such as a "Section 219" project), is a Specifically Authorized Project or Program.

(3) A separable element of a specifically authorized project or a component of a specifically authorized environmental infrastructure program or project is not a Specifically Authorized Project or Program in its own right.

(4) A maintenance dredged material disposal facility, dam safety assurance project, static instability correction project, seepage control project, major rehabilitation project, or deficiency correction project is not a Specifically Authorized Project or Program and

is not a separable element of a Specifically Authorized Project or Program. Such a facility or project can be carried out within the authority of the original, constructed project and is a part of the original project. However, except for deficiency correction, it has a CCS different from that of the original project.

Statement of Managers. The Explanatory Statement, or Statement of Managers (SoM) of the Committee of Conference of the House of Representatives and the Senate, accompanying an Act. The SoM is published in a House Report, a House Rules Committee print, or, occasionally, the Congressional Record. The SoM may also be called the “Conference Report” or “Explanatory Statement.”

Statutory Earmark. The specification in law of Congressionally Directed Spending/Community Project Funding in tables in each account in the SoM that provides an additional amount of Funding for a specific project, study, or program listed under States, or the direction in law that Funding be used for a certain use on a specific line item.

Supplemental Act. An act providing supplemental appropriations for Energy and Water Development. A Supplemental Act usually, but not always, follows the Act for the same FY.

Supplemental Funding. Funding provided by a Supplemental Act. An Initial Work Allowance of Supplemental Funding uses a code of “SUP.” Supplemental Funding is identified by unique CCS (through FY 2011) or by Public Law Code (after FY 2011) and the Supplemental indicator (after FY 2017) in the Line of Accounting. For the appropriations with PPAs (see paragraph 6.u.), the CCS for Supplemental Funding through FY 2011 are 706, 707, 708, 70A, 70B, 70C, 70D, and 70E. The Public Law Codes for FY 2012, FY 2013, FY 2017, FY 2018, 2019 and FY 2020 are 112-77, 113-2, 114-254, 115-123, 116-20 and 116-136. Each supplemental appropriation designated by Congress as an emergency requirement following section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is assigned a Disaster Emergency Funding Type code. For P.L. 115-123, it is “C”, P.L. 116-20 is “E” and P.L. 116-136 is “N”. Amounts within an appropriation title that are specified by statute for specific uses, as in Public Law 113-2, retain their identity through the use of Contingency Codes (through FY 2017) or FAD Type (after FY 2017).

Transfer (T). The movement of Funding from one appropriation to another. Transfers require authorization by statute.

Work Allowance. A change in the Funding allocated to a Program Code.