DEPARTMENT OF THE ARMY *EC 11-2-219
U.S. Army Corps of Engineers
CECW-I Washington, D. C. 20314-1000

Circular
No. 11-2-219 31 December 2018

EXPIRES 30 SEPTEMBER 2019
EXECUTION OF THE ANNUAL CIVIL WORKS PROGRAM

TABLE OF CONTENTS

Paragraph Page

1. Purpose 1
2. Applicability 1
3. Distribution Statement 1
4. References 1
5. Records Management (Recordkeeping) Requirements 2
6. Definition 2
7. Limitations on Use of Funding 9
8. Program, Project, or Activity (PPA) and Program Codes 14
9. Reprogrammings 15
10. Policy on Response to Emergencies 30
11. Contracting 32
12. Funding Authorization Document (FAD) Type 35
13. Financing of Inland Waterways Trust Fund (IWTF) Costs 36
14. Financing of Harbor Maintenance Trust Fund (HMTF) Costs 37
15. Temporary Sequestration of Rivers and Harbors Contributed Funds 40
16. Scheduling and Execution 41

APPENDICES

A Civil Works Directorate Management Reviews Metrics A-1
B Standard Procedures for Continuing Authorities Program B-1
C Investigations Execution Guidance C-1
D Executive Directorate and Management Expenses Program Guidance D-1
E Flood Control Coastal Emergencies Execution Guidance E-1
F Regulatory Program Execution Guidance F-1
G Civil Works Use of Army Management Structure Code and Program Code G-1

*This circular supersedes EC 11-2-215, dated 31 May 2018

Contents (Continued)

Paragraph Page

H Standard Operating Procedures for Recording Work Allowance for Project-Based Appropriations....H-1
I Examples for Calculating Reprogramming Limits....I-1
J Processing and Approval of Reprogramming Actions for PPA's J-1
K Examples of Letters Providing Prior Notifications to Appropriations Committees K-1
L Format for Reprogramming Data Sheet L-1
M Examples of Letters Providing Post-Facto Notifications to Appropriations Committees for Emergency Reprogramming M-1
N Examples of Letters Providing Notifications to Authorizing and Appropriations for Contributed Funds....N-1

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) 2019 Civil Works Program is conducted according to the Energy and Water Development and Related Agencies Appropriations Act, 2019 (Division A of the Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019 per Sec. 1 of Public 115-244) 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 115-244.

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. This document is published at https://www.publications.usace.army.mil/USACE-Publications/Engineer-Circulars/.

4. References:

a.Energy and Water Development and Related Agencies Appropriations Act, 2019, Division A of the, Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019 per Sec. 1 of Public Law 115-244. https://www.congress.gov/115/bills/hr5895/BILLS-115hr5895enr.pdf

b. [Explanatory Statement], https://www.congress.gov/115/crpt/hrpt929/CRPT-115hrpt929.pdf

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

d. Defense Federal Acquisition Regulation Supplement (DFARS) 232.705-70 and DFARS Clause 252.232-7007, Limitation of Government's Obligation, https://www.acq.osd.mil/dpap/dars/dfars/html/current/232_7.htm#232.705 and https://www.acq.osd.mil/dpap/dars/dfars/html/current/252232.htm#252.232-7007

e. 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], https://cops.usace.army.mil/sites/CT/P/UAI_UDG/Forms/AllItems.aspx

f. Engineer Regulation 5-1-11, Management, USACE Business Process, http://www.publications.usace.army.mil/Portals/76/Publications/EngineerRegulations/ER_5-1-11.pdf?ver=2013-09-08-233247-187

g. Engineer Regulation 37-1-30, Financial Administration - Accounting and Reporting, http://www.publications.usace.army.mil/USACE-Publications/Engineer-Regulations/u43546q/45522033372D312D3330

h. Engineer Regulation 1105-2-100, Planning - Planning Guidance Notebook, https://planning.erdc.dren.mil/toolbox/library/ERs/entire.pdf

i. House Report (Appropriations Committee Report) 115-697 accompanying FY2019 Energy and Water Development Appropriations, https://www.congress.gov/115/crpt/hrpt697/CRPT-115hrpt697.pdf

j. Senate Report (Appropriations Committee Report) 115–258 accompanying FY2019 Energy and Water Development Appropriations, https://www.congress.gov/115/crpt/srpt258/CRPT-115srpt258.pdf

k. OMB Circular A-11, 29 Jun 2018, Preparation, Submission, and Execution of the Budget, https://www.whitehouse.gov/wp-content/uploads/2018/06/a11.pdf

l. Office of Management and Budget (OMB), Report to Congress on the Joint Committee Reductions for Fiscal Year 2019, dated 12 February 2018. https://www.whitehouse.gov/wp-content/uploads/2018/02/sequencestration-report-february-2018.pdf

m. FY18 Emergency Supplemental Long-term Disaster Recovery Investment Program Performance Management – Governance, Version 2.1 dated 21 December 2018.

5. Records Management (Recordkeeping) Requirements. (See DA Pamphlet 250).

6. Definitions. Also see Reference 4.k., section 20.3.

a. "Act." An Act providing annual appropriations or full-year appropriations for Energy and Water Development.

b. "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.

c. "Baseline." Each PPA (see paragraph 5.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 constituents change. The term is synonymous with “base amount,” “base level,” and “base.”

d. 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.

e. “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.

f. “Contingency Code.” A code in the Standard Line of Accounting used to designate a statutory earmark within a supplemental appropriation. Contingency Code is used in conjunction with Public Law Code.

g. “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.

h. “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 5.u.) 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.

i. “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.

j. "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.

k. "Engineer Reporting Organization Code" ("EROC"). A unique two-digit code for each District, Division, Field Operating Activity (FOA), or HQUSACE.

l. "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).

m. "FAD Type." An indicator of the source of Funding from which the (FAD; see definition) is derived. FAD Types are IWTF, HMTF, Civil Special, and Not Applicable (N), which is used if none of the others apply. For Civil direct appropriations, IWTF, HMTF, and N are used. In addition, for FY 2018, FAD Type is used to distinguish between specified amounts in P.L. 115-123, including residual amounts -- two for Investigations, two for MR&T, and three for Construction. FAD Type is used for Funding from PY 2018 and thereafter. For the C, O&M, or MR&T appropriation, the split between IWTF, HMTF, and N FAD Types is specified in a written apportionment signed by the Office of Management and Budget (OMB), and may not be changed except through a written reapportionment. See paragraph 11.

n. "Fiscal Year" ("FY"). 1 October to the following 30 September.

o. "Funding." Authority to financially obligate the Federal Government, also known as Budget Authority.

p. 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).

q. "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, Reallocations, and Reconciliations of Obligations (see definitions). Initial work allowances do not include work allowances issued using funding made available by a short-term Continuing Resolution (CR).

r. "Line Item." A study, project, separable element, program, or RI that receives a specified amount in a table in the applicable Statement of Managers (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.

s. "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 "Remaining Items and Funding Pots" file at https://workplan.usace.army.mil/.

t. “Program Activity Code.” A mandatory code in CEFMS that approximately corresponds to business line. For any Army Management Structure Code (AMSCO) that involves more than one business line, use code 0005, Multipurpose and Other.

u. “Program, Project, or Activity” (“PPA”). A PPA is one of the following:

(1) For any appropriation, a project, study, program, or other work that has received a Statutory Earmark, with respect to Funding from the PY of the Statutory Earmark.

(2) For the FUSRAP appropriation, a funded project.

(3) 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.

(4) 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 or received a Statutory Earmark for that PY.

(5) 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 or received a Statutory Earmark for that PY.

v. “Program Code.” A mandatory field in P2 used to store the unique Congressional line-item identifier, which corresponds to AMSCO See also Appendix G.

w. “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.

x. “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 “Remaining Items and Funding Pots” file at https://workplan.usace.army.mil/.

y. “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 “Remaining Items and Funding Pots” file at https://workplan.usace.army.mil/.

z. “Public Law Code.” A code in the Standard Line of Accounting used to identify the Public Law that appropriated the Funding.

aa. “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). 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.”

ab. “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.

ac. “Reconciliation of Obligations.” A Work Allowance moving Funding to a PPA when needed to fund obligations of Funding from the current PY that are incurred during the CR Period, if any, to the extent that such obligations exceed Initial Work Allowances of Regular Funding for the current PY. The Work Allowance for a Reconciliation is coded “REC.” The offsetting Work Allowances from other PPAs serving as the “sources” also are coded as REC. Note that if any allotted Funding that exceeds the amount of the Work Allowances had not been obligated before the date of enactment, either the project Funding account in CEFMS should be reduced by the excess, or the excess must be covered with a Reprogramming, not a Reconciliation of Obligations. Reconciliations of Obligations may be used only with respect to obligations made during the CR period and should take place after approval of the work plan for the applicable FY. REC work allowances were only used for FY 2019 and are no longer necessary.

ad. “Reduction.” A Work Allowance that reduces the Funding for a PPA from the PY of the latest Act, other than a Reprogramming, Reallocation, or Reconciliation of Obligations. 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.

ae. “Regular Funding.” Funding provided by an Act other than a Supplemental Act. See definition of Supplemental Funding.

af. “Remaining Item.” A Remaining Item (RI) is a PPA customarily listed as a Line Item in a SoM table following the listings by state.

ag. “Reprogramming.” A Work Allowance moving Funding to or from a PPA, with the following exceptions: a) an Initial Work Allowance; or b) a REC Reconciliation of Obligations; or c) 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.

ah. “Rescission” (RES). A reduction, following the latest Act, in Funding from the PY(s) of previous Act(s). Also called a cancellation.

ai. “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 Continuing Authorities Program (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.

aj. "Statement of Managers." The Explanatory Statement, or Statement of Managers 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. Also called the "Conference Report" or "Explanatory Statement."

ak. "Statutory Earmark." The specification in law of an amount, or a minimum amount, of Funding for a project, study, program, or other work, or the direction in law that Funding be used for a certain use. A Statutory Earmark is a type of PPA, with respect to the PY of the Statutory Earmark.

al. "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.

am. "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 5.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, and FY 2018 are 112-77, 113-2, 114-254, and 115-123, respectively. 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".) 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).

an. "Transfer" (T). The movement of Funding from one appropriation to another. Transfers require authorization by statute.

ao. "Work Allowance." A change in the Funding allocated to a Program Code.

7. <u>Limitations on Use of Funding</u>. The following limitations are in addition to the Reprogramming limitations discussed in paragraphs 8.b. through 8.e.; that is, the most restrictive limitation must apply:

a. Statutory Prohibitions.

(1) Sections 101 (see paragraph 8.b.), 103 (see paragraph 10.d.), 105, 106, 107, 108, 109, and 110 of Division A, Title I of Public Law 115-244 include prohibitions on the use of FY 2019 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 its use for any acquisition that is not consistent with 48 CFR 225.7007 (a) (1) and (a) (2). Section 107 prohibits its use for any water supply reallocation study for Wolf Creek Dam, Lake Cumberland, Kentucky. Section 108 prohibits its use to require permits for the discharge of dredged or fill material by certain activities. Section 109 prohibits its use, or the revolving fund, for any obligation or expenditure on a new hopper dredge. Section 110 prohibits its use to reorganize or to transfer the Civil Works functions or authority of the Corps of Engineers or the Secretary of the Army to another department or agency.

(2) Title V of Division A of Public Law 115-244 also includes general prohibitions.

(3) By virtue of section 102 of Division A, Title I of Public Law 115-244, which directs USACE to allocate Funding only in line with the provisions of Public Law 115-244 and the SoM, the following uses of Public Law 115-244 Funding are prohibited:

(a) Development or implementation of rules or guidance to support implementation of the final Principles and Requirements for Federal Investments in Water Resources released in March 2013 or the final Interagency Guidelines released in December 2014.

(b) For the Water Resources Priorities Study.

(c) For a new Mississippi River Commission line item.

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 2018 appropriations for the Regulatory Program, Expenses, and the Office of the Assistant Secretary of the Army (Civil Works) (ASA(CW)) expire on 30 September 2019. 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 2024, after which the Funding will be canceled.

d. New Start Feasibility 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 Feasibility Cost Sharing Agreement (FCSA) 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. 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) No Initial Work Allowance will be provided to, and no Funding will be obligated on, a new start construction project or separable element (as identified as a new start in budget or work plan documents) until the Secretary provides to the Committees on Appropriations of the House of Representatives and the Senate an out-year funding scenario demonstrating the affordability of the selected new starts and the impacts on other projects.

(2) 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. POC is the Congressional Liaison, Corps of Engineers-Civil Works-Integration Future Directions (CECW-IF).

(a) For those project partnership agreements that are approved by the Director of Civil Works or by the Assistant Secretary of the Army (Civil Works), 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 Commander (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.

(b) 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.

(c) These requirements do not apply to environmental infrastructure projects or projects under the Continuing Authorities Program.

(3) If a Project Partnership Agreement is required, but is not executed by 30 September 2019, no Funding will be obligated on the project or element after 30 September 2019.

h. Appropriation Refunds. Revised policy is provided in Reference 3.k. Highlights follow:

(1) 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 FOA's database. CECW/CERM-BC will then issue a revocation FAD to revoke the Funding to Headquarters S0 database, and will move the revoked Funding to 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. 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 6.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, 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 as follows:

SEC. 102. Beginning in fiscal year 2006 and thereafter, agreements proposed for execution by the Assistant Secretary of the Army for Civil Works 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 that 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, 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. PPAs and Program Codes. Also see Appendices G and H.

a. Program Code and Army Management Structure Code (AMSCO) are equivalent. 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 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 or Statutory Earmark, 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 or Statutory Earmark. 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 Category-Class-Subclass, is a PPA. The children, including the "HQ Master Program Code," are not. Parent Programs include the Continuing Authorities (CAP) programs, 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 (CFEMS) transactions involving Civil Works Funding, apart from Work Allowance transactions taking place in the Civil Work Allowance component of the FDM, must be associated with a work item assigned to a P2 Project to ensure all CEFMS data is accounted for at the P2 Project Level.

9. <u>Reprogrammings</u>. The limitations in paragraphs 8.b. through 8.e. below are in addition to the limitations on the use of FY 2019 Funding discussed in paragraph 6; 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 should be considered for a Reprogramming.

If there are projects that could productively use the surplus funds, the District should consult with the non-federal cost sharing partner and other stakeholders 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 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 8.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, 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 2019, 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 8.e.(5)(a)(ii) and (iii).

(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.

(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 8.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.

- Once the Division has identified the potential reprogramming donor and recipient PPAs and coordinated the reprogramming internally, the Division will provide a list of the donors and recipients to CECW-IF and the Regional Integration Team (RIT), together with available information on the views of stakeholders. No coordination with stakeholders will take place at this time; rather, the Division and District will rely on available information on stakeholder views.

- CECW-IF and the RIT review the list of donors and recipients, and CECW-P will review the CGR, if for a recipient study, to ensure that there is vertical alignment for the study. In the meantime, the Division will prepare draft notification letters for signature by the ASA(CW) (see Appendix K) and a Reprogramming data sheet (see Appendix L) providing data on the potential reprogramming donors and recipients.

- After review of the proposed reprogramming by HQUSACE, CECW-IF will notify the Division of changes required by HQUSACE. At this point the Division may coordinate with stakeholders where needed to ascertain their views.

- Once stakeholder views are known with reasonable certainty, the Division will provide the draft letters and data sheet to the RIT for processing to CECW-IF.

- CECW-IF will coordinate the proposal with the Office of the ASA(CW) (SACW) and the Subcommittee staffs.

- 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 Division will enter the CGR Work Allowance, and the Appropriation Manager or Program Manager will approve the Work Allowance.

- To see the Baseline for a PPA and determine whether the Cumulative Net Amount of REP and CGR Reprogrammings exceeds the threshold, see paragraph 8.a.(3)(b).

(5) CLM Reprogrammings:

(a) As discussed in paragraph 8.e.(5)(b), sections 101(a)(1) and (9) of Public Law 115-244 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 8.e.(6)(b), sections 101(a)(8) and (9) of Public Law 115-244 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; and 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) Before implementing a planned EMR Reprogramming, the District or Division 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 EMR Reprogramming, and should coordinate the Reprogramming internally.

The Division also should provide information to the Appropriation Manager and CECW-IF demonstrating that the above criteria are met.

(d) After coordination with stakeholders and concurrence by the Appropriation Manager and CECW-IF that the criteria are met, the Division should coordinate a planned EMR Reprogramming concurrently within the vertical team, including the RIT and CECW-IF. CECW-IF will coordinate informally with Appropriations Committee staff and SACW, and notify the Division, RIT, and the Appropriation Manager when informal coordination is complete.

(e) The Division should code the Work Allowance as EMR. After the coordination described in the foregoing paragraph, the Division should approve the EMR Reprogramming, then the Appropriation Manager will do so.

(f) Concurrently with the steps outlined above, the Division will prepare draft notification letters to both the House and Senate Appropriations Subcommittees for Energy and Water Development for signature by the ASA(CW) (see Appendix M), and furnish the draft letters to the RIT, copy furnished to the Appropriation Manager, for processing to CECW-IF. If the Reprogramming is approved, the Appropriation Manager will track the progress of the Reprogramming through the clearance and transmittal processes.

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, 107, and 108, 109, and 110 of Public Law 115-244, apply to FY 2019 Funding that is provided to a PPA not only through an Initial Work Allowance, but also to FY 2019 Funding provided through a Reprogramming, Reallocation, or Reconciliation of Obligations. 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, Reallocations, and Reconciliations of Obligations for Funding provided under those Acts. See paragraphs 6.a. and 6.b.

(2) Funding from a Statutory Earmark. Except as provided in law, Funding may not be reprogrammed from a PPA if the Funding was a Statutory Earmark. However,

Funding may be reprogrammed to a PPA that received a Statutory Earmark and that is otherwise authorized, so long as any statutory language does not otherwise limit the amount of Funding that may be applied to that PPA from the applicable PY.

(3) Creation or Initiation of a PPA. Funding appropriated in Title I of any Act may not be reprogrammed in order to create or initiate a PPA. This is an absolute prohibition in section 101(a)(1) of Public Law 115-244. 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 5.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 115-244. This prohibition does not apply to Reallocations, Reconciliations of Obligations, 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 is not a Statutory Earmark for that 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 115-244 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 115-244, 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 or Reconciliations of Obligations.

(2) Funding is “denied” to a PPA if:

(a) The Funding is expressly denied in Public Law 115-244; 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 2019 included Funding for the PPA, and the SoM for FY 2019 did not, or the PPA is listed in a table within the FY 2019 SoM but provided $0. There are two exceptions: new starts that are funded from Project Funding Pots following Public Law 115-244; and projects that are reduced to zero due to reduced capability.

For FY 2019, Investigations Funding is denied to the Water Resources Priorities Study and MR&T Funding is denied to the Mississippi River Commission line item.

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

(a) Public Law 115-244 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 115-244, 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 by 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 2019 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, Reconciliations of Obligations, or Transfers.

(2) For FY 2019, projects and programs with limitations on purpose include:

(a) In the Investigations appropriation, Disposition of Completed Projects and Research and Development,.

(b) In the Construction appropriation, the Aquatic Plant Control Program and the Dam Safety and Seepage/Stability Correction Program.

(c) In the O&M appropriation, Aquatic Nuisance Research Program, Monitoring of Completed Navigation Projects, Water Operations Technical Support, Coastal Inlet Research Program, National Dam Safety Program, National (Multiple Project) Natural Resources Management Activities, and Facility Protection.

(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 115-244 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, Reconciliations of Obligations, 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 that did not Receive an Appropriation for FY 2019. 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 2019, 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 2019, 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:

(i) 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.

(ii) For a receiving PPA that Received an Appropriation for FY 2019, 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.

(iii) For a receiving PPA that previously Received an Appropriation but that did not Receive an Appropriation for FY 2019, 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 is not for Existing Obligations and Concomitant Administrative Expenses), or exceeds $300,000 (if the planned Reprogramming is for Existing Obligations and Concomitant Administrative Expenses). See paragraph 8.a.(3)(c).

(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 2019 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 8.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:

(i) 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.

(ii) For a receiving PPA that Received an Appropriation for FY 2019, 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.

(iii) For a receiving PPA that previously Received an Appropriation but did not Receive an Appropriation for FY 2019, 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 8.a.(6), above, for guidance on the appropriate use and processing of these Reprogrammings using the EMR code.

(7) Formerly Utilized Sites Remedial Action Program (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 8.b.(1) and 8(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. The 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 exactly offsets the amount of Supplemental Funding to recipients under that Contingency Code, 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 before 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 2019, 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 8.e.(5)(a)(iii).

(11) In the I or MR&T I appropriation, any work allowance involving a Reprogramming or Reallocation providing PED Funding (based on Category-Class-Subclass) 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 four FYs. This is to ensure that funds are focused on completion of priority projects and studies, and that projects and studies that might become eligible for deauthorization are not reactivated without sufficient justification. Under 33 U.S.C. 579a, as amended, and Section 710 of Public Law 99-662, 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 five fiscal years, and a list of specifically authorized studies that have not received positive Initial Work Allowances in the current or preceding five 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, 420, 430, 516, 517, 518, 722, 732, 737, 740, 750, 792, 793, 900, or dam safety series (240, 241, 242, 540, 541, 542, 640, 641, and 642) as a whole.

(c) Appropriation = 3123 and CCS = 640, 290, 221, 408, 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) For PY 2017 and prior, any work allowance, other than an initial work allowance, if there is any change in the amount of regular (non-supplemental) funding

on CCS 310 (Inland Waterways Trust Fund) in the Construction (3122) account. Any such change must be reflected in a reapportionment of the appropriation. See paragraph 11.g.

(21) For PY 2017 and prior, any work allowance, other than an initial work allowance, if there is any change in the amount of regular (non-supplemental) funding on the following CCS in the Construction (3122) account, <u>taken collectively</u>: 212; 218; 231; 232; 791; and 792. These are the CCS that involve HMTF in 3122. Any such change must be reflected in a reapportionment of the appropriation. See paragraph 12.e.

(22) For PY 2017 and prior, any work allowance, other than an initial work allowance, if there is any change in the amount of regular (non-supplemental) funding on the following CCS in the O&M (3123) account, <u>taken collectively</u>: 111; 113; 114; 11D; 11E; 11G; 125; 131; 133; 134; 138; 411; 421; 430; 450; 460; 470; 480; and 491. These are the CCS that involve HMTF in 3123. However, HQUSACE approval is not required for Reallocations among O&M CCS 111, 391, 392, 393, 394, 395, and 396 on the Bonneville Lock and Dam, Oregon and Washington, Project (AMSCO 80564). Any such change must be reflected in a reapportionment of the appropriation. See paragraph 12.e.

(23) For PY 2017 and prior, any work allowance in the O&M (3123) account, other than an initial work allowance, involving one or more of the following CCS: 150; and 30H. These are the CCS that involve joint costs including HMTF in 3123. Any such change must be reflected in a reapportionment of the appropriation. See paragraph 12.e.

(24) For PY 2017 and prior, any work allowance, other than an initial work allowance, if there is any change in the amount of funding on CCS 410 in the MR&T (3112) account. Any such change must be reflected in a reapportionment of the appropriation. See paragraph 12.e.

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 C, O&M, or MR&T appropriation, the split between IWTF, HMTF, and N FAD Types is specified in a written apportionment signed by OMB, and may not be changed except through a written reapportionment. For Public Law 115-123, FAD Types are used to designate specified amounts within the I, C, and MR&T appropriations, and migration of Funding between these FAD Types is not permissible. The exception is where the Investigations and Construction titles of Public Law 115-123 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. <u>Policy on Response to Emergencies</u>:

a. O&M and MR&T (M) Funding reprogrammed using the EMR code following Sections 101(a)(8) and (9) of Public Law 115-244, the one percent of Funding set-aside following the O&M title of Public Law 115-244, 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 8.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 8.a.(6).

e. One Percent Set-Aside:

(1) A proviso in the O&M title in Public Law 115-244 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 9.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 2019, the retained Funding will be available for emergency activities. In the fourth quarter of FY 2019, 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 8.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 over time.

(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 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. <u>Contracting</u>:

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 (e.g. 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:

(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 115-244 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.d.) 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.e.) in solicitations and contracts that are identified as supporting civil works projects that are not fully funded.

e. Approval authorities for contracts are as follows:

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	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.

a. For FY 2019, Public Law 115-244 (regular appropriations) included language in the Construction, MR&T, and O&M appropriations that construction costs for facilities under the Dredged Material Disposal Facilities program "eligible operation and maintenance costs" for coastal harbors and channels and for inland harbors must be derived from the Harbor Maintenance Trust Fund (HMTF), and in the Construction appropriation that the applicable share of costs on inland waterway construction and rehabilitation projects must be derived from the Inland Waterways Trust Fund (IWTF). Public Law 115-123 (supplemental appropriations) included the HMTF-related language only for the O&M appropriation, and did not include IWTF-related language. FAD Types will conform to the law. FAD Types used for funding provided for FY 2019, and the FY 2018 Supplemental will be as follows:

APPN	PUB LAW	FAD TYPE DESCRIPTION	FAD TYPE
3112	115-123	Emergency ($370M)	12
3112	115-123	FRM Construction ($400M)	13
3112	115-244	Eligible HMTF	7
3112	115-244	Other	N
3121	115-123	Hurricane Areas H-I-M ($75M)	10
3121	115-123	Other Areas ($60M)	11
3121	115-244	All	N
3122	115-123	Emergency ($55M)	12
3122	115-123	Hurricane Areas H-I-M ($10.425B)	10
3122	115-123	Other Areas ($4.575B)	11
3122	115-244	IWTF Share	6
3122	115-244	Eligible HMTF	7
3122	115-244	Other	N
3123	115-123	Eligible HMTF	7
3123	115-123	Other	N
3123	115-244	Eligible HMTF	7
3123	115-244	Other	N
3124	115-123	All	N
3124	115-244	All	N
3125	115-123	All	N
3125	115-244	All	N
3126	115-244	All	N
3130	115-244	All	N

b. 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.

13. Financing of Inland Waterways Trust Fund (IWTF) Costs.

a. For Work Allowances for Funding to be derived from the General Fund with FAD Type N, CCS is 220 or 814. 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 rehabilitation projects will be funded 50 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) PY 2019 funding provided to Chickamauga Lock, Tennessee River, Tennessee, following Public Law 115-244 is to be derived 15 percent from the IWTF.

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 12.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. The total allocated to each FAD Type must agree with the written apportionment and may not be changed except following written reapportionment. See paragraphs 8.i.(21) through (24).

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 funding authorizations (FADs). MIPRs to other agencies are not affected by this guidance.

14. <u>Financing of Harbor Maintenance Trust Fund (HMTF) Costs</u>.

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 considered to be 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. CCS and FAD Type. The following CCS will be used for "eligible operation and maintenance costs," <u>irrespective of whether the applicable appropriations act includes language deriving those costs from the HMTF</u>. 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:

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

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)

(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 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. The total allocated to each FAD Type must agree with the written apportionment and may not be changed except following written reapportionment. See paragraphs 8.i.(21) through (24).

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 12 February 2018, following the Balanced Budget and Emergency Deficit Control Act, as amended, 2 U.S.C. 901a, section 251A, the President ordered a sequestration of FY 2019 funding in mandatory appropriations. Sec 83 Fed. Reg. 6789 (Feb 15, 2018). The accompanying OMB report to Congress is in Reference 4.l.

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 the OMB. The sequestration of the appropriation is temporary.

c. FY 2019 funding estimated for the appropriation is $481 million, of which $203 million was identified for administrative expenses and sequestered at a 6.2 percent sequestration rate. This is equal to an effective sequestration rate of 2.62 percent.

d. Each MSC will ensure that, at each point in time during FY 2019, a sum equal to 2.62 percent of the cumulative total funding provided to its districts in the appropriation in FY 2019 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 2.62 percent requirement. The mix of PPAs contributing to the 2.62 percent requirement may change over time. The 2.62 percent requirement will grow through FY 2019 as the cumulative total funding provided in FY 2019 grows.

e. On 1 October 2019, the 2.62 percent sequestered in FY 2019 will become available for obligation.

16. Scheduling and Execution:

a. According to the Project Management Delivery Process, each Project Manager and the Project Management Team are to create and maintain a network analysis schedule for each project in P2 based on the FY 2019 Funding provided as well as carry-in Funding. 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 2019. 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 (e.g. VE Study

Completion) 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 Civil Works Directorate Management Reviews (DMRs) based on attainment of objectives for obligations and expenditures, and for milestones for agreement execution and contract award. The guidance on DMR 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. 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 Preconstruction Engineering and Design 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 Work Breakdown Structure (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.

(3) Each of the new FWIs in CEFMS will use the Command Indicator Code "SUS19" to enable complete and accurate centralized pulls of CSM funding and execution data. Ensure the CIC is assigned to the Funding Work Item (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 FY19. Any execution delays must be tracked in P2.

(6) On a quarterly basis, HQ USACE will pull data from P2 and CEFMS 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, and FEM across both budget development and execution in order 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 Work Item" field must be populated with the CEFMS Ordering Work Item for each O&M FEM Work Order.

FOR THE COMMANDER:

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

A-1. Goals:

a. Deliver on commitments by doing what we say we will do:

(1) USACE Directorate Management Reviews (DMR) are designed to improve agency efficiency and effectiveness by enabling Commanders, Directors, and key senior staff to monitor performance and strategic change progress. This agency-level forum promotes accountability and disciplined learning by: measuring progress against stated strategic goals and objectives; sharing best practices; and discussing critical strategic and operational challenges impacting the command.

(2) DMR meetings occur quarterly throughout the FY. Monthly Management Review (MMR) meetings will occur on an as needed basis and only include HQUSACE staff.

b. Execute funding effectively:

(1) All DMRs will focus on the items included in this appendix as well as Executive Order 13807, Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects. .

(2) Each quarterly DMR will also have a Strategic Focus Topic or Best Practice Presentation pertaining to the following: 1st Quarter – Civil Works (CW) Strategic Plan and Infrastructure Performance Trends; 2nd Quarter - Progress and Plans for Support Functions (Safety, Sustainability, Infrastructure Protection); 3rd Quarter - Performance Mid-Course Correction; and finally 4th Quarter – Year-end Performance Review.

A-2. Overview of Metrics:

a. There are nine metrics used in the HQUSACE DMR:

(1) Percent of Funding Scheduled in “Basic” Schedules Year-to-Date (YTD) that is Actually Executed YTD; Percent Variance of Adjusted Current Schedule current fiscal year (CFY) against the Basic Schedule CFY (metric CW01a, CW01b). The first part of this metric measures actual obligations against Basic obligation schedules. The USACE goal is 90% (10% departure). The second part of this metric compares the Adjusted Current obligation schedules CFY against Basic obligation schedules CFY. The USACE goal is greater than -20% variance. For the fourth quarter, the metric measures actual obligations versus the Basic for the entire FY.

(2) Percent of Available Funds Currently Scheduled for Execution in CFY (metric CW02). This is the carryover metric and for FY 2019 only applies to the Expenses and

Regulatory accounts. The metric measures expenditure performance and the USACE goal is 90% (10% carryover). For the fourth quarter, the metric measures the percent of available funds actually expended compared to the total available.

(3) Percent of Construction-Type Contracts Awarded on Schedule (metric CW03). This metric measures success in awarding construction-type contracts against a Basic schedule.

(4) Percent of Feasibility Cost Sharing Agreements (FCSAs) Executed on Schedule (metric CW04). This metric measures success in awarding FCSAs against a Basic schedule.

(5) Percent of Project Partnership Agreements (PPAs) and Design Agreements (DAs) Executed on Schedule (metric CW05). This metric measures success in awarding PPAs and DAs against a Basic schedule.

(6) Percent of Project Physical Completions on Schedule (metric CW06). This metric measures success of Physical Completion of a project against a Basic schedule.

(7) Percent of Project Fiscal Completions on Schedule (metric CW07). This metric measures success of Fiscal Completion of a project against a Basic schedule.

(8) Value Engineering (VE) Statutory Compliance (CW08). This metric measures the extent to which the VE program complies with applicable laws and regulations. All projects/contracts greater than $2M are to address VE requirements by conducting a VE study or demonstrating low opportunity/bridge/scan or approved waiver.

(9) Progress on Work Packages Funded by Public Laws 114-254 and 115-123 (short term) will be measured (CW09). This metric measures progress on repair and emergency dredging work packages funded by the FY 2017 and 2018 supplemental appropriations acts. Since repair schedules depend on the complexity of the work, there is no fixed standard for success.

b. Execution of Long Term Construction Funded by Public Law 115-123 will also be discussed at DMRs. Execution of long term construction projects will be measured by the 2101 expenditures and equivalent planned value as well as key milestones for the life of the project.

c. Reasons for Carry-Out will be documented in the CEFMS II 2101 module, as discussed in paragraph 15 below. In addition, this process will be used to identify funds truly excess on a project and available for reprogramming, transfer or rescission.

d. For each funded project Districts must create a primary baseline identified as the “2101 Basic” by the day that the Basic obligation or expenditure schedules are set for the HQ lock, to align funding and milestone execution with HQ's data set used for the DMR. In addition to ensuring milestone code and WBS/WBS Override are correct as identified in paragraph 14, milestones should include source appropriation, FAD Type and public law. Districts, MSCs, and Laboratories may use the EDW Milestone variance for monitoring of Basic/Current milestone schedules. To facilitate management by the Divisions and Laboratories, key milestones are identified in paragraph 14 below. However, for DMR purposes only the milestones described in paragraphs 5 through 10 and 13 below, will be tracked.

e. Each MSC/Responsible organization must be prepared to explain all metric ratings that are coded red as well as unplanned carry-out following the 2101 baseline.

A-3. <u>Percent of Funding Scheduled in "Basic" Schedules YTD that is Actually Executed YTD; Percent Variance of Adjusted Current Schedule CFY against the Basic Schedule CFY (metric CW01a, CW01b)</u>:

a. Metric. This metric measures the Funding obligated YTD, as a percentage of the Funding scheduled for obligation YTD in the "Basic" schedule. Adjusted Current 2101 obligation schedules are maintained for the CFY for all Funding. When Basic schedules are set or re-set, the Adjusted Current schedule for the affected universe of projects and activities is copied to Basic, which is archived. Basic schedules are usually set at the beginning of each FY at a date and time selected by HQ, and are re-set at a second date and time selected by HQ after enactment of appropriations and clearance of work plans. This metric also examines the variance of the Adjusted Current obligation schedules CFY against Basic obligation schedules CFY. For FY 2019, there is expected to only be one 2101 lock due to the timing of bill enactment and approval of work plans.

b. Application of Metric. The metric is applied to each account except for Expenses and Regulatory. Remaining items (RIs) are included in the MSC/responsible organization's scoring. For FY 2019, only regular (non-supplemental) Funding will be rated because supplemental Funding is largely either earmarked for long-term recovery programs or covered under paragraphs 11 through 13. Ratings for organizations with less than $1 million scheduled in Basic are not displayed, but are included in the overall rating.

c. Calculation of Ratings.

(1) Ratings for six appropriations (I, C, O&M, MR&T, FUSRAP and FC&CE) are based on obligations. Only MSCs, ERDC and IWR are rated for these appropriations and the scoring includes RIs where applicable.

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

For CW01a:
Green: 95% < 105%
Amber: 90% < 95% or 105% >110%
Red: < 90% or >110%

For CW01b:
Green: > -10%
Red: < -10%

d. Update of Ratings. Once a 2101 Base is established, the data sets used to update he ratings are collected after 5:00 PM on the fourth business day of each month to reflect changes in actual obligations for the end of the prior month and in the Adjusted Current schedules for the end of the CFY. The report used is the Carry-Out Report (or equivalent) by Project currently generated within the CEFMS II 2101 module.

A-4. Percent of Available Funds Currently Scheduled for Execution in CFY (metric CW02):

a. Metric. The metric (the traditional carry-over metric) measures the Funding scheduled for expenditure in the Adjusted Current CFY 2101 schedules, as a percent of Funding available for expenditure. Until appropriations are enacted, the amount available is estimated based on the sum of unexpended funding from prior fiscal years, plus the Budget amount for each account. Otherwise, the amount available is based on the sum of actual unexpended funding from prior fiscal years, plus the mark in the Statement of Managers dependent upon timing of the DMR. For the fourth quarter DMR, actual expenditures as a percent of total available is measured.

b. Application of Metric. For FY 2019, only Funding for the Expenses and Regulatory accounts will be rated. Supplemental Funding will not be rated. Ratings for organizations with less than $1 million in available Funding are not displayed, but are included in the overall rating.

c. Calculation of Ratings.

(1) Ratings for the Expenses and the Regulatory Program appropriations are based on expenditures. The rating for each account is based on combined expenditure data for all MSCs, Laboratories and HQUSACE.

Account	Green	Amber	Red
Regulatory	90%	80% < 90%	< 80%
Expenses	90%	80% < 90%	< 80%
Overall	90%	80% < 90%	< 80%

Organization	Green	Amber	Red
MSC/ERDC/ IWR/HQ	90%	80% < 90%	< 80%

d. Update of Ratings. The data sets used to update the ratings are collected after 5:00 PM on the fourth 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 by within the CEFMS II 2101 module.

A-5. Percent of Construction-Type Contracts Awarded on Schedule (metric CW03):

a. Metric. This metric measures the percent of construction-type contracts that are awarded by the milestone date in the 2101 Basic Baseline schedule. Per paragraph 2.d., Districts should save a primary baseline identified as the “2101 Basic” baseline by the day that the Basic obligation or expenditure schedules are set or re-set for the DMR. HQ will extract “2101 Basic” milestone data via EDW. These data will include source appropriations.

b. Application of Metric. The milestone measured is CC800. Districts must ensure all construction-type contracts (CC800) are entered in P2 with correct codes for the WBS - 30000 (including children), 60000, or 61000, or one of these values is entered in the WBS Override field. The metric will be applied separately to construction contract awards including: Construction and the construction component of Mississippi River and Tributaries (Construction) (MR&T); Operation and Maintenance (O&M) and the Maintenance component of MR&T; and other Construction-type Contract Awards including CAP, Flood Control and Coastal Emergency (FCCE), and FUSRAP. The metric will be applied only to MSCs and include regular and FY18 long term Supplemental Funding, and discussed separately.

c. Calculation of Ratings. Data will be obtained from the EDW Milestone Detail Report. Ratings will be displayed for each MSC in each applicable appropriation. In addition, the number of milestones in the Basic schedule for the FY and the number of milestones upcoming in the next three months will be displayed. Ratings are as follows:

Green: 90%
Amber: 80% < 90%
Red: < 80%

d. Update of Ratings. The data sets used to update the ratings are collected after 5:00 PM on the fourth business day of each month to reflect changes in P2 Schedules from the prior month. The EDW “Milestone Detail Report” is the report used to compare current schedules against the “2101 Basic Baseline” schedule established by the

District at the time the 2101 was locked. Backup data for the data set will be provided as part of the DMR read ahead material.

A-6. <u>Percent of Feasibility Cost Sharing Agreements (FCSAs) Executed on Schedule (metric CW04)</u>:

a. Metric. This metric measures the percent of FCSAs that are executed by the milestone date in the 2101 Basic Baseline schedule. The process for setting and re-setting Basic schedules is as described in paragraph 3.a.

b. Application of Metric. The milestone measured is CW130. Districts must ensure all CW130 milestones are entered in P2 with correct codes for the WBS 1000 (including children), 22000 (including children), or 21VOC, or the applicable WBS is entered in the WBS Override field The appropriations included are Investigations (I), MR&T (Investigations), and CAP. The metric will be applied only to MSCs and include regular and FY18 long term Supplemental Funding, and discussed separately.

c. Calculation of Ratings. Data will be obtained from the EDW Milestone Detail Report. Ratings will be displayed for each MSC. In addition, the number of milestones in the Basic schedule for the FY and the number of milestones upcoming in the next three months will be displayed. Ratings are as follows:

Green: 90%
Amber: 80% < 90%
Red: < 80%

d. Update of Ratings. The data sets used to update the ratings are collected after 5:00 PM on the fourth business day of each month, to reflect changes in P2 Schedules from the prior month. The EDW "Milestone Detail Report" is the report used to compare current schedules against the "2101 Basic Baseline" schedule established by the District at the time the 2101 was locked. Backup data for the data set will be provided as part of the DMR read ahead material.

A-7. <u>Percent of Project Partnership Agreements (PPAs) and Design Agreements (DAs) Executed on Schedule (metric CW05)</u>:

a. Metric. This metric measures the percent of PPAs and DAs that are executed by the milestone date in the Basic schedule. The process for setting and re-setting Basic schedules is as described in paragraph 3.a.

b. Application of Metric. The milestone measured is CW130. The milestone will be measured wherever the WBS is 30000 (including children) or 22V00, or the applicable WBS is entered in the WBS Override field. The appropriations included are

Construction (including CAP and MR&T). The metric will be applied only to MSCs and include regular and FY18 long term Supplemental Funding, and discussed separately.

c. Calculation of Ratings. Data will be obtained from the EDW Milestone Detail Report. Ratings will be displayed for each MSC. In addition, the number of milestones in the Basic schedule for the FY and the number of milestones upcoming in the next three months will be displayed. Ratings are as follows:

Green: 90%
Amber: 80% < 90%
Red: < 80%

d. Update of Ratings. The data sets used to update the ratings are collected after 5:00 PM on the fourth business day of each month to reflect changes in P2 Schedules from the prior month. The EDW “Milestone Detail Report” is the report used to compare current schedules against the “2101 Basic Baseline” schedule established by the District at the time the 2101 was locked. Backup data for the data set will be provided as part of the DMR read ahead material.

A-8. Percent of Project Physical Completion on Schedule (metric CW06):

a. Metric. This metric measures success of physical completion of a project, or a separable element of a project, against a Basic schedule. The process for setting and re-setting Basic schedules is as described in paragraph 3.a.

b. Application of Metric. The milestone measured is CW450, Project Physically Complete. The milestone will be measured wherever the Work Breakdown Structure (WBS) is 30000 (including children), or the applicable WBS is entered in the WBS Override field. The appropriations included are Construction (including MR&T) and FCCE. The CAP is not included. The metric will be applied only to MSCs and include regular and FY18 long term Supplemental Funding, and discussed separately.

c. Calculation of Ratings. Data will be obtained from the EDW Milestone Detail Report. Ratings will be displayed for each MSC. In addition, the number of milestones in the Basic schedule for the FY and the number of milestones upcoming in the next three months will be displayed. Ratings are as follows:

Green: > 75%
Amber: 50% < 75%
Red: < 50%

d. Update of Ratings. The data sets used to update the ratings are collected after 5:00 PM on the fourth business day of each month to reflect changes in P2 Schedules from the prior month. The EDW “Milestone Detail Report” is the report used to compare current schedules against the “2101 Basic Baseline” schedule established by the District at the time the 2101 was locked. Backup data for the data set will be provided as part of the DMR read ahead material.

A-9. Percent of Project Fiscal Completions on Schedule (metric CW07):

a. Metric. This metric measures success of fiscal completion of a project against a Basic schedule. The process for setting and re-setting Basic schedules is as described in paragraph 3.a.

b. Application of Metric. The milestone measured is CW470, Project Fiscally Complete. The milestone will be measured wherever the WBS is 30000 (including children), or the applicable WBS is entered in the WBS Override field. The appropriations included are Construction (including CAP and MR&T) and FCCE. The metric will be applied only to MSCs and regular Funding.

c. Calculation of Ratings. Data will be obtained from the EDW Milestone Detail Report. Ratings will be displayed for each MSC. In addition, the number of milestones in the Basic schedule for the FY and the number of milestones upcoming in the next three months will be displayed. Ratings are as follows:

Green: > 75%
Amber: 50% < 75%
Red: < 50%

d. Update of Ratings. The data sets used to update the ratings are collected after 5:00 PM on the fourth business day of each month to reflect changes in P2 Schedules from the prior month. The EDW “Milestone Detail Report” is the report used to compare current schedules against the “2101 Basic Baseline” schedule established by the District at the time the 2101 was locked. Backup data for the data set will be provided as part of the DMR read ahead material.

A-10. Value Engineering Statutory/Regulatory Compliance (metric CW08):

a. Metric. The metric measures the extent to which the VE program complies with applicable laws and regulations including Public Law 104-106 (Federal Procurement Policy Act, 41 USC 432) & Public Law 111-350 (41 USC 1711), OMB Circular A-131 (A-11 & A-123), Defense Acquisition Guidance, DoD Instructions 4245.14 and ER 11-1-321 (Change 1). All projects/contracts greater than $2M are to address VE requirements by conducting a VE study or demonstrating low opportunity/bridge/scan or approved waiver. Compliance data is a component of USACE VE Annual Performance Report to OMB & OSD (AT&L); and other compliance checks/reports per OMB Cir. A-123 (MICP Policy). Controls include BCOES certification and/or PM/VEO certification. KO's must NOT advertise/award projects without VE statutory/regulatory compliance certification validated by the District VEO.

b. Application of Metric. Applicable across the entire CW program. The metric is a Lagging Indicator and assesses USACE compliance with statutory and regulatory requirements. Failure indicates a possible breakdown in accountability.

c. Calculation of Ratings. VE Activities completed is the percent of VE Study Finish Actual milestones (CW195A and CW290A) plus User Defined Fields (UDF) VE Low Opportunity (includes LO/Bridge/Scan) plus Waiver measured against the actual Construction Contract Award milestones (CC800A). Each organization's rating is computed as follows:

Green:	≥ 95%
Amber	≥ 85% < 95%
Red	< 85%

d. Update of Ratings. The ratings are updated monthly and reported annually to OMB (OFPP) & OSD (AT&L). Contracting and National Program Managers are to ensure applicable VE Study milestones, Low Opportunity and Waiver UDFs and Contract Award milestones are identified and recorded in corporate automated information systems (P2/EDW). The VE EDW Program Compliance report. https://edw.usace.army.mil/BOE/BI then select Value Engineering Program Coverage/Compliance Dashboard.

A-11. Progress on Work Packages Funded by Public Law 114-254:

a. This analytic measures scheduled completions dates in Primavera for contracts funded by supplemental appropriations provided in sections 187 to 190 of Public Law (P.L.) 114-254. The purpose of the analytic is to give visibility to progress on the funded damage repairs and emergency dredging. This analytic will only be measured until the 2019 flood season (through the 2nd quarter of FY 2019).

b. Application of Analytic.

(1) The District should create in the applicable Primavera schedule a separate Activity for each contract funded by P.L. 114-254.

(2) For each such Activity, the District should schedule at least the Ready to Advertise (CW400), contract award (CC800), and contract completion (CC820) milestones. Even if the physical repair or dredging Activity is to be performed with in-house labor, the District should schedule the CC820 milestone to signify substantial completion. CC820 Is defined as "Final / Acceptance inspection complete. The date the CO/ACO informs the contractor that liquidated damages will not be, or no longer will be,

assessed and the warranty period begins on the contract. This can be with or without deficiencies."

(3) For each such Activity (milestone or task), the District populates the "Public Law" Activity Code with P.L. 114-254. This will enable HQUSACE to pull reports based on the Public Law.

c. Statistics.

(1) Work packages funded or to be funded from P.L. 114-254 funding are grouped as follows: 1) Repairs/dredging are complete; or 2) Repairs/dredging are scheduled for completion by the end of the 2nd quarter of FY 2019; or 3) Repairs/dredging are scheduled for completion after the end of the 2nd quarter of FY 2019.

(2) Statistics are aggregated and reported by MSC, and by appropriation.

d. Update. Statistics are updated monthly.

A-12. Progress on Near Term Work Packages Funded by Public Law 115-123:

a. Near term repairs receiving allocations under PL 115-123 will be measured using the same analytic rules described in paragraph 11, above. The near term FAD types for PL 115-123 are N, 7 and 12 depending upon the account.

b. Application of Analytic. The application of this analytic will conform with the analytic described for PL 114-254, in the preceding paragraph.

c. Statistics. Statistics are aggregated and reported by MSC, and by appropriation.

d. Update. Statistics are updated monthly.

A-13. Long Term Construction Funded by Public Law 115-123:

a. Projects receiving long-term recovery investments under P.L. 115-123 will be measured using Performance Measurement Baseline (PMB) lock. The PMB will provide the expenditures schedule for the life of the project. The guidance for tracking the expenditures and equivalent planned value will be provided in a separate guidance document FY18 Emergency Supplemental Long-term Disaster Recovery Investment Program Performance Management – Governance, Version 2.1 dated 21 December 2018. The long term FAD types are 10, 11 and 13 depending upon account.

b. Milestones will also be tracked similar to paragraphs 5 through 10. Milestone CW360 will be tracked for Supplemental only, all other milestones are tracked for all projects and the only difference is these will be measured throughout the life of the project.

c. Statistics. Statistics are aggregated and reported by MSC, and by appropriation.

d. Update. Statistics are updated monthly.

A-14. Key Milestone Types:

a. Milestone execution is not tracked in DMRs, except as discussed above.

b. Key program milestones for Investigations and MR&T (I) Feasibility Studies are:

Milestone Description	Milestone Code	WBS
Execution of Feasibility Cost Sharing Agreement	CW130	21000 (including children), 22000 (including children)
Project Management Plan Approval	CW040	00500 (including children)
Posting of Review Plan	CW035	22000 (including children)
Alternatives Milestone	CW261	22000 (including children)
Tentatively Selected Plan (TSP) Milestone	CW262	22000 (including children)
Release of Draft Feasibility Report for Public Review	CW250	22000 (including children)
Agency Decision Milestone	CW263	22000 (including children)
District Submit Final Feasibility Report	CW160	22000 (including children)
Division transmittal letter with Final Feasibility Report	CW260	22000 (including children)
Signed Chief's Report	CW270	22000 (including children)

c. Key milestones for Watershed studies are:

Milestone Description	Milestone Code	WBS
Execution of Watershed Cost Share Agreement	CW130	22000 (including children)
Posting of Review Plan	CW035	22000 (including children)

Shared Vision	CW500	22000 (including children)
Recommendations	CW501	22000 (including children)
Approved Final Watershed Plan	CW170	22000 (including children)

d. Key milestones for Dam Safety Wedge studies are:

Milestone Name	**Milestone Code**	**WBS**
Issue Evaluation Study (IES)		
Project Data Report Complete	DS110	30000 (including children) DS4000 (Including children)
Draft SQRA/IES Report Submittal	DS130	30000 (including children) DS4000 (Including children)
Final IES Report Approval	DS140	30000 (including children) DS4000 (Including children)
Dam Safety Modification (DSM)		
Future Without Action Condition / Existing Condition Risk Assessment	DS220	30000 (including children) DS5000 (Including children)
Tentatively Selected Plan (TSP) Milestone	DS240	30000 (including children) DS5000 (Including children)
Final DSM Report Approval by USACE DSO	DS280	30000 (including children) DS5000 (Including children)

e. Key milestones for Investigations PED and MR&T (I) PED are:

Milestone Description	**Milestone Code**	**WBS**
Execution of Design Agreement	CW130	30000 (including children)
Posting of Review Plan	CW035	30000 (including children)
Contract Request to Advertise Other Contract Request to Advertise	CW401, CW402	30000 (including children)
Plans & Specs Approval (first set)	CW330	30000 (including children)

f. Key milestones for C, MR&T (C), and O&M are:

Milestone Description	**Milestone Code**	**WBS**
Design Agreement Execution or PPA Execution	CW130	30000 (including children)
Posting of Review Plan	CW035	30000 (including children)
Certify Real Estate Receipt *	CW360	30000 (including children)

Contract Award	CC800	30000 (including children) , 60000 and 61000
Contract Completion	CC820	30000 (including children) , 60000 and 61000
Project Physical Completion	CW450	30000 (including children)
Notice of Project Completion	CW480	30000 (including children)
Project Fiscal Closeout	CW470	30000 (including children)

*Supplemental Milestone only

g. Key milestones for FCCE rehabilitation projects are:

Milestone Description	**Milestone Code**	**WBS**
Complete Project Information Report (PIR)	CW170	30000 (including children) 010000-FCCE (including children)
Execute Cost Sharing Agreement	CW130	30000 (including children) 010000-FCCE (including children)
Contract Award	CC800	30000 (including children) 010000-FCCE (including children)
Contract Completion	CC820	30000 (including children) 010000-FCCE (including children)
Project Physical Completion	CW450	30000 (including children) 010000-FCCE (including children)
Project Fiscal Closeout	CW470	30000 (including children) 010000-FCCE (including children)

h. Key milestones for CAP are:

Milestone Name	**Milestone Code**	**WBS**
Federal Interest Determination Approval	CW170	21V00
Feasibility Cost Share Agreement (FCSA)	CW130	21V0C
MSC Decision Meeting (MDM) formerly Alternative Formulation Briefing	CW190	21V00 or 2200C

Approval of Final CAP Decision Document	CW170	2200C
Project Partnership Agreement (PPA) Execution	CW130	22V00 or 30000 (including children)
Contract Award	CC800	30000 (including children)
Project Physical Completion	CW450	30000 (including children)
Notice of Project Completion	CW480	30000 (including children)
Project Fiscal Closeout	CW470	30000 (including children)

i. Key milestones for FUSRAP are:

Milestone Name	**Milestone Code**	**WBS**
Completion of Preliminary Assessment	ENF1	ENF.6000
Remedial Investigation Start	ENF2	ENF.7000
Remedial Investigation Complete	ENF3	ENF.7000
Record of Decision (ROD)	ENF4	ENF.8000
Award Remediation Contract	ENF5	ENF.10000
Remediation Physically Complete	ENF6	ENF.13000
Return Site to DOE	ENF7	ENF.13000

Notes: The reports for the DMR's will pull for any WBS. The phrase "30000 (including children)" means all standard WBS codes which are found in the standard CW plug-in templates and which begin with "30". For example, it includes standard WBS codes 30DS00, 30DS1, and 30DS2.

A-15. Reasons for Carry-Out:

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 planned carry-out (available for obligation minus scheduled for obligation) of regular (non-supplemental) funds above the following thresholds. Pick one reason (the predominant reason) from the standardized pick list below for each AMSCO. If necessary a second reason may also be input. If 2101 data are entered at the P2 project level and carry-out for the AMSCO is above the threshold, enter the reason for carry-out only for the P2 project with the highest carry-out. Reasons are shown in the table at bottom. Reasons should be updated as needed over time to reflect changes in project schedules and conditions.

	Threshold
Investigations	$100,000
C, O&M, MR&T, FUSRAP	$500,000

MSCs also may direct their districts to populate the reason for scheduled regular carry-out below the thresholds, or for scheduled supplemental carry-out.

b. Note that 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 do not include reasons why reprogramming might be difficult once carry-out has occurred.

c. MSCs/ERDC/IWR should expect a slide and subsequent discussion on carry-out. For each DMR 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.

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

Green:	< 10 %
Amber:	10% < 15%
Red:	> 15%

(2) The data will be displayed by responsible organization and include the I, C, O&M and MR&T accounts. 1Q through 3Q, DMR discussion will be based upon <u>currently scheduled</u> carry-out. For 4Q DMR, <u>actual</u> carry-out will be discussed.

d. Beginning in FY 2019, 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 (i.e. fiscally closed, termination, deauthorization, etc.) and may be used as a source for enterprise-wide reprogrammings, 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".

<u>Reasons for Carry-out</u>

1 <u>Contract Award Delays</u>. Unobligated carryout results from contract award delays due to no bid, high bid, bid protest, or cancellation of solicitation.
2 <u>Contractor Performance Delays</u>. 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.
3 <u>Cost Savings</u>. Unobligated carryout from the FY results from cost savings on contracts, such as from favorable bids or favorable site conditions.

4 Delays in Work Plan Clearance. For unbudgeted work, unobligated carryout is due to delay in work plan clearance beyond the date assumed in guidance from HQUSACE on estimating capabilities.

5 Deliberate Carryover. Unobligated carry-out is deliberate and was planned in the original budget or work plan decision. This includes funding of future-FY work, such as for a study phase or project in its last FY of funding, carry-out of funds for EDC and S&A on awarded contracts, and funds for award of contracts solicited but not awarded in the FY.

6 Delays in Washington-Level Processing. HQUSACE, SACW, or OMB took longer than agreed upon to provide guidance, make or obtain policy decision, process agreement, or approve report.

7 Delays from Environmental or Legal Issues. 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.

8 Delays from Unmet Non-Federal Requirements. Unobligated carryout is due to lack of support from non-federal partner, or to delay in non-federal partner executing cost sharing agreement, providing funding, or providing LERRDs beyond agreed-upon time.

9 Rescoping / Redesign Delays. Unobligated carryout is due to delay for rescoping or redesign.

10 Natural Event. Unobligated carryout is due to delays from high water or other natural event.

11 Other Reason. (Provide explanation.) 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.

12 Excess. Funds that are truly excess on a project.

A-16. Point of Contact. POC is CECW-IP.

B-1. Guidance. Implementation of the FY 2019 Continuing Authorities Program (CAP) is based on the Committee direction provided in the Statement of Managers accompanying the Energy and Water Development and Related Agencies Appropriations Act, 2019, Division A of the (Division A of the Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019 per Sec. 1 of Public 115-244) guidance contained in Appendix F, Amendment 3, pre-publication version of the Planning Guidance Notebook, ER 1105-2-100, and implementation guidance for various Sections of the Water Resources Development Act of 2018 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 Start.

e. Converted. A Converted project has been converted to a study in the Investigations appropriation following ER 1105-2-100, Appendix F, paragraph F-9, 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 (ie 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. CAP Database:

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, Districts, 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. Processes for Suspension and Reaffirmation:

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.
>
> / signature block /

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.

(2) 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. <u>Funding Priorities</u>:

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 of award for already-solicited contracts, of contract management, known claims, and known within-scope modifications for already-solicited and already-awarded contracts, of monitoring for completed construction, and of 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 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 on risks and consequences are 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 5 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 “paper FAD” 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 assessment will be undertaken to determine if it is appropriate to initiate any new Start CAP Feasibility phases. 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 Start CAP Feasibility phases will be coordinated with the Committees on Appropriations of the House of Representatives and the Senate. This new start assessment may be performed quarterly, 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 (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, 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 to the applicable Master Program Code all project Funding not scheduled for obligation or solicitation in the CFY.

c. Districts and MSCs may initiate work allowances in FDM to reallocate Funding, as needed, to the applicable CAP Section Coordination account.

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 as unregistered and undistributed, the district/MSC will initiate the work allowance for the donor project and notify the CECW-IP Program Manager that the work allowance is ready to have the Master Program Code entered to receive the funds. Once the master program code info is entered the CECW-IP Program Manager will run the business rules and submit the work allowance 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 10^{th} day of the month preceding the next quarter: (i.e.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 determine and coordinate New Starts projects with 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 ER 1105-2-100, Appendix F). Note that authorization of an agreement under this Appendix and approval of an agreement under ER 1105-2-100, Appendix F 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.

(This page intentionally left blank)

Appendix C
Investigations Execution Guidance

C-1. References:

a. CECW-P Memorandum, dated 9 April 2015, subject: Implementation Guidance for Section 1001 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014) – Vertical Integration and Acceleration of Studies.

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 2019 EC-11-2-214.

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 work load 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 general re-evaluation 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. USACE performed a portfolio assessment in early FY17 to identify and ensure that USACE is putting resources toward high priority active studies and meeting the commitments made on those studies. 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.

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 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. 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-11-2-214, Appendix C.

C-4. Prior to receiving funding:

a. Feasibility and watershed studies must sign a FCSA before initial funding is provided.

b. Feasibility and watershed studies must have an approved Review Plan recorded in P2 prior to receiving 2nd year funding.

c. No more than $100K may be received in PED prior to the Design Agreement being signed and an approved Review Plan recorded in P2.

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

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

C-5. A New Phase may not be started without explicit approval from the Management and Budget OASA(CW). 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-6. Support Documentation is necessary to support all funding requests. 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. Reference the EC-11-2-214, Appendix C and WRRDA 2014 Section 1001.

C-7. 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.

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-8. 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-9. 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

Reference: https://planning.erdc.dren.mil/toolbox/webinars/17Jan19-feas3yearframework.pdf

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 Field Operating Activities (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 Appropriations Act, 2018 (Division D of the Consolidated Appropriations Act, 2018), PL 115-141, FY18 Expenses Funding is for a comparable period of availability (annual), although the appropriation, FY18/19, expires on 30 September 2019. For FY 19 appropriations (Public Law 115-244). 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), Engineer Research and Development Center (ERDC), and USACE Logistics Activity (ULA), to remain available until 30 September 2019. Expenses funding under this Act is also 2 years, available until 30 September 2020. It 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 greenhouse gases (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, i.e., 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 Security: Deliver innovative, resilient, and sustainable solutions to DoD and the Nation;

(2) Deliver Integrated Water Resource Solutions: Deliver enduring and essential water resource solutions using effective strategies;

(3) Reduce Disaster Risks: Deliver support that responds to, recovers from, and mitigates disaster impacts to the Nation while ensuring sustainable operations; and

(4) Prepare for Tomorrow: Build resilient People, Teams, Systems, and Processes to sustain a diverse culture of collaboration, innovation, and participation to shape and deliver strategic solutions.

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

(1) Assist in providing for safe and resilient communities and infrastructure.

(2) Help facilitate commercial navigation in an environmentally and economically sustainable fashion.

(3) Restore degraded aquatic ecosystems and prevent future environmental losses.

(4) Implement effective, reliable, and adaptive life-cycle performance management of infrastructure.

(5) Build and sustain a high quality, highly dedicated workforce.

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) Develop and implement a CW Expenses program development process that appropriately integrates the current RM/operating budget development cycle and the annual program development process to improve the current ability to develop and defend CW labor funding within the Administration;

(2) Modernize the Civil Works project planning process

(3) Identify and pursue watershed solutions using a systems approach, in collaboration with all stakeholders.

(4) Improve Methods of Delivery in order to produce quality solutions and delivery of services, on schedule and within budget.

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

(6) Reduce the Nation's flood risk and increase resilience to disasters.

(7) Improve national economic efficiency through targeted investments in the Nation's coastal channels and inland waterways.

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

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

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

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

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

c. Relevant Performance Measure(s)

(1) Execution of labor against workload.

(2) Effectively describe deliverables.

(3) Decreased recoveries.

(4) Liquidation of obligations

D-5. Expenses Strategic Priorities:

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, Field Operating Agencies, and Major Subordinate Commands 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. <u>Performance under Various Levels</u>: The Expenses appropriation funds ED&M labor, Mandatory costs, and Discretionary costs for HQUSACE, eight Divisions, and four FOAs. The four FOA with personnel performing command and control functions and who receive Expenses manpower allocation are: HECSA, ERDC, ULA 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 FY19 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 FY19 Expenses appropriation Requirements will be prioritized within current funding level, though they may remain unfunded.

D-7. <u>Execution</u>. 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 four 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, i.e., Human Resources, Resource Management, Inspector General, Internal Review, Counsel, Public Affairs, Diversity and Leadership, are represented by the Chief of Staff.

b. (WADs) and Funding Authorization Documents (FADs) provide work and Funding authorization to 15 of the 17 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 Corps-to-Corps government orders. Labor purchased from others is to be executed by cross charge labor purchase requests. 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 MIPR 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.

(This page intentionally left blank)

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 2019 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 31, 32, 33, 41, 42, and 51.

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

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. USACE Campaign Plan (UCP). Consistent with the UCP, the Regulatory Program aims to provide a similar level of service to the public and appropriate protection to the aquatic resource across the country. The Program's "end state" is to issue balanced, timely, and transparent decisions rooted in sound science and compliant with applicable laws. This end state is achieved with every permit decision and jurisdictional determination that field regulators complete on a daily basis.

Regulatory decision making is more than processing paperwork and takes more than people. Recruiting, retaining, and maintaining a competent, well-trained, and well-equipped workforce is essential to supporting a strong, balanced, and efficient Regulatory Program to serve the needs of all stakeholders. Despite the fact that over the last several years the Program has met the existing performance metrics at the national level, there are substantial training and science/technology needs in Districts in order for regulators to continue to effectively execute the Program. We continue to lose our staff to better paying and less stressful jobs, perpetuating our recruitment and retention challenges. Additionally, the public continues to have high expectations for customer service and availability of up-to-date information on program execution, and our decisions continue to be challenged in court.

The following two transition mission success criteria have been established to indicate progress towards meeting the UCP goals and objectives for Regulatory:

a. Transparent practices and engagement with applicants/consultants and stakeholders: These mission success criteria measure outreach activities conducted by districts and the frequency of updates made to the public facing website containing Regulatory permit data, jurisdictional determinations, and workload accomplished using funding agreements.

b. Timely Permit Decisions: This mission success criteria is determined by the percent of general permit decisions reached within 60 days and individual permit decisions reached within 120 days. The use of GPs, which account for over 95% of the permits issued in FY 2018, demonstrates the overall effectiveness of the Regulatory Program. Furthermore, the number of days it takes to complete the evaluation of GPs is an indicator of the efficiency of the Program. The number of days it takes to complete the evaluation of IPs is an indicator of the requirements for completing evaluation of more complex environmental reviews.

c. In addition, there are two other mission success criteria being calibrated for use in the Regulatory Program for FY2019: One, Development/maintenance/execution of New Project Manager Development and Continued Development for existing Project Managers: This development is necessary to keep regulators abreast of program changes. The baseline for FY 2019 will be determined by the number of new regulators who complete the online new project manager development modules within four months of their Entry on Duty (EOD) date or four months after the course content is available whichever is sooner, and for existing staff to complete 15 hours of sustainment training. The second criteria being calibrated is related to focusing strategic compliance inspections for General and Individual Permits and Non-compliance and Unauthorized activities.

F-3. 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-4. Appropriation. The appropriation, General Regulatory Functions (GRF), for FY 2019 is $200,000,000 and will expire on 30 September 2020.

F-5. Programmed Schedule. Obligation and expenditure schedules (GRF) funds are to be developed in P2 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 2019 execution and are reported on quarterly at Directorate Management Review meetings. 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-6. Programmed Carryover. GRF carried into the FY, including that obligated on contracts or other actions that are not scheduled to be completed or expended until the next fiscal year, should be included in the P2 schedule. Funding provided in FY 2019 should not be programmed beyond FY 2020. 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-7. Work Allowances. See guidance provided in the main body of this circular.

F-8. Execution Mission Success Criteria: Regulatory national mission success criteria are used to assess how well we are delivering a balanced program, making progress towards the desired end state, and meeting the UCP action and Civil Works Strategic Plan objective. The green/amber/red scale and percentages indicate performance gaps or instances where the program is over or under executing consistent with the targets. These will be used to make decisions on where to accept risk, and where to redirect resources or efforts to address imbalances. We recognize that under existing charging practices there may be limitations in achieving the training target for FY 2019. 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 emphasis on linking performance with budget levels, obligation and expenditure baselines will be created in P2. Program performance as measured through the achievement of the two transition mission success criteria 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 Office of Management and Budget (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 will be coordinated with OMB, with a goal to incorporate in the appropriate agency plans that have been tested in FY 2018, are being calibrated in FY 2019 and full implementation in FY 2020. To track and evaluate performance and budget execution, the criteria will be part of the Command Monitoring Requirements (CMR) via the Strategic Management System (SMS).

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. Headquarters will also run performance reports to inform national program execution.

d. For FY 2019, districts and divisions (for administrative appeals) will receive funding based on a $200 million appropriation for GRF to administer the national Regulatory Program. The FY 2019 base allocations to districts and divisions do not provide for any increases in locality pay or the general costs of doing business. Each district/divisions must manage its Regulatory Program budget carefully to ensure labor for all on-board staff is covered.

e. To assist in determining whether USACE is meeting its commitments to customers, stakeholders, and Congress, in FY 2019 the Regulatory Program will continue to use the OMB Program Assessment and Rating Tools.

Regulatory National Program USACE Campaign Plan Mission Success Criteria	**FY 2019 Targets**
1) Percent of general permit decisions reached within 60 days or less.	80%
2) Percent of individual permit decisions reached with 120 days or less.	50%

F-9. 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 11(c) and 11(e) below. Also note the requirement for prior approval when moving funds in identified in item 11(f). 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-10. Division Level Funding:

a. Headquarters will distribute GRF Work Allowances to the divisions' administrative appeals account CCS 600 (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 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 Military Interdepartmental Purchase Request (MIPR) or Work Allowances to support district staff work on appeal related activities.

F-11. 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 (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 (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. Appeals - CCS 600 (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".

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

f. Headquarters Approval - Funding may not be programmed into or out of the Studies account CCS 300 (088870), Other Navigation Regulation account CCS 400 (008207), or EIS account CCS 500 (088890), without prior Headquarters approval.

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.

F-12. Obligation Schedule and Fund Distribution. GRF funding is distributed directly to each district's CCS 100 account informed by the Regulatory Program allocation formula which considers, among other things, the following factors:

a. Workload.

b. FTE Execution.

c. Performance.

d. Efficiency factors.

e. Qualitative factors and MSC recommendations.

F-13. Enterprise-wide initiatives. GRF funding will be retained at Headquarters for enterprise initiatives, including: policy support, science and technology tool development (e.g., ORM2, Regulatory In-lieu Fee and Banking Information Tracking System (RIBITS), Cumulative Effects Analysis (CEA), 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, UCP action and Civil Works Strategic Plan objective.

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.

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-14. Funding From External Sources:

a. 23 U.S.C. Section 139(j) 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 and Section 139(j) Funding. All funding received in line with local agreements under Section 214 or Section 139(j) must be programmed under the 96 2019/2020 3126 appropriation code for FY 2019. A new two year funding code must be established each fiscal year. Districts must fully expend any Section 214 or Section 139(j) funding in the 96 X 3126 appropriation code prior to expending Section 214 or Section 139(j) 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 2019/2020 3126 appropriation code for FY 2019. 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-15. Point of Contact. POC is CECW-CO-R

This Page Intentionally Left Blank

Civil Works use of Army Management Structure Code and Program Code

G-1. With few exceptions (see paragraph 7 in the main EC) each PPA has a unique Army Management Structure Code (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.

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 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.

(This page intentionally left blank)

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.

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 Statement of Managers 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 is issued to the Program Code for the PPA using the CRA Work Allowance code. Where the PPA spans multiple EROCs, the total is distributed in multiple C- or CRA-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 6.d. or 6.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 640, 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 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.

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. <u>Regular Funding of I, C, O&M, and MR&T (Parent Programs)</u>.

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 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. Regular Funding of I, C, O&M, and MR&T (Project Funding Pots).

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. Remaining Items and other Project Funding Pots are shown in the “Remaining Items and Funding Pots” file at https://workplan.usace.army.mil/. Work allowance codes are displayed in Table H-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 notification (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		
REC	RECONCILIATION OF OBLIGATIONS	An increase in the current Program Year work allowance above the Conference amount to match the obligation of current Program Year Funding under the short-term Continuing Resolution, together with the offsetting reduction in work allowances for donor projects to finance the increase. The REC code applies to donor as well as recipient. No longer applicable beginning FY19.
RLC	REALLOCATION	A movement of Funding that does not qualify as a Reprogramming or Reconciliation of Obligations.

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.

Limits apply to Cumulative Net Amount. Limits apply to both Reprogrammings from a project and Reprogrammings to a project, although only Reprogrammings to a project are shown in the examples below. Cumulative Net Amount is net, that is, Reprogrammings to a project and from a project offset each other, at least in part. Limits do not apply to Reprogrammings that reduce the Cumulative Net Amount reprogrammed without changing the sign of the Cumulative Net Amount (that is, Reprogrammings that partially offset the Cumulative Net Amount).

Reprogramming Example No. 1 (Investigations), PPA needs $100,000 to fully fund award of an A-E contract. No Funding has been reprogrammed during the period in which the Baseline under the FY 2019 Act applies.

Program Year 2019 Initial Allocations:	$ 0
Prior Unexpended Amount:	$551,477
Baseline under FY 2019 Act:	$551,477
Reprogramming Limit under FY 2019 Act:	$ 49,999

Cumulative Net Amount = $0 + $100,000 = $100,000 > $49,999

Committee notification required because receiving PPA did not Receive an Appropriation for FY 2019 and the Reprogramming is not for Existing Obligations and Concomitant Administrative Expenses," so its limit is $49,999.

Reprogramming Example No. 2 (Construction), PPA needs $800,000 to award a fully funded contract. Funding in the amount of $250,000 has been reprogrammed to the PPA during the period in which the Baseline under the FY 2019 Act applies.

Program Year 2019 Initial Allocations:	$2,487,000
Prior Unexpended Amount:	$ 312,354
Baseline under FY 2019 Act:	$2,799,354
Reprogramming Limit under FY 2019 Act:	$ 419,903.

Cumulative Net Amount = $250,000 + $800,000 = $1,050,000 > $419,903

Committee notification required.

Reprogramming Example No. 3 (O&M), PPA needs a third Reprogramming action for $1,200,000 to fully fund a contract. Previous Reprogrammings during the period in which the Baseline under the FY 2019 Act applies include:

#1	+ $3,000,000
#2	- $ 600,000
net	$2,400,000

Program Year 2019 Initial Allocations:	$20,230,000
Prior Unexpended Amount:	$ 354,488
Baseline under FY 2019 Act:	$20,584,488
Reprogramming Limit under FY 2019 Act:	$ 3,087,675.

Cumulative Net Amount = $3,000,000 - $600,000 + $1,200,000 = $3,600,000 > $3,087,675

Committee Notification NOT required for first or second actions because in both cases the Cumulative Net Amount did not exceed $3,087,675. Committee notification required for third action.

Point of Contact is CECW-IP.

Appendix J
Processing and Approval of Reprogramming Actions for PPA's

	Committee Notification 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 Auth.	Not Auth.
Reprogram all but a remainder of less than $1,000 from a continuing PPA		
Eliminates the PPA (see EC for discussion)	Not Auth.	Not Auth.
Does not eliminate the PPA (see EC for discussion)	See below	DIV/FOA, then HQ Manager
Investigations & MR&T Investigations – Continuing PPA		
Except in the case of a receiving PPA that did not Receive an Appropriation for Program Year 2019		
Increase absolute value of Cumulative Net Amount of REP and CGR Reprogrammings to both $50,000 or more and > 25% of Baseline, or to > $150,000	Before	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 2019		
Increase absolute value of Cumulative Net Amount of REP and CGR Reprogrammings to receiving PPA to $50,000 or more	Before	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	Before	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 2019		
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	Before	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 2019		
Increase absolute value of Cumulative Net Amount of REP and CGR Reprogrammings to receiving PPA to > $300,000	Before	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	Before	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 case except a receiving PPA that did not Receive an Appropriation for Program Year 2019		
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	Before	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 2019		
Increase Cumulative Net Amount reprogrammed to > $150,000	Before	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			Before	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 Reprogramming Notifications to Appropriations Committees

NOTE: NAMES OF CHAIRS AND RANKING MEMBERS MAY CHANGE

The Honorable Marcy Kaptur
Chairwoman, Subcommittee on Energy and Water Development
Committee on Appropriations
United States House of Representatives
Washington, D.C. 20515

Dear Ms. Chairwoman:

This letter is to inform you that the Department of the Army plans to reprogram a total of $1,000,000 of Construction funds from the Cityville, California project ($800,000) and the Someplace, Virginia project ($200,000) to the Anytown, Alaska, project.

The Anytown, Alaska, project was authorized in Section 101(a) of the Water Resources Development Act of 1986, Public Law 99-662. Thus far since enactment of the Energy and Water Development Appropriations Act, 2019, Division A of the Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019, Public Law 115-244 (2019 Act), a cumulative net amount of $300,000 has been reprogrammed to this project. With this reprogramming, the cumulative net reprogramming to this project would be $1,300,000. The reprogramming baseline for this project is $500,000. Consistent with Sections 101(a)(5) and 101(a)(7) of the 2019 Act, prior notification of the House and Senate Committees on Appropriations is required for any reprogramming that would exceed $300,000 on a cumulative net basis. The funds to be reprogrammed would be used to award the contract for the side channel, which would complete construction of the project.

Since enactment of the 2019 Act, $600,000 has been reprogrammed from the Cityville, California, project on a cumulative net basis. With this reprogramming, the cumulative net reprogramming from this project would be $1,400,000. The reprogramming baseline for this project is $8,000,000. Consistent with Section 101(a)(5) and 101 (a)(7) of the 2019 Act, prior notification of the House and Senate Committees on Appropriations is required for any reprogramming that would exceed $1,200,000.

For the funds appropriated from the Someplace, Virginia 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 from the Cityville, California, project were appropriated in the Energy and Water Development Appropriations Act, 2014, Division D of the Consolidated Appropriations Act, 2014, Public Law 113-76.

All of the reprogrammed funds are excess to the current fiscal year's requirements for the projects from which they would be obtained, and no commitment has been made to restore these funds to those projects.

I am sending an identical letter to the Honorable Lamar Alexander, Chairman, Subcommittee on Energy and Water Development, Committee on Appropriations, United States Senate.

Sincerely,

R.D. James
Assistant Secretary of the Army
(Civil Works)

CF: Honorable Mike Simpson
Ranking Member

The Honorable Lamar Alexander
Chairman, Subcommittee on Energy
and Water Development
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This letter is to inform you that the Department of the Army plans to reprogram a total of $1,000,000 of Construction funds from the Cityville, California project ($800,000) and the Someplace, Virginia project ($200,000) to the Anytown, Alaska, project.

The Anytown, Alaska, project was authorized in Section 101(a) of the Water Resources Development Act of 1986, Public Law 99-662. Thus far since enactment of the Energy and Water Development Appropriations Act, 2019, Division A of the Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019, Public Law 115-244 (2019 Act), a cumulative net amount of $300,000 has been reprogrammed to this project. With this reprogramming, the cumulative net reprogramming to this project would be $1,300,000. The reprogramming baseline for this project is $500,000. Consistent with Sections 101(a)(5) and 101(a)(7) of the 2019 Act, prior notification of the House and Senate Committees on Appropriations is required for any reprogramming that would exceed $300,000 on a cumulative net basis. The funds to be reprogrammed would be used to award the contract for the side channel, which would complete construction of the project.

Since enactment of the 2019 Act, $600,000 has been reprogrammed from the Cityville, California, project on a cumulative net basis. With this reprogramming, the cumulative net reprogramming from this project would be $1,400,000. The reprogramming baseline for this project is $8,000,000. Consistent with Section 101(a)(5) and 101 (a)(7) of the 2019 Act, prior notification of the House and Senate Committees on Appropriations is required for any reprogramming that would exceed $1,200,000.

For the funds appropriated from the Someplace, Virginia 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 from the Cityville, California, project were appropriated in the Energy and Water Development Appropriations Act, 2014, Division D of the Consolidated Appropriations Act, 2014, Public Law 113-76.

All of the reprogrammed funds are excess to the current fiscal year's requirements for the projects from which they would be obtained, and no commitment has been made to restore these funds to those projects.

I am sending an identical letter to the Honorable Marcy Kaptur, Chairwoman, Subcommittee on Energy and Water Development, Committee on Appropriations, United States House of Representatives.

Sincerely,

R.D. James
Assistant Secretary of the Army
(Civil Works)

CF: Honorable Dianne Feinstein
Ranking Member

Appendix L
Format for Reprogramming Data Sheet

	DONOR PROJECT	RECIPIENT PROJECT
APPROPRIATION (ACCOUNT)		
BUSINESS PROGRAM		
PROJECT NAME		
FY 2019 BASELINE (SUM OF ALLOCATIONS AND UNEXPENDED CARRY-IN)		
PROPOSED REPROGRAMMING AMOUNT		
WHY IS FUNDING SURPLUS (DONOR); PROPOSED USE OF FUNDING (RECIPIENT)		
IF FUNDING WERE NOT REPROG., IN WHICH FY COULD THE DONOR USE IT (ASSUME ENACTMENT OF PRES. FY 2020 BUDGET)		N/A
BUDGET HISTORY SINCE FY 2016 (NOT ENACTED HISTORY) (SHOW FY's BUDGETED)		
2016		
2017		
2018		
2019		
2020		
IF NOT IN MOST RECENT BUDGET, WHY NOT?		
FY AND PAGE NUMBER FOR LATEST J SHEET		
CONSISTENT WITH POLICY?		
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	N/A	
NAMES AND CONGRESSIONAL DISTRICTS OF AFFECTED MEMBERS FOR DONOR PROJECT		N/A
DO MEMBERS FOR DONOR PROJECT OBJECT?		N/A
NAME OF USACE P.O.C. WHO CONSULTED WITH OFFICES OF MEMBERS		N/A
DROP DEAD DATE, AND WHY	N/A	

(This page intentionally left blank.)

Appendix N
Examples of Letters Providing Notifications to Authorizing and Appropriations Committees for Contributed Funds

NOTE: THE NAMES OF THE CHAIR AND RANKING MEMBERS MAY CHANGE

The Honorable Marcy Kaptur
Chairwoman, Subcommittee on Energy
and Water Development
Committee on Appropriations
United States House of Representatives
Washington, D.C. 20515

Dear Ms. Chairwoman:

This letter is to notify you that the Department of the Army has reprogrammed $3,000,000 of Operation and Maintenance funds from five Civil Works projects to the Smallville, Alabama, 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, 2019, Division A of Public Law 115-244.

The U.S. Army Corps of Engineers is using these funds to repair a levee breach caused by recent floods.

The enclosed table lists the projects from which the funds were reprogrammed, the amount reprogrammed from each project, and the Public Law that provided the funds reprogrammed from each project. 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 Lamar Alexander, Chairman, Subcommittee on Energy and Water Development, Committee on Appropriations, United States Senate.

Sincerely,

R.D. James
Assistant Secretary of the Army
(Civil Works)

Enclosure

CF: Honorable Mike Simpson
Ranking Member

The Honorable Lamar Alexander

Chairman, Subcommittee on Energy
and Water Development
Committee on Appropriations
United States Senate
Washington, D.C. 20510-6030

Dear Mr. Chairman:

This letter is to notify you that the Department of the Army has reprogrammed $3,000,000 of Operation and Maintenance funds from five Civil Works projects to the Smallville, Alabama, project to enable the Army Corps of Engineers to respond to an emergency. This notification is provided in line with Section 101(a)(8) of the Energy and Water Development and Related Agencies Appropriations Act, 2019, Division A of Public Law 115-244.

The U.S. Army Corps of Engineers is using these funds to repair a levee breach caused by recent floods.

The enclosed table lists the projects from which the funds were reprogrammed, the amount reprogrammed from each project, and the Public Law that provided the funds reprogrammed from each project. 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 Marcy Kaptur, Chairwoman, Subcommittee on Energy and Water Development, Committee on Appropriations, United States House of Representatives.

Sincerely,

R.D. James
Assistant Secretary of the Army
(Civil Works)

Enclosure

CF: Honorable Dianne Feinstein
Ranking Member

NOTE: NAMES OF CHAIRS AND RANKING MEMBERS MAY CHANGE

The Honorable Peter DeFazio
Chairman, Committee on Transportation
and Infrastructure
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

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 Anyplace, California project 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] 20XX [and 20XX].

The proposed work involves [describe work]. [Choose one of the following: 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 o 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 John Barrasso, Chairman, Committee on Environment and Public Works, United States Senate.

Sincerely,

R.D. James
Assistant Secretary of the Army
(Civil Works)

CF: Honorable Sam Graves
Ranking Member

The Honorable John Barrasso
Chairman, Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

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 Anyplace, California project 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] 20XX [and 20XX].

The proposed work involves [describe work]. [Choose one of the following: 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 o 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 Peter DeFazio, Chairman, Committee on Transportation and Infrastructure, United States House of Representatives.

Sincerely,

R.D. James
Assistant Secretary of the Army
(Civil Works)

CF: Honorable Tom Carper
Ranking Member

The Honorable Marcy Kaptur
Chairwoman, Subcommittee on Energy
and Water Development
Committee on Appropriations
United States House of Representatives
Washington, D.C. 20515

Dear Ms. 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 Anyplace, California project 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] 20XX [and 20XX].

The proposed work involves [describe work]. [Choose one of the following: 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 o 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 Lamar Alexander, Chairman, Subcommittee on Energy and Water Development, Committee on Appropriations, United States Senate.

Sincerely,

R.D. James
Assistant Secretary of the Army
(Civil Works)

CF: Honorable Mike Simpson
Ranking Member

The Honorable Lamar Alexander

Chairman, Subcommittee on Energy
and Water Development
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

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 Anyplace, California project 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] 20XX [and 20XX].

The proposed work involves [describe work]. [Choose one of the following: 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 o 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 Marcy Kaptur, Chairwoman, Subcommittee on Energy and Water Development, Committee on Appropriations, United States House of Representatives.

Sincerely,

R.D. James
Assistant Secretary of the Army
(Civil Works)

CF: Honorable Dianne Feinstein
Ranking Member