

# Lesson 17

CIVIL WORKS PROGRAM  
DEVELOPMENT AND EXECUTION COURSE  
LESSON NUMBER 17

6. CIVIL WORKS PROGRAM EXECUTION

TOPIC:

c. Program Execution

- (1) Players
- (2) Glossary of Terms
- (3) PPA
- (4) P2 Transaction Types
- (5) Reprogramming
- (6) Scheduling and Metrics
- (7) Contracts
- (8) Management of CAP Programs
- (9) Management of Inland Waterways Trust Fund

TIME ALLOTTED: 1 1/4 hours, including time for questions and answers

HANDOUTS:

Slide Presentation  
FY 2008 Act Language  
FY 2008 Report Language  
FY 2008 Execution EC 11-2-192  
VTC Fact Sheet Model

REFERENCES:

OMB Circular A-11  
ER 11-2-201, Funding, Work Allowances, and Reprogramming  
(being updated)  
Thomas (Library of Congress) web site, <http://thomas.loc.gov/>  
PID web site, <http://www.usace.army.mil/cw/cecwb/>





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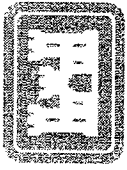
# ***Lesson 17***

## ***Program Execution***

***Mark Mugler***

***Chief, Project Programs Branch***  
***Programs Integration Division***  
***Directorate of Civil Works***  
***HQUSACE***

(CECW-IP, 202-761-4103)



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# ***Program Execution***

## **Agenda**

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- **Players**
- **Glossary of Terms**
- **PPA**
- **P2 Transaction Types**
- **Reprogramming**
- **Scheduling and Metrics**
- **Contracts**
- **Management of CAP Programs**
- **Management of Inland Waterways Trust Fund**

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# Players

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- District – Initiate Reprogramming; Consult with Sponsor and Offices of Members
- MSC – Approve Reprogramming or Concur in Committee Notification
- RIT and PID Future Directions Team – Process Committee Notification
- CW PID Account Managers – Chop; Policy Guidance
- Office of Management and Budget – Concur in Committee Notification
- ASA(CW) – Provide Committee Notification



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# ***Glossary of Terms***

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- **Transfer** – Moving funding between appropriations, or between legal subdivisions of an appropriation. Requires authorization. Notification customary.
- **Allocation** – Issuance of a work allowance by HQ
- **Reprogramming** – Moving previously allocated or sub-allocated funding within an appropriation, into or out of a PPA
- **Reallocation** – Moving previously allocated or sub-allocated funds within an appropriation, not into or out of a PPA
- **Reconciliation** – Moving funding (through work allowances) to reconcile work allowance allocations with CEFMS allotments
- **Baseline** – Carry-in plus CFY allocations

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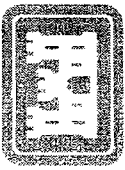
## **Program, Project, or Activity (PPA)**

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- Term appears in G-R-H Sequestration Law and CRA's
- CW PPA = study, project, environmental infrastructure program, FUSRAP project, CAP project, or anything ever named in a table or an Act.
- There can be a PPA within a PPA
- Namings include remaining items, and sub-items
- Unnamed sub-items are not PPAs

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## *P2 Transaction Types*



<i>C</i>	<i>CONFERENCE</i>
<i>H</i>	<i>WITHHOLD C (CONFERENCE)</i>
<i>ALW</i>	<i>ALLOCATE H (WITHHELD C)</i>
<i>SUP</i>	<i>ALLOCATE SUPPLEMENTAL</i>
<i>ALL</i>	<i>ALLOCATION - OTHER</i>
<i>RES</i>	<i>RESCISSION</i>
<i>REV</i>	<i>REVOCACTION</i>
<i>O</i>	<i>OTHER</i>
<i>REC</i>	<i>RECONCILIATION</i>
<i>CGR</i>	<i>REPROGRAM - CONGRESSIONAL</i>
<i>REP</i>	<i>REPROGRAM - OTHER</i>
<i>RLC</i>	<i>REALLOCATION</i>
<i>SUB</i>	<i>SUBALLOCATION</i>

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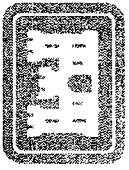
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# ***Reprogramming***

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- Until FY 2006, USACE theoretically could reprogram anything it wanted except earmarks (Comp Gen) – but “comity”
- FY 2006 Act (and later FY 2008 Act) established prohibitions and approval (notification) requirements in law
- ASA(CW) and USACE grease the skids so notifications will not be objectionable
- 06/08 Conference Reports: no payback promises. Result: more Member objections
- Acts, Reports, and EC have severely limited reprogramming activity and driven up carryover

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# ***Committee Notification for Reprogrammings***

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- Reprogramming to increase funding or personnel for a PPA for which funding has been “denied or restricted” (Section 101(a)(3))
- Reprogramming of funds for which a Committee specified a use (section 101(a)(4))
- From reprogramming decision tree (see next slide) for I, C, O, MR&T, and FUSRAP

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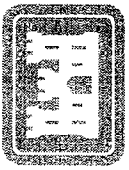
# Committee Notification Decision Tree

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- Is the item a PPA?
- If a PPA, is the reprogramming for an emergency (O) or for settled claim, changed condition, or real estate deficiency judgment (C)? In that case there are special thresholds
- If a PPA for C or I, did the PPA NOT receive a CFY allocation in the Act or table? In that case, there are special thresholds
- If a PPA (otherwise):
  - What is the cumulative amount of CFY reprogrammings, including planned reprogramming? (Plus and minus offset each other)
  - What is the baseline?
  - What the applicable section 101(a) threshold is (floor, ceiling, or in-between based on % of baseline)?

- See Appendix B

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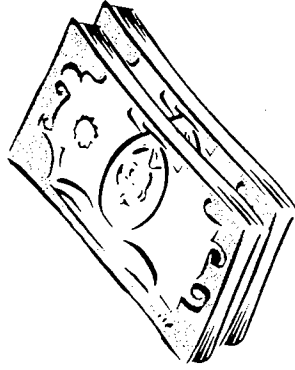


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## ***Priorities for Sources of Funds***

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- Never needed
- Not needed in CY or BY, assuming Pres. Budget
- Not needed in CY
- Needed, but Lower Priority Work (for O&M Emergency)



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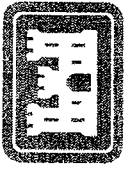
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# ***Coordination, Notification, and Reporting of Reprogrammings***

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- Coordination with Non-Federal Sponsors
- Coordination with Offices of Members of Congress (especially sources)
- Coordination with MSC on Cross-District Actions
- Vertical Team Action on Committee Notifications When Needed
  - Draft Letters including Discussion of Baselines, Cumulative Amounts, Thresholds
  - Data Sheet
  - OMB Clearance and ASA(CW) Signature
- Quarterly Reports to Committees
- QFRs, GAO Reviews, etc.

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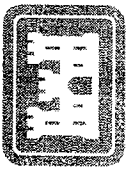
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# ***Scheduling and Metrics***

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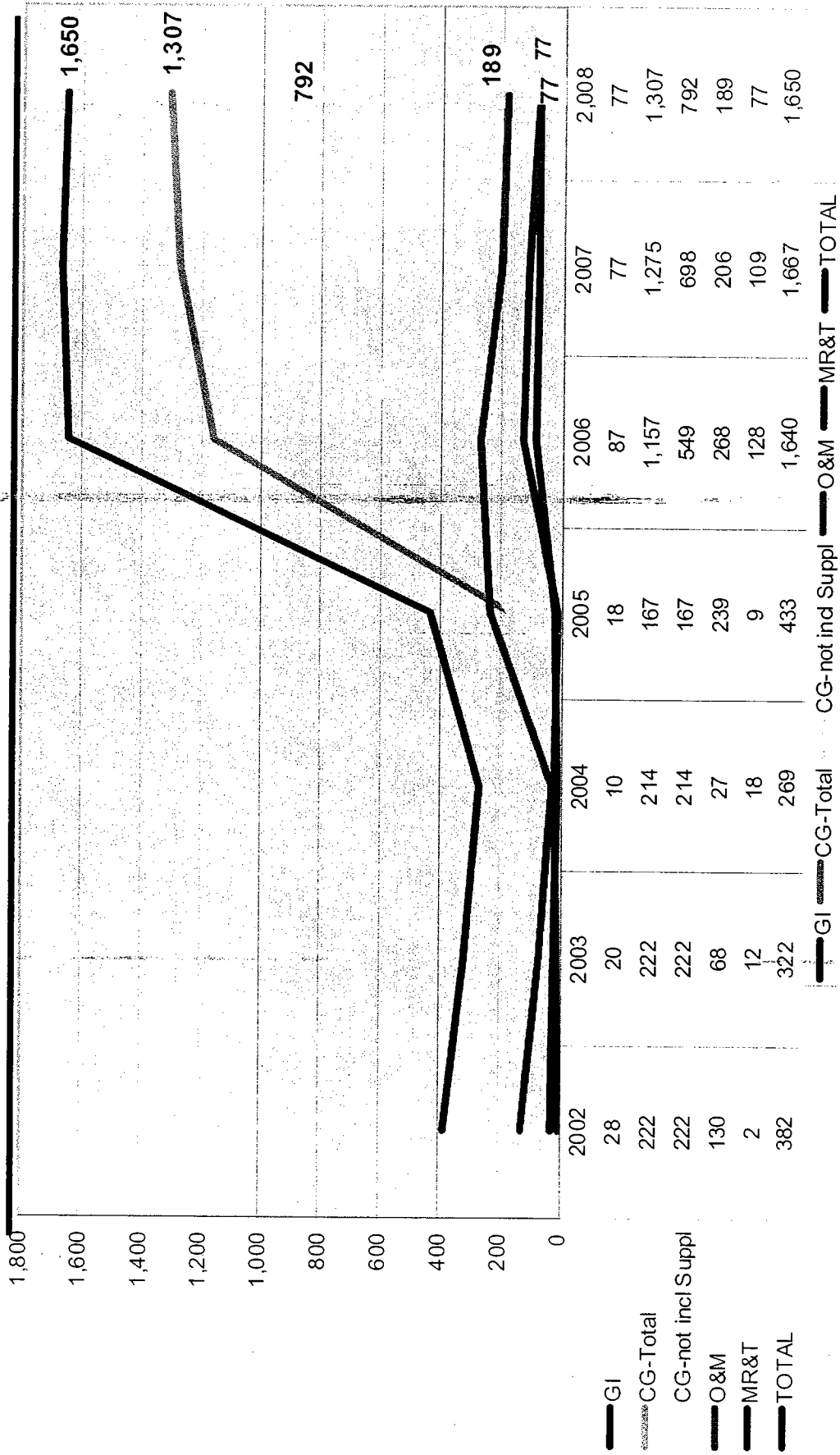
- Scheduled Obligations
  - Actual YTD vs. Basic YTD
  - Current Schedule vs. Basic Schedule for Year
- Milestones and Leading Indicators: Actual YTD vs. Basic YTD
- Currently Planned Unobligated Carryover
  - Reasons
  - Trends

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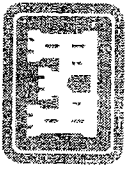


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**FY08 Total Carryover Trend  
a/o 18 May 2008  
(\$Mil - Current Schedule)**







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# Contracts

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- **E&WDAA 2008**
  - **Section 102** – No FY 2008 Commitment Beyond Amount Available for Contract
  - **Section 127** – Section 206 Continuing Contract Requirements Apply Only to O&M Work
- **Types of Contracts**
  - **True Continuing** – Contractor May Continue Work if Funding Exhausted; Government Liable for Suspension Costs and Termination Costs
  - **Special Continuing** – Contractor Must Stop if Funding Exhausted; Government Liable for Termination Costs
  - **Incremental** – Contractor Must Stop if Funding Exhausted; Government Not Liable for Termination Costs Beyond Amount Reserved for FY
  - **Base Plus Options, IDIQ, etc.**
- **USACE Policy:** Contracts below \$20M (FY 2009-2010) Must Be Fully Funded



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# ***Management of CAP Programs***

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- **Problems:**
  - Backlog >\$1B compared to annual \$\$
  - Too many projects in the pipeline
- **Solutions:**
  - Pick winners and fund them at capability; defer others
  - Authorize agreements for projects with sufficient funding; reserve post-agreement funds
  - Suspend inactive projects, followed by reaffirmation or termination
  - Reprogramming restrictions

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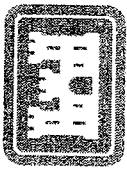
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# ***Management of Inland Waterways Trust Fund***

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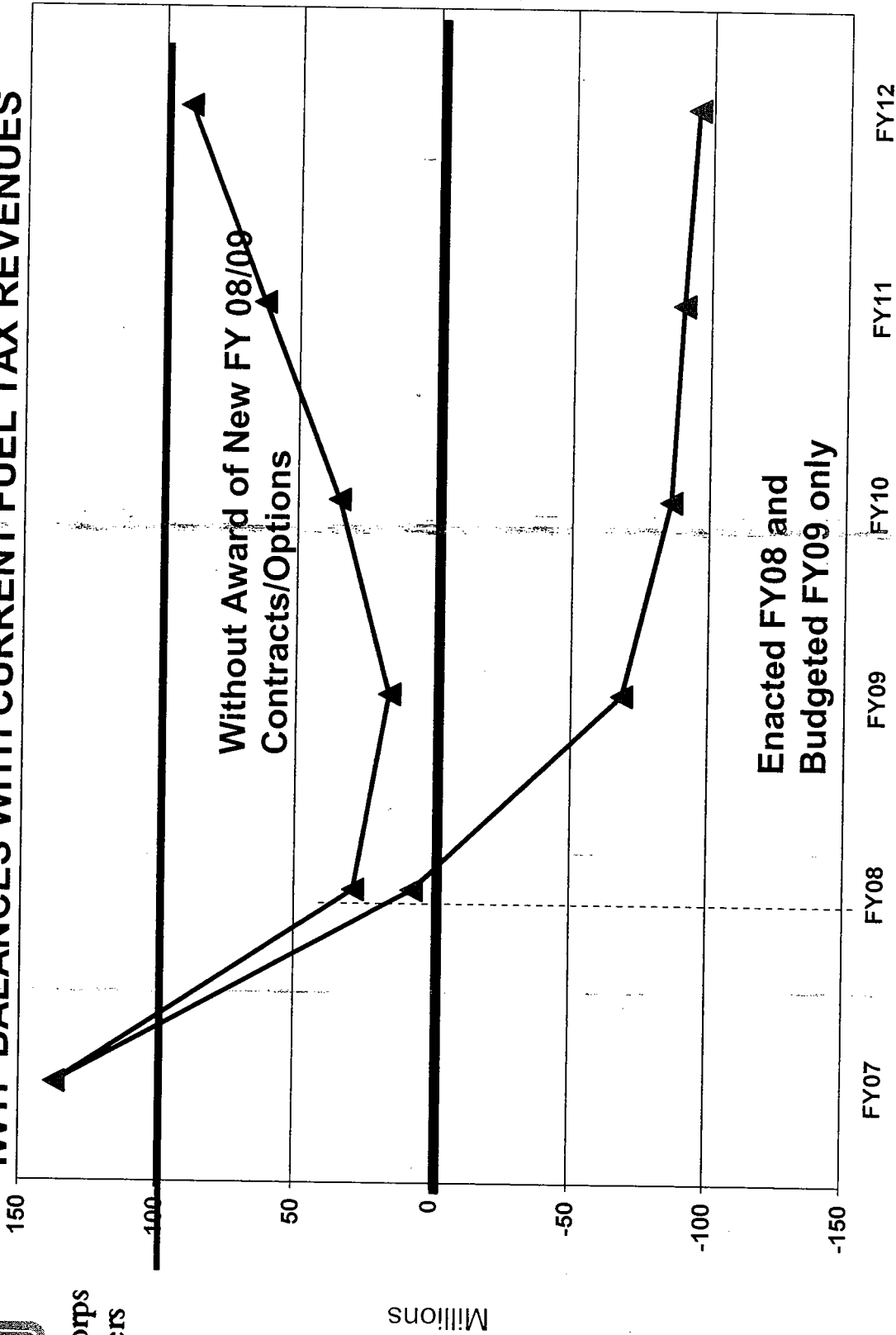
- **Problems:**
  - Annual revenues around \$90 million
  - Annual obligations around \$200 million (50 percent share of IWW capital costs)
  - Only \$30 million left end of FY 2008
- **Solutions:**
  - Administration's proposed barge lockage fee, or suitable substitute
  - Contract deferrals; priority setting; contract approval by ASA(CW)
  - Monthly transfers, work allowances, and obligations

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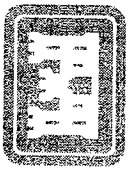


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# IWTF BALANCES WITH CURRENT FUEL TAX REVENUES



Points indicate balance at the end of the FY

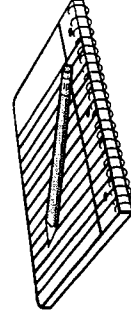
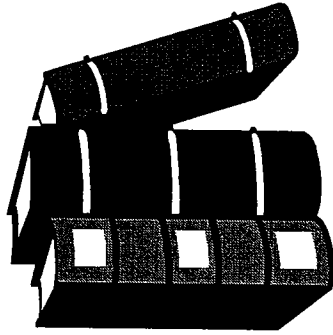


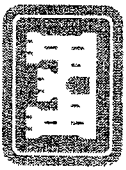
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# **BACKUP MATERIALS**

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- FY 2008 Report
- FY 2008 Act
- FY 2008 Execution EC
- Model VTC Fact Sheet

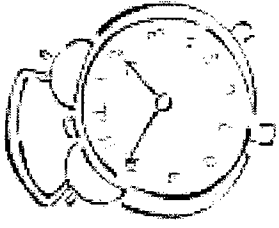




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# ASK THE PROFESSOR

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ACE/pe/01/04

MUGLER

110TH CONGRESS  
*1st Session*

HOUSE OF REPRESENTATIVES

CONSOLIDATED APPROPRIATIONS ACT, 2008

COMMITTEE PRINT

of the

COMMITTEE ON APPROPRIATIONS  
U.S. HOUSE OF REPRESENTATIVES

on

H.R. 2764 / Public Law 110-161

[Legislative Text and Explanatory Statement]

BOOK 1 OF 2—DIVISION A-F



JANUARY 2008

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 2008

39-564

## LEGISLATIVE TEXT, DIVISION C

## DIVISION C—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

## TITLE I

## CORPS OF ENGINEERS—CIVIL

## DEPARTMENT OF THE ARMY

## CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related purposes.

## INVESTIGATIONS

## (INCLUDING RESCISSION OF FUNDS)

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects; restudy of authorized projects, miscellaneous investigations; and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, \$167,261,000, to remain available until expended: *Provided*, That of the funds provided under this heading of Public Law 106-554, \$100,000 are rescinded: *Provided further*, That using \$2,952,000 of the funds provided herein, the Secretary of the Army acting through the Chief of Engineers shall continue the Louisiana Coastal Protection and Restoration study at full Federal expense: *Provided further*, That using \$1,968,000 of the funds provided herein, the Secretary of the Army acting through the Chief of Engineers shall continue the Coastal Mississippi Hurricane and Storm Damage Reduction study at full Federal expense: *Provided further*, That funds in the amount of \$461,000 are provided to continue environmental studies for the Pine Mountain Dam, Arkansas, project: *Provided further*, That cost sharing of preconstruction engineering and design shall be as previously applied to this activity.

## CONSTRUCTION

## (INCLUDING RESCISSIONS OF FUNDS)

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law, including a portion of the expenses for the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and

plans and specifications, shall not constitute a commitment of the Government to construction); \$2,294,029,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104-303; and of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction and rehabilitation of inland waterways projects (including the rehabilitation costs for Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 19, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock 27, Mississippi River, Illinois; Markland Locks and Dam, Kentucky and Indiana; Emsworth Locks and Dam, Ohio River, Pennsylvania; and Lock and Dam 3, Mississippi River, Minnesota) shall be derived from the Inland Waterways Trust Fund; and of which \$7,380,000 shall be exclusively for projects and activities authorized under section 107 of the River and Harbor Act of 1960; and of which \$4,796,000 shall be exclusively for projects and activities authorized under section 111 of the River and Harbor Act of 1968; and of which \$4,428,000 shall be exclusively for projects and activities authorized under section 103 of the River and Harbor Act of 1962; and of which \$42,312,000 shall be exclusively for projects and activities authorized under section 205 of the Flood Control Act of 1948; and of which \$9,840,000 shall be exclusively for projects and activities authorized under section 14 of the Flood Control Act of 1946; and of which \$0 shall be exclusively for projects and activities authorized under section 208 of the Flood Control Act of 1954; and of which \$29,520,000 shall be exclusively for projects and activities authorized under section 1135 of the Water Resources Development Act of 1986; and of which \$29,520,000 shall be exclusively for projects and activities authorized under section 206 of the Water Resources Development Act of 1996; and of which \$5,292,000 shall be exclusively for projects and activities authorized under sections 204 and 207 of the Water Resources Development Act of 1992 and section 933 of the Water Resources Development Act of 1986: *Provided*, That the Chief of Engineers is directed to use \$12,792,000 of the funds appropriated herein for the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: *Provided further*, That the Chief of Engineers is directed to use \$1,968,000 of the funds provided herein for the Hawaii Water Management Project: *Provided further*, That the Chief of Engineers is directed to use \$5,166,000 of the funds appropriated herein for planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the Chief of Engineers is directed to use \$18,204,000 of the funds appropriated herein to continue planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the



Secretary of the Army, acting through the Chief of Engineers, is directed to use \$4,920,000 of the funds appropriated herein for the Clover Fork, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Harlan County in accordance with the Draft Detailed Project Report dated January 2002, Floyd County, Martin County, Johnson County, and Knox County, Kentucky, detailed project report, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River: *Provided further*, That the Secretary of the Army is directed to use any remaining available funds from funds appropriated in Public Law 103-126 (107 Stat. 1315) for carrying out engineering and design for the relocation of the comfort and lifeguard stations on the Atlantic Coast of New York City from Rockaway Inlet to Norton Point, New York, project for construction of other features of the project: *Provided further*, That the Secretary of the Army is directed to use any remaining available funds from the funds appropriated in Public Law 107-66 (115 Stat. 488) for increasing the authorized level of protection for the Bois Brule Drainage and Levee District, Missouri, project, to continue design deficiency repairs on the project: *Provided further*, That the Chief of Engineers is directed to use \$2,952,000 of the funds provided herein to initiate planning and design of a rural health care facility on the Fort Berthold Reservation of the Three Affiliated Tribes, North Dakota: *Provided further*, That \$1,476,000 of the funds provided herein shall be available to continue detailed design including plans and specifications, execute a PCA and initiate construction of Phases I and II for the Greenbrier River Basin, Marlinton, West Virginia, project: *Provided further*, That the Secretary of the Army shall use up to \$5,904,000 including the prior unobligated balance of \$4,972,000 from the Devils Lake Outlet, North Dakota, project for the North Dakota environmental infrastructure project: *Provided further*, That the Secretary of the Army shall use the prior year unobligated balance of \$1,500,000 from the Waterbury Dam repairs project for the Lake Champlain Watershed project: *Provided further*, That of the funds provided under this heading the following amounts are rescinded: from Public Law 101-101, \$435,000; from Public Law 102-377, \$1,740,000; from Public Law 103-126, \$797,000; and from Public Law 105-245, \$1,716,000.

#### MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for the flood damage reduction program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$387,402,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That the Chief of Engineers is directed to use \$9,840,000 of the funds provided herein for design and real estate activities and pump supply elements for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers is directed to use \$9,840,000 appropriated herein for construction of water withdrawal features of the Grand Prairie, Arkansas, project.

#### OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law, for providing security for infrastructure owned and operated by, or on behalf of, the United States Army Corps of Engineers (the "Corps"), including administrative buildings and facilities, and laboratories, and the Washington Aqueduct; for the maintenance of harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and for surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, \$2,243,637,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for coastal harbors and channels, and inland harbors shall be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662 may be derived from that fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(i)), may be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104-303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected: *Provided*, That utilizing funds appropriated herein, for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the State of Delaware for the SR1 Bridge from station 58+00 to station 293+00 between October 1, 2007, and September 30, 2008: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use up to \$350,000 of the funds appropriated herein to reimburse the City of Glen Cove, New York, for costs associated with the maintenance dredging of Glen Cove Creek incurred prior to enactment of this Act.

#### REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$180,000,000, to remain available until expended.

#### FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, \$140,000,000, to remain available until expended.

## EXPENSES

For expenses necessary for general administration and related civil works functions in the headquarters of the United States Army Corps of Engineers, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, \$175,046,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices.

## OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For the Office of the Assistant Secretary of the Army (Civil Works) as authorized by 10 U.S.C. 3016(b)(3), \$4,500,000 is provided.

## ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses (not to exceed \$5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

## GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2008, shall be available for obligation or expenditure through a reprogramming of funds that:

- (1) creates or initiates a new program, project, or activity;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;
- (4) proposes to use funds directed for a specific activity by either the House or the Senate Committees on Appropriations for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;
- (5) augments or reduces existing programs, projects or activities in excess of the amounts contained in subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;
- (6) INVESTIGATIONS.—For a base level over \$100,000, reprogramming of 25 percent of the base amount up to a limit of \$150,000 per project, study or activity is allowed: *Provided*, That for a base level less than \$100,000, the reprogramming limit is \$25,000; *Provided further*, That up to \$25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over \$2,000,000, reprogramming of 15 percent of the base amount up to a limit of \$3,000,000 per project, study or activity is allowed: *Provided*, That for a base level less than \$2,000,000, the reprogramming limit is \$300,000: *Provided further*, That up to \$3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments; *Provided further*, That up to \$300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: *Provided*, That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: *Provided further*, That for a base level over \$1,000,000, reprogramming of 15 percent of the base amount up to a limit of \$5,000,000 per project, study or activity is allowed: *Provided further*, That for a base level less than \$1,000,000, the reprogramming limit is \$150,000: *Provided further*, That \$150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines for the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(c) Not later than 60 days after the date of enactment of this Act, the Corps of the Engineers shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided*, That the report shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest: *Provided further*, That the amount appropriated for salaries and expenses of the Corps of Engineers shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 102. None of the funds made available in this title may be used to award any continuing contract or make modifications to any existing continuing contract that commits an amount for a project in excess of the amounts appropriated for that project that remain unobligated, except that such amounts may include any

funds that have been made available through reprogramming to that project pursuant to section 101 of this Act.

SEC. 103. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development, shall be used to implement any pending or future competitive sourcing actions under OMB Circular A-76 or High Performing Organizations for the U.S. Army Corps of Engineers.

SEC. 104. None of the funds appropriated in this or any other Act shall be used to demonstrate or implement any plans divesting or transferring any Civil Works missions, functions, or responsibilities of the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 105. Within 90 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 106. WATER REALLOCATION, LAKE CUMBERLAND, KENTUCKY. (a) IN GENERAL.—Subject to subsection (b), none of the funds made available by this Act may be used to carry out any water reallocation project or component under the Wolf Creek Project, Lake Cumberland, Kentucky, authorized under the Act of June 28, 1938 (52 Stat. 1215, ch. 795) and the Act of July 24, 1946 (60 Stat. 636, ch. 595).

(b) EXISTING REALLOCATIONS.—Subsection (a) shall not apply to any water reallocation for Lake Cumberland, Kentucky, that is carried out subject to an agreement or payment schedule in effect on the date of enactment of this Act.

SEC. 107. Using amounts available in the Revolving Fund, the Secretary of the Army is authorized to construct a new Environmental Laboratory and improvements to the Information Technology Laboratory at the Engineer Research and Development Center in Vicksburg, Mississippi: *Provided*, That the Secretary shall ensure that the Revolving Fund is appropriately reimbursed from appropriations of the Corps' benefiting programs by collection each year of amounts sufficient to repay the capitalized cost of such construction and improvements.

SEC. 108. Notwithstanding section 729 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2267a), the Secretary shall credit toward the non-Federal share of the cost of the Rio Grande Basin Watershed Study, New Mexico, Colorado and Texas, the cost of in-kind services contributed by the New Mexico Interstate Stream Commission for the Study up to the full amount of the required non-Federal share, in accordance with the Agreement between the Commission and the Department of the Army dated December 3, 2001, as modified on January 14, 2002.

SEC. 109. Section 121 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2256) is amended by striking subsection (a) and inserting the following:

"(a) The Secretary of the Army may carry out and fund planning studies, watershed surveys and assessments, or technical studies at 100 percent Federal expense to accomplish the purposes of the 2003 Biological Opinion described in section 205(b) of the Energy and Water Development Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2949) as amended by subsection (b) and the col-

laborative program long-term plan. In carrying out a study, survey, or assessment under this subsection, the Secretary of the Army shall consult with Federal, State, tribal and local governmental entities, as well as entities participating in the Middle Rio Grande Endangered Species Collaborative Program referred to in section 205 of this Act: *Provided*, That the Secretary of the Army may also provide planning and administrative assistance to the Middle Rio Grande Endangered Species Collaborative Program, which shall not be subject to cost sharing requirements with non-Federal interests."

SEC. 110. The Secretary of the Army, acting through the Chief of Engineers, is directed to convey at no cost, lands to Tate County School District, Tate County, Mississippi, the transfer of any real property interests, not to exceed 50 acres, at Arkabutla Lake deemed available by the Army that is located adjacent to school district property in the vicinity of State Highway 306 west of Coldwater, Mississippi. Such transfer shall be subject to the reservation of any required flowage easements for the operation of Arkabutla Lake and which preclude structures for human habitation. This property shall be used by the Tate County School District for public educational purposes.

SEC. 111. Section 594 of the Water Resources Development Act of 1999 is amended by striking "SEC. 594. OHIO," and inserting in lieu thereof "SEC. 594. OHIO AND NORTH DAKOTA," and in (a) strike "Ohio," and insert in lieu thereof "Ohio and North Dakota," and in (b) strike "Ohio," and insert in lieu thereof "Ohio and North Dakota," and in (h) strike "\$240,000,000," and insert in lieu thereof "\$240,000,000 for Ohio and \$100,000,000 for North Dakota."

SEC. 112. The Secretary of the Army, acting through the Chief of Engineers, is directed and authorized to conduct preconstruction engineering and design activities at full Federal expense for the Kahuku Storm Damage Reduction Project, Oahu, Hawaii, which includes interior drainage and related improvements to be constructed on lands that may include Federal land, the cost of the preconstruction, engineering, and design activities shall be included in total project costs to be cost shared at the rate of 65 percent Federal and 35 percent non-Federal, as a part of construction and the Decision Document contents shall be limited to a design analysis and supporting NEPA documentation for drainage improvements.

SEC. 113. Section 227 of Public Law 104-303 is amended in section 6(a) by striking "7" and inserting "12" in lieu thereof.

SEC. 114. All budget documents and justification materials for the Corps of Engineers annual budget submission to Congress shall be assembled and presented based on the most recent annual appropriations Act: *Provided*, That new budget proposals for fiscal year 2008 and thereafter, shall not be integrated into the budget justifications submitted to Congress but shall be submitted separately from the budget justifications documents.

SEC. 115. The Secretary of the Army acting through the Chief of Engineers is directed to plan, design, and construct a rural health care facility on the Fort Berthold Indian Reservation of the Three Affiliated Tribes, North Dakota, at an estimated Federal cost of

\$20,000,000. The Secretary shall transfer this facility to the Secretary of the Interior for operation and maintenance upon the completion of construction.

SEC. 116. The last sentence of section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d-5a(a)) is amended by striking "\$5,000,000" and inserting "\$7,000,000".

SEC. 117. JOHNSON CREEK, ARLINGTON, TEXAS. (a) IN GENERAL.—The project for flood damage reduction, environmental restoration and recreation, Johnson Creek, Arlington, Texas, authorized by section 101(b)(14) of the Water Resources Development Act of 1999 (113 Stat. 280-281) is modified to authorize the Secretary to construct the project substantially in accordance with the report entitled Johnson Creek: A Vision of Conservation, dated March 30, 2006, at a total cost of \$80,000,000, with an estimated Federal cost of \$52,000,000 and an estimated non-Federal cost of \$28,000,000 if the Secretary determines that the project is technically sound and environmentally acceptable.

(b) NON-FEDERAL SHARE.—

(1) IN GENERAL.—The non-Federal share of the cost of the project may be provided in cash or in the form of in-kind services or materials.

(2) CREDIT AND REIMBURSEMENT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest for implementation of the project, if the Secretary determines that the work is integral to the project. Subject to the availability of funds, the non-Federal interest shall be reimbursed for costs incurred by the non-Federal interest that exceed the non-Federal share of project costs.

(c) CONFORMING AMENDMENT.—Section 134 of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2264) and section 5143 of the Water Resources Development Act of 2007, (Public Law 110-114) are repealed.

SEC. 118. The Secretary is authorized and directed to reimburse local governments for expenses they have incurred in storm-proofing pumping stations, constructing safe houses for operators, and other interim flood control measures in and around the New Orleans metropolitan area, provided the Secretary determines those elements of work and related expenses to be integral to the overall plan to ensure operability of the stations during hurricanes, storms and high water events and the flood control plan for the area.

SEC. 119. Section 219(f) of the Water Resources Development Act of 1992 (Public Law 102-580, 106 Stat. 4835 et seq.), as amended, is further amended by striking subsection "(71) Coronado, California", in its entirety and inserting the following:

"(71) CORONADO, CALIFORNIA.

"(A) \$10,000,000 is authorized for wastewater infrastructure, Coronado, California.

"(B) The Federal Share may be in the form of grants or reimbursements of project costs incurred by the non-Federal sponsor for work performed by the non-Federal sponsor before or after the execution of a project cooperation agreement, if the Secretary determines that such work is integral to the project.

"(C) The Secretary is authorized to credit towards the non-Federal share of project costs the costs incurred by the non-Federal sponsor for work performed by the non-Federal sponsor before or after the execution of a project cooperation agreement, if the Secretary determines that such work is integral to the project."

SEC. 120. NAVAJO RESERVATION, ARIZONA, NEW MEXICO, AND UTAH.—Section 520(b) of the Water Resources Development Act of 1999 (Public Law 106-53, 113 Stat. 345) is amended by inserting after the second sentence "The local match for the funds appropriated for flood plain delineation on the Navajo reservation in Arizona, New Mexico, and Utah may be provided as in-kind services."

SEC. 121. The Secretary of the Army may, under such terms and conditions as the Secretary deems appropriate, contract with any public or private entity to provide visitor reservation services. Any such contract in effect on or after October 1, 2004, may provide that the contractor shall be permitted to deduct a commission to be fixed by the Secretary from the amount charged the public for providing such services and to remit the net proceeds therefrom to the contracting agency.

SEC. 122. The project for flood control, Redwood River, Marshall, Minnesota, authorized by section 401(a) of the Water Resources Development Act of 1986 and modified by section 4(k) of the Water Resources Development Act of 1988 is further modified to authorize the Secretary to construct the project at a total cost of \$11,863,000, with an estimated first Federal cost of \$8,722,000 and an estimated first non-Federal cost of \$3,141,000.

SEC. 123. The project for St. John's Bayou and New Madrid Floodway in the State of Missouri as authorized by subsection (d) of the matter under the heading "Lower Mississippi River" under section 203 of the Flood Control Act of 1954 (68 Stat. 1258) and section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118), and as modified by section 331 of the Water Resources Development Act of 1996 (110 Stat. 3658) as described in the June 2002 Revised Supplemental Impact Statement, as supplemented by the March 2006 Revised Supplemental Environmental Impact Statement 2 for this project is economically justified. *Provided*, That the levee closure and gravity structure at the south end of the New Madrid Floodway portion of the Project are part of the Mississippi River Levee feature of the Mississippi River and Tributaries Project and are not a separable element of that Project.

SEC. 124. Funds provided in title V, chapter 3 of Public Law 110-28 under the heading "Construction" may be used for restoration of shore protection projects in New Jersey damaged by the same meteorological events that resulted in Presidential Disaster Declaration FEMA-1694-DR.

SEC. 125. The project for flood control, Cedar Hammock (Wares Creek), Florida, authorized by section 101(a)(10) of Public Law 104-303 (110 Stat. 3664), is modified to authorize the Secretary to construct the project at a total cost of \$42,600,000.

SEC. 126. Section 156 of Public Law 108-137 is amended by inserting "or reimburse" after "non-Federal share of the cost of the project" in paragraphs (2) and (3).

SEC. 127. Notwithstanding any other provision of law, the requirements regarding the use of continuing contracts under the authority of section 206 of the Water Resources Development Act of 1999 (33 U.S.C. 2331) shall apply only to projects funded under the Operation and Maintenance account and the Operation and Maintenance subaccount of the Mississippi River and Tributaries account.

SEC. 128. Section 3020 of the Water Resources Development Act of 2007, Public Law 110-114, is amended by inserting "or after" following the word "before".

SEC. 129. Notwithstanding provisions of 42 U.S.C. 2011 et seq. and 42 U.S.C. 7901 et seq. the U.S. Army Corps of Engineers shall have the authority to arrange disposal of waste materials from the Maywood, New Jersey, Formerly Utilized Sites Remedial Action Program (FUSRAP) site at off-site facilities permitted to accept such waste materials under subtitle C of the Resource Conservation and Recovery Act (42 U.S.C. 6921 et seq.). FUSRAP waste materials from the Maywood site may be, but shall not be required to be, disposed at sites licensed under the Atomic Energy Act (42 U.S.C. 2011 et seq.).

SEC. 130. AMERICAN AND SACRAMENTO RIVERS, CALIFORNIA. Section 101(a)(1)(B) of the Water Resources Development Act of 1996 (Public Law 104-303: 110 Stat. 3662) is modified to read as follows:

"(B) CREDIT TOWARD NON-FEDERAL SHARE.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for expenses that the non-Federal interest incurs for design or construction of any authorized project feature, including credit for work commenced before the date of execution of a cooperation agreement for the affected feature. The amount of the credit shall be determined by the Secretary."

SEC. 131. WHITE RIVER NAVIGATION TO BATESVILLE, ARKANSAS. The project for navigation, White River Navigation to Batesville, Arkansas, as authorized in Public Law 99-662 is amended to extend the project from mile 255, near Newport, Arkansas, to approximately mile 296, near Batesville, Arkansas, to include a harbor at Batesville, Arkansas, and environmental restoration within the White River Basin including federally owned lands.

SEC. 132. LANDFILLS USED FOR CERTAIN WASTE. (a) IN GENERAL.—The funding prohibition set forth in section 103 of the Energy and Water Development Appropriations Act, 2006 shall not apply to the construction or expansion of any landfill in the Muskingum River watershed if—

- (1) the landfill is used solely for the disposal of—
  - (A) wastes generated from the combustion or gasification of coal,
  - (B) wastes consisting of byproducts from pollution control technology installed to comply with the Clean Air Act, or
  - (C) both of such types of wastes.
- (2) the landfill is owned by the waste generator or any affiliated person, and
- (3) the facility at which the wastes are generated is located in the same watershed as the landfill.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "affiliated person" means any person who, directly or indirectly, owns or controls the waste generator, is owned or controlled by the waste generator, or is under common ownership or control with the waste generator.

(2) The term "Muskingum River watershed" shall mean the area within the watershed of the Muskingum River, as delineated by the Secretary of the Army, acting through the Chief of Engineers.

SEC. 133. CONVEYANCE TO STORY COUNTY, IOWA. Not later than 180 days after the date of enactment of this Act, the Chief of the Army Corps of Engineers shall convey to Story County, Iowa, without consideration, all rights, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 197 acres originally proposed for the Skunk River Reservoir, located between Ames, Iowa, and Story City, Iowa.

SEC. 134. None of the funds provided herein may be used to implement any new water control manuals for the Apalachicola-Chattahoochee-Flint and Alabama-Coosa-Tallahpoosa river systems: *Provided*, That in updating the water control manuals the Secretary of the Army, acting through the Chief of Engineers is directed to provide the following information by September 30, 2008:

- (1) an estimate of the amount of withdrawals from each respective river basin for entities withdrawing one million gallons per day or more over the preceding 60 months;
- (2) a flow data set for the respective river basin updated through the most recently completed calendar year; and
- (3) an estimated projection of total water usage in the respective basins over the next 25 years.

SEC. 135. Title II, chapter 3 of Public Law 109-234 under the heading "Construction" is modified by striking "construction: *Provided*," and inserting in lieu thereof "*Provided*, That the Secretary of the Army, in implementing projects and measures in the New Orleans metropolitan area required to achieve certification for participation in the National Flood Insurance Program as directed in Public Law 109-234 shall include all authorized features of the Southeast Louisiana Flood Control project and related internal pumping requirements as integral elements of the comprehensive protection system for the area and shall complete all authorized work for the Southeast Louisiana project concurrently and integrally with other area projects: *Provided further*."

SEC. 136. Utilizing funds appropriated under Alaska Coastal Erosion or other available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to prepare a preliminary action plan for any community that requests assistance pursuant to section 117, as contained in title I, division C of Public Law 108-447: *Provided*, That the preliminary action plan pursuant to this authority shall be presented to the Assistant Secretary of the Army (Civil Works) and the Alaska Congressional Delegation not later than 90 days after the initial request from the community: *Provided further*, That the preliminary action plan will recommend the most appropriate course of action (relocation or erosion stabilization), including a preliminary cost estimate and, at a

MUGLER

110TH CONGRESS  
*1st Session*

HOUSE OF REPRESENTATIVES

CONSOLIDATED APPROPRIATIONS ACT, 2008

COMMITTEE PRINT

of the

COMMITTEE ON APPROPRIATIONS  
U.S. HOUSE OF REPRESENTATIVES

on

H.R. 2764 / Public Law 110-161

[Legislative Text and Explanatory Statement]

BOOK 1 OF 2—DIVISION A-F



JANUARY 2008

U.S. GOVERNMENT PRINTING OFFICE  
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39-564

CORPS OF ENGINEERS - INVESTIGATIONS  
(AMOUNTS IN THOUSANDS)

NATIONAL PROGRAMS	BUDGET REQUEST		MEMORANDUM BILL		FED
	INVESTIGATIONS	PLANNING	RECON	FEAS	
Automated Information Systems Support Tri-CAD, Chief's 12 Actions	350	3,100		344	
Coastal Field Data Collection	1,400			4,429	
Coastal Data Information Program				(884)	
Southern California Program Study, CA				(884)	
Scientific Studies and Ocean Synchro Emission, HI				(738)	
Surge and Wave Island Redding Studies, HI				(738)	
Environmental Data Studies	75			74	
FEM/Map MOD Coordination	1,900			1,476	
Flood Damage Data	220			216	
Flood Plain Management Services	5,825			6,666	
White Clay Creek, New Castle, Delaware				(172)	
City of Albany, Georgia				(364)	
Hurricane Evacuation Studies, Hawaii				(964)	
Hill County, North Carolina				(492)	
Iowa Multi-State Dam Safety Analysis, Iowa				(246)	
Nequaketa River Flood Warning, Iowa				(98)	
Nequaketa River Flood Warning, Iowa				(98)	
Nequaketa River Flood Warning, Iowa				(246)	
Nequaketa River Flood Warning, Iowa				(246)	
City of Gretna GIS, Louisiana				(464)	
East Baton Rouge Parish Metropolitan GIS, Louisiana				(640)	
Livington Parish GIS, Louisiana				(635)	
Papillion Creek Watershed, Flood Plain Mapping, NE				(787)	
Whitetail, Mason Run, Ohio				(98)	
Halfway Sediment Transport Assessment, Oregon				(246)	
Bucks County, Pennsylvania				(98)	
Rhode Island Ecosystem Restoration Study, Rhode Island				(98)	
Flood Plain Management Study	1,000			984	
Hydrologic Studies	280			246	
International Water Studies	200			187	
National Inventory of Flood/Storm Damage Reduction	10,000			615	
National Shoreline Study	316			4,433	
Other Coordination Programs	3,680			(482)	
Center for Computer Assisted Disaster Resolution				(890)	
Lake Texas Coordination				8,385	
Planning Assistance to States	4,580			(145)	
La Mirada, California				(98)	
Southampton Water Supply Study, Connecticut				(197)	
Delaware Estuary Salinity Monitoring Study, Delaware				(98)	
Honolulu, Hawaii				(265)	
McHenry County, Illinois				(246)	
Madison River Enhancement Project, Indiana				(23)	
City of Perry, Iowa				(46)	
Sac and Fox Tribes, Technical Assistance, Kansas				(482)	
Gallop Creek Lake, Kentucky				(197)	
Port of Rochester Environmental Remediation Plan				(98)	
Lake Rogers, Creedmoor, North Carolina				(22)	
Barleaville Water Supply, Bartlesville, Oklahoma				(246)	
Oklahoma Comprehensive Water Plan, Oklahoma				(172)	
Lighthouse at Ft. Walter Dam, Pennsylvania				(197)	
Memphis, Tennessee				2,480	
Planning Support Program	2,800			224	
Precipitation Studies (National Weather Service)				224	
Remote Sensing / Geographic Information System Support	160			4,820	
Reprogramming Paybacks				29,520	
Research and Development	17,300			(884)	
Submerged Aquatic Vegetation, Maryland				(884)	
Southwest Urban Flood Damage, New Mexico				(1,722)	
Urban Flood Water Initiative, Rhode Island				46	
Scientific and Technical Information Centers	50			600	
Stream Gaging (U.S. Geological Survey)	600			884	
Transportation Systems	350			884	
Tribal Partnership Program	1,000			67,107	
SUBTOTAL, NATIONAL PROGRAMS	54,700			3,765	
TOTAL	81,253	8,747	3,765	130,319	33,177

Louisiana Coastal Area Ecosystem Restoration, Louisiana.—The Appropriations Committees remain supportive of this effort; however, due to large unobligated balances, \$2,952,000 is provided, rather than the budget request of \$13,000,000. The Science and Technology line item under this study is not funded and the Corps is directed not to include this line item in the fiscal year 2009 budget. This line item appears to be an attempt to fund other Federal agencies to undertake science activities that are not being funded within those agencies. If the Administration believes this is worthwhile science, then they should budget for this work under the appropriate agency. Any funds from the fiscal year 2007 allocation that remain unexpended in the Science and Technology line should be utilized on advancing the study, not on science activities.

Blackstone River Watershed Restoration, Massachusetts and Rhode Island.—Funding in the amount of \$98,000 is included for the ongoing feasibility study and \$99,000 is included to study recent flooding in Rhode Island.

Great Lakes Navigational System, Michigan, Illinois, Indiana, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.—The funds provided are to be used to complete the supplement to the reconnaissance report of the Great Lakes St. Lawrence Seaway Navigation Study, which, based on a previous agreement between the Secretary, the Ministry of Transportation Canada, and the Secretary of the U.S. Department of Transportation, is to be limited in scope to evaluating the economic, engineering and environmental impacts of maintaining the Great Lakes St. Lawrence Seaway at current size, draft and length of locks. The Secretary is directed to complete the supplemental report by September 2008, after which Congress, interested State and Federal agencies, and the public shall review the report for one year to determine whether additional study is warranted.

Chief's Twelve Actions.—Funding is not included for this item. The Appropriations Committees believe that the activities proposed in the budget request for this line item should be incorporated into the various funded planning activities that the Corps has underway.

National Shoreline Study.—Additional funds have been provided above the budget request for the National Planning Center of Expertise for Coastal Storm Damage Reduction to develop a process for managing shore protection projects as part of a systems approach to coastal protection for the purpose of achieving improved project performance, increased cost effectiveness, and enhanced benefits.

Reprogramming Payback.—Funding under this heading includes \$4,526,000 to meet prior reprogramming obligations identified by the Corps of Engineers. This funding provides the full amount for all paybacks in this account; any additional requirements are the sole responsibility of the Corps.

CONSTRUCTION  
(INCLUDING REVISIONS OF FUNDS)

The amended bill provides \$2,294,029,000 for Construction, instead of \$2,004,186,000 as proposed by the House and

\$2,059,474,000 as proposed by the Senate and includes the \$4,688,000 of rescissions as proposed by the House.  
 The allocation for the projects and activities within the Construction account is shown in the following table:

CONSTRUCTION  
 (AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	AMENDED BILL
ALABAMA		100
MOBILE HARBOR TURNING BASIN, AL	---	677 300
PINOOK CREEK, HUNTSVILLE, AL	---	749 320
TUSCALOOSA, AL	---	4,920 340
ALASKA		400
ANITAN HARBOR, AK	---	466 500
ALASKA COASTAL EROSION, AK	---	4,920 600
CHITIK HARBOR, AK	---	984 700
HOME HARBOR IMPROVEMENTS, AK	---	1,476 600
ST PAUL HARBOR, AK	---	2,808 900
SITKA HARBOR BREAKWATER UPGRADE, AK	---	350 1000
UNALASKA, AK	---	6,553 1100
ARIZONA		1200
MOSALES WASH, AZ	---	4,587 1300
RIO DE FLAG, FLAGSTAFF, AZ	---	1,690 1500
RIO SALADO, PHOENIX AND TEMPE REACHES, AZ	---	1,771 1600
TRES RIOS, AZ	---	10,924 1720
TUCSON DRAINAGE AREA, AZ	---	7,868 1740
ARKANSAS		1800
OZARK - JETA TAYLOR POWERHOUSE, AR (MAJOR REHAB)	17,309	22,632 1800
RED RIVER BELM DENISON DAM, LA, AR & TX	---	2,060 2000
RED RIVER EMERGENCY BANK PROTECTION, AR & LA	---	3,277 2100
WHITE RIVER MINIMUM FLOW, AR	---	936 2120
CALIFORNIA		2200
AMERICAN RIVER WATERSHED (COMMON FEATURES), CA	---	7,872 2300
AMERICAN RIVER WATERSHED (FOLSOM DAM MODIFICATIONS), C	---	5,904 2400
AMERICAN RIVER WATERSHED (FOLSOM DAM RAISE), CA	---	17,220 2500
AMERICAN RIVER WATERSHED, CA	---	2600
CALRED LEVEE STABILITY PROGRAM, CA	36,500	4,920 2700
CITY OF SANTA CLARITA (PERCHURATE), CA	---	468 2800
CORTE MAERA CREEK, CA	---	234 3000
FARGINGTON RECHARGE DEMONSTRATION PROGRAM, CA	---	515 3100
GUADALUPE RIVER, CA	---	1,783 3200
HAWLTON AIRFIELD WETLANDS RESTORATION, CA	4,800	8,612 3300
HARBOR/SOUTH BAY RECYCLING PROJECT, CA	---	2,808 3400
LOWER WALNUT CREEK, CONTRA COSTA COUNTY, CA	---	582 3600
MID-VALLEY AREA LEVEE RECONSTRUCTION	---	468 3700
MURRIETA CREEK, CA	---	1,813 3800
MAPA RIVER, CA	7,500	10,924 3900
NORTH VALLEY REGIONAL WATER INFRASTRUCTURE, CA	---	41,328 4200
OAKLAND HARBOR (50-FOOT PROJECT), CA	42,000	1,666 4300
PETALUMA RIVER FLOOD CONTROL, CA	---	936 4400
PLACER COUNTY, CA	---	3,645 4500
PORT OF LONG BEACH, CA	---	1,609 4600
PORT OF LOS ANGELES CHANNEL DEEPENING, CA	---	816 4700
SACRAMENTO DEEPWATER SHIP CHANNEL, CA	800	21,532 4800
SACRAMENTO RIVER BANK PROTECTION PROJECT, CA	21,528	1,030 4900
SACRAMENTO RIVER, GLENN-COLUSA IRRIGATION DISTRICT, CA	---	403 5000
SAN FRANCISCO BAY TO STOCKTON (JFB), CA	---	1,375 5100
SAN LUIS REY RIVER, CA	---	2,808 5200
SAN RAYON VALLEY RECYCLED WATER, CA	---	20,684 5300
SANTA ANA RIVER MAINSTEM, CA	17,000	280 5400
SANTA MARIA RIVER, CA	---	10,298 5500
SOUTH SACRAMENTO COUNTY STREAMS, CA	8,000	11,808 5600
SUCCESS DAM, TULE RIVER, CA (DAM SAFETY)	18,000	8,238 5700
SUNFISSE - SUNSET - NEWPORT BEACH, CA	---	4,428 5800
TARDE BASIN RESTORATION (108)	---	438 5900
UPPER GUADALUPE RIVER, CA	---	2,222 6000
UPPER NEWPORT BAY, CA	---	4,373 6100
WEST SACRAMENTO FLOOD CONTROL, CA	---	1,044 6200
YUBA RIVER BASIN, CA	---	6300
CONNECTICUT		167 6400
BRIDGEPORT ENVIRONMENTAL INFRASTRUCTURE, CT	---	6500
DELAWARE		6500
DELAHARE BAY COAST, BETHANY TO SOUTH BETHANY, DE	---	141 6600
DELAHARE BAY COASTLINE, BROOKHILL BEACH, DE	---	234 6700
DELAHARE BAY COASTLINE, ROOSEVELT INLET TO LEWES BEACH	---	95 6800
DELAHARE COAST FROM CAPE HELOPEN TO FENWICK ISLAND, DE	---	93 6900
DELAHARE COAST FROM CAPE HELOPEN TO FENWICK ISLAND, RE	---	2,857 7000
DELAHARE COAST PROTECTION, DE	---	365 7100



\$2,059,474,000 as proposed by the Senate and includes the \$4,688,000 of rescissions as proposed by the House. The allocation for the projects and activities within the Construction account is shown in the following table:

CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	AMENDED BILL
<b>ALABAMA</b>		
MOBILE HARBOR TURNING BASIN, AL.	...	100
PINHOOK CREEK, HUNTSVILLE, AL.	...	677 300
TUSCALOOSA, AL.	...	749 320
	...	4,920 340
<b>ALASKA</b>		
AKUTAN HARBOR, AK.	...	466 600
ALASKA COASTAL EROSION, AK.	...	4,920 600
CHIGNAIK HARBOR, AK.	...	984 700
HOME HARBOR IMPROVEMENTS, AK.	...	1,478 600
ST PAUL HARBOR, AK.	...	2,868 600
SITKA HARBOR BREAKWATER UPGRADE, AK.	...	350 1000
UNALASKA, AK.	...	6,553 1100
	...	1200
<b>ARIZONA</b>		
HOGALES WASH, AZ.	...	4,567 1300
RIO DE FLAG, FLAGSTAFF, AZ.	...	1,690 1500
RIO SALADO, PHOENIX AND TEMPE REACHES, AZ.	...	1,771 1600
TRES RIOS, AZ.	...	10,824 1720
TUCSON DRAINAGE AREA, AZ.	...	7,868 1740
	...	1800
<b>ARKANSAS</b>		
OZARK - JETA TAYLOR PONDHOUSE, AR (MAJOR REHAB)	17,300	22,632 1800
RED RIVER BELOW DENISON DAM, LA, AR & TX.	...	2,060 2000
RED RIVER EMERGENCY BANK PROTECTION, AR & LA.	...	3,277 2100
WHITE RIVER HINDINOR FLOW, AR.	...	936 2120
	...	2200
<b>CALIFORNIA</b>		
AMERICAN RIVER WATERSHED (COMMON FEATURES), CA.	...	7,872 2300
AMERICAN RIVER WATERSHED (FOLSOM DAM MODIFICATIONS), C	...	9,904 2400
AMERICAN RIVER WATERSHED (FOLSOM DAM RAISE), CA.	...	17,220 2500
AMERICAN RIVER WATERSHED, CA.	36,500	...
CALFED LEVEE STABILITY PROGRAM, CA.	...	2,800
CITY OF SANTA CLARITA (PERCHLORATE), CA.	...	4,920 2700
CORTE MADEIRA CREEK, CA.	...	468 2800
FARRINGTON RECHARGE DEMONSTRATION PROGRAM, CA.	...	234 3000
GUADALUPE RIVER, CA.	...	515 3100
HAMILTON AIRFIELD WETLANDS RESTORATION, CA.	...	1,763 3200
HARBOR/SOUTH BAY RECYCLING PROJECT, CA.	4,900	6,612 3300
LOWER WALNUT CREEK, CONTRA COSTA COUNTY, CA.	...	2,806 3400
RIO-VALLEY AREA LEVEE RECONSTRUCTION.	...	982 3700
RUIRILETA CREEK, CA.	...	1,815 3400
NAPA RIVER, CA.	7,500	10,922 3900
NORTH VALLEY REGIONAL WATER INFRASTRUCTURE, CA.	...	10,842 4100
OAKLAND HARBOR (50-FOOT PROJECT), CA.	42,000	41,328 4200
Petaluma River Flood Control, CA.	...	1,666 4300
PLACER COUNTY, CA.	...	936 4400
PORT OF LONG BEACH, CA.	...	3,645 4500
SACRAMENTO DEEPENING CHANNEL DEEPENING, CA.	...	1,609 4600
SACRAMENTO DEEPENING SHIP CHANNEL, CA.	900	816 4700
SACRAMENTO RIVER BANK PROTECTION PROJECT, CA.	21,528	21,532 4800
SACRAMENTO RIVER, SLENN-COLUSA IRRIGATION DISTRICT, CA	500	1,030 4900
SAN FRANCISCO BAY TO STOCKTON (JFB), CA.	...	1,403 5000
SAN JOAQUIN VALLEY RECYCLED WATER, CA.	...	1,375 5100
SANTA ANA RIVER MAINTEN, CA.	...	2,806 5200
SANTA ANA RIVER, CA.	17,000	20,644 5300
SANTA MARIA RIVER, CA.	...	280 5400
SOUTH SACRAMENTO COUNTY STREAMS, CA.	8,000	10,298 5500
SUCCESS DAM TULE RIVER CA (DAM SAFETY).	18,000	11,808 5600
SUCCESS DAM TULE RIVER CA (DAM SAFETY).	...	6,238 5700
TANDE BASIN RESTORATION (100).	...	4,428 5800
UPPER GUADALUPE RIVER, CA.	...	438 5900
UPPER NEWPORT BAY, CA.	...	2,222 6000
WEST SACRAMENTO FLOOD CONTROL, CA.	...	4,373 6100
YUBA RIVER BASIN, CA.	...	1,044 6200
	...	6300
<b>CONNECTICUT</b>		
BRIDGEPORT ENVIRONMENTAL INFRASTRUCTURE, CT.	...	167 6400
<b>DELAWARE</b>		
DELAWARE BAY COAST, BETHANY TO SOUTH BETHANY, DE.	...	141 6600
DELAWARE BAY COASTLINE, BROADKILL BEACH, DE.	...	234 6700
DELAWARE BAY COASTLINE, ROOSEVELT INLET TO LEHES BEACH	...	95 6800
DELAWARE COAST FROM CAPE HELOPPEN TO FEMWICK ISLAND, DE	...	93 6900
DELAWARE COAST FROM CAPE HELOPPEN TO FEMWICK ISLAND, RE	...	2,657 7000
DELAWARE COAST PROTECTION, DE.	...	385 7100

CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	AMENDED BILL
<b>FLORIDA</b>		
BREVARD COUNTY, FL.....	7200	7200
BROWARD COUNTY (SEGREG I REIMBURSEMENT), FL.....	187 7300	187 7300
BROWARD COUNTY (SEGREG III REIMBURSEMENT), FL.....	735 7400	735 7400
CANAVERRAL HARBOR (SAND BYPASS), FL.....	482 7420	482 7420
CEDAR HAMMOCK, WAKES CREEK, FL.....	146 7500	146 7500
FLORIDA KEYS WATER QUALITY IMPROVEMENT, FL.....	4,681 7600	4,681 7600
HERBERT HOOVER DIKE, FL (SEEPAGE CONTROL).....	2,017 8000	2,017 8000
JACKSONVILLE HARBOR, FL.....	54,884 8100	54,884 8100
LAKE WORTH SAND TRANSFER PLANT, FL.....	2,805 8200	2,805 8200
LEE COUNTY (ESTERO AND GASPARIILLA), FL.....	1,613 8400	1,613 8400
MASSAU COUNTY, FL.....	938 8500	938 8500
PIHELLAS COUNTY, FL.....	689 8700	689 8700
PORT EVERGLADES HARBOR, FL.....	657 8800	657 8800
SOUTH FLORIDA EVERGLADES ECOSYSTEM RESTORATION, FL.....	703 8900	703 8900
Central and Southern Florida Ecosystem Restoration	130,669 9000	130,669 9000
Everglades and South Florida Ecosystem Restoration	(8,156) 9020	(8,156) 9020
Kissimmee River, FL.....	(30,968) 9030	(30,968) 9030
Modified Water Deliveries, FL.....	(9,840) 9040	(9,840) 9040
ST. JOHNS COUNTY, FL.....	181 9100	181 9100
ST. LUCIE INLET, FL.....	1,873 9200	1,873 9200
TAMPA HARBOR, FL.....	133 9300	133 9300
<b>GEORGIA</b>		
ATLANTA, GA E1.....	9400	9400
BRUNSWICK HARBOR, GA.....	1,478 9700	1,478 9700
RICHARD B RUSSELL DAM AND LAKE, GA & SC.....	3,982 9800	3,982 9800
TYBEE ISLAND, GA.....	6,319 10000	6,319 10000
<b>HAWAII</b>		
HAWAII WATER MANAGEMENT, HI.....	10100	10100
IAO STREAMS, HI.....	1,868 10200	1,868 10200
	295 10300	295 10300
<b>IDAHO</b>		
RURAL IDAHO, ID.....	10500	10500
	4,064 10600	4,064 10600
	10700	10700
<b>ILLINOIS</b>		
ALTON TO GALE LEVEE DISTRICTS, IL & MO.....	83 10800	83 10800
CHAIN OF ROCKS CANAL, MISSISSIPPI RIVER, IL (DEF CORR).....	4,600	4,080 10900
CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIER, IL.....	750	735 11000
CHICAGO SANITARY AND SHIP CANAL, SECOND BARRIER, IL.....	6,000	7,872 11100
CHICAGO SHORELINE, IL.....	9,000	8,686 11200
COOK COUNTY, IL.....	6,224 11300	6,224 11300
DES PLAINES RIVER, IL.....	6,620	6,001 11400
EAST ST LOUIS AND VICINITY, IL.....	2,800	2,286 11500
ILLINOIS WATERWAY, LOCKPORT LOCK AND DAM, IL (REPLACE).....	20,445	20,116 11700
LOCK AND DAM 24, IL & MO (REHABILITATION).....	2,000	305 11800
LOCK AND DAM 27, MISSISSIPPI RIVER, IL (REHABILITATION).....	468 12000	6,537 11900
MADISON AND ST CLAIR COUNTIES, IL.....	33,500	29,490 12100
MCCOOK AND THORNTON RESERVOIRS, IL.....	280 12300	468 12200
MELVIN PRICE LOCK AND DAM, IL.....	164,000	280 12300
MUTUOK DRAINAGE AND LEVEE DISTRICT, IL.....	23,464	102,336 12400
OLMSTED LOCKS AND DAM, OHIO RIVER, IL & KY.....	12700	16,851 12500
UPPER MISSISSIPPI RIVER RESTORATION, IL, IA, MN, MO & WOOD RIVER LEVEE, IL.....	321 12600	321 12600
<b>INDIANA</b>		
CALUMET REGION, IN.....	3,935 12800	3,935 12800
CEDAR LAKE, IN (CONFINED DISPOSAL FACILITY), IN.....	4,330 12920	4,330 12920
INDIANA SWAMP (CONFINED DISPOSAL FACILITY), IN.....	17,776 13000	17,776 13000
INDIANAPOLIS (WHITE RIVER (MORTY)), IN.....	964 13100	964 13100
JOHN WYERS LOCKS AND DAMS, IN & KY.....	3,192 13120	3,192 13120
LAKE MICHIGAN WATERFRONT, IN.....	984 13200	984 13200
LITTLE CALUMET RIVER, IN.....	14,760 13300	14,760 13300
MT ZION DAM, FULLTON COUNTY, IN.....	234 13320	234 13320
OHIO RIVER GREENWAY ACCESS, IN.....	983 13400	983 13400
OHIO RIVER FLOOD PROTECTION, IN.....	1,498 13420	1,498 13420
<b>IOWA</b>		
DAVENPORT, IA.....	13500	13500
DES MOINES RECREATIONAL RIVER, IA.....	653 13600	653 13600
	4,124 13700	4,124 13700

CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	AMENDED BILL
<b>KANSAS</b>		
LOCK AND DAM 11, MISSISSIPPI RIVER, IA (REHAB).....	---	5,141 13800
LOCK AND DAM 19, MISSISSIPPI RIVER, IA (REHAB).....	---	1,447 13900
MISSOURI R FISH AND WILDLIFE RECOVERY, IA, LS, MO, MT, NE, PERRY CREEK, IA.....	---	90,184 14000
	---	187 14020
<b>KANSAS</b>		
TURKEY CREEK BASIN, KS & MO.....	9,000	8,858 14200
TUTTLE CREEK LAKE, K9 (DAM SAFETY).....	28,500	28,044 14300
<b>KENTUCKY</b>		
KENTUCKY LOCK AND DAM, TENNESSEE RIVER, KY.....	52,000	51,168 14600
HARKLAND LOCKS AND DAM, KY & IL (REHABILITATION).....	---	6,720 14700
MCALPINE LOCKS AND DAM, OHIO RIVER, KY & IN.....	45,000	44,260 14800
SOUTHERN AND EASTERN KENTUCKY, KY.....	---	11,569 14900
WOLF CREEK, KY (BEEPAGE CONTROL).....	54,100	53,234 15000
<b>LOUISIANA</b>		
CORITE RIVER DIVERSION CANAL, LA.....	---	7,872 16200
EAST BATON ROUGE PARISH, LA.....	---	936 16300
J BENNETT JOHNSTON WATERWAY, LA.....	1,500	6,886 16500
LAROSE TO GOLDEN MEADOW, LA.....	---	964 16520
OUACHITA RIVER LEVEES, LA.....	---	1,383 16600
<b>MARYLAND</b>		
ANACOSTIA RIVER AND TRIBUTARIES, MD AND DC, PHASE I.....	---	303 15900
ASSATEAGUE ISLAND, MD.....	---	1,722 16000
ATLANTIC COAST OF MARYLAND, MD.....	---	187 16100
BALTIMORE METROPOLITAN WATER RESOURCES, GAYNMS FALLS, CHARLESTON, MD.....	---	439 16200
CHESAPEAKE BAY ENVIRONMENTAL RESTORATION, MD.....	---	187 16220
CHESAPEAKE BAY OYSTER RECOVERY, MD & VA.....	---	1,989 16300
CUMBERLAND, MD.....	---	1,868 16400
POPLAR ISLAND, MD.....	---	280 16500
	---	13,387 16600
<b>MASSACHUSETTS</b>		
HOODY RIVER, MA.....	---	16700
HUDDY RIVER, MA.....	10,000	482 16800
	---	9,362 16900
<b>MICHIGAN</b>		
GENESEE COUNTY, MI.....	---	17000
GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.....	---	562 17100
MEGAUNEE, MI.....	---	936 17200
SAULT STE MARIE, MI.....	---	360 17300
	---	1,868 17400
<b>MINNESOTA</b>		
BRECKENRIDGE, MN.....	---	17500
LOCK AND DAM 3, MISSISSIPPI RIVER, MN (MAJOR REHAB).....	---	3,938 17600
MARSHALL, MN.....	---	988 17700
MILLE LACS, MN.....	---	78 17800
NORTHEASTERN MINNESOTA.....	---	628 17900
STILLWATER, MN.....	---	1,873 18000
	---	1,269 18100
<b>MISSISSIPPI</b>		
DESOTO COUNTY, MS.....	---	18200
JACKSON COUNTY WATER SUPPLY PROJECT, MS.....	---	9,840 18300
MISSISSIPPI ENVIRONMENTAL INFRASTRUCTURE, MS.....	---	5,431 18400
	---	18,888 18500
<b>MISSOURI</b>		
BLUE RIVER BASIN, KANSAS CITY, MO.....	---	18600
BLUE RIVER CHANNEL, KANSAS CITY, MO.....	---	1,805 18700
BOIS BRULE, MO.....	3,500	3,277 18800
CAPE GIRARDEAU (FLOODMALL), MO.....	---	3,219 18900
CHESTERFIELD, MO.....	---	2,692 19000
CLEARWATER LAKE, MO (SEEPAGE CONTROL).....	---	1,086 19100
MISS RIVER BYRN THE OHIO AND MO RIVERS (REG WORKS), MO.....	25,000	24,500 19200
MISSOURI & HUDOLE MISSISSIPPI RIVERS (REG WORKS), MO.....	2,100	2,500 19300
MISSOURI RIVER LEVEE SYSTEM, IA, NE, KS & MO.....	---	468 19400
ST LOUIS FLOOD PROTECTION, MO.....	---	93 19500
ST. GEORGEVILLE, MO.....	---	1,988 19600
	---	410 19700
<b>MONTANA</b>		
FT. PECK CASCIN CONVEYANCE, MT.....	---	18600
	---	207 19800

CONSTRUCTION (AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	AMENDED BILL
RURAL MONTANA.....	---	4,681 20000
NEBRASKA		
ANTELOPE CREEK, LYKOLIN, NE.....	9,000	6,428 20200
MISSOURI NATIONAL RECREATIONAL RIVER, NE & SD.....	---	464 20300
SAND CREEK, NE.....	---	1,691 20400
WESTERN SARRY AND CLEAR CREEK, NE.....	---	936 20500
NEVADA		
RURAL NEVADA.....	---	20600
TROPICANA AND FLARINGO WASHES, NV.....	---	16,696 20700
---	---	12,782 20800
NEW JERSEY		
BARNEGAT INLET TO GREAT EGG HARBOR, NJ (NJ SHORE PROT.....	---	4,920 21000
BRIGHTLINE INLET TO GREAT EGG HARBOR INLET (ABSECON).....	---	877 21100
BRIGHTLINE INLET TO GREAT EGG HARBOR INLET, BRIGHTLINE.....	---	75 21200
CAPE MAY INLET TO LOWER TOWNSHIP, NJ.....	---	248 21300
DELAWARE RIVER MAIN CHANNEL DEEPENING, NJ, PA, DE.....	---	2,340 21400
GREAT EGG HARBOR INLET TO PECK BEACH (OCEAN CITY), NJ.....	---	2,608 21500
HACKENSACK HEADLANDS, NJ.....	---	372 21600
JOSEPH G. KINSHIP HISTORIC WATERFRONT PARK, NJ.....	---	2,962 21800
LOWER CAPE MAY HEADS, CAPE MAY POINT, NJ.....	---	4,785 21900
PASSAIC RIVER PRESENTATION OF NATURAL STORAGE AREAS.....	---	1,346 22000
RANAPPO AND KAHAWAH RIVERS, RAMAH, NJ AND SUFFERN, NY.....	---	343 22100
BARITAN BAY AND SANDY HOOK BAY, NJ.....	---	109 22200
BARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NJ.....	---	877 22300
BARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NJ.....	10,000	10,901 22400
SANDY HOOK TO BARNEGAT INLET, NJ.....	---	1,316 22500
TOWNSHENS INLET TO CAPE MAY INLET, NJ.....	---	4,779 22600
NEW MEXICO		
ACEQUIAS IRRIGATION SYSTEM, NM.....	---	2,248 22800
ALABOGROB, NM.....	4,200	3,632 22900
CENTRAL NEW MEXICO, NM.....	---	7,980 23100
CHUBBUT LAKE (DAM SAFETY), NM.....	---	197 23200
JEREZ CANYON (DAM SAFETY), NM.....	---	148 23300
MIDDLE RIO GRANDE FLOOD PROTECTION, BERMALILLO TO BELE.....	---	295 23400
MIDDLE RIO GRANDE RESTORATION, NM.....	---	994 23420
NEW MEXICO, EL NM.....	---	10,824 23500
Caneyon Road, Santa Fe, NM.....	---	(894) 23520
RIO GRANDE FLOODWAY, SAN ACACIA TO ROSQUE DEL APACHE.....	800	749 23600
SOUTHWEST VALLEY ALBUQUERQUE, NM.....	---	904 23620
NEW YORK		
ATLANTIC COAST OF NYC, ROCKAWAY INLET TO HORTON POINT.....	9,500	8,735 23800
ATLANTIC COAST OF NYC, EAST ROCKAWAY INLET, NY.....	---	234 23900
FIRE ISLAND INLET TO HONTAUK POINT, NY.....	4,180	6,680 24000
NEW YORK AND NEW JERSEY HARBOR, NY & NJ.....	91,000	85,192 24100
NEW YORK CITY WATERSHED.....	---	483 24200
OHONDAGA LAKE, NY.....	---	984 24300
ORCHARD BEACH, BROOK, NY.....	---	2,107 24400
NORTH CAROLINA		
BRUNSWICK COUNTY BEACHES, NC.....	---	378 24700
RICHMOND COUNTY, NC.....	---	285 24820
WEST ONSLOW BEACH, NC.....	---	49 24830
WILMINGTON HARBOR, NC.....	---	3,745 24900
WRIGHTSVILLE BEACH, NC.....	---	260 25000
NORTH DAKOTA		
GARRISON DAM AND POWER PLANT, ND (REPLACEMENT).....	6,200	6,905 25200
HOMER DAM, ND (DAM SAFETY).....	---	35 25200
LAKE SAKAMAGA PROJECT, ND.....	---	2,952 25400
MISSOURI RIVER RESTORATION, ND.....	---	265 25800
NORTH DAKOTA ENVIRONMENTAL INFRASTRUCTURE, ND.....	---	6,804 25900
OHIO		
HOLES CREEK, WEST CARROLLTON, OH.....	---	1,476 25600
LOWER GIRARD DAM, OH.....	---	512 25900
METROPOLITAN REGION OF CINCINNATI, DUCK CREEK, OH.....	11,847	11,119 26000
OHIO ENVIRONMENTAL INFRASTRUCTURE, OH.....	---	19,188 26100
Airpark, OH.....	---	(1,574) 26105
Arbaugh-Hope, OH.....	---	(187) 26110
Bloomington, OH.....	---	(482) 26116

CONSTRUCTION (AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	AMENDED BILL
Brookfield, OH.....	---	(836) 26120
Brown Street, Caspus West, OH.....	---	(1,771) 26125
City of Stoves, OH.....	---	(248) 26130
Culpepper Area Water System, OH.....	---	(1,674) 26135
Cuyahoga County, OH.....	---	(344) 26140
Defiance County, Auglaize River, OH.....	---	(860) 26145
Euclid Creek, OH.....	---	(3,542) 26150
Louisville, OH.....	---	(787) 26155
Marysville, OH.....	---	(787) 26160
Mayfield Heights, OH.....	---	(482) 26165
Orville, OH.....	---	(640) 26170
Palmasville, OH.....	---	(787) 26175
Perry Township, OH.....	---	(541) 26180
Put-In-Bay, OH.....	---	(935) 26182
Tinberlake, OH.....	---	(1,278) 26185
Williamsburg Water Treatment Plant, OH.....	---	(394) 26182
Windham, OH.....	---	(394) 26185
Windham, OH.....	---	(984) 26187
OHIO RIVER WATERFRONT, CINCINNATI, OH.....	---	936 26188
OKLAHOMA		
CANTON LAKE, OK (DAM SAFETY).....	17,300	17,023 26300
TAR CREEK CLEAMP, OK.....	---	3,444 26400
OREGON		
COLUMBIA RIVER CHANNEL IMPROVEMENTS, OR & WA.....	15,000	14,780 26700
COLUMBIA RIVER TREATY FISHING ACCESS SITES, OR & WA.....	---	1,666 26800
COUGAR LAKE (MILLAMETTE RIVER TEMPERATURE CONTROL), OR.....	---	6,819 26820
ELK CREEK LAKE, OR.....	11,030	9,998 26900
LOWER COLUMBIA RIVER ECOSYSTEM RESTORATION, OR & WA.....	1,000	1,688 27000
PENNSYLVANIA		
ENSWORTH LEO, OHIO RIVER, PA (STATIC INSTABILITY CORRE.....	43,000	42,312 27300
LACKAWANNA RIVER AT SCRANTON, PA.....	---	3,218 27400
LOCKS AND DAMS 2, 3 AND 4, MONONGAHELA RIVER, PA.....	70,300	69,176 27500
NORTHEAST PENNSYLVANIA, PA.....	---	1,476 27600
Nicholson Borough, PA.....	---	(738) 27620
Towanda, PA.....	---	(738) 27630
PRESCUE ISLE, PA.....	---	672 27700
SOUTH CENTRAL PENNSYLVANIA, PA.....	---	8,268 27720
SOUTHEASTERN PENNSYLVANIA, PA.....	---	777 27800
Borough of Hatfield, PA.....	---	(236) 27820
Tecony Creek, Philadelphia, PA.....	---	(492) 27830
Whitpain Township, PA.....	---	(49) 27840
THREE RIVERS MET WEATHER DEMONSTRATION PROJECT, PA.....	---	468 28000
WYOMING VALLEY, PA (LEVEE RAISING).....	---	1,088 28100
PUERTO RICO		
PORTUGUES AND BUCANA RIVERS, PR.....	35,000	31,727 28300
RIO PUERTO NUEVO, PR.....	11,500	10,424 28400
SOUTH CAROLINA		
FOLLY BEACH, SC.....	---	34 28600
LAKES MARION AND ROULTRIE, SC.....	---	6,607 28700
SOUTH DAKOTA		
810 STOUK RIVER, SIOUX FALLS, SD.....	---	1,873 28900
CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX, SD.....	---	3,936 29000
MISSOURI RIVER RESTORATION, SD.....	---	93 29200
TENNESSEE		
BLACK FOX, HURFEE & OAKLAND SPRINGS, TN.....	---	1,873 29320
CENTER HILL DAM, TN (SEEPAGE CONTROL).....	25,000	31,488 29400
CITICOMMUNA LOCK, TENNESSEE RIVER, TN.....	35,200	34,637 29500
CUMBERLAND COUNTY WATER SUPPLY, TN.....	---	93 29600
TEXAS		
BRAYS BAYOU, HOUSTON, TX.....	14,841	13,453 29800
CENTRAL CITY, FORT WORTH, TX.....	---	7,872 29900
CLEAR CREEK, TX.....	---	936 30000
CALCAS FLOODWAY EXTENSION, TRINITY RIVER, TX.....	---	12,792 30100
EL PASO, TX.....	---	141 30200
HOUSTON - GALVESTON NAVIGATION CHANNELS, TX.....	18,320	16,730 30300

CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	AMENDED BILL
JOHNSON CREEK, ARLINGTON, TX.....	1,639 30400	1,639 30400
RED RIVER BASIN, CHLORIDE CONTROL, TX & OK.....	9,840 30600	9,840 30600
SAN MATEO CHANNEL IMPROVEMENT, TX.....	20,075 30700	20,075 30700
TEXAS CITY CHANNEL, TX.....	2,480 30800	2,480 30800
WYNEY DART AND FOREWATER, TX (REHAB).....	4,428 30800	4,428 30800
UTAH		
RURAL UTAH, UT (E1).....	31000	31000
VERMONT		
BURLINGTON HARBOR, VT.....	31200	31200
LAKE CHARPLAIN WATERSED INITIATE, VT.....	482 31300	482 31300
	2,480 31400	2,480 31400
VIRGINIA		
JOHN H. KEER DAM AND RESERVOIR, VA & NC (REPLACEMENT).....	13,000	12,782 31600
LYNCHBURG CSD, VA.....	240 31700	240 31700
HOPKINS HARBOR AND CHANNELS, VA (DEEPENING).....	745 31800	745 31800
RICHMOND CSD, VA.....	240 31900	240 31900
ROANOKE RIVER UPPER BASIN, HEADWATERS AREA, VA.....	10,180	9,692 32000
SANDBRIDGE BEACH, VA.....	93 32100	93 32100
VIRGINIA BEACH, VA (HURRICANE PROTECTION).....	2,808 32200	2,808 32200
WASHINGTON		
CHIEF JOSEPH DAM GAS ABATEMENT, WA.....	32300	32300
COLUMBIA RIVER FISH MITIGATION, WA, OR & ID.....	2,982 32400	2,982 32400
HUMPHREYS GREEN ECOSYSTEM RESTORATION, WA.....	82,454 32400	82,454 32400
HOWARD HANSON DAM ECOSYSTEM RESTORATION, WA.....	1,888 32400	1,888 32400
LOWER SHAKER RIVER FISH & WILDLIFE COMPENSATION, WA, OR.....	14,504 32700	14,504 32700
MT ST HELENS SEDIMENT CONTROL, WA.....	375 32700	375 32700
HOO MOUNTAIN DAM, WA (FISH PASSAGE).....	10,200	9,247 32900
PUGET SOUND AND ADJACENT WATERS, WA.....	11,800	2,340 33000
		2,982 33100
WEST VIRGINIA		
BLUESTONE LAKE, WV (DAM SAFETY ASSURANCE).....	12,000	11,809 32400
CENTRAL WEST VIRGINIA, WV.....	1,476 32500	1,476 32500
GREENBRIER RIVER BASIN, WV.....	1,167 32700	1,167 32700
ISLAND CREEK BASIN IN AND AROUND LOGAN, WEST VIRGINIA.....	28,280 32800	28,280 32800
LEVISA AND TUG FORKS, WV, KY & VA.....	14,820 32820	14,820 32820
Kentucky.....	15,168 32850	15,168 32850
West Virginia.....	(18,204) 32840	(18,204) 32840
Lower Mud River, Hinton, WV.....	1,033 32900	1,033 32900
ROBERT C BRID LOCKS AND DAM, OHIO RIVER, WV & OH.....	25,800	29,820 34000
SOUTHERN WEST VIRGINIA, WV.....	1,000	905 34100
WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL, WV & PA.....		484 34200
		1,873 34300
WISCONSIN		
NORTHERN WISCONSIN, WI.....	34400	34400
ST. CROIX FALLS, WI.....	7,872 34500	7,872 34500
	443 34600	443 34600
WYOMING		
JACKSON HOLE ENVIRONMENTAL RESTORATION, JACKSON, WY.....	34700	34700
	448 34800	448 34800
SUBTOTAL FOR PROJECTS.....	1,414,175	2,082,129 34800
NATIONAL PROGRAMS		
ABANDONED MINE RESTORATION.....	35000	35000
AK, Diablo.....	646 35100	646 35100
AQUATIC PLANT CONTROL PROGRAM.....	3,000	(517) 35120
Lake Champlain, VT.....	3,936 35200	3,936 35200
Lake Champlain, NY.....	(384) 35220	(384) 35220
Lake Champlain, VT.....	(48) 35230	(48) 35230
Lake Gaston, NC.....	(512) 35240	(512) 35240
CHIEF 5-12 ACTIONS.....	35400	35400
CONTINUING AUTHORITIES PROGRAM.....	35500	35500
AQUATIC ECOSYSTEM RESTORATION (SECTION 208).....	11,278	29,520 35600
Upper York Creek, Dam Removal, CA.....	(3,149) 35620	(3,149) 35620
Arkansas River Habitat Restoration Project, CO.....	(220) 35630	(220) 35630
Goose Creek, Boulder, CO.....	38840	38840
Lower Boulder Creek, CO.....	36650	36650
Tamarisk Eradication, CO.....	38850	38850
Stanford Hill River Restoration, CT.....	(4,020) 35670	(4,020) 35670
Hogans Creek, Jacksonville, FL.....	35980	35980

CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	AMENDED BILL
Rose Bay Ecosystem Restoration Project, FL.....		(2,480) 35680
Chattahoochee Fall-Line Ecosystem Restoration, FL.....		35700
Hokuhina/Hokuhia Restoration, HI.....		35710
Chariton River/Rathbun Lake, IA.....		35720
Duck Creek, Des Moines, IA.....		35730
Iowa River/Clear Creek, Iowa City, IA.....		35740
Storm Lake, IA.....		35750
Venture Marsh Habitat Restoration, Clear Lake, CA.....		(2,698) 35780
Whitebreast Creek Watershed, IA.....		35770
Paradies Creek Ecosystem Restoration, Moscow, NY.....		35780
Salem River, Challenge, ID.....		35790
Esiquon Preserve, Fulton County, IL.....		35800
Briand Park, IL.....		35810
Squaw Creek, (Round Lake Drain), IL.....		35820
Bayou Grasse Tete Restoration, Iberville Parish, LA.....		(718) 35820
Lake Kiltarnay, Louisiana State Penitentiary, LA.....		35830
Lake Verret Acasupton Parish, LA.....		35840
Mendenville Ecosystem Restoration, LA.....		35850
University Lakes, Baton Rouge, LA.....		35860
Vermillion River Ecosystem Restoration, LA.....		35870
Zemurray Park Lake Restoration, Tangipahoa Par, LA.....		35880
Helidan River Ecosystem, MA.....		35890
Hilford Pond, Hilford, MA.....		35900
Tracts Pond, MA.....		(384) 35910
Deep Run/Tiber Hudson, Howard County, MD.....		(728) 35920
Dog Island Shoals, MD.....		35930
Greenbury Point, Anne Arundel County, MD.....		35940
North Beach Wetland Restoration, Baltimore, MD.....		35970
Northwest Branch Anacostia River, MD.....		35980
Paint Branch Fish Passage, MD.....		35990
Tidal Middle Branch, MD.....		36000
Urtsville Lake, Kent Conrad, MD.....		36010
Wright's Creek, Dorchester Creek, MD.....		36020
Wiseal Creek, Hemsheba Creek, Metairie, NH.....		36030
Winnepesaukee, NH.....		36040
Pennacook, Spaulding County, NJ.....		36050
Pennacook Creek Fish Passage Restoration Project, NJ.....		36070
Blue Hole Lake State Park, NH.....		36080
Bottomless Lake State Park, NH.....		36090
Jones-Wells Memorial Res, Smita Ross, NH.....		36100
Garrison Creek, Brooklyn, NY.....		36110
Lower Hartsford Harbor, NY.....		36120
Manhasset Bay, NY.....		36130
Kud Creek, Great South Bay, NY.....		36140
North Neck, NY.....		36150
Northport Harbor, Huntington, NY.....		(187) 36160
Soundview Park, Bronx, NY.....		36170
Western Cary Stream, Cary, NC.....		36180
Christine and Hickson Oases, MD.....		36190
Orayton Dam, MD.....		36200
Orienting 3th Avenue Dam, OH.....		36210
Grand Reservoir, OH.....		36220
Arrowshead Creek, OH.....		36230
Camp Creek - Zumbolt, Prairie, OR.....		36240
Springfield Hill Race Stabilization and Protec, OR.....		36245
White Run, Elk County, PA.....		36250
Southampton Creek, Bucks County, PA.....		36260
Brush Neck Cove, NJ.....		36270
Brush Neck Cove, NJ.....		36280
Narrow River Restoration, RI.....		(192) 36290
Ten Mile River Restoration, RI.....		(178) 36300
Winnepesaukee Pond Restoration, TX.....		(1,240) 36310
Spring Creek, Horryville, TN.....		36320
Spring Creek, Horryville, TN.....		(369) 36330
Spring Lake, San Marcos, TX.....		36340
Spring Lake, San Marcos, TX.....		(296) 36350
West Branch of Little River, VT.....		36360
Little Branch of Little River, VT.....		(295) 36370
Elizabeth River, Scuffletown Creek, Chesapeake, VA.....		(285) 36380
Tangler Island, Accomack County, VA.....		36390
Lake Belle View, VA.....		36400
		36420
BENEFICIAL USES OF DRESSED MATERIAL (SECTION 204)		
Blackhawk Bottoms, IA.....	8,282 36600	8,282 36600
Barataria Bay Wetland, LA.....	36700	36700
Calcasieu River, Calcasieu Parish, LA.....	36800	36800
Wynn Road, Oregon, OR.....	36800	36800
Restoration of the Cat Islands Chain, Green Ba, OR.....	(246) 37000	(246) 37000
		(187) 37100
EMERGENCY STREAMBANK AND SHORELINE PROTECTION (SEC		
	907	8,840 37600

CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	AMENDED BILL
FLOOD CONTROL PROGRAM (SECTION 208)	11,718	42,312,39500
Hyams, AR.....	...	38610
Las Gallinas Creek/Santa Venetia Laves, CA.....	...	38620
Little Hill Creek, Elamers, DE.....	...	(443)38630
Turkey Creek, Ben Hill County, GA.....	...	(1,181)38640
Kulilouou Stream, Hawaii, HI.....	...	38650
Palai Stream, Hawaii, HI.....	...	38660
Waiakoa Stream, Hawaii, HI.....	...	38670
Indian/Dry Creek, Cedar Rapids, IA.....	...	38680
Red Creek, Muscatine, IA.....	...	38700
Red Oak Creek, Red Oak, IA.....	...	(88)38710
Minneago River, Mason, City, IA.....	...	(66)38720
Meredosia, IL.....	...	(2,078)38730
White River, Anderson, IN.....	...	38740
Eureka Creek, Manhattan, KS.....	...	38760
Red Duck Creek, Mayfield, KY.....	...	38780
Bayou Choupique, St Mary Parish, LA.....	...	38790
Bayou Queue de Tortue, Vermillion Parish, LA.....	...	38800
Peilist Basin, Barataria, LA.....	...	38810
Rosethorn Basin, LA.....	...	38820
Blackwater River, Lafayette Parish, LA.....	...	(3,454)38830
Elkton, MD.....	...	38840
Aberjona River, Winchester, MA.....	...	38850
North River, Peabody, MA.....	...	(86)38860
Adelphi, MA.....	...	(394)38870
Montevideo, MA.....	...	(76)38880
McKinney Bayou, Tunica County, MS.....	...	38890
Blacksnake Creek, St. Joseph, MO.....	...	38910
High School Branch, Measho, MO.....	...	38920
Little River Diversion, Dutchman, MO.....	...	(187)38940
Jackson Brook, Morris County, NJ.....	...	38950
Platte River, Fremont, NE.....	...	38960
Hill Brook, Highland Park, NJ.....	...	38970
Pennsville, NJ.....	...	(1,968)38980
Poplar Brook, Deal and Ocean Township, NJ.....	...	(492)38990
Upper Passaic River and Tributaries, Long Hill Hatch, NJ.....	...	(690)39010
Fumer Creek, NY.....	...	39020
Limestone Creek, Fayetteville, NY.....	...	39030
Hoyer Creek, NY.....	...	(1,478)39040
Steel Creek, NY.....	...	(2,958)39050
Mehopston, ND.....	...	(98)39060
Findlay, OH.....	...	(98)39070
Ottawa, OH.....	...	(787)39080
Beaver Creek & Tribs, Bristol, TN.....	...	(187)39090
First Creek, Knoxville, TN.....	...	(98)39100
Sandy Creek, TN.....	...	(1,278)39110
Farmers Branch, Tarrant Count, TX.....	...	(3,841)39120
Pacan Creek, Gainesville, TX.....	...	(492)39130
WV Statewide Flood Warning System, WV.....	...	4,766 39200
MITIGATION OF SHORE DAMAGES (SECTION 111)	...	(243)39200
Camp Ellis Restoration Project, ME.....	...	(286)39400
Hattituck Harbor, NY.....	...	7,380 39600
NAVIGATION PROGRAM (SECTION 107)	477	(244)39620
Kahoolawe Harbor, Kahoolawe, HI.....	...	39640
Port Fourchon Extension, Lafourche Parish, LA.....	...	39650
Bucka Harbor, ME.....	...	39660
Hattituck Harbor, Hicomico, MD.....	...	39670
Rhodes Point, MD.....	...	39720
St. Jerome's Creek, St. Marys County, MD.....	...	(116)39740
Woods Hole, Great Harbor, Woods Hole, MA.....	...	39750
Northwestern Michigan, Traversa City, MI.....	...	39760
Ontonagon Channel Extension, MI.....	...	(493)39800
Yazoo Diversion Canal, MS.....	...	(187)39820
Hampton Harbor, MS.....	...	(187)39840
Olcott Harbor Breakwater, NY.....	...	(820)39860
Charleston Breachway and Inlet, RI.....	...	28,820 40600
PROJECT AIDS FOR ENVIRON. (SECTION 1135)	11,180	40810
Lower Cache Restoration, AR.....	...	40820
Bull Creek Channel, CA.....	...	40830
Tujunga Reach Environmental Restoration, CA.....	...	(492)40840
Oyster Revitalization, in the Delaware Bay, DE.....	...	(770)40850
Trinity's Key Beach, FL.....	...	(884)40860
Kanawha River Wildlife Sanctuary Restoration, HI.....	...	40880
Kaunakakai Stream Environmental Restoration, HI.....	...	(4,034)40890
Kamaulani Marsh Restoration, HI.....	...	...

CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	AMENDED BILL
Indian Ridge Marsh, Chicago, IL.....	...	40700
Lake Shelbyville, IL.....	...	40710
Spunky Bottoms, IL.....	...	40720
Charlton River, Bathbun Lake Watershed, IN.....	...	40730
Rathbun Lake, South Fork Restoration, IA.....	...	40735
Anite River Diversion Canal Bank Gapping, LA.....	...	40740
Bayou Bastard, Monroe, LA.....	...	40750
Lake Fausse Pointe, Iberia Parish, LA.....	...	40760
Lake St. Joseph, Tensas Parish, LA.....	...	(70)40770
Hart-Hillier Island, MD.....	...	40780
Broad Meadows Marsh, Quincy, MA.....	...	(2,391)40790
Sea Lemprey Barrier Program, MI.....	...	(583)40800
Duck Creek Conservation Area, Stoddard County, MO.....	...	40810
Assumpink Creek, Trenton, NJ.....	...	(492)40820
Linoaln Park West, Ecosystem Restoration Study	...	40825
Lower Assumpink Creek, NJ.....	...	40827
Modocai Inland Coastal Wetland Restoration, NJ	...	40830
Pine Mount Creek, NJ.....	...	40840
Pond Creek Salt Marsh Restoration, Cape May Co	...	40850
Rehway River, Rahway, NJ.....	...	40860
Pueblo of Santa Ana Aquatic Restoration, NM.....	...	40870
Route 86 Environmental Restoration, Albuquerque	...	40880
Northport Harbor, Huntington, NY.....	...	(187)40890
Sokes Creek, NY.....	...	40890
Spring Creek, NY.....	...	40910
Joe Creek Restoration, OK.....	...	(202)40920
J. Percy Prilest, TN.....	...	(285)40930
O.C.Fisher Lake, TX.....	...	40940
Lake Champlain Lemprey Barriers, VT.....	...	40960
Village of Oyster, Northhampton County, VA.....	...	40980
Mapes Creek Restoration, WA.....	...	41000
SHORE PROTECTION PROGRAM (SECTION 103)	422	4,428 41600
Goleta Beach, CA.....	...	41700
Tarpon Springs, FL.....	...	(1,058)41800
Philadelphia Shipyard See Wall, Philadelphia, PA	...	(2,785)41900
SNAGGING AND CLEARING (SECTION 208)	10	42800
DAM SAFETY AND SEEPAGE/STABILITY CORRECTION PROGRAM.....	39,000	38,376 43600
ORDERED MATERIAL DISPOSAL FACILITIES PROGRAM (DMDF)	...	8,109 44600
Dillingham Harbor, AK.....	...	(206)44700
Hoser Harbor, AK.....	...	(541)44800
Savannah Harbor, GA.....	...	(2,673)44900
Calcasieu River and Pass, LA.....	...	(1,968)45000
Georgetown Harbor, MI.....	...	(1,082)45100
Grand Haven Harbor, MI.....	...	(123)45200
St. Clair River, MI.....	...	(123)45300
Charleston Harbor, SC.....	...	(1,181)45400
Green Bay Harbor, WI.....	...	(123)45500
EMPLOYEES COMPENSATION	21,000	20,664 45600
ESTUARY RESTORATION PROGRAM (PL 106-487)	5,000	46800
INLAND WATERWAYS USERS BOARD - BOARD EXPENSE.....	40	39 47600
INLAND WATERWAYS USERS BOARD - CORPS EXPENSE.....	185	162 48600
REPROGRAMMING PAYBACKS	...	14,760 50600
SUBTOTAL FOR NATIONAL PROGRAMS.....	108,825	219,800 51600
USE OF PRIOR BALANCES.....	...	-7,900 53600
TOTAL.....	1,523,000	2,294,028 54600

*Santa Ana River mainstem, California.*—Funding in addition to the budget request for this project is included to continue studies to ascertain the nature and extent of water quality degradation in the Santa Ana River resulting from the construction and operation of Seven Oaks Dam and to amend the Seven Oaks Dam water control plan in light of current conditions and requirements.

*American River Watershed (Folsom Dam Miniraise), California.*—Within the funds provided for this project, \$14,000,000 is for completion of the bridge.

*Dade County (Miami-Dade), Florida.*—The Appropriations Committees are aware of the ongoing study by the Corps to determine the availability of a domestic source of sand for the Miami-Dade Project, which was directed and funded by the Appropriations Committees in fiscal year 1999. The Committees continue to have concerns over the lack of finalization of this study and thereby direct the Corps to identify a compatible sand source for the project using previously appropriated funds no later than March 1, 2008.

*Modified Waters Delivery Plan, Florida.*—The Appropriations Committees recognize the national importance of this project, but are concerned about the open-ended scope and the increasing costs for the Corps participation in this project.

When the project was authorized in 1989, the plan was to utilize the culverts under the Tamiami Trail to provide the needed flows to Everglades National Park. The next plan was a 3,000 foot opening in the Tamiami Trail. Now various bridge options are being considered.

Another option under consideration is raising the water level in the L-29 canal, utilizing the culverts to provide the flows and raising the low spots on the Tamiami Trail. The Appropriations Committees are concerned that this constantly changing endpoint for completion of Mod Waters is delaying the Corps from undertaking critical Everglades restoration projects authorized under the Comprehensive Everglades Restoration Plan.

Funds provided for Everglades restoration include \$9,840,000 for this project in fiscal year 2008. This is the Corps' full stated capability and is based on the apparent disarray in determining exactly what will be accomplished in fiscal year 2008. The Corps is directed to use this funding to improve flows through the culverts under the Tamiami Trail. Any use of these funds for other activities requires a reprogramming request and House and Senate Appropriations Committee approval. Within 90 days of enactment, the Corps is directed to submit to the House and Senate Committees on Appropriations its plan for completion of its role in the Modified Waters Delivery Plan, providing a final project scope and identifying, not only Corps funding requirements, but also corresponding contributions from the Department of Interior and State of Florida.

To most effectively utilize the funding provided to the Corps of Engineers for the Modified Waters Delivery project in fiscal year 2008, the Committees on Appropriations expect that the Department of Interior will provide funding to match or exceed that provided to the Corps this fiscal year. The Committees further expect that the Department of Interior share of the project costs will not be provided in the form of in-kind services or credit for work previously performed.

*Olmsted Locks and Dam, Ohio River, Illinois and Kentucky.*—Neither funds provided for the Olmsted Locks and Dam Project nor funds available within this account are available to reimburse the Claims and Judgment Fund.

*Muddy River, Boston, and Brookline, Massachusetts.*—Funding is included to continue project design and construction, including ecosystem restoration features, of the Muddy River Project in Brookline and Boston, Massachusetts.

*Upper Mississippi Restoration, Illinois, Iowa, Minnesota, Missouri and Wisconsin.*—Funding included for this activity shall be available only to continue ongoing design and construction projects and shall not be available to initiate new construction projects.

*Missouri Fish and Wildlife Recovery, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota and South Dakota.*—Within the funds provided, the Corps is directed to make modifications to the Intake Dam to provide additional habitat for the pallid sturgeon. *Southeast Louisiana project, Louisiana.*—No funding is provided for this project. It is the understanding of the Appropriations Committees that legislation and funding will be proposed in the forthcoming Administration supplemental request.

*Bois Brule drainage and levee district, Missouri.*—Funding is provided for continuing work related to this project. Legislative text is included in the bill that reallocates the unexpended balance of \$597,000 from the terminated continuing authorities project at Bois Brule, Missouri.

*Townsends Inlet to Cape May Inlet Hurricane and Storm Protection Project, New Jersey.*—Within the funds provided, \$65,000 is available to evaluate the use of periodic backpassing of sand as part of the Townsends Inlet to Cape May Inlet shore protection project.

*Atlantic Coast of NYC, Rockaway inlet to Norton Point, New York.*—Funding is provided for continuing work related to this project. Further, legislative text is included in the bill that reallocates the unexpended balance of \$881,000 from engineering and design activities that are complete.

*Lake Sakakawea, North Dakota.*—The original health care facility for the Three Affiliated Tribes was permanently inundated due to the impoundment of Lake Sakakawea. A replacement health care facility was promised but never constructed. Legislative text has been included in the bill that directs the Corps to construct this replacement facility. Funding is provided in the amount of \$2,952,000 for design of the replacement health care facility. The Corps should work closely with the Indian Health Service and the Three Affiliated Tribes on the design and construction of this facility. The Corps is directed to utilize the expertise in their military programs office for this project.

*North Dakota (Environmental Infrastructure), North Dakota.*—Funding provided under this heading includes \$5,904,000 for work related to the replacement of the Devils Lake Water supply pipeline. Legislative text is included in the bill that reallocates the unexpended balance of \$4,972,000 from the Devils Lake outlet to this project.

*Cheyenne River Sioux Tribe, Lower Brule Sioux, South Dakota.*—The Appropriations Committees note that title IV of the Water Re-



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

CECW-I

MAR 11 2008

MEMORANDUM FOR Commanders, Major Subordinate Commands, Districts, and Separate Field Operating Activities

SUBJECT: Engineer Circular for Civil Works Execution, Fiscal Year (FY) 2008

1. The enclosed subject Engineer Circular (EC) provides guidance on the execution of the Civil Works Fiscal Year (FY) 2008 Program and incorporates changes resulting from the Energy and Water Development Appropriations Act, 2008 (E&WDAA 08) (PL 110-161), and the accompanying Joint Explanatory Statement.

2. The EC is relevant to the entire Civil Works Program as appropriate in the E&WDAA 08. I encourage Commanders to give this their personal attention. It needs to be read and understood by all who contribute to the success of our Program. Our success is dependent on the entire team pulling in the same direction. There are a number of important points of emphasis concerning this EC.

a. The EC contains new reprogramming rules as set forth by law.

b. Schedule all available funds, including carry-in that has been allotted to your items of work. Funds that cannot be obligated in FY 2008 are scheduled as carryover.

c. The EC emphasizes the importance of network schedules and their integration with the obligation schedules. The network schedules are essential to the Project Management Business Process and the successful prosecution of our work. A date of 29 Feb 08 was established for a "lock-in" of baseline schedules, which set expectations and measure performance. This date was reflected in earlier drafts and widely publicized throughout the organization. All schedules will reflect a reasonable assessment of risk and its impact to the schedule.

d. The EC contains an appendix dedicated to the management of the Continuing Authorities Program. There are a number of changes in this area as we continue to improve our management of this important program.

CECW-I

SUBJECT: Engineer Circular for Civil Works Execution, Fiscal Year (FY) 2008

e. The Expenses, Regulatory, Flood Control and Coastal Emergency, and Formerly Utilized Sites Remedial Action Program appropriations will be scheduled and managed in P2.

f. The Expenses appropriation is allocated by labor, non-labor, and program account so that we may better manage and maximize our Full Time Equivalents.

3. In these times of tight budget constraints, I remind you of the importance of "doing what we said we would do." The amount of carryover funds in the Civil Works Program the past year has raised the interest in our Appropriations Subcommittee. We must concentrate on executing our Program and projects within all the funding available to us. Your scheduled carryover will be a point of emphasis and discussion throughout the year as we strive to lower our current carryover to a manageable and defensible level.

4. My point of contact is the Programs Integration Division Chief, Mr. Gary Loew.

FOR THE COMMANDER:

Encl  
as



DON T. RILEY  
Major General, USA  
Director of Civil Works



CECW-I

Circular  
No. 11-2-192

7 March 2008

EXPIRES 30 September 2008  
Programs Management  
EXECUTION OF THE ANNUAL CIVIL WORKS PROGRAM

1. Purpose. This Circular provides United States Army Corps of Engineers (USACE) program and project management policies and practices to ensure that execution of the Fiscal Year (FY) 2008 Civil Works Program is conducted in accordance with the Energy and Water Development and Related Agencies Appropriations Act, 2008 (FY 2008 E&WDAA), direction in the Joint Explanatory Statement and House and Senate Appropriations Committee reports accompanying the Act, and Administration policies. This document provides guidance and is not to be construed as an official legal opinion regarding any particular item in Act language or accompanying reports.

2. Applicability. This Circular applies to all USACE elements having Civil Works responsibilities and is applicable to all USACE Civil Works activities. This guidance is effective immediately, and supersedes all other reprogramming guidance included in ER 11-2-201. District and Division offices shall inform CECW-I of any problems with the implementation of this guidance.

3. Objective. The objective for the execution of the FY 2008 Civil Works Program is to execute the Civil Works program effectively and efficiently, consistent with the FY 2008 E&WDAA, Committee report guidance, and Administration policies. Execution performance measurement will be based on development of accurate network analyses and milestone, obligation, and expenditure schedules and the execution of both the account (fiscal) and work activities scheduled (physical).

4. References.

- a. ER 5-1-11, Management, USACE Business Process.
- b. ER 37-2-10, Financial Administration - Accounting and Reporting - Civil Works Activities.
- c. CEPR-ZB memorandum, 22 Mar 06, subject: PARC Instruction Letter (PIL) 2006-05, Continuing Contracts and Incrementally Funded Contracts for Fiscal Year 2006.
- d. CECW-IP memorandum, 1 May 06, subject: Continuing Contracts for Operation and Maintenance Work.
- e. ER 1105-2-100, Planning - Planning Guidance Notebook.
- f. Chief of Staff, FY 2008 Presidents Budget Justification Statement, 5 February 2007.
- g. CECW-CP memorandum, 30 Mar 07, subject: Peer Review Process.
- h. CEPR-ZA memorandum, 17 Sep 05, subject: Request for Approval of Incrementally-Funded Contracts Clause.
- i. ER 11-1-321, Army Programs Value Engineering.

- j. House Report 110-185.
- k. Senate Report 110-127.
- l. House Report 110-497, Joint Explanatory Statement accompanying Pub. L. 110-161.
- m. Energy and Water Development and Related Agencies Appropriations Act, 2008, Pub. L. 110-161, Division C, 121 Stat. 1940 (2007).
- n. Memorandum, CECW-HS, 23 Jan 08, subject: Guidance for the Prioritization of Fiscal Year (FY) 2008 Levee Safety Program Inspection Funds.

5. Definitions. For definitions see Appendix A.

6. Scheduling.

a. Network Schedules. Project Managers are to create and maintain network analysis schedules for their projects in P2. These schedules must have appropriate activities with accurate resources, durations, successor, predecessor, lead, and lag relationships and milestones and, be reflective of the FY 2008 appropriations provided as well as carry-in funds available to their project. Project managers should base the network schedules on their best assessment of what is achievable within their project's fiscal means and must reflect an analysis of the risks and opportunities facing the project. The project network schedules will form the foundation for accurate and realistic milestone, obligation, and expenditure schedules that will be measured in Project and Program Review Boards (PRB) at all organizational levels. Districts should baseline their projects in P2 Primavera Project Manager consistent with the baseline ("lock") which HQUSACE will establish in P2 OFA.

b. Obligation and expenditure schedules. Obligation and expenditure schedules will be developed in P2 and will be consistent with and linked to the projects' network schedules. Performance will be evaluated on the execution of what is scheduled. For fully funded contracts, the obligation schedule should include sufficient funding required in the month of the scheduled contract award to cover the full contract amount. For contracts with a continuing contracts clause or incremental funding clause, the obligation schedule should include sufficient funding to cover the Government estimate of contractor earnings for FY 2008. The expenditure schedules should account for anticipated payment of the government estimate of contractor earnings. Planned obligations (including contract amount and in-house labor) may not exceed the sum of the amount allocated to the project in FY 2008, carryover funds for that project, and any approved reallocations or reprogrammings. In support of the obligation and expenditure schedule, the scheduled contract award milestones must be included in P2.

c. Scheduling carryover. All funds must be scheduled for FY 2008 execution or for carryover. Project Managers should carefully plan the execution of their projects to avoid carryover whenever possible. After basic schedules are established, Districts will be asked to provide data on the principal reasons for all carryover exceeding the following thresholds: I and MR&T I: \$100,000; C and MR&T C: \$1,000,000; O&M and MR&T M: \$200,000; and FC&CE: \$1,000,000. Districts will use the "Reasons for Scheduled Carryover in Basic Schedules" data entry form in P2-OFA to enter one of the following five reasons for each project with carryover exceeding the applicable threshold. In the same data entry form, districts also will identify the amount of carryover that will never be needed for the project. Suspense for completion of the data entry form is 6 March 2008. The associated report will be used as a diagnostic tool to develop methods and policies to reduce carryover in future years. The five reasons are:

(1) Carried-in funds exceeded stated capability or otherwise could not have been used in the current FY.

(2) Funds provided for the current FY exceeded stated capability or otherwise could not have been used in the current FY. Most of the funds scheduled for carryover are funds that the Committees

provided for FY 2008 in excess of the final stated capability, or restricted in Act or committee language such that they could not have been obligated in the current fiscal year, or provided in a funding increment that, based on the final stated capability and capability increments presented to the Committees, could not have been contracted or used for a useful increment of work.

(3) Basic schedule reflects already-changed conditions that affected current FY capability such that funds cannot be used in the current FY. Most of the funds scheduled for carryover no longer can be obligated due to changed conditions that occurred since the final stated capability and prior to establishment of the basic schedule. These conditions could involve non-Federal partnering, cost changes, legal or policy constraints, or bidding, contracting, or other execution issues.

(4) Basic schedule reflects expected changes in future conditions that affect current FY capability such that funds cannot be used in the current FY. Most of the funds scheduled for carryover no longer can be obligated due to changes in conditions expected to occur after the date the basic schedule is established. These conditions could involve non-Federal partnering, cost changes, legal or policy constraints, or bidding, contracting, or other execution issues.

(5) There was a business decision to carry over funds to finance in-house costs for fully funded contracts or otherwise ensure effective prosecution of work.

d. The network analysis milestones, obligation and expenditure schedules are baselined ("locked") in P2 OFA as of 29 February 2008.

7. Execution. See Appendices A, H, N, and O. For specific accounts and programs, see Appendices I through M.

a. Assignment of P2 Program Codes and CEFMS work items. Assignment of a proper program code in P2 must be completed prior to issuance of any work allowance. The Program Code field will be used to store the Congressional line-item identifier. The associated P2 Program Code Description field will contain the "official" project name such as shown in the authorizing legislation. Only those Program Codes which are on the list of valid values in P2 can be selected. All P2 projects that are associated with a historic AMSCO / CWIS / PWI should populate the Program Code field in P2 with the AMSCO / CWIS / PWI number. Projects that are initiated in P2 and are not associated with a historic AMSCO / CWIS / PWI project (i.e. new projects), will still use a Program Code assigned from a Program Code list established by HQUSACE. The new Program Code will be the same as the P2 Project Number for the new project. See Appendix N for additional information. All CEFMS transactions involving Civil Works funds 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.

b. Work Allowances. See Appendices A and O.

(1) Work allowances are issued by CECW-I in P2 to ensure that the funds appropriated by Congress are used for the purposes intended by Congress (31 U.S.C. 1301). The actual funds distribution document is the Funding Authorization Document (FAD) and is issued by the Resource Management Directorate. Work allowances are the work authorization documents that link the amount of funds available for obligation and expenditure under the FAD for each P2 Program Code. The combination of the FAD and Work Allowance provides authority and funding for the requested work.

(2) Allocation of Work Allowances. Work allowances will be allocated by the Account Managers in CECW-I by specific P2 Program Code for the I, C, MR&T, O&M, FUSRAP, and FCCE accounts. For the I, C, MR&T and O&M Accounts, each P2 Program Code with an amount identified in the tables in the Joint Explanatory Statement will receive that amount. For other appropriations, see their respective appendices. However, where a table identifies an amount for a line item (such as a Remaining Item) that does not itself receive a work allowance, work allowances will be issued to the P2 Program Codes funded from that line item.

(3) Work allowances for the Inland Waterways Trust Fund (IWTF) and the corresponding Construction account work allowances for IWTF projects will be issued in increments on a quarterly basis. Obligations toward continuing or incrementally funded contracts funded from the IWTF must be limited to a quarterly work allowance amount, based on expected earnings for each quarter, and the obligation schedule should be developed accordingly. See paragraph 9.e.

(4) Peer Review. In accordance with reference 4.g., the initial work allowance will NOT be issued for any study leading to authorization (except for the funds needed to complete a peer review plan) unless and until the peer review plan is posted and approved by the MSC on the HQUSACE website.

c. Reconciliation. If funds already obligated on a project during the Continuing Resolution exceed the amount finally allotted to the project in work allowances and FADs, reconciliation will be required. While the subcommittees will be notified of the action, the reconciliation is not a reprogramming action. **Divisions are responsible for identifying funds to enable reconciliation of their projects.**

d. Value Engineering.

(1) Value Engineering Workshops will be performed for all water resources projects and portions thereof with total project costs greater than or equal to \$2 million as defined in reference 4.i. Only the MSC Commander may waive this requirement for projects with costs between \$2 million and \$10 million. For projects with costs greater than \$10 million, only HQUSACE (CECW-CE) can waive the requirement. HQUSACE does not anticipate approving any waivers to this requirement during FY 2008. A workshop will be performed:

(a) in the Feasibility phase, preferably prior to final alternative selection;

(b) for Post Authorization Change Reports, Limited Reevaluation Reports, General Reevaluation Reports, after data collection/before economic analysis;

(c) for Detailed Design Reports after cost estimates; and

(d) for Plans and Specifications before 35 percent design.

(2) Value Engineering Workshops will be performed for all FUSRAP projects and portions thereof during the Feasibility Study. Only HQUSACE may waive this requirement.

(3) Value Engineering Workshops will be performed for work for others unless waived in writing by the customer placing the reimbursable order.

(4) The milestones for Value Engineering must be included in P2 and will be tracked by the Districts.

e. Execution Metrics. Execution performance measurement will be based on development of accurate network analyses and obligation and expenditure schedules and the execution of both the account (fiscal) and work activities scheduled (physical). The Project Manager shall 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 2008. This is required in order to assess execution by business program. Primary Business Program is a mandatory data field which is entered in Oracle Projects 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. The Civil Works FY 08 milestone, obligation, and expenditure Metric Guidance, including the list of Major Milestones and Leading Indicators, is provided in Appendix H.

8. Reprogramming and Reallocation. See Appendices A through E, I, N, and O.

a. General. Definitions in Appendix A are key. Note that not all work to be undertaken as a result of FY 2008 E&WDAA is a Program, Project, or Activity (PPA). Movement of funds to or from a PPA is a "reprogramming;" however, the movement of funds within a PPA that is not to or from a PPA is a "reallocation." **Where a PPA is not a P2 project and did not receive a work allowance, movement of funds into or out of the PPA within the CEFMS register for the parent project nonetheless is a reprogramming.**

(1) Section 101(a) of the FY 2008 E&WDAA establishes legal limits with respect to the reprogramming of Civil Works funds to or from PPAs. Implementation of these is discussed in paragraphs 8.b. and 8.c. These limitations apply to all appropriations in FY 2008 E&WDAA, and to all carryover funds remaining from previous Civil Works appropriations and carried into FY 2008.

(2) In situations where there is uncertainty on application of the reprogramming or reallocation definitions, limits, or policies in this Circular, involve the vertical team through the MSC, RIT, and CECW-I Account Manager.

b. Reprogramming Prohibitions.

(1) Funds may not be reprogrammed in order to start a new start PPA. See Appendix A for definitions of "new start" and "PPA." **This is an absolute prohibition in section 101(a)(1) of the FY 2008 E&WDAA.** In accordance with section 101(b) of the FY 2008 E&WDAA, CAP projects are exempt from this legal prohibition (however, see the policy prohibitions on initiating CAP projects elsewhere in this EC, including Appendix I). The prohibition does not apply to reallocating funds to a sub-item of a PPA that is not a PPA, or to reprogramming funds to a PPA that previously has received an allocation.

(2) Funds may not be reprogrammed from a PPA to eliminate the PPA. **This is an absolute prohibition in section 101(a)(2) of the FY 2008 E&WDAA.** This means that some, but not all, funds may be reprogrammed from an uncompleted PPA. The prohibition does not apply to reallocating funds from a sub-item of a PPA that is not a PPA, or to reprogramming funds from a PPA that is completed; however, the restrictions in paragraph 8.c. still apply.

(3) Funds for which the amount is specified in Act language may not be reprogrammed. In addition, depending on the wording of the Act language, funds may not be reprogrammed to a project for which the Act for that fiscal year specifies the amount.

c. Reprogramming Restrictions. Sections 101(a)(3) through 101(a)(10) of the FY 2008 E&WDAA establish limitations on reprogramming to or from PPAs. Exceeding the limitations requires prior written notification by the Assistant Secretary of the Army (Civil Works) to the House and Senate Appropriations Subcommittees for Energy and Water. After coordination with the Subcommittees, HQUSACE will provide notification that the proposed reprogramming has been approved, and will enter the transaction in P2.

(1) Absent notification by the ASA(CW) to the committees, USACE shall not initiate a reprogramming to a PPA that increases funds or personnel for the PPA, if funds for the PPA have been denied or restricted.

(a) "Denied" refers to:

(1) Any PPA where the funds are expressly denied in the Act, or in the narrative language of the Joint Explanatory Statement or House and Senate Reports if not superseded by the Joint Explanatory Statement such as "None of the funds available within this account are available to reimburse the Claims and Judgment Fund," or

(2) Any PPA that is listed in a table within the Joint Explanatory Statement and provided \$0. A blank does not equal \$0. Omission of a PPA from a table should not be considered a denial unless the project or activity is also expressly denied funding in the Act or in the narrative language of the Joint Explanatory Statement or committee report.

(b) "Restricted" refers to express funding limits in the Act, or in the narrative language contained in the Joint Explanatory Statement, or House and Senate Reports if not superseded by the Joint Explanatory Statement, such as "Within the funds provided, the conferees direct that not more than \$xxx shall be provided..." However, if the language stipulates simply, "Within the funds provided \$xxx is provided to...", or "The conference agreement includes \$xxx, of which \$yyy is to ...." these phrases are not to be read as "restrictions."

(2) Absent notification by the ASA(CW) to the committees, USACE shall not initiate a reprogramming from a PPA of funds for which the Joint Explanatory Statement or either the House or Senate Report specified a purpose. This means that if narrative language directed how the funds provided for a PPA are to be used, or how any portion of such funds is to be used, the funds, or the affected portion thereof, may not be reprogrammed from the PPA absent notification by the ASA(CW). This restriction applies even when funds are excess to the needs for a specific PPA.

(3) Absent notification by the ASA(CW) to the committees, USACE shall not initiate a reprogramming that augments or reduces an existing PPA in excess of the limits outlined below. Except as noted, reprogramming authority up to these limits is assigned to the MSC but may be further delegated to the District. Any reprogramming that would exceed these limits must be submitted through the MSC to the RIT for coordination, through the ASA(CW), with the Energy and Water Subcommittees and subsequent final approval by the HQUSACE account manager. See Appendix B for the processing and approval levels for reprogramming actions. See Appendix E for examples of reprogramming limit calculations. The goal is to process only one action per FY per PPA that requires notification of the Subcommittees for Energy and Water. All proposed reprogramming requests that will require congressional notification should include a draft letter for signature by the ASA(CW) (see Appendix C) and a reprogramming data sheet (see Appendix D). Contact CECW-I for an Excel spreadsheet following this template.

(a) Investigations and MR&T Investigations.

(1) For a PPA with a baseline of more than \$100,000, except in the case of a receiving PPA for which no funds were specified in the Act or Joint Explanatory Statement tables, the cumulative amount of reprogrammings is limited to 25 percent of the baseline up to a maximum of \$150,000.

(2) For a PPA with a baseline of no more than \$100,000, except in the case of a receiving PPA for which no funds were specified in the Act or Joint Explanatory Statement tables, the cumulative amount of reprogrammings is limited to a maximum of \$25,000.

(3) For a receiving PPA for which no funds were specified in the Act or Joint Explanatory Statement tables, but to which funds otherwise may be reprogrammed legally (e.g. it is not a new start), any reprogramming into the PPA must be for existing obligations and associated administrative expenses, and the cumulative amount of reprogrammings into the PPA is limited to a maximum of \$25,000. Each reprogramming into such a receiving PPA requires the approval of CECW-I, even if it meets these limits.

(b) Construction and MR&T Construction.

(1) For a PPA with a baseline of more than \$2,000,000, except in the case of a receiving PPA for which no funds were specified in the Act or Joint Explanatory Statement tables, the cumulative amount of reprogrammings is limited to 15 percent of the baseline up to a maximum of \$3,000,000.

(2) For a PPA with a baseline of no more than \$2,000,000, except in the case of a receiving PPA for which no funds were specified in the Act or Joint Explanatory Statement tables, the cumulative amount of reprogrammings is limited to a maximum of \$300,000.

(3) For a receiving PPA for which no funds were specified in the Act or Joint Explanatory Statement tables, but to which funds otherwise may be reprogrammed legally (e.g. it is not a new start), any reprogramming into the PPA must be for existing obligations and associated administrative expenses, and the cumulative amount of reprogrammings into the PPA is limited to a maximum of \$300,000. Each reprogramming into such a receiving PPA requires the approval of CECW-I, even if it meets these limits.

(4) Notwithstanding (b) (1) through (b) (3) directly above, a maximum cumulative amount of \$3,000,000 may be reprogrammed into a PPA for settled contractor claims, changed conditions, or real estate deficiency judgments. HQUSACE must be apprised of all these actions. The limit under this paragraph is separate from the limits under (b) (1) through (b) (3) above.

(c) Operation and Maintenance and MR&T O&M.

(1) For a PPA with a baseline of more than \$1,000,000, except in the case of a receiving PPA for which no funds were specified in the Act or Joint Explanatory Statement tables, the cumulative amount of reprogrammings is limited to 15 percent of the baseline up to a maximum of \$5,000,000.

(2) For a PPA with a baseline of no more than \$1,000,000, except in the case of a receiving PPA for which no funds were specified in the Act or Joint Explanatory Statement tables, the cumulative amount of reprogrammings is limited to a maximum of \$150,000.

(3) For a receiving PPA for which no funds were specified in the Act or Joint Explanatory Statement tables, but to which funds otherwise may be reprogrammed legally (e.g. it is not a new start), the cumulative amount of reprogrammings into the PPA is limited to a maximum of \$150,000. Each reprogramming into such a receiving PPA requires the approval of CECW-I, even if it meets these limits.

(4) No limit is placed on a reprogramming that is required in order for USACE to be able to respond to emergencies. See Appendix A for the definition of an emergency. Notification of both the House and Senate Appropriations Subcommittees for Energy and Water must be coordinated with the MSC, RIT, and CECW-I immediately after an emergency reprogramming. Reprogrammings for emergencies do not count toward the limits in paragraphs (c) (1) through (c) (3) directly above.

(d) Formerly Utilized Sites Remedial Action Program. The cumulative amount of reprogrammings into a receiving PPA is limited to a maximum of 15 percent of the baseline.

d. Inspection of Completed Works (ICW) Reprogramming Limitations. In accordance with reference 4.n., ICW funds are limited to ICW activities only. Reprogramming of ICW funds within a MSC's region is permissible from one state to another within the limitations above. All unobligated ICW funds scheduled for carryover are subject to revocation by HQs to meet nationwide needs.

e. Documentation of each field reprogramming action must be loaded into the Work Allowance Module in P2/OFA to ensure that quarterly reports to Congress and other reports on reprogramming are accurate. Reallocations that move funds between EROCs, Type of Funds (Approp/CCS), or Program Codes (AMSCO) must also be loaded into P2/OFA. Accurate descriptions explaining the use of the funds on the gaining project or activity, and the reason the funds are excess to the source project or activity must be included in the P2/OFA Work Allowance Module. Actual transfer of funds in CEFMS will not be accomplished until receipt of reprogramming approval through an email confirmation from P2/OFA.

f. Reprogramming Payback. Funds may not be reprogrammed from a PPA that receives an allocation from the Reprogramming Payback line item in the C or I account without the approval of HQUSACE. The intent of these funds is the reduction and/or elimination of USACE's commitments to restore prior year reprogramming actions. If funding is identified which cannot be used for this purpose, it should be fully coordinated through the MSC to the RIT for decision and action at HQUSACE.

g. Source of Funds for Reprogramming. Each reprogramming action shall be treated as a one time transaction with no commitment or expectation to return funds to the source project or activity. Priority for use of excess funds will be determined by the Regional Business Center in coordination with the MSC RIT and CECW-I. USACE is prohibited by law from reprogramming funds that are specified in law, including reprogramming funds among the various Continuing Authorities Programs for FY 2008. In identifying source funds for a proposed reprogramming action, the following priorities should be examined first:

(1) Funds that are excess and not required for the source PPA in any fiscal year.

(2) Funds that are excess and not required for the source PPA in FY 2008 or FY 2009, assuming enactment of the President's FY 2009 budget.

9. Contracting. See Appendices F and G.

a. Acquisition Strategies. The focus for all FY 2008 acquisition strategies must be to scope project activities in such a way that scheduled FY 2008 activities can be accomplished within available funding. Contracts funded under the C Account and the C portion of the MR&T Account of less than \$10 million should be fully funded. Contracts over \$10 million, and where the performance period extends beyond the end of the fiscal year, may use a fully funded contract under \$10 million with options, an incrementally funded contract, or a contract including the special continuing contract clause or true continuing contract clause if there is a sound business case for use of these continuing contract clauses, and the appropriate approvals are requested in a timely manner and received. For the O&M Account and the O&M portion of the MR&T Accounts, a continuing or incrementally funded contract should be considered only if the performance period extends beyond the end of a fiscal year by more than three (3) months, the contract meets the 5 requirements defined in reference 4.d., and funds are included in the FY 2009 budget for continuation of work.

b. Plan to live within the funds available to the project. Care must be taken in development of the contract scope, the government estimate, and the timing of the contract award, to ensure uncertainties (e.g. escalating energy and material costs, etc.) are adequately included and sufficient funds are available within the District to cover scheduled activities for the fiscal year. The development of contract scopes should incorporate the processes and lessons learned in the Military Program, (that is, develop contract scopes within 80-90 percent of funds available) and should assess the acceptability of other contracting vehicles (i.e., Option Contracts, IDIQ contracts, Job Order Contracts (JOC), Purchase Orders, etc.) to ensure an awardable contract.

c. Fully Funded Contracts and Fully Funded Contracts with Options. Fully funded contracts meeting the criteria in this circular can be awarded without HQUSACE approval. Funds must be available prior to solicitation for the entire contract amount or the base contract amount on Option contracts. Any contracts with options awarded in FY 2008 must be structured such that the base contract and each option will produce a useful increment of work (i.e., increment of work that produces benefits or outputs, and will remain in a safe condition) or navigation reach that will not rely upon additional out year funding to implement. As long as the base contract and each option produce useful increments of work and do not set an expectation of continued federal funding beyond the current fiscal year, the contract may be approved by the District Commander. However, if the scope of the base contract and/or the options is not independently useful and instead creates an expectation of continued federal funding beyond the current fiscal year, the acquisition plan must be approved in advance of solicitation by the ASA(CW).



d. Continuing Contracts. See Appendix G for approval levels. For all contracts using a continuing contract clause or an incrementally funded contract clause, the amount estimated for FY 2008 contractor activities and reserved to the contract must not exceed the amount provided for the project in the FY 2008 appropriations, plus any carryover for that project, and any amounts approved for reprogramming to the project. All funds to be reserved must be available for the project prior to bid opening.

(1) True Continuing Contract Clause: Headquarters does not expect to recommend that the ASA(CW) approve advertisement of any new contracts using the true continuing contract clause in FY 2008.

(2) Special Continuing Contracts. This clause (EFARS 52.232-5003) permits USACE to enter into multi-year contracts while only obligating the government's estimate of contractor earnings for the first fiscal year. This "special" continuing contract clause does not permit the contractor to work beyond the amount reserved and also expressly requires the contractor to stop working when funds are exhausted. For a project to use this clause, it must have funding included in the President's budget for the out years.

(3) Incrementally Funded Contracts. As with the case of continuing contracts, the use of incrementally funded contracts (i.e., contracts using an incrementally funded clause (EFARS 52.232-5004 or DFARS 252.232-7007) must be done carefully and judiciously as part of the acquisition planning process. The incremental funding clauses may be used for projects that do not have funding included in the budget for the out years. The incrementally funded contract scope of work to be funded with FY 2008 funds must produce a useful increment of work (i.e., increment of work that produces benefits or outputs, and will remain in a safe condition) or navigation reach that will not rely upon additional out year funding to implement. So long as the scope of work to be funded in with FY 2008 funds will complete a useful increment of work or navigation reach that does not rely upon additional out year funds to implement, use of the incremental funding clause can be approved by the District Commander. However, the ASA(CW) must approve the use of any incrementally funded contract that does not complete a useful increment of work or navigation reach with funds available to the contract in FY 2008 in advance of solicitation.

e. Inland Waterways Trust Fund Contracts. Until such time that the ASA(CW) determines that sufficient revenues are projected to exist within the Inland Waterways Trust Fund for inland waterway construction projects and rehabilitations:

(1) Prior approval of the ASA(CW) is required to advertise any contract, make a financial obligation under any existing contract, or award any option under an existing contract. Prior to advertising a contract, obligating funds under a contract, or awarding an option an MSC should submit a request to CECW-I. The request should discuss the date of the proposed action, whether the proposed action is funded or budgeted, the relative priority of the proposed action, and the benefits of the action and consequences of deferring the action. HQUSACE will not recommend approval of any proposed IWTF contract that uses the special continuing contract or incremental funding clause.

(2) HQUSACE does not anticipate recommending a contract, option, or obligation that, when added to already-approved contracts, options, and obligations, is not affordable within projected revenues under statutes in effect at the time.

f. Reporting. A quarterly report documenting the status of all existing contracts using the "true" continuing and "special" continuing contract clauses is prepared by CECW-I. The report lists each contract separately, with current year and projected out-year obligation requirements. MSCs will be requested to update contract information quarterly.

g. Contract Solicitation: When the Resource Manager cannot certify that sufficient funds are available at the time of solicitation, AFARS 5101.602-2(a) (ii) 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." Funds must be available at the time of bid opening or proposal receipt

h. Bonneville Power Administration (BPA) Contracts: The use of incrementally funded contracts funded wholly from BPA is approved. See reference 4.h.

10. Implementation. This guidance is effective immediately. District and MSCs shall inform CECW-I of any problems with the implementation of this guidance.

FOR THE COMMANDER:

- 15 Appendices:
- App A - Definitions
- App B - Processing and Approval of Reprogramming Actions
- App C - Appropriations Committee Notification Example for Standard Reprogramming
- App D - Template for Reprogramming Data Sheet
- App E - Calculation of USACE Reprogramming Limits, Examples
- App F - Format for Approval to Award a Continuing Contract
- App G - Conditions and Approval Levels for Use of Contract Clauses
- App H - Execution Metrics
- App I - Continuing Authorities Program
- App J - Expenses
- App K - FCCE
- App L - FUSRAP
- App M - Regulatory
- App N - Use of Program Codes in P2
- App O - P2 Transaction Types for FY 2008



DON T. RILEY  
Major General, U.S. Army  
Director of Civil Works

## APPENDIX A

### Definitions

1. A **program, project, or activity (PPA)** is a water resources project study; a specifically authorized water resources project; an authorized environmental assistance program; a project in the Formerly Utilized Sites Remedial Action Program; a project in the Continuing Authorities Program; work that has received an allocation or sub-allocation in any Act or been directed to be performed in any Act; an item or sub-item appearing in the tables in any Statement of Managers / Conference Report for any fiscal year; or work that has received an allocation or sub-allocation with the tables in any House Report or Senate Report for any fiscal year if not superseded by the applicable Statement of Managers / Conference Report. **A sub-item appearing in the tables is a PPA within a PPA.**
2. A **reconciliation** is the movement of previously allocated or sub-allocated funds to or from a PPA, P2 Program Code, or P2 Project to reconcile the allocations and sub-allocations in a given FY with allotments under the Continuing Resolution Act for that FY.
3. A **reallocation** is a movement of previously allocated or sub-allocated funds that is within a PPA and that is not into or out of a PPA. Movements of funds between study phases and other movements of funds within the same PPA (other than into or out of PPAs within that PPA) are reallocations.
4. A **reprogramming** is any movement of previously allocated or sub-allocated funds into or out of a PPA. **Where a PPA is not a P2 project and did not receive a work allowance, movement of funds into or out of the PPA within the CEFMS register for the parent project nonetheless is a reprogramming.**
5. The **baseline** for a PPA, P2 Program Code, or P2 Project is equal to the unexpended carry-in, plus the amount, if any, identified for that PPA, P2 Program Code, or P2 Project in the Act or in the tables in the Joint Explanatory Statement for FY 2008, plus any additional amount allocated or sub-allocated to that PPA, P2 Program Code, or P2 Project in a work allowance or work allowances for FY 2008. Note that each allocation or sub-allocation increases the baseline of the applicable PPA, P2 Program Code, or P2 Project. This would only occur in very limited situations, such as for some remaining items that fund individual projects. The term is synonymous with the terms **base amount, base level, and base** used within section 101(a) the FY 2008 E&WDAA.
6. The **cumulative amount** is the net value of all reprogrammings into or out of a PPA within one FY. Reprogrammings into and out of a PPA offset each other, at least in part. The cumulative amount is used to determine whether limits for reprogramming have been exceeded. See Appendix B for business rules on limits. See Appendix E for examples.
7. An **emergency** is any event that could threaten public health, safety or the integrity of project features or could cause substantial adverse economic or environmental impacts, as determined by the District Commander and coordinated with the Division Commander.
8. "**for existing obligations and concomitant administrative expenses**", as included in Section 101(a) (6) and (7) of the FY 2008 E&WDAA, means for accomplishing work that was initiated in a prior fiscal year and for the purpose of satisfying existing obligations and associated administrative expenses. An example of satisfying existing obligations is paying in-house labor for costs associated with a fully-funded contract for which performance is still under way. This term applies only if no funds were allocated or sub-allocated to a PPA in FY 2008, and only to Investigations or MR&T Investigations (\$25,000 limit) and Construction and MR&T Construction (\$300,000 limit). See Appendix B.
9. A **new start** is a P2 Program Code that has never received a work allowance in the applicable appropriation account.
10. A **P2 Program Code** is a mandatory field in P2 used to store the unique Congressional line-item identifier. See appendix N.

See also Appendix O.

APPENDIX B

Processing and Approval of Reprogramming Actions for PPA's

	Committee Notification Required?	Who Approves in P2 OFA
Initiate a PPA (move funds into a PPA never before funded in the applicable account)		
Non-CAP	Not Auth.	Not Auth.
CAP	1/	HQ P.M.
Eliminate a PPA (move all funds out of PPA that is not completed)	Not Auth.	Not Auth.
Investigations & MR&T Investigations – limits on cumulative amount reprogrammed to or from a continuing PPA		
If baseline is > \$100,000, except in the case of a receiving PPA for which no funds were specified in the Act or Joint Explanatory Statement tables		
Reprogram > 25% of baseline or > \$150,000	Before	HQ A.M.
Reprogram NTE 25% of baseline and NTE \$150,000		Division 2/
If baseline is up to \$100,000, except in the case of a receiving PPA for which no funds were specified in the Act or Joint Explanatory Statement tables		
Reprogram > \$25,000	Before	HQ A.M.
Reprogram NTE \$25,000		Division 2/
If the case of a receiving PPA for which no funds were specified in the Act or Joint Explanatory Statement tables		
Reprogram > \$25,000 to receiving PPA	Before	HQ A.M.
Reprogram NTE \$25,000 to receiving PPA		
Not for existing obligations & related	Before	HQ A.M.
For existing obligations & related		HQ A.M.
Construction & MR&T Construction – limits on cumulative amounts		
In the case of a receiving PPA, when reprogramming is for settled claim, changed conditions, or real estate deficiency judgment		
Reprogram > \$3,000,000 to PPA	Before	HQ A.M.
Reprogram NTE \$3,000,000 to PPA		Division 2/
In any other case		
If baseline is > \$2,000,000, except in the case of a receiving PPA for which no funds were specified in the Act or Joint Explanatory Statement tables		
Reprogram > 15% of baseline or > \$3,000,000	Before	HQ A.M.
Reprogram NTE 15% of baseline and NTE \$3,000,000		Division 2/
If baseline is up to \$2,000,000, except in the case of a receiving PPA for which no funds were specified in the Act or Joint Explanatory Statement tables		
Reprogram > \$300,000	Before	HQ A.M.
Reprogram NTE \$300,000		Division 2/
In the case of a receiving PPA for which no funds were specified in the Act or Joint Explanatory Statement tables		
Reprogram > \$300,000 to receiving PPA	Before	HQ A.M.
Reprogram NTE \$300,000 to receiving PPA		
Not for existing obligations & related	Before	HQ A.M.
For existing obligations & related		HQ A.M.

O&M and MR&T O&M – limits on cumulative amounts		
When the reprogramming is for an emergency	After	Division 3/
In any other case		
If baseline is > \$1,000,000, except in the case of a receiving PPA for which no funds were specified in the Act or Joint Explanatory Statement tables		
Reprogram > 15% of baseline or >\$5,000,000	Before	HQ A.M.
Reprogram NTE 15% of baseline and NTE \$5,000,000		Division 2/
If baseline is up to \$1,000,000, except in the case of a receiving PPA for which no funds were specified in the Act or Joint Explanatory Statement tables		
Reprogram > \$150,000	Before	HQ A.M.
Reprogram NTE \$150,000		Division 2/
In the case of a receiving PPA for which no funds were specified in the Act or Joint Explanatory Statement tables		
Reprogram > \$150,000 to receiving PPA	Before	HQ A.M.
Reprogram NTE \$150,000 to receiving PPA		HQ A.M.
FUSRAP		
In the case of a receiving PPA, reprogram > 15% of baseline	Before	HQ A.M.
All other cases		Division 2,4/

1/ Sometimes, by policy. HQ program manager approves. See Appendix I.

2/ MSC approves but may delegate approval authority for within-District.

3/ HQUSACE must be apprised and Committees must be notified promptly.

4/ HQUSACE must be apprised.

HQ A.M. = HQ Account Manager

APPENDIX C

Appropriations Committee Notification Example for Standard Reprogramming

Honorable Peter J. Visclosky  
Chairman, Subcommittee on Energy  
and Water Development  
Committee on Appropriations  
United States House of Representatives  
Washington, D.C. 20515-6020

Dear Mr. Chairman:

This letter is to inform you that the Department of the Army plans to reprogram \$XXX,000 of [name account, e.g. Construction] funds to the XXXXXX project from the YYYYYY project.

[Use these sentences if applicable: Thus far in FY 2008, a cumulative net amount of \$BBB,000 has been reprogrammed to the XXXXXX project. With this reprogramming, cumulative net reprogrammings to the XXXXXX project in FY 2008 would be \$CCC,000.] The reprogramming baseline for the XXXXXX project is \$DDD,000. [Use the following sentence if applicable: In accordance with section 101(a)( ) of the Act, prior notification of the House and Senate Appropriations Committees is required for reprogrammings to or from the project that would exceed \$EEE,000 on a cumulative net basis.]

[Use these sentences if applicable: Thus far in FY 2008, a cumulative amount of \$GGG,000 has been reprogrammed from the YYYYYY project. With this reprogramming, cumulative net reprogrammings from the YYYYYY project in FY 2008 would be \$HHH,000.] The reprogramming baseline for the YYYYYY project is \$III,000. [Use the following sentence if applicable: In accordance with section 101(a)( ) of the Act, prior notification is required for reprogrammings to or from the project that would exceed \$JJJ,000 on a cumulative net basis.]

The XXXXXX project was authorized **[explain]**. The additional funds are required for the XXXXXX project to fund **[explain]**. The funds are not required for the YYYYYY project because **[explain]**.

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

Very truly yours,

John Paul Woodley, Jr.  
Assistant Secretary of the Army  
(Civil Works)

CF: Honorable David Hobson  
Ranking Member

APPENDIX D

Format for Reprogramming Data Sheet

	DONOR PROJECT	GAINING PROJECT
APPROPRIATION ACCOUNT		
BUSINESS PROGRAM		
PROJECT NAME		
FY 2008 BASELINE (SUM OF ALLOCATIONS AND UNEXPENDED CARRY-IN)		
PROPOSED REPROGRAMMING AMOUNT		
WHY ARE FUNDS SURPLUS (DONOR); PROPOSED USE OF FUNDS (GAINER)		
IF FUNDS WERE NOT REPROG., IN WHICH FY COULD THE DONOR USE THEM (ASSUME ENACTMENT OF PRES. FY 2009 BUDGET)		
BUDGET HISTORY SINCE FY 2004 (NOT ENACTED HISTORY) (SHOW FY's BUDGETED)		
2004		
2005		
2006		
2007		
2008		
2009		
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, E.G. POLITICAL, SAFETY, PAYBACKS)		
DO MEMBERS FOR DONOR PROJECT OBJECT?		
DROP DEAD DATE, AND WHY		

APPENDIX E

Calculation of USACE Reprogramming Limits, Examples

**Note:** Limits apply to cumulative 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 amount is net, that is, reprogrammings to a project and from a project offset each other, at least in part.

**Reprogramming Example No. 1 (Investigations):**

a. PPA needs \$100,000 to fully fund award of an A-E contract. Funds in the amount of \$25,000 have been reprogrammed to the PPA earlier in FY08.

- FY 2008 Allocations: \$ 0
- Prior Unexpended Amount: \$550,000
- FY 2008 Baseline: \$550,000
- Reprogramming Limit: \$ 0
- Cumulative Amount: \$25,000 + \$100,000 = \$125,000 > \$0

- **Committee notification required because receiving PPA did not receive an allocation in the Act or Joint Explanatory Statement and the reprogramming is not "for existing obligations and concomitant administrative expenses," so its limit is zero**

**Reprogramming Example No. 2 (Construction):**

a. PPA needs \$800,000 to award a fully funded contract. Funds in the amount of \$250,000 have been reprogrammed to the PPA earlier in FY 2008.

- FY 2008 Allocations: \$2,500,000 (at least partially from JES table)
- Prior Unexpended Amount: \$ 300,000
- FY 2008 Baseline: \$2,800,000
- Reprogramming Limit: \$ 420,000.
- Cumulative Amount = \$250,000 + \$800,000 = \$1,050,000 > \$420,000
- **Committee notification required**

**Reprogramming Example No. 3 (Operation and Maintenance):**

a. PPA needs a third reprogramming action for \$1,200,000 to fully fund a contract. Previous reprogrammings include:

#1	+ \$3,000,000
#2	- <u>\$ 600,000</u>
	\$2,400,000

- FY 2008 Allocations: \$20,000,000 (at least partially from JES table)
- Prior Unexpended Amount: \$ 300,000
- FY 2008 Baseline: \$20,300,000
- Reprogramming Limit: \$ 3,045,000.
- Cumulative Amount = \$3,000,000 - \$600,000 + \$1,200,000 = \$3,600,000 > \$3,045,000

- **Committee Notification NOT required for first or second actions because in both cases the cumulative amount did not exceed \$3,045,000. Committee notification required for third action.**



## APPENDIX F

### Format for Approval To Award a Continuing Contract

Requests for approval to award continuing contracts shall be consistent with the format in the following example. Requests should be developed at the time of the Acquisition Plan and submitted 60 days prior to the proposed solicitation date.

#### **BUSINESS CASE FOR USE OF CONTINUING CONTRACT**

1. Description of the contract acquisition strategy. Provide a comprehensive multi-year acquisition plan with an overall description of the project to include the schedule for award, contract duration, and estimated cost for each year of construction. Include a description of the benefits that would be achieved through awarding the construction contract.

2. Contract Earnings and Expected Funding Stream.

a. Provide information on the funding stream by fiscal year for the contract.

b. Describe funding sources (i.e. included in PY appropriations, President's Budget request for PY+1, etc).

c. Describe likelihood of follow-on funding.

d. Describe cost growth risks and controls (material cost growth trends, recent bid climate, potential for changed conditions, opportunities value engineering savings, opportunities for technology driven savings, etc).

3. Evaluation of contract alternatives. The following information must be discussed in the evaluation of contract alternatives to determine if a continuing contract may be used. If the answer is "NO" to question a, and "YES" to questions b and c, a continuing contract may be recommended.

a. Is the amount available in FY 2008 sufficient to fully fund the contract?

b. Are the scope and schedule of the contract appropriate for the features of the project to construct? Provide analysis of various contracting options. Analysis should provide PROS and CONS for each option investigated. NOTE: Efficiencies and cost savings are NOT sufficient to support the use of a continuing contract. Use of a continuing contract must be based on the fact that the work cannot be accomplished through another contracting vehicle, and is in the best interest of the government. Contracting vehicles to be investigated should include, but not limited to:

(1) Fully Funded Contract-

(2) Multiple Fully Funded Contracts Awarded Sequentially

(3) Delaying Contract Award until Sufficient Funding is available.

(4) Fully Funded Contract with Base Bid, and Option(s)

(5) Special Continuing Contract

(6) Incrementally Funded Contract

(7) True Continuing Contract

c. If the assessment of all relevant contracting options are impractical, it is determined that delay of the contract to FY09 or later would result in an unacceptable consequences (i.e. threat to life, etc.), and there are no funds identified for reprogramming to the project, a true continuing contract may be recommended.

4. Effective Management Controls on Contractor to Ensure Contractor Cannot Work In Advance in Excess of Funds Reserved on the Contract. Approval to award a True Continuing Contract does not obviate the legal restraint prohibiting USACE from allowing the Contractor to work in excess of the amount reserved to the contract. Thus, in requests for use of the true continuing contract Clause or for requests to use the special or incremental funding contract clause in a cost-reimbursable contract, the requestor shall describe the management controls to be put in place to ensure the contractor will not exceed the amount reserved to the contract.

5. Recommendation. Provide an overview of the recommendations and include a legal basis for the recommendation. Include a project funding table that highlights out-year project funding/budget requests to show funds that are programmed for a continuing contract.

APPENDIX G

Conditions and Approval Levels for Use of Contract Clauses

CONTRACT TYPE	DESCRIPTION OF CONTRACTING CLAUSE	CONDITIONS FOR APPROVAL	APPRV. LEVEL
Fully Funded	<ul style="list-style-type: none"> <li>Funds are available to fully fund contract scope.</li> </ul>	<ul style="list-style-type: none"> <li>Funding is available to reserve against entire contract scope</li> </ul>	District CDR
Options Contracts	<ul style="list-style-type: none"> <li>Base bid is fully funded at award.</li> <li>Limited to useful increments of work (increment of work that produces benefits or outputs, and will remain in a safe condition) or navigation reaches.</li> </ul>	<ul style="list-style-type: none"> <li>No expectation of continued funding beyond current fiscal year.</li> </ul>	District CDR
Special Continuing Contract Clause (EFARS Part 52.232-5003)	<ul style="list-style-type: none"> <li>Contractor is not allowed to work beyond the amount reserved on the contract for the fiscal year.</li> <li>Expressly requires the contractor to stop working when funds are exhausted.</li> <li>Government is responsible for all costs pursuant to the termination for convenience clause regardless of the amount reserved on the contract in the fiscal year.</li> <li>Limited to contracts for which performance extends more than 3 months beyond current fiscal year, for which funding is provided or likely to be provided in out-year budgets and, for C account or C portion of MR&amp;T account, that are over \$10M.</li> </ul>	<ul style="list-style-type: none"> <li>Project funded under C or C portion of MR&amp;T Accounts.</li> <li>Project funded under O&amp;M or O&amp;M portion of MR&amp;T Accounts, where the project does <b>NOT</b> meet the 5 criteria identified in the CECW-IP memorandum, 1 May 06, subject: Continuing Contracts for Operation and Maintenance Work.</li> <li>Request for Approval (see Appendix F) has been submitted</li> <li>The contract is not funded from the Inland Waterways Trust fund.</li> </ul>	ASA(CW)
Special Continuing Contract Clause (EFARS Part 52.232-5003)	<ul style="list-style-type: none"> <li>Contractor is not allowed to work beyond the amount reserved on the contract for the fiscal year.</li> <li>Expressly requires the contractor to stop working when funds are exhausted.</li> <li>Government is responsible for all costs pursuant to the termination for convenience clause regardless of the amount reserved on the contract in the fiscal year.</li> <li>Limited to contracts for which performance extends more than 3 months beyond current fiscal year, for which funding is provided or likely to be provided in the out-year budgets and, for C account or C portion of MR&amp;T account, that are over \$10M.</li> </ul>	<ul style="list-style-type: none"> <li>The project is funded under O&amp;M &amp; O&amp;M portion of MR&amp;T Accounts, where the project meets the 5 criteria identified in reference 4.d.</li> <li>Request for Approval (see Appendix F) has been submitted</li> <li>The contract is not funded from the Inland Waterways Trust fund.</li> </ul>	MSC CDR
True Continuing Contract Clause (EFARS 52.232.5001)	<ul style="list-style-type: none"> <li>Permits the contractor to work beyond the amount reserved for the contract in the fiscal year.</li> <li>Government is legally liable to pay the contractor for such costs in violation of SEC 102 of the FY 08 E&amp;WDAA.</li> </ul>	<ul style="list-style-type: none"> <li>Request for Approval (see Appendix F) has been submitted</li> <li>The contract is not funded from the Inland Waterways Trust fund.</li> </ul>	ASA(CW)
Incrementally Funded Contract Clause (EFARS Part 52.232-5004)	<ul style="list-style-type: none"> <li>Contractor is not allowed to work beyond the amount reserved on the contract for the fiscal year.</li> <li>Expressly requires the contractor to stop working when funds are exhausted.</li> <li>Government's liability for termination costs is limited to the amount reserved on the contract.</li> <li>Limited to contracts for which funding is not provided or is unlikely to be provided in out-year budgets.</li> </ul>	<ul style="list-style-type: none"> <li>Funds reserved for the contract which are <b>NOT</b> for a useful increment of work (increment of work that produces benefits or outputs, and will remain in a safe condition) or navigation reach, or</li> <li>Will rely upon additional out year funding to implement.</li> </ul>	ASA(CW)
Incrementally Funded Contract Clause (EFARS Part 52.232-5004)	<ul style="list-style-type: none"> <li>Contractor is not allowed to work beyond the amount reserved on the contract for the fiscal year.</li> <li>Expressly requires the contractor to stop working when funds are exhausted.</li> <li>Government's liability for termination costs is limited to the amount reserved on the contract.</li> <li>Limited to contracts for which funding is not provided or is unlikely to be provided in out-year budgets.</li> </ul>	<ul style="list-style-type: none"> <li>Funds reserved for the contract are for a useful increment of work (increment of work that produces benefits or outputs, and will remain in a safe condition) or navigation reach, AND</li> <li>Does not rely upon additional out year funding to implement.</li> </ul>	District CDR

## APPENDIX H

### Execution Metrics Definitions

1. To determine whether USACE is meeting its commitments to customers, stakeholders, and the Congress, the following metrics will be used by HQUSACE to monitor corporate execution:

a. Milestones. Meeting commitments to customers and stakeholders means executing the program as appropriated and scheduled. Developing network schedules based on accurate activity durations and relationships (predecessor/successor/lead/lag) with milestones, and then measuring completion of milestones will be a key indicator for determining if HQUSACE is meeting its commitments. The USACE traditional method for measuring execution has been through lagging indicators such as contract awards. USACE will begin pairing and tracking the schedules of leading indicators such as Ready to Advertise with major milestones to better identify corrective actions the Project Delivery Team should use to better meet commitments. Through the development of accurate milestone schedules, USACE's ability to meet obligation and expenditure schedules is enhanced. The program execution metric will be a measurement of the accuracy of milestone execution. The number of scheduled milestone events Year-To-Date (YTD) (baseline) versus actual YTD, (Planned milestone date versus Actual milestone date in Primavera), will be tracked monthly for both major milestones and the leading indicator milestones. The Planned date can be Planned Start or Finish depending on what has been set for Milestone Type in Primavera. If a milestone is scheduled for a future FY but is accomplished in the current FY, the accomplishment will be counted in the current FY. On the other hand, planned milestones that are not accomplished within the current FY must be rescheduled in the next FY in order to be counted once the milestone is accomplished. Major milestones will be graded and reported quarterly at the Directorate Management Review (DMR) and the Command Management Review (CMR), and monthly at the HQUSACE CW Program Review Board (PRB). Reasons for slips and corrective actions will be discussed by the MSCs at the reviews if necessary.

The data fields that are used for the planned versus actual comparison come from the current approved schedules in Primavera, which are extracted into OFA for reporting. The baseline planned milestone dates in OFA will be established when HQUSACE takes a snapshot of the planned milestone dates from the Primavera current approved schedules on the "lock" date specified in the main portion of this EC. The actual accomplishment dates will be established in OFA on the 4<sup>th</sup> business day of each month using the actual dates in the Primavera current approved schedules. Data for the Program Reviews will be pulled from OFA on the 5<sup>th</sup> business day of each month. The milestone reports and slides that HQ will be pulling each month for the reviews are located in OFA – Civil Works, in the HQ PRB/CMR/DMR Reports Directory. The Milestone Trend graphs include DMR-18 to DMR – 24. DMR – 17S is the Milestone Statistics Rating (Summary) graph which provides the % variance from schedule by MSC for the major milestones with the current metric rating. The actual count of scheduled milestones versus actual milestones achieved is also displayed. DMR – 17P is the Milestone Statistics Rating (Project Detail) report which provides a listing of projects that are included in the count reflected on the trend graphs.

Paragraph 2 references the milestone guidance that was submitted via email, 14 December 2007 (this has changed some. See table in paragraph 3). A table of the selected major milestones and leading indicator milestones, as well as definitions and report parameters for the PRB/DMR/CMR reports is provided in paragraph 3. The metric for the major milestones is defined as follows:

Allowable Variance from Schedule (number planned versus number actual)

**Green:**  $\geq -5\%$

**Amber:**  $< -5\%, \geq -10\%$

**Red:**  $< -10\%$

The Major Milestones and Leading Indicators are as follows:

Major Milestone	Leading Indicator
Recon Report Approval (CW170)	Start Recon (CW140)
FCSA Executed (CW130)	Recon Report Approval (CW170)
DE Transmittal Letter (CW260)	Feas Alternative Formulation Briefing (CW190)
Design Agreement Executed (CW130)	DE Transmittal Letter (CW260)
PCA Executed (CW130)	Submit PCA Package (CW080)
Contract Award (CC800)	RTA (CW400)
Notice of Project Completion (CW480)	No leading indicator

The Contract Award milestone (CC800) is now split into three separate milestones: Construction (CC800), A/E Services (CW801) and Other (CW802). **All existing Contract Award milestones which are for A/E Services must be changed from CC800 to CW801. All existing Contract Award milestones for contracts other than Construction and A/E Services must be changed from CC800 to CW802. Construction Contract Awards should remain as CC800. Similarly, the RTA (CW400) milestone, which is used as a Leading Indicator, is now also split into three separate milestones: Construction RTA (CW400), A/E Services RTA (CW401), and Other RTA (CW402). Existing RTA milestones for A/E Services and Other (non-Construction) contracts must be changed to CW401 and CW402 respectively.**

For purposes of the monthly and quarterly reviews, FY08 scheduled Construction Contract Awards in the C, MR&T, and O&M accounts will be tracked and measured. Note a change in the report parameters sent out in Gary Loew's 14 December 2007 email: The reports which display Contract Award and Contract RTA milestones will include milestones funded by all Category/Class/Subclass (CCS) under O&M rather than only CCS 121 as stated in the previous guidance

b. **Obligation Schedules.** The corporate metric for obligation schedules will measure the baseline schedule (scheduled obligations versus actual obligations) for the I, C, MR&T, O&M, REG, E, FUSRAP, and FCCE accounts. Successful program execution will be considered to be within a variance of greater than or equal to minus five percent scheduled versus actual at the account level. Trends should be assessed monthly by the MSC, and measured quarterly against the baseline. Corrective actions will be provided at the reviews if necessary. The metric for obligations is defined as follows:

Allowable Variance from Schedule (amount planned versus amount actual)

**Green:**  $\geq -5\%$   
**Amber:**  $< -5\%, \geq -10\%$   
**Red:**  $< -10\%$

The data fields that are used for the planned versus actual comparison include the snapshot baseline in OFA of the Primavera current approved schedule (with OFA rounding and smoothing) and the 3011a actual amounts. The report that will be used each month for obligations is the HQ – FY2008 Historical 2101 D05 Report located in the HQ PRB/CMR/DMR Reports directory. This report is a snapshot of the data as of the end of the month. The snapshot will be done on the 4<sup>th</sup> business day of each month and will be used for the Program Reviews. This will ensure that the data being used for the reviews does not change. The trend graphs will include DMR – 03 to DMR – 10. DMR – 01 is the Obligations Rating Summary Report which provides the % variance and metric rating by MSC and Account. The fields being used for calculating the variance include the 2101 Historical Scheduled Obligations YTD (Basic) and the 2101 Historical CEFMS Actual Obligations YTD (3011A). The available amount is the 2101 Historical CEFMS Available to obligate (3011A).

c. Expenditure Schedules. The focus of measuring program expenditures will be used as an internal control to measure our ability to complete scheduled activities. The corporate metric for expenditure schedules will measure the baseline schedule (scheduled expenditures versus actual expenditures). Successful program execution will be considered to be within a variance of greater than or equal to minus five percent actual versus scheduled at the account level. This metric will not be reported at the reviews but may be used as back-up material when requested.

2. Milestone Guidance: Guidance forwarded via email by Mr. Gary Loew, Chief, Programs Integration Division, dated 14 December 2007.

3. Major Milestones and Leading Indicators with definitions and report parameters for PRB/DMR/CMR reports follow below. Please note that data for the reviews will be pulled on the 5<sup>th</sup> business day of each month.

MILESTONE CHART AND REPORT PARAMETERS									
PRB / DMR / CMR Chart No.	Milestone Name	Milestone Code	Type of Funds	WBS used for charts and reports	Remarks	CW Template WBS	WBS / Activity ID in CW Template	Milestone Description	Milestone Number in ER 5-7-1 (FR) 30 Sep 92
1	Start Recon	CW140	GI and MR&T Studies	21000 - Recon/Sec 905(B) Studies Rollup	Leading Indicator.	21T00	REC1050	This provides the start date for beginning the reconnaissance study for the project (initial obligation of funds) and signifies the major start of the Reconnaissance Phase of the Project.	040
1 and 2	Recon Report Approval	CW170	GI and MR&T Studies	21000 - Recon/Sec 905(B) Studies Rollup	Leading Indicator in chart 2.	21S00	REC1620	This provides the finish date of the final reconnaissance report and the document has been signed by the District Engineer.	050
2	Signed/Executed FCSA	CW130	GI and MR&T Studies	21V00 - FCSA		21V00	REC1720	This provides the finish date that the FCSA has been signed by both the cost share sponsors and the Federal Government.	060
3	Feas Alternative Formulation Briefing (AFB)	CW190	GI and MR&T Studies	22000 - Feasibility Studies Rollup	Leading Indicator.	22R00 (Milestone code showing is CW050 but this will be changed to CW190)	FEA2460	This provides the finish date that an approved memorandum is filed for the record immediately following the AFB. An AFB can be held more than once during the project life cycle, but normally occurs early in the Feasibility phase during formulation of alternatives.	130
3 and 4	Issue Feas Div Commander's Notice	CW260	GI and MR&T Studies	22000 - Feasibility Studies Rollup	Leading Indicator in chart 4	22S00	FEA2590	This provides the finish date of the Div Commander's Notice when it is signed and issued (Date of issue of Public Notice).	170
4	Design Agreement Executed	CW130	CG, IWTF, GI, and MR&T: Studies, Constr, and Supp	30DG0 - Design Agreement Executed	Excludes CAP.	30DG0	DEA3810	This provides the finish date that signifies the agreement is signed by both the project sponsor and the Federal Government.	No Corresponding Code
5	PCA Executed	CW130	CG, IWTF, MR&T: Constr and Supp	30APO - PCA Executed	Excludes CAP.	30APO	PCA5440	This provides the finish date that signifies the agreement is signed by both the project sponsor and the Federal Government.	690

5	Submit PCA Package	CW080	CG, IWTF, MR&T: Constr and Supp	30APO - Submit PCA Package	Leading Indicator. Excludes CAP.	30APO	PCA5370	This provides the finish date signifying the submission of the final agreement package to the MSC for review and approval.	620
6	Contract RTA	CW400	CG, IWTF, O&M, MR&T: Constr, O&M, and Supp	30000 - Plan, Eng & Des (PE&D) Rollup, 60000 - Operations Rollup, and 61000 - Maintenance Rollup	Leading Indicator. Excludes CAP.	30DS0	CON500	The date the District meets all required approvals to advertise construction contract (may include but not limited to: BCO review and approval, acquisition of all LERRDs, final NEPA compliance documents and required funds available to obligate.	No Corresponding Code
6	Contract Award	CC800	CG, IWTF, O&M, MR&T: Constr, O&M, and Supp	30000 - Plan, Eng & Des (PE&D) Rollup, 60000 - Operations Rollup, and 61000 - Maintenance Rollup	Excludes CAP.	30DS0	CON590	This provides the finish date for the awarding of the contract.	960
7	Notice of Project Completion/ Assumption of OMRR&R	CW480	CG, IWTF, MR&T: Constr and Supp	30000 - Plan, Eng & Des (PE&D) Rollup	No leading indicator for this chart. Excludes CAP.	30F00	END6650	This provides the date that the District Engineer notifies the project sponsor in writing that the project is complete and furnishes the non-Federal sponsor with an interim or final OMRR&R manual. [see Article II.C.]"	999

## APPENDIX I

### Continuing Authorities Programs

1. Implementation of the FY 2008 CAP program is based on guidance contained in Appendix F, Amendment 2, dated 31 January 2007, of the Planning Guidance Notebook, ER 1105-2-100 (Reference 4.e.) and the following execution guidance:

a. Project Classification and Reclassification.

(1) Beginning in FY 2008, CAP project status will be classified using six codes:

(a) Unstarted. Unstarted means no funds have been provided to the project previously.

(b) Active. Includes formerly Suspended projects that are reaffirmed in the current fiscal year (CFY), CFY-1, or CFY-2.

(c) Suspended. Suspended projects are not eligible for funding or for execution of an agreement. Suspended projects ultimately are either reaffirmed or terminated (financially closed out).

(d) Converted to a study in Investigations account.

(e) Terminated. Includes formerly Suspended projects that were not reaffirmed.

(f) Completed. Physically completed and fiscally closed out.

(2) Process for Suspension, Termination, and Reaffirmation. CECW-I will administer the following process for suspending and either terminating or reaffirming projects.

(a) A project that has not been named or funded in any year CFY-6 through CFY is automatically suspended at the beginning of the CFY, unless it was reaffirmed in CFY-1 or CFY-2.

(b) After initial allocations, a project last named or funded in any year CFY-6 through CFY-3 is suspended, unless it has an executed or authorized agreement for the applicable phase or has been reaffirmed in the CFY, CFY-1, or CFY-2. Projects named in any year CFY-2 through CFY are not eligible for suspension.

(c) CECW-I provides a list of suspended projects to the MSCs and Districts. For each CAP project, the District asks the project Non-Federal Sponsor to reaffirm support/capability for a Suspended project in writing. See the sample letter at the end of this Appendix. The sample has variants to cover projects at different stages of development.

(d) If the project Non-Federal Sponsor does not reaffirm support/capability in a reasonable period of time, the District notifies the offices of the affected Members of the status and pending termination of the project. This notification need not be in writing. For FY 2008, affected Members should be notified of any Suspended CAP project for which reaffirmation is not received by 30 April 2008.

(e) If the project is not reaffirmed within 30 days after Member notification (for FY 2008, by 30 May 2008), the MSC will recommend to Terminate (fiscally close out) the project or will explain why more time is needed. Any recommendation to terminate a project that has been specifically authorized or modified by statute should be discussed in advance with CECW-I, and termination would not be construed as deauthorization. In the case of any project recommended for Termination, CECW-I will notify the Appropriations Committees of USACE's intent to Terminate. Thereafter, CECW-I and the MSC will determine when to initiate Termination.



(f) If the project is reaffirmed, it becomes Active through CFY+2 (or longer if named or funded).

b. Decisions on Project Funding and on Authorization to Execute New Agreements. CECW-I will coordinate decisions on the funding of projects with decisions on authorizations to execute new agreements. No CAP agreement (FCSA or Project Partnership Agreement) will be executed without specific authorization from CECW-I. MSCs will be notified by CECW-I of the projects for which execution of the agreement has been authorized. Thereafter, each authorized agreement will be reviewed, approved, and executed in accordance with current policies and practices (see Appendix F, Amendment No. 2, of reference 4.e.). **Each authorization to execute an agreement lapses if the agreement is not executed by the last day of the CFY.** Projects for which authorization to execute an agreement has lapsed will be addressed on a case-by-case basis.

(1) Decisions on project funding and agreements will be made in a step-wise fashion for each CAP authority, as follows.

(a) Cover Approved CRA Allotments.

(b) Fund CFY Named Projects with Specified Amounts in the Amount Specified, plus Coordination/Management. CFY named projects are those identified in the CAP tables in the Conference Report / Statement of Managers for the CFY.

(c) Authorize New Agreements for Phases That Are Fully Funded. CFY specified amounts are included in the assessment of full funding. Note that after these authorizations, MSCs may request authorizations at any time for additional phases that are found to have been fully funded. Each authorization to execute an agreement will lapse if the agreement is not executed by the last day of the CFY.

(d) Provide Funds for Phases of CFY Named Projects That Are Covered by Already-Executed Agreements. With remaining funds, if any, in each CAP program, CECW-I provides funds for useful increments of work (but no less than the specified amounts, for projects with specified amounts) for CFY named projects that have already-executed agreements. If possible, all such projects in each CAP program are funded at the capability level. If not, the projects are ranked according to outputs (i.e. performance, including urgency for section 14 projects). If remaining funds are limited, not all projects are funded.

(e) Fund, and Authorize Execution of New Agreements for, Already-Funded Phases of CFY Named Projects Meeting Criteria. Already-funded phases include phases that received specified amounts in the CFY. Criteria are:

(1) Non-Federal Sponsor-Supported: The project has a willing and capable Non-Federal Sponsor. For FY 2008, this will be assumed if the project has a capability, AND

(2) Ready: The agreement can be executed in the CFY if the project is funded. Assessment of readiness is based on the agreement date in the CAP data, AND

(3) Affordable over 5 Years: If every project already funded under this step received uninterrupted capability-level funding in the out-years until completion, and if funds for the applicable CAP program were constant over 5 years, there also would be enough funds available, both in the CFY and at the capability level in the out-years, to fund the project without interruption.

With remaining funds, if any, in each CAP program, CECW-I identifies funds (but no less than the CFY specified amounts, if any) for CFY named projects that meet the criteria. If possible, funds are identified at the capability level for all such projects in each CAP program; otherwise, the projects are ranked according to a combination of outputs and phase percent complete (based on prior FY allocations and CFY specified amounts), and funds are identified for useful increments of work. Funds may not be identified for all projects. CECW-I authorizes execution of agreements for those projects for which CFY

funds have been identified and for which cumulative funding identified, including the CFY funds identified, exceeds \$100,000 for feasibility or \$50,000 for D&I. However, these thresholds do not apply to Section 206 and 1135 projects with feasibility work already under way as of 31 January 2006, and to projects with design work continuously funded since 31 January 2006. Funds (except for amounts specified for CFY named projects) that are identified for a project over the applicable threshold are reserved until after execution of the agreement, in accordance with Reference 4.e. **Each authorization to execute an agreement and the reservation of funds for the applicable project lapses if the agreement is not executed by the last day of the CFY.** The aforesaid notwithstanding, no agreement will be authorized, nor funding provided, for a section 205, 206, or 1135 project that has not been named or funded in any year CFY-6 through CFY, even if reaffirmed.

(f) Provide Additional Funds for Already-Funded Phases of Other CFY Named Projects. Already-funded phases include phases that received specified amounts in the CFY. With remaining funds, if any, in each CAP program, CECW-I may provide up to \$100,000 cumulative for feasibility or up to \$50,000 cumulative for D&I. However, additional funds, up to the capability level, are provided, if available, to Section 206 and 1135 projects to finance feasibility work already under way as of 31 January 2006, and to finance design work continuously funded since 31 January 2006. If remaining funds are limited, projects are ranked according to outputs, and not all projects may be funded.

(g) Fund New Phases of CFY Named Projects without Specified Amounts. With remaining funds, if any, in each CAP program, CECW-I may provide up to \$100,000 for feasibility for previously Unstarted projects, and up to \$50,000 for previously unfunded D&I phases. If remaining funds are limited, projects are ranked according to outputs, and not all projects may be funded. Notwithstanding the aforesaid, no section 205, 206, or 1135 projects (feasibility phase) that have not been named or funded in any year CFY-6 through CFY will be funded.

(h) Follow Steps d., e., f., and g. for Projects Not Named in the CFY.

2. CECW-I will coordinate with the Appropriations Committees prior to funding, or authorizing an agreement for, any section 205, 206, or 1135 project that was started mistakenly in FY 2006 or 2007 (that is, was started in FY 2006 or 2007 although the project had not been named in the Conference Report or Statement of Managers for FY 2001 through FY 2006), or that had been Suspended but has not been funded since reaffirmation (other than those identified in paragraph c.2.f.).

c. Reprogramming.

(1) Because the amount of funds for each CAP Authority is specified in law for FY 2008, USACE is prohibited by law from reprogramming funds into or out of the various Continuing Authorities Programs.

(2) In accordance with the general provisions of this EC, each CAP program is a PPA, and each CAP project is a PPA. Movement of funds to or from one of these projects is a reprogramming. **Any proposed reprogramming to a CAP project to which no funds were allocated or sub-allocated in FY 2008 requires CECW-I approval and may require coordination with the Appropriations Committees.** Other generally applicable restrictions on reprogramming apply. See paragraph 8.c. (especially paragraph 8.c.(3)(b)(3)) and Appendix B of this EC.

(3) In addition, the following restrictions apply to CAP projects.

(a) Funds may not be reprogrammed from a project if the project was named, and the funds were specified, in the CFY, CFY-1, or CFY-2. In addition, Divisions may not reprogram funds that were specified in FY 2006 until FY 2011.

(b) Funds may not be reprogrammed to a project that is Unstarted, other than a project that was named in the CFY.

(c) Funds may not be reprogrammed to a Suspended project except for the purposes of fiscal close out.

(d) Without the approval of CECW-I, funds may not be reprogrammed to a project that was started mistakenly in FY 2006 or 2007, unless it subsequently was named.

(e) Without approval from CECW-I, funds may not be reprogrammed to a CAP Coordination account.

(f) Funds may not be allocated or reprogrammed to a section 205, 206, or 1135 project that or has not been named or funded in any year CFY-6 through CFY, even if reaffirmed.

d. Contracting. Continuing contracts and incrementally funded contracts will not be used for the Continuing Authorities Program. All CAP contracts will be fully funded.

2. ER 1105-2-100, Appendix F, Amendment #2, 31 Jan 2007 will be updated in the future to reflect the above guidance.

### SAMPLE LETTER OF REAFFIRMATION

[Date]

Dear Colonel Smith,

This is to reaffirm the support of the Town of Anytown, USA, for the Anytown Levee Project, Texas. **[Choose one of the five following paragraphs, depending on the stage of project development:** (1) 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. (2) 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. (3) 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. (4) The Town of Anytown is willing and has the financial capability to execute a project partnership agreement for the Project. (5) The Town of Anytown will continue to carry out its obligations under the executed project partnership agreement.] 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.

Sincerely,

[Name of Elected or Appointed Official]  
Town of Anytown

## APPENDIX J

### Expenses Program Execution Guidance

1. General. The Expenses Program appropriation funds general administration and Executive Direction and Management (ED&M) functions of the Civil Works (CW) Program conducted by Headquarters U.S. Army Corps of Engineers (HQUSACE), Major Subordinate Commands (MSCs) and the six Field Operating Activities (FOAs) providing direct support to those functions. ED&M functions include command and control; development, coordination and issuance of policy; program management in developing, defending and executing all major USACE 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 Civil Works Program is being executed in accordance with law, policy and regulation. The FY 08 Energy and Water Development Appropriations Act (E&WDA) prohibits the use of any other appropriation provided in Title I of the Act to fund Civil Works activities of the headquarters or the Civil Works ED&M activities of the division offices. In addition, none of the Expenses funds will be used to implement any pending or future competitive sourcing action under OMB Circular A-76 or High Performing Organizations for the U.S. Army Corps of Engineers.

2. Execution. The appropriation level of the Expenses account has been suppressed for a number of years and continues to remain at a level that is insufficient to fund manpower at the prescribed 2012 level. However, recent execution of the program would appear to indicate a need for greater management control of the limited Expenses appropriation. Manpower usage appears to be on a downward spiral. Since the Expenses account is nearly 70% labor, management attention will be directed to the use of labor dollars in FY 2008. The language accompanying the FY 2008 E&WDA identified an increase in Expenses appropriation to allow the headquarters to hire additional personnel. The allocation of Expenses funds will accommodate this language.

a. Scheduling Expenses Funds. All Expenses funds provided to an organizational element through work allowances are to be scheduled for obligation in FY 08. The obligation schedule is to be reflected in P2. The Director of Civil Works will utilize these schedules in the Directorate Management Reviews (DMR) and Command Management Reviews (CMR) to evaluate the effectiveness of the management of the Expenses Program.

b. Work Allowances. As with all other Civil Works programs, Expenses will receive work allowances in P2. The work allowance along with the Funding Authorization Document (FAD) provides the authorization and appropriation to carry out Civil Works ED&M activities. The FY 2008 Expenses program labor will be issued separately from "other" Expenses dollars. At a minimum, obligation schedules are to be reflective of labor and other. Labor savings will no longer be available to purchase non-labor items. Labor must be shown as labor in the financial records. Only labor cross charges will be authorized. Any USACE employee can be detailed to HQ via labor cross charge. Program Accounts will also be issued via a work allowance and FAD.

c. Reallocation. Reallocation of Expenses funds is limited to Headquarters. Once Expenses funds have been issued as Labor, Other, or Program Account only Headquarters has the authority to reallocate.

d. Program Performance. The Director of Civil Works will review the performance of the Expenses account actual obligations against the scheduled on a monthly basis corresponding with the appropriate end of the pay period, with particular emphasis on the labor. Reviews during DMRs will also be undertaken based on the appropriate end of pay period corresponding to the quarterly review and reported at the CMR. In conjunction with the Director of Military Programs and the Director Resource Management, HQUSACE may reallocate funds based on the slippage in the program.

## APPENDIX K

### Flood Control and Coastal Emergencies Execution Guidance

1. The Flood Control and Coastal Emergencies (FCCE) program includes responsibility for disaster preparedness, emergency operations, rehabilitation of flood control works, provision of emergency water, advance measures when the threat of flooding is imminent, and participation in the hazard mitigation program.
2. The FY 2008 E&WDAA provided no appropriations for the FCCE program. As a result, there are no new appropriated funds available for preparedness activities for the remainder of FY 2008. Unallocated funds from the FY07 5<sup>th</sup> Supplemental will be used for preparedness activities in the 3<sup>rd</sup> and 4<sup>th</sup> quarters of FY 2008. Preparedness activities include personnel salaries, and emergency facilities; the review and updating of response plans based on lessons learned from recent disasters; training of personnel and teams to develop critical skills; procurement and pre-positioning of critical supplies and equipment which likely would be otherwise unavailable during the initial response stages; periodic exercises to test and evaluate plans, personnel, and training; inspection of non-Federal flood control projects to ensure their viability to provide flood protection and assess their eligibility for post-flood rehabilitation; laboratory support for field operations; and liaison with state and local governments and agencies. Specifically, available funds will be used to fund 3rd and 4th quarter emergency management employees salaries and facility costs; conduct scheduled inspections of non-federal flood damage reductions projects; perform critical emergency response training; award and maintain necessary emergency contracts for debris, power, water, roofing and ice; and operate and maintain emergency information systems (EngLink) and Deployable Tactical Operation Systems (DTOS). Funding for the following response activities will be provided based availability of funds: project investigations & rehabilitations; advance measures activities; and emergency water assistance activities. These activities will be prioritized and funded if funding becomes available.
3. Programmed Schedule. Obligation and expenditure schedules are to be developed in P2 by 29 Feb 2008. These P2/OFA obligation and expenditure schedules will be the baseline schedules for measuring FY 2008 execution. Follow the guidance detailed in the main body of this guidance document. To maintain the most critical elements of this program, a funding strategy that establishes a priority for future FCCE execution will be developed to maximize program efficiency and effectiveness, HQUSACE will follow this strategy:
  - a. HQUSACE will undertake necessary measures to ensure emergency operations activities in the field, such as flood response and EOC activations, can be performed during the FY 2008 spring flood and hurricane seasons.
  - b. CECW-HS and CECW-IN will perform a review of un-obligated FCCE funds with the MSC and revoke excess un-obligated funds for use on unfunded requirements. Project rehabilitations funded by the FY06 3rd, 4th and 5th supplemental appropriations will continue for the hurricane protection systems and projects in SE Louisiana, the Gulf Coast region and Pennsylvania. Additionally, other projects currently funded for E&D or construction will continue.
  - c. CECW-HS will prioritize rehabilitation projects and provide funding for investigation, E&D and construction based on the project priority and funds available. It is anticipated that additional funding for project rehabilitations in FY 2008 will be dependent on receiving supplemental appropriations. The following ranking criteria will be used to determine project rehabilitation priorities:
    - (1) Populations and improved property protected by the damaged FCW:
      - (a) Urban projects protecting populated urban areas.
      - (b) Rural projects protecting rural communities

(c) Projects protecting agriculture only areas

(2) Severity of existing project damages:

(a) Category A - Projects that have been breached or have failed

(b) Category B - Projects with major erosion, slumping or seepage damage that could result in project failure during the next flood event.

(c) Category C - Projects with minor erosion, slumping or seepage damage that will not result in project failure during the next flood event.

d. Funding for Continuing Eligibility Inspections and Initial Eligibility Inspections of non-federal FCW will continue in order to maintain continuity in the inspection program and visibility of local sponsor O&M activities.

e. Funding for preparation of Project Investigation Reports (PIR) for project rehabilitation will continue, if funds are available, in order to identify, validate, and prioritize new requirements. As of this guidance all existing investigation requirements have been funded.

f. Funding for advance measures and emergency water assistance activities will be limited to technical assistance.

4. Programmed Carryover. Follow the guidance detailed in the main body of this guidance document.

5. Work Allowances. Follow the guidance detailed in the main body of this guidance document.

Without additional funding to address the current shortfall for project rehabilitations and other non-preparedness activities, funding will not be sufficient to fund all activities under this program in FY 2008 and will require continued restrictions. HQ requests that commanders take the necessary actions to ensure that the FCCE program is executed according to the above strategy in coordination with HQ staff and inform appropriate public sponsors of these funding limitations. Each emergency response situation will be addressed on a case-by-case basis until further notice. If necessary, a request for the transfer of funds from other accounts will be initiated.

## APPENDIX L

### Formerly Utilized Sites Remedial Action Program (FUSRAP)

1. The purpose of this document is to provide guidance on the execution of the FUSRAP program. The objective of FUSRAP is to identify, evaluate, and remediate sites with radioactive contamination resulting from Manhattan Engineering District (MED) and Atomic Energy Commission (AEC) activities. USACE uses three outcome performance measures to indicate progress meeting this objective:

- a. Minimize risk to human health and the environment
- b. Maximize the cubic yardage of contaminated material disposed in a safe and legal disposal facility; and
- c. Return the maximum number of affected individual properties to beneficial use.

The appropriation for FY 2008 is \$140,000,000.

The direction provided in this document is in accordance with the direction from Congress instructing USACE to prioritize sites that are nearing completion and to initiate cleanup expeditiously for the Sylvania Corning Plant site.

2. Programmed Schedule. Obligation and expenditure schedules are to be developed in P2/OFA by 29 Feb 2008. These P2/OFA obligation and expenditure schedules will be the baseline schedules for measuring FY 2008 execution. Follow the guidance detailed in the main body of this guidance document.

3. Programmed Carryover. Carryover that is scheduled for business reasons includes funds obligated on fully funded contracts, real estate actions, etc. that are not scheduled to be completed until FY09 or later.

4. Work Allowances. Follow the guidance detailed in the main body of this guidance document. Work allowances will be provided based on the funding information provided in the FY 2008 Justification Sheets.

5. Execution Metrics. With emphasis on producing products and providing services on time, a project baseline shall be created in Primavera Project Manager at the same time that the obligation and expenditure baseline is created in OFA to allow for comparison of work scheduled versus work performed. This will be the baseline schedule as of 29 Feb 2008. Baseline schedules will be compared to actual execution each month as a measure of USACE's ability to plan and execute work. To determine whether USACE is meeting its commitments to customers, stakeholders, and the Congress, the following metrics/performance measures will be used by HQUSACE to monitor program execution:

Six performance measures listed below serve as indicators to assist in monitoring progress in meeting the program objective. These measures are listed in OFA. Districts are to schedule in P2/OFA the completion of these measures as appropriate. The indicators are:

a. **Number of records of decision (ROD) signed**. As studies are completed and best alternatives for cleanup activities are decided, the number of RODs will increase. A final ROD establishes the final cleanup standard, which controls the actual estimate of the remaining environmental liability for each site.

b. **Number of Remedial Investigations (RI) completed**. The RI establishes the baseline risk assessment whereby the level of risk to human health and the environment is identified.

c. **Number of action memorandums signed.** Where warranted by risk or other limited factors, action memorandums allow USACE to move toward reducing risk more rapidly than through production of a ROD. No action memorandums are presently identified.

c. **Cubic yardage of contaminated material disposed.** Target soil amounts are dependent on previous year funding and scheduled activities.

d. **Individual properties returned to beneficial use.**

e. **Number of remedies in place or response complete.** As select portions of sites or complete sites meet their remedial action goals, the risk to human health and the environment is reduced to within acceptable levels and properties are able to be used within a community without fear of increasing cancer risk or further degrading the environment.

6. Reprogramming Limits. Section 101 (a) (10) establishes legal limits restricting reprogramming authority. The baseline is defined as the unexpended carry-in funds plus the new allocated FY 2008 funds. For FUSRAP, the following reprogramming restriction applies: **reprogramming is restricted to up to 15 percent of the baseline of the receiving project.**

Example: Project 1 has received \$10M in FY 2008 appropriated funds and has \$500K in unexpended FY07 funds. Project 2 has received \$250,000 in FY 08 appropriated funds and carried over \$50K in unexpended FY07 funds. During the 4<sup>th</sup> quarter additional needs are identified at Project 2 and excess funds are available at Project 1. Under the FY 2008 reprogramming rule, Project 2 can receive only \$45,000 ( $\$300,000 \times 15\%$ ) without prior notification to the Committees being required.

Note: Districts shall notify Division and HQ (CECW-IN) by email of **all** reprogramming and/or reallocation actions prior to the initiation of the movement of funds in P2/OFA.



## APPENDIX M

### Regulatory Program Execution Guidance

1. The purpose of this document is to provide guidance on the execution of the Regulatory program. USACE's regulatory program mission is to protect aquatic resources while allowing necessary, sustainable development. USACE's jurisdiction extends to the navigable waters, their tributaries, and adjacent wetlands. USACE uses three program goals to indicate progress meeting this objective.

- a. No Net Loss of Aquatic Resources.
- b. Avoidance and Minimization of Impacts to Aquatic Resources
- c. Expedite Permit Processing

The appropriation for FY 2008 is \$180,000,000.

2. Programmed Schedule. Obligation and expenditure schedules are to be developed in P2 by **29 Feb 2008**. These P2 obligation and expenditure schedules will be the baseline schedules for measuring FY 2008 execution. Follow the guidance detailed in the main body of this Circular.

3. Programmed Carryover. Carryover that is scheduled for business reasons includes funds obligated on fully funded contracts, real estate actions, etc. that are not scheduled to be completed until FY09 or later.

4. Work Allowances. Follow the guidance detailed in the main body of this Circular.

5. Execution Metrics. With emphasis on linking performance with budget levels, obligation and expenditure baselines will be created in P2. Budget execution will be compared with the eight performance measures listed below to allow for confirmation that Districts are executing to meet all performance goals. The Regulatory Program goals and performance measures were developed through a collaborative process through the OMB Program Analysis and Review Tool (PART). These performance measure targets are an important aspect of measuring program performance and adequate levels of funding. They have been included in the Command Monitoring Requirements (CMR) to track performance and to continue to analyze the link between District execution for each measure, District budgets, and workload. Districts and Divisions are required to report performance for each of these performance measures each quarter, through the CMR chain, it is understood that the achievement of District performance and accuracy of these numbers will vary due to several factors beyond their control the most critical of these factors being implementation of the Program under the joint USACE/EPA Carabell-Rapanos guidance memorandum issued on June 5, 2007 in response to the Supreme Court decision. While the difficulties and workload implications of this guidance are understood, HQUSACE expects accurate performance numbers as ORM-2 is now installed in all Districts and reports are now available. To reduce workload in the field, Headquarters will be running these reports at the national level. HQUSACE will be providing all Districts and Divisions a 10 day period before the performance reports are run to insure all data is up to date.

For FY 08, Districts have received funding based on a \$180 million Congressional appropriation for the national Regulatory program. While this includes an increase to help with implementing the Carabell-Rapanos guidance, Districts must still manage their Regulatory Program budget carefully to ensure labor for all on-board staff is covered. The funds allocated for FY 08 do not take into account locality pay increases or increases associated with individual performance and other increases in the costs of doing business. To address these concerns, HQUSACE has maintained the FY 07 target levels of performance. To determine whether if USACE is meeting its commitments to customers, stakeholders, and the Congress, the following eight performance measures will be used by HQUSACE to monitor program execution:

Measure	FY 2008 Performance Targets
1. <b>Individual Permit Compliance</b> USACE shall complete compliance inspections on XX% of all Individual Permits issued and constructed within the preceding fiscal year.	10%
2. <b>General Permit Compliance.</b> USACE shall complete compliance inspections of XX% of all General Permits (GPs and NWP's) with reporting requirements issued and constructed within the preceding fiscal year	5%
3. <b>Mitigation Site Compliance</b> USACE shall complete field compliance inspections of XX% of active mitigation sites each fiscal year. Active mitigation sites are those sites authorized through the permit process and are being monitored as part of the permit process but have not met final approval under the permit special conditions (success criteria).	5%
4. <b>Mitigation Bank/In Lieu-Fee Compliance</b> USACE shall complete compliance inspections/audits on XX% of active mitigation banks and in lieu fee programs annually.	20%
5. <b>Resolution of Non-compliance Issues.</b> USACE will reach resolution on non-compliance with permit conditions and/or mitigation requirements on XX% of activities determined to be non-compliant at the end of the previous fiscal year and determined to be non-compliant during the current fiscal year.	20%
6. <b>Resolution of Enforcement Actions.</b> USACE shall reach resolution on XX% of all pending enforcement actions (i.e., unauthorized activities) that are unresolved at the end of the previous fiscal year and have been received during the current fiscal year.	20%
7. <b>General Permit Decisions.</b> USACE shall reach permit decisions on XX% of all General Permit applications within 60 days.	75%
8. <b>Individual Permits.</b> USACE shall reach permit decisions on XX% of all Standard permits and Letters of Permission (LOPs) within 120 days. This standard shall not include Individual Permits with Formal Endangered Species Act (ESA) consultations	50%

6. Reprogramming Limits. In addition to the guidance provided in the main body of this document, reprogramming of Regulatory funds between program categories is not authorized without Headquarters approval.

7. Obligation Schedule and Fund Distribution: Funds are distributed to each District based on an allocation formula which considers factors including number of each type of permit, number of FTE's, acres of wetlands, miles of streams, projected population growth, number of endangered species and essential fish habitat consultations, number of mitigation banks. Some funds have been retained at HQUSACE for potential litigation, improvements to ORM-2 (including on-line permit application), and emerging requirements during the year. Regulatory chiefs are expected to budget the funds to avoid furloughs and conform to the above performance measures. Divisions should not expect to receive additional funds from HQUSACE to cover normal operating expenses near the end of the year.

## APPENDIX N

### Use of Program Code in P2

1. The purpose of this guidance is to mandate the entry of a value in the Program Code data field in P2 for all Approved Civil Works projects. This guidance supersedes guidance previously provided concerning use of Program Code for Civil Works projects. In order to properly manage the Civil Works program we must be able to correlate projects entered in P2 with line items contained in Congressional Appropriation bills, reports and acts. The need to properly and uniquely identify and track projects was recently reinforced by Title II, section 2041 in WRDA 2007.
2. We will use the Program Code field to store the Congressional line-item identifier. The associated Program Code Description field will contain the "official" project name as shown in the authorizing legislation. The Program Code is a project level code which is entered in Oracle Projects (OP). Only those Program Codes which are on the list of valid values in OP can be selected. A P2 project can be associated with only one Program Code.
3. In our legacy systems USACE generally identifies Congressional line items with a number which is named AMSCO in CEFMS and CWIS/PWI in PRISM. (Note that CEFMS also contains a data field named PWI (Project Work Item) which is a separate number and is not addressed by this guidance.) Funds have historically been budgeted and allocated within USACE using the AMSCO/CWIS/PWI number. All P2 projects that are associated with an historic AMSCO/CWIS/PWI should populate the Program Code field in Oracle Projects with this historic AMSCO/CWIS/PWI number. Projects that are initiated in P2 and are not associated with an historic AMSCO/CWIS/PWI project (i.e. new projects), will also need a Program Code assigned. The new Program Code will be the same as the P2 Project Number for the new project. Once HQUSACE has added the new Program Code to the list of valid Program Code values in OP, as discussed in paragraph 4 below, the District/Lab/Center will need to enter the Program Code in Oracle Projects in the Program Code field. If there are multiple P2 projects that are budgeted and funded as one Congressional line item, and that line item is not associated with a historic AMSCO/CWIS/PWI, then the P2 Project Number of the first P2 project established for the Congressional line item, or the "parent" project, if any, will be added to the list of valid Program Codes, and entered as the Program Code in Oracle Projects for this project and all subsequent associated P2 Projects. The number entered in the Program Code field should be the same number used as the AMSCO in CEFMS.
4. If a Program Code needs to be added to the list of valid values in OP (as discussed above), or if a Program Code name needs to be changed, Districts should submit the request to their MSC Programs office for review. The MSC will then forward the request to Karl Nilson (CECW-IN) and William Caldwell (CECW-IP) at HQUSACE. Include the proposed Program Code number (typically the P2 Number for new projects) and name. The name should be the "official" project name as shown in authorizing legislation. Note that for new projects, users must continue the current practice of contacting the Finance Center to request that the number be added to the list of valid AMSCO values in CEFMS. The Civil Works P2 team will investigate possible enhancements to make this process more automated in the future.
5. There are some cases where the same historic AMSCO/CWIS/PWI was inadvertently assigned to different projects in more than one EROC. Since the Program Code is a unique USACE wide identifier, only one project may use the historic AMSCO/CWIS/PWI as the Program Code and a new Program Code will need to be established for the other project(s). Report these cases, and other special cases where there is a question concerning the application of this guidance, to HQUSACE through the MSC Programs office. If the Program Code assigned to a project must be different than the historic AMSCO/CWIS/PWI previously used for the project, be sure to enter the historic AMSCO/CWIS/PWI in the Legacy Project Number data field in OP so that historic data can be associated with the new Program Code.
6. When a new nationwide HQUSACE-budgeted "remaining item" needs to be established, HQUSACE will create a P2 project for the purpose of establishing an identifying number, and will have that number and name added to the list of values in OP. This HQUSACE-established value should be used as the

Program Code and AMSCO for all associated P2 projects created in the Districts/Labs/Centers which will receive funding for the item.

7. Many CAP projects currently use the Program Code to identify the CAP Section (as previously directed by HQUSACE), but the Section can also be determined from the Primary Business Program and/or Type of Funds (Appro Dept/Symbol/CCS). The CAP Section identifiers will be removed from the list of valid Program Code values in OP. As part of the CAP transition from PRISM to P2, HQUSACE will ensure that the list of valid Program Code values in OP includes all current PRISM CWIS/PWI numbers and names for CAP projects. When HQUSACE completes the update of the list of valid values, users should assign the AMSCO/CWIS/PWI as the Program Code on each of their CAP projects in P2. New CAP projects not associated with historic AMSCO/CWIS/PWI numbers will also need Program Codes created and assigned as discussed above.

8. The OFA-CW Work Allowance data entry forms will be revised to require that a valid Program Code must exist on each project within an FY08 reallocation or reprogramming transaction. Additionally, an OFA report will be created to report P2 Projects that either do not have a Program Code entered or are using a Program Code that is no longer valid. Each MSC/District/Lab/Center should use this report to find and correct any Program Code inaccuracies.

9. Within OFA-CW, the Project dimension contains two hierarchical views that utilize the Program Code. These views are named "Program Code View" and "EROC/Program Code View". These views can be used to produce reports organized by Program Code, with the capability to drill down to the individual P2 project(s) within each Program Code. Projects that have not yet been assigned a Program Code are listed under "N/A". Each MSC/District/Lab/Center should run data quality reports to find and correct instances of "N/A" Program Codes, and assure that every Approved P2 Project has an assigned, valid Program Code. Currently most OFA-CW reports do not utilize the Program Code views as the default, but users can select those views with the Select Data tool. When the list of projects without a Program Code is sufficiently reduced, the CW P2 team plans to revise many of the OFA reports so that one of the Program Code views will be the default view within the Project dimension.

10. Points of contact for this guidance are Karl Nilson (202-761-4215) and Bill Caldwell (202-761-4094).

APPENDIX O

P2 Transaction Types for FY 2008

P2 transaction types and codes are modified for FY 2008, as shown below, to facilitate proper approvals and reporting. Changes include the creation of the ALL, REC, RLC, and SUB codes. In addition, the REP and CGR codes describe movement of funds either into or out of projects, and the REV code is reserved for HQ use.

Updated guidance will be available in March 2008 at the Training tab in the PMBP Portal.

Also see Appendix A.

CODE	TYPE	DESCRIPTION
ALL	ALLOCATION - OTHER	HQ use only. Allocation through a work allowance of previously unallocated funds, other than C, ALW, or SUP.
ALW	ALLOCATE H (WITHHELD C)	HQ use only. Allocation through a work allowance of withheld Conference funds.
C	CONFERENCE	HQ use only. Conference amount (or amount in Joint Explanatory Statement or Statement of Managers).
CGR	REPROGRAM - CONGRESSIONAL	A movement of previously allocated or sub-allocated funds to or from a PPA, requiring prior Congressional notification (exceeds thresholds)
H	WITHOLD C (CONFERENCE)	HQ use only. Withholding of all or portion of Conference amount
O	OTHER	HQ use only. Includes corrections.
REC	RECONCILIATION	A movement of previously allocated or sub-allocated funds to or from a PPA, P2 Program Code, or P2 Project to reconcile allocations and sub-allocations with allotments under a CRA.
REP	REPROGRAM - OTHER	A movement of previously allocated or sub-allocated funds to or from a PPA, not requiring Congressional notification (does not exceed thresholds).
RES	RESCISSION	HQ use only. Rescission deductions.
REV	REVOCATION	HQ use only. Revocation by HQ of previously allocated or sub-allocated funds that does not qualify as REP, RLC, or CGR.
RLC	REALLOCATION	A movement of previously allocated or sub-allocated funds that is within a PPA and not into or out of a PPA.
SUB	SUBALLOCATION	Sub-allocation through a work allowance of allocated funds (ALL, ALW, C, or SUP) to a P2 Project within a P2 Program Code.
SUP	ALLOCATE SUPPLEMENTAL	HQ use only. Allocation of supplemental funds.

VTC FACT SHEET

NAME OF APPROPRIATION ACCOUNT (INDICATE CAP PROGRAM IF APPLICABLE)

PROJECT NAME AND STATE: Identify name and state of project or study. The fact sheet should cover the entire project or study, even if the Congressional add was only an increase to the budgeted amount.

CONGRESSIONAL DIRECTION SOURCE: Indicate page number of line item and of any language in House, Senate, or Conference Report. Indicate page number of any language in Act.

DESCRIPTION OF ADDED WORK: Quote any language in the reports or Act, indicating the source of each quote. If none, say so. Do not confuse Act and report language.

AUTHORIZATION: Cite section number and Act for projects, or House or Senate Resolution for studies. Include amendments to original authorization. Committee report language does not create new authority. An earmark in law may create authority, but only to the extent of the earmark.

DECISION DOCUMENT: Identify decision document for each study or construction project. Indicate status of review, approval, and "clearance."

RELATIONSHIP TO EXECUTIVE BRANCH POLICY: Indicate "Consistent," "Questionable," or "Inconsistent." This statement should be specific to the project or study covered in this fact sheet. Indicate the reason for the "relationship" statement. For instance, a construction project is questionable if OMB has not cleared the decision document, or cleared it while indicating that the project is a low budget priority. A study or project could be inconsistent because it is not part of a core Civil Works mission, or violates policy on cost sharing, financing, or formulation.

CONGRESSIONAL INTEREST: Name Members and districts.

SUMMARIZED FINANCIAL DATA: In this section, provide multiple columns if the project encompasses multiple activities that are cost shared or financed or staged differently. See the example below.

The "Allocation for FY 2006" should be the amount proposed by the MSC, including reprogrammings to or from the project, and should dovetail with the recommended implementation plan. For CAP projects, the "budget request" lines and "balance to complete" line should be "NA".

	STAGE I CONSTRUCTION	STAGE II GRR	STAGE III FEAS STUDY
Estimated Federal Cost	\$6,500,000	\$ 750,000	\$1,000,000
Estimated Non-Federal Cost	\$3,500,000	\$ 250,000	\$1,000,000
Cash	(3,000,000)	( 250,000)	( 500,000)
Other	( 500,000)	( 0)	( 500,000)
Total Estimated Project Cost			
Allocations thru FY 2007	\$2,000,000	\$ 0	\$ 0
Budget Request for FY 2008	\$1,000,000	\$ 0	\$ 0
Conference Amount for FY 2008	\$1,000,000	\$ 200,000	\$ 100,000
Allocation for FY 2008	\$ 900,000 <sup>1/</sup>	\$ 200,000	\$ 100,000
Budget Request for FY 2009	\$1,000,000	\$ 200,000	\$ 0
Balance to Complete after FY 2009	\$3,600,000	\$ 350,000	NA <sup>2/</sup>

<sup>1/</sup> Reflects reprogramming of \$100,000 from the project.

<sup>2/</sup> Budgeted in the GI account.

RECOMMENDED IMPLEMENTATION PLAN FOR ADDED WORK: If there are budgeted funds, describe how the budgeted funds will be used. This helps to understand the use of the added or redirected funds. Describe how the added or redirected funds will be used. Explain the reason for any proposed allocation greater than the Conference amount. Discuss notification of Committees and Members if funds will not be used as directed.

The implementation plan should be consistent with policy and law. Policy includes policy on cost sharing, financing, project planning process, and project formulation. The only deviations from policy permitted are those directed or necessitated by the add and approved through the VTC process.

Specific policies are as follows. For any separately implementable expansion of extension that does not have a feasibility report, follow the normal project development process including sections 105 and 905 of WRDA 86, even if the expansion or extension has been authorized without benefit of a feasibility report. Added studies and pre-PCA E&D are to be budgeted in the GI account unless the project is "cleared" for construction by OMB and is already CG-funded. Work under PCA's is limited to work that is authorized as part of the project, funded for construction as part of the project, and covered by the PCA and supporting report. (This PCA guidance covers separately implementable expansions and extensions, substitute plans, and material changes that require authorization or change project scope or function.)

The implementation plan should address any limitations imposed by an authorization language for an Amount Authorized To Be Appropriated.

Finally, remember that the ultimate audience for the fact sheet is someone in HQ or OASA(CW) who may know very little about the project history, schedule, or issues. Make the issues clear.

