

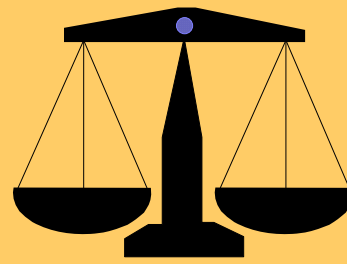
LESSON 3



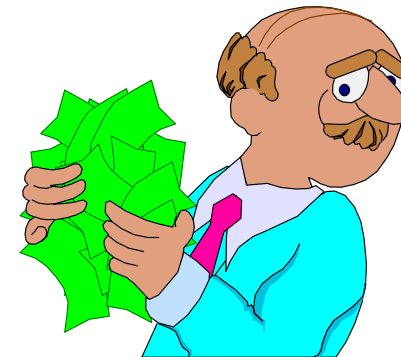
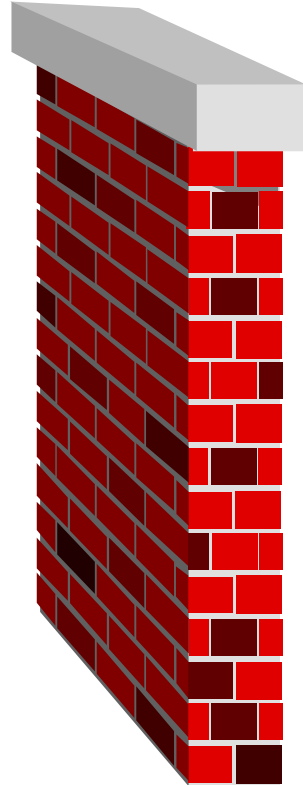
Authorization



Authorization



Appropriation



Authorization



- **SOURCE**
- **TYPES**
- **HOW OBTAINED / IMPLEMENTED**

Source of Authorities



ALL from Congress

- **May Have Been Delegated**
 - **Committee**
 - **Assistant Secretary Army
and Chief of Engineers**

Types of Authorities



Studies, Preconstruction Engineering , Projects, Operation and Maintenance



- **By ACT**
 - Specific
 - General (Project Function or Program)
- **Delegated**
 - Committee Resolutions
 - Continuing Authorities

Study Authorities



SPECIFIC

- **By Act - WRDA 1986 etc.**
- **Resolution - Delegated to both House and Senate Authorization Committees**
 - **House - Committee on Transportation and Infrastructure**
 - **Senate - Committee on Environment and Public Works**



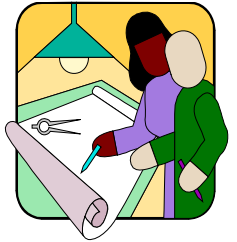
- **Review Previously Completed (Sec 216)**
- **Continuing Authorities (Fed \$ limited)**
- **Operational (O&M for existing project)**

Preconstruction Engineering and Design (PED) Authorities



PEDS

- **Authority Based on Feasibility**
- **Authority from Section 910 WRDA 1986**
 - **Continued planning & investigations**
- **Projects Authorized for Construction**

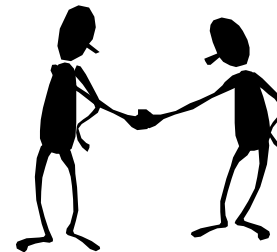
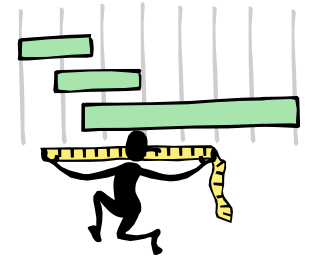


Post Authorization Changes



For Congressionally Authorized Projects, Congress Authorizes

- **Functions of Project**
- **General Scale of Project**
- **Local Cooperation**



Sample – Congressional Authorization

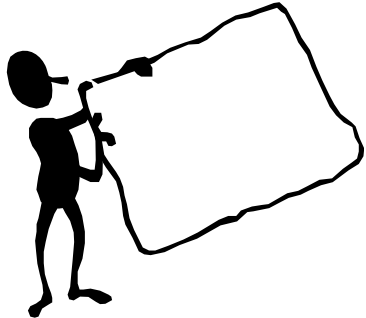
- The following projects...are authorized to be carried out by the Secretary...
- **MIDDLE CREEK LAKE, CALIFORNIA**
 - The project for flood damage reduction and environmental restoration, Middle Creek, Lake County, California: Report of the Chief of Engineers dated November 29, 2004, at a total cost of \$45,200,000, with an estimated Federal cost of \$29,500,000 and an estimated non-Federal cost of \$15,700,000.

Function

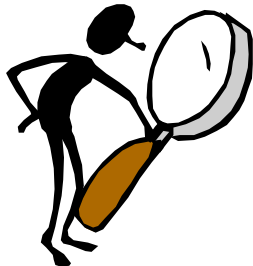
Scale

Local coop

Post Authorization Changes



- **Chief of Engineers Gives Discretionary Authority for Plan Modification**



- **Reevaluation Studies, If Needed, Undertaken as First Activity of Preconstruction Planning When Project has been Dormant**



- **Extent of Resulting Plan Modification Determines Approval Authority**

Post Authorization Changes



Chapter 2 of ER 1105-2-100 (Approval Authority)

- **Division Commander:**
 - **For Relatively Minor Changes**
- **Chief of Engineers:**
 - **Case by Case Determination**
- **OASA(CW) and OMB**
 - **Informed of PAC's Requiring HQUSACE Approval**
- **If Congressional Authorization Required,**
 - **Report Coordinated with ASA(CW) and OMB Similar to Preauthorization Reports**

Post Authorization Changes



- **Projects in WRDA 1986 Have Maximum Cost Shown in Act (Per Section 902 as Amended)**
 - **May be Increased for Modifications with No "Material" Changes in Scope or Function, But Not More Than 20%**
 - **Shall be automatically increased for:**
 - **Cost Index from Date of Act or Any Later Law for Work Remaining**
 - **Additional Work Required by Act or Any Later Law, Including Mitigation or Required by Change in Law**

Projects Not Specifically Authorized

CONTINUING AUTHORITY TABLE



PROGRAM	Federal Limits (\$000)	
	Per Project	Annual
● Continuing Authorities –(Flood Damage Reduction)		
— Section 205 Flood Control	7,000	55,000
— Section 208 Removal of Obstructions, Clearing Channels for FC	500	7,500
— Section 14 Emergency Streambank & Shoreline Protection (Public Works & Non-Profit Public Services)	1,500	15,000
— Section 103 Beach Erosion/Hurricane, Storm Damage Reduction	3,000	30,000
● Continuing Authorities – (Environmental)		
— Section 1135 Project Modifications/Improvement of Environment	5,000	40,000
— Section 206, Aquatic Ecosystem Restoration	5,000	50,000
● Continuing Authorities – (Navigation)		
— Section 107 Navigation	7,000	35,000
— Section 111 Mitigation of Shore Damages Attributable to Navigation Projects	5,000	None
— Section 204 Beneficial Uses of Dredged Material	None	15,000
— Section 145 Placement of Dredged Material on Beaches	None	None

Studies for Continuing Authority Projects



Two Phase Process: 1) Feasibility 2) Design and Implementation

Feasibility:

Federally funded up to \$100,000

Over \$100,000, FCSA required and cost-shared 50/50 (up to non-Federal share may be in-kind contributions)

Design and Implementation:

Cost-shared in accordance with type of project

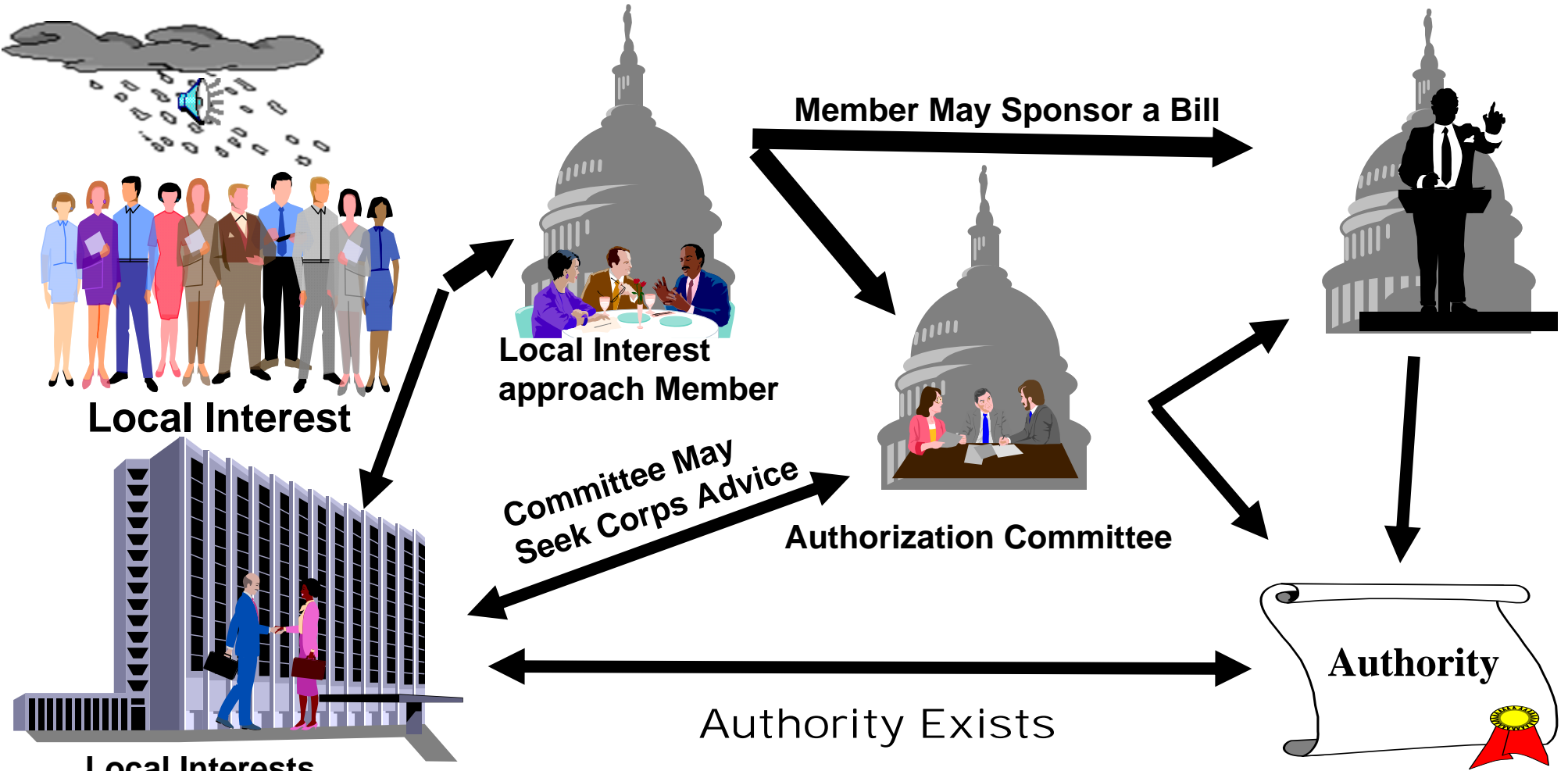
In-kind contributions may not exceed non-Federal cash requirement

May utilize up to \$50,000 prior to PCA execution for initial design and PCA negotiation

See Table F-1, Appendix F, ER 1105-2-100 for Applicability



How Study Authorizations are Obtained or Implemented



Other Programs and Authorization Limitations











- **Annual Appropriation Limit on Certain National Programs**
 - Continuing Authority Programs for Projects not Specifically Authorized – (can be Appropriation or Allocation limit)
 - Flood Plain Management Services (\$15 Million)
 - Planning Assistance to States (\$10 Million/\$500,000 per State)
 - Aquatic Plant Control (\$15 Million)
- **Program Total Appropriation Limit, Such as:**
 - Streambank Erosion Control Evaluation and Demonstration Program
 - Shoreline Erosion Control Demonstration Program
- **Special**
 - For Absolute Limit on Special Project or Activity

Classification System



Applicable to All Authorized Studies and Projects

	<u>Classification</u>	<u>Studies</u>	<u>Projects</u>
	Active		
	Deferred		
	Inactive		

- Active - Good Viable Activity with Local Support
- Deferred - Reasonable Doubt of Successful Outcome
- Inactive - Little or No Chance of Successful Outcome;
(No Local Support)

Reclassification System



- **Review of Inventory by District**
- **Report Recommendations to Division/HQUSACE**
- **Division Commander Approves**
 - **Study Reclassifications and Reclassification of Projects to Deferred or Inactive**
- **HQUSACE (CECW-P) Approves**
 - **Reclassification of Projects to Active**
 - **Restudy Report May be Required**
 - **Memorandum when Local Support or Financial Capability is Only Issue**
- **Funding**

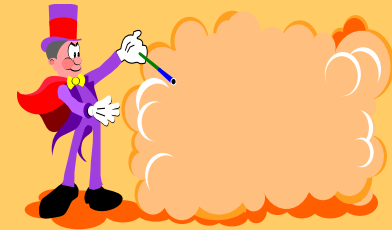
Study Deauthorization



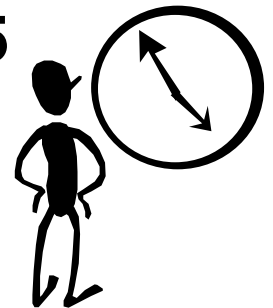
- **Section. 710, P.L. to Congress 99-662 (WRDA 86)**
- **Annual Report submitted of Authorized but incomplete Studies for Which No Funds Have Been Appropriated in Last 5 Fiscal Years**
- **Deauthorization 90 Days from Date of Report Submittal**



Project Deauthorization



- **Sec 1001, P.L. 99-662 (WRDA 86) as amended (last amended in WRDA 2007)**
- **Unconstructed Projects or Separable Elements**
- **Does Not Include Continuing Authorities, O&M, Major Rehab, Dam Safety, Deficiency Correction**
- **All Projects or Separable Elements are Eligible after 5 Years without Obligations**
 - **Eligible Projects Are Reported to Congress**
 - **Waiting Period: the last date of the fiscal year following the fiscal year in which funds have not been obligated for construction of such project or element during such period**



Project Deauthorization



- **Districts Send Project Data to HQUSACE**
- **ASA(CW) Submits Report of Eligible Projects to Congress Once Every Year**
- **Districts Notify Affected Congressional Delegations**
- **Congress may Extend Authorization of Projects by Specific Legislation**
 - **Deauthorization Cycle Starts Over**



Notification Requirements



- **The Law Requires Notification of Affected Members of Congress and U.S. Senators when Eligibility List is Reported To Congress**
- **Notification Delegated to District Commanders**
- **By Policy, Must be in Writing**
 - **Overall Policy: Keep Congressional Delegations and Local Interests Informed of Deauthorization Status of All Studies and Projects in District**

SUMMARY



- **AUTHORIZATION –ALL authority comes from Congress and can be Specific or General**
- **CLASSIFICATION – Active, Deferred or Inactive**
- **DEAUTHORIZATION – Congressional Interests are Notified when studies/projects are eligible**