



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

CECG

1 SEP 2020

MEMORANDUM FOR MSC COMMANDERS

SUBJECT: Continuing Authorities Program Approval Level for Costs in Excess of the Federal Participation Limit

1. Reference SACW Memorandum dated 01 April 2020, subject: Delegation of Authority - Approval Levels for Section 14 Decision Document, Locally Preferred Plans, and Costs in Excess of Federal Project Limit

2. Background. A Continuing Authorities Program (CAP) study cannot be initiated if construction costs will exceed the per-project federal cost limits established by Congress. Further, Army policy does not permit continuing with planning of a project under the CAP when, after application of the appropriate federal/non-federal cost sharing percentages, it is estimated that the federal share would exceed the applicable per-project limit. Engineering Pamphlet (EP) 1105-2-58 allows that the Assistant Secretary of the Army (Civil Works) (ASA(CW)) can approve a waiver of this policy if after initiation of a study and prior to execution of a Project Partnership Agreement, the non-federal sponsor offers to contribute funds for any costs that would normally be part of the federal share if not for the federal cost limit. The referenced memorandum delegates to me the approval of these policy waivers for projects where the federal share of total project costs would otherwise exceed the federal per-project limit by 50 percent or less. I am further authorized to delegate the approval of these policy waivers to the MSC Commander for projects where the federal share of total project costs would otherwise exceed the federal per-project limit by 25 percent or less.

3. Policy. I am delegating to the Director of Civil Works the authority to approve policy waivers for projects where the federal share of total project costs would otherwise exceed the federal per-project limit from 25 to 50 percent. Further, I am delegating to the MSC Commanders the authority to approve policy waivers for projects where the federal share of total project costs would otherwise exceed the federal per-project limit by 25 percent or less. Under no circumstances may you initiate a CAP study knowing the construction costs exceed the per-project federal cost limit established by Congress nor approve the allocation of federal funds in excess of the per-project limit. The non-federal sponsor must agree to contribute all study and construction costs that exceed the federal participation limit.

4. Applicability. This memorandum applies to all CAP authorities for projects that do not otherwise deviate from policies outlined in the referenced memorandum, Engineering Regulation 1105-2-100, or EP 1105-2-58. The approval of policy waivers

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for projects where the federal share of total project costs would otherwise exceed the federal per-project limit by more than 50 percent remains with the ASA(CW). Approval of any decision document that deviates from policy will be retained by the ASA(CW). The MSC will provide to the Headquarters CAP Program Manager a copy of policy waivers within 14 days of approval by the MSC Commander. This delegation is a component in the MSC Quality Assurance and Oversight audit responsibilities that will be addressed in a forthcoming Director's Policy Memorandum. This delegation will remain in effect until 01 April 2023 unless rescinded, cancelled, or reissued in writing before then.

A handwritten signature in black ink, appearing to read "Todd T. Semonite". The signature is stylized and written in a cursive-like font.

TODD T. SEMONITE  
Lieutenant General, USA  
Commanding