

CIVIL WORKS DIRECTORATE

CURRENT EVENTS

CONTINUING AUTHORITIES PROGRAM



11 July 2024

“The views, opinions and findings contained in this report are those of the author(s) and should not be construed as an official Department of the Army position, policy or decision, unless so designated by other official documentation.”



US Army Corps
of Engineers®



Agenda

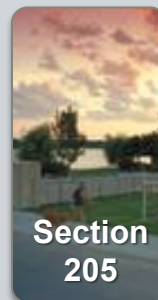
- Authorities
- Delegations
- Regular and BIL Appropriations Status
- Sec 165(a) Pilot Program Status
- Innovative Concepts



US Army Corps
of Engineers[®]



The Suite of Authorities



Emergency Stream Bank and Shoreline

Hurricane and Storm Damage Reduction (Beach Erosion)

Navigation Improvements

Mitigation to Shore Damage Attributable to Navigation Works

Beneficial Use of Dredge Material / Regional Sediment Management

Flood Damage Reduction

Aquatic Ecosystem Restoration

Snagging and Clearing for Flood Damage Reduction

Project Modifications for Improvements to the Environment

NINE Authorities providing **HUGE** Benefits to local communities

For more details about the authorities, reference:

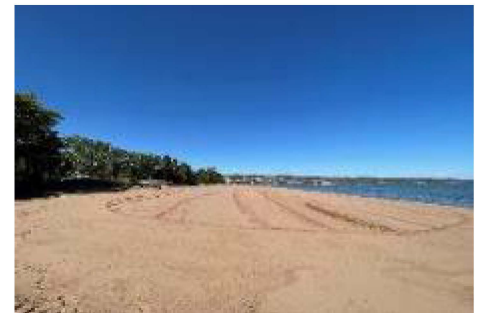
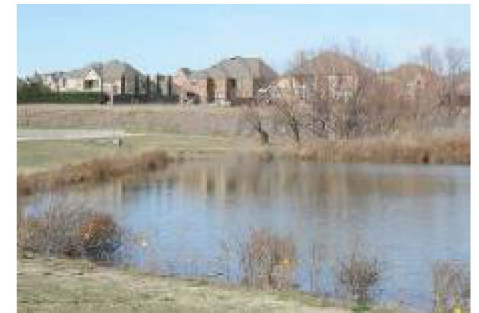
PARTNERING WITH THE U.S. ARMY CORPS OF ENGINEERS *A Guide For Communities, Local Governments, States, Tribes, and Non-Governmental Organizations.* Institute for Water Resources.

<https://www.iwrlibrary.us/#/document/a50ba6d1-50ca-4ac9-ac64-d5b2dab21ee6>



Authority Cost Shares and Federal Limits

Purpose	Authority	Feasibility Cost Share Fed / Non-Fed	Implementation Cost Share Fed / Non-Fed	Federal Project Limit/ Program Limit
Emergency Stream Bank and Shoreline Protection	Section 14, 1946 Flood Control Act, as amended	100% / 0% for initial \$100,000; 50% / 50% remaining cost	65% / 35% ¹	\$10,000,000/ \$25,500,000
Hurricane and Storm Damage Reduction (Beach Erosion)	Section 103, 1962 River and Harbor Act, as amended	100% / 0% for initial \$100,000; 50% / 50% remaining cost	65% / 35%	\$10,000,000/ \$38,000,000
Navigation Improvements	Section 107, 1960 River and Harbor Act, as amended	100% / 0% for initial \$100,000; 50% / 50% remaining cost	Varies, based on depth	\$10,000,000/ \$63,000,000
Mitigation to Shore Damage Attributable to Navigation Works	Section 111, 1968 River and Harbor Act, as amended	100% / 0% for initial \$100,000; same proportion as project causing damage	Shared in same proportion as project causing damage	\$12,500,000/ NA
Beneficial Use of Dredge Material/Regional Sediment Management	Section 204, 1992 Water Resources Development Act, as amended	100% / 0%	65% / 35% ^{1,2}	\$10,000,000/ \$63,000,000
Flood Damage Reduction	Section 205, 1948 Flood Control Act, as amended	100% / 0% for initial \$100,000; 50% / 50% remaining cost	65% / 35% ^{1,2}	\$10,000,000/ \$69,250,000
Aquatic Ecosystem Restoration	Section 206, 1996 Water Resources Development Act, as amended	100% / 0% for initial \$100,000; 50% / 50% remaining cost	65% / 35%	\$10,000,000/ \$63,00,000
Snagging and Clearing for Flood Damage Reduction	Section 208, 1954 Flood Control Act, as amended	100% / 0% for initial \$100,000; 50% / 50% remaining cost	65% / 35% ¹	\$500,000/ \$8,000,000
Project Modifications for Improvements to the Environment	Section 1135, 1986 Water Resources Development Act, as amended	100% / 0% for initial \$100,000; 50% / 50% remaining cost	75% / 25%	\$10,000,000/ \$50,500,000



US Army Corps
of Engineers[®]



DELEGATIONS - SUPPORT FROM OASA

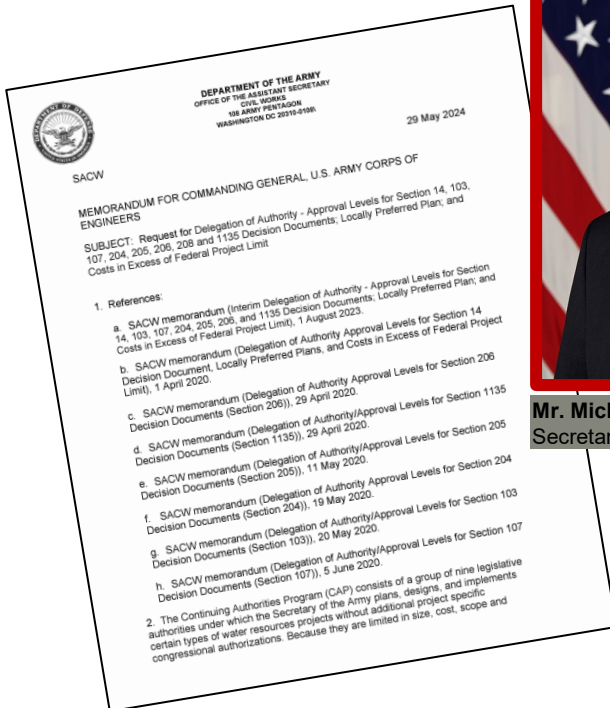
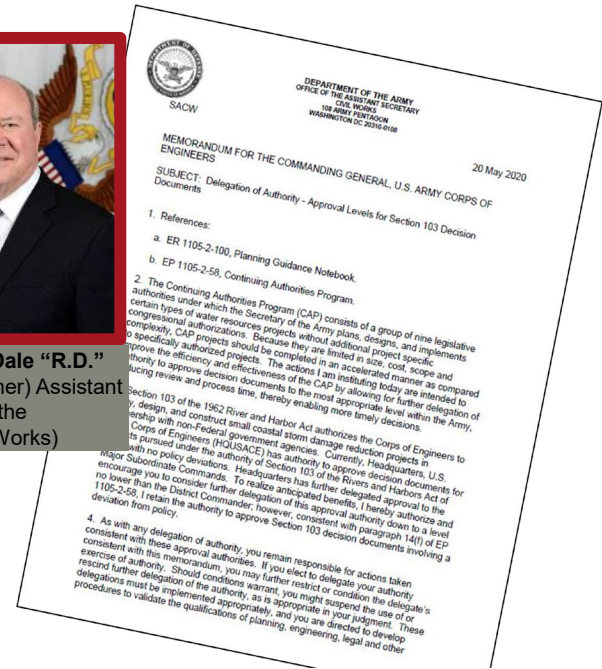
- Former Assistant Secretary of the Army (Civil Works), Mr. R.D. James, was supportive of the efforts to streamline and accelerate delivery of CAP projects and had encouraged the Corps to expedite the execution of these actions.
- Issued Delegation of Approval Authorities in 2020



Mr. Rickey Dale "R.D." James, (former) Assistant Secretary to the Army (Civil Works)



Mr. Michael L. Connor, Assistant Secretary to the Army (Civil Works)



- Current ASA(CW), Mr. Michael Connor, continued support of the efforts to improve CAP project delivery.
- Issued Delegation of Approval Authorities in 2024



US Army Corps of Engineers



2020 INITIAL DELEGATIONS

Locally Preferred Plan: Delegate approval authority for any Locally Preferred Plan (LPP) from the ASA(CW) to the MSC Commander.

Cost in Excess: Waiver for Policy Deviation during feasibility phase when estimated cost appears to be in excess of Federal project limit, delegate approval of waiver from ASA(CW) to HQ USACE and/or MSC Commander. Approval levels were tiered.

Decision Documents: Delegate approval of CAP 14, 103, 107, 204, 205, 206, and 1135 Reports – lowest approval level was District Commander. Approvals had to be requested by District, approved by MSC Commander.

2020 Delegations expired in April 2023

Interim delegation memo approved by ASA(CW) on 1 Aug 2023

❖ Expired 31 Dec 2023



US Army Corps
of Engineers ®



2024 CURRENT DELEGATIONS

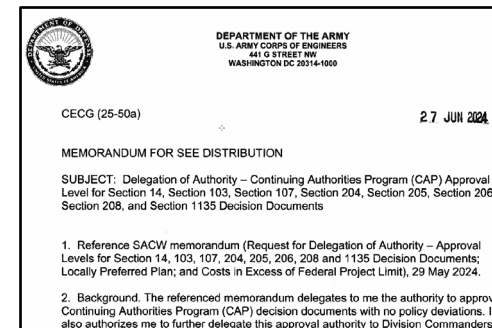
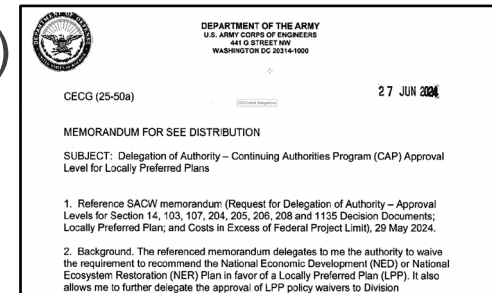
- Delegation Memo signed by ASA(CW) Michael Connor on 29 May 2024
- Effective until 1 June 2027

Locally Preferred Plan: Delegated approval authority for any Locally Preferred Plan (LPP) from the ASA(CW) to the MSC Commander.

- ❖ *Renewed - No Change from 2020 Delegation Approvals*
- ❖ *CG Memo dated 27 Jun 2024 transmitting to MSCs*
- ❖ *Requires annual audit submission*

Cost in Excess: Waiver for policy deviation during feasibility phase when estimated cost appears to be in excess of Federal project limit.

- ❖ *Not Renewed – All approvals for costs in excess of the Federal per project limit will be made by the ASA(CW)*



US Army Corps of Engineers



2024 CURRENT DELEGATIONS

Decision Documents/DPRs: Delegated approval of eight of the nine CAP Section Detailed Project Reports/Decision Documents to the MSC Commanders

- ❖ *Includes CAP Sections 14, 103, 107, 204, 205, 206, 208 and 1135*
- ❖ *Sec 14 can be further delegated to the District Commanders*
 - *Tied to emergency context of Sec 14*
 - *Approval for Sec 14 delegation must be requested by District and approved by MSC Commander.*
- ❖ *ASA(CW) retains approval level for any report with a policy deviation*
- ❖ *Renewed – With Changes from 2020 Delegation Approvals*
 - *Added Sec 208 to delegated approvals by MSC Commander*
 - *Did not renew delegations to District Commanders for Sec 103, 107, 204, 205, 206 and 1135*
- ❖ *Requires annual audit submission*

OTHER DELEGATIONS - MSC TO DISTRICT

- 3 Sep 2020 Director's Policy Memo – CAP Feasibility Phase Process Changes
- Provided revised internal processes for CAP
- Outlined roles and responsibilities for MSCs and Districts
- Affirmed use of Program Assessment Tools
- Outlined process for Certification of District Capability to perform delegated tasks



US Army Corps
of Engineers ®



OTHER DELEGATIONS

PROCESSES, ROLES & RESPONSIBILITIES

- **Feasibility Cost Share Agreements (FCSAs):** Allow districts to review, approve, and execute FCSAs that do not deviate from the approved model without quality assurance review by the MSC.
- **Review Plans:** Delegates review plan approval to District Commander. Review Management Organization role is approved to be delegated to the District as well. **Exception for projects with IEPR*
- **Federal Interest Determination (FID):** Delegates FID approval process to the District Planning Chief and allows for MSC CAP Manager quality control.
- **Tentatively Selected Plan (TSP):** renamed from MDM milestone. Delegates TSP approval process to the District Planning Chief and allows for MSC CAP Manager quality control. **If policy waiver, no delegation*
- **Cost Certification:** Delegates final cost certification of the Certified Agency Technical Review Cost Reviewer.



US Army Corps
of Engineers[®]



OTHER DELEGATIONS

CERTIFICATION OF DISTRICT CAPABILITY

- Applies to OASA delegated approvals as well as DPM-outlined delegations

- Goal is to ensure that the Corps maintains quality in the CAP process and policy compliance, a two-step process will be utilized: 1) Certification of Capability and 2) Program Assessment.
 - ❖ Districts must request delegation from MSC
 - ❖ MSC will certify capability and approve or deny delegation
 - ❖ If denied MSC must provide a plan for improvement
 - ❖ MSC will provide denial and approval status to HQ

- District Capability Certification: District Commanders must demonstrate that the district has:
 - ❖ Adequate resources
 - ❖ Qualified planning, engineering, legal and other technical staff
 - ❖ Applicable written procedures, record keeping, and reporting requirements
 - ❖ Documented adherence to those procedures

DRAFT

Final procedures expected end of FY24



OTHER DELEGATIONS

CERTIFICATION OF DISTRICT CAPABILITY

DRAFT

▪ MSCs will certify the district's capability at the following frequency:

- ❖ Every 3 years if one of the planning or engineering organizations is led by a GS-15 and the other is led by a GS-14.
- ❖ Every 2 years if both the planning and engineering organizations are led by GS-14s.
- ❖ Every year if the planning or engineering organizations are led by a GS-13.
- ❖ Delegations can be received regardless of individual district's organizational structure.

The district certification of capability should consist of, at a minimum, the following information:

- a. List of requested delegation(s) and what district studies are active or planned/upcoming for these requested delegations.
- b. Provide a narrative describing the district's CAP experience including but not limited to work experience, document preparation, study scope development, review support, tools/skills, and implementation.
- c. Provide at least four studies and expand on those studies the last year of work, milestones achieved, review products, and how the district managed resolution of vertical team review comments.
- d. Describe knowledge of policy and planning (i.e., study issues, processes, vertical chain coordination, review, regulations, etc.).
- e. Provide a P2 schedule highlighting milestone dates of any active or planned studies.
- f. List any pertinent education and training (i.e., core curriculum, prospect, planning assistant, etc.).
- g. Provide any certifications (i.e., agency technical reviewer, water resource planner, professional certifications, etc.)

**SAMPLE
CERTIFICATION
REQUIREMENTS**



2024 CURRENT DELEGATIONS PROGRAM ASSESSMENT & AUDITS

- **EP 1165-2-58 will be updated NLT 29 Aug 2024**

- **Program assessment:**
 - ❖ Assess quality of delegated documents
 - ❖ Analyze cost and time savings of procedures
 - ❖ Evaluate successes and deficiencies
 - ❖ Document delegations provided and denied delegations

- **Audit:**
 - ❖ Must be conducted annually
 - ❖ Will be prepared by MSCs and submitted to HQS CAP PgM
 - ❖ Annual audits will be submitted to OASA
 - ❖ Detailed procedures to be included in updated DPM memo



US Army Corps
of Engineers[®]



Current Program Status (Financial)

Regular Funds

SECTION	FY24 Available to Allocate (3 Jul 2024)	Repurposed CAP Funds (Regular Appropriation)	FY24 Regular Appropriation	FY24 Available to Obligate (Regular Appropriations)	Planned Remaining FY24 Capabilities	Projected FY24 Carryout	FY25 PB	FY25 House Markup 1/	Projected FY25 Available to Allocate	Non-BIL Active Project FY25 Capabilities
14	\$ 12,009,879	\$ (5,000,000)	\$ 5,000,000	\$ 12,009,879	\$ 5,748,000	\$ 6,261,879	\$ -	\$ 5,000,000	\$ 6,261,879	\$ 4,410,000
103	\$ 8,216,206	\$ (500,000)	\$ 500,000	\$ 8,216,206	\$ 550,000	\$ 7,666,206	\$ -	\$ 500,000	\$ 7,666,206	\$ 1,650,000
107	\$ 2,645,076	\$ (1,500,000)	\$ 1,500,000	\$ 2,645,076	\$ 425,000	\$ 2,220,076	\$ -	\$ 3,500,000	\$ 2,220,076	\$ 1,470,000
111	\$ 3,682,153	\$ -	\$ 2,100,000	\$ 5,782,153	\$ 50,000	\$ 5,732,153	\$ -	\$ 5,000,000	\$ 5,732,153	\$ 3,470,000
204	\$ 27,435,023	\$ -	\$ 18,000,000	\$ 45,435,023	\$ 10,236,300	\$ 35,198,723	\$ 1,000,000	\$ 1,000,000	\$ 36,198,723	\$ 600,000
205	\$ 21,059,982	\$ (12,000,000)	\$ 12,000,000	\$ 21,059,982	\$ 2,537,000	\$ 18,522,982	\$ 1,000,000	\$ 10,000,000	\$ 19,522,982	\$ 55,240,000
206	\$ 9,425,581	\$ (8,000,000)	\$ 8,000,000	\$ 9,425,581	\$ 1,128,000	\$ 8,297,581	\$ 14,000,000	\$ 6,000,000	\$ 22,297,581	\$ 41,500,000
208	\$ 2,989,372	\$ (250,000)	\$ 250,000	\$ 2,989,372	\$ 226,400	\$ 2,762,972	\$ -	\$ -	\$ 2,762,972	\$ 42,000
1135	\$ 11,276,716	\$ (7,500,000)	\$ 7,500,000	\$ 11,276,716	\$ 4,300,000	\$ 6,976,716	\$ 1,500,000	\$ 7,500,000	\$ 8,476,716	\$ 16,100,000
TOTALS	\$ 98,739,988	\$ (34,750,000)	\$ 54,850,000	\$ 118,839,988	\$ 25,200,700	\$ 93,639,288	\$ 17,500,000	\$ 38,500,000	\$ 111,139,288	\$ 144,040,688

1/ - Includes five, new-start earmarked projects (1-206/2-14/1-107/1-103)

BIL Funds

- All but \$106M in BIL funds were repurposed per FY24 Approps bill
- Only funds shown in published spend plan will be allocated to projects
- Spend plan for remaining \$106M being finalized by OASA/OMB



Current Program Status (Execution)



Info/Updates

Click Here to Submit Comments on the RPM...

Civil Works Revolutionize Performance Monitoring Program Metric Summary



Division, District
All



Color Legend

- LRD
- MVD
- NAD
- NWD
- POD
- SAD
- SPD
- SWD

PROMIS Data as of - 07-Jun-24

Schedules with PMBs

Schedules Requiring PMBs

PROMIS Schedules

Tracked AMSCOs

CFY Available to Obligate

CFY Obligations Scheduled

2101 Data as of - 07-Jun-24

Data Quality Metrics

CW20 - % Group Codes Assigned



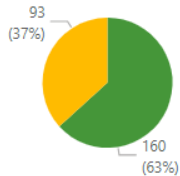
CW21 - % Valid Schedules



CW22 - % PMB Baselined Schedules



CW23 - At Comp Cost vs Fully Funded Est



CW24 - Min Data Req (# Proj by Rating)



268

278

624

362

\$231M

\$97M

Financial Metrics

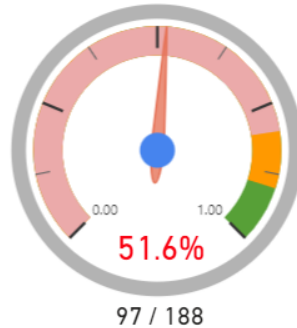
CW01A - YTD % Obligated



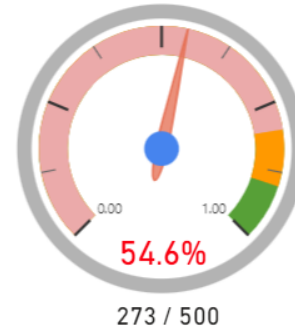
CW01B - CFY & CFY+1 Obli Var



CW11 - % of Feasibility Milestones On-Schedule



CW12 - % of Implementation Milestones On-Schedule



CW02A Regulatory - YTD % Expended



Metric under evaluation
(Blank)

CW09 -Unobligated Carryout

Excluded Carryout	Total Carryout	Planned Carryout	Unplanned Carryout
2%	63%	23%	31%

Carryout Data as of - 07-Jun-24



FOR INTERNAL USE ONLY - NOT FOR PUBLIC RELEASE

***** TOO MUCH RED *****



US Army Corps of Engineers



Economically Disadvantaged Communities Pilot Program (Sec 165(a)) – Selection Process

- Application Period
 - Federal Register notice was issued on 21 June 2023
 - Included specific and clear application criteria/requirements (see backup slide)
 - Initial application period - 21 August 2023
 - Application period extended to 20 Oct 2023
 - 192 applications received - all electronic applications were acknowledged
- Review Process
 - Committee (Amy Babey/Amy Frantz/Gib Owen) evaluated proposals and validated
 - Committee obtained approval from DCW
 - ASA(CW) will make final project selections
 - Selected projects will be published on USACE web site
 - All applications will receive a formal response letter from HQS CAP PgM
- Pilot Program Model **FCSA** and PPAs will be developed
- List of applications with application packages will be provided to Districts after initial project selection



US Army Corps
of Engineers[®]



Economically Disadvantaged Communities Pilot Program – Example Calculations

CAP Section: 111	
Statutory Limit for CAP Section	\$ 12,500,000
Federal DI Cost Share % - enter as decimal	0.90
Feasibility Phase	
Total feasibility cost	\$ 900,000.00
Design and Implementation Phase	
Total Federal Feasibility Cost	\$ 900,000.00
Allowable DI Federal Cost	\$ 11,600,000.00
Toal Federal Sec 165(a) DI Cost	\$ 12,888,888.89
Project	
Total Allowable Federal Cost	\$ 13,788,888.89
Total Federal Per Project Limit:	\$ 13,788,888.89

CAP Section: 204	
Statutory Limit for CAP Section	\$ 10,000,000
Federal DI Cost Share %	0.65
Feasibility Phase	
Total feasibility cost	\$ 700,000.00
Design and Implementation Phase	
Total Federal Feasibility Cost	\$ 700,000.00
Allowable DI Federal Cost	\$ 9,300,000.00
Toal Federal Sec 165(a) DI Cost	\$ 14,307,692.31
Project	
Total Allowable Federal Cost	\$ 15,007,692.31
Total Federal Per Project Limit:	\$ 15,007,692.31

Statutory cost share percentages

Section	Feas	DI
14	50/50	65/35
103	50/50	65/35
107	50/50	Depth
111	Original CS	Original CS
204	100/0	65/35
205	50/50	65/35
206	50/50	75/25
208	50/50	65/35
1135	50/50	75/25

CAP Section: 205	
Statutory Limit for CAP Section	\$ 10,000,000
Federal DI Cost Share %	0.65
Feasibility Phase	
Total feasibility cost	\$ 500,000.00
Design and Implementation Phase	
Total Federal Feasibility Cost	\$ 500,000.00
Allowable DI Federal Cost	\$ 9,500,000.00
Toal Federal Sec 165(a) DI Cost	\$ 14,615,384.62
Project	
Total Allowable Federal Cost	\$ 15,115,384.62
Total Federal Per Project Limit:	\$ 15,115,384.62

CAP Section: 107	
Statutory Limit for CAP Section	\$ 10,000,000
Federal DI Cost Share % - enter as decimal	0.70
Feasibility Phase	
Total feasibility cost	\$ 1,500,000.00
Design and Implementation Phase	
Total Federal Feasibility Cost	\$ 1,500,000.00
Allowable DI Federal Cost	\$ 8,500,000.00
Toal Federal Sec 165(a) DI Cost	\$ 12,142,857.14
Project	
Total Allowable Federal Cost	\$ 13,642,857.14
Total Federal Per Project Limit:	\$ 13,642,857.14



US Army Corps of Engineers



Innovative Concepts

- Reduce backlog of CAP New Starts
 - Refocus FID level of effort
 - Use of AI to complete FIDs
 - ❖ Pilot Program under Sec 14, 205, and 206
- Improve CAP Execution
 - Sweep unobligated CAP funds from projects
 - Tier 1 – terminated, completed, suspended, deferred projects
 - Tier 2 – active projects with zero to minimal obligations for one year
 - Line-item reviews with MSCs
- Update EP 1105-2-58 (CAP EP)
- Revamped CAP 049 PROSPECT Course
 - FY25 survey mostly full – plan for FY26



US Army Corps
of Engineers[®]



Contact Information

Amy S. Babey, PMP

HQS USACE

National Program Manager

Continuing Authorities and Tribal Partnership Programs



US Army Corps
of Engineers[®]

