



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

CECW-P

JUN 24 2019

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Revised Implementation Guidance for Section 1154 of the Water Resources Development Act (WRDA) of 2018, Dissemination of Information

1. The Assistant Secretary of the Army, Civil Works approved on 5 June 2019 Section 1154 of WRDA 2018. The attached implementation guidance is posted for internal and external use on the U.S. Army Corps of Engineers official WRDA website:
<http://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/>.
2. Please ensure wide dissemination of this guidance. Questions regarding this implementation guidance should be directed to the Headquarters POC, Joseph Mose, Program Manager, at (202) 761-4825 or joseph.h.mose@usace.army.mil.

A handwritten signature in blue ink, appearing to read "J. Dalton", written over a horizontal line.

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

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DEPARTMENT OF THE ARMY
ASSISTANT SECRETARY OF THE ARMY
CIVIL WORKS
108 ARMY PENTAGON
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JUN -5 2019

MEMORANDUM FOR THE COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Implementation Guidance for Section 1154(a) and (c) of the Water Resources Development Act of 2018, Comprehensive Backlog and Operation and Maintenance Report and Public Participation

1. Section 1154(a) of the Water Resources Development Act of 2018 (WRDA 2018) directs the Secretary to compile and publish a complete list of all projects and separable elements of projects of the U.S. Army Corps of Engineers (Corps) that are authorized for construction but have not been completed; a complete list of all feasibility studies that Congress has authorized the Secretary to carry out for which a Report of the Chief of Engineers has not been issued; a complete list of all environmental infrastructure projects authorized by Congress under Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835); and a complete list of major Federal operation and maintenance needs of projects and properties under the control of the Corps. For fiscal year (FY) 2020, and once every two years thereafter, in conjunction with the President's annual budget submission to Congress under Section 1105(a) of title 31, United States Code, the Secretary shall submit a copy of the lists discussed above to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives; and the Director of the Office of Management and Budget. The Secretary shall make a copy of the lists available on a publicly accessible website in a manner that is downloadable, searchable, and sortable.

Additionally, Section 1154(c) provides that for the development of, or any proposed major substantive modification to, a proposed budget for water resources development projects, the Secretary, through each District shall, not less frequently than annually: provide to non-Federal interests and other interested stakeholders information on the proposed budget for projects or substantive modifications to project budgets within each District's jurisdiction; hold multiple public meetings to discuss the budget for projects within each District's jurisdiction; and provide to non-Federal interests the opportunity to collaborate with District personnel for projects within each District's area of responsibility. Sections 1154(a) and (c) of WRDA 2018 are enclosed.

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2. Definitions:

a. Construction Backlog is defined as those active projects or separable elements authorized for construction, to include environmental infrastructure projects or separable elements, in which construction funds have been obligated, but construction has not been completed.

b. Study Backlog is defined as those active authorized studies, in which Investigation funds have been obligated, but the study has not been completed.

c. Civil Works Integrated Funding Database (CW-IFD). CW-IFD is defined as the integrated data set for supporting budget allocations and related funding decisions. The Corps CW-IFD is the primary repository for evaluating operation and maintenance needs. The CW-IFD can be queried and analyzed to quantify the major operation and maintenance needs and unmet or deferred operation and maintenance needs.

d. Major operation and maintenance (O&M) needs of projects and properties is defined as critical O&M activities that either prevent liability (financial or legal penalty) or damage or protect property and infrastructure. This definition also includes O&M activities that address near-term project needs and activities necessary to ensure basic project safety, to keep the project operating, and to deliver its mission. Therefore, all common O&M activities defined as "no mission" and "partial mission" are considered as major O&M needs for each project. Moreover, all specific work activities with a relative score below 11 is defined as a major O&M need¹. The summation of these two categories will be used to estimate the total major O&M needs for each project.

e. Unmet or deferred operation and maintenance needs is defined as any maintenance and repairs that were identified but not performed when they should have been or were scheduled to be and which are put off or delayed for a future period². Any common O&M activities that were identified as major O&M needs that were not performed during the reporting period, will be considered unmet or deferred O&M needs. Likewise, work activities identified as major O&M needs with a relative risk score³ below a value of 11, that was not performed during the reporting period will be considered as unmet or deferred O&M needs. The summation of these two categories will be used to estimate the total unmet or deferred O&M needs for each project. Dredging actions will not be considered when estimating unmet or deferred O&M needs. However, supporting dredging activities such as placement site O&M activities will be identified.

¹ EC 11-2-216, E-3-1.

² Statement of Federal Financial Accounting Standards 42: Deferred Maintenance and Repairs: Amending Statements of Federal Financial Accounting Standards 6, 14, 29 and 32, (Federal Accounting Standards Advisory Board Handbook, Version 17, 2018), 5.

³ Based upon the USACE relative risk matrix for operation and maintenance (EC 11-2-216, E-7-1).

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f. Unfunded project or separable element, to include environmental infrastructure projects or separable elements, is defined as a project authorized for construction, in which no Construction funds have been appropriated.

g. Unfunded study is defined as an authorized study, in which no Investigation funds have been appropriated.

3. The Commanding General, U.S. Army Corps of Engineers or his designee is directed to: Provide the following information to the Assistant Secretary of the Army for Civil Works (ASA(CW) for review and action, no later than 15 October 2019 and every two years thereafter by 15 October. The lists will be provided publicly at the time the President's Budget is released.

a. Projects. Provide a list of all projects and separable elements of projects that are authorized for construction. List of projects and separable elements will be grouped by business line and shall include the following information:

- (i) the date of authorization of the project, or separable element, including any subsequent modifications to the original authorization;
- (ii) the original budget authority for the project, or separable element;
- (iii) a brief description of the project, or separable element;
- (iv) the estimated date of completion of the project, or separable element, assuming all capability is fully funded;
- (v) the estimated total cost of completion of the project, or separable element;
- (vi) the amount of funds spent on the project, or separable element, including Federal and non-Federal funds, if applicable;
- (vii) the amount of appropriations estimated to be required in each fiscal year during the period of construction to complete the project or separable element by the date specified under clause (iv);
- (viii) the location of the project, or separable element;
- (ix) a statement from the non-Federal interest for the project or separable element indicating the non-Federal interest's capability to provide the required local cooperation estimated to be required for the project or separable element in each fiscal year during the period of construction, if applicable;
- (x) the benefit-cost ratio of the project or separable element, calculated using the discount rate specified by the Office of Management and Budget for purposes of preparing the President's budget pursuant to Chapter 11 of Title 31, United States Code;
- (xi) the benefit-cost ratio of the project or separable element, calculated using the discount rate utilized by the Corps of Engineers for water resources development project planning pursuant to section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-17);

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- (xii) the last fiscal year in which the project or separable element incurred obligations; and
- (xiii) classification of whether the project is included within the Construction Backlog or is an Unfunded project or separable element.

b. Studies. Provide a list of all studies that are authorized. List of studies will be grouped by business line and shall include the following information:

- (i) the date of authorization of the feasibility study, including any subsequent modifications to the original authorization;
- (ii) the original budget authority for the feasibility study;
- (iii) a brief description of the feasibility study;
- (iv) the estimated date of completion of the feasibility study, assuming all capability is fully funded;
- (v) the estimated total cost of completion of the feasibility study;
- (vi) the amount of funds spent on the feasibility study, including Federal and non-Federal funds, if applicable;
- (vii) the amount of appropriations estimated to be required in each fiscal year during the study to complete the study by the date specified under cause (iv);
- (viii) the location of the feasibility study;
- (ix) a statement from the non-Federal interest for the study indicating the non-Federal interest's capability to provide its share of study costs in each fiscal year during the study, if applicable;
- (x) the last fiscal year in which the study incurred obligations, if applicable; and
- (xi) classification of whether to project is included within the Study Backlog or is an Unfunded study.

c. Major Operation and Maintenance. Provide a list of Major Operations and Maintenance for Project or property needs grouped by state and business line and shall include the following information:

- (i) the authority under which the project was authorized or the property acquired, including any subsequent modifications;
- (ii) brief description of the project or property;
- (iii) an estimate of the Federal costs to meet major operation and maintenance needs at the project or properties;
- (iv) an estimate of the unmet or deferred operation and maintenance needs at the project or property; and
- (v) A brief description of the O&M project and a link to a district website where more information can be found.

d. Construction and Study Backlog. Provide the summation of the estimated total cost of completion of the projects or separable elements classified as Construction Backlog.

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Provide the summation of the estimated total cost of completion of the feasibility studies classified as Study Backlog.

4. Within 30 days of the President's annual budget being released, District Commanders will host public meetings to discuss the active projects and studies that are within the District's area of responsibility. District Commanders will distribute information on the President's Budget and have a listening session to collect public input on the next fiscal year's budget.

5. District Commanders will ensure that non-Federal interests are provided the opportunity to discuss relevant projects and their future capabilities within the District's area of responsibility.

6. This guidance shall be transmitted to the appropriate Corps Division and District Commanders and posted to the Corps' WRDA website within five business days of receipt (written or electronic) from this office. Guidance shall be transmitted and posted as is and without additional guidance attached.

7. Questions regarding this implementation guidance should be directed to Gib Owen, Office of the Assistant Secretary of the Army for Civil Works, at gib.a.owen.civ@mail.mil or 703-695-4641.



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

Enclosure

cc: MG Scott Spellmon, Deputy Commanding General, Civil and Emergency Operations
James Dalton, Director of Civil Works

**Water Resources Development Act of 2018, Section 1154(a) and (c) -
Comprehensive Backlog and Operation and Maintenance Report and Public
Participation**

(a) IN GENERAL. Section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a) is amended

(1) by striking the section designator and all that follows through "Any project" and inserting the following:

SEC. 1001. CORPS BUDGETING; PROJECT DEAUTHORIZATIONS;
COMPREHENSIVE BACKLOG REPORT.

(a) Any project; and

(2) in subsection (b), by striking paragraphs (3) and (4) and inserting the following:

(3) COMPREHENSIVE CONSTRUCTION BACKLOG AND OPERATION AND
MAINTENANCE REPORT.

(A) IN GENERAL. The Secretary, once every 2 years, shall compile and
publish

(i) a complete list of all projects and separable elements of projects of the
Corps of Engineers that are authorized for construction but have not been
completed;

(ii) a complete list of all feasibility studies of the Corps of Engineers that
Congress has authorized the Secretary to carry out for which a Report of
the Chief of Engineers has not been issued;

(iii) a complete list of all environmental infrastructure projects authorized
by Congress under section 219 of the Water Resources Development Act
of 1992 (106 Stat. 4835); and

(iv) a list of major Federal operation and maintenance needs of projects
and properties under the control of the Corps of Engineers.

(B) REQUIRED INFORMATION. The Secretary shall include on each list
developed under clause (i), (ii), or (iii) of subparagraph (A) for each feasibility
study, project, and separable element on that list

(i) the date of authorization of the feasibility study, project, or separable
element, including any subsequent modifications to the original
authorization;

(ii) the original budget authority for the feasibility study, project, or
separable element;

(iii) a brief description of the feasibility study, project, or separable
element;

(iv) the estimated date of completion of the feasibility study, project, or
separable element, assuming all capability is fully funded;

(v) the estimated total cost of completion of the feasibility study, project, or
separable element;

(vi) the amount of funds spent on the feasibility study, project, or separable
element, including Federal and non-Federal funds;

- (vii) the amount of appropriations estimated to be required in each fiscal year during the period of construction to complete the project or separable element by the date specified under clause (iv);
- (viii) the location of the feasibility study, project, or separable element;
- (ix) a statement from the non-Federal interest for the project or separable element indicating the non-Federal interest's capability to provide the required local cooperation estimated to be required for the project or separable element in each fiscal year during the period of construction;
- (x) the benefit-cost ratio of the project or separable element, calculated using the discount rate specified by the Office of Management and Budget for purposes of preparing the President's budget pursuant to chapter 11 of title 31, United States Code;
- (xi) the benefit-cost ratio of the project or separable element, calculated using the discount rate utilized by the Corps of Engineers for water resources development project planning pursuant to section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-17); and
- (xii) the last fiscal year in which the project or separable element incurred obligations.

(C) **REQUIRED OPERATION AND MAINTENANCE INFORMATION.** The Secretary shall include on the list developed under subparagraph (A)(iv), for each project and property under the control of the Corps of Engineers on that list

- (i) the authority under which the project was authorized or the property was acquired by the Corps of Engineers;
- (ii) a brief description of the project or property;
- (iii) an estimate of the Federal costs to meet the major operation and maintenance needs at the project or property; and
- (iv) an estimate of unmet or deferred operation and maintenance needs at the project or property.

(D) **PUBLICATION.**

- (i) **IN GENERAL.** For fiscal year 2020, and once every 2 years thereafter, in conjunction with the President's annual budget submission to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit a copy of the lists developed under subparagraph (A) to
 - (I) the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives; and
 - (II) the Director of the Office of Management and Budget.
- (ii) **PUBLIC AVAILABILITY.** The Secretary shall make a copy of the lists available on a publicly accessible website site in a manner that is downloadable, searchable, and sortable.

- (c) **PUBLIC PARTICIPATION.** In the development of, or any proposed major substantive modification to, a proposed budget for water resources development projects, the Secretary, through each District shall, not less frequently than annually
- (1) provide to non-Federal interests and other interested stakeholders information on the proposed budget for projects or substantive modifications to project budgets within each District's jurisdiction;
 - (2) hold multiple public meetings to discuss the budget for projects within each District's jurisdiction; and
 - (3) provide to non-Federal interests the opportunity to collaborate with District personnel for projects within each District's jurisdiction
 - (A) to support information sharing; and
 - (B) to the maximum extent practicable, to share in concept development and decision-making to achieve complementary or integrated solutions to problems.