DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108

JUN 27 2019

MEMORANDUM FOR THE DEPUTY COMMANDING GENERAL FOR CIVIL AND EMERGENCY OPERATIONS

SUBJECT: Transmittal of Additional Supplemental Appropriations for Disaster Relief Act, 2019 (Public Law 116-20) Policy Guidance Memorandum - Flood Control and Coastal Emergencies

Enclosed is subject guidance for implementation of supplemental appropriations provided in Public Law 116-20 for Flood Control and Coastal Emergencies. It defines restoration to full project profile for authorized Coastal Storm Risk Management Projects as directed by Public Law 116-20 and provides clarifying instructions regarding subsequent Public Law 84-99 eligibility determinations.

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

Encl

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1. References:

a. Additional Supplemental Appropriations for Disaster Relief Act, 2019 (Public Law 116-20), Title IV.

b. Engineer Regulation 500-1-1, 30 September 2001, Civil Emergency Management Program.

c. Engineer Pamphlet 500-1-1, 30 September 2001, Civil Emergency Management Program - Procedures.

d. CECW-HS Memorandum, May 30, 2017, Subject: Implementation Guidance for Section 3029(a)(2) of the Water Resources Reform and Development Act (WRRDA) of 2014, Emergency Response to Natural Disasters; Repair or Restoration of Coastal Storm Risk Management Projects to Design Level of Protection.

2. General Direction:

a. The Additional Supplemental Appropriations for Disaster Relief Act, 2019 (Public Law 116-20) (Reference 1.a.) provides supplemental funding for the U.S. Army Corps of Engineers. Reference 1.a. appropriates $1,000,000,000 in Flood Control and Coastal Emergencies (FCCE) funds for certain USACE-wide activities, including preparation for flood, hurricane and other natural disasters and support of emergency operations, repairs, and other activities in response to such disasters. Reference 1.a. further directs that authorized shore protection projects, hereinafter referred to as Coastal Storm Risk Management projects (CSRM), that are funded with Public Law 116-20 funds, are to be restored to the full project profile at full Federal expense. This document provides implementation guidance for the FCCE supplemental appropriation. Implementation guidance for Investigations, Construction, Mississippi River and Tributaries, and Operation and Maintenance supplemental appropriations will be provided separately.

b. Funds appropriated in Public Law 116-20 are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

c. The standard requirements in References 1.b., 1.c., and 1.d will be followed except as noted in this guidance.

d. Funding will be distributed for the highest priority repairs based on risks and consequences.

e. The repair of CSRM projects that are funded using Public Law 116-20 FCCE funds will be restored to the full project profile at full federal expense. Full project profile is defined as the authorized beach profile of the project in a fully re-nourished state.

f. Additional Procedures. For the repair and restoration of CSRM projects funded with Public Law 116-20 funds, the following procedures will be applied:

(1) For CSRM projects with previously approved Project Information Reports (PIR) prepared in accordance with references 1.b., 1.c. and 1.d., the district will prepare a PIR addendum. The addendum will document the additional work necessary to bring a project from its design profile (defined in Reference 1.d.), to the full project profile (defined in Paragraph 2.e.), the cost requirements thereof, and the adjusted construction schedule. The addendum will also address any other items or conditions that have changed since submission of the original PIR. In addition, the economic analysis from the PIR will be reviewed to confirm that the Benefit to Cost Ratio for all work is greater than 1.0, and a statement of confirmation will be included in the MSC approval memorandum for the addendum. PIR addendums will be coordinated with district and division counsel for legal sufficiency and with CECW-HS prior to approval. Based on current delegation, the approval authority is the division commander.

(2) For a CSRM project without a previously approved PIR, the district will prepare a PIR for transmittal through the division to HQUSACE (CECW-HS) for approval. In addition to the information required generally, the PIR will specifically address the damages from the storm, and clearly specify the increment of work necessary to restore the project from the design profile to the full project profile.

(3) Cooperation Agreement. District Counsel will determine if the existing Project Partnership Agreement for the project sufficiently protects the interests of the Government for the CSRM project repair and restoration to be undertaken. Based on that determination, procedures set out in paragraph 4.b. of Reference 1.d. will be followed.

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3. All work that involves contractor dredging will be entered into the USACE Dredging Information System (DIS). The DIS will be used to advise the dredging industry of upcoming work to promote competition and facilitate planning of industry dredge assets, as well as capture bid information and actual completion data.

4. Point of Contact. The technical point of contact for this guidance is Willem Helms, PL 84-99 Program Manager, at (202) 761-5909 or willem.h.helms@usace.army.mil. The policy point of contact for this guidance is Ms. Sharron DaCosta-Chisley, Assistant for Water Resources Management, at (703) 695-6789 or Sharron.h.dacosta-chisley.civ@mail.mil.

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

Public Law 116-20, Title IV, FLOOD CONTROL AND COASTAL EMERGENCIES:

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters, as authorized by law, $1,000,000,000, to remain available until expended: Provided, That funding utilized for authorized shore protection projects shall restore such projects to the full project profile at full Federal expense: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of enactment of this Act."

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