

BUDGETING NEW PROJECTS

Kathy Spillane
Chief, Programs & Project Management
Ft Worth District

Date: 02 Dec 2022



**US Army Corps
of Engineers®**



OBJECTIVE



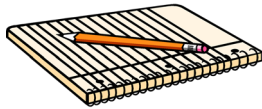
**Provide a brief overview of the
USACE Civil Works (CW) budget cycle and
how projects get started**



WHAT IT TAKES...



- **AUTHORIZATION** – Authority (permission) to do something (study, construct, etc.), in a **Water Resources Development Act**



- **APPROPRIATION** – Money to do something (study, construct, etc.), in an **Energy and Water Development Act**



- **APPORTIONMENT** – Money issued to the project to execute the authorized and apportioned work.



Corps of Engineers works for the Administration

- The Corps represents one piece of the President's Budget
- Our submission is reviewed by the **Assistant Secretary of the Army for Civil Works (ASA(CW))**, and the **Office of Management and Budget (OMB)**



HOW AUTHORIZATIONS ARE OBTAINED or IMPLEMENTED



Starts with:

YOU or Congressional Rep(s) or Committees

Ends with:

#an ACT – WRDA (water resource and development act)

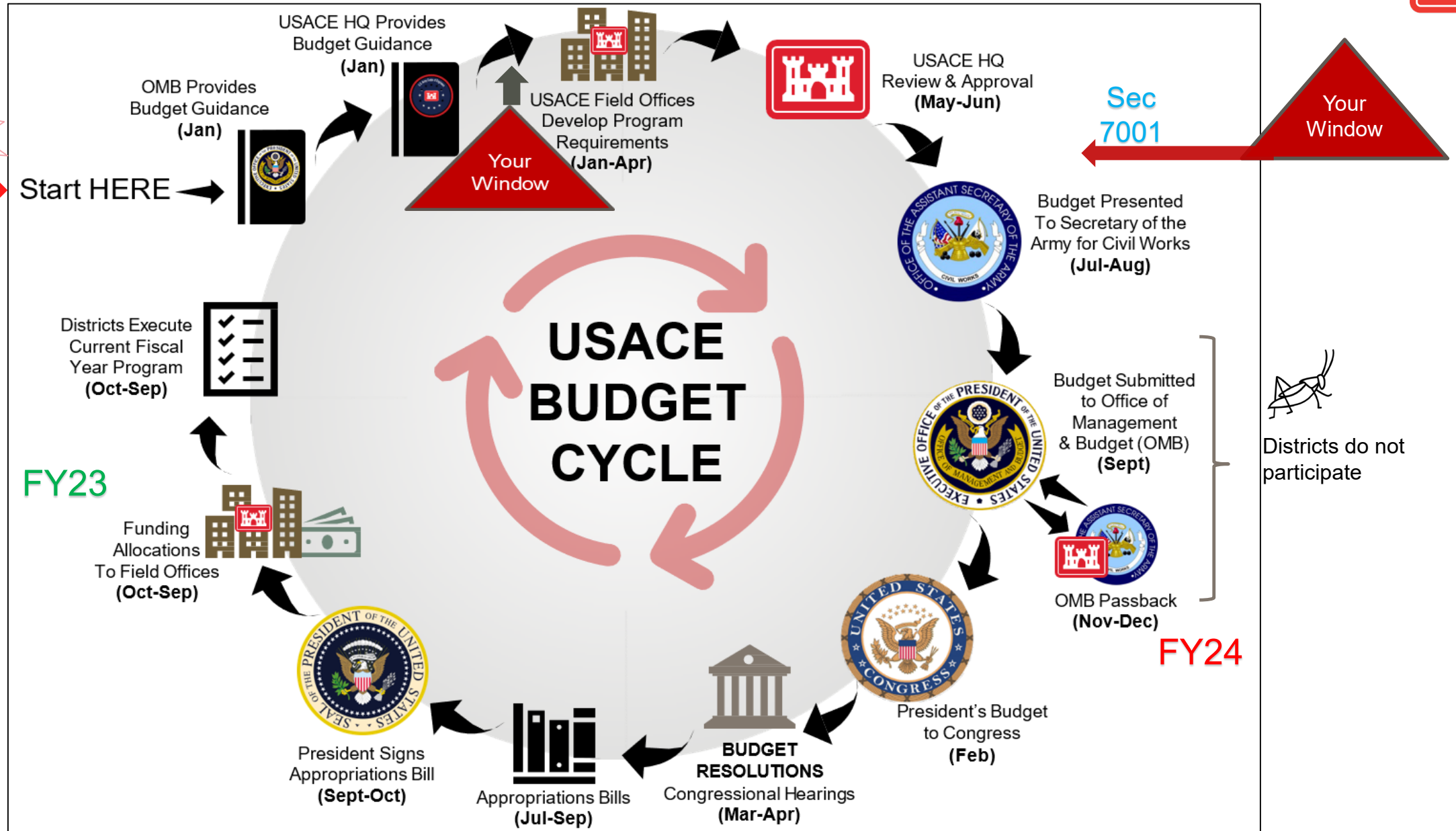
#a RESOLUTION - House Committee on Transportation & Infrastructure (T&I) OR Senate Committee on Environment & Public Works (EPW)

#Community Project Funding (earmark)

#Supplemental Bills



ANNUAL CIVIL WORKS BUDGET CYCLE





MOST REQUIRE A STUDY AND NON-FEDERAL COST SHARE SPONSOR



- **Sponsor contacts Corps with potential problem either verbally or in writing.**
- **Discussion follows on Corps mission, existing authorities, available programs.**
- **In Corps mission, but no authority? What are alternatives?**
 - Section 7001: starts each May; ends 31 Aug
 - WRDA New Start: limited number across the Nation
 - Section 203: do it yourself



STUDY AUTHORIZATION – SECTION 7001

Open Season is *May – Aug* each year

Goal: Inclusion in Annual Report to Congress on Future Water Resources Development

❖ Criteria Requirements

- Related to the missions and authorities of the Corps
- Require specific congressional authorization, including by an Act of Congress
- Have not been congressionally authorized
- Have not been included in the report table of any previous Annual Report to Congress on Future Water Resources Development
- If authorized, could be carried out by the Corps

❖ Process

- Proposal drafted and submitted to HQ by Sponsor (one proposal per study or mod)
- District/Division Review Proposal to determine if Water Resource need is a “core” mission, or if existing Authority to study exists or not
- Proposal evaluation reviewed by HQ for final determination.
- Corps produces Main Report and Appendices to transmit to Congress
- Serves as a Menu for Congress to choose from for WRDAs to provide study authorities

MADE IT INTO A WRDA, NOW WHAT?



- Effective Immediately but more work may still be needed.
 - *~28 out of 170 WRDA20 provisions required Implementation Guidance (led by ASA(CW))*
 - Evaluation of provisions
 - Public Listening Sessions
-
- Once WRDA passes, USACE will support ASA(CW) in identifying and developing any needed Implementation Guidance (IG) and other instructions to the field.
 - Final IG and/or Rulemakings are signed by ASA(CW)
 - Commence Implementation! Which means? \$\$ need appropriations!



WRDA 22 PROVISIONS OF SPECIAL INTEREST

902 Holiday (Senate Bill Sec. 142 Continuation of Construction)
Preliminary Analysis (House Bill Sec. 108)
Reserve/Warrant/Enlisted Members in CW (House Bill Sec. 128, Senate Bill Sec. 124)
Scope of Feasibility Studies (Senate Bill Sec. 101)
Research and Development (House Bill Sec. 129, Senate Bill Sec. 113)



STUDY AUTHORIZATION – SECTION 203



- A non-Federal interest (NFS) **submits a completed feasibility study** to the **Assistant Secretary of the Army (Civil Works) (ASA(CW))**
- **ASA (CW) determines if the study, complies** with **Federal laws and regulations** applicable to feasibility studies of water resources development projects.
- **Within 180 days of receipt** of the non-Federal feasibility study, the **ASA (CW) submits a report that includes the results** of the Secretary's review of the completed feasibility study
- The **report is submitted** to the Committee on **Environment and Public Works** of the Senate and the Committee on **Transportation and Infrastructure** of the House of Representatives.
- If approved for Construction, NFS may receive credit up to \$1.5 million.
- **Limited Technical Assistance:** Intergovernmental Cooperation Act, as amended by WRDA14 Section 1014(a). Help with NEPA, CWA, ESA, FWS, NHPA.
- Sec 203, WRDA 1986 (ER 1165-2-209)



STUDY AUTHORIZATION – WRDA 92, SECTION 219



- **Purpose:** Environmental Infrastructure (EI) program and projects support non-federal interests through assistance with planning, design, and construction of water related environmental infrastructure development projects for publicly-owned and operated facilities, including but not limited to wastewater and storm water infrastructure, combined sewer overflow, storage, treatment, and related facilities.
- **Authority:** Section 219, WRDA 1992, with amendments and additional authorities in subsequent WRDAs.
 - > 200 Section 219 project-specific authorizations for designated geographies such as cities or counties, e.g., El Paso County, TX
 - > 20 programmatic authorities, such as regional authorities that may involve one or more state, e.g., Section 595 -Western Rural Water, AZ, ID, MT, NV, NM, UT, and WY
- Each EI authority comes with different funding caps and geographic focus areas, e.g., \$10M for Section 5138 Texas



STUDY AUTHORIZATION – WRDA20, SECTION 147



- Purpose: directs the Secretary, at the request of a non-Federal interest, to assess the cause of damage to, or the failure of, an embankment that is adjacent to the shoreline of a reservoir project owned and operated by the Secretary for which such damage or failure to the embankment has adversely affected a roadway that the Secretary has relocated for construction of the reservoir.
- Authority: Section 147, Water Resources Development Act of 2020 (WRDA 2020)
- Secretary is authorized to participate in the repair or restoration of such embankment. Section 147 authorizes \$10,000,000 to be appropriated to carry out this effort.
- Subject to the approval of the letter report and the availability of funds with the USACE designing and implementing the repair or restoration of a damaged roadway, at full Federal expense



CONTINUING AUTHORITIES PROGRAM (CAP)



WRDA 2007, WRRDA 2014, WRDA 2016, WRDA 2018

Section 14	Emergency stream bank and shoreline protection for public facilities, such as roads, bridges, hospitals, schools, and water & sewage treatment plants, that are in imminent danger of failing.	\$5,000,000
Section 103	Protection of public and private properties and facilities against damages caused by storm driven waves and currents by the construction of revetments, groins, and jetties, and may also include periodic sand replenishment.	\$10,000,000
Section 107	Improvements to navigation including dredging of channels and widening of turning basins.	\$10,000,000
Section 111	Prevention or mitigation of erosion damages to public or privately owned shores along the coastline when the damages are a result of a Federal navigation project.	\$12,500,000
Section 204	Regional Sediment Management and beneficial uses of dredged material from new or existing Federal projects for ecosystem restoration, FRM or CSRMP purpose.	\$10,000,000
Section 205	Local protection from flooding by non-structural measures such as flood warning systems, or flood proofing; or by structural flood damage reduction features such as levees, diversion channels, or impoundments.	\$10,000,000
Section 206	Aquatic ecosystem restoration.	\$10,000,000
Section 208	Local protection from flooding by channel clearing and excavation, with limited embankment construction by use of materials from the clearing operation only.	\$500,000
Section 1135	Modifications of USACE constructed water resources projects to improve the quality of the environment. Also, restoration projects at locations where an existing Corps project contributed to the degradation.	\$10,000,000

Federal Funding Per Project Limits



FPMS, PAS, SJ NON-STRUCTURAL PROPOSALS

Floodplain Management Services: compile and disseminate information on floods and flood damages, including identification of areas subject to inundation by floods of various magnitudes and frequencies, and general criteria for guidance of federal and non-federal interests and agencies in the use of floodplain areas; and to provide advice to other federal agencies and local interests for their use in planning to ameliorate the flood hazard. Full federal or contributed funds.

Planning Assistance to States: planning for the development, utilization, and conservation of the water and related resources of drainage basins, watersheds, or ecosystems located within the boundaries of that State, including plans to comprehensively address water resources challenges such as the state water plan. Cost shared 50-50.

Silver Jackets: Interagency teams that facilitate collaborative solutions to state flood risk priorities. Team focal areas vary as state priorities vary. By applying their shared knowledge, the teams enhance preparedness, mitigation, and response and recovery efforts when such events do occur. Seek to reduce flood risk & consequences through nonstructural means, as opposed to altering nature or extent of flood hazard. <https://www.iwr.usace.army.mil/Silver-Jackets/>

Proposal deadlines are ***March 31 each year***



STUDY INITIATIVES – EJ40



- **Purpose:** Environmental Justice 40 (EJ40) is an Initiative that aims to direct 40 percent of the overall benefits of certain Federal investments to disadvantaged communities that are marginalized, underserved, and overburdened by pollution. Simply stated, the J40 initiative offers the opportunity to highlight the contributions our CW programs can and do deliver to disadvantaged communities!
- **EJ40 Initiatives:**
 - Aquatic Ecosystem Restoration - Investigations & Construction
 - Flood and Storm Damage Reduction Program – Investigations & Construction
 - Continuing Authorities Program
 - Floodplain Management Services & Planning Assistance to States
 - Tribal Partnership Program (Section 203)
 - Pilot Programs on the Formulation of Corps of Engineers Projects in Rural Communities and Economically Disadvantaged Communities (Section 118 of WRDA 2020)
 - Pilot Program for Continuing Authority Projects in Small or Disadvantaged Communities (Section 165 of WRDA 2020)

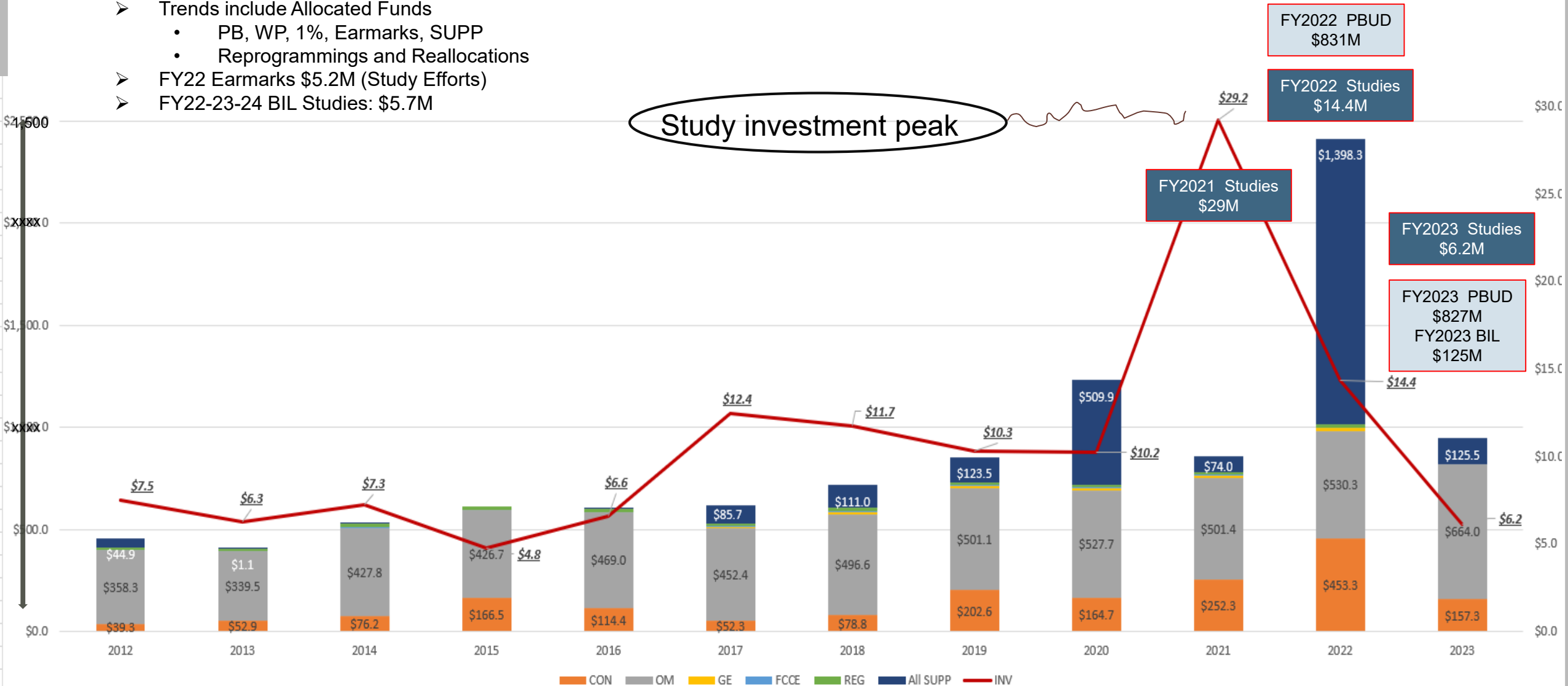


SWD INVESTMENT TRENDS 2012 THRU 2023

Includes Regular & Supplement Funding (\$M)

FUNDING TRENDS

- Study Funding Trending Upward through FY22
- Trends include Allocated Funds
 - PB, WP, 1%, Earmarks, SUPP
 - Reprogrammings and Reallocations
- FY22 Earmarks \$5.2M (Study Efforts)
- FY22-23-24 BIL Studies: \$5.7M





WHAT TO DO NOW?



- **CONTACT YOUR DISTRICT**

- **SEND A LETTER TO THE COMMANDER**

- **SET UP A MEETING WITH THE DISTRICT**

- **CONSIDER THE VARIOUS AUTHORITIES**



PUBLIC LAWS AND CONGRESS



<https://www.congress.gov/public-laws/>

CONGRESS:

- <https://www.senate.gov/>
- <https://www.house.gov/>

HOUSE and SENATE COMMITTEES:

- House Appropriations Subcommittee (E&WD) - Appropriations:
<https://appropriations.house.gov/subcommittees/energy-and-water-development-and-related-agencies-116th-congress>
- Senate Appropriations Subcommittee (E&WD) - Appropriations:
<https://www.appropriations.senate.gov/subcommittees/energy-and-water-development>
- House T&I Subcommittee (WRE) – Authorizations:
<https://transportation.house.gov/subcommittees/water-resources-and-environment-116th-congress>
- Senate EPW Subcommittee (T&I) – Authorizations:
<https://www.epw.senate.gov/public/index.cfm/transportation-and-infrastructure>



QUESTIONS?

