DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
441 G Street N.W.
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CECW-P/CECW-I

16 JUL 2008

MEMORANDUM FOR Commanders, Major Subordinate Commands

SUBJECT: Implementation Guidance for Sections of the Water Resources Development Act of 2007 Relating to the Continuing Authorities Program (CAP) Program and Per-Project Limits

1. Sections 2020(2); 2021; 2022; 2023; and 2024. These sections of WRDA 2007 amend program and per-project limits for certain CAP authorities as specified below. Copies of the pertinent WRDA sections are provided for information.

2. Section 2020(2); Section 2021; and Section 2024.

a. Section 2020(2) raises the annual program limit for Section 206 of the Water Resources Development Act of 1996, as amended, (33 U.S.C. 2330) from $25 million to $50 million.

b. Section 2021 raises the annual program limit for Section 205 of the Flood Control Act of 1948, as amended, (33 U.S.C. 701s) from $50 million to $55 million.

c. Section 2024 raises the annual program limit for Section 1135 of the Water Resources Development Act of 1986, as amended, (33 U.S.C. 2309a) from $25 million to $40 Million.

d. Implementation Guidance on Increased Program Limits: Until the CAP Feasibility Cost Sharing Agreement (FCSA) and all the Project Partnership Agreement (PPA) models that address these authorities are updated, incorporating the increased program limits specified above into a future FCSA or PPA is not considered a deviation from the applicable model. Existing agreements do not need to be amended to reflect the new program limits.

3. Section 2022 and Section 2023.

a. Section 2022 raises the per-project limit for projects implemented under Section 107 of the River and Harbor Act of 1960, as amended, (33 U.S.C. 577) from $4 million to $7 million.

b. Section 2023 raises the per-project limit for projects implemented under Section 14 of the Flood Control Act of 1946, as amended, (33 U.S.C. 701r) from $1 million to $1.5 million.

c. Implementation Guidance on Increased Per-Project Limits:

(1) The increased per-project limits only apply to section 107 and section 14 projects that do not have an executed PPA as of 7 November 2007. Therefore, existing PPAs executed on or before 7 November 2007 will not be amended to raise these limits.

(2) Existing PPAs for section 107 and section 14 projects executed on or after 8 November 2007, should be amended to reflect the increased per-project limits. The MSC Commander is authorized to approve amendments drafted using the enclosed samples. Division Counsel review of any such amendment and a Division Counsel recommendation to approve such amendment is required prior to approval by the MSC Commander. The District Commander is authorized to execute the amendment after notification of its approval.

(3) Until the CAP FCSA and section 14 PPA models are updated, incorporating the increased per-project limits specified above into a future FCSA or PPA is not considered a deviation from the approved model. The draft section 107 model will be updated by HQUSACE accordingly. Processing of Section 107 PPAs should continue to follow procedures outlined in paragraph F-12.b(2) of Appendix F of ER 1105-2-100.

FOR THE COMMANDER

Encls

STEVEN L. STOCKTON, P.E.
Director of Civil Works

DISTRIBUTION: MSC COMMANDERS
Great Lakes and Ohio Division
Mississippi Valley Division
North Atlantic Division
Northwestern Division
Pacific Ocean Division
South Atlantic Division
South Pacific Division
Southwestern Division

SEC. 2020. AQUATIC ECOSYSTEM AND ESTUARY RESTORATION.

Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330; 110 Stat. 3679) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GENERAL AUTHORITY.—

''(1) IN GENERAL.—The Secretary may carry out a project to restore and protect an aquatic ecosystem or estuary if the Secretary determines that the project—

''(A)(i) will improve the quality of the environment and is in the public interest; or

''(ii) will improve the elements and features of an estuary (as defined in section 103 of the Estuaries and Clean Waters Act of 2000 (33 U.S.C. 2902)); and

''(B) is cost-effective.

''(2) DAM REMOVAL.—A project under this section may include removal of a dam.''; and

(2) in subsection (e) by striking ''$25,000,000'' and inserting ''$50,000,000''.

SEC. 2021. SMALL FLOOD DAMAGE REDUCTION PROJECTS.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking ''$50,000,000'' and inserting ''$55,000,000''.

SEC. 2022. SMALL RIVER AND HARBOR IMPROVEMENT PROJECTS.

Section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)) is amended by striking ''$4,000,000'' and inserting ''$7,000,000''.

SEC. 2023. PROTECTION OF HIGHWAYS, BRIDGE APPROACHES, PUBLIC WORKS, AND NONPROFIT PUBLIC SERVICES.

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by striking ''$1,000,000'' and inserting ''$1,500,000''.

SEC. 2024. MODIFICATION OF PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

Section 1135(h) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(h)) is amended by striking ''$25,000,000'' and inserting ''$40,000,000''.

Encl 1

SECTION 107– PUBLIC LAW 86-645, AS AMENDED

SAMPLE AMENDMENT

NOTES:

1. FORMAT. - Remove the cover pages, notes section, all bold type references to notes, and any bold type text from the amendment prior to forwarding for review.

2. TITLE OF AMENDMENT. - If the first line of the title of the original executed agreement was "Project Cooperation Agreement", replace "Project Partnership Agreement" with "Project Cooperation Agreement" in the third line of the title of the amendment. This change is not considered a deviation from this sample.

3. AMENDMENT NUMBER. - The number assigned should sequentially follow the number of the last executed amendment to the PPA for this project.
(Example: If two previously executed amendments – this should be amendment 3)

4. MULTIPLE SPONSORS. If the original executed agreement had multiple sponsors identified in the first paragraph and on the signature page, all the entities identified as sponsors should sign the amendment. The changes below are required for an amendment with multiple sponsors. These changes are not considered deviations from this sample.

A. Modify title and first paragraph to include name of each entity serving as a sponsor – as in original executed agreement.

B. Change "Non-Federal Sponsor" to "Non-Federal Sponsors" throughout the amendment.

C. On the signature page, a separate signature block will be required for each entity serving as a sponsor.

D. A separate Certificate of Authority will be required for each entity serving as a sponsor.

E. A Certification Regarding Lobbying must be signed by each signatory to the amendment.

5. REFERENCE TO NON-FEDERAL SPONSOR. - Use "Non-Federal Sponsor", "Local Sponsor", "State", "County", "Commonwealth", "Territory" or other identifier in the parenthetical phrase and consistently throughout the amendment as shown in the original executed agreement. This change is not considered a deviation from the sample.

6. NON-FEDERAL SPONSOR REPRESENTATIVE. – Insert the title of the sponsor's representative signing the amendment. Do not include the name, only the title. The title shown for the sponsor's representative should match the title shown on the signature page

Encl 2

and should be preceded by "the" or "its", as appropriate, to match the title of the sponsor's representative. (Example: the Mayor)

7. FIRST WHEREAS CLAUSE.

A. If the first line of the title of the original executed agreement was "Project Cooperation Agreement", replace "Project Partnership Agreement" with "Project Cooperation Agreement". This change is not considered a deviation from this sample.

B. The civilian format for the date should be used. (Example: January 22, 2004)

8. WHEREAS CLAUSE ADDRESSING PRIOR AMENDMENTS.

A. If there are no prior amendments to the original executed agreement (this would be Amendment No.1), delete this Whereas Clause. Deletion of this Whereas Clause is not considered a deviation from this sample.

B. If there are prior amendments, include a Whereas Clause for each prior amendment following the format shown. The first blank should be the date of the amendment and the second blank should be a short description of what was accomplished by that amendment.

C. Choose Option (1) if this is the first amendment to the original executed agreement or Option (2) if the original executed agreement has been amended previously. Delete, in its entirety, the option not used.

9. USED MODEL WITH CDMDF VS MODEL WITHOUT CDMDF.

A. Choose Option (1) if your agreement was drafted using the draft model for Section 107 projects that require construction of confined dredged material disposal facilities or Option (2) if your agreement was drafted using the draft model for Section 107 projects that do not require construction of confined dredged material disposal facilities. Delete, in its entirety, the option not used.

B. Verify the location of the language in your PPA which is to be amended. Other clauses specific to your project could alter its location slightly. The language shown in the sample is the usual location for the items required to be changed. If the location is different, correct the number of the Whereas Clause or paragraph letter, as necessary. These corrections are not considered deviations from this sample.

10. CERTIFICATE OF AUTHORITY. - The attorney signing the Certificate of Authority cannot be the signatory to the amendment. The attorney signing the Certificate of Authority is certifying that the signatory to the amendment has the authority to sign for the sponsor. Do not forget to fill in the name in the first line prior to execution of the amendment.

11. PREPARING AMENDMENT FOR SIGNATURE.

A. When printing the amendment for execution: 1) remove the cover page, notes section, bold type references to notes, and any bold type text from the amendment; 2) ensure that the appropriate information has been included in all blanks in the amendment and the Certificate of Authority; and 3) ensure that there are no page breaks which allow half empty pages.

B. Since this is a civilian document use the civilian version of the District Engineer's signature block.

C. Before signature by the Government representative, ensure that the sponsor signs and dates a minimum of four copies of the amendment, and Certification Regarding Lobbying, and that the Certificates of Authority are signed and dated by the appropriate people. The date on the first page should be filled in by the Government representative signing the amendment, not the sponsor.

D. The Government should retain two copies of the fully executed amendment. All other copies should be provided to the sponsor. A photocopy or a pdf file (as determined by the MSC) of the fully executed amendment should be provided to the MSC within 7 days after execution of the amendment.

[SEE NOTE - 2]

AMENDMENT NO. **[SEE NOTE - 3]**
TO
PROJECT PARTNERSHIP AGREEMENT
BETWEEN
THE DEPARTMENT OF THE ARMY
AND
[FULL NAME OF NON-FEDERAL SPONSOR(S) AS SHOWN ON EXECUTED PPA]
FOR
CONSTRUCTION
OF THE
[FULL NAME OF PROJECT AS SHOWN ON EXECUTED PPA]

THIS AMENDMENT NO. **[SEE NOTE - 3]** is entered into this _____ day of _____, _____, by and between the Department of the Army (hereinafter the "Government"), represented by the U.S. Army Engineer, _____ District (hereinafter the "District Engineer"), and the **[FULL NAME OF NON-FEDERAL SPONSOR AS SHOWN ON EXECUTED PPA] [SEE NOTE - 5]** (hereinafter the "Non-Federal Sponsor"), represented by the **[SEE NOTE - 6]**.

WITNESSETH, THAT:

[SEE NOTE - 7]

WHEREAS, the Government and the Non-Federal Sponsor entered into a Project Partnership Agreement on _____ (hereinafter the "Agreement") for construction of the **[FULL NAME OF PROJECT AS SHOWN ON EXECUTED PPA]** (hereinafter the "Project");

[SEE NOTE – 8]

WHEREAS, the Government and the Non-Federal Sponsor entered into an Amendment to the Agreement on _____ to _____;

WHEREAS, Section 2022 of the Water Resources Development Act of 2007, Public Law 110-114, amended Section 107(b) of the River and Harbor Act of 1960, Public Law 86-645, as amended (33 U.S.C. 577(b)) to increase the statutory limitation on the Government's financial participation in the planning, design, and construction of the Project from $4,000,000 to $7,000,000.

NOW, THEREFORE, the Government and the Non-Federal Sponsor agree to **[SEE NOTE - 8 - CHOOSE: (1)** amend the Agreement **(2)** further amend the Agreement**]** as follows:

[SEE NOTE – 9]

OPTION 1

1. The sixth Whereas Clause is amended by deleting "$4,000,000" and substituting "$7,000,000".

2. Article II.H. is amended by deleting "$4,000,000" and substituting "$7,000,000".

3. Article VI.C. is amended by deleting "$4,000,000" and substituting "$7,000,000".

4. Article VI.C.1. is amended by deleting "$4,000,000" and substituting "$7,000,000".

5. Article VI.C.2. is amended by deleting "$4,000,000" and substituting "$7,000,000".

6. Article VI.D. is amended by deleting "$4,000,000" and substituting "$7,000,000".

7. Article VI.D.1. is amended by deleting "$4,000,000" and substituting "$7,000,000".

8. Article VI.D.2. is amended by deleting "$4,000,000" and substituting "$7,000,000".

9. All other terms and conditions of the **[SEE NOTE - 8 - CHOOSE: (1)** Agreement **(2)** Agreement, as amended] remain unchanged.

OPTION 2

1. The Fifth Whereas Clause is amended by deleting "$4,000,000" and substituting "$7,000,000".

2. Article II.G. is amended by deleting "$4,000,000" and substituting "$7,000,000".

3. Article VI.C. is amended by deleting "$4,000,000" and substituting "$7,000,000".

4. Article VI.C.1. is amended by deleting "$4,000,000" and substituting "$7,000,000".

5. Article VI.C.2. is amended by deleting "$4,000,000" and substituting "$7,000,000".

6. All other terms and conditions of the **[SEE NOTE - 8 - CHOOSE: (1)** Agreement **(2)** Agreement, as amended] remain unchanged.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. **[SEE NOTE – 3]** which shall become effective upon the date it is signed by the District Engineer.

DEPARTMENT OF THE ARMY	NAME OF NON-FEDERAL SPONSOR
BY:_____	BY:_____
DATE:_____	DATE:_____

[SEE NOTE – 10]

CERTIFICATE OF AUTHORITY

I, _____, do hereby certify that I am the principal legal office of the **[FULL NAME OF NON-FEDERAL SPONSOR AS SHOWN ON EXECUTED PPA]**, that the **[FULL NAME OF NON-FEDERAL SPONSOR AS SHOWN ON EXECUTED PPA]** is a legally constituted public body with full authority and legal capability to perform the terms of Amendment No. **[SEE NOTE - 3]**, between the Department of the Army and the **[FULL NAME OF NON-FEDERAL SPONSOR AS SHOWN ON EXECUTED PPA]** in connection with the **[FULL NAME OF PROJECT AS SHOWN ON EXECUTED PPA]**, and to pay damages, if necessary, in the event of the failure to perform in accordance with the terms of this Agreement, as required by Section 221 of the Flood Control Act of 1970, Public Law 91-611, as amended (42 U.S.C. 1962d-5b), and that the persons who have executed Amendment No. **[SEE NOTE - 3]** on behalf of the **[FULL NAME OF NON-FEDERAL SPONSOR AS SHOWN ON EXECUTED PPA]** have acted within their statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification this _____ day of _____, _____.

_____

NAME
TITLE

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

_____

NAME

TITLE OF SIGNATORY TO AMENDMENT

DATE:_____

SECTION 14 – FCA 46, AS AMENDED

SAMPLE AMENDMENT

NOTES:

1. FORMAT. - Remove the cover pages, notes section, all bold type references to notes, and any bold type text from the amendment prior to forwarding for review.

2. TITLE OF AMENDMENT.

A. Choose Option (1) if the sixth or seventh line of the title of the original executed agreement referred to "design and construction" being undertaken pursuant to the agreement or Option (2) if the sixth or seventh line of the title of the original executed agreement referred to only "construction" being undertaken pursuant to the agreement. Delete, in its entirety, the option not used.

B. If the first line of the title of the original executed agreement was "Project Cooperation Agreement", replace "Project Partnership Agreement" with "Project Cooperation Agreement" in the third line of the title of the amendment. This change is not considered a deviation from this sample.

3. AMENDMENT NUMBER. - The number assigned should sequentially follow the number of the last executed amendment to the PPA for this project.
(Example: If two previously executed amendments – this should be amendment 3)

4. MULTIPLE SPONSORS. If the original executed agreement had multiple sponsors identified in the first paragraph and on the signature page, all the entities identified as sponsors should sign the amendment. The changes below are required for an amendment with multiple sponsors. These changes are not considered deviations from this sample.

A. Modify title and first paragraph to include name of each entity serving as a sponsor – as in original executed agreement.

B. Change "Non-Federal Sponsor" to "Non-Federal Sponsors" throughout the amendment.

C. On the signature page, a separate signature block will be required for each entity serving as a sponsor.

D. A separate Certificate of Authority will be required for each entity serving as a sponsor.

E. A Certification Regarding Lobbying must be signed by each signatory to the amendment.

Encl 3

5. REFERENCE TO NON-FEDERAL SPONSOR. - Use "Non-Federal Sponsor", "Local Sponsor", "State", "County", "Commonwealth", "Territory" or other identifier in the parenthetical phrase and consistently throughout the amendment as shown in the original executed agreement. This change is not considered a deviation from the sample.

6. NON-FEDERAL SPONSOR REPRESENTATIVE. – Insert the title of the sponsor's representative signing the amendment. Do not include the name, only the title. The title shown for the sponsor's representative should match the title shown on the signature page and should be preceded by "the" or "its", as appropriate, to match the title of the sponsor's representative. (Example: the Mayor)

7. FIRST WHEREAS CLAUSE.

A. If the first line of the title of the original executed agreement was "Project Cooperation Agreement", replace "Project Partnership Agreement" with "Project Cooperation Agreement". This change is not considered a deviation from this sample.

B. If the sixth or seventh line of the title of the original executed agreement referred to only "construction" being undertaken pursuant to the agreement, replace "design and construction" with "construction". This change is not considered a deviation from this sample.

C. The civilian format for the date should be used. (Example: January 22, 2004)

8. WHEREAS CLAUSE ADDRESSING PRIOR AMENDMENTS.

A. If there are no prior amendments to the original executed agreement (this would be Amendment No.1), delete this Whereas Clause. Deletion of this Whereas Clause is not considered a deviation from this sample.

B. If there are prior amendments, include a Whereas Clause for each prior amendment following the format shown. The first blank should be the date of the amendment and the second blank should be a short description of what was accomplished by that amendment.

C. Choose Option (1) if this is the first amendment to the original executed agreement or Option (2) if the original executed agreement has been amended previously. Delete, in its entirety, the option not used.

9. USED NEW MODEL VS OLDER MODEL.

A. Choose Option (1) if your agreement was drafted using the Section 14 model approved on September 22, 2006 and last revised January 4, 2007 or Option (2) if your agreement was drafted using the Section 14 model approved in August 1994 and last revised in July 2003. Delete, in its entirety, the option not used.

B. Verify the location of the language in your PPA which is to be amended. Other clauses specific to your project could alter its location slightly. The language shown in the sample is the usual location for the items required to be changed. If the location is different, correct the number of the Whereas Clause, paragraph letter, or article number, as necessary. These corrections are not considered deviations from this sample.

10. CERTIFICATE OF AUTHORITY. - The attorney signing the Certificate of Authority cannot be the signatory to the amendment. The attorney signing the Certificate of Authority is certifying that the signatory to the amendment has the authority to sign for the sponsor. Do not forget to fill in the name in the first line prior to execution of the amendment.

11. PREPARING AMENDMENT FOR SIGNATURE.

A. When printing the amendment for execution: 1) remove the cover page, notes section, bold type references to notes, and any bold type text from the amendment; 2) ensure that the appropriate information has been included in all blanks in the amendment and the Certificate of Authority; and 3) ensure that there are no page breaks which allow half empty pages.

B. Since this is a civilian document use the civilian version of the District Engineer's signature block.

C. Before signature by the Government representative, ensure that the sponsor <u>signs</u> and <u>dates</u> a minimum of four copies of the amendment, and Certification Regarding Lobbying, and that the Certificates of Authority are <u>signed</u> and <u>dated</u> by the appropriate people. The date on the first page should be filled in by the Government representative signing the amendment, not the sponsor.

D. The Government should retain two copies of the fully executed amendment. All other copies should be provided to the sponsor. A photocopy or a pdf file (as determined by the MSC) of the fully executed amendment should be provided to the MSC within 7 days after execution of the amendment.

[SEE NOTE - 2]

OPTION 1 – (ENTIRE TITLE)

AMENDMENT NO. **[SEE NOTE - 3]**
TO
PROJECT PARTNERSHIP AGREEMENT
BETWEEN
THE DEPARTMENT OF THE ARMY
AND
[FULL NAME OF NON-FEDERAL SPONSOR(S) AS SHOWN ON EXECUTED PPA]
FOR
DESIGN AND CONSTRUCTION
OF THE
[FULL NAME OF PROJECT AS SHOWN ON EXECUTED PPA]

OPTION 2 – (ENTIRE TITLE)

AMENDMENT NO. **[SEE NOTE - 3]**
TO
PROJECT PARTNERSHIP AGREEMENT
BETWEEN
THE DEPARTMENT OF THE ARMY
AND
[FULL NAME OF NON-FEDERAL SPONSOR(S) AS SHOWN ON EXECUTED PPA]
FOR
CONSTRUCTION
OF THE
[FULL NAME OF PROJECT AS SHOWN ON EXECUTED PPA]

THIS AMENDMENT NO. **[SEE NOTE - 3]** is entered into this _____ day of _____, _____, by and between the Department of the Army (hereinafter the "Government"), represented by the U.S. Army Engineer, _____ District (hereinafter the "District Engineer"), and the **[FULL NAME OF NON-FEDERAL SPONSOR AS SHOWN ON EXECUTED PPA] [SEE NOTE - 5]** (hereinafter the "Non-Federal Sponsor"), represented by the **[SEE NOTE - 6]**.

WITNESSETH, THAT:

[SEE NOTE - 7]

WHEREAS, the Government and the Non-Federal Sponsor entered into a Project Partnership Agreement on _____ (hereinafter the "Agreement") for design and construction of the **[FULL NAME OF PROJECT AS SHOWN ON EXECUTED PPA]** (hereinafter the "Project");

[SEE NOTE – 8]

WHEREAS, the Government and the Non-Federal Sponsor entered into an Amendment to the Agreement on _____ to _____;

WHEREAS, Section 2023 of the Water Resources Development Act of 2007, Public Law 110-114, amended Section 14 of the Flood Control Act of 1946, as amended (33 U.S.C. 701r) to increase the statutory limitation on the Government's financial participation in the planning, design, and construction of the Project from $1,000,000 to $1,500,000.

NOW, THEREFORE, the Government and the Non-Federal Sponsor agree to **[SEE NOTE - 8 - CHOOSE: (1)** amend the Agreement **(2)** further amend the Agreement**]** as follows:

[SEE NOTE – 9]

OPTION 1

1. The second Whereas Clause is amended by deleting "$1,000,000" and substituting "$1,500,000".

2. Article II.K. is amended by deleting "$1,000,000" and substituting "$1,500,000".

3. All other terms and conditions of the **[SEE NOTE - 8 - CHOOSE: (1)** Agreement **(2)** Agreement, as amended**]** remain unchanged.

OPTION 2

1. The Fourth Whereas Clause is amended by deleting "$1,000,000" and substituting "$1,500,000".

2. Article XIX – LIMITATION ON GOVERNMENT EXPENDITURES is amended by deleting "$1,000,000" and substituting "$1,500,000".

3. All other terms and conditions of the **[SEE NOTE - 8 - CHOOSE: (1)** Agreement **(2)** Agreement, as amended**]** remain unchanged.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. **[SEE NOTE – 3]** which shall become effective upon the date it is signed by the District Engineer.

DEPARTMENT OF THE ARMY	NAME OF NON-FEDERAL SPONSOR
BY:_____	BY:_____
DATE:_____	DATE:_____

[SEE NOTE – 10]

CERTIFICATE OF AUTHORITY

I, _____, do hereby certify that I am the principal legal office of the **[FULL NAME OF NON-FEDERAL SPONSOR AS SHOWN ON EXECUTED PPA]**, that the **[FULL NAME OF NON-FEDERAL SPONSOR AS SHOWN ON EXECUTED PPA]** is a legally constituted public body with full authority and legal capability to perform the terms of Amendment No. **[SEE NOTE - 3]**, between the Department of the Army and the **[FULL NAME OF NON-FEDERAL SPONSOR AS SHOWN ON EXECUTED PPA]** in connection with the **[FULL NAME OF PROJECT AS SHOWN ON EXECUTED PPA],** and to pay damages, if necessary, in the event of the failure to perform in accordance with the terms of this Agreement, as required by Section 221 of the Flood Control Act of 1970, Public Law 91-611, as amended (42 U.S.C. 1962d-5b), and that the persons who have executed Amendment No. **[SEE NOTE - 3]** on behalf of the **[FULL NAME OF NON-FEDERAL SPONSOR AS SHOWN ON EXECUTED PPA]** have acted within their statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification this _____ day of _____, _____.

_____

NAME
TITLE

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

_____

NAME

TITLE OF SIGNATORY TO AMENDMENT

DATE:_____