



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CERM-BA

13 APR 1998

MEMORANDUM FOR Commanders/Directors, USACE Commands

SUBJECT: Quality of Life Enhancements, Defense (QOLED)

1. References:

- a. P.L. 104-208, Department of Defense Appropriations Act, 1997.
- b. P.L. 105-56, Department of Defense Appropriations Act, 1998.

2. The purpose of this memorandum is to reiterate the prohibition against using subject appropriation (97Y0839) in a fashion that commingles it with operation and maintenance (O&M) funds. There have arisen several situations wherein projects and contracts were initiated under QOLED and then, because of contingencies or overruns, the customers sought to augment the original QOLED funds with their O&M. Inquiries to this office prompted this memorandum.

3. QOLED cannot be commingled with O&M for three basic reasons:

- a. Both QOLED and the various O&M appropriations were appropriated under Title II in each of the above cited public laws. As legislated, each appropriation is unique and separate with respect to time, amount and purpose.

- b. Nothing in the legislative history shows Congress's intent to allow commingling.

- c. On their faces both QOLED and the various O&M appropriations can be viewed as being available for the same object or purpose: namely the design, the minor construction and the repair and maintenance of real property of the Department of Defense. In these types of cases the Comptroller General has ruled consistently that once the agency elects one appropriation, the continued use of that one appropriation is required. (See Chapter 2, Principles of Federal Appropriations Law, 2nd Edition, Volume I.)

4. This memorandum has been coordinated with the Office of Chief Counsel.

FOR THE COMMANDER:


STEPHEN COAKLEY
Deputy Chief of Staff,
Resource Management