

WRDA 2022, SEC 8124: RESERVE COMPONENT TRAINING

Heather Burke
National Partnership Program Manager
HQUSACE

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History of Military Troop Labor Use at USACE



- Use of Reserve and National Guard units to perform services (**at no cost to the Corps**) as part of their units' training exercises at Civil Works sites throughout USACE was halted by a legal policy memo issued by HQUSACE Office of Counsel in 2015.
- Determined that acceptance of troop services was legally impermissible due to fiscal law restraints unless expressly authorized by statute or change to DOD/DA regulations.
- Resulted in negative consequences to the national NRM program.
- From 2001-2014, more than 160 training exercises across 19 districts and 51 projects, many of which resulted in improvements to the NRM program were reported in a nationwide data call. It is likely that there were even more that were not reported as part of the data call.
- More opportunities have been lost since the ability to accept troop services was halted in 2015. The inability to work with the military had large fiscal impacts on our CW projects and resulted in continued accrual of backlog maintenance issues.



Benefits of Military Troop Support to CW Projects



- Provides invaluable and necessary training for military units to build readiness and gain construction/project management skills on projects that cannot be replicated elsewhere
- Interaction between uniformed service members with civilian technical experts in USACE provides well-rounded engineer forces that are better trained and equipped with the skills necessary to accomplish mission-essential tasks.
- Accomplishes goals of NRM program and completes projects that are unfunded and/or backlog maintenance items
- Gains efficiency for projects' strained maintenance funding





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Troop Training Exercise Examples



- Heavy equipment training for road resurfacing
- Design, construction and/or repair of trails, gatehouses, campsites, fish habitat, ADA fishing docks, radio towers, bridges, drainage ditches, splash pads, playgrounds, sewer systems, pole barns, roads, parking lots, pipes, picnic shelters, stairs, sun shelters
- Disaster response
- Search and rescue training
- Boundary and monument surveys
- Aerial inspections
- Dive team underwater inspections, video, photography, assessments
- Demolition of radio tower, buildings, rocks in quarry
- Flood debris removal
- Prescribed fire and firefighting
- Plumbing and electrical work
- Earth moving/hauling for environmental restoration and erosion protection
- Replacement of whalers and cleats on boat dock and house
- Damaged gage sensor reconnaissance





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

CECW-CO (1165)

11-Aug-23

MEMORANDUM FOR COMMANDERS, MAJOR SUBORDINATE COMMANDS AND DISTRICT COMMANDS, CHIEFS, OPERATIONS DIVISIONS

SUBJECT: Policy Guidance for Section 8124, Reserve Component Training at Water Resources Development Projects, of the Water Resources Development Act of 2022 (WRDA 2022)

1. Purpose. The purpose of this memorandum is to provide policy guidance for Section 8124 of WRDA 2022. Section 8124 permits reserve components of the Armed Forces, in carrying out military training activities or otherwise fulfilling military training requirements, to perform services and furnish supplies in support of a water resources development project or program of the U.S. Army Corps of Engineers (USACE) without reimbursement. A copy of WRDA 2022 Section 8124 is enclosed (Enclosure 1).

2. References.

- a. Water Resources Development Act of 2022, Pub. L. 117-263, Div. H, Sec. 8124 (2022)
- b. 10 U.S.C. 10101
- c. 32 U.S.C. 101

3. Applicability. This memorandum applies to all USACE commands having responsibilities for civil works functions. The following policy is effective immediately.

4. Policy. It is the policy of the U.S. Army Corps of Engineers that:

a. USACE may accept services and supplies in support of a water resources development project or program, without reimbursement, from units or members of a reserve component of the Armed Forces carrying out military training activities or otherwise fulfilling military training requirements.

b. Pursuant to references 1.b. and 1.c., reserve components of the Armed Forces include:

- (1) The Army National Guard when federally activated (i.e., in a title 10 status).
- (2) The Army Reserve

ENCLOSURE 2

ARMED FORCES RESERVE COMPONENT TRAINING AGREEMENT BETWEEN THE DEPARTMENT OF THE ARMY AND (INSERT RESERVE COMPONENT NAME)

(This is an EXAMPLE agreement. Modify as appropriate.)

ARTICLE I – PURPOSE AND AUTHORITY

This Agreement is entered into pursuant to section 8124 of the Water Resources Development Act of 2022 (Pub. L. 117-263, Div. H) by and between the U.S. Army Corps of Engineers (USACE), and [Insert reserve component], (hereinafter “the Reserve Component”) for the purpose of the Reserve Component, in carrying out military training activities or otherwise fulfilling military training requirements, performing the services and furnishing the supplies referenced herein in support of [insert water resource development project or program supported].

ARTICLE II – SCOPE OF WORK

[Insert detailed description of the entire project without regard to which Party will accomplish which portions of the project (the contributions from each Party will be laid out in the “RESPONSIBILITIES OF THE PARTIES” section below). Project description should include a detailed description of the project site/location and project schedule, which may be incorporated by reference and included as an attachment].

ARTICLE III – RESPONSIBILITIES OF THE PARTIES

a. In carrying out [insert specific training activities/requirements of the Reserve Component] the Reserve Component shall provide the following services and supplies to accomplish the scope of work described in Article II: [insert specific services/supplies that the Reserve Component will contribute].

b. The Reserve Component shall ensure that supplies furnished meet USACE specifications and standards. Work execution, to include material handling, storage, and disposal, shall comply with provisions of EM 385-1-1, Safety and Health Requirements Manual. All supplies furnished by the Reserve Component in accomplishing the scope of work, to include any resulting facilities or improvements, shall become USACE property.



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Section 8124 of WRDA 2022 Authority

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- Permits reserve components of the Armed Forces, in carrying out military training activities or otherwise fulfilling military training requirements, to perform services and furnish supplies in support of a USACE water resources development project or program without reimbursement.
- Reserve components of the Armed Forces include:
 - Army National Guard when federally activated in Title 10 status
 - Army Reserve
 - Navy Reserve
 - Marine Corps Reserve
 - Air National Guard when federally activated in Title 10 status
 - Air Force Reserve
 - Coast Guard Reserve
- This authority does NOT pertain to state activated National Guard units operating in a non-federal Title 32 status. (HOWEVER: These are permissible under the authority of 33 USC 2325 consistent with Contributions Program guidance.)





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Key Provisions



- Services cannot be accepted from any reserve component member employed by USACE
- Soldiers performing services under this authority on USACE projects are considered employees/members of the reserve component to which they are assigned, and the soldiers will remain under the command and control of their applicable units.
- All pay, allowances, and benefits, to include any liability protection of reserve component members are 100% the responsibility of the reserve component.
 - Exception: Travel expenses of reserve component members may be funded by USACE through an Economy Act order as necessary.
- USACE may provide supervision and materials to execute a project.
- Soldiers may operate USACE vehicles, machinery, or other equipment if they have proper training, licenses, or experience in accordance with USACE policies.



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Armed Forces Reserve Component Training Agreement (AFRCTA)



- All support provided by reserve components under this authority will be agreed upon/defined in an Armed Forces Reserve Component Training Agreement (AFRCTA) signed by reserve unit and USACE leadership.
- Approval levels for AFRCTA:
 - MSC Commanders for any agreement exceeding a total value of \$1,000,000 for any of their districts.
 - District Commanders for agreements with a total value greater than \$500,000, but equal to or less than \$1,000,000.
 - District Chiefs of Operations for agreements with a total value greater than \$100,000, but equal to or less than \$500,000.
 - OPMs/Park Managers for agreements with a total value equal to or less than \$100,000.
- Work accomplished by reserve components shall be within current USACE authorities and contained in the annual or five-year plan in the approved OMP or Master Plan.



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Armed Forces Reserve Component Training Agreement (AFRCTA)



- Purpose and goal of the training exercise
- Work to be accomplished, to include a project schedule and detailed scope of work description;
- Detailed description of the project site
- Equipment, materials, personnel provided by the reserve component and by the USACE
- Responsibility for lodging and meal accommodation costs for projects not in the immediate vicinity of the reserve component location
- Safety requirements
- Security and access requirements for the project site
- Requirement that USACE review all design plans
- Responsibility for damage to USACE property
- Points of contact for each organization





FAQs



Q: Can a USACE employee accompany the reserve units in their vehicles/ vessels/ aircraft/ equipment? If so, who is responsible for liability if a USACE employee gets injured?

A: Yes, USACE employees may accompany reserve units in their equipment. Each party of the agreement is liable for the safety of their employees unless negligence of the operator is proven.

Q: How is the value of the work calculated to determine the approval level required for the AFRCTA?

A: The Independent Sector's hourly volunteer rate will be used to determine value of service.

Q: Is there a duration/limit on how long a AFRCTA can last?

A: There is no specific time limit on these agreements. However, it is recommended if the training activities will be regularly performed in an ongoing/annual basis, that the agreement be renewed annually, and the total value of service calculated accordingly.



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Resources: NRM Gateway

<https://corpslakes.erdc.dren.mil/partners/military.cfm>



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Natural Resources Management Gateway

to the future . . .

- Home
- Visitors
- Lake Discovery
- Recreation
- Env Compliance
- Env Stewardship
- Partners
- News/Events
- People
- Forums
- Learning
- GETS
- Tools
- New Postings
- Submit
- Index/Search

Military Partnerships

The Corps of Engineers is dedicated to encouraging the use of Corps recreation resources by the military and their families. Increased public awareness of Corps recreation programs, including increased awareness by Department of Defense and Armed Forces Commands, is a high priority.

The Corps will contribute to the readiness and resilience of military members and their families through their participation in activities and programs at Corps lakes and rivers. The Corps will strengthen its unique relationship with the U.S. Armed Forces by expanding recreation programs and services for military members and their families. The Corps will promote safe and healthy outdoor recreation opportunities at Corps projects to all U.S. Armed Forces personnel, military families, and veterans.

- [News/Current Issues](#)
- [Corps/Military Partnership Success Stories](#)
- [Military Installations on Corps Lands](#)
- [Army Installations Near Corps Lakes](#)
- [WRDA 2022 Sec 8124 Reserve Component Training Policy Guidance, dated 8/11/23](#)
- [Army Recovery Care Program](#)
- [Wounded Warrior Project](#)
- [Operation Purple Camps](#)
- [Operation Warfighter Program](#)

Partnerships
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Resources: Your PAC Team



- Scott Sunderland – NAD
(NAP - Blue Marsh Lake)
- Keith Hyde – NWD
(NWW - Lucky Peak Lake)
- Phil Manhart - MVD
(MVS - Lake Shelbyville)
- Mike McCoy - LRD
(Huntington District Office)
- Francis Ferrell – SAD, PAC Chair
(SAW - Falls Lake)
- Taylor Baughn - SPD
(SPN – Lake Mendocino)
- Heather Burke – HQUSACE
- Jennifer Linde – SWD
(Fort Worth District Office)





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QUESTIONS?

