



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

MAR 12 2020

MEMORANDUM FOR THE COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Civilian Inmate Labor Programs at Army Civil Works Projects-- Approval of Model Agreements for Acceptance of Federal, State, and Local Civilian Inmate Labor Services and Delegation of Approval and Execution Authority

1. References:

- a. Secretary of the Army memorandum, subject: Delegation of Authority to Establish Civilian Inmate Labor Programs at Army Civil Works Projects, dated 5 February 2020.
- b. Department of the Army, U.S. Army Corps of Engineers Inmate Labor Plan for Federal and State/Local Inmate Labor at Army Civil Works Projects, dated March 2, 2020.
- c. Model Memorandum of Agreement for Federal Civilian Inmate Labor, dated March 2, 2020.
- d. Model Memorandum of Agreement for State/Local Civilian Inmate Labor, dated March 2, 2020.

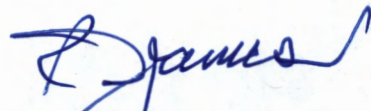
2. The enclosed guidance document, reference 1.b., establishes guidelines for the Department of the Army, U.S. Army Corps of Engineers Civilian Inmate Labor Program and prescribes policies, procedures, and responsibilities for using civilian inmate labor at Army Civil Works projects.

3. The enclosed model agreements for acceptance of federal, state, and local civilian inmate labor services, references 1.c. and 1.d., are approved. Approval of inmate labor agreements is delegated to Headquarters, U.S. Army Corps of Engineers, with the authority to re-delegate to the Division Commanders. Further, the Headquarters may develop and approve variations, without substantive deviation, to the model agreements. Finally signature authority may be delegated to the District Commander, once an agreement is approved.

4. District Commanders shall provide a copy of all executed memorandums of agreement to my office. All amendments to memorandums of agreement require my approval. District Counsel shall periodically review the memorandums of agreement to determine if the conditions of the documents are still current.

5. I trust that you will exercise sound judgment in keeping me informed of any action under this delegation that will have significant White House, congressional, Department of Defense or public interest, or would represent a significant change in Army precedent or policy. If such a circumstance arises, coordinate with me as soon as possible to ensure that I can provide appropriate guidance.

6. My point of contact for this action is Mr. Gib Owen, Office of the Assistant Secretary of the Army for Civil Works, who can be reached at gib.a.owen.civ@mail.mil or 703-695-4641.



R.D. James
Assistant Secretary of the Army
(Civil Works)

Encl

CF:

MG Scott Spellmon, Deputy Commanding General, Civil and Emergency Operations
Alvin Lee, Director of Civil Works



**SECRETARY OF THE ARMY
WASHINGTON**

05 FEB 2020

**MEMORANDUM FOR THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL
WORKS**

**SUBJECT: Delegation of Authority to Establish Civilian Inmate Labor Programs at Army
Civil Works Projects**

1. References:

- a. Title 18, United States Code, § 4125 (18 U.S.C § 4125).
- b. Title 33, United States Code, § 2325 (33 U.S.C. § 2325).
- c. Army Regulation 210-35 (Civilian Inmate Labor Program), Incorporating Rapid Action Revision, 14 January 2005.

2. Pursuant to the authority vested in the Secretary of the Army by 18 U.S.C. § 4125 and Section 203 of the Water Resources Development Act of 1992, as amended (33 U.S.C. § 2325), I delegate to you the authority to establish civilian inmate labor programs at Army Civil Works projects and the responsibility for providing overall program direction. You may not further delegate the responsibility for providing overall program direction and supervision.

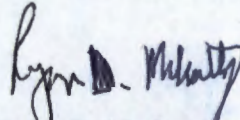
3. Unless expressly prohibited by law, directive, regulation, or policy, you may further delegate the authority to approve inmate labor agreements to the Division Commanders and the signature authority to execute approved agreements to the District Commanders. If you choose to further delegate this authority, you may restrict or condition your delegate's exercise of the authority as you deem appropriate. Any further delegation of authority will not be effective unless it is in writing, determined to be legally sufficient upon review by the Office of the Army General Counsel, signed by you, and provided for archiving to the Office of the Administrative Assistant to the Secretary of the Army.

4. Although not a limitation on your authority to act on my behalf, I trust that you will exercise sound judgment in keeping me informed of any action under this delegation that will have significant White House, congressional, Department of Defense, or public interest, or would represent a significant change in Army precedent or policy. If such a circumstance arises, coordinate with me to ensure that I can provide appropriate guidance.

SUBJECT: Delegation of Authority to Establish Civilian Inmate Labor Programs at Army Civil Works Projects

5. This delegation is effective immediately. The Office of the Administrative Assistant will initiate a review of the delegation with your office every 3 years from the date of this memorandum to ensure that the delegation is current.

6. Army Regulation 210-35, reference 1c., will be updated to remove any references to the Army Civil Works Program.



Ryan D. McCarthy

CF:
General Counsel
Administrative Assistant to the Secretary of the Army
Assistant Secretary of the Army (Installations, Energy, and Environment)
Deputy Chief of Staff, G-9