



## **Section-by-Section Analysis Water Resources Development Act of 2024 Senate Committee Version (S.4367)**

### **TITLE I—GENERAL PROVISIONS**

#### **Sec. 101. Notice To Congress Regarding WRDA Implementation.**

Directs the Secretary of the Army to develop a comprehensive plan to implement WRDA24, prior WRDAs and amendments made pursuant to this act. Second, the Secretary is directed to identify and address provisions from prior WRDAs that were not fully implemented. Last, the Secretary is responsible for establishing a WRDA implementation team who will help carry out the overall implementation of this act.

#### **Sec. 103. Ability to Pay.**

The Secretary is required to submit an annual report to Senate EPW and House T&I notification of determinations made by the Secretary of the ability of non-Federal interests to pay under this subsection. Included in the report are the name of the non-Federal interest, the project location and adjusted cost share if applicable.

#### **Sec. 104. Federal Interest Determinations.**

This section amends section 905(b) of (33 U.S.C. 2282(b)) thereby directing the Secretary to identify the studies in the plan for which the Secretary plans to prepare feasibility studies that will benefit economically disadvantaged areas.

#### **Sec. 105. Annual Report to Congress.**

This section requires the Secretary to provide a de-briefing to the non-federal interests whose projects were included in the appendix of the Section 7001 report. The debriefing will include an explanation of why the project was rejected and any revisions that may make inclusion possible in future reports. This section also requires that the Secretary notify Members of Congress with projects in their state about inclusion in the annual report or appendix.

#### **Sec. 106. Processing Timelines.**

This section directs the Secretary to adequately and in a timely fashion, update the *permit finder* of the Corps of Engineers, which reflects the status of projects for which a permit was, or is being, processed.

#### **Sec. 111. Outreach and Access.**

This section directs the Secretary to make information available to non-federal interests about the roles, responsibilities, and financial commitments associated with a completed water resources project prior to initiating a feasibility study.

#### **Sec. 113. Planning Assistance for States.**

This section expands the authority of the Secretary to under the Planning Assistance to States program to include title research for abandoned structures.

**Sec. 115. Silver Jackets Program.**

This Section allows the Secretary to continue the “Silver Jackets Program.” This is an interagency team that facilitates collaborative solutions to state flood risk priorities.

**Sec. 116. Tribal Partnership Program.**

This Section allows the Secretary to continue “Tribal partnership Program (TPP).” The TPP provides authority for USACE, in conjunction with Indian tribes and heads of other federal agencies, to study and determine the feasibility of carrying out projects that will benefit Indian tribes.

**TITLE II—STUDIES AND REPORTS****Sec. 201. Authorization of Proposed Feasibility Studies.**

This section outlines the 62 new feasibility study authorities and the 11 new project modification authorities made under this act. There are several coastal flood risk management projects and coastal storm risk management projects, including:

- San Mateo (CA)
- Wilmington (DE)
- Tybee Island (GA)
- Kauai County (HI)
- Hawaii Kai (HI)
- Maui (HI)
- Ocean City (MD)
- Oak Bluffs (MA)
- Tisbury (MA)
- Oak Bluffs (MA)
- Grand Traverse County (MI)
- Ludington (MI)
- Jerusalem Township (OH).

**Sec. 202. Vertical Integration and Acceleration Of Studies.**

This section allows the Secretary to delegate the authority to grant extensions to feasibility study to the respective District Commander(s) so long as it can be completed in 1 year and with no more than \$1,000,000.

**Sec. 203. Expedited Completion.**

This section allows the Secretary to expedite the completion of 43 feasibility studies and 21 GRRs and move directly into Preconstruction, Engineering, and Design (PED) immediately after a Chief’s Report is completed.

**Sec. 204. Expedited Completion of Other Feasibility Studies.**

This section directs the Secretary to expedite completion and review of feasibility studies pursuant to 203(b) of WRDA 1986.

**Sec. 214. Authorization of Feasibility Studies for Projects from CAP Authorities.**

This section allows the Secretary to authorize feasibility studies for projects already initiated under the Continuing Authorities Program. This act also directs the Secretary to use any relevant information from the existing studies.

**Sec. 220. Independent Peer Review.**

This Section extends the period for Independent Peer Review by amending WRDA 2007 (33 U.S.C. 2343(h)(2)) thereby removing the 17-year provision and instituting a 22-year provision.

**Sec. 229. Public-Private Partnership User's Guide.**

This section requires the Secretary to make available in the public domain and through an existing USACE website, information including: a public private partnership user's guide, a description of applicable authorities, lessons learned, and best practices.

**Sec. 230. Review of Authorities and Programs for Alternative Project Delivery.**

This section requires the Secretary to complete a report on the authorities and programs that facilitate the use of alternative project delivery methods for water resources development projects, including public-private partnerships.

**Sec. 231. Report to Congress on Emergency Response Expenditures.**

This section requires the Secretary to review emergency response expenditures from the Flood Control and Coastal Emergencies Account and from prior post-disaster supplemental appropriations laws during Fiscal Years 2013-2023.

**Sec. 233. GAO Studies.**

This section authorizes various studies of Corps programs and policies by the US Government Accountability Office (GAO), including a study of the accuracy of government estimates, which have led to issues during contracting for beach nourishment projects, and the Indemnification Clause in Project Partnership Agreements (PPA's), which has been a barrier to entry for non-federal interests. Also included are studies on easements related to water resources projects, improving environmental reviews, how to modernize the Corps process, dredged material disposal sites, and the Harbor Maintenance Trust Fund.

**Sec. 234. Prior Reports.**

This section requires the Secretary to prioritize completion of certain reports mandated in prior WRDA legislation. Also, the Secretary must include a description of the report's status and, if not completed, a timeline for its completion.

**TITLE III—DEAUTHORIZATIONS, MODIFICATIONS, AND RELATED PROVISIONS****Sec. 301. Deauthorizations.**

This section outlines deauthorizations of entire projects or portions of projects.

**Sec. 302. Environmental Infrastructure.**

This section authorizes new and modifies existing environmental infrastructure authorities of the Secretary.

**Sec. 313. Continuing Authorities Programs.**

This Section makes modifications to authorizations under the Continuing Authorities Program by increasing the limit of appropriated funds that the Secretary is authorized to allocate per program.

**Sec. 314. Small Project Assistance.**

This section amends section 165(b) of WRDA 2020 by extending the period for a pilot program authorization from 2024 to 2029.

**Sec. 333. Delaware Inland Bays and Delaware Bay Coast Coastal Storm Risk Management Study**

This section modifies the authority for the Delaware Inland Bays and Delaware Bay Coast Coastal Storm Risk Management study to allow for a 10% cost share if the study benefits 1 or more economically disadvantaged communities.

**Sec. 342. Delaware Coastal System Program.**

This section modifies certain CSRM and hurricane and storm risk reduction projects in Delaware and designates those projects as the Delaware Coastal System Program.

**Sec. 347. Non-Federal Implementation Pilot Program.**

This section amends section 1043(b) of WRRDA 2014, which increases the number of projects eligible for the pilot program. Additionally, this section extends the authorization of appropriations from 2025-2029. This section also makes Louisiana Coastal Area Restoration projects eligible.

**Sec. 352. Additional Projects for Underserved Community Harbors.**

This section amends section 8132 of WRDA 2022, expounding on qualifying criteria for which the Secretary can carry out a project including “ecosystem restoration” and extending appropriations through 2029.

**TITLE IV—PROJECT AUTHORIZATIONS****Sec. 401. Project Authorizations.**

This section authorizes the Secretary to carry out the construction of eight projects that were submitted to Congress pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d)

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