

# Congress of the United States

Washington, DC 20515

June 14, 2024

The Honorable Tom Carper  
Chairman  
Senate Committee on Environment &  
Public Works  
410 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Shelley Moore Capito  
Ranking Member  
Senate Committee on Environment &  
Public Works  
456 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Sam Graves  
Chairman  
House Committee on Transportation &  
Infrastructure  
2165 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Rick Larsen  
Ranking Member  
House Committee on Transportation &  
Infrastructure  
2164 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairmen Carper and Graves, and Ranking Members Capito and Larsen:

We write to bring your attention to a dangerous U.S. Army Corps of Engineers (USACE) policy interpretation that is undermining critically important hurricane risk reduction projects in Florida, and to urge you to include our legislative solution within the *Water Resources Development Act of 2024 (WRDA)*. Our provision will protect public infrastructure and the lives and livelihoods of Americans residing in and visiting Florida, which the USACE has arbitrarily and callously placed under unacceptable risk in contravention of their mission.

Pursuant to a deeply flawed interpretation of Section 103 of the Water Resources Development Act (WRDA) 1986 (33 U.S.C. 2213), the USACE has imposed unfair, burdensome, and unforeseen perpetual easement requirements on local project sponsors of hurricane risk reduction projects. For years, the USACE worked with local project sponsors to construct storm surge-resistant shoreline features pursuant to mutually agreed upon project construction agreements. Several years ago, the USACE unilaterally altered the terms of this work without the consideration or consent of local project sponsors, bringing many projects to a grinding halt. Many projects have not been properly maintained due to this policy failure, leading to progressing erosion and heightened storm surge risk to coastal communities. Local project sponsors, and the communities they serve, simply seek the certainty that the USACE will uphold its commitments to nourish and maintain these vital shore projects in a manner that is consistent with existing project construction agreements. Our provision would codify these existing agreements and direct the USACE to accommodate the commitments to local project sponsors therein.

As evidenced by the April 24, 2024 Report to Congress by the Assistant Secretary of the Army for Civil Works (ASACW), which was required by Section 8235 of WRDA 2022, the ASACW and USACE have surrendered responsibility for their capricious policy failure, and Congress must step in. As such, we urge you to include our provision to direct the USACE to

implement hurricane and storm damage risk reduction projects in line with existing project construction agreements.

Thank you for your attention to this important matter.

Sincerely,



Marco Rubio  
U.S. Senator



Rick Scott  
U.S. Senator



Debbie Wasserman-Schultz  
Member of Congress



Gus M. Bilirakis  
Member of Congress



Daniel Webster  
Member of Congress



Bill Posey  
Member of Congress



Scott Franklin  
Member of Congress



Mike Waltz  
Member of Congress



Sheila Cherfilus-McCormick  
Member of Congress



Anna Paulina Luna  
Member of Congress



John H. Rutherford  
Member of Congress



Jared Moskowitz  
Member of Congress



Neal P. Dunn, M.D.  
Member of Congress



Cory Mills  
Member of Congress



Laurel Lee  
Member of Congress



Mario Diaz-Balart  
Member of Congress



Maria Elvira Salazar  
Member of Congress



Carlos A. Gimenez  
Member of Congress



Brian Mast  
Member of Congress



Aaron Bean  
Member of Congress



Darren Soto  
Member of Congress



Vern Buchanan  
Member of Congress



W. Gregory Steube  
Member of Congress



Kat Cammack  
Member of Congress



Byron Donalds  
Member of Congress

A handwritten signature in blue ink that reads "Matt Gaetz". The signature is fluid and cursive, with the first name "Matt" and the last name "Gaetz" clearly distinguishable.

Matt Gaetz  
Member of Congress