



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Continuing Authorities Programs/U.S. Army Corps of Engineers: Congressional Research Service Explanatory Memorandum

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The Congressional Research Service ("CRS") has issued an August 6th Explanatory Memorandum titled: *Continuing Authorities Programs (CAPs) of the U.S. Army Corps of Engineers* ("Memorandum").

The Memorandum provides an overview of the United States Army Corps of Engineers ("Corps") Continuing Authorities Programs ("CAPs") and addresses a number of related issues.

The CAP provides the Corps with the authority to undertake water-resource, flood-risk mitigation, and environmental restoration activities in partnership with local sponsors without the need to obtain specific Congressional authorization. The objective of the program is to decrease the amount of time to budget, develop, and approve a potential project for construction. In other words, the CAP provides the Corps the ability to plan and implement projects that are smaller, less complex, and less costly.

The CRS Memorandum notes that there are CAPs for a variety of purposes. Table 1 of the Memorandum identifies the nine project types and provides additional information such as:

- Nonfederal Construction Cost Share.
- Federal Limit per Project.
- Annual Federal Program Limit.
- FY2024 Annual Appropriations.

The Table is addressing CAPs Funded by FY2024 Enacted Annual Appropriations (P.L. 118-42) in Millions of Dollars.

Additional issues addressed in the CRS memorandum include:

- Appropriations for CAPs (part of the annual Energy and Water Development appropriations process, typically funded by a line item for each CAP in the Corps Construction account).
- Initiating a CAP Project (Corps typically requires a nonfederal sponsor to send a letter to the local Corps district describing the water resource problem and requesting assistance with a project).
- Project Process: Study and Construction (CAP projects generally take two to three years for the study phase and the construction phase often takes two to five years.).
- Nonfederal Responsibilities (nonfederal sponsor to share project study and construction costs and to assume other responsibilities, including obtaining real estate interests).

- Alternative Delivery Pilot (Congress authorized a 10- year pilot program for “alternative delivery” of 25 CAP projects for FY2025 through FY2032).
- Policy Considerations (CAP-related oversight and policy considerations include how efficiently and effectively the Corps is implementing CAP projects, and how the level of annual appropriations are affecting CAP project implementation).
- Other Small Project Authorities (Congress has established, but not funded or not funded recently, additional CAPs and CAP-related authorities, and authorities with characteristics similar to CAPs for small projects).

A copy of the Memorandum can be downloaded [here](#).