

Army Corps of Engineers: Section 7001 Annual Report on Future Studies and Projects

May 16, 2019

The U.S. Army Corps of Engineers (USACE), through its civil works mission, undertakes water resource development studies and projects and other assistance activities that are specifically authorized by Congress. In Section 7001 of the Water Resources Reform and Development Act (WRRDA) of 2014 (P.L. 113-121; 33 U.S.C. §2282d), Congress established an annual process for identifying proposals for site-specific studies and projects within USACE’s water resource mission and authorities. The process includes a call for nonfederal proposals and concludes with a report by the Assistant Secretary of the Army for Civil Works (ASACW) to USACE’s congressional authorizing committees.

Congress authorizes USACE studies and projects prior to appropriating funds and typically considers omnibus USACE water resource authorization bills biennially, typically titled as Water Resources Development Acts (WRDAs). Most project-specific authorizations in WRDAs fall into three categories: feasibility studies, construction projects, or modifications to existing authorizations. (See this [CRS report](#) for more on the USACE authorization process.)

Inclusion of a proposal in a Section 7001 annual report does not provide congressional authorization or appropriation. Rather, inclusion of a proposal in a report facilitates congressional consideration of authorizing the proposal (in a manner consistent with congressional earmark moratorium policies). For example, Congress has used Section 7001 annual reports from 2015 through 2018 in developing USACE water resource authorization legislation in 2016 and 2018—WRDA of 2016 (Title I of P.L. 114-322) and WRDA of 2018 (Title I of P.L. 115-270), respectively. USACE is accepting nonfederal proposals for consideration for inclusion in the 2020 Section 7001 annual report at <http://www.wrrda7001proposals.us/> through August 27, 2019.

Section 7001 Report

Section 7001 of WRRDA 2014, as amended, directs the Secretary of the Army to submit an annual report to the House Transportation and Infrastructure Committee and the Senate Environment and Public Works Committee. The report may include the following:

- completed feasibility reports;

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- proposed feasibility studies;
- proposed modifications to authorized studies and projects; and
- proposed modifications to [environmental infrastructure assistance authorities](#).

The Section 7001 criteria for inclusion in the annual report are:

The Secretary shall include in the annual report only those feasibility reports, proposed feasibility studies, and proposed modifications to authorized water resources development projects and feasibility studies that—(i) are related to the missions and authorities of the Corps of Engineers; (ii) require specific congressional authorization, including by an Act of Congress; (iii) have not been congressionally authorized; (iv) have not been included in any previous annual report; and (v) if authorized, could be carried out by the Corps of Engineers.

The Section 7001 annual report includes only those proposals that the ASACW determines have met all five criteria. Proposals that do not meet all five criteria are placed in the report's appendix, and the criteria that are not met are identified. For example, for the first criterion, the Administration considers recreation, hydropower, and water supply proposals for inclusion in the body of the report only if these activities are proposed in conjunction with one or more of USACE's primary missions of navigation, flood risk management, or aquatic ecosystem restoration. For most proposals listed in the appendix of past reports, an authority already existed to perform the requested activity or the proposal did not fit within the identified USACE's missions and authorities.

Nonfederal Entity Proposals

The annual report is based, in part, on proposals for study authorization and modification to authorized studies, projects, and environmental infrastructure assistance submitted by nonfederal interests. Nonfederal proposals are solicited through the Section 7001 process, which begins with notice in the *Federal Register*. For the 2020 Section 7001 annual report, USACE published a [notice](#) on April 29, 2019, requesting nonfederal submissions.

Nonfederal entity proposals are to include the following information:

- description of the proposal (proposed feasibility study, modification to authorized USACE project, modification to authorized USACE study, modification to an environmental infrastructure authority);
- description of the purpose of the proposed activity and its relation to USACE missions and authorities;
- name of the nonfederal interest anticipated to act as the nonfederal sponsor and all other nonfederal interests;
- description of monetary and nonmonetary benefits of the proposal;
- federal and nonfederal shares of the proposed activities' cost and a total cost estimate;
- a statement of support and financial ability from associated nonfederal interests; and
- description of local support.

USACE encourages nonfederal interests to consult with their local USACE districts to determine if their proposals meet the Section 7001 criteria. According to the *Federal Register* notice, project feasibility reports that have successfully completed ASACW review but have not been authorized will be included in the report. Therefore, nonfederal interests do not need to submit feasibility reports through the 7001 proposal process for project authorization.

Transmitted Reports and WRDA Authorization

The ASACW transmitted Section 7001 annual reports to the authorizing committees in February 2015, February 2016, March 2017, and February 2018. These are available at USACE, “[Report to Congress on Future Water Resources Development](#).” As of mid-May 2019, the ASACW has not transmitted the 2019 annual report.

Collectively, the Section 7001 annual reports for 2017 and 2018 included seven feasibility reports, 20 proposals in the bodies of these reports, and 67 proposals in the appendices. In Section 1401 of WRDA 2018, Congress authorized all projects with feasibility reports that were included in the 2017 and 2018 Section 7001 annual reports.

Nineteen of the 20 nonfederal proposals in the bodies of the 2017 and 2018 reports were incorporated into WRDA 2018. Of these, Congress authorized most of the proposals as feasibility studies in Sections 1201 and 1202. Others were authorized as project modifications in Section 1303 or as projects in Sections 1401 and 1403.

Congress also included some proposals from the appendices of the 2017 and 2018 reports in Section 1203 of WRDA 2018, which directed the ASACW to expedite completion of the listed studies. Many of these proposals were in the appendices based on existing study authorization.

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