

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

Updated May 6, 2020

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 facilitates congressional consideration of the proposal’s authorization (in a manner consistent with congressional earmark moratorium policies). For example, Congress has used Section 7001 annual reports from 2015 through 2018 in developing WRDA 2016 (Title I of P.L. 114-322) and WRDA 2018 (Title I of P.L. 115-270). USACE accepts nonfederal proposals for consideration in Section 7001 annual reports over a 120-day period. The nonfederal proposal submission period for the 2021 report [opened](#) on May 1, 2020, with an August 31, 2020 submission deadline.

Section 7001 Report

Section 7001 of WRRDA 2014, as amended, directs the ASACW 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;
- proposed feasibility studies;

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

For proposals to be included, Section 7001 requires that proposals

(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 USACE.

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. 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 USACE's missions and authorities (i.e., navigation, flood risk management, or aquatic ecosystem restoration).

Nonfederal 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. The annual Section 7001 process begins with the publication of a [notice](#) in the *Federal Register* requesting proposals from nonfederal interests.

Nonfederal proposals are to include the following information:

- description of the proposal (proposed feasibility study or modification to an authorized USACE project, an authorized USACE study, or 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 activity's 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 whether their proposals meet the Section 7001 criteria. According to the *Federal Register* notice published on May 1, 2020, nonfederal interests do not need to submit completed feasibility reports through the Section 7001 proposal process for project authorization.

Transmitted Reports and WRDA Authorization

The ASACW transmitted Section 7001 annual reports to the authorizing committees in 2015, 2016, 2017, 2018, and 2019. These reports are available at USACE, "[Report to Congress on Future Water Resources Development](#)." While transmission of the 2020 report was expected in February 2020, the report was not on USACE's website as of early May 2020.

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.

In Section 1203 of WRDA 2018, Congress also included some proposals from the appendixes of the 2017 and 2018 reports and directed the ASACW to expedite completion of the listed studies. ASACW had listed many of these proposals in the annual reports' appendixes, based on an existing study authorization.

The Section 7001 annual report for 2019 included 4 reports by the Chief of Engineers (also known as *Chief's reports*), 15 nonfederal proposals in the body of the report, and 19 nonfederal proposals in the appendix. The report also included recommendations by the ASACW (e.g., one nonfederal feasibility report and three proposed storage use plans) and provides information in fulfillment of two reporting requirements from WRRDA 2014.

The Senate Environment and Public Works Committee introduced a water resources authorization bill, S. 3591, on May 4, 2020. Similar to WRDA 2016 and WRDA 2018, it draws on Section 7001 annual reports to identify activities for authorization. If enacted, the bill would alter the future Section 7001 processes.

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