

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

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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 of 2014 (WRRDA; 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 established the Section 7001 process while congressional earmark moratorium policies were in place for both authorizations and appropriations. Although the 117<sup>th</sup> Congress is pursuing incorporating community project funding (see [House](#) and [Senate](#) appropriations committee websites) into the development of legislation, the Section 7001 process remains active. USACE released the Section 7001 report for [2021](#) in November 2021. USACE [accepted](#) nonfederal proposal submissions for the 2022 report from April 30, 2021, through August 30, 2021. The ASACW is to transmit the report in February 2022.

## Congressional Authorization and Section 7001 Reports

Congress authorizes USACE studies and projects prior to appropriating funds and typically considers omnibus USACE water resource authorization bills biennially, often 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](#) about 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. For example, Congress has used Section 7001 annual reports when developing WRDA 2016 (Title I of P.L. 114-322), WRDA 2018 (Title I of P.L. 115-270), and WRDA 2020 (Division AA of P.L. 116-260).

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## 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

- completed feasibility reports;
- proposed feasibility studies;
- 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 they

(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 meet 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 reports transmitted in 2015-2021, 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). USACE adjusted the 2021 solicitation to expand eligibility for inclusion in the report to include

- proposals whose primary purpose is municipal or agricultural water supply (per direction from §127 of WRDA 2020) and
- proposals for recreation or hydropower, if undertaken in conjunction with a project or effort within a USACE mission.

## 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 a description of the proposed activity and its relation to USACE missions and authorities, a statement of support and financial ability from sponsoring nonfederal interests, and federal and nonfederal shares of the proposed activity's estimated cost, among other requirements. According to USACE, nonfederal interests do not need to submit completed feasibility reports through the Section 7001 proposal process for project authorization.

In WRDA 2020, Congress directed the ASACW to provide assistance to nonfederal interests for future 7001 report submissions (§204). USACE has hosted webinars on the 7001 proposal process and encourages nonfederal interests to consult with their local USACE districts in preparation for submission.

## Transmitted Reports and WRDA Authorization

The ASACW transmitted Section 7001 annual reports to the authorizing committees annually from 2015 through 2021. These reports are available at USACE, "[Report to Congress on Future Water Resources Development](#)."

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The Section 7001 annual report for 2021 included one report by the Chief of Engineers (i.e., *Chief's report*) and nine nonfederal proposals in the body of the report (proposals for three new studies, two modifications of project authorities, and four modifications to environmental infrastructure authorities). The appendix included 17 nonfederal proposals that did not meet all five criteria. Congress may use this report, the anticipated 2022 report, and any past [Section 7001 annual reports](#) in developing future WRDAs.

Congress used Section 7001 annual reports to authorize studies, projects, and modifications to authorities in WRDA 2020. For example, WRDA 2020

- authorized construction for 19 studies with Chief's reports and 2 proposals listed in the 2019 and 2020 reports (§401);
- conditionally authorized construction for a nonfederal feasibility report listed in the 2019 report (§403);
- reauthorized 2 projects listed in the 2019 report (§355);
- authorized 16 studies listed in the 2019 and 2020 reports (§201, §213) and 5 studies listed in the appendixes of the 2019 and 2020 reports (§209, §213);
- authorized 5 modifications for water supply and 2 modifications for flood risk management listed in the 2019 and 2020 reports (§353) and in the appendixes of the 2019 and 2020 reports (§311, §337); and
- amended 14 environmental infrastructure authorities (§352), as listed in the 2019 and 2020 reports and in the appendix of the 2019 report.

In WRDA 2020, Congress directed the ASACW to expedite completion of various studies (§202) and study modifications (§203), which included some proposals in the main bodies and in the appendixes of various annual reports.

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