



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

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The U.S. Army Corps of Engineers (USACE) undertakes water resource development studies and projects and other assistance activities that are specifically authorized by Congress, typically biennially in [Water Resources Development Acts](#) (WRDAs). In Section 7001 of the Water Resources Reform and Development Act of 2014 (WRRDA; P.L. 113-121, 33 U.S.C. §2282d), the 113<sup>th</sup> Congress established an annual process for identifying proposals for site-specific studies and projects within USACE's water resource mission and authorities. The Section 7001 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. In turn, these reports inform WRDA consideration. Congress last enacted a WRDA referencing prior Section 7001 reports in December 2020. Since then, USACE has published new Section 7001 reports for [2021](#) (November 2021) and [2022](#) (April 2022). The nonfederal proposal submission period for the 2023 report [opened](#) on April 29, 2022, with an August 29, 2022, deadline.

Congress established the Section 7001 process amidst [congressional earmark moratorium policies](#) that applied to authorizations and appropriations during the 112<sup>th</sup>-116<sup>th</sup> Congresses. Although these policies have changed in the 117<sup>th</sup> Congress, the Section 7001 process remains active. In addition to the Section 7001 process, the House Transportation and Infrastructure [T&I] Committee [website](#) and the Senate Environment and Public Works [EPW] Committee [website](#) have indicated that they are considering requests by Members of Congress as part of their WRDA development.

## Congressional Authorization and Section 7001 Reports

Most project-specific authorizations in WRDAs fall into one of three categories: feasibility studies, construction projects, or modifications to existing authorizations. Inclusion of a proposal in a Section 7001 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 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 T&I Committee and the Senate EPW 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.

Section 7001 reports include 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 appendices of reports transmitted in 2015-2022, an authority already existed to perform the requested activity or the proposal did not fit within the USACE's missions and authorities. USACE adjusted the 2021 and 2022 solicitations 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 submitted by nonfederal interests. The 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 before pursuing construction authorization.

In WRDA 2020, Congress directed the ASACW to provide assistance to nonfederal interests for future Section 7001 report submissions (§204). USACE has hosted webinars on the proposal process and encourages nonfederal interests to [request](#) technical support through their USACE districts to prepare submissions.

## Transmitted Reports and WRDA Authorization

The ASACW transmitted Section 7001 reports to the authorizing committees annually from 2015 through 2022, which are available at USACE, entitled "[Report to Congress on Future Water Resources Development](#)."

The Section 7001 reports for [2021](#) and [2022](#) were transmitted to Congress after enactment of WRDA 2020. They included 17 reports by the Chief of Engineers (i.e., *Chief's reports*) and 30 nonfederal

proposals (13 new studies, 1 modification of a study authority, 6 modifications of project authorities, and 10 modifications to environmental infrastructure authorities) in the bodies of the reports. The appendices included 38 nonfederal proposals that did not meet the aforementioned five criteria. Congress may use these reports, and any past [Section 7001 reports](#), in developing future WRDAs (e.g., a WRDA 2022). If a future 7001 report (e.g., for 2023) is published prior to enactment of another WRDA, the contents of that report may also be considered by Congress.

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

- authorized construction for 19 studies with Chief’s reports and 2 other nonfederal 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 appendices 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 appendices 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.

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