



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

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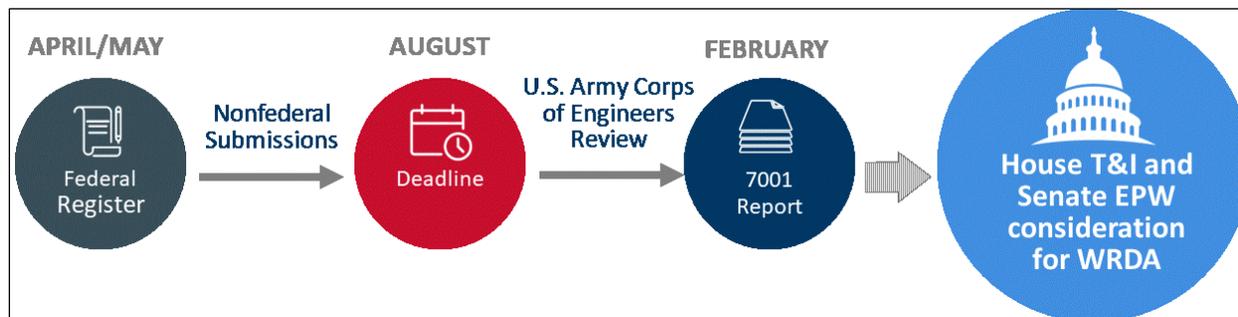
Congress specifically authorizes most of the water resource development studies, projects, and other assistance activities performed by the U.S. Army Corps of Engineers (USACE), typically through [Water Resources Development Acts](#) (WRDAs). In 2014, amid [congressional earmark moratorium policies](#) that applied to authorizations and appropriations during the 112th-116th Congresses, Congress established an annual process for submission and reporting of nonfederal proposals for site-specific water resource studies and projects that require congressional authorization. It was enacted as Section 7001 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014; P.L. 113-121, 33 U.S.C. §2282d). Although earmark policies changed after the 116th Congress, the Section 7001 process remains active and [Section 7001 reports](#) continue to inform WRDA development. Inclusion of a proposal in a Section 7001 report provides neither congressional authorization nor appropriation; rather, inclusion facilitates congressional consideration of the proposal's authorization.

The Section 7001 process begins with a USACE call for nonfederal proposals and concludes with a report that the Assistant Secretary of the Army for Civil Works (ASACW) transmits to the House Transportation and Infrastructure (T&I) Committee and the Senate Environment and Public Works (EPW) Committee (**Figure 1**). In turn, these reports, among other input, may inform the congressional development of subsequent WRDAs. For example, Congress used Section 7001 reports when developing WRDAs enacted from 2016 through 2022. In addition to Section 7001 reports, in the 117th and 118th Congresses, the House T&I and Senate EPW committees also separately solicited priorities for WRDA from Members of Congress.

Congressional Research Service

<https://crsreports.congress.gov>

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Figure I. General Section 7001 Process for Nonfederal Submissions

Source: Congressional Research Service.

Notes: EPW = Environment and Public Works Committee. T&I = Transportation and Infrastructure Committee. WRDA = Water Resources Development Act. The Section 7001 process is one of multiple inputs informing WRDA development.

The call for proposals by nonfederal interests is typically announced by a *Federal Register* notice in May, and the report is due to the committees in February of the next year, although the deadline is not always met. The ASACW [transmitted](#) the 2023 Section 7001 report in December 2023. The nonfederal proposal submission period for the 2024 Section 7001 report [closed](#) August 28, 2023, and the report is due to the House T&I and Senate EPW committees in February 2024.

Congressional Authorization and Section 7001 Reports

Most project-specific authorizations in WRDAs fall into one of four categories: feasibility studies, construction projects, environmental infrastructure (EI) assistance, or modifications to existing authorizations.

Section 7001 Report

Section 7001 of WRRDA 2014, as amended, directs the ASACW to submit an annual report that includes proposals submitted by nonfederal interests in response to the *Federal Register* notice and reports by the Chief of Engineers (i.e., *Chief's reports*) for completed studies. The statute indicates that the proposals submitted by nonfederal interests are to be for

- feasibility studies;
- modifications to study and project authorities; and
- modifications to [EI assistance authorities](#).

For proposals to be included, Section 7001 requires that they meet five criteria:

- (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 appendixes of reports transmitted in 2015-2023, 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 2021-2023 solicitations pursuant to congressional direction 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; Division AA of P.L. 116-260), and
- proposals for recreation or hydropower, if undertaken in conjunction with a project or effort within a USACE mission.

Nonfederal Proposals

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 hosted webinars on the proposal process in 2023 and plans to do so again in 2024. It also encourages nonfederal interests to [request](#) technical support through their USACE districts to prepare submissions.

Transmitted Reports and WRDA Authorization

Prior to WRDA 2022, the ASACW transmitted Section 7001 reports entitled *Report to Congress on Future Water Resources Development* to the authorizing committees annually from 2015 through 2022. Congress used Section 7001 reports, among other input (e.g., Member priorities submitted directly to the committees), in developing WRDA 2022. For example, WRDA 2022 authorized the following, which were referenced in the 2021 and 2022 Section 7001 reports and their appendixes:

- construction for 17 studies with Chief's reports;
- 6 studies;
- modifications for 2 study authorities;
- modifications for 5 project authorities; and
- modifications for 11 EI assistance authorities and 2 new EI assistance authorities.

Congress did not authorize all proposals in the main body of the 2021 and 2022 reports or authorize in WRDA 2022 the proposals in the exact way they were presented in the Section 7001 reports.

After enactment of WRDA 2022, the ASACW transmitted the [2023](#) Section 7001 report to Congress. The report included 12 nonfederal proposals (6 new studies, 4 modifications of project authorities, and 2 modifications to EI assistance authorities) in the body of the report. The appendix included nine nonfederal proposals that did not meet the aforementioned criteria. Congress may consider the contents of this Section 7001 report, other [Section 7001 reports](#), and other input in developing future WRDAs.

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