



**Committee on Transportation and Infrastructure**  
**U.S. House of Representatives**  
**Washington, DC 20515**

**Peter A. DeFazio**  
Chairman

**Sam Graves**  
Ranking Member

Katherine W. Dedrick, Staff Director

Paul J. Sass, Republican Staff Director

July 1, 2019

**SUMMARY OF SUBJECT MATTER**

**TO:** Members, Subcommittee on Water Resources and Environment  
**FROM:** Staff, Subcommittee on Water Resources and Environment  
**RE:** Subcommittee Hearing on “Water Resources Development Acts: Status of Implementation and Assessing Future Needs”

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**PURPOSE**

The Subcommittee on Water Resources and Environment will meet on Wednesday, July 10, 2019, at 10:00 a.m. in Room 2167, Rayburn House Office Building, to receive testimony related to the development and implementation of water resources development acts (WRDA) – which are principal legislative vehicles to authorize studies, projects, and policies carried out by the U.S. Army Corps of Engineers – Civil Works (Corps). The purpose of this hearing is to provide Members with an opportunity to review the Corps’ implementation of the most recent congressionally-authorized WRDAs, enacted in 2014, 2016, and 2018. This hearing will also begin to identify future needs to inform the development of WRDA 2020, which the Committee expects to develop and approve next year.

**BACKGROUND**

The Corps is the federal government's largest water resources development and management agency and is comprised of 38 district offices within eight divisions. The Corps operates more than 700 dams; has constructed 14,500 miles of levees; and maintains more than 1,000 coastal, Great Lakes, and inland harbors, as well as 12,000 miles of inland waterways.<sup>1</sup>

Navigation was the earliest Civil Works mission, when Congress authorized the Corps to improve safety on the Ohio and Mississippi Rivers in 1824. Since then, the Corps’ primary missions have evolved and expanded to include flood damage reduction along rivers, lakes, and the coastlines, and projects to restore and protect the environment. Along with these missions, the Corps is the largest generator of hydropower in the nation, provides water storage opportunities to cities and industry, regulates development in navigable waters, assists in national emergencies, and manages a recreation program. To date, the Corps manages nearly 1,500 water resources projects.

The standard authorization process for a Corps project requires two separate congressional authorizations—one for studying feasibility and a subsequent one for construction. Congress traditionally considers Corps projects and policy authorizations biennially through the enactment of a WRDA bill. Congress has enacted three consecutive WRDA bills since 2014.

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<sup>1</sup> <https://www.crs.gov/Reports/R45185#fn1>.

## **STATUS OF WRDA IMPLEMENTATION**

The Water Resources Development Act of 2018 (WRDA 2018) was signed into law as Title I of the *America's Water Infrastructure Act* (P.L. 115-270) by President Trump on October 23, 2018. WRDA 2018 authorized 14 Chief's Reports, authorized four new Post Authorization Change Reports, 10 new feasibility studies, and requested that the Corps expedite completion of 32 existing feasibility studies. As part of implementing WRDA 2018, the Corps must also consider whether or not to issue new guidance for specific programs to aid in the execution of the provision. The Corps held a 60-day public comment period for the development of guidance, which closed on February 12, 2019. Since enactment of WRDA 2018, the Corps has issued 36 implementation guidance documents<sup>2</sup>. Similarly, there are two provisions of the WRDA 2014 (sections 1001-vertical integration and acceleration of studies and 1043b- pilot project for non-federal implementation of projects) and three provisions (sections 1139- dam safety, 1162- fish and wildlife mitigation, 1163- wetlands mitigation) of the WRDA 2016 where the Corps issued revised guidance this year as a result of additional guidance in WRDA 2018.

## **DEFINING FUTURE NEEDS AND SECTION 7001 ANNUAL REPORT**

The *Water Resources Reform and Development Act of 2014* (WRRDA 2014, P.L. 113-121) established a mechanism for Corps projects and studies to be communicated to Congress for potential authorization. Section 7001 of WRRDA 2014 requires the Secretary of the Army to annually publish a notice in the *Federal Register* requesting proposals from non-federal interests for new project authorizations, new feasibility studies, and modifications to existing Corps projects. Further, it requires the Secretary of the Army to submit to Congress and make publicly available a "Report to Congress on Future Water Resources Development" (Annual Report) of those activities that are related to the missions of the Corps and require specific authorization by law.

Additionally, Section 7001 contains a provision that requires the Corps to submit to Congress an appendix containing descriptions of those projects requested by non-federal interests that were not included in the Annual Report. Submission of the Annual Report (and the appendix) allows Congress to review all requests submitted by non-federal interests to the Corps.

Since WRRDA 2014, the Annual Report has been used as a guide from which Congress considers which studies, projects, and modifications will receive authorization in future WRDA legislation. This process was required in part, because of a Congressional ban on earmarks in 2011. In June 2019, the Corps submitted their Annual Report<sup>3</sup> for Congressional consideration.

The Corps is currently soliciting proposals<sup>4</sup> for inclusion in the 2020 Report to Congress. The deadline for proposals is August 27, 2019.

## **CONCLUSION**

As the Committee on Transportation and Infrastructure moves forward in developing the next WRDA legislation, this hearing is intended to provide Members with an opportunity to review implementation of past WRDAs and begin consideration of potential projects and policy initiatives that benefit the Nation.

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<sup>2</sup> [https://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/wrda\\_2018/wrda2018\\_impguide](https://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/wrda_2018/wrda2018_impguide).

<sup>3</sup> <https://usace.contentdm.oclc.org/utils/getfile/collection/p16021coll5/id/35439>.

<sup>4</sup> <https://www.federalregister.gov/documents/2019/04/29/2019-08583/proposals-by-non-federal-interests-for-feasibility-studies-and-for-modifications-to-an-authorized>.

**WITNESSES**

Panel 1

The Honorable Rickey Dale “R.D.” James  
Assistant Secretary of the Army (Civil Works)  
Office of the Assistant Secretary of the Army – Civil Works

Major General Scott A. Spellmon  
*Deputy Commanding General for Civil and Emergency Operations*  
United States Army Corps of Engineers

Panel 2

Mr. Rob Innis  
Plant Manager, Sparrows Point  
LafargeHolcim  
*On behalf of the of Waterways Council Inc.*

Mr. Chad Berginnis  
Executive Director  
Association of State Floodplain Managers

Mr. Tom Waters  
Chairman  
Missouri Levee and Drainage District Association

Ms. Julie Hill-Gabriel  
Vice President for Water Conservation  
The National Audubon Society

Mr. Derek Brockbank  
Executive Director  
American Shore and Beach Preservation Association

Mr. F. Martin (Marty) Ralph, PhD.  
Director, Center for Western Weather and Water Extremes  
Scripps Institution of Oceanography at UC San Diego