

Water Resources Development Act (WRDA) of 2022: H.R. 7776 and S. 4136

July 7, 2022

Recent Congresses have biennially considered omnibus legislation authorizing U.S. Army Corps of Engineers (USACE) civil works activities, typically called [Water Resources Development Acts \(WRDA\)](#). Eligibility for USACE [annual](#) and [supplemental appropriations](#) generally requires activities to first be authorized. WRDAs add to or amend existing USACE authorizations and provide policy direction. In crafting WRDA 2022 bills, the House Transportation and Infrastructure Committee and the Senate Environment and Public Works Committee (EPW) considered proposals from Members and transmitted by the Administration (e.g., USACE [Chief of Engineers reports](#), nonfederal proposals in [Section 7001 reports](#)). The House passed H.R. 7776, the Water Resources Development Act of 2022, on June 8, 2022. EPW reported S. 4136, the Water Resources Development Act of 2022, on May 4, 2022.

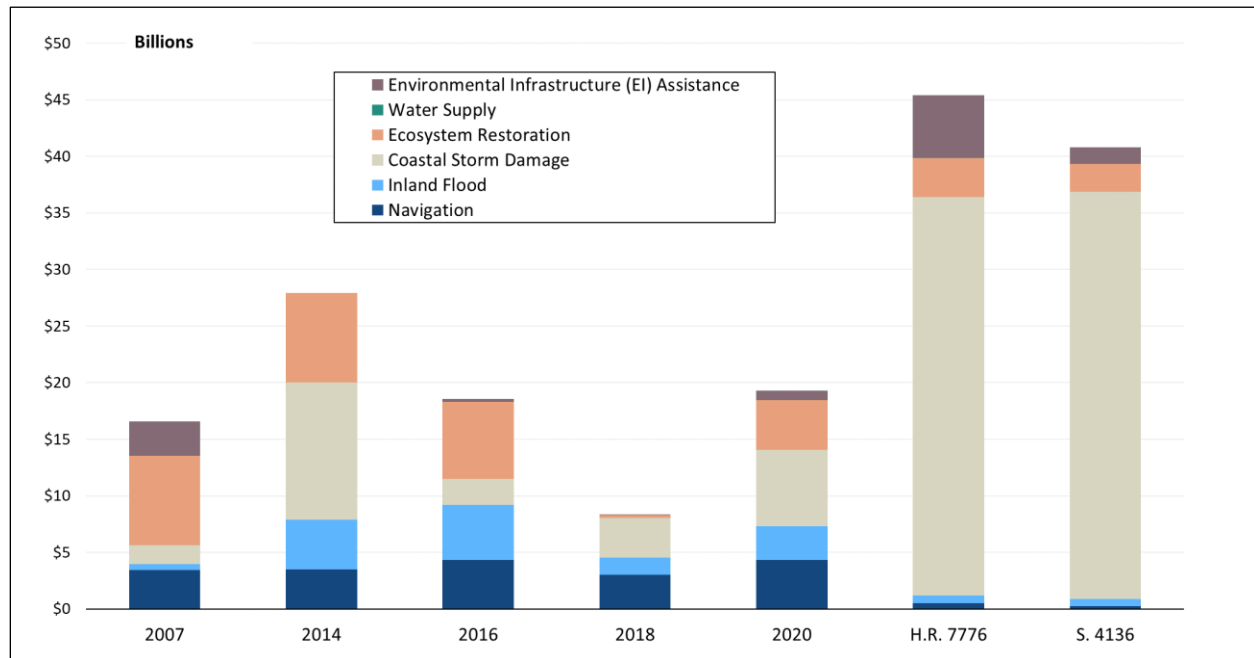
Both bills focus on USACE civil works activities. They overlap in authorizing many of the same construction projects, such as the almost \$31 billion [Coastal Texas project](#), which would be the nation's largest authorized USACE coastal storm damage reduction effort. Both bills would authorize [environmental infrastructure assistance](#) for design and construction of publicly owned and operated water infrastructure (e.g., wastewater systems) in specified municipalities, counties, and states. **Figure 1** shows total authorizations of appropriations for different types of construction projects authorized in the five most recently enacted WRDAs (including the Water Resources Reform and Development Act of 2014; P.L. 113-121) and proposed in the 2022 bills. The WRDA 2022 bills diverge on other topics, such as USACE cost sharing.

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Figure I. Authorizations of Appropriations from Selected Construction Provisions in USACE WRDAs
(nominal dollars)



Source: CRS using legislation. EI assistance authorities appear throughout the legislation (e.g., 19 provisions of P.L. 110-114). Other data are from P.L. 110-114, §§1001, 8003, 8004; P.L. 113-121, §§7002, 7003; P.L. 114-322, Title I, §1401; P.L. 115-270, Title I, §1401; P.L. 116-260, Division AA, §401; §401 of House-passed H.R. 7776 and S. 4136 as reported; and relevant documents for projects with multiple primary purposes.

Notes: Amounts are total authorizations of appropriations (i.e., they include federal, nonfederal, and trust fund costs). Project types are generally cost shared, except water supply (which appears in H.R. 7776 for \$33 million and is 100% nonfederal).

Table 1 identifies selected WRDA 2022 provisions, including provisions for authorizing projects and studies, sharing project costs, and managing existing infrastructure.

Table I. Selected Provisions from WRDA 2022 Legislation:
House-Passed H.R. 7776 and S. 4136 as Reported

(dollar amounts represent authorizations of appropriations; B = billion, M = million)

Provision Type	H.R. 7776	S. 4136	Notes
Study, Project, and Program Authorizations			
Authorize new and modified project construction	§401 would authorize 22 projects at \$39.9B (\$25.3B federal, \$14.6B nonfederal)	§401 would authorize 21 projects at \$39.4B (\$24.7B federal, \$14.6B nonfederal)	Both bills would authorize the Coastal Texas project at \$30.9B (\$19.2B federal, \$11.6B nonfederal), with roughly \$28.5B for coastal storm damage reduction and \$2.4B for restoration
Authorize environmental infrastructure (EI) assistance	§§309, 328, 332, 337, 345, and 346 would amend, add new, and reauthorize EI authorities for \$5.5B	§§301-304, 323, 334, and 341 would amend and add new EI authorities for almost \$1.5B	Congress in previous WRDA bills from 1992 to 2020 authorized \$6.2B in EI assistance

Provision Type	H.R. 7776	S. 4136	Notes
Authorize feasibility and project modification studies	§201 would authorize 81 studies	§201 would authorize 36 studies	—
Expand feasibility study scope at nonfederal sponsor request	§104 would expand coastal storm feasibility studies to incorporate flooding of tidally influenced surface waters hydrologically connected to coastal waters	§101 would expand coastal storm and inland flood feasibility studies to incorporate other flood risk (e.g., due to erosion, tides, rainfall, subsidence)	USACE flood feasibility studies typically have been authorized for storm-related coastal flooding or inland riverine flooding
Increase continuing authorities program's federal project cost limit for streambank and shoreline (erosion) projects	—	§102 would increase project limit from \$5M to \$10M	—
Deauthorize construction projects	§301 would replace WRDA 2020's deauthorization list for pre-WRDA 2007 inactive projects and would repeal WRDA 2020's automatic deauthorization provision	—	—
Sharing Costs of USACE Projects			
Amend USACE authority to accept federal funds toward nonfederal cost share	—	§126 would allow USACE to accept federal funds if funds are for a purpose "similar or complementary" to the USACE study or project purpose	Currently USACE only accepts federal funds based on a determination by the originating federal agency that the use is authorized
Reduce percentage of inland waterway or intracoastal waterway construction project costs that are derived from the Inland Waterways Trust Fund (IWTF)	—	§103 would permanently reduce the IWTF share of construction costs from 50% to 25%, thereby increasing General Fund contribution to 75%	WRDA 2020 reduced the IWTF contribution to 35% for projects funded from FY2021 through FY2031
Deep-draft navigation cost sharing	§205 would authorize a study on extending 100% federal maintenance responsibility for harbors from 50 feet to 55 feet	—	—
Extend periodic sand nourishment for coastal storm damage reduction	—	§204 would increase from 6 to 12 years the extension of renourishment projects that have reached their maximum period and authorize USACE studies of 50-year, rather than 15-year, extensions	Periodic nourishment is currently authorized for 50 years, at 50% federal cost for many projects
Share costs of periodic sand nourishment for ecosystem restoration	—	§102(a)(4) would establish policy to provide 50 years of federal cost sharing for renourishment activities for ecosystem restoration	Ecosystem restoration renourishment (i.e., nourishment after initial construction) is currently 100% a nonfederal responsibility

Provision Type	H.R. 7776	S. 4136	Notes
Authorize USACE funds for measures benefiting lands administered by other federal agencies, as part of USACE project or beneficial use of dredge material	—	§104	—
Existing Infrastructure			
Study additional measures to sustain operations, mitigate droughts and floods, increase water supply and restore aquatic ecosystems at USACE South Pacific Division reservoirs ^a	§226	§214	—
Assess USACE dams ^b	§116 would direct USACE to assess dams to identify (1) priorities for rehabilitation, hydropower retrofits, and environmental enhancements and (2) recommendations for dam removal among dams not meeting their authorized purposes	—	—
Assess and repair levees ^b	§114 would direct USACE to assess levees and levee modifications to restore floodplain connectivity	§129 would amend a nonfederal levee repair authority to allow for improvements and to increase USACE per project assistance limit from \$10M to \$25M	—

Source: CRS using H.R. 7776 and S. 4136.

Notes: WRDA 2007 = P.L. 110-114; WRDA 2020 = Division AA, P.L. 116-260. Amounts may not sum due to rounding.

- a. Bills indicate the provision would apply to reservoirs that USACE operates and reservoirs owned by others at which USACE prescribes flood control operations.
- b. Bill indicates the provision would apply to structures for which USACE has “financial or operational” responsibility.

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