

Water Resources Development Act of 2022 (WRDA 2022)

Updated February 15, 2023

Recent Congresses have biennially considered omnibus legislation authorizing U.S. Army Corps of Engineers (USACE) civil works activities, typically called [Water Resources Development Acts \(WRDAs\)](#). 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. The 117th Congress enacted the Water Resources Development Act of 2022 (WRDA 2022) as Title LXXXI of Division H of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (FY2023 NDAA; P.L. 117-263).

USACE authorization action in the 117th Congress began with H.R. 7776, the Water Resources Development Act of 2022. The House passed H.R. 7776 in June 2022; the Senate passed its amendment to H.R. 7776 in July 2022. In December 2022, the House and Senate agreed to a House amendment to the Senate amendment to H.R. 7776, which consisted of the FY2023 NDAA's defense authorizations as well as a title for WRDA 2022 and various other nondefense titles. **Table 1** identifies selected provisions of the enacted WRDA 2022.

Following enactment, USACE develops implementation guidance for many WRDA provisions. USACE has created a [website for its WRDA 2022 guidance](#). On January 20, 2023, USACE also [opened a 60-day comment period](#) for input on its implementation of WRDA 2022 provisions.

Table 1. Selected Water Resources Development Act of 2022 Provisions

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

Provision Type	Description
Study, Project, and Program Authorizations	
Authorize new project construction	§8401 authorized 25 new projects at \$50.4 B (\$30.0 B federal, \$20.4 B nonfederal). Among the projects authorized would be a Coastal Texas project at \$34.4 B (\$21.4 B federal, \$13.0 B nonfederal).
Authorize modifications to authorized projects that are unconstructed or under construction	§8401 authorized modifications to 6 projects at a total cost of \$11.8 B (\$8.3 B federal, \$3.5 B nonfederal).

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Authorize feasibility and project modification studies	§8201 authorized 94 new studies and 12 project modification studies, and §8307 authorized feasibility studies for three reauthorized projects.
Expand feasibility study scope at nonfederal sponsor's request	§8106 allowed for study scopes to expand in two ways: (1) expand coastal storm and inland flood feasibility studies to incorporate other flood risk (e.g., due to erosion, tides, rainfall, subsidence, groundwater emergence), and (2) expand feasibility studies to include water supply, water conservation, and measures to reduce water resource impacts of extreme weather events, including drought.
Authorize aquifer recharge feasibility studies	§8108 authorized USACE to perform up to 10 feasibility studies (at 90% federal cost) of managed aquifer recharge projects in areas that have recently experienced prolonged drought, aquifer depletion, or water supply scarcity.
Authorize environmental infrastructure (EI) assistance for design and construction of water infrastructure in specified municipalities, counties, and states	Various provisions (e.g., §8311, §8319, §8353, §8359, §8373, §8374, §8375 and §8376) amended and added new EI authorities related to publicly owned and operated water infrastructure, amounting to a \$6.6 B total increase in USACE EI authorization of appropriations.
Increase continuing authorities program's federal project cost limit for streambank and shoreline (erosion) projects	§8103 increased the federal project cost limit from \$5 M to \$15 M.
Deauthorize construction projects	§8301 replaced WRDA 2020's deauthorization list for pre-WRDA 2007 inactive projects and repealed WRDA 2020's automatic deauthorization provision.
Sharing Costs of USACE Projects	
Reduce percentage of inland waterway or intracoastal waterway construction project costs that are derived from the Inland Waterways Trust Fund (IWTF)	§8157 made permanent a previous temporary change that altered the IWTF share of construction from 50% to 35% for all projects that are new or ongoing after October 1, 2022.
Extend periodic sand nourishment for coastal storm damage reduction	§8129 authorized USACE to extend for 15 years periodic renourishment for projects that have reached their maximum authorized renourishment period. It also authorized USACE to study 50-year extensions of periodic renourishments. ^a
Use of other federal funds	§8149 altered an existing authority on the use of federal funds toward USACE nonfederal cost shares for studies and projects (33 U.S.C. §2222) to require USACE to accept other federal funds as long as the statutory authority for those funds does not prohibit such a use and the study or project activities would otherwise be eligible for the federal funding.
Existing Infrastructure	
Western infrastructure study	§8208 directed that USACE conduct a study of additional measures to sustain operations, mitigate droughts and floods, increase water supply, and restore aquatic ecosystems at USACE South Pacific Division reservoirs.
Assess and repair levees that are not federally maintained	§8387 amended a nonfederal levee repair authority to increase USACE per-project assistance limit from \$10 M to \$25 M, and to prioritize assistance for economically disadvantaged communities.
Other	
Expand scope of work when repairing damaged nonfederal flood control works (levees, dunes/beaches, dams)	§8102 expanded authority to alter nonfederal flood control works to not only address damage but also enhance resilience and deficiencies (such as addressing sea level rise and erosion).

Establish a Tribal and Economically Disadvantaged Communities Advisory Committee (TEDCAC)	§8115 required the establishment of TEDCAC to develop and make recommendations on actions to improve delivery of water resources projects and assistance to economically disadvantaged communities, including communities in rural and urban areas.
Authorize “called-upon” flood control operations in the Columbia River Basin	§8309 authorized the Secretary of the Army to expend funds for “called-upon” Canadian flood control operations to protect the U.S. portion of the Columbia River Basin after 2024 (i.e., when Columbia River Treaty flood control provisions are scheduled to expire), but only when such funds are appropriated by Congress for these purposes. It required reporting to Congress on these expenditures, and authorized the USACE to study options for U.S.-based flood control measures.

Source: CRS.

- a. Federal periodic nourishment at 50% cost had been authorized generally for 50 years, and it could be extended for an additional 6 years. Studies for extension of renourishment currently had been typically limited to 15-year extensions.

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