

Army Corps Provisions in Water Resources Development Act of 2026 (WRDA 2026) Legislation: In Brief

September 1, 2026

Congressional Research Service

<https://crsreports.congress.gov>

R49327

Contents

Introduction 1

 WRDA 2026 Bills in the 119th Congress: Status, Structure, and Scope..... 1

Context for USACE Provisions in WRDA 2026..... 2

 Study and Project Authorizations..... 2

 Nonfederal Responsibilities and Roles 3

 Current Policy Context..... 4

Selected Provisions of House and Senate WRDA 2026 Bills 6

Tables

Table 1. Descriptions of Selected Potential Effects of Army Corps Provisions of Titles I
Through IV of H.R. 9497 (introduced) and Division A of S. 4949 (reported) 6

Contacts

Author Information.....11

Introduction

The U.S. Army Corps of Engineers (USACE) is an agency in the Department of Defense that develops water resources projects, among other civil and military missions.¹ Authorization is typically a precondition for a USACE study, project, program, or activity's eligibility for federal appropriations. Congress often, but not always, biennially considers omnibus legislation to authorize USACE water resources studies and projects and to refine congressional policy direction for the agency's water resources activities. Congress commonly refers to such legislation as a *Water Resources Development Act* (WRDA) and distinguishes these bills by the year of their consideration and/or enactment (e.g., WRDA 2020).

The primary purposes of USACE water resources studies and projects historically have been (1) facilitating navigation, (2) reducing inland and coastal flood risk, and (3) restoring aquatic ecosystems. USACE projects may additionally support water supply storage,² recreation, and hydropower, among other benefits. USACE typically conducts project planning and manages construction, and it may be responsible for operation and maintenance of navigation and some multipurpose projects. Congress also has authorized USACE to assist nonfederal public entities with their *environmental infrastructure* (EI)—for example, design and construction assistance for public drinking water and wastewater infrastructure—in designated communities, counties, and states.³

WRDA 2026 Bills in the 119th Congress: Status, Structure, and Scope

Each chamber is considering a WRDA in 2026, both entitled the Water Resources Development Act of 2026 (WRDA 2026). The two bills are as follows:

- H.R. 9497, which was ordered to be reported in July 2026 by the House Committee on Transportation and Infrastructure (House T&I). House T&I held a markup on July 14, 2026, and adopted various amendments.⁴ A reported version

¹ The Department of Defense is “using a secondary Department of War designation” under Executive Order 14347 of September 5, 2025, “Restoring the United States Department of War,” 90 *Federal Register* 43893, September 10, 2025. In this report (including in reference to various executive branch officials’ titles), the source of information and the designation used therein largely determined the use of “War” or “Defense.”

² Congress included a policy declaration in the Grace F. Napolitano Priority for Water Supply, Water Conservation, and Drought Resiliency Act of 2024, as Title I, Subtitle B, of Division A of P.L. 118-272, the Thomas R. Carper Water Resources Development Act of 2024 (WRDA 2024). It states that it is U.S. policy for the U.S. Army Corps of Engineers (USACE) to maximize opportunities for water supply and conservation measures and drought resilience efforts at and in the operation of the agency’s water resources projects. The act also directs the Secretary of the Army (Secretary) to give full consideration to requests and proposals by nonfederal sponsors for USACE to use its authorities to further such measures and efforts in alignment with the authorized purposes of the agency’s projects.

³ For more on environmental infrastructure assistance, including in the two WRDA 2026 bills, see CRS Report R47162, *Overview of U.S. Army Corps of Engineers Environmental Infrastructure (EI) Assistance*, by Anna E. Normand.

⁴ The amendment in the nature of a substitute to S. 4949 (which made minor adjustments to the introduced version) at the July 14, 2026, House Transportation and Infrastructure Committee [House T&I] markup of H.R. 9497, and other matters is posted at <https://transportation.house.gov/calendar/eventsingle.aspx?EventID=410202>. The amendments that House T&I identified as officially filed for consideration during the markup are available at <https://transportation.house.gov/amendments/h2o-amendments.htm/>. Only a subset of these amendments was adopted; the most extensive of these was identified as Rep. Graves Manager_01, available at https://transportation.house.gov/uploadedfiles/mgrs_amdt_to_hr_9497.pdf. The adopted amendments were the amendment in the nature of a substitute, Rep. Graves Manager_01, and Mast_178_Rev1 (which would add a sense of Congress on the Everglades Agricultural Areas project).

has not been filed. Therefore, the remainder of this report references the introduced version of H.R. 9497, except where otherwise noted.

- S. 4949, reported in July 2026 by the Senate Committee on Environment and Public Works (Senate EPW).

The House T&I and Senate EPW committees have held WRDA-related hearings and solicited Member input on priorities for WRDA 2026.

Historically, WRDA provisions have focused on USACE's water resources activities. On some occasions, provisions have addressed USACE's regulatory program or other agencies' water resources activities (e.g., the Federal Emergency Management Agency's dam safety program).⁵ Both WRDA 2026 bills represent omnibus authorization legislation for USACE's water resources activities; however, they vary in their inclusion of non-USACE provisions.

- H.R. 9497, as introduced, has five titles. Four titles are focused on USACE. The fifth title relates to FEMA's National Dam Safety Program.⁶
- S. 4949 is divided into Division A, which is principally focused on USACE's water resources development authorities,⁷ and Division B, which is related to drinking water and wastewater infrastructure authorities of federal agencies other than USACE.⁸

This report discusses the USACE portions of these bills. This report does not attempt to synthesize the entirety of the two WRDA 2026 bills. WRDA bills have hundreds of provisions, many of which include direction on specific projects or for specific geographic areas. This report discusses selected provisions of a more general nature.

Context for USACE Provisions in WRDA 2026

Through omnibus authorization bills (typically titled Water Resources Development Acts since the mid-1970s) as well as earlier legislation, Congress has established a general framework and guidelines for implementing USACE water resources projects and activities (e.g., setting standard federal and nonfederal cost shares). Most USACE studies and project authorizations are geographically specific (e.g., a flood risk reduction project for a specific community along a river). WRDA provisions may authorize new work or amend existing authorizations.

Study and Project Authorizations

Most USACE projects require two types of congressional authorization: (1) an authority to study the feasibility of the project and (2) after a favorable feasibility report and recommendation by the Chief of Engineers (i.e., a Chief's report), authority to construct the project and to operate and

⁵ Since 2000, WRDAs have been enacted as stand-alone bills (e.g., in 2000, 2007, and 2014) and as part of broader bills (e.g., in 2016, 2018, 2020, 2022, and 2025).

⁶ The National Dam Safety Program is led by the Federal Emergency Management Agency (FEMA), with USACE as a partner in the program. The program is in the jurisdiction of both House T&I and Senate EPW. Title V of H.R. 9497 is not discussed further in this report.

⁷ Division A of S. 4949 also includes provisions on the National Dam Safety Program (§1375) and an associated FEMA high hazard dam rehabilitation program (§1358). These two S. 4949 provisions are not discussed further in this report.

⁸ Some of the non-USACE provisions of S. 4949, such as drinking water provisions in Division B, are within Senate EPW jurisdiction but not within the jurisdiction of House T&I. Division B of S. 4949 is not discussed further in this report.

maintain it, as applicable. Although most USACE authorizations do not expire, Congress has limited the duration of some WRDA provisions (e.g., a 10-year pilot program) and established processes for deauthorizing projects.⁹

Authorization for a study, project, or other activity (e.g., research, pilot program) on its own is insufficient for USACE to proceed. Once an activity is authorized, USACE still must receive funding for that activity (e.g., Investigations account funding to initiate an authorized study). Congress provides appropriations for USACE through the annual Energy and Water Development appropriations process and, at times, through supplemental appropriations.¹⁰

Nonfederal Responsibilities and Roles

Although USACE projects authorized in WRDAs are federal projects, nonfederal interests (alternatively called nonfederal sponsors) generally are required to share study and construction costs and provide land and other real estate interests needed for a project. For studies, Congress has set the standard cost share at 50% federal and 50% nonfederal. For construction, Congress has set standard cost shares for various USACE project purposes. For instance, Congress set the construction cost share for aquatic ecosystem restoration projects at fixed percentages of 65% federal and 35% nonfederal, unless otherwise specified. Congress has determined that operation, maintenance, and rehabilitation of most flood control and aquatic ecosystem restoration projects are a 100% nonfederal responsibility.

Nonfederal project sponsors have raised concerns about the real estate interests they are required to acquire as part of their responsibilities associated with USACE projects. These concerns include the general requirement for the acquisition of fee title for lands related to ecosystem restoration projects,¹¹ the standard requirement for a perpetual easement for coastal storm damage reduction projects,¹² and the requirement for the nonfederal interest to be willing to use eminent domain to acquire real estate interests for a project.¹³

Nonfederal interests and other stakeholders have long sought to improve the timeliness of USACE studies and projects and constrain the growth of projects' construction costs. Some frequently discussed topics in this context are federal environmental statute compliance, authorities for nonfederal entities to perform studies and construction, and use of different contracting and private-sector services, among other topics.

⁹ For a discussion of current deauthorization authorities, see CRS Report R45185, *Army Corps of Engineers: Water Resource Authorization and Project Delivery Processes*, by Nicole T. Carter and Anna E. Normand.

¹⁰ For a primer on USACE appropriations, see CRS Insight IN11810, *U.S. Army Corps of Engineers Civil Works: Primer and Resources*, by Anna E. Normand and Nicole T. Carter.

¹¹ USACE, *Planning, Aquatic Ecosystem Restoration Civil Works Mission and Evaluation Procedures*, Engineer Pamphlet 1105-2-70, April 7, 2025, p. 16, <https://www.publications.usace.army.mil/Portals/76/EP%201105-2-70%20-%20Aquatic%20Ecosystem%20Restoration%20Civil%20Works%20Mission%20and%20Eval%20Procedures%202025%2003%2028%20-%20Final.pdf>.

¹² Memorandum from Michael L. Connor, Assistant Secretary of the Army (Civil Works), to Commanding General, USACE, "Report to Congress on Easements Related to Water Resources Development Projects, Section 8235 of the Water Resources Development Act of 2022," March 13, 2024, p. 6, <https://api.army.mil/e2/c/downloads/2024/05/17/b9516f54/cg-usace-wrda-22-sec-8235-report-13-may-2024.pdf#page=6>.

¹³ USACE, *Clarification of Existing Policy for USACE Participation in Nonstructural Flood Risk Management and Coastal Storm Damage Reduction Measures*, Planning Bulletin, December 22, 2015, p. 2, https://planning.erdc.dren.mil/toolbox/library/pb/PB2016_01.pdf.

Current Policy Context

In addition to authorizing new USACE studies and construction projects, WRDAs also provide congressional direction to the executive branch on how USACE is to conduct its water resources activities. Policy provisions in a specific WRDA are often shaped by recent events (e.g., hurricanes with significant flooding or levee impacts) or executive branch actions that affect USACE activities. Below are some of the contextual elements for the development and consideration of the WRDA 2026 bills.

In previously enacted WRDA provisions, Congress has sought timelier WRDA implementation, including for development of post-enactment implementation guidance and rulemaking, and timelier submission of reports to Congress.¹⁴ During the 119th Congress, some Members and other stakeholders have expressed concerns regarding executive branch actions affecting the feasibility study process (e.g., increasing the level of design required for a feasibility study),¹⁵ feasibility studies scoping (e.g., reducing the scope of feasibility studies to stay within study cost limits of 33 U.S.C. §2282c),¹⁶ and implementation of specific study types. For example, in August 2025, USACE paused completion of final feasibility reports involving nonstructural measures “at scale.”¹⁷

During the 119th Congress, some Members have expressed concern about how recent changes in USACE staffing and hiring may affect USACE’s performance of project work (e.g., some Members have requested information on staffing of specific districts).¹⁸ Also, after an October 17,

¹⁴ USACE consolidates the publication of its WRDA implementation guidance at the following website: USACE, “Water Resources Development Act,” <https://www.usace.army.mil/Missions/Civil-Works/Water-Resources-Development-Act/>.

¹⁵ USACE, *Engineering and Construction, Civil Works Construction*, Engineer Regulation 1110-2-1302, May 13, 2026, p. 21, https://publibrary.sec.usace.army.mil/api/download?id=60b44ce6-b9c5-451d-8db7-7f1fecb1b3e1&filename=ER%201110-2-1302%20Civil%20Works%20Cost%20Engineering_2026%2004%2020.pdf&token=&preview=true. The 2026 version of the regulation replaced the 2016 version of the regulation, which required a Class 3 cost estimate without specifying a specific design maturity.

¹⁶ For example, a July 2026 draft report for a coastal storm damage reduction project in Virginia indicates that

The team was required to reduce the scope, including both the size of the study area and the measures considered (limited to nonstructural). The reduced scope was the result of requirements to develop a study scope, schedule, and budget that is compliant with the guidelines outlined in Section 1001 of the Water Resources Reform and Development Act (WRRDA) of 2014.... As an additional resource (time and/or funding) request was not an option, the scope was reduced to fit the ‘3x3x3’ requirement in WRRDA 2014, which requires feasibility studies to be completed in three years, within \$3,000,000, and with three levels of review and engagement.

(USACE, Norfolk District, *Peninsula Regional Coastal Storm Risk Management, Draft Integrated Feasibility Report and Environmental Assessment, Hampton & Poquoson, Virginia*, July 2026, p. ES-1, https://www.nao.usace.army.mil/Portals/31/docs/civilworks/PCSRM/PeninsulaCSRM_DraftReport_IFREA_MainReport_July2026.pdf).

¹⁷ The August 6, 2025, USACE memo providing related interim guidance is not publicly available; it is listed but not available at USACE’s Guidance Memos planning website (USACE, “Guidance Memos,” <https://planning.erdc.dren.mil/toolbox/mobile/library.cfm?Option=Listing&Type=Memo&Search=Policy&Sort=Default>). Additional subsequent guidance on March 18, 2026, is not publicly available; the 2026 memo is described at the same USACE website as identifying certain pilot projects to proceed while maintaining the pause on others in order to allow USACE to refine project delivery strategies and methods and disseminate relevant procedures.

¹⁸ Letter from Sen. Edward J. Markey et al. to Adam Telle, Assistant Secretary of the Army (Civil Works), September 17, 2025, https://www.markey.senate.gov/imo/media/doc/army_corps_staffing_letter.pdf. During the 119th Congress, concerns were also raised about the agency’s recreation workforce (see Letter from Sen. Kevin Cramer and Sen. Angela Alsobrooks to Daniel Driscoll, Secretary U.S. Army and Commanding General William H. “Butch” Graham, (continued...))

2025, social media post by Russell Vought, Director of the Office of Management and Budget, some raised additional concerns about the Administration's actions to pause \$11 billion in USACE civil works projects and consider some of them for cancellation.¹⁹ The explanatory statement for USACE's FY2026 annual appropriation prohibited USACE from pausing or terminating any project without providing prior written notice (inclusive of a justification) to the appropriations committees.²⁰

Congressional development and deliberations on WRDA 2026 bills are also occurring in the context of other executive branch actions.

- An October 15, 2025, memorandum by the Deputy Secretary of War and the Secretary of War on the department's congressional activities altered how USACE communicates with congressional staff. The memorandum requires that USACE's legislative affairs activities must be coordinated with the Office of the Assistant Secretary of War (Legislative Affairs) prior to legislative engagements, communications, and request responses.²¹
- In February 2026, the Assistant Secretary of the Army for Civil Works (ASACW) announced the Build Infrastructure, Not Paperwork (BINP) initiative and accompanying memoranda.²² The initiative aims to change the way USACE conducts business to more efficiently accomplish its primary civil works missions. For example, an entity that wants to alter or occupy a USACE civil work must obtain permission (referred to as a Section 408 permission).²³ One of the ASACW's BINP memoranda directs USACE to promulgate regulations for the procedures for Section 408 requests and develop nationwide Section 408 categorical permissions.²⁴

Jr., USACE, June 11, 2025, <https://ciosenus.app.box.com/s/jmtyr1jhtxbfvy2t8o15a754tq02bhdj>). USACE operates more than 2,700 recreation sites at the agency's water resources projects (e.g., camping and reservoir access sites). Many sites were closed at times in 2025 due to associated staffing- and contract-related constraints.

¹⁹ The post included the following: "The Corps will be immediately pausing over \$11 billion in lower-priority projects & considering them for cancellation, including projects in New York, San Francisco, Boston, and Baltimore." (Russ Vought [@russvought], X post, October 17, 2025, <https://x.com/russvought/status/1979252301945803092>).

²⁰ House of Representatives, Explanatory Statement, *Congressional Record*, vol. 172, part No. 5—Book II (January 8, 2026), p. H379, <https://www.congress.gov/119/crec/2026/01/08/172/5/CREC-2026-01-08-bk3.pdf>. USACE provided additional guidance on the process, including congressional notification, for the termination of studies and projects in August 2026 (Memorandum from Ryan Fisher, Executive Deputy for Civil and Emergency Operations, USACE, "Policy and Procedures for Termination of Civil Works Studies and Projects," August 5, 2026, https://publibrary.sec.usace.army.mil/api/download?id=8ee8c63f-8400-45ae-cdf9-47bec2166446&filename=Memo_PolicyandProceduresCWStudies_5August2026.pdf&token=&preview=true).

²¹ Memorandum from Steve Feinberg, Deputy Secretary of War, and Pete Hegseth, Secretary of War, to Senior Pentagon Leadership, Commanders of the Combatant Commands, Department of War Agency and DOW Field Activity Directors, "Department of War Congressional Activities," October 15, 2025, <https://apps.legislature.ky.gov/CommitteeDocuments/192/40064/Dept%20of%20War%20Elected%20Official%20Outreach%20Guidance%2010-15-2025.pdf>.

²² USACE, "Assistant Secretary of the Army for Civil Works announces 'Building Infrastructure, Not Paperwork' initiative for the Army's Civil Works Program," press release, February 23, 2026, <https://www.usace.army.mil/Media/News-Releases/News-Release-Article-View/Article/4412430/assistant-secretary-of-the-army-for-civil-works-announces-building-infrastructure/>.

²³ For more on Section 408 permissions, see CRS In Focus IF13202, *Section 408 Permission to Alter Army Corps Works: Developments and Congressional Considerations*, by Nicole T. Carter.

²⁴ Memorandum from Adam Telle, Assistant Secretary of the Army (Civil Works), to Commanding General, USACE, "Programmatic Direction on Processing Requests for Permission Under 33 U.S.C. §408," February 23, 2026, <https://www.usace.army.mil/Portals/2/CG%2C%20USACE%20-> (continued...)

Selected Provisions of House and Senate WRDA 2026 Bills

Table 1 identifies selected provisions that are general (i.e., not geographically specific) in nature, address new studies and construction authorizations, and provide general directions on USACE activities. The table is not comprehensive; for example, it does not reference the multiple provisions of the two bills related to directing USACE to expedite work on specific USACE studies, projects, and activities.

As USACE Chief’s reports and other supporting documents are transmitted to Congress, it is common for project construction authorizations to be added to WRDA bills as the bills move through the congressional deliberations process; thus, enacted WRDAs often contain more authorizations for new construction and modification of existing projects than earlier (e.g., as introduced) versions. For example, an amendment adopted during markup of H.R. 9497 added various project construction authorizations and modifications to Section 401, including a modification to the Central Everglades Planning Project (which would increase that project’s authorized construction cost to \$12.3 billion [2026 dollars]).²⁵

Given that the two bills in the 119th Congress have only completed some of the earlier steps in the typical path toward enactment, the final provisions of a potential enacted WRDA 2026 may vary from the contents of the bills as they appear in **Table 1**. Previously enacted WRDAs typically have drawn on provisions of both chambers’ WRDA bills.

Table 1. Descriptions of Selected Potential Effects of Army Corps Provisions of Titles I Through IV of H.R. 9497 (introduced) and Division A of S. 4949 (reported)

	H.R. 9497 as introduced	S. 4949 as reported
Authorizing Geographically Specific Studies, Projects, and Assistance of the U.S. Army Corps of Engineers (USACE)		
Authorization of studies and projects	§201 would authorize 107 new studies and 24 study modifications.^a §401 would authorize 4 new construction projects and 6 modifications to construction projects.^a	§1201 would authorize 47 new studies and 14 study modifications. §1401 would authorize 8 new construction projects and 7 modifications to construction projects.
Authorization and modification of environmental infrastructure (EI) assistance ^b	§307 would authorize 192 new assistance activities and would amend 79 existing activities under Section 219 of WRDA 1992 EI authority, and would amend 7 programmatic EI authorities.^a 302(i) would amend a New Mexico Acequias irrigation systems EI authority.	§1301(a) would amend Section 219(c) of WRDA 1992 to allow assistance in the form of grants or reimbursements of project costs. §1301 would authorize 77 new assistance activities and would amend

^aProgrammatic Direction on Processing Requests for Permission Under 2033%20U_S_C_20408%20-%2023%20Feb%202026.pdf.

²⁵ See various changes made to Section 401 of H.R. 9497 on pages 22 to 24 of the amendment labeled Rep. Graves Manager_01, from the July 14, 2026, House Transportation and Infrastructure Committee’s markup of H.R. 9497, available at https://transportation.house.gov/uploadedfiles/mgrs_amdt_to_hr_9497.pdf. The changes included the addition of the Everglades Planning Project modification and three additional projects for new construction authorization, as well as other changes. For information on the Central Everglades Planning Project, see Memorandum from Major General Jason E. Kelly, Deputy Commanding General for Civil and Emergency Operations, to Assistant Secretary of the Army (Civil Works), June 16, 2026, https://publibrary.sec.usace.army.mil/api/download?id=784a3b70-d13c-4b28-ffac-650802a012c5&filename=DCGCEO_CEPP_Sec902_PACR_16June2026.pdf.

H.R. 9497 as introduced		S. 4949 as reported
		29 existing activities under Section 219 of WRDA 1992 EI authority.
		§1302 would amend 2 assistance activities under Section 219 of WRDA 1992 EI authority.
		§1307, §1328, §1342, §1343, §1347, §1352, and §1362 would amend 7 programmatic EI assistance authorities.
		§1337 would amend the New Mexico Acequias irrigation systems EI authority.
Expediting Studies, Environmental Reviews and Permits		
Study guidance	§108 would replace federal cost and time limits for studies with guidance, study-specific deadlines, and schedule reporting.	§1113(b) would allow a level of design maturity less than 35% if a lower design level is sufficient for required cost estimate.
Certain work under EI authorities and continuing authorities programs (CAPs) identified for categorical exclusion for documentation under the National Environmental Policy Act of 1969 (NEPA) ^{c, d}	No similar provision.	§1109 would require that the Secretary of the Army (Secretary) designate an action with federal project costs less than \$50 million carried out under environmental infrastructure assistance authorities or CAPs as categorically excluded from requirements to prepare an environmental assessment or environmental impact statement under NEPA.
Rulemaking for Section 408 permission program (Section 408 permission allows for an entity other than USACE to alter a USACE work) ^e	No similar provision.	§1105 would indicate the Secretary should proceed with a rulemaking for implementing Section 408 permissions, and should regularly brief the House Transportation and Infrastructure Committee (House T&I) and the Senate Environment and Public Works (Senate EPW) on the rulemaking.
Rulemaking for Section 408 categorical permissions	§105 would require development of Section 408 categorical permissions by rulemaking.	No similar provision.
Expediting Construction		
Design services review by GAO study	§207(c) would require the Government Accountability Office (GAO) to review USACE methods for architectural and engineering design services, including comparison of private-sector contracts and performance by USACE employees.	§1204(c) would require GAO to review USACE engineering and design activities, including assessing challenges and benefits of using the private sector.
Contracting efficiency	§102(b) would require GAO to study benefits of awarding multiyear and continuing contracts for USACE project construction.	No similar provision.
Project real estate	§117 would require revision to policy guidance related to the minimum interest in real property for a USACE project.	No similar provision.

	H.R. 9497 as introduced	S. 4949 as reported
Expanding nonfederal project delivery		
Extension of pilot program that allows USACE funds to be transferred to nonfederal interests performing feasibility studies	§302(h) would extend the authority for a study to be commenced under the existing pilot program through FY2030 and would extend the program's annual authorization of appropriations through FY2030.	§123I would extend the authority for a study to be commenced under the pilot program through FY2030.
Reservoir removal sediment pilot program	§124 would establish a program to allow a state to remove sediment behind USACE dams and to receive credit for this removal.	No similar provision.
Report on improving alternative delivery methods ^f	§101(d)(3) would require the Secretary to report on recommendations for legislative and administrative actions to improve alternative project delivery methods within two years of enactment.	No similar provision.
Communicating and Implementing WRDAs		
Congressional communication	§136 would state that the Secretary and the Chief of Engineers are to expeditiously provide information and technical assistance related to projects (including project costs, schedules, and operational capabilities) to House T&I and Senate EPW, and USACE and each USACE district should have open communication with Member offices. ^a	§1104 would direct that the Secretary shall generally provide information in writing within 30 days of receiving a written request (including for technical assistance) from a member of House T&I or Senate EPW.
Capability estimates	§111(c) would require the Secretary, upon request, to provide nonfederal interests with estimates of the funding that the Secretary could expend in a fiscal year with respect to any maintenance dredging activity.	§1107 would require that, within 30 days of a Member of Congress request, the USACE district or division respond with written information on the status and readiness of feasibility studies and projects for federal funding consideration, including annual capability.
Implementation Guidance	§135 would require issuance of new policies to implement enactment of H.R. 9497, and revocation of guidance not in compliance with H.R. 9497 within 120 days of enactment.	§1101(a) would require a plan for implementation of Division A of S. 4949, including timelines for issuance of guidance and rules, within 90 days of enactment, and §1101(b) would require regular briefings on implementation for House T&I and Senate EPW.
Prior committee notice	No similar provision.	§1101(c) would require the Secretary to provide House T&I and Senate EPW with notice 30 days before USACE issues guidance, rules, or notices in the <i>Federal Register</i> , or other documentation for implementing Division A of S. 4949.

	H.R. 9497 as introduced	S. 4949 as reported
Outstanding reports	§142 would require that the Secretary, within 90 days of enactment, submit to House T&I and Senate EPW a report on the status of reports required under previously enacted legislation, and, within 45 days of enactment, to issue the guidance for specified sections of previously enacted legislation.	§1213 would state a sense of Congress that the Secretary should expeditiously submit outstanding reports from previously enacted legislation and reports under Division A of S. 4949.
Supporting Navigation		
Dredge material management	§112 would require an update to regulations for the federal standard for dredge material disposal or placement.	No similar provision
Inland waterways	§206 would require the Secretary to report on the condition and reliability of inland and intracoastal waterways projects.	§1110 would require that the Inland Waterways Users Board concurrently transmit advice and recommendations to Congress (i.e., no federal agency or officer could require the board to submit its advice and recommendations for approval before congressional submission). ⁸
Reducing Flood Risks		
Small flood risk reduction projects	§109(a) would establish a CAP for work on USACE-constructed flood risk management projects and projects participating in the USACE rehabilitation program for flood risk management infrastructure.	No similar provision.
Levee Owners Board	§104 would establish a board to make recommendations on improving levee reliability.	No similar provision.
Levee certification	§113 would require a rulemaking for the USACE process to conduct a levee risk assessment.	No similar provision.
Nonstructural	§133 would provide a sense of Congress that structural and nonstructural features should be given equal consideration in USACE flood risk management and that nonstructural feature implementation is part of the USACE flood risk management mission.	§1118(b) would direct the Secretary to not terminate the National Nonstructural Committee without specific authorization from Congress, and would direct that committee to prioritize development of guidance for nonstructural feature use and to establish a working group to advance nonstructural features.
Voluntary property acquisition	No similar provision.	§1118(d) would require the Secretary to carry out property acquisition or relocation on a voluntary basis if requested by a project's nonfederal interest.
Pilot program for incorporating wind design loads into USACE structural elevations	No similar provision.	§1118(e)(2) would require the Secretary to establish a pilot program for USACE structural elevation features to account for minimum design loads for wind risks for identified projects.

	H.R. 9497 as introduced	S. 4949 as reported
Supporting Water Supply and Drought Resiliency		
Report on new commercial and industrial users on USACE projects	§205(b) would direct the Secretary to report on impacts of new commercial and industrial water users on USACE water resources development projects that are authorized for the purpose of water supply or water conservation.	No similar provision.
Program for small drought resiliency projects	§109(c) would establish a CAP for drought resiliency by amending existing authority for small water storage projects (33 U.S.C. §2347c). ^a	No similar provision.
Directing Agency Operations		
Workforce	§141(b) would require an external review of USACE workforce needs, including staffing and technologies.	§1230 would require a report on efforts to implement Executive Order 14153, including discussions of USACE Alaska District staffing and procedures implemented to comply with the order. ^h
Program offices ⁱ	§101 would require establishment of USACE program offices for navigation construction; water supply, water conservation, and drought resiliency; technical assistance and community outreach; and alternative delivery methods.	No similar provision.
Office realignment	§134 would direct the transfer of certain counties to fall within different USACE districts. ^j	No similar provision.
Resumption of work	No similar provision.	§1115 would direct that the Secretary shall not pause, terminate, or defer funded studies, projects, or activities, unless certain exceptions are met. It also would state that the Secretary may not terminate certain studies without submitting a report to Congress, narrow the purpose or geographic scope of a study unless requested by a nonfederal interest, restrict alternatives considered without nonfederal interest approval, or delay a study by more than 45 days.
Use all civil works authorities and missions	§132 would state U.S. policy is for USACE to fully use its authorities in addressing the listed missions.	No similar provision.

Source: CRS using H.R. 9497 (introduced) and S. 4949 (reported).

Notes: An amendment approved during the House T&I's markup of H.R. 9497 on July 14, 2026 (identified as Rep. Graves Manager_01) made additional changes to various provisions referenced in Table I, as noted in the table notes below. Changes made by this amendment are not shown in the table. The amendments adopted during markup are expected to be captured by a reported version of H.R. 9497 when it becomes available.

- a. An amendment approved during markup (identified as Rep. Graves Manager_01), available at https://transportation.house.gov/uploadedfiles/mgrs_amdt_to_hr_9497.pdf, made changes to this provision.

- b. For more on environmental infrastructure assistance and the related project and program authorities, see CRS Report R47162, *Overview of U.S. Army Corps of Engineers Environmental Infrastructure (EI) Assistance*, by Anna E. Normand.
- c. There is uncertainty whether enactment of this provision would directly result in a statutory categorical exclusion, or whether the Secretary or agency would establish the categorical exclusion through an administrative process that would require consideration of extraordinary circumstances under which a categorical exclusion cannot be applied or requires additional environmental analyses. For background on legislative categorical exclusions, see CRS Report R48595, *Legislative Categorical Exclusions Under the National Environmental Policy Act*, by Heather McPherron.
- d. For more on continuing authorities programs and their projects, see CRS In Focus IF11106, *Army Corps of Engineers: Continuing Authorities Programs*, by Anna E. Normand.
- e. For background on Section 408 permissions, see CRS In Focus IF13202, *Section 408 Permission to Alter Army Corps Works: Developments and Congressional Considerations*, by Nicole T. Carter.
- f. Section 1242(a) of P.L. 118-272 (enacted on January 5, 2024) required, within a year of enactment, the Secretary to study various authorities and programs that facilitate the use of alternative delivery methods for water resources projects.
- g. The Inland Waterways Users Board (codified at 33 U.S.C. §2251) reportedly became inactive in response to a Department of Defense temporary suspension of federal advisory committees in March 2025 (Tracy Zea, “Defunct Inland Waterways Users Board May be Dubious,” *Marine Logistics Professional*, August 12, 2026, <https://www.maritimeprofessional.com/news/defunct-inland-waterways-users-board-422005>). A request for nominations to the board was published in the *Federal Register* in December 2025 (USACE, “Inland Waterways Users Board Third Request for Nominations,” 90 *Federal Register* 60077, December 23, 2025).
- h. Executive Order 14153 of January 20, 2025, “Unleashing Alaska’s Extraordinary Resources Potential,” 90 *Federal Register* 8347, January 29, 2025.
- i. For more on the current structure of USACE, see CRS Report R48322, *U.S. Army Corps of Engineers Civil Works: FAQs on Organization and Efficiency Reviews*, by Nicole T. Carter.
- j. An amendment approved during markup (identified as Rep. Graves Manager_01) would provide for additional county transfers and would require that the Secretary notify House T&I and Senate EPW 30 days prior to modification of USACE’s geographic boundaries and that the notification shall follow consultation and include a justification for the modification and a description of the effects. It is available at https://transportation.house.gov/uploadedfiles/mgrs_amdt_to_hr_9497.pdf.

Author Information

Nicole T. Carter
Specialist in Natural Resources Policy

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.