

of completed projects can proceed under general study authorizations without congressional action.<sup>4</sup> Authorizations at times have appeared in appropriations bills, especially in years when a WRDA is not enacted. If authorizations are included in an appropriations bill, they can be subject to a point of order on the floor for being non-germane.

WRDAs generally authorize Corps studies, projects, and programs and establish policies for Corps civil works activities, such as cost-share requirements. A WRDA for the most part is not a reauthorization bill, but an authorization bill. That is, it authorizes new activities that are added to the pool of existing authorized activities. Project authorizations in WRDAs usually fall into three general categories: studies, projects, and modifications to existing authorizations. WRDAs also can contain general civil works policy provisions. WRDAs do not appropriate funds for activities; WRDAs simply provide the authority for funds to subsequently be provided and used.

### **WRDA Process**

Beginning in 1986, a biennial WRDA cycle was loosely followed for a number of years. WRDAs were enacted in 1988 (P.L. 100-676), 1990 (P.L. 101-640), 1992 (P.L. 102-580), 1996 (P.L. 104-303), 1999 (P.L. 106-53), and 2000 (P.L. 106-541).<sup>5</sup> Pressure to authorize new projects, increase authorized funding levels, and modify existing projects is often intense, thus promoting a fairly regular biennial consideration of WRDA, although enactment has been less consistent. Controversial project authorizations and disagreements over the need for and direction of changes to the way the Corps plans, constructs, and operates projects contributed to WRDA bills not being enacted in the 107<sup>th</sup>, 108<sup>th</sup>, and 109<sup>th</sup> Congresses. The 110<sup>th</sup> Congress enacted WRDA 2007 in November 2007, overriding a presidential veto. It authorized \$29.8 billion in Corps activities.<sup>6</sup> With enactment of WRDA 2007, the Corps now has an estimated “backlog” of more than 1,000 authorized activities, with authorized funding estimated at \$60 billion.<sup>7</sup>

Once a committee of jurisdiction—the House Transportation and Infrastructure (T&I) Committee or the Senate Environment and Public Works (EPW) Committee—decides to consider a WRDA, Members of Congress may request that the appropriate committee chair include particular provisions.<sup>8</sup> Starting with WRDA 2007, site-specific provisions requested by Members of Congress are listed in a table of congressional earmarks included in the report accompanying reported WRDA bills.

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<sup>4</sup> Section 216 of the Flood Control Act of 1970 (P.L. 91-611, 33 U.S.C. §549a).

<sup>5</sup> WRDA 1986 marked the end of a stalemate between the Congress and the executive branch regarding authorizations. It resolved long-standing disputes related to cost-sharing, user fees, and environmental requirements. Prior to 1986, disputes over these and other matters had largely prevented enactment of major civil works legislation since 1970. Biennial authorizations were resumed after WRDA 1986 to avoid long delays between the planning and execution of projects and so that Congress could review proposed projects on a regular basis.

<sup>6</sup> Data provided by the Corps to CRS in March 2010. The \$29.8 billion total represents \$21.8 billion in federal investments and \$8 billion in nonfederal investments.

<sup>7</sup> For more information on the Corps backlog, see CRS Report R41961, *Army Corps Fiscal Challenges: Frequently Asked Questions*, by Nicole T. Carter and Charles V. Stern.

<sup>8</sup> If the Administration proposes a WRDA, Congress generally receives the proposal during February of the second year of a Congress, at the same time as the President’s budget. No Administration-proposed WRDA bills have been transmitted to Congress in recent years. Rather than an individual Member drafting a WRDA bill, the authorizing committee generally develops a bill for introduction by the chairperson. Drafting often occurs after the committee receives Member requests, and at times after receiving draft language from the Administration.