



AFCA Policy Priorities for Water Resources Development

American Flood Coalition Action (AFCA) is a 501(c)(4) nonprofit organization dedicated to advancing flood solutions. We support proactive reforms that encourage proper planning, modernize data, and aid flood-affected areas to better protect Americans, the economy, and national security. That's why AFCA offers the following proposals to the upcoming WRDA to best ensure the U.S. Army Corps of Engineers (USACE) is able and ready to protect Americans and rapidly respond to future disasters.

PRIORITY A

Allow the USACE to include federal land in studies and projects so planners are more aware of flood risk to maximize project durability and effectiveness.

- The USACE currently lacks the budgetary flexibility to incorporate any Federally-owned property or assets into its studies and projects, leaving the USACE with an incomplete picture of flood risk when conducting feasibility studies and planning flood reduction projects.
- Since water flows over government boundaries, this information gap leaves blank spots in plans and less effective flood reduction measures, presenting a missed opportunity for effective analysis of flood risk on all federally-owned property and potential for waste.
- Providing the USACE with the necessary authority to include Federal land will ensure its studies and projects are more comprehensive, representative, and effective in reducing flood risk.

PRIORITY B

Direct the USACE to assess improving future post-disaster response activities for Congressional consideration.

- Following a disaster, demand for USACE Flood Control and Coastal Emergencies (FCCE) assistance frequently outstrips available resources forcing the USACE to implement complicated budgetary maneuvers to provide critical recovery assistance until Congress passes a disaster supplemental.
- As disasters become more frequent and destructive, these complicated budgetary maneuvers will make it increasingly difficult for the USACE to provide timely and critical post-disaster response and recovery services.
- Congress needs the USACE to provide a detailed analysis of the FCCE and what's needed to secure reliable disaster response and recovery support in the future.



Water Resources Development Act (WRDA) proposal:

Allow the U.S. Army Corps of Engineers (USACE) to include federal land in studies and projects

PROBLEM

USACE currently lacks the budgetary flexibility to include most federal-owned property into its studies and projects, making it difficult to incorporate large swaths of land into feasibility studies that inform flood reduction projects. Since water flows regardless of government boundaries, this information gap leaves blank spots in plans and studies, weakening or undermining flood reduction efforts, and creating a missed opportunity for effective analysis and mitigation of flood risk in communities adjacent to federal lands.

SOLUTION

American Flood Coalition Action (AFCA) supports including federal installations and facilities in USACE Civil Works feasibility studies and projects. This can be done in a cost-free way by simply clarifying existing authority to explicitly allow USACE to use its own budget to incorporate federal property into flood mitigation projects and feasibility studies, such as Coastal Storm Risk Management Feasibility Studies.

PROPOSAL

AFCA staff can support developing language authorizing USACE to, when appropriate, use Civil Works funds to study and construct flood-reduction projects on federal installations and facilities, both military and non-military. USACE should further be authorized to enter into agreements with other federal entities and to accept funding from them for any portion of the cost of the study or construction. AFCA proposes including language from section 104 of S. 4136, the Senate-introduced Water Resources Development Act of 2022 (see pg. 2) to achieve these purposes. However, we would urge that section 104 be slightly modified to include Department of Defense properties.

Providing such authority to USACE will ensure its studies and projects are comprehensive, community-wide, geographically contiguous, and can more effectively reduce flood risk.

Sec. 104 of S. 4136, the Senate-introduced Water Resources Development Act of 2022

SEC. 104. PROTECTION AND RESTORATION OF OTHER FEDERAL LAND ALONG RIVERS AND COASTS.

(a) **In General.**—The Secretary is authorized to use funds made available to the Secretary for water resources development purposes to construct, at full Federal expense, a measure benefitting Federal land under the administrative jurisdiction of another Federal agency, if the measure—

- (1) is included in a report of the Chief of Engineers or other decision document for a water resources development project that is specifically authorized by Congress;
- (2) is included in a detailed project report (as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)); or
- (3) utilizes dredged material from a water resources development project beneficially.

(b) **Applicability.**—This section shall apply to a measure for which construction is initiated after the date of enactment of this Act.

(c) **Savings Provisions.**—Nothing in this section precludes—

- (1) a Federal agency with administrative jurisdiction over Federal land from contributing funds for any portion of the cost of a measure described in subsection (a) that benefits that land; or
- (2) the Secretary, at the request of the non-Federal interest for a study for a project for flood or coastal storm risk management, from using funds made available to the Secretary for water resources development investigations to formulate measures to reduce risk to a military installation, if the non-Federal interest shares in the cost to formulate those measures to the same extent that the non-Federal interest is required to share in the cost of the study.

(d) **Repeal.**—

(1) **IN GENERAL.**—Section 1025 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2226) is repealed.

(2) **CONFORMING AMENDMENT.**—The table of contents in section 1(b) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1193) is amended by striking the item relating to section 1025.



Water Resources Development Act (WRDA) proposal:

Ensure the U.S. Army Corps of Engineers (USACE) has sufficient resources to support post-disaster activities

PROBLEM

Under its Flood Control and Coastal Emergencies (FCCE) authority, USACE may assist impacted communities with post-disaster recovery and conduct repairs to the critical infrastructure that they are responsible for maintaining. Unfortunately, demand frequently outstrips the nearly \$35 million in annual funding available for these purposes, meaning after a disaster, USACE must implement complicated budgetary maneuvers—such as taking money from its Public Works account, which finances critical flood resilience projects, to provide recovery assistance until Congress passes a disaster supplemental. As disasters become more frequent and destructive, these complicated budgetary maneuvers make it increasingly difficult for USACE to provide timely and critical post-disaster response and recovery services.

SOLUTION

Recognizing how budgetary constraints can limit timely disaster recovery operations, American Flood Coalition Action (AFCA) supports Congress directing USACE to conduct a full review of its past FCCE expenditures and, using forward-looking data, provide an estimate of likely future FCCE expenditures. This review should be submitted to Congress along with any recommended changes to the FCCE authorization that may be necessary to ensure USACE has the budgetary flexibility and resources to deliver timely, efficient post-disaster recovery support wherever and whenever it is needed. Armed with this information, Congress will be better able to make any statutory changes needed to resolve these problems.

PROPOSAL

Within 12 months of enactment of this legislation, the Army Corps of Engineers (USACE) shall submit to Congress a report that:

- Provides a breakdown of the annual post-disaster expenditures from the Flood Control and Coastal Emergencies (FCCE) account since Fiscal Year 2004, including:
 - Amounts transferred from civil works projects to the account to cover post-disaster activities in each fiscal year;
 - The name and location of civil works projects impacted by the transfer of funds; and,
 - A summary of the types of activities and actions that were funded by the FCCE account, as well as how much funding went to staff salaries and expenses.
- Uses data that incorporates future conditions to estimate likely future outlays for post-disaster assistance from the FCCE account and how much authorized annual funding may be necessary; and,
- Offers recommendations from the Corps on what changes to the FCCE authorization and/or authority may be necessary to ensure USACE is able to provide timely, efficient post-disaster recovery support.