

# WRDA 2020

## WATER RESOURCES DEVELOPMENT ACT

Subcommittee on Water Resources and Environment | Prepared by T&I Democratic Staff

### **THE WATER RESOURCES DEVELOPMENT ACT OF 2020: DIVISION AA OF H.R. 133, CONSOLIDATED APPROPRIATIONS ACT, 2021**

The Water Resources Development Act (WRDA) is essential to everyday American life. Nearly 80 percent of traded goods that Americans rely on is moved through our Nation's ports, harbors, and inland waterways. Projects for flood damage reduction help protect both our rural and urban communities, thus benefiting millions of Americans. Ecosystem restoration projects restore and maintain our vital natural resources. This work, carried out by the U.S. Army Corps of Engineers (Corps), is made possible through the enactment of WRDA.

WRDA 2020 continues the bipartisan tradition of the Committee on Transportation and Infrastructure to move a new WRDA every two years to respond to local water resource needs and to ensure continued congressional oversight over the Corps.

Earlier this year, the U.S. House of Representatives unanimously approved WRDA 2020 (H.R. 7575), sponsored by Transportation and Infrastructure Committee Chairman Peter A. DeFazio (D-OR), Ranking Member Sam Graves (R-MO), Water Resources & Environment Subcommittee Chairwoman Grace F. Napolitano (D-CA), and Ranking Member Bruce Westerman (R-AR). Division AA of H.R. 133, includes the final House-Senate agreement on WRDA 2020, which incorporates significant policy advancements from H.R. 7575.

### **IMPROVES U.S. WATER RESOURCES INFRASTRUCTURE**

WRDA 2020 authorizes the study and construction of locally driven projects that were developed in cooperation and consultation with the Corps. These projects are key to preserving our Nation's economy, to protecting our communities, and to maintaining our quality of life.

#### **WRDA 2020:**

- Authorizes the construction of all **46 pending Corps Chief's Reports** received since the enactment of WRDA 2018. Chief's Reports are the final recommendations to Congress by the Chief of the U.S. Army Corps of Engineers on rigorously-studied water resources infrastructure priorities.
- Authorizes **27 feasibility studies** for water resources development projects, including those identified through the public review process established by section 7001 of the Water Resources Reform and Development Act of 2014.
- Directs the Corps to complete **six comprehensive river basin studies** for the Great Lakes, the Lower Mississippi River, the Upper Mississippi River, the Lower Missouri River Basin, the Upper Missouri River, and the Sacramento River.

## STRENGTHENS AMERICA'S COMPETITIVE EDGE BY INVESTING IN OUR PORTS, HARBORS AND INLAND WATERWAYS

- **Unlocks the Harbor Maintenance Trust Fund (HMTF)** by providing the authority to appropriate up to \$1.5 billion annually in additional funds for harbor maintenance needs from the existing balance in the Trust Fund. When merged with prior enacted language from the CARES Act, WRDA 2020 will provide for increasing annual expenditures – up to over \$3 billion – for port & harbor maintenance.
- **Directs the Secretary to equitably allocate harbor maintenance expenditures** to pay for U.S. harbor operation and maintenance needs, while addressing the ongoing needs of the nation's largest donor and energy-transfer ports, Great Lakes harbors, emerging harbors, and commercial strategic seaports.
- **Invests additional Federal resources for the construction of inland waterways projects** to fund projects prioritized by inland users, including the Upper Ohio River navigation system and the Navigation and Ecosystem Sustainability Program (NESP) for the Upper Mississippi River.

## BUILDS MORE RESILIENT COMMUNITIES

- **Directs the Secretary to issue final agency procedures for its Principles, Requirements, and Guidelines (PR&G).** The PR&G ensures that future water resources development projects will maximize sustainable development, protect and restore the functions of natural systems, and affordably address the needs of economically disadvantaged communities.
- **Reaffirms the commitment to greater use of natural and nature-based projects** by ensuring natural alternatives are fully evaluated by the Corps and are provided the same cost-share as structural alternatives. WRDA 2020 also clarifies that natural and nature-based projects are eligible under the Corps' continuing authorities' programs.
- **Allows for the calculation of sea level rise benefits for Corps projects,** and requires the Secretary to consider, when requested, whether the need for the project is predicated upon or exacerbated by conditions related to sea level rise.
- **Authorizes the Corps to study, design and construct water resources projects for communities that have been subjected to repetitive flooding events** and have received emergency flood assistance, including construction of temporary barriers. This authority is directed at helping repetitive loss communities, especially those in economically disadvantaged communities, obtain critical flood protection.
- **Renews Congressional support for water resources projects that promote the beneficial reuse of sediment** by establishing a national policy that recognizes the economic and environmental value in reusing clean dredged materials for ecosystem restoration or storm damage reduction projects.
- **Examines the Corps' important role in addressing the future water supply needs of communities,** especially those communities in the nation's arid regions.

## INCREASES COORDINATION WITH ALL COMMUNITIES

- **Requires the Corps to complete its review on minority community and tribal consultation**, as well as update Corps' policies on **environmental justice** considerations and community engagement and consultation.
- **Expands the Corps' consultation requirements with Tribal and indigenous groups** when working on or adjacent to Tribal lands and areas.
- **Increases the authorization for the Tribal Partnership Program** per project limit to \$18.5 million.

## ADDRESSES AFFORDABILITY CONCERNS FOR COMMUNITIES

- **Creates additional flexibility for the Corps to address the water resources needs of economically disadvantaged communities, minority communities, and rural communities.**
- Authorizes the Corps to **provide technical assistance for resiliency planning**, with priority given to economically disadvantaged communities and communities with repetitive flooding.
- Authorizes the Corps to **affordably study the flooding and storm damage reduction needs of economically disadvantaged communities**, including minority communities, rural communities, and Indian tribes.

## ECONOMICALLY AND ENVIRONMENTALLY RESPONSIBLE

- Directs the Corps to **deauthorize up to \$10 billion in outdated and antiquated construction authorities**, which is equivalent to the expected cost of the projects and authorities contained in WRDA2020.
- Requires the Corps to **assess and update the economic and environmental impacts of antiquated projects** before they may be carried out.
- **Directs the Secretary to carry out a demonstration program** to assist in detecting, treating, and **preventing harmful algal blooms**.
- **Directs the Secretary to update the Corps' Invasive Species Policy Guidance** based on the most recent National Invasive Species Council Management Plan.

## WRDA STILL WORKS

WRDA2020 continues the bipartisan tradition of addressing the local water resources needs of our nation, our communities, our economy, and our natural environment in a predictable and transparent process, as well as ensuring that Congress exercises its constitutional oversight of the U.S. Army Corps of Engineers.

Under the leadership of Committee Chairman DeFazio, Ranking Member Graves, Water Resources & Environment Subcommittee Chairwoman Napolitano, and Ranking Member Westerman, the Committee on Transportation and Infrastructure has again demonstrated its commitment to addressing the critical infrastructure needs of the nation, in a bipartisan manner, and shown that **WRDA still works**.