

Rep. Waltz

2020-2-27 Water Resources Development Act Member Day

- J Thank you , Chairwoman Napolitano and Ranking Member Westerman, for holding this Members’ Day hearing on Water Resources Development Act proposals.
- J I am here to discuss an issue that is important to many states, including the State of Florida, and consistent with the good work this subcommittee has already done to authorize the Clean Water State Revolving Fund (Clean Water SRF) for the first time since 1987.
- J The Clean Water SRF distributes funding to states by what is called the allotment, based on a ratio that was written into the law in 1987.
- J Curiously enough, the Congressional Research Service cannot say definitively what factors Congress considered in determining the allotment to states in 1987.
- J This concern was identified in the 2014 Water Resources Development Act, which directed the Environmental Protection Agency (EPA) to report to Congress with recommendations on how the allotment could be modernized to reflect current needs of states.
- J That EPA report titled *Review of the Allotment of the Clean Water State Revolving Fund (Report)*, clearly stated that the 1987 allotment is insufficient for the purposes of distributing funds to states.
- J The report states, quote: “Most states do not currently receive appropriated funds in proportion to their reported needs or population, which demonstrates the inadequacy of the current allotment.”
- J Subsequently, the Report makes recommendations to Congress on options for modernizing the allotment- which is why I am here today.
- J Congressman Anthony Brown and myself have reviewed EPA’s recommendations and introduced H.R. 5628, the Clean Water Allotment Modernization Act.
- J The proposal has 16 cosponsors, including 4 members of the Transportation and Infrastructure Committee.
- J Senators Rubio and Rick Scott have introduced companion legislation.
- J Our proposal requires EPA to update the allotment to reflect the most recent census data, Clean Watersheds Needs Survey, and water quality attainment ratio.
- J Moving forward, the EPA would be required to update the allotment one year after issuance of the Clean Watersheds Needs Survey to avoid this situation in the future.
- J The proposal includes a transition floor so states will not receive a decrease from their current allotment of more than 5%.
- J This floor was included in case funding for the program remains stagnant.
- J However, the floor becomes obsolete under the authorization levels in H.R. 1497, the Water Quality Protection and Job Creation Act of 2019, which this committee marked up and passed in October of 2019.
- J H.R. 1497 is the first authorization of the program since 1987 and increases the authorization level of the program by 46% in year one and doubles the authorization over five years.
- J If the allotment is updated concurrently, every state would see an increase in funding by over 9% in year one.

-) This would mean a nearly 300% increase for states like Florida, Louisiana, and Arizona, a 72% increase for California, a 50% increase for Oregon, a 50% increase for Texas, and a nearly 20% increase for Missouri.
-) For the same reasons that it is good government to reauthorize programs that have not been authorized in three decades, it is good policy to modernize how the program disburses resources to states.
-) Alternatively, it would be misguided policy to double the authorization level for a program without considering how and where those resources are disbursed.

-) I want to take a moment and clarify a few points.
-) My proposal amends the Federal Water Pollution Control Act, or the Clean Water Act.
-) I understand that the House passed versions of the previous three WRDA cycles, 2014, 2016, and 2018 did not amend the Clean Water Act.
-) I also understand that the Senate versions of WRDA in the three previous cycles did amend the Clean Water Act.
-) Therefore, the last three versions of WRDA that were signed into law amended the Clean Water Act.
-) For this reason, I respectfully ask the committee not to undermine House proposals like the Clean Water Allotment Modernization Act and Water Quality Protection and Job Creation Act of 2019 for jurisdictional reasons that are arbitrary to the final bill.

-) In my communication with clean water stakeholders on my proposal, I have not found anyone who disagrees that the allotment is antiquated and insufficient.
-) Also as a result of these conversations, it has been raised that EPA's Needs Survey currently does not impact allocation of federal resources and therefore some states do not allocate adequate resources to it.
-) I submit to the committee that the Needs Survey should have any impact on the Clean Water SRF allotment and if states are serious about water quality, they would be assessing the condition of their infrastructure.
-) However, I am open to working with the committee and states on a workable solution to this concern.
-) Finally, I ask Chairman DeFazio, Ranking Member Graves, Chairwoman Napolitano, and Ranking Member Westerman to work with me on an update to this 30 year old problem and to know that I am flexible and open on how we accomplish this objective in a way that works for all states.
-) Thank you and I yield back the remainder of my time.