

August 12, 2022

The Honorable Tom Carper
Chairman
Committee on Environment and Public
Works
U.S. Senate
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment and Public
Works
U.S. Senate
456 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Peter A. DeFazio
Chairman
Committee on Transportation
and Infrastructure
U.S. House of Representatives
2164 Rayburn House Office Building
Washington, D.C. 20510

The Honorable Sam Graves
Ranking Member
Committee on Transportation
and Infrastructure
U.S. House of Representatives
2164 Rayburn House Office Building
Washington, D.C. 20510

Dear Chairman Carper, Chairman DeFazio, Ranking Member Capito, and Ranking Member Graves:

The American Society of Civil Engineers (ASCE) thanks you for your work securing passage of your respective versions of the Water Resources Development Act (WRDA) of 2022 in the House and Senate. Our nation's dams, levees, ports, and inland waterways infrastructure systems are critical for ensuring public safety, economic growth, and preservation and enhancement of our natural resources. These infrastructure systems protect communities nationwide, support millions of American jobs, and generate trillions of dollars in economic activity. Biennial passage of WRDA is critical to ensuring that these infrastructure systems remain effective, and we greatly appreciate your efforts to keep passage of WRDA on schedule for 2022.

As you begin to sort out remaining differences in the House and Senate WRDA bills, we ask that you give careful consideration to including the following key policy provisions in each bill in any negotiated final legislation:

Reauthorization of the National Levee Safety Program- The National Levee Safety Program, which was first authorized in 2014, is tasked with establishing national levee safety guidelines, supporting the establishment of levee safety programs on the state level, and providing technical assistance to states for effective management of the nation's levees. As it continues to develop,

it will play a vital role in supporting efforts to enhance flood protection, reduce damage to property, and prevent loss of life from levee failures. The National Levee Safety Program is set to expire at the end of FY 2023, and the three-year re-authorization provided in H.R. 7776 is essential to ensure that it can continue to support levee safety nationwide. **ASCE strongly supports the inclusion of Section 343(a) of H.R. 7776 in any final WRDA legislation.**

Cost Share Adjustment for the Inland Waterways Trust Fund- Inland waterways construction and rehabilitation costs are shared by the federal government through general funds, which currently account for 65 percent of costs, and by users of the Inland Waterways Trust Fund (IWTF), which account for the remaining 35 percent. The Senate Amendment to H.R. 7776 proposes to adjust that cost share to a 75-25 percent split. This will help to ensure that the IWTF remains available for future projects and will help to reduce the inland waterways project backlog. Previous cost share adjustments for certain projects have allowed for more leveraging of funds and increased project efficiency. This precedent demonstrated that making adjustments to the cost-share formula encourages faster construction and can expedite the completion of inland navigation projects. **ASCE supports the inclusion of section 103 of the Senate Amendment to H.R. 7776 in any final WRDA legislation.**

Climate Resilient Water Infrastructure- As climate change continues to increase the intensity and frequency of powerful storms, the nation's infrastructure will come under increased strain. This will ultimately lead to system failures, costly repairs, and more frequent replacement needs. Both H.R. 7776, and the Senate amendment support enhancement of resilience measures by allowing them to be more easily incorporated into repair and restoration projects and emphasizing the importance of up-to-date project design levels. ASCE supports the inclusion of the following provisions in any final WRDA legislation:

- **Sec. 102 of H.R. 7776**, which authorizes the U.S. Army Corps of Engineers to repair or restore a shore protection project or structure beyond the original design level.
- **Sec. 226, Sec. 229, and Sec. 234 of H.R. 7776**, which require reports and studies on infrastructure resilience and disaster mitigation. These sections require a study on western infrastructure to examine ways to improve water management and preparedness for changing hydrological conditions; report on infrastructure resiliency issues, including an assessment on coastal flooding mitigation modeling and testing capacity; and a Government Accountability Office study on the effectiveness of disaster mitigation projects.
- **Sec. 112 of the Senate Amendment to H.R. 7776**, which allows for emergency funds to be used to increase resilience measures for federal hurricane and shore protection projects.
- **Sec. 123 of the Senate Amendment to H.R. 7776**, stating a sense of Congress that post disaster repair and restoration activities should be aimed at repairing assets to the original project design level or above that level if the original project design is out of date.

STEM Workforce Recruiting

ASCE strongly supports career development in the science, technology, engineering, and mathematics (STEM) fields in order to better support the design, building, and maintenance of infrastructure for the 21st century. With the influx of additional funding from the Infrastructure Investment and Jobs Act, it will be critical to grow the pipeline of engineers and address

workforce gaps. **To that end, we urge the inclusion of section 108 of the Senate Amendment to H.R. 7776 in any final legislation.**

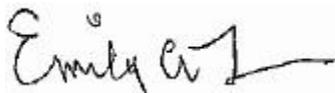
National Low-Head Dam Inventory

ASCE supports efforts made in both the House and Senate legislation to address the hazards posed by low-head dams. The flows from these small, man-made structures which stretch across river and stream banks, create recirculating currents which can trap people under water and endanger lives. Because they are not easily seen, it can be difficult to recognize low-head dams which increases the potential danger. Both the House and Senate included language in their respective WRDA bills to establish a National Inventory of Low-Head Dams, a critical first step that will increase awareness of these inconspicuous structures and allow for enhanced safety precautions around them. This will help to prevent injury or loss of life in the future. **We urge inclusion of provisions laid out in section 117 of H.R. 7776 and section 127 of the Senate amendment to H.R. 7776 to establish a National Low-Head Dam Inventory in any final WRDA legislation.**

Finally, we would like to address the importance of reauthorizing the National Dam Safety Program, which is set to expire at the end of FY 2023. WRDA has traditionally acted as a vehicle for reauthorization and amendments to this critical program which supports state dam safety programs with technical assistance, support for staffing needs, and grants to assist monitoring and inspection of dams. However, neither the House nor Senate took action to reauthorize this critical program in either of its WRDA bills. The National Dam Safety Program plays a vital role in protecting communities which live downstream of the more than 92,000 dams in the United States. To ensure that it continues to support state dam safety programs and downstream communities nationwide, we strongly encourage both the Senate Environment and Public Works Committee and the House Transportation and Infrastructure Committee to reauthorize the National Dam Safety Program before the end of the next fiscal year.

ASCE thanks you for your attention to these priorities, and we thank you again for your bipartisan efforts to pass the Water Resources Development Act of 2022. We welcome the opportunity to answer any questions you may have as you finalize this critical legislation, and we encourage you to contact Matthew McGinn with our Government Relations team (mmcginn@asce.org).

Sincerely,



Emily Feenstra
Chief Policy and External Affairs Officer
American Society of Civil Engineers