

December 2020

MEMORANDUM

RE: Water Resources Development Act (WRDA) of 2020

Summary

On December 4, the House Committee on Transportation & Infrastructure released the [final, conferenced \(or negotiated\) text of the Water Resources Development Act \(WRDA\) of 2020](#), and it passed the House on December 8. The bill then moved over the Senate, where it was included as part of the final omnibus appropriations bill that the House and Senate passed before they adjourned the 116th Congress. **The passage of WRDA 2020 represents a major legislative victory for ASCE, and it would not have been possible without the advocacy of over 300 Key Contacts. Since July, nearly 1,100 emails have reached over 260 congressional offices urging for passage of this critical legislation.**

Our nation's water resources systems are crucial to our economy, public safety, and the preservation and enhancement of our environmental resources. Our levees, dams, inland waterways, and ports protect hundreds of communities, support millions of American jobs, and generate trillions of dollars of economic activity. However, many of these infrastructure assets have reached the end of their design life, and the investment gap must be closed if we hope to both repair and modernize our water resources systems to be competitive in the 21st century.

Ideally, every two years, Congress passes a WRDA bill, are drafted and debated in the [House Committee on Transportation and Infrastructure](#) and in the [Senate Committee on Environment and Public Works](#). Congress has kept to the biennium schedule with WRDA legislation enacted in 2014, 2016, 2018, and now 2020.

In May, the [Senate Committee on Environment & Public Works](#) successfully passed their bipartisan WRDA 2020 bill, entitled [America's Water Infrastructure Act \(AWIA\) of 2020](#), as well as the [Drinking Water Infrastructure Act of 2020](#). ([See ASCE's issue brief on these bills here.](#))

This summer, the [House Committee on Transportation and Infrastructure](#) released their [bipartisan WRDA 2020](#) bill, and it passed the House shortly thereafter.

Highlights of the final package include:

- Technical changes to the High Hazard Potential Dam Rehabilitation Program to allow for smoother implementation;
- Modernization of the cost-share change to the Inland Waterways Trust Fund;

- Full utilization of the \$10 billion balance in the Harbor Maintenance Trust Fund by allowing for \$500 million to be appropriated in FY21, with an increase of \$100 million annually until it is fully expended in 2030;
- Allows for the calculation of sea level rise benefits for USACE projects, and requires the Corps to consider – when requested – whether the need for the project is predicated upon or exacerbated by conditions related to sea level rise;
- Clarifies that natural and nature-based projects are eligible under the USACE’s continuing authorities programs and ensures that natural and nature-based alternatives are provided the same cost-share as structural alternatives; and
- Authorizes the USACE to study, design, and construct water resources projects for communities that have been subjected to repetitive flooding events.

This final bill does not, however, include many of the drinking water, wastewater, and stormwater provisions that ASCE supported in earlier versions of the legislation.

Water Resources Development Act of 2020

Unlocks the Harbor Maintenance Trust Fund

WRDA 2020 fully unlocks the Harbor Maintenance Trust Fund by allowing for \$2 billion of the fund’s \$10 billion balance to be appropriated each year for its intended purpose of dredging at our nation’s ports and inland harbors.

ASCE Position: [ASCE was pleased](#) that the recent coronavirus economic stimulus package, the [CARES Act](#), included a provision that unlocks the HMTF, a long-time ASCE priority. This ensured all future annual receipts and interests into the HMTF – an expected \$24.5 billion over the next decade – are used for its intended purpose of dredging at our nation’s ports and inland harbors. It did not, however, allow for Congress to retroactively spend from the fund’s current \$10 billion balance. ASCE strongly supports WRDA 2020’s provision that allows for the HMTF’s \$10 billion balance to be used for its intended purpose. It is expected to take five years of complete HMTF funding to dredge and restore channel depths and widths.

High Hazard Potential Dam Rehabilitation Program

WRDA 2020 includes [technical changes to the High Hazard Potential Dam Rehabilitation Program](#). These changes better define technical terms and are designed to help the program, which was implemented for the first-time last year by the Federal Emergency Management Agency (FEMA), run more smoothly in the future. As current written, the program has run into issues with the clarity of eligibility requirements, as well as technical definitions.

ASCE Position: ASCE has been a long-time advocate for the High Hazard Potential Dam Rehabilitation program, which was enacted in the Water Infrastructure Improvements for the Nation (WIIN) Act of 2016 and provides federal grant assistance for the rehabilitation, repair, or removal of non-federal high hazard potential dams. High hazard potential dams are those whose failure is anticipated to cause a loss of life. [ASDSO estimates](#) it will cost \$20.42 billion to bring our nation’s non-federal high hazard potential dams into a state of good repair; that’s an increase from \$18.71 billion in 2016. ASCE’s *2017 Infrastructure Report Card* gave our nation’s [dams](#) a grade of “D” and recommends fully funding this program as a way to raise the grade.

Inland Waterways Trust Fund (IWTF) Cost-Share Change

WRDA 2020 changes the Inland Waterways Trust Fund (IWTF) current 50% general revenue, 50% IWTF cost-share to 65%-35%. Inland waterways construction and rehabilitation costs, including for locks, are shared by the federal government through general funds and by users through the IWTF. Operation and maintenance costs for inland waterways are covered in full by the federal government. The IWTF is supported by a 29 cents per gallon tax on barge fuel and cannot exceed expenditures in a given year. In April 2015, this user tax was increased by 9 cents for the first time since 1995 upon the urging of the Inland Waterways Users Board, in order to increase investment in the system.

ASCE Position: ASCE supports amending the current IWTF cost-share for construction and rehabilitation projects on our nation’s inland waterways systems. Previous WRDA bills have changed the cost-share for certain projects, which allowed for more leveraging of funds and increased project efficiency. This precedent proved that making this cost-share change will encourage faster construction and expedite the completion of inland navigation projects.

Resilience and Innovation

WRDA 2020 includes several resilience provisions, including allowing for the calculation of sea level rise benefits for USACE projects, and requiring the Corps to consider – when requested – whether the need for the project is predicated upon or exacerbated by conditions related to sea level rise. The bill clarifies that natural and nature-based projects are eligible under the USACE’s continuing authorities programs and ensures that natural and nature-based alternatives are provided the same cost-share as structural alternatives. Finally, it authorizes the USACE to study, design, and construct water resources projects for communities that have been subjected to repetitive flooding events.

ASCE Position: As natural hazards become more frequent and severe, resilience measures and green infrastructure investments will save lives and dollars. In fact, the National Institute of Building Sciences (NIBS) found that mitigation funding can save the nation \$6 in future disaster costs for every \$1 spent on hazard mitigation. Therefore, ASCE supports the inclusion of resilience and innovation measures in this bill and has been strongly advocating on behalf of increased federal resilience programs. ASCE has been a [key advocate](#) for of the bipartisan [H.R. 3779](#), the Resiliency Revolving Loan Program, which was included in the House passed [H.R.2](#), and [S. 3418](#), the Safeguarding Tomorrow through Ongoing Risk Mitigation Act, as well as for ASCE codes and standards to be used to provide the framework for building a more resilient infrastructure. ASCE also supports the use of asset management plans, which involves creating a comprehensive infrastructure inventory as a way to improve efficiencies and shore up resilience.

Further Action

Thank your [Members of Congress](#) for passing this critical funding measure. If you have a personal relationship with their office and email them directly, copy us at govwash@asce.org.

For questions, please contact the ASCE Government Relations team.

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