



## **The Water Resources Development Act of 2020** *Expanding and Enhancing Investments in America's Water Infrastructure*

The *Water Resources Development Act of 2020* (WRDA 2020), written by Ranking Member Tom Carper (D-Del.) and Chairman John Barrasso (R-Wyo.) of the U.S. Senate Environment and Public Works Committee and Chairman Peter DeFazio (D-Ore.) and Ranking Member Sam Graves (R-Mo.) of the House Transportation and Infrastructure Committee, authorizes programs and projects within the Army Corps of Engineers' (Corps) Civil Works Program.

WRDA 2020 improves and invests in key water infrastructure systems throughout the country, which are critical components to our nation's economy. Our nation's ports, inland waterways, locks, dams, flood and coastal storm protection, ecosystem restoration and other water infrastructure are essential to generating economic growth, facilitating commerce and trade, and protecting communities from more frequent and damaging extreme weather events. In fact, Corps projects help to generate \$89 billion in net annual economic benefits and generate \$31 billion in annual revenue to the U.S. Treasury.

Enacted every two years, WRDA legislation authorizes water infrastructure projects to be studied, planned and developed by the Corps. WRDA 2020 authorizes 46 new water resource projects, enhances existing Corps projects, provides study authorization authority for the evaluation of new projects, and provides critical program and process reforms to improve the Agency. Corps projects fall within one or more of the eight civil works activities, which include: navigation, flood risk management, ecosystem restoration, hydropower, recreation, regulatory, emergency management and water supply.

*WRDA 2020 Authorizes Investment in America's Water Infrastructure by:*

- **Expanding the use of the Harbor Maintenance Trust Fund and authorizing reliable funding allocations for our nation's ports;**
- **Reforming the distribution of funds collected through the Inland Waterway Trust Fund;**
- **Authorizing \$10 billion in new construction projects, as recommended by the Chief of Engineers;**
- **Providing transparency into the Corps' the Benefit-to-Cost analysis of projects and establishing additional programs that will level the playing field for rural or economically disadvantaged communities and help those communities compete for project funding;**
- **Encouraging the beneficial use of dredged material and other natural and nature-based features to help protect coastal communities from worsening extreme weather events;**
- **Improving recovery from natural disasters and reducing flood and storm damages; and**
- **Investing in the water infrastructure needs of Tribal communities and U.S. territories.**

### **Expanding the Harbor Maintenance Trust Fund**

WRDA 2020 establishes a new authorization for the annual allocation of operation and maintenance expenditures from the Harbor Maintenance Trust Fund. The bill also establishes new funding levels based upon prior year's HMTF collections for: emerging harbors (not less than 15 percent), donor and energy transfer ports (12 percent), Great Lakes ports and harbors (not less than 13 percent), and commercial strategic seaports (not less than 17 percent). All of these changes will improve predictability for ports to plan projects that improve their existing infrastructure in order to meet the demands of our evolving economy.

### **Reforming the Inland Waterway Trust Fund**

WRDA 2020 adjusts the cost share of Inland Water way projects from 50 percent to 35 percent from the Inland Waterway Trust Fund, for any project receiving construction funds through the fiscal year 2031. This modification will expand the use of the Inland Waterway Trust Fund to more inland waterway projects.

### **Promoting investments in rural or economically disadvantaged communities**

WRDA 2020 seeks to address historic disparities in access to assistance from the Corps for rural or economically disadvantaged communities. The bill requires the Corps to update its policies on environmental justice project considerations and directs the Corps to facilitate meaningful involvement with communities of color, economically disadvantaged communities, and Indigenous communities in project planning. The bill also reforms policies that have historically prevented projects in many of these communities from being prioritized for funding or considered for authorization. In addition, the bill directs the Corps to help these communities to address resiliency in their project planning efforts.

WRDA 2020 establishes two pilot programs for rural or economically disadvantaged communities to address flood risk management and reduce the risk of hurricane and storm damage. The first pilot program allows for the Corps to assist these communities by conducting 10 fully federally-funded feasibility studies for flood risk management and hurricane and storm damage risk reduction. The second program allows for the Corps to initiate up to 10 fully federally-funded construction projects in these communities, with project evaluations that expand beyond the typical National Economic Development benefits evaluation system. These provisions would level the playing field for rural or economically disadvantaged communities and allow smaller, localized projects to advance in the authorization process and compete for federal funding. As a result, communities that have historically been overlooked will be able to secure critical flood and storm protection projects.

### **Improving resiliency against worsening extreme weather events**

WRDA 2020 directs the Corps to update existing planning guidance and to calculate and consider anticipated project benefits accrued over time to address sea level rise and increased inland flooding.

Building on provisions from America's Water Infrastructure Act of 2018 (P.L 115-270, AWIA 2018) this bill includes language that requires the Corps to certify that natural or nature-based features were considered during the plan formulation process. If a natural or nature-based feature was determined not to be viable, and ultimately not included in the recommended project plan, the Corps is required to provide an explanation as to why the features were not included. This will ensure that, in all of its feasibility reports, the Corps will consider natural infrastructure options, which are often more effective at addressing impacts of climate change.

Beneficial use of dredged material can help improve the resilience of coastal communities to extreme weather fueled by climate change. WRDA 2020 requires the Corps to consider the most beneficial use of dredged material in all dredging activities, including thin layer placement, which could be used to help fortify sand dunes and other natural barriers that protect coastal communities from extreme weather events. The bill also requires Corps districts to develop five-year regional dredged material management plans, among other changes to beneficial use policy.

Additionally, WRDA 2020 authorizes funding for resiliency planning assistance. These funds will help communities mitigate and avoid the impacts of repetitive flooding as well as anticipate, prepare, and adapt to changing climate conditions and extreme weather events. This bill prioritizes technical assistance for economically disadvantaged communities or communities subject to frequent flooding events that wish to improve their flood risk resiliency.

WRDA 2020 also contains multiple provisions that will help to improve recovery efforts following floods and storms. Specifically, the bill authorizes the Corps to more aggressively work with communities with deficient flood and storm protection projects. The goal is to develop proposals for the Corps to construct projects that enhance flood and storm protection for communities that continue to experience catastrophic storms and significant flooding events.

### **Investing in the water infrastructure needs of Tribal communities and U.S. territories**

WRDA 2020 provides assistance to Indigenous communities by increasing the authorization of the Corps' Tribal Partnership Program from \$12.5 million to \$18.5 million on an annual basis. This program allows the Corps to carry out water-related planning, design and construction activities that will substantially benefit Indigenous communities. The bill also requires the Corps to update its policies to promote meaningful consultation with Indigenous communities on Corps projects. WRDA 2020 also authorizes numerous Corps construction projects, or modifications to Corps projects, in Puerto Rico and the U.S. Virgin Islands.