



Information Alert

State-Federal Relations Division

House Passes Water Resources Development Act, Path to Enactment Unclear

July 30, 2020

On July 29, the U.S. House of Representatives passed [H.R. 7575](#), the Water Resources Development Act of 2020 (WRDA) by voice vote. As a bipartisan piece of legislation, WRDA plays a key role in protecting, maintaining, and further developing our nation's water infrastructure systems including, ports, waterways, and clean and safe drinking water. It provides states with added stability and certainty to meet water infrastructure needs while also supporting the safety, environmental protection, and economic development of communities across the nation. WRDA not only provides the U.S. Army Corps of Engineers (the Corps) with its authorization to address and maintain America's water infrastructure, including its ports, inland waterways, dam and flood resistance efforts, but also has historically provided funding and financing opportunities to states undertaking vital water infrastructure projects.

Of note, the bill unlocks the Harbor Maintenance Trust Fund and allows the spend down of the fund's current \$10 billion balance by providing the authority for Congress to appropriate additional funds for harbor maintenance from the existing balance. The bill also increases federal resources for inland waterways projects and set aside funding specifically to meet the needs of emerging harbors. The bill authorizes the Corps to undertake several projects to address repeated flooding events, funds to manage invasive species, and to examine water supply needs in arid regions. The bill also requires the Corps to inventory water resources development projects associated with areas that are already contaminated or could become so by a perfluoroalkyl or polyfluoroalkyl substance—more commonly known as PFAS.

The House bill authorizes feasibility studies for 36 potential infrastructure projects, and the construction of all 34 pending proposed projects related to navigation, flood damage reduction, hurricane and storm damage reduction, shoreline protection and ecosystem restoration. The bill directs the Corps to consider natural features in any feasibility studies related to flood reduction and hurricane and storm damage reduction projects, and requires an explanation if not recommended. Additionally the bill deauthorizes any project authorized before Nov. 17, 1986, for which either construction hasn't begun, or for which no construction funding has been

obligated in the 10 years immediately preceding the bill's enactment, repealing the automatic deauthorization provisions of previous WRDA laws.

The bill also focuses on environmental justice and economically disadvantaged communities and directs the Corps to complete a review on its consultation processes with minority and tribal communities, and also gives the Corps additional flexibility to address the water resources needs of economically disadvantaged communities, communities of color and rural communities. Of note for state and tribal governments—the bill directs the Corps to ensure it is following rules and guidance on consultations with respective federal and state agencies and American Indian tribes. The bill requires those policies include consultation with rural, tribal, minority, and economically disadvantaged communities found to be adversely or disproportionately affected by projects.

On the other side of the Capitol, in May 2020, the Senate Committee on Environment and Public Works [unanimously approved](#) its 2020 authorization of WRDA, which was comprised of two bills, [America's Water Infrastructure Act of 2020](#) and the [Drinking Water Infrastructure Act of 2020](#). NCSL has sent two letters to the House and Senate—the [first](#) with other state and local government stakeholders, and the [second](#) with NCSL-specific issues. It is currently unclear when the full Senate will consider its bill.

For more information on the bill, please read the [section-by-section analysis](#) or contact NCSL staff [Kristen Hildreth](#) or [Ben Husch](#).