



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

May 14, 2018

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The Honorable John Barrasso
Chairman
Committee on Environment and Public
Works
United States Senate
307 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Thomas Carper
Ranking Member
Committee on Environment and Public
Works
United States Senate
513 Hart Senate Office Building
Washington, D.C. 20510

The Honorable James Inhofe
Chairman
Subcommittee on Transportation &
Infrastructure
205 Russell Senate Office Building
Washington D.C. 20510

The Honorable Benjamin Cardin
Ranking Member
Subcommittee on Transportation &
Infrastructure
509 Hart Senate Office Building
Washington D.C. 20510

Dear Chairman Barrasso and Inhofe, and Ranking Members Carper and Cardin:

On behalf of the National Conference of State Legislatures (NCSL), the bipartisan organization representing the legislatures of our nation's states, territories, and commonwealths, we commend the bipartisan efforts of the U.S. Senate Environment and Public Works Committee for unveiling America's Water Infrastructure Act of 2018, which includes the authorization of the Water Resources Development Act (WRDA). We recognize the substantial benefits provided to the nation by our water infrastructure and hope to work together to ensure Congress enacts legislation in 2018.

WRDA is critical in helping to protect, maintain and further develop our 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 our communities. Given the role WRDA plays in state and local communities, we were pleased to see that the committee included provisions that will strengthen collaboration between the Corps and its intergovernmental partners. This will improve transparency, create a greater consensus and increase effectiveness of the Corps overall. We are also encouraged by the bill's reauthorization of the Water Infrastructure Finance and Innovation Act for fiscal years 2020-2021, as it provides vital credit assistance to state and local governments for drinking water, wastewater and other water

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May 10, 2018
p. 2

resource projects. Additionally, we are pleased with the expanded authorized activities under the Safe Drinking Water Act State Revolving Fund (SRF), and Clean Water SRF provisions. States should be ensured maximum flexibility in deciding how existing and enhanced funds should be used to address their increasing water infrastructure needs.

However, we are concerned that the bill does not address the Harbor Maintenance Trust Fund (HMTF), a critical tool to help address our nation's ports and harbor infrastructure. The accumulation of harbor tax receipts at the federal level is not only a break in faith from the purpose of the Harbor Maintenance Tax (HMT), but also results in the imposition of a competitive burden without providing needed improvements to achieve effectiveness to offset added taxes. While an estimated \$1.7 billion in annual HMT revenue is currently being collected, annual appropriations have been significantly less than annual collections. We strongly oppose this accumulation of unspent revenue, and urge Congress to make mandatory full use of the HMTF for its original intent, ensuring that our nation's ports and harbors do not continue to fall into disrepair.

We look forward to working with you to ensure that the safety and modernization of our nation's water infrastructure needs remain a top national priority. Ensuring biennial authorization of WRDA is vital, and we strongly urge Congress to approve bipartisan legislation in 2018 that makes mandatory full use of the HMTF for original intent. If you have any questions please don't hesitate to contact NCSL Staff Kristen Hildreth, kristen.hildreth@ncsl.org, or Ben Husch, ben.husch@ncsl.org.

Sincerely,



Representative Curt McCormack
Vermont House of Representatives
Co-Chair, Natural Resources and
Infrastructure Committee, NCSL



Representative Ed Orcutt
Washington House of Representatives
Co-Chair, Natural Resources and
Infrastructure Committee, NCSL