



National Conference of State Legislatures Office of State-Federal Relations

Congress Passes the 2016 Water Resources Development Act

Dec. 12, 2016

On Dec. 10, the U.S. Senate passed, [78-21](#), the [Water Infrastructure Improvements for the Nation Act](#) (WIIN Act). This followed passage in the House on Dec. 8. The \$10 billion WIIN Act combines the Water Resources Development Act of 2016 (WRDA), along with other infrastructure and ecosystem restoration measures.

Overall, the bill authorizes 30 U.S. Army Corps of Engineers (USACE) projects, designed to improve and address flood risk management, navigation, hurricane and storm damage risk reduction, and environmental restoration. In addition, the bill addresses the [regulation of coal ash](#), directing the Environmental Protection Agency to approve states' proposed coal ash oversight programs, granting states the authority to regulate coal ash through authorized state permit programs. Additionally, the bill allocates \$558 million to provide drought relief to California, which proved to be a contentious provision. The measure aims to increase water deliveries to farms and businesses affected by the drought, but could affect aquatic species in the northern part of the state.

Further, the WIIN Act builds upon reforms made to the Harbor Maintenance Trust Fund (HMTF) in the [Water Resources Reform and Development Act of 2014](#) by ensuring a growing amount of revenues deposited into the HMTF. The bill ensures that at least 103 percent of the previous year's amount will be deposited into the fund. This guarantees steadily increased funding for the HMTF even if tax revenues decrease. Increased funding, based on past tax collections, further aligns with [NCSL's Waterways and Ports Policy Directive](#) and was a point of emphasis in the committee's advocacy efforts earlier this year. The bill also increases the depth, from 45 to 50 feet, for which harbor deepening projects can claim a 75 percent federal cost-share, to reflect the growing size of the vessel fleet.

The legislation also provides \$170 million to fund water infrastructure replacement and repair for Flint, Mich., and other communities similarly affected by lead. This includes \$20 million for the [Water Infrastructure and Finance and Innovation Act \(WIFIA\) program](#), \$100 million in grants through the [Drinking Water State Revolving Fund \(DWSRF\)](#), and \$17.5 million for a lead

registry. Additionally, the legislation authorizes \$300 million for lead reduction projects in public water systems, \$1 billion for lead testing in schools and day care centers, and \$300 million for water system improvements in less populous and disadvantaged communities. The [Further Continuing and Security Assistance Appropriations Act of 2017, however](#), did not appropriate funding for those activities.

The bill will now head to President Obama, who is expected to sign the bill shortly. For any further questions or concerns regarding the WIIN Act, please contact NCSL staff [Ben Husch](#) (202-624-7779) or [Kristen Hildreth](#) (202-624-3597).