



April 30, 2020

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

The Honorable Tom Carper
Ranking Member
Committee on Environment and Public
Works
United States Senate
513 Hart Senate Office Building
Washington, DC 20510

The Honorable Peter DeFazio
Chairman
Committee on Transportation and
Infrastructure
U.S. House of Representatives
2134 Rayburn House Office Building
Washington, DC 20515

The Honorable Sam Graves
Ranking Member
Committee on Transportation and
Infrastructure
U.S. House of Representatives
1135 Longworth House Office Building
Washington, DC 20515

Robin Vos
Assembly Speaker
Wisconsin
President, NCSL

Martha R. Wigton
Director
House Budget & Research
Office
Georgia
Staff Chair, NCSL

Tim Storey
Executive Director

Dear Chairman Barrasso, Ranking Member Carper, Chairman DeFazio and Ranking Member Graves:

On behalf of the National Conference of State Legislatures (NCSL), the bipartisan organization representing the legislatures of our nation's states, commonwealths and territories, we appreciate the opportunity to provide additional suggestions and comments specific to our members in response to the draft legislative text unveiled in the Senate on April 21 as the authorization process for the 2020 Water Resources Development Act continues. Previously, our organization, along with other state and local national organizations sent your offices a letter outlining our shared priorities for this package. NCSL recognizes the substantial benefits provided to the nation by our water resources and hope to work together to ensure passage of a new bipartisan WRDA bill in 2020.

Aquatic Nuisance Species and Asian Carp

The invasive Asian carp must be removed from our nation's waters as it represents a threat not only to native fish populations and ecosystems, but also to state and local economies. Congress must authorize and appropriate additional funding to support state and interstate aquatic nuisance species management plans to address these insidious vertebrates. We support the management of these species to safeguard our nation's rivers in addition to the Great Lakes, and encourage funding and projects towards creating barriers on navigational locks of dams in the lower Mississippi river basin tributaries, as well as other programs to catch and remove these fish from these waters.

Inland Waterways

We support the continued predominant federal role in inland waterway capital and operating expenditures due to the interstate commerce nature of the transportation system. We also support increased investment in the Inland Waterways Trust Fund to repair and modernize existing infrastructure. The federal level of investment to lock and dam infrastructure should be commensurate with revenue deposited into the fund.

Groundwater and Per-fluoroalkyl and Poly-fluoroalkyl Substances

From contamination left behind via fire-fighting foam, to leeching within landfills, states across the nation have been tasked with addressing these hazardous chemicals. We are pleased to see an additional \$300 million set aside to assist in the remediation of contamination in groundwater from these emerging contaminants – as states possess primacy in the development of groundwater legislation, we appreciate the direction to remediate in accordance with applicable state standards and regulations.

NCSL looks forward to continuing to work with you to ensure that the safety and modernization of our nation's water infrastructure needs remain a top national priority. If you have any questions, please do not hesitate to contact NCSL staff Kristen Hildreth (202-624-3597 or kristen.hildreth@ncsl.org).

Sincerely,



Representative Stephen Handy
NCSL Natural Resources and Infrastructure
Committee Co-Chair
Utah House of Representatives



Representative Andrew McLean
NCSL Natural Resources and Infrastructure
Committee Co-Chair
Maine House of Representatives

Enclosed: [State and local government stakeholder WRDA letter, dated April 24, 2020](#)



April 24, 2020

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

The Honorable Tom Carper
Ranking Member
Committee on Environment and Public Works
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Ranking Member
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U.S. House of Representatives
1135 Longworth House Office Building
Washington, DC 20515

Dear Chairman Barrasso, Ranking Member Carper, Chairman DeFazio and Ranking Member Graves:

On behalf of the state and local elected leaders that our organizations represent, we appreciate the opportunity to provide input as the authorization process for the 2020 Water Resources Development Act (WRDA) continues. In light of the national emergency and pandemic our nation is currently facing, maintaining a strong water infrastructure system, ensuring access to clean and safe drinking water and supporting the nation's economic growth and maintenance of global competitiveness, is more important than ever. Our members recognize the substantial benefits provided to the nation by our water resources and hope to work together to ensure passage of a new bipartisan WRDA bill in 2020. We also appreciate that the Senate's Environment and Public Works Committee has taken a positive first step towards this goal by releasing bipartisan drinking water and water infrastructure legislation. As your committees develop legislation, we offer the following as a framework for the proposal.

Biennial Authorization

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 and local governments

with added stability and certainty to meet water infrastructure needs while also supporting the safety, environmental protection, and economic development of our communities. Following a seven-year gap in the passage of WRDA, Congress was able to enact the Water Resources Reform and Development Act of 2014 (WRRDA), the Water Infrastructure Improvements for the Nation Act of 2016 (WIIN), and the America's Water Infrastructure Act of 2018 (AWIA) on a bipartisan basis. We strongly urge Congress to stay this course and approve this vital bipartisan legislation in 2020, and continue to maintain a two-year authorization schedule moving forward.

Intergovernmental Collaboration

Recognizing the role of state and local governments in implementing federal laws, in 1995, Congress passed the Unfunded Mandates Reform Act (UMRA) to promote and foster collaboration between federal, state and local governments to control, if not eliminate, the imposition of unfunded federal mandates imposed on states and localities. Additionally, in 1999, Executive Order 13132 was signed, explicitly requiring all federal agencies to formally consult with state and local governments on proposed regulations that will have a substantial direct impact on state and local governments. We were encouraged by the 2018 provisions requiring the U.S. Army Corps of Engineers (the Corps) to develop a process to formally consult with stakeholders, including states and local governments, on future and pending WRDA projects, annual district budgets, deauthorized projects and guidance documents, ensuring their unique perspectives on water infrastructure projects within their community are considered. Our organizations encourage you to continue to build on this meaningful consultation with state and local governments in order to foster a greater consensus and increase the effectiveness of the Corps overall.

State Revolving Funds

Robust support for programs state and local governments depend on is now more important than ever in these times of increasingly tight state and local budgets. Our members depend on the Drinking Water and Clean Water State Revolving Funds (SRFs), an integral state-federal partnership, to ensure a wide range of water quality projects for our citizens. This low-cost financing provides opportunity for critical water infrastructure projects. We urge authorization and continued support, and flexibility, in this upcoming WRDA. Given the current fiscal realities in communities across the nation due to the impacts of COVID-19, we encourage Congress to expand flexibilities and partnerships surrounding the use of these funds in addition to reducing or temporarily eliminating their associated matching components.

Maintenance and Modernization of our Nation's Ports and Harbors

Our organizations have long held that 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 specifically to meet the nation's annual authorized harbor maintenance needs for harbors of all sizes, annual appropriations have historically been significantly less than annual collections.

As such, we were pleased to see the inclusion of a provision in the recently passed Coronavirus, Aid, Relief and Economic Security (CARES) Act authorizing the Corps to fully utilize annual receipts from the Harbor Maintenance Trust Fund by exempting the fund's annual revenues from discretionary spending caps. However, the act did not go far enough and an estimated \$9.3 billion is still under lockdown with Congress unable to retroactively spend the full balance of the fund on projects vital to the maintenance and modernization of our ports. During this time of economic uncertainty, it is vital that we ensure our nation's ports remain competitive globally and have the resources necessary for expansion, modernization and repair. Continued encouragement and support of the beneficial use of dredged material will also be essential for meeting economic and environmental goals.

Flooding Mitigation and Resilience

With the rise in increasingly catastrophic weather events, such as heavy downpours and severe storms, intense flooding has become an unwelcome reality for a growing number of states and local governments. We support congressional efforts that provide the necessary aid to states and local governments to ensure that they are able to mitigate potential flood and storm damage, including through the use of natural infrastructure and dam safety initiatives. As these severe weather events become more commonplace, our members and their constituents ask for a strong federal partner and funding in making our communities more resilient.

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. If you have any questions please don't hesitate to contact us: Alex Whitaker (NGA) at 202-920-7454 or awhitaker@nga.org; Kristen Hildreth (NCSL) at 202-624-3597 or kristen.hildreth@ncsl.org; Adam Pugh (NACo) at 202-942-4269 or apugh@naco.org; Carolyn Berndt (NLC) at 202-626-3101 or Berndt@nlc.org; Judy Sheahan (USCM) at 202-861-6775 or jsheahan@usmayors.org.

Sincerely,



Bill McBride
Executive Director
National Governors Association



Tim Storey
Executive Director
National Conference of State Legislatures



Matthew D. Chase
Executive Director
National Association of Counties



Clarence E. Anthony
CEO and Executive Director
National League of Cities



Tom Cochran
CEO and Executive Director
The United States Conference of Mayors

CC: All members of the Senate Environment and Public Works Committee
All members of the Transportation and Infrastructure Committee