

# WRDA

WATER RESOURCES DEVELOPMENT ACT OF 2022

*Subcommittee on Water Resources and Environment | Prepared by T&I Democratic Staff*

## **THE WATER RESOURCES DEVELOPMENT ACT OF 2022 DIVISION H, TITLE LXXXI OF H.R. 7776, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2023**

Earlier this year, Committee on Transportation and Infrastructure Chair Peter A. DeFazio (D-OR), Ranking Member Sam Graves (R-MO), Subcommittee on Water Resources and Environment Chair Grace F. Napolitano (D-CA), and Ranking Member David Rouzer (R-NC), introduced H.R. 7776, the bipartisan “Water Resources Development Act of 2022.”

A Water Resources Development Act (WRDA) is legislation that is essential to everyday life. Nearly 80 percent of traded goods that Americans rely on is moved through our nation’s ports, harbors, and inland waterways. Projects for flood damage reduction help protect both our rural and urban communities benefiting millions of Americans, and ecosystem restoration projects restore and maintain our vital natural resources. This work, carried out by the U.S. Army Corps of Engineers (Corps), is made possible through regular enactment of WRDA bills.

WRDAs have a long history of bipartisan, bicameral support, and WRDA 2022 is no exception. This legislation was overwhelmingly approved by the House of Representatives by a vote of 384-37 in June 2022, and the final House-Senate agreement on WRDA 2022 is now included in Division H of H.R. 7776.

With its final passage into law, WRDA 2022—the fifth WRDA in a row to move since 2014—continues the bipartisan tradition of the Committee on Transportation and Infrastructure to move a new WRDA every two years to respond to local water resource needs.—

## WRDA IMPROVES WATER RESOURCES INFRASTRUCTURE

- Authorizes the construction of **25 pending Reports of the Chief of Engineers** received since the enactment of WRDA 2020. These reports are the final recommendations to Congress by the Corps on rigorously studied water resources infrastructure priorities.
- Modifies 6 projects pursuant to **pending Director's Reports**, otherwise known as Post Authorization Change Reports (or PACRs), that have been approved by the Corps.
- Authorizes **94 new feasibility studies** for future water resources development projects, and 12 studies to modify existing projects.
- Directs the Corps to **expedite the completion of 25 feasibility studies, 2 PACRs, 2 authorized watershed and river basin assessments, and one determination related to the maintenance of a Corps navigation project** currently underway.

## WRDA INVESTS IN WATER AND WASTEWATER PROJECTS

WRDA 2022 authorizes new and additional funds for the Corps to carry out critical water and wastewater assistance projects across the nation. Also known as "Environmental Infrastructure," this authority was created in WRDA 1992 and is provided to specific localities, subject to appropriations.

- Authorizes **a historic total of \$6.58 billion in environmental infrastructure assistance** for community-driven projects, and state-wide infrastructure programs carried out in partnership with the Corps throughout the nation.
- Modifies existing environmental infrastructure authorities to reflect current needs, **including \$100 million to address the recent water crisis in Jackson, Mississippi.**

## WRDA CONTINUES TO STRENGTHEN AMERICA'S NAVIGATIONAL CAPACITY

- Directs the Corps to **undertake a study and make recommendations on the nation's dredging capacity**, including expanding that capacity to invest Harbor Maintenance Trust Fund (HMTF) dollars provided by WRDA 2020.
- Authorizes additional projects to sustain **commercial and recreational activities at underserved community harbors**, with priority to those with economic, environmental, or societal benefits.
- **Increases federal resources for the construction of inland waterways projects**, making permanent the authority provided in WRDA 2020 for such projects.
- **Authorizes critical navigation projects and studies**, including studies to promote increased navigational capacity at critical U.S. ports, including the Ports of Elim, Alaska; Long Beach, California; Houston, Texas; Coos Bay, Oregon; and Norfolk, Virginia.

## WRDA BUILDS MORE RESILIENT COMMUNITIES

- Authorizes the Corps to **rebuild and maintain projects to dimensions necessary to address sea-level rise, extreme weather, and other challenges posed by climate change**, including critical navigation jetties and breakwaters, as well as hurricane and storm damage reduction projects.
- **Expands the Corps' authority to address the water supply and water conservation needs of communities**, especially drought-prone communities, by providing comprehensive authority for the Corps to examine water supply and water conservation elements in future water resources development projects, and by examining locally driven features, such as **aquifer recharge projects** or reducing **sediment build-up** in existing projects that may limit water storage capacity.
- Clarifies the authority of the Corps to study and to **mitigate the compound effects of back-bay and riverine flooding** as part of an ongoing flood or storm damage risk reduction project study.
- Promotes consideration of **the value of preserving open space, critical habitat, and recreational areas** in water resources development projects.
- Directs the Corps to do an **inventory and investigate opportunities to restore natural floodplains**.
- **Renews Congressional support for water resources projects that promote the beneficial reuse of sediment** by establishing a strategic plan for reusing clean dredged materials for ecosystem restoration or storm damage reduction projects.
- **Clarifies U.S. authorities in updating the U.S.-Canadian Columbia River Treaty**.

## WRDA INCREASES COORDINATION WITH TRIBAL, MINORITY, AND INDIGENOUS COMMUNITIES

- **Requires the appointment of local liaisons for enhanced coordination with Tribal and indigenous groups (including Native Hawaiians)** on water resources issues.
- Provides critical **financial assistance to Tribal and indigenous groups (including Native Hawaiians)** in Corps' studies and projects.
- Reauthorizes the **Tribal Partnership Program and expands the Corps' authority** to provide technical assistance at federal cost, and to consider waiving the non-federal share of projects benefitting tribes.
- Establishes **national policy that the Corps strive to understand, accommodate, and seek to address the water resources development needs of all communities** through additional outreach, education on Corps programs, and technical and financial assistance.

## WRDA PROMOTES ENVIRONMENTAL JUSTICE

- Creates additional flexibility and expanded authority for the Corps to **address the water resources challenges of economically disadvantaged communities**, including communities of color, Tribal communities, and rural communities.
- Provides the Corps with additional funds and the authority to **provide technical assistance for resiliency planning**, with priority given to economically disadvantaged and Tribal communities.
- Directs the Corps to coordinate with the U.S. Environmental Protection Agency to **remediate legacy contamination of potentially hazardous materials** at specific locations throughout the nation.
- Increases the number of **projects and studies in economically disadvantaged communities that the Corps can carry out at no cost** to the communities.

## WRDA IS ECONOMICALLY RESPONSIBLE

- **Authorizes the Corps to work with non-federal sponsors in scoping potential water resources development projects** prior to beginning the cost-shared feasibility study.
- Directs the Corps to **identify outdated or non-viable Corps authorities** for Congress to reduce the backlog of projects and ensure vital infrastructure investments are available to address relevant and current water infrastructure needs.
- Ensures that projects currently underway **will not have construction interrupted or contracts terminated due to the impacts of inflation** and ongoing supply chain issues, with a mechanism in place to maintain Congressional oversight of such projects.

## WRDA STILL WORKS

Continuing to pass WRDA legislation every two years ensures that our communities' infrastructure needs are being met, and that Congress exercises proper oversight of the U.S. Army Corps of Engineers.

Congress has successfully enacted four consecutive WRDA bills in 2014, 2016, 2018, and 2020. With WRDA 2022, the Committee on Transportation and Infrastructure continues this bipartisan tradition and makes history for the most consecutive WRDA bills enacted into law.

Most of all, enactment of bipartisan, bicameral WRDAs shows that **WRDA still works**.