

February 1, 2016

Practice Groups:

Maritime

*Public Policy and
Law*

*Global Government
Solutions*

Deadlines Are Fast Approaching as Congress Is Already Considering Priorities for Next Water Resources Development Act (WRDA)

Maritime and Public Policy Alert

By Stephen A. Martinko, James A. Sartucci, Sarah M. Beason

Stakeholders interested in U.S. Army Corps of Engineers (USACE) civil works projects, water resources policy, or funding for harbor, inland waterway, and other projects should engage Congress to advance their priorities as committees are already working on the next WRDA bill.

Background on WRDA

America is a maritime nation, abounding in internal waterways and coastal harbors that help drive our economy. WRDA is the primary legislative vehicle for supporting U.S. maritime transportation infrastructure and implementing related policy changes. WRDA legislation authorizes USACE civil works projects and policies to develop and maintain U.S. harbors, channels, locks, and dams, which promotes American competitiveness by ensuring the flow of commerce. Additionally, WRDA legislation may authorize environmental restoration projects.

Currently, Congress is beginning its work on another WRDA bill. The Senate Environment and Public Works (EPW) Committee solicited Senators' water resources priorities and comments on USACE projects, with a deadline of February 12, 2016 for submissions.

Potential Issues in WRDA 2016

WRDA 2016 is expected to authorize USACE civil works projects, such as projects with completed Chief of Engineers reports and modifications to existing USACE projects, and to address continued reforms to the Harbor Maintenance Trust Fund and policy issues regarding inland waterways project funding.

In addition, WRDA 2016 will likely seek to improve upon several provisions in the Water Resources Reform and Development Act of 2014 (WRRDA 2014), such as the USACE's annual reports to Congress under section 7001, which created a new process to review and prioritize water resources development activities, the Water Infrastructure Public-Private Partnership Pilot Program, and the Water Infrastructure Finance and Innovation Act.¹ WRDA 2016 may also address ways to better leverage limited federal funding and to provide the USACE with more innovative project funding and financing options.

Congress will also likely continue its focus on improving project delivery, environmental streamlining, and internal process reform in the next WRDA, advancing administrative

¹ Pub. L. No. 113-121, §§ 5021-35, 128 Stat. 1193, 1332-1345 (2014).

Deadlines Are Fast Approaching as Congress Is Already Considering Priorities for Next Water Resources Development Act (WRDA)

reforms achieved under the Moving Ahead for Progress in the 21st Century Act,² WRRDA 2014, and the recently enacted Fixing America's Surface Transportation Act.³

Congressional Consideration and Timing of WRDA 2016

Congress is motivated to complete a bipartisan WRDA bill in 2016. This year will be Chairman Jim Inhofe's (R-OK) last term as Chairman of the Senate EPW Committee because he is term limited by Senate Republican Caucus rules, and Ranking Member Barbara Boxer (D-CA) is retiring. This may also be the last WRDA bill under Congressman Bill Shuster (R-PA) as Chairman of the House Transportation and Infrastructure (T&I) Committee, whose term as Chairman will expire at the end of the 115th Congress.

Because the congressional calendar during the presidential election year will make it rather difficult to pass significant legislation, any effort to move WRDA will have to come early. The recent Dear Colleague letter from Chairman Inhofe and Ranking Member Boxer calling for Senators' water resources priorities by February 12, 2016 indicates that the Senate will likely move WRDA in March 2016.⁴

On January 28, the House T&I Committee announced that the Water Resources and Environment Subcommittee will lead a Subcommittee roundtable policy discussion on February 2 "to examine stakeholder priorities" for the next WRDA bill.⁵ The House will likely move its WRDA bill in a time frame similar to the Senate.

Interested Stakeholders Need to Engage Now

Interested stakeholders should engage now with the Senate and House committees to promote their water resources development projects and other related initiatives.

Authors:

Stephen A. Martinko

stephen.martinko@klgates.com
+1.202.778.9320
+1.412.355.6500

James A. Sartucci

jim.sartucci@klgates.com
+1.202.778.9374

Sarah M. Beason

sarah.beason@klgates.com
+1.202.778.9019

² Pub. L. No. 112-141, 126 Stat. 405 (2012).

³ Pub. L. No. 114-94 (2015).

⁴ Letter from Sen. James Inhofe, Chairman, and Sen. Barbara Boxer, Ranking Member, S. Env't. & Pub. Works Comm., to Members, S. Env't. & Pub. Works Comm. (Dec. 9, 2015).

⁵ Press Release, H. Transp. & Infrastructure Comm., Subcommittee to Hold Roundtable on Priorities for Next Water Resources Development Act (Jan. 28, 2016).

**Deadlines Are Fast Approaching as Congress Is Already Considering
Priorities for Next Water Resources Development Act (WRDA)**

K&L GATES

Anchorage Austin Beijing Berlin Boston Brisbane Brussels Charleston Charlotte Chicago Dallas Doha Dubai Fort Worth Frankfurt
Harrisburg Hong Kong Houston London Los Angeles Melbourne Miami Milan Newark New York Orange County Palo Alto Paris Perth
Pittsburgh Portland Raleigh Research Triangle Park San Diego San Francisco São Paulo Seattle Seoul Shanghai Singapore Spokane
Sydney Taipei Tokyo Warsaw Washington, D.C. Wilmington

K&L Gates comprises more than 2,000 lawyers globally who practice in fully integrated offices located on five continents. The firm represents leading multinational corporations, growth and middle-market companies, capital markets participants and entrepreneurs in every major industry group as well as public sector entities, educational institutions, philanthropic organizations and individuals. For more information about K&L Gates or its locations, practices and registrations, visit www.klgates.com.

This publication is for informational purposes and does not contain or convey legal advice. The information herein should not be used or relied upon in regard to any particular facts or circumstances without first consulting a lawyer.

©2016 K&L Gates LLP. All Rights Reserved.