

AAPA WRDA Requests
April 2016
(Senate Bill in red type)

1. WRRDA Section 2101: Tweak HMT target language to assure annual progress towards full use of HMT revenues. Address issue of Administration's reduced HMT revenue estimate that resulted in a target less than the previous year's appropriation. Draft language attached.

Senate: **Adopted in Section 2003**. AAPA language adding alternative of prior year appropriation plus 3%

2. WRRDA Section 2101 and 2102: Resolve issues between Appropriators and Authorizers. Appropriators ignoring the HMT target and the funds distribution.
 - a. "The Corps shall allocate the additional funding provided in this account in accordance with only the direction provided here and in the Title 1 front matter of this report." FY16 E&WD bill.
 - b. Section 2102: Tighten the requirement for Expanded Uses funds like wording for Emerging Harbors – 'the Secretary shall...'

Senate: **Addressed in Section 2013**. Requires Corps to issue Section 2102 implementation guidance within 90 of WRDA enactment.

3. WRRDA Section 2106 Donor and Energy Transfer Ports
 - a. Extend the authorization period (FY15 E&WD appropriation did not meet requirements, negating extension)

Senate: **Addressed in Section 2010**. Hit the HMT Target FY16-20 will extend the authorization FY21-25.

4. WRRDA 2102(b): Modernize construction cost share depth, at least consistent with maintenance depth change in WRRDA (i.e. 50 feet). Ports that would benefit:
 - a. WRRDA 2014 authorized: 6 projects - Sabine-Neches Waterway (48'); Savannah (47'); Freeport TX (56'); Canaveral (46'); Boston (47'); and Jacksonville (47')
 - b. WRDA 2016 candidates: 3 projects – Brazos Island (52'); Everglades (47'); and Charleston (50')
 - c. Nav studies underway: 4 studies, depths not finalized – Seattle; Long Beach, Norfolk and MS River

Senate: **Addressed in Section 2011**. New cost share depth is 50 feet.

5. Section 203 – ‘on their own’ for economics on Nav studies. Corps lawyers question the ability of sponsor to ‘hire the Corps’ for economic analysis over Thomas Act.

Senate: **Addressed in Section 1001.**

6. WRRDA Section 1001. Allow for initial scoping discussion adjustment to 3x3x3. Corps encountering problems with Sponsor having to sign a cost sharing agreement that has not established the study cost, i.e. a blank check.

Senate: **Addressed in Section 1037.** First \$100,000 is at full Federal expense.

7. WRRDA Section 1024. Clarify wording on when Corps can accept products and services; natural disaster versus mechanical failure due to unaccomplished maintenance. Corps alerted about this need. AAPA supports.

Senate: **Addressed in Section 1003.**

8. Authorize the Corps to accept Advance Funds for Navigation Planning Studies. Authority exists for Advance Funds for Construction projects and O&M work.

Senate: **Addressed in Section 1002.**

9. Authorize Corps Districts to retain fees collected for corresponding Federal disposal facilities ‘without further appropriation’. Current process: Non-Federal Sponsor provides funds to District to raise dikes for future dredged material capacity and the Corps deposits the funds into the General Treasury.

Senate: **TBD**, Section 2008 thought to address this issue. Written to avoid it becoming a budget scoring issue.

10. Restructure the 10% LERR repayment into the cost share percentages, for example 50/50 would become 60/40. This looks good for Congress - more closely aligns the cost share with other Corps’ missions like flood control and environmental restoration. It also allows the funds to be used on the project rather than being deposited into the General Treasury, which is especially important when the sponsor is providing accelerated/advanced funds to expedite Corps construction.

Senate: Not addressed.

11. WRRDA Title 5, Subtitle B. Address P3 implementation obstacles: Budget scoring – entire project construction cost deducted from Year One of Agency budget. Fencing the repayment fees collected to be only applied to the specific P3 project. Demonstration projects – TIFIA included an ‘experimental mode’ DoT found a 1934 authority. Address appropriator concerns about Corps working on a Demo project w/o specific appropriation.

Senate: Not addressed.

12. WRDA Construction Authorizations: Listed in Section 6001