

# WRDA 2020

## Port Highlights, January 2021

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**Seaports Deliver**

**AAPA**  
[www.aapa-ports.org](http://www.aapa-ports.org)

# 2020 HMT Legislation

- **Mar 27: CARES Act passes, addressing AAPA Pillar 1, Full HMT use**
  - Budget cap adjustment for up to prior year HMT revenues
  - Takes effect Jan 1, 2021 or upon WRDA enactment whichever comes first
  - AAPA pushing to get other 3 pillars in WRDA
- **May 6: Senate AWIA reported out of Committee without the HMT provision**
- **July 29: House passed their WRDA bill, HR 7575**
- **Aug: House and Senate WRDA negotiations began**
- **Sep – Dec: ‘HMT is in - HMT is out’ roller coaster**

# WRDA 2020

- Final House and Senate agreement Dec 20
- Included in Consolidated Appropriations Act – Division AA (pages 3727- 4094 of 5693)
- Congress passed Dec 21
- President signed Dec 27
- Landmark Legislation for HMT legislative transformation, addressing AAPA's 4 pillars:
  1. Full use of annual HMT revenues
  2. Funding assurances for Donor Ports
  3. Funding assurances for Great Lakes ports
  4. Funding assurances for Emerging Harbors

# WRDA 2020 Key Provisions

## Section 101. Budgetary Treatment of HMTF

- Provides access to the \$9.3 billion in unspent HMT tax collections.
- These funds are in addition to the annual HMT revenues
- They are also exempt from the budget cap just like the annual HMT revenues
- Effective immediately, i.e. FY 2022 appropriation

FY	\$, million		FY	\$, million
2021	\$500		2026	\$1,000
2022	\$600		2027	\$1,200
2023	\$700		2028	\$1,300
2024	\$800		2029	\$1,400
2025	\$900		2030+	\$1,500

# WRDA 2020 Key Provisions

## Section 102. Authorization of Approps for Nav

- Establishes HMT funds distribution
- Emerging Harbor projects, 15%
- Great Lakes projects, 13%
- Donor and Energy Transfer ports, 12%
- Commercial Strategic Seaports (NPRN), 17%
- Mutually inclusive
- Effective October 1, 2022
- Also authorizes an Emerging Harbor Expanded Use program, up to \$5 million per year, cost shared 75% Federal and 25% non-Federal

# National Port Readiness Network

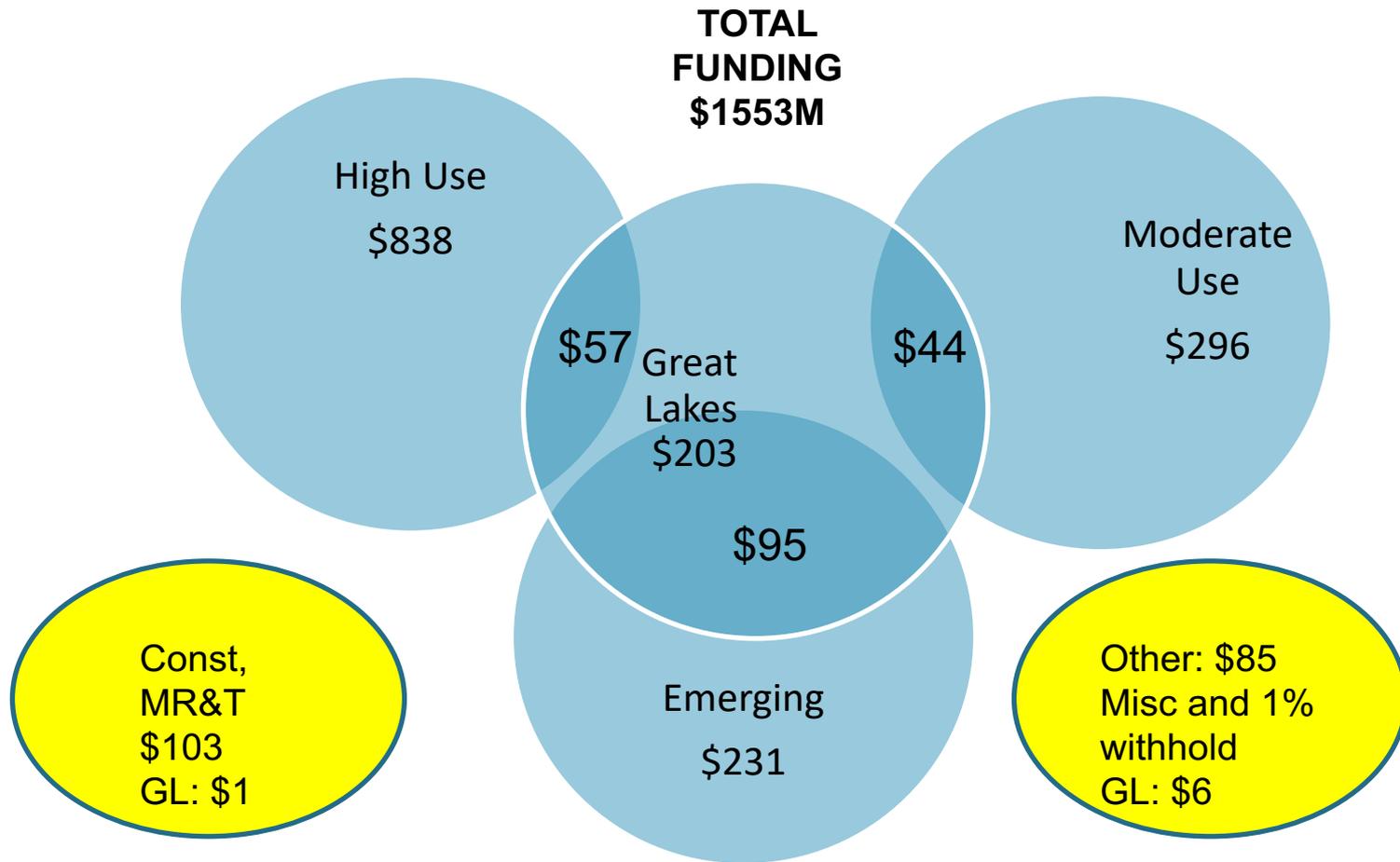
## DoD and MarAd Program

- Anchorage, AK
- Beaumont, TX
- Charleston, SC
- Corpus Christi, TX
- Guam
- Gulfport, MS
- Hampton Roads, VA
- Jacksonville, FL
- Long Beach, CA
- Morehead, NC
- Oakland, CA
- Philadelphia, PA
- Port Arthur, TX
- San Diego, CA
- Savannah, GA
- Tacoma, WA
- Wilmington, NC

Additional Info: [National Port Readiness Network](#)

# HMT Funds Distribution, FY 2019

source: USACE Work Plan



# HMT Funding, \$ millions

Fiscal Year	Est. HMT Revenue	Maintenance Portion	WRDA '20 unspent \$9.3 B HMT	Total	Approp
2020	\$1782	\$1586		\$1586	\$1630
2021	\$1826	\$1679		\$1679	\$1680
2022	\$1909	\$1909	\$600	\$2509	
2023	\$2006	\$1765	\$700	\$2465	
2024	\$2086	\$1835	\$800	\$2635	
2025	\$2169	\$1909	\$900	\$2809	
2026	\$2256	\$1985	\$1000	\$2985	
2027	\$2346	\$2065	\$1200	\$3265	

Maintenance Portion: Greater of WRRDA 2014 % or 3% above prior FY appropriation. Assumes WRDA 2020 D&ET 12% is effective w/FY23 appropriation

# WRDA 2020 Key Provisions

## Section 103. Annual HMTF Report to Congress

- Establishes an annual reporting requirement from the Corps to Congress on HMTF expenditures
- To be provided along with the Administration's annual budget request

# WRDA 2020 Key Provisions

## Section 105. Construction of water resource development projects by non-Federal interests

- Clarifies the Federal assumption of maintenance process, including acceptance of construction of the locally preferred plan

# WRDA 2020 Key Provisions

## Section 125. Beneficial use of dredged material, dredged material management plans

- Modifies the ‘Federal Standard’ determination to consider *the benefits* of the dredged material placement as well as any additional placement cost.
- Requires an annual report to Congress with a 5-year dredged material management plan:
  - Estimated dredged material quantities and
  - Public input to the placement method
- Expands the Beneficial Use Pilot Program from 20 to 35 projects

# WRDA 2020 Key Provisions

## Section 144. Acceptance of funds for harbor dredging

- Authorizes the Corps to accept funds for technical assistance and administration of contracts for dredging non-Federal navigation channels, berthing areas and marinas adjacent or accessible to a Federal navigation channel.

# WRDA 2020 Key Provisions

## Section 145. Replacement capacity

- Addresses issues with use of dredged material placement facilities (DMPF) by non-Federal interests, including cost sharing.
- For example, building additional capacity at a DMPF to accept non-Federal material.
- POC Grady Bryant

# WRDA 2020 Key Provisions

## Section 161. Studies of water resources development projects by non-Federal interests

- This section clarifies the Corps review of studies prepared by non-Federal interests, known as Section 203 studies.
- POC: David Miller

# WRDA 2020 Key Provisions

## TITLE II – Studies and Reports

Sec 201. Authorization of proposed feasibility studies.

Coastal navigation projects include:

- Lower Columbia River turning basin (turning basin)  
Oregon and Washington
- Houston-Galveston Texas

# WRDA 2020 Key Provisions

## TITLE IV – Water Resources Infrastructure

### Navigation (authorized to proceed to construction)

1. Port of Nome, Alaska
2. St. George Harbor Improvement, Alaska
3. Unalaska (Dutch Harbor) Channels, Alaska
4. New Haven Harbor Navigation Improvement Project, Connecticut
5. New York and New Jersey Harbor Anchorages, NY and NJ
6. Gulf Intracoastal Waterway, Brazos River Floodgates and Colorado River Locks, Texas
7. Houston Ship Channel Expansion Channel, Texas
8. Matagorda Ship Channel Improvement, Port Lavaca, Texas
9. Atlantic Intracoastal Waterway, North Landing Bridge Replacement, Virginia

# AAPA's Anticipated 2021 Congressional Legislation

LEGISLATION		Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Infrastructure Investment/Covid	Funds		X	X									
FY 2022 Appropriations	Funds				X	----	X						
Surface Transportation Reauthorization	Funds & Issues					X	----	----	----	X			
Trade Promotion Authority Reauthorization	Issues				X	----	----	X					
WRDA 2022	Issues											X	----
Data Privacy and Security	Issues									X	----	----	----
DHS Reauthorization – 2022?	Issues												



# 2021 AAPA H&N Engagement

- Corps will develop Implementation Guidance for WRDA 2020 provisions
- FY 2022 Appropriations advocacy – Ports and all navigation supporters must push for:
  - Full HMT revenues, \$1.9 billion estimated
  - \$600 million of the unspent HMT tax collections
- H&N Committee needs to develop a means to identify channel conditions and funding needs to achieve a ‘state of good repair’ or similar terms
- This info needed to advocate for the \$9.3 billion

# WRDA 2022...

- Eliminate double HMT payment for ship-port-barge movements.
- Donor and Energy Transfer (D&ET) port program – Corps waive year of 3-year average for national or natural disaster impacting port operations.