

September 5, 2024

The Honorable Tom Carper, Chair
The Honorable Shelley Moore Capito,
Ranking Member
U.S. Senate Committee on Environment and
Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Sam Graves, Chair
The Honorable Rick Larsen, Ranking Member
U.S. House of Representatives
Committee on Transportation and
Infrastructure
2165 Rayburn House Office Building
Washington, D.C. 20515-6256

Dear Chairmen Carper and Graves, and Ranking Members Capito and Larsen:

Our coalition of 13 undersigned organizations thank you for your diligent work on the passage of the Senate and House Water Resources Development Act (WRDA) of 2024 (S. 4367 and H.R. 8812 bills, respectively). Our organizations either act as, or work with, non-Federal sponsors of many important U.S. Army Corps of Engineers (USACE) water resource projects that provide numerous benefits to communities nationwide that are made possible by WRDA authorization.

We applaud the commitment shown by both the House and the Senate to prioritize the passage of WRDA 2024. As you engage on the conference process, we strongly urge the acceptance of the Senate's WRDA language that directs analysis for the potential reform of USACE Project Partnership Agreement (PPA) indemnification and operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) requirements. Doing so is a crucial step toward removing the structural barriers posed by USACE PPA requirements for indemnification and OMRR&R.^{1, 2}

Including the Senate's PPA provisions in the final bill will increase opportunities to leverage non-Federal investments and achieve local, regional, and national water resource goals. PPA requirements are significant barriers for many non-federal sponsors across the nation to conduct critical water resource development projects. They have a consequential bearing on the extent to which non-Federal partners can be active equals on USACE-partnered projects.

We stand ready to explore additional ways to facilitate PPA reform and to aid non-Federal sponsor participation in USACE water infrastructure projects and programs upon the final WRDA's passage into law. We can connect USACE and other federal agencies with states and non-federal partners to better understand their issues, provide information about specific project examples impacted by PPA inequities, and explore policy alternatives to devise meaningful solutions.

¹ See [coalition letter to Senate EPW Committee](#), dated October 5, 2023.

² [WRDA 2024: Stakeholder Feedback on USACE Project Partnership Agreements](#), 118th Congress (2023) (testimony of Kirsten Wallace and Jimmy Hague).

We remain committed to being constructive partners as we chart a shared path forward. Please don't hesitate to contact Beth Callaway, Executive Director of the Interstate Council on Water Policy (beth@icwp.org) or any of the undersigned organizations, to assist you in these efforts.

Partner signatories:

Association of Fish & Wildlife Agencies

Coastal States Organization

Delaware River Basin Commission

Great Lakes Commission

Louisiana Coastal Protection and Restoration Authority Board

Interstate Commission on the Potomac River Basin

Interstate Council on Water Policy

National Association of Flood and Stormwater Management Agencies

National Audubon Society

Susquehanna River Basin Commission

The Nature Conservancy

Theodore Roosevelt Conservation Partnership

Upper Mississippi River Basin Association