

April 14, 2026

The Honorable Kevin Kramer, Chair
The Honorable Angela Alsobrooks, Ranking
Member
U.S. Senate
Committee on Environment and Public
Works
Subcommittee on Transportation and
Infrastructure
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Mike Collins, Chair
The Honorable Federica Wilson, Ranking
Member
U.S. House of Representatives
Committee on Transportation and
Infrastructure
Subcommittee on Water Resources and
Environment
2251 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairmen Kramer and Collins and Ranking Members Alsobrooks and Wilson:

The undersigned organizations collectively represent a broad array of non-federal cost-share sponsors who partner with the U.S. Army Corps of Engineers (USACE) in advancing national water resources projects. We are writing to respectfully request Congressional action in the Water Resources Development Act (WRDA) of 2026 to remedy the legal constraints that make partnering with USACE as cost-share sponsors prohibitive. Congressional action to resolve the impasse would expand cost-share opportunities where non-federal sponsors have determined that they cannot legally execute the cost-share agreements. Resolving this challenge would increase efficiency in project execution where sponsors must find workarounds to allowing their execution of the agreements, resulting in expedited project implementation and reduced costs of the water resource projects.

Individually and collectively, over the last several years, we have vocalized the challenges to our organizations and/or respective members in executing the USACE cost-share project partnership agreements. Regardless of the merits of a particular water resources project, states, local communities and organizations are faced with forgoing important federal resources because of the legal requirements for the non-federal sponsors. Or they are faced with shouldering the full burden of liability and being beholden to the federal government long after the project life is envisioned, conflicting with state constitutions or statute and with common legal practice.

There are two specific issues that encompass the liability challenges for non-federal sponsors:

1. Fully indemnifying USACE, requiring the non-federal sponsor to assume complete liability for actions, behaviors, and other decisions not within their ability to control or manage or even to potentially influence.
2. Assuming responsibilities prescribed by USACE in perpetuity associated with operations, maintenance, rehabilitation, repair, and replacement (OMRR&R).

We, as non-federal sponsors or organizations representing them, want to clearly convey that we are not suggesting to absolve ourselves of liability responsibilities. On the contrary, we are asking that Congress require each party to be responsible for their own respective actions and behaviors and to also direct that USACE define an end date to a sponsor's obligations for OMRR&R as prescribed by USACE.

We thank you for your consideration of our request and hope that Congress will act in WRDA 2026 to resolve the liability challenges. 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 provide further information.

Partner signatories:

America's Watershed Initiative

Association of Fish & Wildlife Agencies

Coastal States Organization

Great Lakes Commission

Interstate Council on Water Policy

Louisiana Coastal Protection and Restoration Authority Board

National Audubon Society

Susquehanna River Basin Commission

The Nature Conservancy