

## **AMENDMENT 816: TO REMOVE RESTRICTIONS ON PROJECTS THE INFRASTRUCTURE DEAUTHORIZATION COMMISSION MAY CONSIDER.**

S. 601, Sec. 2049(b) creates an independent Infrastructure Deauthorization Commission to review suggestions for deauthorizations of water resources projects. The commission is staffed by eight members nominated by the president and confirmed by the Senate under an expedited procedure. The commission will solicit public comment on water resources infrastructure, and submit a list of water resources projects for deauthorization within 4 years of enactment. The projects will be deemed deauthorized unless Congress passes a joint resolution within 180 days disapproving of the entire list.

However, Sec. 2049(b)(5)(C) puts restrictions on the projects this Commission may review for deauthorization. The list of “non-eligible projects” is so restrictive that it would greatly reduce the number of projects the Commission could actually review, potentially making the Commission useless.

This amendment would strike the list of restrictions so the Commission will be able to consider reviewing all water resources projects.

Under S. 601, five types of projects would be ineligible for review by the Commission. The categories are so broad it may make it difficult for the Commission to deauthorize any projects.

(1) Any project authorized or reauthorized after the enactment date of WRDA 1996 (October 12, 1996).

This would exclude all projects authorized by WRDAs 1999, 2000, and 2007.

(2) Any project that is undergoing a review by the Corps of Engineers as of the date WRDA 2013 is enacted.

(3) Any project that has received appropriations within the 10 years before enactment.

(4) Any project that is more than 50 percent complete as of enactment.

While most projects nearing completion would hopefully not warrant deauthorization, certain projects may warrant deauthorization regardless of their stage of completion. There is no reason to restrict the Commission in this way. The Commission is charged with considering factors such as the economy when compiling its list of deauthorizations—these factors are sufficiently broad that the Commission would take into account things such as project's the stage of completion.

(5) Any project that has a viable non-Federal sponsor

Numerous Corps of Engineers projects have non-Federal sponsors. This provision in particular would greatly restrict the Commission's scope to a narrow set of projects that never had a non-Federal sponsor or are no longer of interest to the sponsor. This provision protects projects that are supported by local communities, but federal funds should go to projects that are in the national interest, not local priorities.

In addition, the main reason for the deauthorization procedures in WRDA 2013 is that the number of authorized projects far exceeds the number Congress will ever make appropriations for, giving communities false expectations. One of the chief benefits of the

new deauthorization procedures will be to bring expectations more into line with reality.

The limitations in Sec. 2049(b)(5)(C) unnecessarily restrict the Commission from deauthorizing projects and would leave the Commission with fewer projects to review. While some of the factors listed in the restrictions may be reason to keep a project authorized, the Commission can take these considerations into account when compiling their list. There is no reason to bar the Commission from even considering review of these projects.

According to the Congressional Research Service (CRS), “With enactment of WRDA 2007, the Corps now has an estimated ‘backlog’ of more than 1,000 authorized activities, with authorized funding estimated at \$60 billion.”<sup>1</sup> CRS notes, “authorizations have outpaced appropriations in recent years. Between 1986 and 2010, Congress authorized new Corps projects at a rate that significantly exceeded appropriations; in 2010 dollars, the annual rate of authorizations was roughly \$3.0 billion and the rate of appropriations for new construction was roughly \$1.8 billion.”<sup>2</sup>

Congress must stop making empty promises to communities and allow for a robust deauthorization process so state and local governments and other stakeholders can make realistic plans for the future.

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<sup>1</sup> Nicole T. Carter and Charles V. Stern, “Army Corps of Engineers Water Resource Projects: Authorization and Appropriations,” Congressional Research Service, March 22, 2013,

<http://www.crs.gov/pages/Reports.aspx?PRODCODE=R41961&Source=search>

<sup>2</sup> Nicole T. Carter and Charles V. Stern, “Army Corps Fiscal Challenges: Frequently Asked Questions,” Congressional Research Service, December 15, 2011,

<http://www.crs.gov/pages/Reports.aspx?PRODCODE=R41961&Source=search>