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United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

<http://appropriations.senate.gov>

April 10, 2013

The Honorable Barbara Boxer
Chairman
Senate Committee on Environment
and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable David Vitter
Ranking Member
Senate Committee on Environment
and Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Boxer and Ranking Member Vitter:

We applaud your strong bipartisan effort to move the Water Resources Development Act (WRDA) through your Committee and to the Senate floor quickly, and we agree with your goal of providing robust funding levels for the operations and maintenance of our ports and harbors, and other civil works programs of the Corps of Engineers. We are writing, however, to convey our deep concerns about provisions included in your committee-reported bill. Specifically, we would like to bring to your attention our serious concerns about Sections 8003 and 8005.

Section 8003 prevents the House or Senate from considering an Energy and Water Development appropriations bill unless the bill provides a minimum level of funding for harbor maintenance programs.

Section 8005 requires the Energy and Water Development appropriations bill to include no less than the amount provided in the previous year for Corps of Engineers civil works programs, except in limited circumstances.

While we understand that the goals of these provisions are to ensure that the maximum value of the Harbor Maintenance Trust Fund is appropriated each year, and that funding for Corps of Engineers civil works programs is never reduced, we have the following serious concerns about the potential unintended consequences of these provisions:

- The provisions dictate funding levels for specific programs, without regard to ten-year enforceable budget caps and the potential impacts on other government activities. For example, within the Energy and Water Development Subcommittee, Section 8003 could require a more than \$700 million cut to the Subcommittee's investments in Department of Energy programs including the national laboratories. Government-wide, these provisions could force the Appropriations Committee to reduce funding for a number of critical programs.

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- The provisions create new procedural hurdles to bringing an important appropriations bill to the Senate floor. Section 8003 can bring down an entire Energy and Water Development appropriations bill without appeal, and Section 8005 establishes a new supermajority point of order against an Energy and Water Development appropriations bill. At a time when we need to be working together to return the budget and appropriations processes to regular order, establishing new bureaucratic hurdles could undermine our ability to fund critical programs such as the Corps of Engineers and the National Nuclear Security Administration.
- The provisions are an infringement on the jurisdiction of the Appropriations Committee by dictating minimum funding levels for specific programs. Authorizing Committees are charged with establishing maximum amounts authorized to be appropriated.

Our Nation's ports and harbors are critical to our economy and America's future competitiveness depends on adequately maintaining them. We believe, however, that the approach adopted by your Committee will have serious, negative, unintended consequences. Therefore, we will seek to modify the bill as it moves through the legislative process.

Sincerely,

Barbara A. Mikulski
Chairwoman
Committee on Appropriations

Richard Shelby
Vice Chairman
Committee on Appropriations

Dianne Feinstein
Chairman
Subcommittee on Energy
and Water Development

Lamar Alexander
Ranking Member
Subcommittee on Energy
and Water Development