



Michael J. Toohey, President/CEO,
Waterways Council, Inc.

Best Budget **Boost Benched?**

ONLY IN WASHINGTON could something once considered a slam-dunk be turned into a last-minute miss in overtime.

On April 27, while Senators were debating what was viewed as the least of the controversial Fiscal Year 2017 funding bills – the Energy & Water Development (E&WD) Appropriations Act – there was a near-game-ending glitch. An amendment by Senator Tom Cotton (R-AR) to restrict U.S. purchases from Iran of “heavy water” used in producing nuclear energy irked Democrats, and put the bill on hold. Arguing that it violated a deal to avoid “politically charged” amendments on spending measures, Democrats blocked multiple cloture votes to end debate on the bill.

But on May 12, a compromise engineered by Senator Lamar Alexander (R-TN) was struck, the Cotton amendment was set aside, and the bill passed by a vote of 90-8. Senator Alexander called the bill’s passage, “an excellent result for the American people.”

The Senate FY 2017 E&WD appropriations bill increases funding for the U.S. Army Corps of Engineers’ Civil Works Program at \$6 billion—\$11 million above the FY 2016 enacted level, and \$1.378 billion above the President’s budget request. The Senate appropriations bill more than restores the 23% cut to the Corps’ budget that was proposed by the Administration for FY ‘17.

The Construction account received \$1.81 billion or \$723.65 million more than

the FY’17 President’s request. The Olmsted lock and dam project will be funded at \$225 million as requested by the President, and a total of \$375.65 million will be made available for capital projects investment to modernize the inland waterways transportation system. Additional full-use funding will be allocated by the Secretary of the Army, taking into account the priorities established by WRRDA 2014.

The Operations and Maintenance (O&M) account received a record level of funding at \$3.17 billion, \$468.83 million more than the Administration’s request for FY ‘17. The FY 2016 O&M funding level was \$3.14 billion, the then-highest ever appropriated for this account in an annual appropriation bill, or \$36.83 million more in FY ‘17 than was appropriated in FY ‘16.

The Investigations account received \$126.5 million, or \$41.5 million above the FY ‘17 request. The Secretary of the Army will also decide whether to allocate these funds, with Waterways Council, Inc. requesting that \$10 million be dedicated to Pre-Construction Engineering and Design (PED) of the Navigation Ecosystem Sustainability Program (NESP). The NESP program marries new lock and dam construction with multiple, critically important ecosystem restoration programs for the Upper Mississippi River and Illinois Waterway.

The Senate appropriations bill for FY ‘17 also surpasses the WRRDA 2014 target for

Harbor Maintenance Trust Fund appropriations at \$1.3 billion.

Funding for the construction of flood storm damage risk reduction, shore protection, aquatic ecosystem restoration, and related Corps mission projects as authorized by law received \$700 million above the President’s request. And Mississippi River & Tributaries (MR&T) received \$368 million for flood damage reduction.

While the Senate bill had success, the House bill did not. On May 26, on the House floor, the FY ‘17 Energy & Water Development (E&WD) Appropriations bill failed (112-305) after Republicans blocked passage of the bill when Democrats attached an amendment related to Federal contractor discrimination against gay, lesbian, bi-sexual and transgender people. This provision would have the effect of enacting into law a 2014 Executive Order by the President.

If a compromise cannot be reached, the FY ‘17 E&WD appropriations bill could be held back until after the November election and then become part of an Omnibus appropriations bill in the Lame Duck session in November or December. Under that scenario a Continuing Resolution (CR) to fund the government, including the Corps of Engineers at current levels beyond the September 30th end of the Federal fiscal year could pass the Congress, possibly prior to the August recess.

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