

Amendment 3383: To Strike a Provision That Gives the Army Corps of Engineers Blanket Authority to Choose Which Flood and Storm Risk Mitigation Projects are Authorized Without the Necessary Congressional Deliberation and Oversight.

On page in 16 the Senate version of the Fiscal Year (FY) 2013 Supplemental Appropriations for Disaster Assistance bill, lines 17 through 20, the following is written:

*“Provided further, That any project that is under study by the Corps for reducing flooding and storm damage risks and that the Corps studies demonstrate will cost-effectively reduce those risks is hereby authorized:”*

This amendment strikes this language from the bill to ensure that flood mitigation projects go through the typical authorization process. Without this amendment, current language in the Supplemental Appropriations bill allows the Army Corps of Engineers to serve as the judge, jury and practitioner of Supplemental funds related to flood and storm risk mitigation projects.

### **Congressional Authorization Is Purposefully Needed for Each Step in a Water Resource Project such as Flood Mitigation Project.**

Under current practices outlined by the Congressional Research Service, each water resource project must go through a comprehensive Congressional review process to ensure the Corps spends the American people’s tax dollars properly.

First, the Corps must receive Congressional approval to conduct a study of a particular issue. The purpose of the study is to inform federal officials of the viability and cost of a project. Two types of authorization are typically necessary for a study: authorization and appropriations of funds. Such approval is typically done through a Water Resources Development Act (WRDA) or a committee resolution. Using Congressional authorization, the Corps conducts a reconnaissance study. If the reconnaissance study is favorable, the Corps performs a feasibility study with the funds appropriated by Congress. The Corps must return to Congress to receive construction authorization. While Congressional construction authorization is pending, the Corps can begin preconstruction engineering and design.

Once Congress authorizes the project's construction and appropriates the needed funds, the Corps may begin construction.<sup>1</sup>

The current language, however, in the Supplemental Appropriations bill waives Congress' role in the authorization process by allowing the Corps of Engineers to move forward with current projects studying flood and storm risk mitigation.

This amendment simply re-institutes the standard Congressional approval process to funding allocated in the Supplemental Appropriations bill. Waiving such deliberative powers of Congress rests too much power in the Corps of Engineers and gives the taxpayers no recourse or oversight.

Checks and balances are essential to ensure American tax dollars are spent wisely and effectively. This amendment reestablishes the long-standing and proper check Congress exercises over the spending of the Corps.

Proponents justify the waiving of Congressional authorization because they believe it will take longer for approval of funds. However, this blanket authorization is for risk mitigation rather than direct disaster relief. It is logical that non- time sensitive projects, often lasting 20 or more years, be given typical Congressional scrutiny. Rash spending and federal waste will only serve to exacerbate our nation's \$16 trillion debt and \$1.1 trillion deficit.

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<sup>1</sup> Army Corps of Engineers Water Resource Projects: Authorization and Appropriations, Analyst: Nicole Carter and Charles Stern, August 19, 2011, <http://www.fas.org/sgp/crs/misc/R41243.pdf>.