

TRANSPORTATION

Water Bill: All Dressed Up With Nowhere to Go?

BY KEVIN ROBILLARD

House members have finally finished their version of the massive water infrastructure bill. Now they just need time to take it up.

The bill is ready to go, but only if the full House can find the time to consider it, sources told POLITICO this week. And while Transportation and Infrastructure Committee leaders have signed off on the yet-to-be-released legislation, panel Chairman Bill Shuster (R-Pa.) is reluctant to introduce the bill until House leadership can guarantee him time on the floor.

With Congress gone for the next month and the House working only nine days in September, floor time is precious and most likely to be consumed by appropriations bills and fights over the continuing resolution, Obamacare and the debt limit. Finding time for a decidedly unsexy bill devoted to maintaining dams and dredging canals could be a challenge — especially since lawmakers have no hard deadline for passing the water bill.

Rep. Bob Gibbs (R-Ohio), chairman of the subcommittee charged with crafting the bill, told POLITICO he hopes the bill will be considered sometime this fall.

“On the maritime transportation side, we have huge challenges right now,” Gibbs said. “We’re going to start falling behind our global competitors. One reason we’ve been competitive is that we have an efficient transportation system, and maritime’s a big part of that. It’s really important we get our ports to the depths and widths and improve our inland waterway system.”

While Gibbs wouldn’t reveal everything about what the House is calling the Water Resources Reform and Development Act, he offered some hints in an interview with POLITICO.

This year’s water bill will be the first version of the traditionally massive, pork-laden bill since the earmark ban came into effect in 2010, and many lawmakers are openly questioning the wisdom of ceding Congress’s power to authorize the Army Corps of Engineers’ levee, dam and dredging projects to the administration. Critics say that was essentially the approach of the \$12 billion version of the water bill that the Senate passed in May.

“If we give up our authority to the executive branch, we’ll never get it back,” Shuster told POLITICO in March. Rep. John Garamendi (D-Calif.), a member of the water panel, called on his colleagues “to find the courage to revisit and overcome the earmark” ban.

Gibbs said the panel had come up with a way to stay true to the ban without giving power to the Obama administration, but he wouldn’t reveal the details.

“We’ve been meeting with our colleagues, and I think we have some tentative support for what we’re trying to do, especially among the people who are adamantly opposed to earmarks,” he said. “I believe we do have a responsibility, being the elected representatives of the people, to have the oversight. We shouldn’t just cede that to the executive branch.”

Ignoring the grumbling among some of their colleagues, Sens. Barbara Boxer (D-Calif.) and David Vitter (R-La.), who led the water bill to passage in the upper chamber, opted for an earmark-free bill. Gibbs said he thinks the House’s approach can win fans in the Senate.

“I really think the Senate will probably like our proposal, how we’re not going to



“On the maritime transportation side, we have huge challenges right now,” House water resources subcommittee Chairman **Robert Gibbs** tells POLITICO, referring to the Water Reform and Resources Development Act. Finding floor time for the bill in September will also be a challenge, lawmakers say.

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— POLITICO

cede our authority,” he said. “We’ve had more time to think about it.”

House Republicans added another R-word to the Water Resources Development Act, dubbing it the Water Resources Reform and Development Act. Many of those reforms, Gibbs said, are based on what the Congress did to highway funding in last year’s surface transportation bill.

“We’re trying to do some streamlining similar to what we did with MAP-21,” Gibbs said, though he did not offer details.

At a hearing in early June, Gibbs noted that the Army Corps of Engineers had done a 9,000-page study for a single project in Louisiana and said another study was commissioned in 1997 but wasn’t finished until 2011. Members of both parties bemoaned the slow pace of the notoriously lumbering corps’s work.

“This 15 years stuff, it takes too long to get projects going, and the delays, it adds costs,” Gibbs said.

The corps’s performance has improved in recent years, with its backlog of studies dropping from more than 900 to just over 200. Gibbs said the bill should codify some of the corps’s improvements.

The House has blown past several target dates for finishing the water bill. Shuster has said repeatedly he hoped to finish the bill by the end of the summer, but he and Gibbs spent months “educating” newer members of the committee, most of whom weren’t members of Congress when the last water bill passed in 2007. Congress had to override former President George W. Bush’s veto to enact that bill, which was the first version of WRDA to clear the House and Senate since 2000.

In April, Shuster acknowledged that “some members of Congress’s eyes glaze over” when discussing the water bill.

Gibbs said he hopes to avoid six-year delays between bills in the future and touted the new version as “hopefully” putting Congress on a path to considering a water bill every two to three years.

So far, stakeholders aren’t bothered by the further search for floor time. Waterways Council CEO Mike Toohey said he thought Shuster’s plan reflected “prudent

management of the legislative process.” Introducing the bill before floor time is guaranteed would just leave the bill open to attacks, Toohey said.

“That just tends to attract criticism from

people who didn’t get what they want,” Toohey said.

But even when the bill hits the floor, Gibbs can’t guarantee smooth sailing.

“In this Congress?” he asked, laughing.

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