United States Senate
WASHINGTON, DC 20510

August 14, 2012

Mr. Jeffrey D. Zients
Acting Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Acting Director Zients:

As you develop the budget for fiscal year 2014 (FY2014), we want to call your attention to important provisions in the surface transportation reauthorization act (Public Law 112-141) concerning harbor maintenance.

Among other things, Section 1536 of the law lays out a clear statement by Congress that "the Administration should request full use of the Harbor Maintenance Trust Fund for operating and maintaining the navigation channels of the United States." At the beginning of FY2014, the balance of the trust fund is estimated to total $8,098,000,000. In stark contrast, over the past few years, the budget requests for operations and maintenance of harbors and ports for which this trust fund is intended to be used has averaged around $800 million. Clearly, the revenues that are collected into the trust fund are not being used for their intended purposes.

Ports and harbors are a critical component of our nation's transportation infrastructure, and regular maintenance is required to ensure their efficient use. Yet, the nearly 1,000 federal ports and harbors have not been adequately maintained by the Army Corps of Engineers due to insufficient budget requests and appropriations. The Army Corps of Engineers has estimated that the so-called top-priority harbors, those that handle about 90 percent of the commercial traffic, are dredged to their authorized depths and widths only 35 percent of the time. Inadequate funding has resulted in channels getting narrower and shallower due to inadequate dredging, which has resulted in ships having to light-load, increasing the cost of shipping, the risk of vessel groundings, collisions, and pollution incidents. This situation is totally unacceptable.

We urge you to include in the budget sufficient funds for operations and maintenance of federal harbors and ports equivalent to the estimated revenues collected into the fund for FY2014. With 13 million jobs and $4 trillion in economic activity dependent on these ports and harbors, we cannot let them fall into further disrepair. Because waterborne transportation is often the least expensive means of transporting vital commodities and goods, maintaining this essential infrastructure bolsters our economic competitiveness and strengthens the economy.

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We recognize the fiscal challenges our nation is facing. However, during these times of economic challenge, we can no longer afford to ignore the will of Congress and flout the purpose for which these funds are collected. These waterways are simply too important to our nation's commerce and international competitiveness for this situation to continue. Thank you for your attention to our request, and we look forward to working with you to strengthen our nation's infrastructure and economy.

Sincerely,

Debbie Stabenow

Carl Levin

Richard Blumenthal

Joseph I. Lieberman

Richard C. Shelby

Barbara A. Mikulski

Kirsten E. Gillibrand

Bill Nelson

Sherrod Brown

Kay Bailey Hutchison

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