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ENERGY AND WATER DEVELOPMENT APPROPRIATIONS FOR 2000

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT

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PART 1

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY

(CIVIL WORKS) AND CHIEF OF ENGINEERS

Printed for the use of the Committee on Appropriations

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Tuesday, March 23, 1999.

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS

WITNESSES

HON. JOSEPH W. WESTPHAL, ASSISTANT SECRETARY OF THE ARMY, CIVIL WORKS
LIEUTENANT GENERAL JOE N. BALLARD, CHIEF OF ENGINEERS
MAJOR GENERAL RUSSELL L. FUHRMAN, DIRECTOR OF CIVIL WORKS
THOMAS F. CAVER, JR., CHIEF, PROGRAMS MANAGEMENT DIVISION, DIRECTORATE
OF CIVIL WORKS

Opening Remarks of Mr. Packard

Mr. Packard. Ladies and gentlemen, we would like to call the hearing to order. Members are here, and there will be more coming, I am sure. We are particularly grateful to welcome our witnesses this morning, and we are grateful that you brought with you all of your division commanders. We welcome them.

In the event that there are questions that would better be answered by your division commanders, they would be welcome to come to the table and participate in the Q and A sessions, and it will be important for them to use the microphone for the benefit of our stenographer. They are certainly welcome to participate.

We have as our witnesses the Assistant Secretary of the Army for Civil Works, Dr. Joseph Westphal. We are grateful to have you with us, Mr. Secretary.

Dr. Westphal. Thank you.

Mr. Packard. We are also very grateful to have with us General Ballard, who is the Chief of Engineers for the Army Corps of Engineers.

Also, we are very pleased to have with us General Russell Fuhrman, who is the Director of Civil Works.

You will be our three chief witnesses this morning. We appreciate all of you being here. We appreciate your statements. Your statements have been made available to all members of the committee. I presume that they have read them. I have. And I ask if you would summarize; we would appreciate that.

I can't tell you how many questions we have listed. We are not going to ask them all, I can promise you. There are over four-hundred questions here in my notebook. And I am not going to ask all of those questions. But the fact is that there are many, many important questions that we do have, and we would like to spend as much time addressing those questions as we can.

You may take as much time as you would like. Certainly we are not going to constrain your time. But again, if you can summarize, that would be appreciated. So with that, do you have a statement?

Mr. Visclosky. No, I am fine.

Mr. Packard. We are glad to have Mr. Visclosky and the rest of the members of the subcommittee with us this morning.

This is a very important subject for us, obviously. Water

issues, Army Corps issues, and flood control issues are of significant importance to every member of the subcommittee and every Member of Congress. Every district in the country, of course, is greatly affected by water issues. At least to us in the West--and I believe this is true in the South and the East and the Midwest and wherever we go in this country-- water is the lifeblood of our civilization.

Mr. Rogers. Some of us have too much, and some of you have too little.

Mr. Packard. We certainly have to ration ours out very carefully, and we try to do that in the West. But I had a father that was a very, very mild-mannered man. He was a magnificent person and never became upset over anything. And yet, the one time as a young boy I ever saw my father angry, it was over water rights. So I know how important it is to the life of our civilization.

We are pleased to have you here, each of you.

Mr. Packard. Dr. Westphal, we would like to have you speak first, and then we will go to General Ballard. And then we have General Fuhrman. If you please, Doctor.

statement of dr. westphal

Dr. Westphal. Thank you, Mr. Chairman, and distinguished members of the subcommittee. I am delighted to be here, and I, like you, Mr. Chairman, share the appreciation and importance of water resources to our Nation. And I have been a student and a teacher and a professor of political science in which my specialty area has always been water resources. So I have been a part of this type of policy initiative for a long time.

And I am particularly honored and excited as this is my first time before this very esteemed subcommittee, after having followed water policy for so many years. This is a committee where so many of the key and important decisions that we made in our Nation about water development and water quality, in fact, in some cases were made here.

And so I am very honored to be before you, and I congratulate you, Mr. Chairman, on your assuming the chairmanship of this subcommittee. It is, I think, one of the most important ones in the Congress, and I am delighted to have the opportunity to work with you during my tenure in this job.

And I am also delighted to be here before our other good friends and members of the committee, who give us a great deal of support and attention, which I think is very important to this program.

Mr. Chairman, I am going to summarize my summary, my oral statement for you.

Mr. Packard. I didn't mean to put the fear into anybody.

Dr. Westphal. Mr. Chairman, I am really anxious to answer those 400 questions you have there, but I will tell you that I will be ably assisted. As you mentioned in your introductory remarks, our eight division commanders are here, and I am sure there will be a lot of very project-specific questions that I certainly can't answer. General Fuhrman is here, and Mr. Fred Caver. Fred Caver is our Chief of Programs Management Division

for the Directorate of Civil Works. So one of us in this crowd ought to be able to answer very technical questions if you have them.

fiscal year 2000 budget

Let me begin, Mr. Chairman, members of the committee, by stating that the large differences that existed between the administration's budget proposal last year and the amounts which you appropriated in both fiscal year 1998 and fiscal year 1999 are now reconciled in the fiscal year 2000 budget I am about to discuss. The President's budget for the Civil Works Program for fiscal year 2000 includes 3.9 billion for the discretionary program, comparable to the amount appropriated for the program in fiscal year 1999, and significantly above last year's budget.

With cost-sharing contributions by non-Federal sponsors plus other funding, the fiscal year 2000 program will total \$4.2 billion. Mr. Chairman, members of the committee, the non-Federal sponsors are truly our partners in this program, and we are committed to a very responsive and timely allocation of resources to meet their efforts. I personally look forward to working with you and your colleagues in both the House and Senate in meeting the challenges of this very important partnership.

operation and maintenance

The President's fiscal year 2000 budget for the Civil Works Operation and Maintenance, General Program is \$1.84 billion this year. This level of funding is very strong, demonstrating the Administration's commitment to maintaining our existing infrastructure, much of which is aging and requires greater upkeep.

construction, general

Funding for the Construction, General Program is \$1.24 billion, a significant increase from last year's request.

new starts

This budget provides a strong program of new work, including one new survey, nineteen new construction projects, five major rehabilitation new starts, six new Plant Replacement and Improvement Program major acquisitions, and our proposal for a Riverine Ecosystem Restoration and Flood Hazard Mitigation Program, which we call Challenge 21.

harbor services fund

Mr. Chairman, members of the committee, a key component of the President's fiscal year 2000 budget for the Army Civil Works Program is a proposal for a new harbor services fund and harbor services user fee. As you know, in March of 1998, the Supreme Court ruled that the harbor maintenance tax was unconstitutional as applied to exports. This new proposal,

which should be--which we should be ready to send to you in the next couple of weeks, as soon as we are finished with an interagency review, will provide a reliable source of funding for important navigation needs, including construction and operation and maintenance. It results in significantly greater funding for these port and harbor activities.

port and harbor projects

The President's budget for fiscal year 2000 included \$258 million for Construction, General, and \$693 million for Operation and Maintenance, General, for port and harbor projects. This totals \$951 million, which is to be derived from the Harbor Services Fund for an overall increase of \$382 million over the President's fiscal year 1999 budget for harbor-related activities. This level of funding will allow us to proceed in an optimal rate for nearly all O&M and construction activities related to ports and harbors using funds contributed by users.

civil works missions

Mr. Chairman, members of the committee, this Administration is committed to the traditional mission areas of improving our navigation and transportation system, protecting our local communities from flood damages and other disasters, and maintaining and improving hydropower facilities across the country. In addition, the protection and restoration of the environment is an important and integral part of the Civil Works portfolio.

challenge 21

An example of a program that will integrate environmental concerns into more traditional Civil Works missions is our Challenge 21 Program. This year's budget includes \$25 million to begin the Challenge 21 Program. It is designed to accomplish both flood hazard mitigation and ecosystem restoration and emphasizes nonstructural measures as a means to accomplish these objectives.

regulatory program

With respect to our Regulatory Program, our fiscal year 2000 budget proposes an increase of \$11 million over the enacted level in fiscal year 1999 funding, for a total of \$117 million. In this program we are proud that we not only protect our vital aquatic resources, but we try to help people within the law to find environmentally sustainable solutions to their problems.

In fiscal year 1998, the Regulatory Program authorized 90,000 activities in writing, the most in any year, and nearly 95 percent of all actions in less than 60 days. This budget will ensure that this level of service is maintained and improved even with an increasing workload.

Mr. Chairman, when we last met, you urged me to work towards assuring that our Regulatory Program be sensitive to

the needs of individuals to receive not only prompt service and attention, but a helpful attitude in concert with other Federal partners who have an interest in this program. I can assure you that I have sent that message forward and that I respect and agree with your interest in expediting the permit process in a cooperative and helpful manner.

water resources development act of 1999

Finally, Mr. Chairman, and members of the subcommittee, we are all anxiously awaiting the movement of a water resource development bill in the House. This Administration is committed to water resources development and the biannual authorization process. A strong water resources development program is a sound investment in our Nation's economic future and environmental stability. Communities across the country benefit from water resource projects to reduce flood damages, compete more effectively in world trade, provide needed water and power, provide recreational opportunities and protect and restore our rich aquatic resources.

In this regard, I have been working hard with members and staff of the authorizing committees in both Houses to complete a Water Resources Development Act for 1999. We believe that passage of the water bill of 1999 will allow us to get back on schedule and proceed to move a bill in the year 2000 that will include new important initiatives, important to both the administration and the Congress.

conclusion

In conclusion, the President's fiscal year 2000 budget for the Army Civil Works Program is a good one. It demonstrates a commitment to Civil Works missions, with a strong support for all programs. I plan to address the constitutional problem with the existing harbor maintenance tax and propose an especially strong program of new construction, maintain a firm commitment to maintaining existing water resources management infrastructure, and increase the application of Civil Works program expertise to environmental protection and restoration.

In short, I look forward to working with you and members of the subcommittee in addressing the overall program needs and priorities. Fully realizing the budget restraints we all are under this year and in the years to come, I stand ready to work with all of you to make this program responsive, relevant and responsible as we move into the 21st century.

Thank you, Mr. Chairman, members of the subcommittee.

Mr. Packard. Thank you, Mr. Secretary. We appreciate your statement. We will hold questions, of course, until all three of the witnesses have testified.

[The biography and prepared statements of Dr. Westphal follow:]

[GRAPHIC(S) NOT AVAILABLE IN TIFF FORMAT]

statement of general ballard

Mr. Packard. And so we will move to you, General Ballard.

General Ballard. Mr. Chairman, and members of the subcommittee, it is my pleasure to appear for the third time before this distinguished body, along with my eight division commanders and supporting staff. And I wish to add my congratulations to you also.

Today the Civil Works Program is strong and highly productive. Thanks to you and the committee for your great support of this critical program, there is really an investment in our Nation's future.

Mr. Chairman, with your permission, I will summarize my statement also.

I would like to begin with a short discussion of what is happening inside of the Corps. In the last two years we have worked diligently to become more client-focused, to dramatically change our internal processes, and to become more responsive and cost-effective, and to take advantage of changes in technology.

program management

Time doesn't permit me to get into very much depth, but I would like to give you a snapshot of our process in a few selective areas. We have fully implemented the project management concept providing our clients a single point of contact and responsibility for Corps' projects and programs. This has greatly enhanced our relationship with our clients and at the same time integrated the resources of the organization to focus on quality projects, delivered on time and within budget.

project cooperation agreements

Secondly, we are really looking at our entire planning process from the time a project is identified until the project cooperation agreement is signed. This area has been particularly frustrating for our clients and for us. The process takes too long; it is a bit bureaucratic and somewhat costly. We have reviewed the recommendations of a project action team to streamline the PCA process, minimize burdens on local sponsors, and delegate much of the approval and execution authority to the divisions and districts. The Secretary and I are currently working on many of those recommendations.

continuing authorities program

We have also made significant changes to our Continuing Authorities Program to simplify, expedite and make it more user-friendly, and these efforts are only the beginning.

organizational issues

Finally, we are reevaluating our organization at every level. Over the past three years our GE staffing has declined by seventeen employees to about 1,180 in fiscal year 1999. That is a fourteen percent reduction at the same time we have had an increase in workload. And as you know, we reduced the number of divisions from eleven to eight and continue with our downsizing

of the division staffs. We have also continued to reduce headquarters staffing. Hopefully, these three points will give you some insight into a much larger process that will continue to accelerate over the next few years.

program execution

A few words on execution of our program. In fiscal year 1998, we have increased our expenditure execution by \$400 million over what had been a flat execution of about \$3.7 billion for each of the preceding three years. In fiscal year 1999, we have scheduled an additional \$500 million in expenditures, meaning that we have increased the Corps' capability by \$900 million in two years, as the same time maintaining the quality that has marked our work for years. But in spite of that record, we are not yet satisfied with our execution rate. We will continue to examine and evaluate ways to expedite our projects from start to finish.

formerly utilized sites remediation action program

Next I would like to report on our progress in another important program that was recently given to you, and that is the FUSRAP Program. We have accomplished the first two priorities in the FUSRAP Program following the transfer of execution from DOE. We maintained the schedule during the transition period; have put a number of cost-saving measures into place.

At the current rate of funding, we should complete all of our sites by 2010. I feel this program is a real success story, and I am very proud of our contributions to the Nation and our track record.

regulatory program

There are three additional issues that I would like to touch on briefly before concluding. The first one is regulatory funding and the appeals program. This is an area that we have really struggled with. Our funding level to date has only been enough to provide the most basic level of permit review and response to the public. Trying to meet your intent, we are implementing a limited appeals process this year. The proposed funding level for next year will permit us to implement the complete regulatory appeals process.

operation and maintenance

Next is the O&M funding level. The level proposed for this year for the first time is adequate to meet our current O&M needs; however, we have a large backlog of maintenance and repair for our infrastructure. During this year O&M will be a significant focus for me. I will look at every single area for ways to reduce our operating costs, accomplish needed maintenance and repair, and improve our services.

general expenses

My final point is that of the GE funding level. Earlier in my statement, I extolled our progress in reducing division and headquarters staff, and we have made great progress in this area, but I don't believe we can go any lower in staffing. Since 1991, we have reduced GE staffing level by thirty-three percent. I am convinced that we must hold at the current staffing level to provide the program direction and oversight, for which you and the public rely on us.

Mr. Chairman, and members of the subcommittee, this concludes my statement. And, again, it is a pleasure to appear before you.

Mr. Packard. Thank you very much, General.

[The biography and prepared statements of General Ballard follow:]

[GRAPHIC(S) NOT AVAILABLE IN TIFF FORMAT]

statement of general fuhrman

Mr. Packard. General Fuhrman, do you wish to make a statement?

General Fuhrman. Mr. Chairman, I submitted my statement for the record, and I have no oral statement.

[The biography and prepared statement of General Fuhrman follow:]

[GRAPHIC(S) NOT AVAILABLE IN TIFF FORMAT]

regulation program

Mr. Packard. The last thing I want is for the press to say I muzzled the generals of the Army today in asking you to be brief, but we appreciate your brevity, and we do have your written statements.

Thank you very much, Mr. Secretary and General. At the outset, I would like to very briefly amplify upon what the Assistant Secretary and I had an opportunity to discuss when he graciously came to my office. He alluded to it briefly, but I would like to mention it for the benefit of the division commanders that are here and those who work for them at the district level and so forth.

For some time now, I have felt that many of the regulatory agencies of government--and frankly, the Army Corps is not the biggest offender--exhibit a certain attitude problem. I believe that there are many of our regulatory agencies in government that almost go out of their way to make life miserable for those who have to deal with government--those who apply for permits and a variety of environmental permits and so forth. It has appeared in the past that their role--and the goal of many of the agencies, particularly the regulatory agencies of government--has been to seek to make life difficult for those who are having to deal with government.

I believe that it is past time for our agencies to have a change of attitude: an attitude changed from looking for ways to make it difficult, to entrap, to imprison, to fine, to hurt, to financially disadvantage anyone that has to come before the Federal government, whether it be private enterprise or whether

it be cities, countries, school districts or a variety of other government agencies at the local, State, and county level. I think the role of our regulatory agencies ought to be to enforce the rules.

No one is asking that people not be expected to follow the rules and the laws, but we need an attitudinal change where regulators look for ways to help people comply with the rules. That is an attitude that I think would be welcomed in all sectors of our society. Your goal and your role should center on what can be done to help people comply with the rules and get the job done.

I think that we are seeing that attitudinal change at the top levels, and I appreciate that. But we are sometimes not seeing it at the field level, and that is where the people have to deal with the agencies of government.

I would deeply appreciate it if you would review the way you, and those who are under you, deal with people who have difficult problems to resolve, difficult rules and regulations to work through. The last thing they need is a regulator who is perceived to be the enemy rather than a friend and an ally in what they are trying to accomplish.

Our goal is all the same, and that is to get things done that are appropriate and within the rules and the laws. This includes building facilities to help make life better for people. Frankly, much of what you do is help us build facilities and infrastructure that really service our people. And that is a wonderful position to be in--that kind of service position where your job is to help people enjoy the benefits of modern technology and modern life in the best way that we can.

With that, I will move on to questions. I have got many that I want to get into, and we will, but let me go to my colleagues first.

Mr. Visclosky, let's start with you if you would like.

opening remarks of mr. visclosky

Mr. Visclosky. Mr. Chairman, thank you very much.

Mr. Secretary, Generals, I appreciate your testimony today. I appreciate the work you do.

indiana harbor ship canal

And at the outset, Mr. Secretary, I want to thank you, as well as Generals Ballard and Fuhrman, for all of your work in finally coming to grips with the Indiana Harbor Ship Canal situation and coming up with what I think was a unique and progressive--and hopefully precedent-setting--agreement with all of the parties involved. Hopefully, this solution can be replicated in other areas that are in significant jeopardy as far as commerce, as well as the kind of environmental problems that we faced up there, are concerned. I do appreciate very much the unique approach that the Corps took.

indiana projects

I have a number of written questions on specific projects, and some of those were included in the Chairman's prepared

questions on the Kankakee River in Indiana. I have a series of questions including several on the Indianapolis Central Waterfront project, but those will all be submitted for the record.

harbor services fee

Mr. Visclosky. I simply want to express my concern that, while the Corps is not perfect (and none of us are), we are all human beings.

I do regret that the Administration didn't ask for additional dollars, because I think there are unmet needs in this country. Also, I am concerned that, assuming (and this is only my assumption) the harbor service user fee is not approved, that not only--my perspective again--are we short of money for the Corps, but we have somewhat of a misallocation, if you would, given the way the Administration constructed the budget to make the user fee more palatable. I would hope that the committee can work with you to make sure that we have an equitable apportionment of the monies, if you would.

But with that, Mr. Chairman, I would yield back my time.

Mr. Packard. Well, that was very short, Mr. Visclosky.

Mr. Visclosky. How am I doing?

Mr. Packard. We will give you more time on the second go-around.

Mr. Rogers, you will be next.

opening remarks of mr. rogers

Mr. Rogers. Thank you, Mr. Chairman.

I am absolutely shocked of the brevity of the two gentlemen.

Mr. Packard. I think it is only a warm-up exercise.

Mr. Rogers. Let me say welcome to Dr. Westphal and to the generals and staff who are here this morning, and at the outset say thank you for the great work that the Corps is doing around the country. You have got a tough job. You have got budget constraints that the process puts on you that makes your job even more difficult. You can't plan too far ahead because you don't know how much money you are going to get or when, and for multiyear projects that is an excruciating problem. We appreciate that.

Let me say to Dr. Westphal, whom I have known in at least two of his previous lives for a number of years, how glad we are that he is in this position. Congratulations on your selection by the President and your confirmation by the other body. We know that you bring expertise to this job that few in the history of this position have had, not to mention your compassion and your understanding of the process that we operate under. You served as a staffer, in fact, on the Hill, among the other chapters of your life. So we are glad that you are where you are.

kentucky pride

And let me say thank you also to Dr. Westphal and Major General Van Winkle from the Cincinnati Division, who is with us

today, for spending the day with me yesterday in my district looking at projects that are ongoing in an effort called Kentucky Pride. This is an environmental cleanup effort that I think is unmatched in the country.

It is a comprehensive State, Federal, and local governmental cleanup effort that is coalescing together along with thousands of volunteers who are picking up trash even as we speak. This is the cleanup week, the second spring cleanup week. There are literally thousands of kids and senior citizens and church groups and others that are out there picking up trash, even as we were looking at illegal dumps and so on yesterday. And the Corps is participating in a major way in that effort and in the water cleansing, the stream cleansing that is going on.

So I thank you for yesterday's work and your ongoing commitment to the Corps, and to this type of project, which is vitally important in this day and age, and which is fairly new, I guess, to the Corps. But you are doing it in a masterful way, and I appreciate it.

new starts

I want to talk to you about your budget request and how you are allocating your construction monies among new and old projects. How much is the Corps asking for for new construction costs in fiscal year 2000?

Dr. Westphal. For new construction--well, the total construction general account is \$1.24 billion.

Mr. Rogers. And how much for new construction costs and flood control?

Dr. Westphal. What percentage is that for new projects?

Mr. Rogers. Yes, or the amount, the dollar amount.

General Fuhrman. About \$80 million would be for new.

Mr. Rogers. Those are for new starts?

challenge 21

General Fuhrman. Yes. And \$25- of that \$80 million approximately is for Challenge 21.

Mr. Rogers. What is Challenge 21?

Dr. Westphal. That is our river and ecosystem restoration, that is the nonstructural flood control program that we are proposing. And actually it is being proposed in the water bill that is before the House today.

ongoing projects

Mr. Rogers. Now, the Corps still has some ongoing flood control projects, correct?

Dr. Westphal. Correct.

Mr. Rogers. Are you proposing to finish all of the old starts before you start the new ones?

Dr. Westphal. Well, I guess the philosophy behind the budgeting of these projects is that while we really need a lot more resources to be able to finish projects that we started on time and to finish them on schedule in the ideal world, we also need to begin new projects which are new priorities for both

the Administration and for Congress, and so we try to do a mix of both of those priorities as best as we can and juggle what is a huge need out there with very limited resources.

project terminations

Mr. Rogers. And would you just completely stop projects that are not yet finished? Will they just absolutely stop in their tracks, leaving folks in the middle of mud and disrupted streets and water intakes, and the like? Will those projects just sit there unfinished? Is that what we are talking about here?

Dr. Westphal. No, sir. We would hope that we could work with the Congress to, you know, reorient those priorities, but we are trying desperately to make room for additional new work, which emanates from this House and from the Senate and certainly from all of our local sponsors.

Mr. Rogers. I am not sure I understand. For example, in my district, there are seven or eight flood control projects, some of them massive, particularly on the upper Cumberland River. One of them in Harlan County is a \$180 million project, and you are 95 percent complete. And yet, that extra 5 percent will get people out of the mud that is left from the construction. Are you proposing to finish that project, for example? You are requesting no money for it.

Dr. Westphal. Well, Congressman Rogers, those projects, we are hoping to be able to continue to schedule work on those projects with whatever funds we have available. But we did not budget for them, you are correct. They weren't in the President's budget.

Mr. Rogers. They weren't in the President's budget?

Dr. Westphal. Yes, sir.

Mr. Rogers. Were they in your budget request to the President?

Dr. Westphal. Yes, sir.

corps recommendations

Mr. Rogers. And were all of the unfinished projects upon which construction has been started proposed to be finished in your budget request to the White House?

Dr. Westphal. Yes, they were.

administration priorities

Mr. Rogers. And so it is the White House that is saying, ``no, we are going to leave those people in the mud----

Dr. Westphal. Well, the White House----

Mr. Rogers [continuing]. ``On those projects?'' Yes or no?

Dr. Westphal. Well, the answer is I would have to say no to that, in the sense that the Administration certainly doesn't want to do that. But I think that we were working this year with such tight budget cap limitations from the budget agreement that the very, very difficult decisions had to be made by OMB as they processed all of these budget requests that we provided in every other agency. So that is the best answer I can give you on that.

new starts

Mr. Rogers. I wish we had the justification--your justification or the White House's justification--for these new starts and the uniqueness of those projects that make them rank so much higher than finishing out what you already started. Is there a way to get that?

Dr. Westphal. We can try to provide that for you, sure.
[The information follows:]

[GRAPHIC(S) NOT AVAILABLE IN TIFF FORMAT]

navigation program

Mr. Rogers. Now, these same questions apply, I think, to your navigation projects as well; do they not?

Dr. Westphal. Well, we are fully funding at optimal levels on our navigation projects, our deep draft navigation projects, both construction and O&M on that.

Mr. Rogers. In the flood projects I am referring to (and I assume that all or most of the flood projects in the country are the same) the Corps entered into agreements with local communities where they committed to foot their portion of the bill. The Corps signed project cost-sharing agreements with those local communities which put up their portion of the costs, correct?

Dr. Westphal. Yes, sir.

Mr. Rogers. Now, are you just going to breach those agreements, those contracts, those solemn commitments by the United States Government to the towns and the counties and the municipalities where these projects are taking place? What are they to do? Are they to try to spend their own money to finish these projects, which are millions of dollars, which they can't afford to do? Are you not just breaching those agreements that we entered into?

Dr. Westphal. Well, as I mentioned earlier in response to your question, we did budget for those projects, and we do want to honor those commitments, and we do feel that these projects need to continue forward. We made a considerable Federal investment in most of them. Like you--as you will face in the very near future--and I think O&M and the White House and the Administration in general face a serious problem of trying to budget for all of these significant activities, plus a growing interest in additional new work everywhere else around the country, and we tried to put a strong emphasis on the operation and maintenance part of the budget.

We have got such an aging infrastructure out there that we tried to fund and pick up on some of the backlog that we have in that area. And for that reason, plus, again, the competitiveness, the lack of flexibility in the caps, the President working under a very strict--giving us strict rules that we could not touch any portion of the surplus, the decisions that the White House and OMB were that certain projects would have to be slowed down.

role of omb

Mr. Rogers. Mr. Chairman, I have another round of questions, but let me just close with this. I know this is not your budget that we are talking about here. It is the White House's scrubbing of your budget, with which most of us, I think, disagree very excitedly. Time after time we have had agency heads come here, Mr. Chairman, before this subcommittee and all the others of the Appropriations Committee, and upon questioning we find out that their budget is radically different from the one that the agency had requested of the White House.

I don't know why we don't just subpoena the OMB and ask them these questions, because these folks can't defend this budget. Its logic is indefensible. We ought to be questioning the people who radicalize the budget requests at the White House and put them under the gun. That is what I would really dearly love to do, Mr. Chairman.

Mr. Packard. I don't know that that will be done this year.

Mr. Rogers. Maybe it will be done next year.

Mr. Packard. Mr. Pastor was the next to arrive.

opening remarks of mr. pastor

Mr. Pastor. Thank you, Mr. Chairman.

First of all, let me welcome Dr. Westphal and General Ballard. Good to see you again.

General Ballard. Good to see you.

Mr. Pastor. I am going to probably ask your permission for General Madsen to join you at the table. I made a slip, it is still Colonel, but the promotion is pending, I hope.

General Ballard. It is pending.

Mr. Pastor. We would like for him to get that star as quickly as possible. I have to tell you that we lost General Capka to the hinterlands. But Colonel Madsen, his successor, has been very active in the State of Arizona, along with Colonel Carroll from the Los Angeles Division. They visited Arizona and have seen the projects in Arizona that are very important to us. And I have to tell you that Dr. Westphal has learned the difference between Don Julio and Arturo Fuentes, but he enjoys the company of both.

ajo detention basin

Colonel Madsen, if you would respond to a few questions. You and I both know that all politics is local, so we will localize it to the district. You have been to the Ajo Detention Basin. What is the current status of it?

Colonel Madsen. Sir, we are in the process of reviewing the modification of plans that the local sponsor, Pima County, requested that we look at and due to changes in disposal area requirements, we expect to finalize our cost estimates once review is complete. And those plans and specs are about 95 percent completed at the present time.

Mr. Pastor. When do you expect to initiate construction, and how much is needed to initiate and complete construction in the year 2000?

Colonel Madsen. We plan to initiate and complete in fiscal

year 2000 and we expect that funds of about \$4.25 million will be required to initiate and complete construction.

rio salado project

Mr. Pastor. \$4.25 million? You have also been to the Rio Salado project in Tempe and Phoenix. Again I ask you the status of the two projects for Phoenix and the Tempe Reach.

Colonel Madsen. Yes, sir. We initiated design for the Phoenix Reach in August of 1998, scheduled to complete that in September of 2000. On the Tempe Reach design it was initiated this month, March of 1999, and it is scheduled to complete in March 2001.

Mr. Pastor. Hopefully it will be approved one of these days and hopefully quickly. Mr. Chairman, if you can do anything to advance that, it is very important to all of us. And I was very sorry to see that a little problem in northern California is keeping all of these much-needed projects from being authorized.

Mr. Packard. If the gentleman would yield, I have tried to lay the groundwork, but we will move forward, hopefully, with or without the northern dispute resolved.

Mr. Pastor. Thank you, Mr. Chairman. If the authorizing legislation is approved, and hopefully it will be approved, what funds will be required to accelerate the schedule to initiate the construction in fiscal year 2000?

Colonel Madsen. Regarding the Phoenix Reach, if construction funds of \$300,000 are made available we could negotiate and execute our project cost-sharing agreement and award that construction contract. And for the Tempe Reach, construction funds of about \$100,000 will be used to negotiate and execute a project cost-sharing agreement for that reach and that project will be ready for construction in late fiscal year 2000.

nogales, arizona

Mr. Pastor. Mr. Chairman, Colonel Madsen and Colonel Carroll were recently with me down in Nogales, Arizona, where we saw the problems that confront this particular part of the border. Here, all the waters start in the Mexican side and then come into the American side and flood the citizens in Arizona. And one of the problems that Colonel Madsen pointed out is that our construction of Federal structures--the ports of entry, and different Federal structures along the border--has caused the water to basically come together and increase its velocity and further exacerbate the damage.

And so with Colonel Madsen's participation, we would like to look at the issue, which is basically an international issue, and work with the International Boundary and Water Commission and BECC and all the interested agencies, so that we can solve the problems in the United States when rains occur on the Mexican side. So, Colonel Madsen, you may want to comment on that.

Colonel Madsen. Yes, sir. It is very difficult problems and we have several projects that we are working with the International Boundary Waters Commission on, to include flood

warning systems; several studies, to include Ephram Canyon Wash, and other Section 219 infrastructure design services. But it is a very difficult challenge. Later this week, Thursday, I am going to be meeting with the Border Environmental Compliance Commission and see where we can work together to solve some of those difficult problems where watersheds sit right on the border.

Mr. Pastor. Thank you, Colonel Madsen. And General Ballard, if there is anything I can do to help get him started, I am here to help.

Mr. Packard. Mr. Knollenberg.

opening remarks of mr. knollenberg

Mr. Knollenberg. Thank you, Mr. Chairman, very much. Mr. Secretary, welcome. Generals and staff, thank you very much for being here.

division restructuring

I very quickly wanted to compliment the Corps on bringing the number of divisions down to eight. We had quite a discussion about that in previous years, as you know, General Ballard. And I might ask you a question a little later about what savings might result from that.

harbor services user fees and harbor maintenance tax

But first, let me go to the subject of harbor services user fees. And I think Mr. Visclosky brought this up in my absence. I don't know how far you got into it, but I have some questions, and if they have been answered, stop me. I know that the funding request of the Corps of Engineers for the past several years has been, in my view, dangerously reduced by the Administration. At least we got more money back into the Corps last year.

I just want to talk, though, about what I see as a \$950 million source of revenue from the Harbor Services User Fee. I am familiar with the Harbor Maintenance Tax, which was the revenue vehicle that was used before, and it seemed to work fairly well. I had some questions though, about the transition from the HMT to the HSUF. You can answer this for the record; it may take some digging to produce this. How much was received by the HMT on exports each year for the last three years? And if you can provide that for the record, it will give us a chance to study it, because we want to compare the HMT with the HSUF.

[The information follows:]

Harbor Maintenance Trust Fund

Receipts from tax on exports

Fiscal years	In millions
1996.....	\$209
1997.....	214
1998.....	91

Mr. Knollenberg. Perhaps you can answer this question now. How much does or did the HMT bring in domestically? How much revenue did it bring in domestically?

Dr. Westphal. Well, if what you mean, under the old harbor maintenance tax, under the tax, in 1997, for example, we collected \$736 million from both imports and exports.

Mr. Knollenberg. In 1997?

Dr. Westphal. In 1997. That is the last date that I can give you some numbers. I can try to get those updated for you.

Mr. Knollenberg. If you would, please. Maybe the real question is whether this new \$950 million revenue scheme collects more or less than what was collected under the export and domestic receipts of the HMT?

Dr. Westphal. I can give you a general explanation of that. For example, in 1997 we collected \$736 million from both imports and exports under the tax. In the year 2000, the tax continues but only on the import side. The Supreme Court ruled it unconstitutional on the export side. On the import side we are expecting to collect somewhere around \$629 million, on the import side. So roughly the export you could say, if you could compare those two numbers, the export side is a very small amount of money.

Mr. Knollenberg. It appears to me that more revenue is going to be generated from the HSUF than was generated through these other measures. Was that something caused by GATT or NAFTA? What was the driving force behind that?

Dr. Westphal. The tax was ruled unconstitutional on the export side for violating the export clause of the Constitution. On the import side, we have some serious problems with GATT on the import side and that is one of the reasons that the Administration is coming forward with a new proposal this time for a user fee and not a tax to alleviate the problems of GATT, so once the user fee proposal is approved it would immediately repeal the existing harbor maintenance tax on imports. The balance of what is in the fund would be transferred over to the new Harbor Services Users Fund.

Now, the amount of money that you cited and that the Chairman cited and that I cited in my testimony, which is about \$951 million assumed in our budget, that amount, the way we came up with that is this way. We did a historical review of how much we have spent for dredging and maintaining our harbors for the last five years. And then we did essentially a projection of what it might take to continue our work in the outyears.

So we tabulated that amount and that is what we instructed the fee to collect; to collect just enough money to meet the needs of the O&M part of this.

Now, in addition to that, we also did a historical review of how much we spent on the construction side on deep water harbor projects and then we added that to the equation as well. So we came up with a fee that will roughly equal the amount of money that we expect to be spending on the maintenance of harbors in the coming years.

Mr. Knollenberg. Does the Administration increase taxes under this HSUF? Does it have a plan for increasing those taxes or fees, if you will? Do they have a projection over the coming

year?

Dr. Westphal. No, we do not.

Mr. Knollenberg. Now, it seems to me that this creation has produced more revenue than what you were receiving before. It is designed to produce more revenue. Is that some way to make up for something that----

Dr. Westphal. No, no, it only is larger because we would expect that because we are fully funding construction and O&M for deep water harbors, that if we spend X amount in 1998 or 1999, that we will probably be spending a little bit more for inflation and other costs in the coming years. So it is only designed to collect what we expect to spend.

Now you asked the question about raising the fee, for example, in the future. That might happen if Congress and the Administration decide that there is more--a greater need for additional work if we begin to deepen harbors more and more to 45 and 50 feet around the country, as there is a lot of increasing pressure to do. It simply depends on Congress' and the Administration's interest in moving the program forward that we would increase the fee to meet that demand.

Mr. Knollenberg. I am going to conclude. I think I have used my time, Mr. Chairman, but I thank you, and I will be ready for a second round momentarily.

Mr. Packard. Thank you. Mr. Edwards?

opening remarks of mr. edwards

Mr. Edwards. Thank you, Mr. Chairman. I am going to be fairly brief. And as long as you will not interpret my submission of written questions as being less meaningful than asking them orally, I will do that and save the committee time on a number of project specific questions.

But Dr. Westphal, General Ballard, General Fuhrman, Mr. Caver, I want to thank you all for coming. And I agree with many of the concerns expressed by Mr. Rogers and hope in the years ahead we can find a way to get more funding for the projects that you have responsibility for.

accomplishments of the corps

At the same time, I want to thank all of you--not only you here at the table but all of those of you in uniform, and civilians as well, who work with the Corps. I think oftentimes what we read about in the press focuses on when the government has failed. We don't read a lot in the press about Corps of Engineers' grand failures. And, as you know, the quality of life in this country is so much better because of what you have done.

And I get somewhat of a kick out of a handful of my constituents who turn on the tap water after they wake up in the morning and drink Corps of Engineers' water from a Corps of Engineers' lake. And then they go down to the garage which, had it not been for the Corps of Engineers dam that was built, would be flooded on a regular basis, and get in their boat and spend the afternoon fishing on a Corps of Engineers' lake, catching bass. And then they come tell me: ``If it just weren't for the darned government, life would be wonderful.''

I think that to, at least confound the cynics, we need to do a better job of talking about the positive things the government does. While no institution is perfect, no individual is perfect, I consider the Corps of Engineers as an institution to be dedicated, nonpartisan, and professional. I know our job here is to ask specific questions and even challenge you. That is an important part of our job on this committee, and I appreciate the questions that members ask. But I just want to add to the testimony today that I for one deeply appreciate the job that you do. And I think all of us, and many others in the House, feel the same way. And I would imagine that is reflected in the number of additional requests we have, Mr. Chairman, from Members of the House, both Republican and Democratic alike. So thank you again for what you are doing, and we look forward to continuing to work with you.

Dr. Westphal. Thank you.

Mr. Packard. Thank you, Mr. Edwards. Mr. Forbes.

opening remarks of mr. forbes

Mr. Forbes. Thank you, Mr. Chairman. I would like to align myself with the comments of my colleague, Mr. Edwards. I happen to agree. And we appreciate the presence of the Army Corps on Long Island and, Dr. Westphal, we celebrate your Long Island roots particularly. So thank you for being here today.

project cooperation agreements

Mr. Secretary, the project cooperation agreement process appears to be the root cause of delay in a lot of the construction projects of the Corps. The process is very cumbersome. It really takes a lot of time in too many instances, I believe, to get construction started on a lot of worthy projects, thus driving up the cost of those very projects.

Could you talk a little bit about the possible adoption of some private sector initiatives to streamline that process and yet make it responsive to the concerns of those who have to sign off on these projects?

Dr. Westphal. Sure, I am going to let, actually, Chief Ballard address some of those specific things since he has been working on them since he became Chief of Engineers.

As you know, the Corps is as old as the Army and that makes us about 223 years. Not that we have been signing PCAs for 223 years, but over the years, I think the Army has built an infrastructure and a process to try to take care of a lot of issues that over the years have come up to ensure that these agreements are well done, meet the tests of the laws, meet the Administration priorities, et cetera, et cetera, et cetera. And so we have built up over time a process that maybe today in today's world, where you need decisions to be made quicker and faster and where we can decentralize and delegate better and where there is increasing pressure for more and more activity, we need to reexamine it. And I think the Chief has been doing that, not just now because it is coming up now but since he took over as Chief of Engineers, which is at least two years before I came on board. So let me give him the mike.

But I want to tell you that we are both committed to reexamining this process. We both have some similar and some different responsibilities in this area. The Chief is the chief implementor of the program so he gets the phone calls from the local sponsors that tell him, ``Where is my project; where is my PCA; why can't we get this done?'' I am the political person, the policy person, the legislative person and the budget person. So I get the calls as well from you and your staffs and your sponsors.

So we are equally concerned. And I want to make sure that we do the right thing for our taxpayer and our government, our Administration and certainly the Congress and your constituents. Let me turn the mike over to him and let him give you the specifics.

General Ballard. Congressman, it is a real pleasure to answer that question because we have spent a considerable amount of time reviewing the process and looking at some of our business practices. But let me just summarize and say that the intent is to foster trust with our partners, clients out there. And to do this we have developed a procedure where we have a model PCA that states how this is to be structured. Some of the recommendations foster around empowering the division engineer and the district engineer to sit around the table and to work out the best agreement both to protect the government's interests and the clients' interests, and to structure that document in such a manner that would satisfy those needs, forward it one time or a minimum of times, we are hoping at least one time to the headquarters for legal and technical review and back down to sign it.

In the past, as you know, we have had documents come forward to the headquarters as many as thirteen, fourteen times, even for a single one-word change. That is ridiculous, and it is very bureaucratic, so we are cutting through that. What we did was to create a process action team with members of the Corps, our stakeholders, meaning those clients, and we have identified a number of problems which I could submit to you for the record of their desires.

We have worked those out. In the next week or so, the Secretary and I will sit down and hopefully come to some agreements on those changes and then we will push them out to the field.

Mr. Forbes. Do you have any idea what the average time is currently to get approvals? Could you share that? Do you have a general idea of that?

General Ballard. Let me bounce that off to General Fuhman, but it doesn't really depend upon the size of the project. The process is about the same regardless. But what is the average time?

General Fuhman. I don't know if we could give you an average time but it varies from literally two, three, four, five, years, depending on the complexity of the project, to a matter of----

Mr. Forbes. Twelve years? fifteen years?

General Fuhman. There are some of those that have gone on for that period of time. The fundamental issue is that our bureaucratic process right now does not allow the critical policy and legal issues to work their way up to Washington very

quickly to the decision maker where we can get a quick decision and get it back, and that is what we are working at.

Mr. Forbes. I appreciate that. And I hear your sensitivity, and I am hopeful that we can end this nightmare, because it really does become protracted. You are talking about twelve to fifteen years from the decision to start a project to final approval. That delay can be a very costly one for the taxpayers, so I appreciate the sensitivity. And I will stick around for the second round, Mr. Chairman.

Mr. Packard. Mr. Clyburn will be next. Let me do a little housekeeping first. Virtually all the committee members are here, for which I am grateful. The next hearing will be next Thursday at 10 o'clock. With all of you here, I thought it might be well to mention that.

And second, a significant number of questions will be submitted, and we will ask you and your staff to respond to them. They can be submitted by any Member or the committee staff.

Dr. Westphal. We will be very prompt in getting those answers back to you.

Mr. Packard. Mr. Clyburn.

opening remarks of mr. clyburn

Mr. Clyburn. Thank you, Mr. Chairman. Mr. Chairman, let me begin by expressing my appreciation to all the witnesses here this morning. I want to first of all join my colleague Mr. Forbes in associating with the comments made by Mr. Edwards, because as all of you know, I represent a congressional district with a large Corps of Engineers' presence. And in fact, the Charleston District Office is located on one side of a street--if it were on the other side of the street, it would be in my district. But it is adjacent to my congressional district. And of course I visit it very often with the staff. I think Colonel Rowlette does a great job.

wetlands issues

Now, Mr. Chairman, I would like to discuss one of the things I am particularly impressed with about the Corps. In my area, we have a lot of wetlands issues to be concerned with. And the Corps does an outstanding job of balancing environmental protection with common sense and sensitivity--not just to commerce, but sensitivity to the community as well.

carolina bays

As many of you know, we have something that some people call a phenomenon. There is a very unique topographic feature called Carolina Bays. We don't know exactly where they came from or how they were formed. Of course, the theory that I accept most is that they were formed by some meteorite showers. But whatever their origin they are, they are there, and we like them and we appreciate the effort in preserving them.

charleston harbor

The Administration's budget has about a \$37 million request for Charleston Harbor, a project that I am particularly interested in. I think it is very, very generous. As you all know, Charleston, South Carolina was hit very hard with the last round of base closures, and every time we hear talk of base closure, as we are hearing today, the people of my congressional district are very, very concerned. We have Fort Jackson, Charleston Air Force Base. We have the Marine Air Corps. We have Parris Island. All of those things impact our economy significantly down there. And if we are going to have a comeback in the Charleston area, and if we are going to preserve the growth that we are experiencing in South Carolina, we really need to have the Charleston Port functioning at its fullest capacity.

We have been working with the Corps in trying to get that harbor deepened, and we have let the first contract. I understand a \$59 million contract has been let to start that work. That is going to go a long ways towards helping that community come back from the closure of five entities that we lost with the last round of base closures. And so I am very, very appreciative of that.

Now having said all of that, I want to express a little concern that I have. And so far, I have been very pleased with the way the Corps has reacted. As you know, though, I am a strong supporter of the port. And we have three ports down there; Port Royal and Georgetown Port just happen to not be in my district. But the Charleston Port is very, very important to us, and I support them very strongly. However, in the efforts that are being made to expand that port to its fullest capacity to do as effective a job as possible, we seem to be locally--not the Corps--stepping on the feelings of a significant number of people in and around the port. I am asking the Corps to be sensitive to this.

I am going to ask the Corps to be very, very conscious of the fact that its reputation for balancing interest in commerce with the community interest could very well be jeopardized if you are not very careful as to how permitting is to take place in this area as we expand.

We have to be very careful of that, and it is beginning to bubble to a point where I think it could be very, very serious for the people in and around this area. As you probably can appreciate, much of the area--Daniel Island and the Huger community, for example--was comprised of plantations. And a significant number of people who have not grown, through no fault of their own, with the economy in that area are now seeing their meager holdings threatened. In addition to the threat of takings, the value of their lands is escalating to the point where they can't pay the taxes on it. And so I want you to be very, very careful of all of these things as we go forward. And I want to once again thank you for all of your work and let you know that I am a strong, strong supporter of it.

lake marion regional water agency

Finally, Mr. Chairman, I have been talking with General Ballard, and I want to thank him for all of his help with the Lake Marion Regional Water Agency. It is in the heart of my

district. Right in the center of my district, this is an area where there are a lot of health problems and where we don't have the economic growth that we ought to have, in spite of the fact that there is plenty of water, plenty of highways, and plenty of educational institutions. But the project that we are working on there will significantly uplift that community. And I want to thank the gentleman for all of his work on that. My community is very, very appreciative of it. Thank you very much. Thank you, Mr. Chairman.

Mr. Packard. Thank you Mr. Clyburn.

Dr. Westphal. Congressman, I thank you for your leadership in that area. You mentioned on the harbor, and General Ballard and I have talked about that, and we will pay some very close attention, and we ask you to continue to be engaged and help us with the State as well to make sure we are addressing the issues that you are concerned about, but we both agree with you that that is something that we need to have our eyes and ears open about.

Mr. Clyburn. Mr. Chairman, thank you.

Mr. Packard. Mr. Frelinghuysen.

opening remarks of mr. frelinghuysen

Mr. Frelinghuysen. Thank you, Mr. Chairman. Gentlemen, Mr. Secretary, Chief, Generals, let me echo the sentiments of all of my colleagues. You are a most professional and dedicated group of men and women, and I always like to see the Army Corps' fingerprints on a lot of things up in the Northeast involving flood control, beach restoration, FUSRAP, Superfund. It gives me a feeling of reassurance that you are involved. And I am very pleased to work with General Sinn; it is good to know that ``Sinn'' is in, General. We appreciate your work, the dedication of your staff, and your attention to detail. I know you have been given Europe as part of your assignment, but I am sure that won't in any way take away from the North Atlantic Division's traditional responsibility.

But your attention to detail in and out of our offices--for me, both in New Jersey and here in Washington on a regular basis--is really reassuring, and I am most appreciative. I am sure those sentiments are echoed up and down the line here.

I would like to follow up a little bit on Congressman Forbes' discussion relative to the project cooperation agreements, General Ballard. And I think you have given us some better assurances. Setting up a model PCA, involving process action teams, sounds like a military way to approach things, and we appreciate that.

I am not sure that Congressman Forbes got an adequate response to the question of what is the average time it takes the Corps to complete a PCA. And I understand the notion that some things are so darned complex that it may take some years. But it is our view, from our perspective in our office, that it takes the Corps ten months to complete a PCA--some longer, some shorter. I don't know whether that is an accurate average. But more importantly, with the changes you have outlined, what do you anticipate will be the time line for most of these PCAs in the future? I assume you have a pretty good idea of where we are going. So let's say the current average is ten months,

depending on the complexity. What do you think we might see in the future?

General Ballard. See, there is a danger in this question. Whatever answer I give, next year when I don't make it, we will get hit with it. But that is all right, I will step out.

Mr. Frelinghuysen. Fantastic; you are a risk taker.

General Ballard. I am a risk taker.

Mr. Frelinghuysen. We like risk takers on this committee. And we know that you take a risk presenting a budget that you don't entirely agree with.

General Ballard. No comeback, sir.

Assuming that everything that we propose to do in our-- meaning inside the Corps, and with the Secretary's office takes place, I would like to see the average PCA take no longer than twelve months.

Now, I mean one year, you have to consider what all goes into a PCA. It is more than just the agreement. Part of this is getting the real estate, making sure that the sponsor comes up with their share of money, et cetera, et cetera, and putting all the technical stuff together before the signing takes place. It is a long process. But I will tell you, two, four, five, twelve years is simply too long.

Our intent is to drive that down. If we can get it under a year, we would be ecstatic, to say the least. I am shooting for seven months and twelve months.

Mr. Frelinghuysen. Sounds like a positive development heading in the right direction. And obviously, if the projects are less complicated, you can do it in a much shorter time period.

General Ballard. Could do it much shorter.

shore protection projects

Mr. Frelinghuysen. Those are the kind of assurances that we like to hear. Mr. Secretary, I continue to be concerned, as are other members are that represent coastal States, about the lack of funding for shore protection projects. Out of necessity we need to be somewhat provincial, but certainly, coming from New Jersey, we are not alone in having shoreprotection needs. Each and every year this Congress adds money for worthwhile projects. Since last year's testimony, what progress has been made in defining the Corps' coastal policy? A nice softball for you there.

Dr. Westphal. Okay. Thank you.

Mr. Frelinghuysen. I know what you want to do, so you can always tell us what you want to do.

Dr. Westphal. Well, the bottom line is we want to be able to fund the beach nourishment projects. We want them to be on an equal footing with other projects in terms of the competition for dollars.

What that means is that the Administration developed a policy earlier that said basically we would support beach projects that protected property, but would not support projects which the Administration felt essentially would be there for tourism, to attract tourism, and could be therefore paid by those who are making money out of that tourism.

We proposed last year in the water resources development where we submitted a policy change saying basically that if we

could alter the cost-sharing formula for these projects, that we would have additional savings from that change of the cost-share formula, that would allow us then to budget for many of these projects that the administration has felt it cannot budget. There are simply not enough resources to do it.

Mr. Frelinghuysen. So you are basically saying that we are at the same place as last year?

Dr. Westphal. We are fairly sure this year, the Administration continues to insist on the existing policy until we can get it changed in WRDA.

Mr. Frelinghuysen. You have got quite a lot of zeroes by a lot of our New Jersey shore protection projects, and I am sure this is true of New York and California. And the gentleman raises the fact that this is the situation all across the country. We need to increase attention on these needs, and I suspect that we will be putting some money in these projects despite the protest from the Administration. Much of our economy depends on these projects. Speaking for my State, perhaps \$16 billion or \$17 billion of New Jersey's economy is tied to these types of projects. And you can call it economic activity, or you can call it tourism, but it is pretty important to the economic vitality of our States, and we hope that the Administration recognizes that.

In the North Atlantic Division, were there any projects or studies reduced or not funded in the budget submission due to the Administration's policy on shore protection? Could you provide for the record the amount needed in fiscal year 2000?

Dr. Westphal. We will do that.

[The information follows:]

[GRAPHIC(S) NOT AVAILABLE IN TIFF FORMAT]

kill van kull

Mr. Frelinghuysen. All right. What is the status of the Kill Van Kull project and the New York Bay project? We were thrilled to have the Vice President come up to our part of the world up there with quite a large amount of money, but I would like to know where we stand relative to these two projects.

Dr. Westphal. Okay.

Mr. Frelinghuysen. First of all, when will construction be initiated, and what is the true funding level that could be efficiently utilized to continue construction of the 45-foot project? I know there is an issue of what can actually be utilized.

General Sinn. Sir, regarding status of the Kill Van Kull and the New York Bay project, as you know we had a project cooperation agreement which was executed in January. Now we have already awarded the first construction contract in the KVK. Very fortuitous for us. It also came under the government estimate by a significant amount. And we are always pleased to see that. We will initiate construction, we believe, in April sometime. Worst case, early May for that particular project. We are working very hard for the second phase of that and should have that awarded this year also.

Mr. Frelinghuysen. What would be the timetable?

General Sinn. Total completion of the KVK project, sir?

Mr. Frelinghuysen. Yes.

General Sinn. As you know, we have worked two time lines on it. One is 2010, and the other one is a compressed time line which our local sponsor desires. The New York/New Jersey Port Authority is bringing it back into 2004.

Mr. Frelinghuysen. You are supportive of the narrower time line?

General Sinn. Yes, absolutely, sir, if we can. The New York District in concert with the New York/New Jersey Port Authority has kind of got that thing squished down, if you will, to 2005 and continues to work on the other port. Long pole in the tent here kind of being the transit time to move dredge material out of that area into where we can suitably place it. If we can shorten that up a little bit and get more clever on the way we put equipment into that area, we will be in a lot better shape.

So looking at where we are at as we proceed into the 2000 budget, what we have asked for in terms of \$60 million there equals our capability; that is in line even with project compression. And if you asked me what the total cost was going to be as we compressed from the 2010 figure into 2004, I think it a little premature.

new york harbor

Mr. Frelinghuysen. As you know, General, for the last two years, Congress has funded a study investigating the deepening of channels in the New York Harbor to fifty feet. What are the status and preliminary results of this study, and when will results be finalized?

General Sinn. Sir, we are right on track with that study and I will make my answer short to this one. We will deliver the results of that study in December of 1999, of this year.

Mr. Frelinghuysen. Thank you, Mr. Chairman. I have plenty of other questions that I will ask if I get a chance.

Mr. Packard. We will come back to you.

Mr. Latham.

opening remarks of mr. latham

Mr. Latham. Thank you very much, Mr. Chairman. And welcome. And I want to associate myself with the kind words about the Corps and the job you do.

upper mississippi river navigation study

In 1993, the Corps began a 6-year feasibility study to evaluate the transportation lock modernization needs of the Upper Mississippi. Can you give us an idea of how long it will take to repair, maintain and modernize the locks and dam on the Upper Mississippi? And what are the cost estimates for enlarging the locks from 600 feet to 1,200 feet? And also, there was a national economic development plan that was going to be issued. When can we see that report?

General Fuhrman. Sir, that particular study is on schedule to be completed in the December 00 time frame. At this point, it is premature to deal with any hard numbers as far as what the engineering costs will be to make appropriate fixes. We will just have

to wait until----

Mr. Latham. What is the time frame for modernization on the locks on the Upper Mississippi?

General Fuhman. That will be determined by the recommendation of the NED plan that comes as a result of that study, sir.

Mr. Latham. You say it will be the end of this December?

General Fuhman. End of 2000. December of 2000.

agricultural drainage wells

Mr. Latham. As I am sure you are aware, we have a real problem with agricultural drainage wells and how to close the ag drainage wells and still get relief for drainage.

As you know, the Iowa Drainage District submitted about eighty pages of sequential assessment of practical alternatives to drainage improvements before regulators finally agreed that there was no alternative to mitigating the farm wetlands. The problem is that we have about eighty more of these to go. Have you given any thought to changing the section 404 guidelines to recognize existing land uses and prior investments in the farmed wetlands?

Dr. Westphal. Well, no. I have to say we have not given that--my office has not given that any thought, but maybe we should. And let me address that issue and try to get you some sense of where we might go with that. As you know, we are putting forth for public review a new nationwide permit 26 process and so we are undertaking some significant changes in the wetlands program.

Mr. Latham. Well, I am not sure you are aware of this, but now we have these large hog lagoons and if one of those breaks, the waste could go directly into the aquifer. And there is money from the farmers, the drainage districts, and the State of Iowa. There are Federal dollars. Everyone wants to solve this problem as quickly as possible, but the problem is we are dealing with a regulatory nightmare--not only with the Corps, because you have been extremely helpful. And I want to emphasize that, extremely helpful. But with Fish and Wildlife, with EPA, with NRCS, we have four bureaucracies all claiming jurisdiction here, and we cannot get anything done although everybody knows it is an impending environmental disaster out there. And it is very personal to me let alone the whole of upper Iowa, because I live on a farm, and my water comes out of that aquifer right there.

perry creek project

In Sioux City, Perry Creek has been a long-term project. Can anyone give me a status and progress report on Perry Creek?

General Griffin. We have completed phase one on Perry Creek this year. We have reprogrammed an additional \$4 million into the project this year. We will award phase two in the next couple of weeks. We have requested \$10 million. It is in the budget and that is our capability.

Mr. Latham. Thank you.

General Griffin. So it is well on track, sir.

missouri river master manual

Mr. Latham. Just one last question. Missouri River Master Manual Review is still in progress. Can you give us a time frame for the release of the draft environmental impact statement? Obviously it is a serious concern up there, and not controversial at all.

General Griffin. Sir, we went through quite a time in 1994. It sent us back to the drawingboards, as you know, for some more data. We have that data, and we did a revised preliminary draft EIS and we did that, sir, to get the Missouri River Basin Association, who we think is really the best chance to pull the States together, and come up with a regional alternative that they can agree on. And they are working that, sir. Their report is due in about the May-June time frame and we are helping them all we can. And to answer your specific question, the draft EIS is due out in October of 1999.

Mr. Latham. Very good. Thank you, Mr. Chairman.

environmental projects

Mr. Packard. Thank you very much, Mr. Latham. It is obvious that you have made great relations over the years with the members of the subcommittee. They have thrown you a lot of softballs, with the exception of Mr. Rogers. But I am going to return to Mr. Rogers, because I have a deep feeling about something that I sense is a policy decision from this Administration that I would like to discuss with you.

I don't want this to sound like I am against restoring our environment, but more and more of the projects that are being funded by this subcommittee are environmental projects rather than traditional flood control and navigation construction projects for the benefit of citizens.

To illustrate, in the budget for 1996, three environmental projects were funded. In 1997, 32; in 1998, 52; in 1999, 88; and in the 2000 budget proposal, 108 environmental projects.

At the same time, as Mr. Rogers' questions really zeroed in on, we are not able to fund even ongoing construction projects to allow them to continue on schedule. We are told they cannot be completed on schedule because of a shortage of funds.

That is a trend that is of great concern to me and, I presume, many of the members of this subcommittee. And I don't want to sound like we are not in favor of restoring our environment. We have committed to do that. But at the same time, I sense that we are getting significantly out of balance in terms of where our priorities are for this committee's projects.

In the budget proposal--and this has been discussed a little bit--we are relying rather heavily on additional harbor user fees, harbor service funds and so forth, which may or may not materialize. In fact, this Administration has not even submitted authorizing language that would permit those fees to be imposed. The prospect for that authorizing language to be enacted by the time this budget has to be implemented is very questionable. So, you have a Construction, General budget request of a little over a billion and a quarter dollars, which is a decrease, incidentally, of a quarter of a billion dollars

in that account alone. \$258 million of that lower request is from harbor fees and is derived from unauthorized harbor services funds. The decrease of a quarter of a billion dollars is about a 17 percent decrease in your request. Add to that another 20 percent decrease because user fees remain unauthorized. Then we are looking at huge shortfalls in the construction budget.

At the same time, you are funding not only 100 percent of the environmental projects, but you are also initiating new projects, most of which are environmentally-oriented projects. That is moving, in my judgment, in the wrong direction. I would like you to comment.

Dr. Westphal. The initial part of your statement, your question about the environmental projects, the large number of environmental projects you mentioned there, almost all of them are small projects. They are all brought to us from local sponsors, from Members of Congress. They are not really what I would consider to be high administration priority projects that we are pushing. In other words, those are projects that are coming to us and they include a large number of projects under new authorities given to us in previous water bills like Section 1135 which are small. These are all generally small projects. Some of them are also projects within other authorities that allow us to build waste treatment plants and do sort of clean water action type of activities, so for the most part we are funding simply what we feel is a need out there and a series of requests that are coming from all over.

Mr. Packard. Go ahead and finish, please.

Dr. Westphal. I was going to say that we do have some other fairly high-budget environmental projects such as restoration of the Everglades and projects that we are doing in the Northwest on mitigating--fish restoration of the salmon.

Mr. Packard. Those many small projects add up to a lot of dollars, and if they are not a high priority of the Administration, then perhaps there needs to be a re-evaluation of the budget request. Even though these are small projects, they cumulatively add up to a lot of dollars. In contrast the budget proposes to shut down or extend the construction time of many of the essential projects that are already underway. And certainly, new projects are proposed at the expense of ongoing projects that need to be completed. That is why I question the Administration's priorities.

Dr. Westphal. Well, I do believe, Mr. Chairman, that those projects for the most part are high priority for both the Administration and Congress. They tend to be small projects, they are driven from local sponsors, brought up to us either through member offices or through direct contact with our offices or the Corps at district and divisional levels.

So they are part of the work that we are being requested to do. Now, in 1999, the President's budget for Construction, General was \$806 million. And we brought forth a request this year at \$1.2 billion. So we had a sizable increase in our request. Now, it is a couple of hundred million dollars more than what you appropriated last year. But in terms of what we have been submitting historically, our Construction, General as well as our O&M is, I think, significantly higher than what was proposed last year by the President.

operations and maintenance

Mr. Packard. Your O&M budget is higher, but of that higher amount, close to \$700 million of it is to be derived from harbor service user fees. That is about a third. If that is not realized, how do you plan to fund the O&M budget?

Dr. Westphal. Well, there are funds in the Harbor Maintenance Trust Fund. There is almost \$1.5 billion, I don't know the exact number, but I can get that to you.

[The information follows:]

Harbor Maintenance Trust Fund

The balance of the HMTF as of February 28, 1999, is \$1,273,252,805.

harbor maintenance trust fund

Mr. Packard. Can you draw down on that trust fund?

Dr. Westphal. Yes, sir, we have that fund. But the part that is more difficult is the \$200 to \$300 million on the construction fund for deepwater harbor projects, and that is the part that is assumed in this budget request that essentially could be problematical in terms of the caps for the committee.

funding priorities

Mr. Packard. We have become aware that the fiscal year 2000 budget includes approximately two-thirds of the funding required to maintain optimum schedules for flood damage reduction, inland waterways and shore protection projects. But on the other hand, environmental mitigation and ecosystem restoration projects are funded at 100 percent. Again, this demonstrates that there is a higher priority accorded by this Administration to ecosystem restoration and environmental projects than to those that would resolve many of the flooding and navigation problems at the local and State level. In other words, from what we understand, we are funding at a much lower percentage the requirements for traditional construction projects vis-a-vis environmental projects, we are funding virtually 100 percent of the requirements for environmental projects.

In addition, each of these projects requires the local cost-sharing match. So what we are doing with this policy is not only spending significantly more of our Federal dollars for environmental restoration projects than we are for those that provide shore protection and flood control benefits to our people, but we are also requiring that communities spend more of their local monies on that same basis.

And that really flies in the face of the priorities of many local leaders who have a hard time coming up with the match. And then when they can't fund a project that literally takes them out of the mud because of requirements to fund those that are for restoring and preserving the environment, it really does require the use of local funds, in their judgment, in the wrong area as well. And so it is a double whammy when our

taxpayer money is spent in an imbalanced proportion or ratio on environmental and ecosystem restoration. That is the concern that I have with this budget. I see it right up front. It comes out loud and clear. And I personally believe that the committee would be more satisfied, and certainly more comfortable, with a better balance between those kinds of projects.

The Corps historically has been building projects to provide flood protection, to provide stability on our beaches and to improve our harbors. And there has been a significant shift in policy. And I recognize that that is a policy of this Administration, and I am not sure that it is a policy of the Corps. But I think the Corps is under obligation to implement that policy under the circumstances. But that is where my concern is, and I don't really have a question, because I think that your budget reflects this concern. Do you have a comment?

Dr. Westphal. Sure, I would like to give you a more thoughtful answer to that question and do that in terms of some better information. You listed 108 projects, I think that was the number you mentioned in your question, and environmental projects. What I would like to do, if you will permit me, I would like to--you have provoked some thinking on my part. I would like to do some background work and look at what those projects are and whether they are, in fact, being funded at 100 percent, where we are on that and give you some assessment on that.

[The information follows:]

Environmental Projects

The 108 environmental projects to which you refer include 82 General Investigations studies, 10 General Investigations preconstruction engineering and design projects, 13 Construction, General projects, and 3 Operation and Maintenance, General projects. Of the 13 Construction, General projects designated as environmental restoration in the fiscal year 2000 budget request, only 2 were not included in the fiscal year 1999 budget. Funding for these designated environmental activities includes \$22,274,000 under General Investigations, \$210,515,000 under Construction, General, and \$745,000 under Operation and Maintenance, General. These amounts represent 16.50 percent, 16.98 percent, and 0.04 percent, respectively, of the amounts included in the fiscal year 2000 budget for the 3 accounts, or 7.27 percent of the total amount included in the fiscal year 2000 budget for all 3 accounts. The overwhelming majority of budgeted environmental restoration activities are studies which may or may not be constructed in the future and are relatively inexpensive when compared to the cost for most construction projects. The number of such studies is a reflection of increased concerns about our environment and will probably not diminish in the near term. The fiscal year 2000 budget seeks to provide a balanced program of investment in existing infrastructure, new projects and programs, and restoration of important environmental resources, and it generally succeeds in this regard.

funding constraints and priorities

Mr. Packard. In the past, I know this committee has had to limit funding for new projects. That is perhaps unfortunate but probably represents a better decision than to shut down projects that are already underway. The highest costs, are incurred when we start a project, get it moving, and then kill it in the middle of development. There is no benefit and yet great cost.

And I have great concerns, as Mr. Rogers initially expressed, of starting projects and then letting them get 25, 35, 95 percent complete, and then not having the money to complete them. There should be money in every budget to complete the projects that we have underway if they are worthy projects. And I have to assume that they would not have been started by this subcommittee had they not been worthy projects. And the Corps surely would not have started them had they not been good projects.

As we get into the writing of a bill, we are going to have to make difficult decisions as to how to distribute the short supply of funds. I think the inclination of this committee is to finish what we started, first and foremost. Then if there are new projects that are worthy and need to be started, that is fine. Then we will seek to strike a better balance between environmental projects and the major flood control and navigation construction projects. I hope I am expressing the general sentiment of the committee. I certainly am representing the views of the Chairman. So with that, let's go on again to Mr. Visclosky.

protection of private property

Mr. Visclosky. Thank you, Mr. Chairman. Mr. Frelinghuysen engaged in a conversation about shoreline erosion. Erosion doesn't just occur on the oceanic coasts but also inland on the Great Lakes. And the conversation turned to protecting private property.

Is there a policy--a specific administration policy--relating the protection of private property to public access to those shorelines? I have in mind a specific problem, as some of you are aware, in Northwest Indiana involving a private community that would like the Corps to assume a liability that they do not have today to essentially engage in shoreline protection of this community. But in fact, if not in law, that beach, such as it is today, is the community's beach and not the general public's beach. And I am loath to ask taxpayers to protect private property in that instance when citizens who have paid that tax are not allowed on that beach. It is the community's beach when water levels are low. It is supposed to be the Corps' beach when levels are high.

Is there a policy that you have as far as protection of private property is concerned? There is no problem in this specific instance in my district, but it leads me to the broader question because you mentioned protection of private property.

Dr. Westphal. Well, in general, again, very limited funds for these types of projects, and so it is hard to pick an individual project and generalize about it. Projects are picked--we look at projects one at a time and we look at what

the needs are. But generally what I am getting at in terms of what the existing administration policy has been is if you have got private property that is in real serious danger, yes, we may come in and use taxpayer funds to replenish a beach or to fix a problem that is of imminent danger to private property.

However, we hope to be able to rectify this by changing the policy and allowing for the local cost-share to be higher, realizing a savings and additional monies into the Treasury to be able to fund more of these projects and to be able to put them on a par with every other beach erosion project.

public access

Mr. Visclosky. Is the issue of public access to these shorelines being addressed as well? I appreciate the protection of private property. Sometimes you have----

Dr. Westphal. I don't personally know of any case, but maybe General Fuhrman does.

General Fuhrman. Of course there are always exceptions, but the general rule is that we protect public investment with regard to our shore protection projects. And beyond that, as part of the project cooperation agreement, where we do work, part of that agreement is to ensure public access to those facilities that we fix, that we improve. That is the general rule that we follow.

project implementation

Mr. Visclosky. There has also been some suggestion in other questions and commentary about the length of time between conception of a potential project and construction, and a lot of the discussion has obviously focused on improvements within the Corps. I assume part of that problem, though, involves the legislative process and how projects are authorized and selected.

I assume part of the problem also involves the local and State responsibility in coming to grips with the decisions they may have to make that they thought they should avoid or that are going to cause them an expense.

I have an example in my district. The idea was conceived in 1973 and last week, the mayor finally decided--many mayors removed--that they were going to go it alone. The Corps up until the end tried to provide some flexibility. But I look at that example and I look at the authorization process. I look at local decisions (or lack thereof), and I see this is a tough problem you face.

Dr. Westphal. I mean, many of the reasons for the delay, of course, are the things that we mentioned earlier, but many are also the fact that there are issues with the non-Federal sponsor in terms of their particular willingness to agree to certain parts of the agreement, their ability to come up with the resources. And I am sure you can elaborate on that much better than I can.

General Ballard. Right.

Mr. Visclosky. Which doesn't absolve the Corps or us from trying to be as efficient as possible. But clearly, as in the case of Lake George and Hobart, the passage of time increases

the cost of a project. Some of that increase can be avoided in some cases, and it should be if we have control at the Federal level.

General Fuhrman. Congressman, from my perspective in the foxhole, working this both on the division side and as Director of Civil Works, the piece that we control, the Corps, the piece that I control, is that our bureaucrat system does not allow us to focus right now on what the critical policy and legal issues are dealing with a particular project and quickly focusing them for the local sponsor, local communities and at whatever leadership level in the Administration that that decision has to be made at, and quickly bringing these parties together to get a decision.

The bureaucrat process that we have right now doesn't support that piece, and that is where the process action teams that the Chief has instituted are focused on to get it to a decision faster. And whether the sponsor likes that decision or not, that is another issue, but at least they got a decision.

General Ballard. That is right.

columbia river salmon

Mr. Visclosky. One last question, if I could. There is the whole issue of fish recovery strategies up in the Northwest portion of the country. You have a Corps strategy. You have a proposal by the National Marine and Fisheries Service. You have an Environmental Council proposal. You have a tribal proposal. There is a great deal of controversy attaching to the Corps' position.

Would you comment on the Corps' current attitude and position on this controversial issue?

Dr. Westphal. Okay. Well, I am going to actually turn it over to General Griffin. But let me tell you why, because this is such a local matter, I mean it is one in which there are so many key players. This whole issue has evolved over the last year and a half in ways that were really unpredictable, and the complexities of it in terms of what is going on there with National Marine Fishery Service and the Federal agencies and State, the tribe, the things you mentioned, is forever evolving.

General Griffin is the point man on this, and I think he can give you a pretty good assessment of where we are.

Mr. Visclosky. In my ignorance, I never thought much of fish, and then I spent four days in the Chairman's state talking about water policy, and I realized that there are fish involved here, too.

General Griffin. Sir, you are right, there are a number of fish recovery strategies. The one the Corps is following is the result of the 1995 biological opinion on listing these endangered salmon. We did a record decision and we established some near-term, interim, and long-term objectives, basically for making the lower Columbia River dams, four on the Columbia, four on the lower Snake River dam, more fish friendly.

And by that I mean not so much upstream passage of adult salmon, but this is all about getting the ``smolt,`` is what they call them, the small fish down river and out in the ocean in the least destructive manner. That is what all of this is

about.

Now, as a result of this biological opinion and record decision, we basically signed up for a fish recovery plan in concert with the National Marine Fishery Service, and so they are in essence the Federal biologist and we are the Federal engineer, ensuring that we do those projects on our Corps projects to make the system as fish friendly as possible. And that is what we are about, sir.

Mr. Visclosky. Is there a final long-term strategy that has been agreed upon?

General Griffin. Sir, I don't think you are ever going to get to the last measure that makes the dams ultimately fish friendly, totally. I don't think you will get there. Now, sir, our strategy right now, the current proposal that we have is a twelve-year strategy.

Mr. Visclosky. Thank you very much. Gentlemen, thank you. Thank you, Mr. Chairman.

Mr. Packard. Thank you, Mr. Rogers.

corps bureaucracy

Mr. Rogers. Thank you, Mr. Chairman.

Let me be sure the record is straight. I have no problem with the Corps. In fact, I think you are dedicated public servants who dedicate your life to public service. I don't know of a wealthy person in the Corps. I don't know everything, but most all of you in the Corps are career people who are working at salaries that you could triple or perhaps quadruple in private life.

You are sacrificing public servants. So I have great respect and admiration for the people in the Corps. Where I do have a problem is with the bureaucracy in the White House that tries to restrict or radically change what we all know needs to be done by the Corps. So it is not an argument with you. It is an argument with OMB down at the White House.

But I do have a problem with the bureaucracy inside the Corps. I know the Secretary is trying to cut through this bureaucracy, as is General Ballard, General Fuhrman and others. It seems to me that the biggest challenge all of us face is streamlining to some degree the inordinately time-consuming, frustrating, and idiotic process that results in delays and that gets in the way of getting the job done.

project cooperation agreements

And I know you as engineers want to get things done. You want a starting point and an ending point, and a straight line in between. We all want the same thing. And yet bureaucracy is strangling us. One idea that I have discussed with the Secretary and General Fuhrman involves streamlining the PCA process for small projects, microprojects.

There are lots of them around the country. In my district they are called Section 531s. Now they must go all the way up to Washington and all the way back down. These are minuscule projects, and they are practically all the same. It seems to me that we could streamline those types of projects.

And I know you have been talking about possible ways to do that. Could you amplify on this for us, Mr. Secretary and

General Fuhrman?

Dr. Westphal. Sure. Well, we have, in fact, addressed that very subject, and as the Chief mentioned earlier, we are going to get together probably in the next week, take in the recommendations of these teams, and we are looking at various aspects of the PCA process and make some decisions that we can implement right away for streamlining that process.

And we agree with you, that it takes too long. We agree with you that that is a serious problem in terms of the delivery of our program. It is not one we can tolerate. We are committed to doing it. And we hope to be able to have a more defined answer for you in the next couple of weeks when we get together in order to process all the information that we have gathered on the process itself, and that when we testify before you next year or before that, if you want us to testify before that, we will be ready to give you a better answer to that.

Mr. Rogers. I am not going to wait a year. I hope we understand that. These are routine small projects that can be handled by the district, frankly, and that need not clutter up the desks of you important policymakers in Washington. What do you think about that type of idea, delegating these routine, small PCA approvals to the district level as opposed to either the division or Washington?

Dr. Westphal. Right. No, we are in favor of doing that. We are in favor of moving as much of that as we can to create a speedier process, particularly on the Continuing Authorities Program, which I think are most of the projects that you mentioned.

Mr. Rogers. How soon would you anticipate making a change?

Dr. Westphal. I think we can do it probably in the next few weeks.

Mr. Packard. Would the gentleman yield for a moment?

Mr. Rogers. Sure.

nationwide permit 26

Mr. Packard. Is replacement of the nationwide permit 26 process moving in the opposite direction of what you say you want to do? Would that complicate the bureaucracy, considering that those projects that are currently done through nationwide permit 26 would instead be done pursuant to individual permits? Would that take longer, with more bureaucratic problems to deal with?

Dr. Westphal. We don't believe it. We believe actually it will make the process go faster. We don't think that it will create a greater need for individual permitting. We are hoping that if we get the kind of--well, it is out for public review and public comments, that we have to assess that, and then we put out a final rule this summer. But I am hopeful that we can avoid further delays and that this process will actually make the nationwide program much more efficient.

Mr. Rogers. Well, it seems that it would be beneficial to everyone if you can make it a policy to get off of your desks in Washington a lot of the routine stuff that is going to be rubber-stamped anyway at some future time. In the meantime, these local communities are hurting, and they have got their money tied up. The local cost shares are tied up while you

dilly-dally in Washington, when the district offices could easily take care of those routine matters.

General Ballard, do you have a thought about that?

General Ballard. At the heart of our proposals, which have been a little unfair to the Secretary because he has yet to see all of the proposals, but we absolutely concur with you, Mr. Rogers, especially those projects that fall under our Continuing Authorities Program. And those are the small projects that part of the recommendation is to delegate that authority to the district and the division commanders to make those decisions out in the field where possible.

There are some legal ramifications involved with that, but hopefully in the next week or so, the Secretary and I will reach some agreements to do what you just are proposing.

Mr. Rogers. Godspeed to you----

General Ballard. Yes, sir.

corps accomplishments

Mr. Rogers [continuing]. On that. In closing, Mr. Chairman, I am going to say this. I have been on this subcommittee a long time, many years, and I have been involved in Corps projects ever since I have been a Member of Congress, over eighteen years now. And there has not been a time, in my experience with the Corps, when things were going better in the Corps than right now--at least the 18 years that I have been hanging around the Corps' business. I commend the Assistant Secretary of the Army who is in charge of the Corps, Dr. Joe Westphal, and the excellent general staff here in Washington. The regional office in Cincinnati under General Van Winkle, who is with us, is excellent and cooperative in every way, as are the three district offices that I deal with in my congressional district: Louisville, Huntington and Nashville. The colonels and the staff at those district offices are cooperative and work hard and try to accommodate every need that we throw at them.

So I don't know of a time in my experience when the Corps has been better staffed and better managed than right now. And we just need to knock on wood and hope it continues.

Mr. Packard. Well, thank you. I think you expressed the sentiment of most of us. Certainly, I have found that the Corps is one of the few regulatory agencies that I find great pleasure in working with. The Corps has been more cooperative than most. I have had a better relationship with the Corps, and we have gotten more done with consensus than we have with any other agency that I have dealt with. And I want to express, as Mr. Rogers and others have, the remarkable respect we have for the work you do.

Mr. Rogers. Would the gentleman yield?

Mr. Packard. Of course.

Mr. Rogers. Do you think we can get the OMB under the jurisdiction of this committee?

Mr. Packard. Mr. Knollenberg.

projects in distressed areas

Dr. Westphal. Mr. Chairman, could I just comment on

something on Congressman Rogers? I did visit with him, his projects, and I have done that in the past in his district and I must say, I feel your pain. I mean, none of us sitting at this table would like to in any way limit our ability to carry out projects and to do the things that all of and your constituents need. We are all public servants, and we think that we are in the Federal Government and we think the Federal Government can play a role and an important role.

We are particularly, I think the Chief and I here maybe for the first time in terms of an Assistant Secretary and the Chief sort of agreeing in this issue, we are in particular agreement that we have to do more to help those communities, those rural communities, those underprivileged communities, those communities that can't come up with cost share, that can't come up with dollars, but have true and significant need.

We are committed in trying to find ways that we can advise you, the Members of Congress, and the local sponsors on how we might be able to raise those funds, how we might be able to develop these projects that affluent communities and other parts of the country have no difficulty doing. So in viewing the work that you have done in Pride, Mr. Chairman, you have got a true environmental ecosystem restoration.

He is doing a great job, not just in terms of protecting his people, but also in terms of advancing the quality of life for them, because it is truly needed there. So I really admire what you are doing, Chairman Rogers, and I commend you for it. And I want to be helpful, and we will be supportive as much as we can from this chair.

Mr. Rogers. If the Chair would yield briefly. I appreciate the Secretary's comments. As I say, I have known him many years, long before he was Assistant Secretary, and he is a very compassionate and very caring individual. He spent the day with us yesterday looking at those projects in an Army helicopter for eight or ten hours, and it was a grueling day. We were with General Van Winkle and others, and I deeply appreciated his commitment of time and effort to be there.

Mr. Visclosky. Would the gentleman yield for one second? I would want to make the effort to have OMB placed under our auspices a bipartisan effort. I would be happy to work with you.

Mr. Packard. Thank you. Mr. Knollenberg, would you like to follow that?

formerly utilized sites remedial action program

Mr. Knollenberg. Let me get into a couple of things: first of all, a question on FUSRAP. That is an acronym that I have learned, but I have to stop and think about what it means. I have talked to a number of you about that program.

General Ballard, before the FUSRAP Program was transferred from the DOE to the Corps, there were a lot of people skeptical about how that would work out. You may have been one of them, I don't know. How does such a transfer really work? When you testified last year before this committee, we discussed this program, and you mentioned that the Corps had four top priorities for this program. I just want to enumerate those quickly:

Number one, that we would transition the program without slippage from the DOE original timeline.

Number two, complete assessment of the twenty-two sites that were transitioned to the Corps.

Three, transfer that program from DOE contractors and move responsibility down to the districts and the divisions that were actually executing that work.

And then number four, leverage the dollars that were given to us without any growth in the FTEs.

As you stated then, FUSRAP was on a sound footing. By the way, for the record, it means Formerly Utilized Sites Remedial Action Program.

General Ballard. Yes, sir.

Mr. Knollenberg. We all know that. You know that. The question is, do you believe this program is still on a sound footing, and what are the priorities now that you have a year behind you working on the program? You can be brief in response.

General Ballard. Okay. I will give you a more detailed one for the record. But let me be brief. I do believe that the program is on sound footing, and this year the President's budget has an increase of about \$10 million over what the past 2 years was when it was transferred to us of about \$140 million.

We are on the optimum funding, looking at a completion day of 2006; optimum funding being around \$180 million. But on the current funding level we can do it in 2010. Now DOE was on record as saying----

Mr. Knollenberg. General, what is the differential in funding again?

General Ballard. About \$30 to \$40 million per year. Optimum funding, we can--optimum funding is about \$180 million and the current budget is about 150, which means that we would have a slippage of about four years in completion of those twenty-two sites.

Mr. Knollenberg. Depending upon funding, all twenty-two sites will be cleaned?

General Ballard. By 2010 under current budget level.

Mr. Knollenberg. Right.

General Ballard. If you optimum-fund it, which means push it up to around \$180 million, we can do it in 2006.

Mr. Knollenberg. How smooth would you say this transition from the DOE to the Corps has been?

General Ballard. I would say, sir, that it has been almost flawless, after some----

Mr. Knollenberg. What do you attribute this flawlessness to?

General Ballard. A couple of things. When we took the program, we folded into our existing contract mechanism. We didn't create any new contracts. We had existing Corps' contracts that were out there, TERC contracts, the Total Environmental Restoration Contracts. We didn't increase any FTE. We pushed the majority of the money, in fact all of it, with the exception of the small amount for oversight, down to the districts. And they aggressively jumped on those projects.

I would think that we are ahead of schedule. We are talking total cleanup of the sites, not--go ahead, I am sorry, sir.

Mr. Knollenberg. Just compare, if you would, the plan that you have with that of DOE. Are you ahead of schedule and within a lower budget then they would have been had we left the program with DOE?

General Ballard. Yes. Yes, we are. We are ahead of the DOE's schedule. DOE, without criticizing their plan too much, they had limited the scope of the program. For example, I will just talk about two sites. In the Niagara site, the plan was to leave some of the materials on site rather than move all of it offsite to a licensed storage facility. And they were not doing some cleanup of groundwater. We are removing all of the hazardous wastes and attacking the groundwater project.

And at the St. Louis site, we are cleaning it up to what we call industrial standards versus what DOE had proposed to clean it up to a restricted standard. We have worked very closely with the community to address their needs and concerns for all of these sites.

Mr. Knollenberg. You mentioned the two dates, 2006 and 2010. Will there be any long-term monitoring costs beyond that if you still have wastes under your jurisdiction?

General Ballard. Under the current standards that we are approaching, we do not foresee--and I will glance down at this table--any long-term monitoring projects--is that right?

General Fuhrman. After we clean up a particular site, that property is remanded to DOE or wherever for that.

Mr. Knollenberg. So it is out of your hands?

General Fuhrman. It is out of our hands after we complete it.

Mr. Knollenberg. It, in fact, could be an ongoing expense for DOE, however?

General Fuhrman. Yes, there could be in some cases.

General Ballard. There could be.

Mr. Knollenberg. But you are done with the job at that point?

General Ballard. That is correct, sir.

Mr. Knollenberg. Just a couple of quick things. I appreciate, by the way, the work you do on FUSRAP. What I hear, what I see, and what I sense is that it is working well, and I applaud you on your achievements.

General Ballard. Thank you, sir.

division restructuring

Mr. Knollenberg. Two issues. If you want to respond for the record, you can. I would like to know what cost savings you have calculated as a result of reducing the divisions down to eight. I am particularly interested in FTE savings. Please discuss any other savings in your response as well. If you could respond for the record, I would appreciate it. We would like to see what savings have been realized in comparison to where we were. If you want to make a quick comment, please do.

[The information follows:]

Division Office Restructuring General Expenses--Cost Savings
Cost savings

In compliance with Congressional direction, the Corps of Engineers reduced the number of divisions from 11 to 8 in FY 1997. The cumulative savings, or ``cost avoidance,`` as a direct result of the overall

division restructuring and downsizing (based on reconstructed cost estimates for the 11-division structure) is \$23 million from FY 1997 to FY 1999, \$72 million by FY 2002, and more than \$21 million annually thereafter.

FTE reductions

General Ballard. A quick comment, and I will provide it for the record. In 1990 those eight division headquarters were staffed at about 950 FTE; my GE-funded today, they are at 584 and reducing.

Mr. Knollenberg. Are those folks that are no longer there holding positions elsewhere?

General Ballard. Or retired or left the service. No one was fired.

No one fired. And at headquarters, we have reduced my headquarters from 608 to about 453. When you talk about gross numbers and dollars in savings, the division headquarters in GE funds costs us about \$8 million a year, so by the mere fact of going from eleven to eight, we didn't recoup all of that in terms of savings, but it was a significant amount. We can give you a detailed answer.

Mr. Knollenberg. If you would please provide that for the record.

[The information follows:]

Division Office Restructuring General Expenses--Staff Reductions
Division Office Staff Reductions in Full-time Equivalent (FTE)
FY 1996--(11 Division Offices)--677 FTE.
FY 2000--(8 Division Offices)--570 FTE.
FY 1996-2000 FTE Reduction--107 FTE.

Mr. Packard. Before you leave that question, if you would yield, please.

Mr. Knollenberg. Sure.

Mr. Packard. None of the offices were closed, to my understanding. Even though you reduced the number of divisions from eleven to eight, those same offices still remain open. How have you supported those offices with such a reduction in FTEs?

General Ballard. Well, what has happened--let's talk Northwest Division, the office in Washington, in Portland there with General Griffin, we had an office out in Omaha. But in order to maintain reasonable presence, we have reduced that office from a division headquarters to a regional office, but collapsed the FTE from about 100--I can't remember the exact figure at that time, but both offices will be staffed with a total of 72 folks.

Mr. Packard. I see.

General Ballard. So what we did was to spread the presence. In Omaha we focused mainly on the Missouri River and that area, and the office up in Portland is focused on the Snake River.

Mr. Packard. Thank you. Thank you, Mr. Knollenberg.

Soo Locks

Mr. Knollenberg. The final question that I have which may be answered for the record, regards Soo Locks in Michigan.

General Ballard. Yes, sir.

Mr. Knollenberg. I think a couple hundred thousand dollars was put forward for a study----

General Fuhrman. \$300,000.

Mr. Knollenberg. \$300,000.

General Ballard. Yes, sir.

Mr. Knollenberg. What ever became of that? Is the study underway?

General Fuhrman. We are moving forward with that study.

Mr. Knollenberg. You haven't completed the study yet, General?

General Fuhrman. No, sir, we haven't. And we will provide that for the record.

[The information follows:]

Great Lakes Connecting Channels and Harbors, MI and WI Upper St. Marys River (Vidal Shoals) Element

\$300,000 was reprogrammed in fiscal year 1999 to the Great Lakes Connecting Channels and Harbors project to complete preconstruction engineering and design (PED) for deepening the Upper St. Marys River (Vidal Shoals) element. No additional funds are needed to complete PED for this effort.

Mr. Knollenberg. If you would provide a response for the record as well, I would appreciate that. And with that, I conclude and thank you very much.

General Ballard. Thank you.

Mr. Packard. Mr. Frelinghuysen.

formerly utilized sites remedial action program

Mr. Frelinghuysen. I have just a few brief observations following up on Mr. Knollenberg. I think the Army Corps ought to take credit for its good work on FUSRAP, I don't think the public is aware of your involvement to the degree that it should be.

General Ballard. Yes, sir.

superfund

Mr. Frelinghuysen. Secondly, you are involved to an extent in managing Superfund projects. There are some in my neck of the woods that have been expedited as a result of the Corps' work and leadership, and I would like to note that Colonel Debra Lewis has been very active. She is working out of Philadelphia and has been doing some good things in my backyard. I would love to see you manage more of those projects; obviously, we would have to give you more money for that purpose and take it away from a few other Federal agencies. But thank you.

General Ballard. We would like that also, sir.

disposal of dredge material

Mr. Frelinghuysen. Good. And entered thus on the record. I have a number of questions that I will provide for the record, relating to the disposal of dredge material in the New York/New

Jersey region. I don't need any reassurance, but I do think we need to have better public education as to what we have been doing with that material.

innovative shore protection technologies

Mr. Frelinghuysen. And lastly, I recently have been made aware of section 227 of the WRDA Act of 1996, which authorizes money for research and innovative technologies for shore protection. I would like to know--and you may provide your answer for the record--what the Corps is doing with some of these innovative technologies, such as artificial reefs and interlocking disks. I think there are some pretty exciting developments in that area, and I think the public ought to be aware of your involvement and leadership. Thank you very much.

[The information follows:]

General Fuhrman. In the past, the Corps has investigated and evaluated the performance of innovative shore protection technologies in conjunction with a number of coastal projects. In the 1970's, a comprehensive national program (called Section 54) was authorized and conducted to demonstrate various shore protection technologies. These were properly engineered, monitored, and fully evaluated. Several publications on the use of "low cost" shore protection approaches were published and widely disseminated. In addition to this program, the Corps has since had the opportunity to partner with several different state and local governments to monitor, evaluate, and report on the performance of the coastal de-watering system, geo-textile barriers, artificial seaweed, and near-shore per-cast concrete reef systems. This is in addition to efforts within our Civil Works R&D programs to evaluate innovations such as nearshore dredged sediment feeder berms for beach replenishment in conjunction with our coastal navigation projects.

Although the Corps has not had specific funding in recent years to research and evaluate innovative approaches, we continue to be in frequent contact with developers, state and local agencies, other federal agencies and the international coastal engineering community, exchanging information on promising innovations.

Mr. Frelinghuysen. Thank you. Mr. Chairman.

General Ballard. Thank you.

Mr. Packard. Thank you, Mr. Latham.

administrative appeals process

Mr. Latham. Thank you, Mr. Chairman. Several years ago, the Corps was expected to establish an administrative appeals program, whereby the public could appeal the decisions in jurisdictional determinations. The adoption of the appeals program was held up due to funding limitations. Without such an appeals system, the public has to resort to litigation. The Corps stated that once it received the necessary funding, it would implement the appeals process to allow jurisdictional challenges.

How can we in the subcommittee be sure that the Corps will

properly spend appropriated funds designated for the appeals program? Can you assure us that if funds are appropriated, they won't be spent on personnel and other programs as they have been in the past?

Dr. Westphal. Congressman, the rule on the administrative appeals process is before--it is in the Federal Register now, and we are seeking public comment on that. And we hope to be able to implement that rule sometime later this summer and be ready to fully implement it after a final rule by the beginning of next year. Now, that is on the denial portion of this. And the more difficult case, of course, is on the jurisdictional part, which would be much more time-consuming and an intense process. That part of the rule is also finished.

We have done all of the work to get that rule ready to go, and we are hoping that you will agree with us on the need for the additional funding in our regulatory program, because it is going to be essentially aimed at making sure that we can implement that administrative appeals, both the denial and jurisdictional part, fully implement that and make that process a lot easier for those folks seeking permits or seeking to appeal their permits.

Mr. Latham. If we do appropriate the funds, what assurance do we have that it will be spent as it is supposed to be, rather than on personnel and other programs as in the past?

Dr. Westphal. Well, you know, I think we are committed to that process, and I think we can assure you that we will do the best we can to make sure that we implement it to its fullest. I think I have to ask General Fuhrman this question, but I believe on the Regulatory Program, most of the dollars essentially pay for people to process the permits.

General Fuhrman. Yes. But I would say 85 percent of our regulatory budget is involved in personnel and, quite frankly, most of the appeals dollars that are required for the denial process and jurisdictional process will be FTE dollars for people at the division level to handle the administrative reviews there.

columbia river salmon

Mr. Latham. I have one last question. The Administration proposes to spend \$100 million on salmon restoration in the Columbia and Snake Rivers. Can you tell me which salmon species are to be counted during the upriver migration? And just as a point of reference, how many salmon returned to the Columbia and Snake Rivers last year?

Mr. Packard. May I suggest that the question be answered for the record?

General Griffin. Please.

Mr. Latham. From what I understand, a few years ago there were six. Six salmon.

General Griffin. No, it is in the tens of thousands.

General Fuhrman. It depends on the species, how many return.

Mr. Frelinghuysen. It is like the Census.

Mr. Packard. I have stood at the falls on the Columbia River, back when I was in dental school in Portland, Oregon, and I can assure you they can't count them all.

Mr. Latham. That is good. Thank you.

california projects

Mr. Packard. Thank you very much. Would Colonel Madsen be kind enough come to the table? Some of these questions he might be able to address, and some may be more general. I would like to discuss the Corps failure to allocate the full amount that Congress appropriates for particular projects. I presume several projects around the country are in this situation, but certainly I can give illustrations in California: the Tijuana River, the project in San Diego County, the San Diego Harbor, National City Project, the Newport Bay San Diego Creek project.

They were funded at certain levels. In the case of the Tijuana River project, \$200 million was appropriated, and yet only \$10,000 have been spent on it. In other examples, \$100,000 was appropriated, but only, \$5,000 has been spent in fiscal year 1999. Of \$250,000 appropriated for a study in the Newport Bay area, only \$20,000 has been allocated.

Why do we find that the money is not being spent for the purposes for which the money was appropriated? Anybody?

Colonel Madsen. I can address--for instance, you asked about the upper Newport Bay, and that is a feasibility study. The process, the study referred is ongoing. And I would tell you that our schedule for completion of that project is in February--January of 2000. So I mean, in that particular effort that you reference, the project is ongoing. Some of the earlier surveys and reconnaissance surveys that you do and the feasibility studies, I mean, the reconnaissance surveys, you try to expedite them, where you put \$100,000 against them and try to get them done in under twelve months' time.

We pushed forward on all of those studies last year. My particular division, twenty-six we completed, and we are pursuing another eighteen in this current fiscal year. So I would tell you that, you know, we are pushing forward on all of those that we have been given starts on.

camp pendleton permit

Mr. Packard. I have two specific questions that relate to my district, and I appreciate my colleagues giving me the opportunity to address very specific issues. A permit is being requested by Camp Pendleton for a helicopter pad. Where does that stand?

Colonel Madsen. Sir, last week the district engineer, Colonel John Carroll met with Major General Hanlon, who is the Camp Pendleton commander, just to facilitate the coordination for that helicopter pad. In the eyes of the district engineer, the way they have redesigned and relocated some of the pad, they feel that the project can be permitted under the Nationwide Permit 26, and the redesign effort has really reduced the impacts of that particular training facility. And the Marines are very close to completing their redesign. So we see that as very permittable.

murrietta creek

Mr. Packard. Good. That is good news. We have been working for some time on the Murrietta Creek flood project. And I think you are very familiar with that. When will that study be done? And obviously it needs to be completed before we can include it in WRDA.

Colonel Madsen. Right, sir. We see the completion of that feasibility study being done in February of year 2000, and it will be a flood control plan that will be very environmentally sensitive.

Mr. Packard. Thank you very much.

Mr. Visclosky. I am fine, Mr. Chairman.

Mr. Packard. Are you done? Do you have further, Mr. Frelinghuysen. Mr. Latham. I think we are done.

closing remarks of mr. packard

Well, this has been a very, very good hearing. We have really appreciated not only the forthrightness, but also the thoroughness of your testimony and answers. As I mentioned earlier, there will be many questions submitted for your response. If you would respond, we would appreciate it.

We are here to work with you to accomplish your goals. We hope that we will continue to have the compatible relationship that we have had in the past. I am aware that that relationship has been very good. This is my first opportunity to really work closely with the top echelon of the Corps. I worked more down at the levels with the colonels and the generals in my division and in my districts, an opportunity for which I have been very grateful. It has been a great opportunity for me to work with them. And I have worked with them, in fact, since I was mayor of the city that I represented years and years ago.

So it has been a pleasure. Again, we are grateful that you have all come to Washington and helped us in this hearing. Mr. Secretary.

Dr. Westphal. I just want to thank you, Mr. Chairman, and members of the committee. I think we are committed to working on many of these issues with you, certainly the beach protection and shore protection project, which we think are important. As a Long Islander, I think they are certainly important. And you mentioned work we do on Superfund and some other areas.

And just so Congressman Latham doesn't feel left out, we have got this Upper Mississippi Navigation Study, the Missouri Master Manual, the Upper Mississippi Environmental Management Program, all of these things. We are trying to push them to move faster and get decided quicker so we can make many decisions so we can move forward. And so we are very attuned to that as well.

adjournment

Mr. Packard. Thank you very much. If there is nothing further, the hearing is adjourned.

[The questions and answers and prepared statements of division commanders follow:]

[GRAPHIC(S) NOT AVAILABLE IN TIFF FORMAT]

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