

**House Report 106-693 - ENERGY AND WATER DEVELOPMENT
APPROPRIATIONS BILL, 2001**

**ADDITIONAL VIEWS OF HON. PETER J. VISCLOSKY AND
HON. DAVID R. OBEY**

We submit these additional views on the bill as reported by the Committee on Appropriations. The bill includes substantial funding for programs, projects, and initiatives within the Department of Energy and the U.S. Army Corps of Engineers. While the bill maintains the status quo related to these two agencies of the federal government, it fails to address the fundamental problem of continued under-investment of federal resources in science research and physical infrastructure. These two areas are suffering considerably after years of constrained budget levels.

Particular concern must be given to the failure of the Congress and the Administration to provide new resources to the U.S. Army Corps of Engineers. For example, in the thirty years from the mid-1960s to the late 1990s, the average annual funding (in 1999 dollars) for the general construction account in the bill has eroded in value from \$5.5 billion to \$1.4 billion. Since 1965, the civil works budget has continually become a smaller percentage of both the total federal budget and the Gross Domestic Product. Since 1955, civil works appropriations have not exceeded 1.1 percent of the budget. Today, they represent about 0.2 percent of all federal outlays.

As Corps spending power has fallen, Congress has authorized billions of dollars in new projects that have not been funded through the appropriations process. Administration officials testified earlier this year that \$30 billion in authorized water projects were on the books waiting for funding. These projects, if funded by the government, would return two dollars in new benefits for each dollar expended constructing the project. We are also slipping behind maintaining our aging water infrastructure. The Corps estimates that the backlog of critical deferred maintenance at Corps facilities is expected to grow to \$450 million in fiscal year 2001.

We are extremely concerned about the ongoing efforts to hamstring the Corps of Engineers regulatory program. On June 7, 2000, the Corps of Engineers made effective new nationwide permits designed to ensure that federal regulations are in compliance with the statutory requirements of the Clean Water Act. These new permits have been criticized by some in the regulated community as possibly extending the timeline for permit approvals by the Corps. Given that concern, we fail to see the reason the majority refused to include the funding the Corps needs to prevent additional delays in permit approval timelines. The Corps testified that it needed an additional \$6

million over the budget request to prevent any delay in permit approval timelines. The majority did not include this funding.

In addition, the majority has included several new legislative provisions (unfunded mandates) directing the Corps to change a number of its policies and procedures. Although we are greatly concerned about how these new mandates will affect Corps personnel and workload, we are particularly upset about language in the bill arbitrarily ordering the Corps to recalculate the way in which permit approval timelines are calculated. The bill proposes to change the date on which a permit application is considered filed with the government, from the day in which all aspects of the application are fully completed, to the day when a first-draft application is initially sent to the Corps.

This provision will artificially cause it to appear that the length of time a permit application is awaiting approval from the government has substantially increased overnight. We would not be surprised if members of the regulated community at some future date attempt to argue that the new nationwide permits are responsible for statistically higher permit approval timelines. The simple fact is that if Congress (1) arbitrarily changes the date permit applications are considered to be in the system; (2) refuses to fully fund the regulatory program at the needed level; and (3) imposes new unfunded mandates on regulatory staff, then permit approval timelines will inevitably lengthen. The problem will not be the new nationwide permits but rather the failure of Congress to help the Corps regulatory staff do its job and the statutory language artificially changing the way timelines are calculated.

During full committee consideration of the bill, the majority offered an amendment, (Roll Call No. 1), to improve bill language proposed by the majority imposing a new mandate on the Corps regulatory program. The fact that the amendment was rejected demonstrates to us that the majority is more interested in imposing new burdens on the Corps than solving the problem of wetlands destruction in the United States.

The bill also contains inadequate funding levels for basic science research and an anti-environmental rider related to the Kyoto Protocol. An amendment (Roll Call No. 2) was offered to strike language in the report that the minority considered too restrictive on the ability of the government to implement programs and initiatives authorized under current U.S. laws. The escalating emission of greenhouse gases into the atmosphere is an environmental issue that demands federal involvement. The language in the report to which we object would instruct the Department of Energy to refrain from working on any authorized programs or initiatives designed to improve our environment or reduce greenhouse gas emissions if similar measures or methods are called for in any Kyoto Protocol document. The report language is not acceptable to the minority.

The funding levels for basic science research are inadequate to advance scientific endeavors in which the government should be investing. In particular, nanotechnology research (the manipulation of matter on the atomic and molecular levels) represents a high-payoff field with potential benefits rivaling those of the integrated circuit chip. The bill fails to support the President's budget request for nanotechnology, advanced supercomputer research, spallation neutron source, renewable energy research, and other important scientific initiatives.

We would also note our continued opposition to the unrealistic and inadequate Congressional Budget Resolution and the 302(b) allocations provided to the committee. The funding levels contained in the bill do not provide the appropriate level of investment needed for the critical national programs encompassed in the bill.

Peter J. Visclosky.
Dave Obey.