

"Mr. Chairman, I yield myself such time as I may consume.

"I am pleased we are considering the fiscal year 2012 Energy and Water Development appropriations bill under an open rule.

"Mr. Chairman, I would like to express my appreciation for the Chairman and his staff's efforts to be inclusive and transparent in drafting this legislation. The Chairman has ensured the Energy and Water Development Subcommittee continues its tradition of bipartisanship and, within the constraints of the allocation, has done wonderful work. While I hope that we can rectify some of what I believe are shortfalls in this bill as we move forward, I would observe that our differences are marginal and our agreement is fundamental. Also, thanks to all members of the Subcommittee and their staff for their good work.

"The Energy and Water bill funds critical water resource projects, supports science activities necessary to American competitiveness, and contributes to our national defense through vital weapons, naval reactor research, and nonproliferation funding. These are all priorities that unite rather than divide us. Chairman Frelinghuysen has worked hard to incorporate the interests of Members from both parties.

"As the Chairman mentioned, the allocation for Energy and Water is \$30.6 billion, \$5.9 billion below the budget request and more than \$1 billion below 2011. This allocation has necessitated severe cuts to crucial programs. While I truly appreciate the Chairman's considerable efforts and recognize difficult choices must be made to address the nation's serious financial situation, this bill starkly illustrates the shortsighted nature of the spending cap set by the House budget. The allocation for Energy and Water is simply insufficient to meet the challenges posed by the economic downturn and to guarantee our national security.

"I am pleased that the Chairman continues efforts to improve program and project management at all of the agencies under the bill's jurisdiction. He has honed provisions carried in the past and instituted others aimed at increased oversight. To point out one example, the bill includes a requirement that the Department of Energy complete independent cost estimates at major milestones for projects with a total cost in excess of \$100 million. A recent review of the Department's clean-up-related construction projects by the Corps of Engineers paints a bleak picture of the management system for such projects and casts doubt on recent reforms

intended to move the Department off the GAO's High Risk List, a list the Department has been on for the past 21 years. The Chairman has included a number of reporting requirements and statutory limitations that will contribute to increased transparency and improved management and I strongly support his actions.

"The Science account, critical to the competitiveness of our nation, is essentially the same as that of 2011, not an insignificant achievement in light of the challenge this allocation provided. The bill also provides funds for the continuation of a promising new program, ARPA-E, which can drive innovations to support our scientific competitiveness. While ARPA-E has shown some promise as a new organizational model, I am troubled that the same vigor that led to its creation has been largely absent when it comes to addressing the systemic management and communication problems in other existing applied programs.

"I support and appreciate the inclusion of emergency funding to respond to the historic flooding in the Mississippi and Missouri Rivers. Communities devastated by natural disasters deserve our full support. I am, however, disappointed that the bill offsets this funding by withdrawing critical investment dollars from economic infrastructure in the United States. I would note that this is the second time this year that the Committee has transferred funds between bills, the first time from Energy and Water Development to Homeland Security and now from Transportation to Energy and Water. We need to reconsider this practice and not strip investments in one area to pay for emergency needs in another.

"I disagree with the notion that all funding for domestic emergency response should be offset immediately from domestic investment. In every year except two, since 1997, the Congress has recognized the need for emergency funds to respond to the impacts of natural disasters on the nation's water resource infrastructure. Since 2001, the Congress has provided more than \$24 billion to the Corps for this purpose. I grant that this figure is inflated by the enormous cost of reconstructing New Orleans and the surrounding area, but if you exclude those funds nearly \$5 billion was provided to the Corps of Engineers in that time frame for emergencies stemming from flooding. Perhaps New Orleans would not have flooded in 2005 had we invested in critical infrastructure in the five prior years.

"As we debate the long-term trajectory of taxes and spending in this nation, we cannot forgo actions necessary for the security and safety of our citizens. Yes, we must make difficult decisions that will impact the future of this nation, but we cannot allow those decisions to fall on the backs of those who have already suffered. Our country has provided billions in infrastructure funding on an emergency basis for dams, schools, and roads in Iraq and Afghanistan. Yet, we don't have the fortitude to acknowledge that it costs money to protect our citizens at home. We

must stop disinvesting in the United States economy. In its 2009 report card on America's infrastructure the ASCE estimated an investment of \$2.2 trillion is necessary to bring our nation's infrastructure up to a good condition. Moving forward, we must have the strength to budget for emergencies on an annual basis – we know they happen every year, it is time to begin to responsibly budget for these obligations.

"I appreciate the Chairman increasing Corps funding by \$195 million above the President's request, ensuring that some ongoing projects will not be terminated. Even with this additional funding, the bill provides \$89 million less than the Fiscal Year 2011 enacted level and \$677 million less than FY 2010. Our ports, harbors, navigational channels, and locks continue to provide the foundation for long term economic growth. At this funding level, we are not close to addressing the dredging backlog that plagues waterborne commerce in the United States. Currently, for the top 59 ports in the U.S., the Corps is only able to maintain authorized depths within the middle half of the channel, 33 percent of the time. Every day, this costs companies that rely on these ports money and serves as a major impediment to expanding their workforce. This is merely one of the reasons why, in 2009, the American Society of Civil Engineers gave our nation's dams, levees, and inland waterways grades of D or D-.

"Additionally, as I have mentioned previously in my remarks, this has been an extraordinary flood season in the Mississippi and Missouri River Basins. We know that the clean-up and recovery from these disasters will stress the Corps' budget even further. That is why it is imperative that we make the upfront investments in flood and storm damage reduction projects. This allocation does not allow for those pre-emptive investments to be made.

"Renewable energy programs in this bill are drastically reduced. We can debate whether our dependency on imported oil and other carbon fuels is an environmental problem or an economic problem. Either way, it clearly is a national security problem, given the source of so much of our energy. We must expand the mix of our energy supply, we must use the energy supply we have more effectively, and we must transport it more efficiently. We have to make an investment to do that. I do not believe the allocation allows for the support necessary to advance our efforts on this front.

"I would note that the bill adds two "Hubs" to the Department of Energy while cutting both the Science and Renewable Energy accounts that fund them, giving the Department a total of five. This organizational model has not yet been proven, and I have serious reservations about starting two new Hubs in light of the cuts to the underlying accounts.

"Nonproliferation accounts are reduced significantly, and while I appreciate the Chairman's efforts to preserve some of the most critical activities, the bill reduces our ability to counter the most serious threat confronting our national security: the threat of nuclear terrorism. The bill cuts the Defense Nuclear Non-Proliferation Account by more than \$460 million from the request. This comes on top of the more than \$360 million cut from the request that was provided in the final Fiscal Year 2011 Continuing Resolution. These cuts underfund vital national security programs, reducing our ability to secure vulnerable nuclear materials around the world, delaying the removal of bomb-grade uranium, and limiting our capacity to detect illicit trafficking of nuclear materials.

"I am troubled that the bill includes a misguided prohibition on funds to develop, adopt, implement, administer, or enforce a change or supplement to rules related to Clean Water Act regulatory guidelines. This provision applies not only to this fiscal year but to any subsequent Energy and Water Act. We should be taking actions that address legitimate concerns while providing some clarity and certainty to the regulatory process, not prolonging the confusion as this provision ensures. The provision will result in increased implementation costs to Federal and State resource agencies, as well as to the regulated community; increased delays in the implementation of important public works projects; and protracted litigation on the disparity between existing Federal regulations and the two court decisions.

"In closing, I am truly appreciative that we are, once again, doing the work of this committee, and I commend Chairman Rogers and Ranking Member Dicks for their efforts to this end. And as I said at the beginning of my remarks, Chairman Frelinghuysen has done a superb job and while marginal differences exist our agreement on the overall bill is fundamental.

"Mr. Chairman, I reserve the balance of my time."