

**Chairman Hal Rogers**  
**House Committee on Appropriations**  
**Subcommittee on Energy and Water Development, and Related Agencies**  
**Budget Hearing on Corps of Engineers Projects and Programs**  
**February 27, 2013**  
**Opening Statement As Prepared**

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Mr. Chairman, thank you for yielding. I would like to thank you, Assistant Secretary Darcy and Lieutenant General Bostick, for coming before the Subcommittee today with the unenviable task of defending a Budget Request that remains MIA.

Echoing Chairman Frelinghuysen's comments, I would like to lament our budgetary state of affairs. At a time of continued deficits, a weak economic recovery, and sustained high unemployment, the American people expect better. Better than a federal government operating on autopilot under a Continuing Resolution. Better than the President's sequester, looming at the end of this week, that will hack budgets with the delicate touch of a meat cleaver. Better than a White House so uninterested in addressing these issues that it hasn't even provided Congress with a Budget Request. This will be the *fourth time in five years* this Administration has failed to meet the legally mandated budget deadline. In just one term, the Obama White House accumulated more late days on its budgets than any other administration in history. With this year's budget already a month late, it looks like the President is intent on topping that dubious all-time record in his second term.

So, with no clear budget numbers to discuss, this hearing will largely focus on policy. At the risk of repeating points I have raised in previous hearings, I remain concerned that the Corps' priorities in its investigations, constructions, operations and management, and regulatory activities continue to be unclear or at odds with the intent of this Subcommittee. While this situation has been exacerbated due to the ongoing Continuing Resolution, I encourage you to clarify the Corps' justifications for pursuing certain projects, especially when considering the impact to regional economies and job creation.

In particular, I expect some explanation for why the Corps continues to drag its feet in issuing mining permits under Section 404 of the Clean Water Act. This continued deadlock is shuttering mines and adding thousands to unemployment lines in Kentucky and throughout Appalachia. Both the Congress, led by this Subcommittee, and the federal courts have lambasted the Corps for allowing continued EPA interference into the regulatory process. With the *NMA v. Jackson* court decision striking down the EPA's so-called "Enhanced Coordination Process" as illegal once and for all, we have returned to the status quo where the Corps has sole authority over 404 permits. Without further EPA meddling, the Corps should be off to the races approving permits and putting miners back to work. And yet, almost a year and a half after that court decision loosened the reins, there's been almost no change. I urge you to explain what is causing this delay – is it further political interference designed to kill coal, or just mere incompetence?

Finally, amid all the bad news, I would like to commend the Corps for the completion of repairs to Wolf Creek Dam. After several delays and cost overruns since 2007, we've seen sufficient progress in the last year for the Corps to announce that the project will be completed this summer, nearly six months ahead of the previous completion goal. Rehabilitation was necessary to ensure public safety and the integrity of the dam, but the lowering of the lake – coinciding with the recession – has had a disastrous impact on the region's economy. While the end of the construction phase and the raising of the pool are cause for celebration, I would urge the Corps to recognize that its responsibility in restoring Lake Cumberland is not yet done. I look forward to continuing to work with you to overcoming the remaining obstacles to restoring these communities.

With that, I yield back. Thank you.

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