

Advance Questions for Mr. John P. Woodley
Nominee for the Position of Assistant Secretary of the Army for Civil Works

Defense Reforms

More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

***Question:* Do you support full implementation of these defense reforms?**

Answer: Yes, I support full implementation of these reforms. The objectives of the Goldwater-Nichols Act most directly relevant to the mission of the Assistant Secretary of the Army (Civil Works) are as important today as when the Act was passed. They provide for more efficient and effective use of defense resources and they improve the management and administration of the Department of Defense (including the Department of the Army).

***Question:* What is your view of the extent to which these defense reforms have been implemented?**

Answer: It is my understanding that the Army has fully implemented the Goldwater-Nichols reforms.

***Question:* What do you consider to be the most important aspects of these defense reforms?**

Answer: The important goals of the Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

The goals of the Congress in enacting these defense reforms, as reflected in Section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control over the military; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; enhancing the effectiveness of military operations; and improving the management and administration of the Department of Defense.

Question: Do you agree with these goals?

Answer: Yes, I agree with the goals of Goldwater-Nichols.

Duties

Question: What is your understanding of the duties and functions of the Assistant Secretary of the Army for Civil Works?

Answer: The duties and functions of the Assistant Secretary of the Army for Civil Works are specified in Section 3016 of Title 10 of the United States Code and Department of the Army General Orders No. 3, dated July 9, 2002. Section 3016 of Title 10 states that the Assistant Secretary of the Army (Civil Works) "shall have as his principal duty the overall supervision of the functions of the Department of the Army relating to programs for conservation and development of the national water resources, including flood control, navigation, shore protection, and related purposes." General Order No. 3 further specifies that this includes:

- developing, defending, and directing the execution of the Army Civil Works policy, legislative, and financial programs and budget;
- developing policy and guidance for and administering the Department of the Army regulatory program to protect, restore, and maintain the waters of the United States in the interest of the environment, navigation, and national defense;
- developing policy guidance and conducting oversight for the U.S. Army Corps of Engineers programs in support of other Federal and non-Federal entities, except those activities that are exclusively in support of the United States military forces;
- in coordination with the Deputy Chief of Staff, G-3, developing policy for and directing the foreign activities of the U.S. Army Corps of Engineers, except those foreign activities that are exclusively in support of United States military forces overseas; and
- formulating and overseeing the program and budget of Arlington National

Cemetery and Soldiers' and Airmen's Home National Cemetery.

Question: What background and experience do you possess that you believe qualifies you to perform these duties?

Answer: My service as Deputy Attorney General of Virginia for Government Operations and as Virginia's Secretary of Natural Resources give me a background in public policy and public administration, especially policy and administration pertaining to the environment and natural resources. This experience has been broadened by federal service in the Office of the Secretary of Defense, dealing with policy and oversight for the Defense Department's environmental and natural resource conservation programs. My more than 20 years' service as an active and reserve Army judge advocate provide some insight into the Army as an institution and the role of the Assistant Secretary for Civil Works in that institution.

Question: Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Assistant Secretary of the Army for Civil Works?

Answer: Yes, I intend to take several actions to enhance my expertise as Assistant Secretary of the Army (Civil Works). If confirmed, I will travel to Corps of Engineers divisions to see first-hand many of the infrastructure development and environmental restoration projects. My goal is to gain a fuller understanding of the issues that surround the planning, design, construction, operation and maintenance of these projects. I intend to reach out to Members of Congress, the other Federal agencies, state and local interests, study and project sponsors, and other stakeholders to gain a deeper appreciation of their perspectives in areas of mutual concern.

I also will work closely with the Chief of Engineers and the Director of Civil Works to ensure that I am fully informed and prepared to address the important issues I would oversee if confirmed as Assistant Secretary of the Army (Civil Works). I look forward to the challenge and experience this position affords.

Question: Assuming you are confirmed, what duties and functions do you expect that the Secretary of the Army would prescribe for you?

Answer: I expect to be asked to carry out the duties and functions of the Assistant Secretary of the Army (Civil Works) as articulated in General Orders Number 3, dated July 9, 2002.

Relationships

Please describe how you envision your working relationship, if confirmed, with the following:

The Secretary of the Army

Answer: I will work closely with the Secretary of the Army in furthering the goals and priorities of the President. Consistent with the General Orders, I expect the Secretary to rely on me to oversee the Civil Works program of the Army Corps of Engineers and the programs of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery.

Under Secretary of Defense for Logistics and Materiel Readiness

Answer: I will work through the Secretary of the Army to form a close and constructive relationship with the Deputy Under Secretary of Defense (Logistics, Materiel Readiness) in areas of mutual interest.

The Under Secretary of the Army

Answer: I look forward to working with the Under Secretary of the Army to learn his perspectives and capitalize on his experience as Acting Assistant Secretary of the Army (Civil Works), in order to ensure a seamless transition in oversight of the Army Civil Works program and the Army national cemetery program.

Deputy Under Secretary of Defense for Installations and Environment

Answer: Having worked for the Deputy Under Secretary of Defense for Installations and Environment, I look forward to continuing our constructive relationship, working through the Secretary of the Army, in areas of mutual interest.

The Assistant Secretary of Defense for Homeland Defense

Answer: I will work through the Secretary of the Army to form a close and constructive relationship with the Assistant Secretary of Defense for Homeland Defense to ensure that the full array of assets of the Army Corps of Engineers is available to support the national defense, including the engineering and technical management and emergency response and recovery capabilities associated with the Army Civil Works program.

The Assistant Secretary of the Army for Installations and Environment

Answer: I will work to form a close and constructive relationship with the Assistant Secretary of the Army (Installations and Environment) in areas of mutual interest.

The Chief of Staff of the Army and the Army Staff

Answer: If confirmed, I will establish and maintain a close, professional relationship with the Chief of Staff as he performs his duties as the senior military leader of the Army.

The Chief of Engineers

Answer: I believe the relationship between the Assistant Secretary of the Army (Civil Works) and the Chief of Engineers best serves the interests of the Nation when it is based on mutual respect, trust and cooperation. Both positions have enormous responsibilities and demand great attention to very complex issues. I believe the current Chief of Engineers, LTG Robert Flowers, and I will have such a relationship. Our ability to be responsive to the President's priorities and to the policy directives of Congress depends greatly on the success of this relationship.

State Governors

Answer: The Army and its Corps of Engineers must remain committed to working cooperatively with Governors and local authorities for the benefit of local citizens and for sustainable development and protection of the Nation's natural resources. These cooperative efforts must be undertaken in the context of Civil Works authorities and legal responsibilities. These responsibilities often require a balancing of diverse interests. The proper reconciliation of these interests demands open communication among all parties. I am committed to establishing and maintaining a full and open dialogue with the Governors on all issues of mutual interest.

Major Challenges and Problems

***Question:* In your view, what are the major challenges that will confront the Assistant Secretary of the Army for Civil Works?**

Answer: Historically the Nation's rich and abundant water and related land resources provided the foundation for our successful development and rapid achievement of preeminence within the international community. Since the beginning of our Nation, the Army Corps of Engineers has been a great asset, providing engineering support to the military, developing our Nation's water resources, and restoring and protecting our environment. The Corps has improved the quality of our life by making America more prosperous, safe and secure. That said, the Corps must be flexible and evolve if it is to continue to make important contributions to the Nation and respond to today's problems. There are many pressing needs in this country for water resources development and environmental restoration. Perhaps the three greatest Civil Works challenges we face are the need to maintain the Corps' existing infrastructure,

the need to repair our damaged environment, and the need to ensure the physical security of the Corps' infrastructure around the country.

Question: Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer: We must all work together to define the appropriate role for the Corps of Engineers in addressing these problems. The challenges the Corps faces are complex, and there are many difficult decisions to make. It is of paramount importance that we bring all interests to the table and that all have a voice in the development of solutions to our Nation's problems. If confirmed, I will engage in an open and cooperative dialogue with Congress, other Federal agencies, States, Tribes and local governments on the many important challenges that the Army Corps of Engineers faces. With regard to infrastructure security, if confirmed I will work with the Corps to ensure the protection of its infrastructure against natural and manmade disasters, including acts of terrorism.

Question: What do you consider to be the most serious problems in the performance of the functions of the Assistant Secretary of the Army for Civil Works?

Answer: I would not identify any specific structural problems with the performance of the function of the Assistant Secretary of the Army for Civil Works. The many difficult decisions on complex issues of both local and national importance are bound to be controversial at times, and require an open mind and a willingness to entertain input from and, if possible, to reconcile differing points of view.

Question: If confirmed, what management actions and time lines would you establish to address these problems?

Answer: I have not yet developed a specific plan. One of my first priorities will be to meet with the Chief of Engineers and with officials in the Administration and Congress to seek their input and to develop a plan for how the Army can best fulfill the Civil Works mission in furtherance of the national interest.

Priorities

Question: If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the Assistant Secretary of the Army for Civil Works?

Answer: As Assistant Secretary of the Army for Civil Works, I would work to ensure effective management and administration of the Army Civil Works

program and the Army's national cemetery program. I would seek ways to more efficiently use the nation's resources in the development and execution of these programs to ensure that the taxpayers' dollars are wisely spent.

Civilian Oversight of the Army Corps of Engineers

On March 30, 2000, then Secretary of the Army Caldera announced a series of reforms intended to strengthen civilian oversight and control over the Army Corps of Engineers civil works program. The Secretary's memorandum stated:

"The [Assistant Secretary] shall have full authority to establish the final position of the Department of the Army on any policy, programmatic, legislative, budgetary, or other organizational matter involving or affecting the civil works functions and their implementation, unless directed otherwise by me."

Question: What is your view of this memorandum? What steps have been taken to implement it and what concern, if any, do you have about its full implementation?

Answer: It is my understanding that the directives in that memorandum were never implemented. I also understand that the current Chief of Engineers and a prior Assistant Secretary jointly signed a memorandum laying out the philosophy that would guide their efforts as they carried out their respective responsibilities. I have no reason to believe that philosophy should change. The challenges and complex issues that arise in the Civil Works program demand a close, professional relationship between the Assistant Secretary and the Chief of Engineers, based on mutual respect, trust, cooperation and full communication. I am committed, if confirmed, to establishing and maintaining such a relationship with the Chief, in order to respond effectively to the President's priorities and the policy directives of the Congress.

Question: What is your view of the relative authority of the Chief of Engineers, the Assistant Secretary of the Army for Civil Works, the Secretary of the Army, the Army Chief of Staff, and the Secretary of Defense with regard to the civil works function of the Army Corps of Engineers?

Answer: My view of the relative authority of the Chief of Engineers, the Assistant Secretary of the Army for Civil Works, the Secretary of the Army, the Army Chief of Staff, and the Secretary of Defense with regard to the civil works function of the Army Corps of Engineers follows:

Secretary of Defense

As head of the Department of Defense, the Secretary of Defense has full authority, direction and control over all its elements. He exercises this power over the Corps of Engineers through the Secretary of the Army, whose responsibility for, and authority to conduct, all affairs of the Army is subject to the authority, direction and control of the Secretary of Defense. If confirmed, I will cooperate fully with the Secretary of Defense and the President in fulfilling the Administration's national defense priorities and efficiently administering the Corps of Engineers in accordance with the policies established by the Office of the Secretary of Defense.

The Secretary of the Army

As head of the Department of the Army, the Secretary of the Army is responsible for, and has the authority necessary to conduct, all affairs of the Department of the Army. He may assign such of his functions, powers and duties as he considers appropriate to the Under Secretary of the Army, as well as the Assistant Secretaries of the Army, and require officers of the Army to report to these officials on any matter.

The Chief of Staff of the Army

The Chief of Staff of the Army performs his duties under the authority, direction and control of the Secretary of the Army and is directly responsible to the Secretary. The Chief of Staff also performs the duties prescribed for him by law as a member of the Joint Chiefs of Staff.

The Assistant Secretary of the Army for Civil Works

The Assistant Secretary of the Army for Civil Works is principally responsible for the overall supervision of the Army's civil works program, including programs for conservation and development of the national water resources, flood control, navigation, and shore protection. The complex issues that arise in this area demand a close, professional relationship between the Assistant Secretary and the Chief of Engineers, based on mutual respect, trust, cooperation and full and open communication. I am committed to establishing and maintaining such a relationship with the Chief, in order to respond effectively to the President's priorities and the policy directives of Congress.

The Chief of Engineers

As a member of the Army Staff, the Chief of Engineers reports to the Chief of Staff, through the Vice Chief of Staff, with respect to military matters. The Chief of Engineers reports to the Assistant Secretary of the Army (Civil Works) on civil works functions of the Army, including those relating to the conservation and development of water resources and the support for others program. The Chief of Engineers also reports to the Assistant Secretary of the Army (Civil Works) with respect to most other matters for which the Chief may be responsible. In the area of installation activities, the Chief reports to the Assistant Secretary of the Army (Installations & Environment), who has principal responsibility for all Department of the Army matters related to installations and the environment.

Question: In your view, does the Corps need to make fundamental changes in the way it operates? If so, what changes would you recommend?

Answer: While I believe the Corps of Engineers is a fundamentally sound organization, I nevertheless would look for ways for it to become more adept at working with its Federal and non-Federal partners in solving very real problems for our citizens. The Corps has strong technical abilities and has proven time and time again that it can solve difficult problems. I would seek ways for the Corps to become more innovative and creative in serving the President, not only in domestic Civil Works and emergency response, but also in the Nation's vital national security interests.

Relations with Congress

The position of Assistant Secretary of the Army for Civil Works often involves issues of great significance to states and localities and their elected officials in Congress.

Question: If confirmed, how would you view your role in addressing such matters with the Congress?

Answer: If confirmed, I would view my role in addressing difficult, politically charged issues as one of facilitating full and open communication among all interested parties, be they others within the Executive Branch, Members of Congress, or the public. I intend to appropriately involve all interested parties and make decisions that take into account all relevant information.

Question: What procedures would you follow regarding consultation with the Congress prior to issuing any secretarial decisions or announcements regarding reforms that may affect the execution of the civil works and environmental functions of the Army Corps of Engineers?

Answer: While I have not yet developed a specific plan, I recognize the importance of consultation with Congress prior to implementing any reforms that may affect the execution of the civil works and environmental functions of the Army Corps of Engineers.

Question: What is your view of the role of the civilian and military leadership of the Army Corps of Engineers in developing goals for Corps programs and presenting these goals to the legislative branch?

Answer: If I am confirmed, it is my intent to provide the civilian leadership needed to enable the Corps to be an even more valuable asset to the Nation. I would expect the Chief of Engineers and the Director of Civil Works to bring to me their recommendations in this regard. Representing the Administration, I will work with Congress to set the proper direction for the Corps.

Scrutiny of Army Corps of Engineer Projects

In November 2000, the Army Inspector General found that three Army Corps of Engineers officials had manipulated data in a cost-benefit analysis in order to justify a \$1 billion project.

Question: What steps have been taken since 2000 to ensure that projects are appropriately analyzed and justified?

Answer: First, let me say that the expenditure of Federal funds should not occur unless a proposed project demonstrates a solution to a public need, is in the Federal interest, has a willing and capable non-federal cost-sharing sponsor, will produce benefits that outweigh the project's costs, and is in compliance with all environmental laws and policies, economic principles, and engineering criteria. I understand that these are the principles under which all Civil Works projects are analyzed. I understand further that, in furtherance of these principles, a new Project Planning and Review team has been established in the Office of the Assistant Secretary of the Army for Civil Works with the mission of providing an Army review of, and oversight and quality assurance for, Corps of Engineers decision documents that recommend Federal action.

Question: If confirmed, what initiatives would you take to further enhance civilian oversight of the execution of projects by the Army Corps of Engineers?

Answer: If I am confirmed, I will work closely with the senior leaders of the Corps of Engineers to ensure that the Project Planning and Review team in my office continues to work as an integral part of a vertical team including the Corps headquarters, divisions and districts to further strengthen the project planning and analysis process. In this way, we can improve performance and increase efficiency while still ensuring that we satisfy our oversight responsibilities under the Army General Orders.

Question: What is your view of the degree of independence that should be provided to the economists charged with assessing the economic viability of Corps projects and the role of the senior civilian and military leadership of the Corps in reviewing the work of those economists?

Answer: While I am not yet familiar with the details of the technical and policy review process followed by the Corps of Engineers in managing feasibility studies, the process needs to ensure that the many professionals who are involved in those studies are afforded an appropriate level of independence.

Corps of Engineers professionals at all levels need to follow established regulations, procedures, and policy in providing unbiased and professional analyses in determining whether a project is, or is not, economically justified. Like any other organized system of analysis, the integrity of this process is critically dependent on all Corps of Engineers professionals doing their jobs in analyzing, assessing, and providing the documentation upon which the merits of a proposed Civil Works project may be weighed.

The role of the senior civilian and military leadership is to ensure the integrity of the system to provide an independent policy, legal, and technical assessment of each proposed project, and then to rely on that documentation as the basis for their recommendations to policy decision-makers to accept, reject, or modify a proposed action.

National Academy of Sciences Study

In July 2002, the National Academy of Sciences recommended independent reviews of large-scale civil works projects proposed by the Army Corps of Engineers.

***Question:* What is your view of this recommendation?**

Answer: Although I am not yet familiar with the details of the National Academy study, I believe such a review would have value, provided it does not needlessly increase the cost of projects or delay decisions. An independent review program should complement existing technical, policy and public reviews. Moreover, an independent review needs to occur when it is most effective, that is, as an integral part of the planning process, not after studies have been completed.

***Question:* What action has been taken, if any, in response to the recommendations of the National Academy of Sciences?**

Answer: I understand that the President's budget for the Civil Works program for Fiscal Year 2004 provides funding specifically to establish an independent peer review. The Corps planning process must address diverse and often contradictory interests on water resources management, restoration, and development. The independent review program will facilitate the resolution of such concerns in a timely and effective manner and, in the long run, will expedite project delivery.

Navigation

The Army Corps of Engineers has built and maintains an intra coastal and inland network of commercial navigation channels, and locks and dams for navigation, which comprise an integral parts of the nation's critical infrastructure. The Corps also maintain 300 commercial harbors, through which pass 2 billion tons of cargo a year, and more than 600 smaller harbors. Significant amounts of heavy equipment and supplies bound for potential overseas military operations move by ship through ports maintained by the civil works program.

Question: What do you view as the greatest challenges facing the Army with respect to the execution of its navigation mission?

Answer: I expect one of the greatest challenges with the execution of the navigation mission to be the maintenance and modernization of aging infrastructure. An equally significant challenge to the navigation mission is the management of hundreds of millions of cubic yards of dredged material removed from our nation's marine transportation harbors and waterways.

Question: Are there aspects of this mission which you believe should be transferred from the Department of the Army?

Answer: This is a challenging question and one that I will be prepared to answer after I have had the benefit of comprehensive discussions with Members of Congress, Civil Works stakeholders, and other Army and Corps senior leaders. I believe that analysis of this concept should take place only in accordance with Sec. 109 of H. J. Res. 2, as and when that provision takes effect.

Question: In your view, how can the Corps best respond to environmental concerns in carrying out its navigation mission?

Answer: If I am confirmed, I will work closely with others in Government, the environmental community, and private industry to seek the proper balance between supporting the Nation's economic growth through a competitive port and waterway system and fulfilling our responsibilities for environmental stewardship. I look upon the navigation mission as an opportunity to highlight the Army's and the Corps commitment to the environment, including the use of dredged material for beneficial uses, such as habitat and marsh restoration.

Environmental Mission

The Corps is responsible for environmental restoration projects at Department of Defense Formerly Used Defense Sites and also at Department of Energy Formerly Utilized Sites Remedial Action Program. Under the DOE program, the Army Corps of Engineers cleans up former Manhattan Project and Atomic Energy Commission sites, making use of expertise gained in cleaning up former military sites, and civilian hazardous waste sites under the Environmental Protection Agency "Superfund" program.

Question: What do you view as the greatest challenges facing the Army with respect to the execution of its environmental restoration mission?

Answer: The Department of Defense Formerly Used Defense Sites (FUDS) program is carried out by the Army Corps of Engineers as the Executive Agent for the entire Defense Department. This program would not be within the purview of my responsibilities if I am confirmed as the Assistant Secretary of the Army (Civil Works). However, based on experience in my current position, I would say that the challenge in the FUDS program is to demonstrate greater progress in the cleanup of these sites.

The Formerly Utilized Sites Remedial Action Program (FUSRAP) would be under my oversight, if I am confirmed as Assistant Secretary of the Army (Civil Works). As I understand it, Congress directed several years ago that FUSRAP become part of the Civil Works program of the Army Corps of Engineers as a means to expedite the accomplishment of the clean-up of these sites. Like many other programs, I would see the current challenge as achieving that goal within the limited funding available, given today's economic and national security environment.

The Corps implements environmental restoration and protection projects as part of its Civil Works mission, the most well known of which is restoration of the Everglades. In fact, the Corps has become a leader in the restoration and protection of our Nation's environment. I think the greatest challenges facing the Army with respect to its Civil Works environmental restoration mission are working with Federal, Tribal, and local governments to plan and implement projects using watershed or ecosystem perspectives, ensuring that water resources projects are formulated using sound science, and implementing post-construction monitoring where appropriate to facilitate adaptive management, and ensure projects are producing the benefits that were intended.

Question: Are there aspects of this mission which you believe should be transferred from the Department of the Army?

Answer: This is a challenging question and one that I will be prepared to answer after I have had the benefit of comprehensive discussions with Members of Congress, Civil Works stakeholders, and other Army and Corps senior leaders. I believe that analysis of this concept should take place only in accordance with Sec. 109 of H. J. Res. 2, as and when that provision takes effect.

Question: What is your vision for this aspect of the Corps' mission?

Answer: I understand that the Corps of Engineers environmental restoration and protection mission has continued to grow, and I anticipate that these projects will remain popular all across the country. People want clean water and air, and a healthy environment to live in, and Corps environmental projects have made significant contributions to our Nation's environmental health.

Question: If confirmed, how would you propose to address the Corps' environmental funding requirements?

Answer: If I am confirmed, I will work closely with the Corps of Engineers, officials within the Administration, and Congress in reviewing funding requirements not only for the critical environmental activities of the Corps, but also for other, equally-important Civil Works program areas, such as commercial navigation and flood and storm damage reduction. We need to find the proper balance among these purposes. Given the funding constraints associated with current economic conditions and national defense priorities, it is important that the Army carefully consider these matters in order to provide the Nation with an effective, efficient, and well-balanced Civil Works program.

Mission of the Army Corps of Engineers

Question: If confirmed, how would you preserve the integrity of the Corps' environmental and civil works mission?

Answer: At this time I have no specific proposals. However, I do understand that, through its Civil Works program, the Army Corps of Engineers a unique responsibility to balance environment and development in the public interest. If I am confirmed, I will preserve the integrity of civil works missions to protect and restore the environment and to promote national economic development by making the environment an integral part of all civil works activities.

Question: What are your views about the potential performance of regulatory functions presently performed by the Army Corps of Engineers by other governmental or non-military entities?

Answer: This is a challenging question and one that I will be prepared to answer after I have had the benefit of comprehensive discussions with Members of Congress, Civil Works stakeholders, and other Army and Corps senior leaders. I believe that analysis of this concept should take place only in accordance with Sec. 109 of H. J. Res. 2, as and when that provision takes effect.

Department of Homeland Security and Protection of Homeland Infrastructure

The establishment of the Department of Homeland Security is one of the U.S. Government's largest ever cabinet-level reorganizations. Despite this reorganization, the Department of Defense will continue to play a critical role in homeland defense.

***Question:* What coordination do you expect to take place between the office of the Assistant Secretary of the Army for Civil Works and the newly established Department of Homeland Security?**

Answer: The Army Corps of Engineers has long-standing relationships with several agencies that are being incorporated into the Department of Homeland Security (DHS). Under the Federal Response Plan, the Corps fulfills a critical role as the lead Federal agency for Public Works and Engineering in executing assigned disaster response and recovery missions in support of FEMA. I fully expect this role and strong relationship to continue as FEMA becomes part of the DHS structure. Additionally, the Corps has a clear relationship with the U.S. Coast Guard that requires close collaboration on port and navigable waterway operations and security, which I also expect to continue. I can also envision relationships and coordination with the Transportation and Border Security elements of DHS for the same reason. Finally, the Corps needs to maintain close relationships and coordination with DHS in addressing requirements for the

security of Nation's water infrastructure, for which the Corps has significant high priority infrastructure requirements and interests of its own.

***Question:* Since the attacks on the World Trade Center and the Pentagon, what processes and new programs have been implemented, or would you propose if confirmed, to address heightened security and resource protection issues in civil works projects?**

Answer: While I am not intimately familiar with the details of Corps activities following 9/11, I understand that the Corps completed security reviews and has begun design and implementation of security improvements for several hundred Civil Works projects in its inventory of locks, dams, hydropower projects and other facilities to determine vulnerability to terrorist threat and potential consequences of such an attack. Critical infrastructure assets operated and maintained by the Corps are vital national components of the transportation, water, and power infrastructure sectors. If I am confirmed, I will work with the Chief of Engineers to continue to improve security of this essential infrastructure in support of the global war on terrorism and the Nation's economic vitality.

Wetlands Permits

Section 404 of the Clean Water Act requires landowners or developers to obtain U.S. Army Corps of Engineers permits to carry out activities involving disposal of dredged or fill material into navigable waters of the United States, including wetlands. For more than a decade, the stated goal of the federal government has been “no net loss of wetlands.” A review by the National Academy of Sciences of June 26, 2001, concluded that the Army Corps of Engineers program for mitigation of wetlands losses has fallen short of the stated goal of no net loss of wetlands. Subsequently, the Administration prepared its National Wetlands Mitigation Plan of December 24, 2002.

Question: Do you support the goal of “no net loss of wetlands”?

Answer: Yes. The goal of "no overall net loss of wetlands" was established by President George Bush in the early 1990's and was recently reaffirmed by President George W. Bush in December 2002 with the release of the National Wetlands Mitigation Action Plan.

Question: Do you believe that we are currently meeting that goal?

Answer: This is one question I intend to explore if I am confirmed. I understand there are differences of opinion on whether or not the Corps is meeting the goal. I also understand that there are monitoring and record-keeping issues that should be addressed in this connection.

Question: What is your view of the recommendations of the National Academy of Sciences report?

Answer: I have looked at that report, and it raises a number of points that merit consideration. I am sure the report's recommendations are being reviewed by the Corps of Engineers. If confirmed, I will meet with the Corps to seek their input and to develop a plan for addressing the report recommendations.

Question: What specific steps do you believe that the Army Corps of Engineers should take to move us closer to the goal of “no net loss of wetlands”?

Answer: At this time I do not have specific steps in mind. However, if I am confirmed, I plan to meet with the Corps regarding the Regulatory Program generally and this important goal in particular, and explore options for improved performance, including documentation of performance toward achieving this

goal.

Question: What is your view of recently proposed changes and revised guidance for wetlands program of the Army Corps of Engineers?

Answer: I have not had the opportunity to study the revised guidance in any detail, but I have been informed that the guidance is expected to help Corps regulators and the regulated public to accomplish successful, self-sustaining compensatory mitigation projects.

State Water Quality Standards

In the past, the Army Corps of Engineers has not always been required to meet state water quality standards in constructing and operating its water resources projects.

Question: Do you believe that the Army Corps of engineers should be required to meet state water quality standards in constructing and operating Corps projects?

Answer: As a general matter, yes, I do.

Speaking in general terms, under Section 401 of the Clean Water Act, the Army Corps of Engineers is required to obtain water quality certifications from states for discharges of pollutants, such as dredged or fill material, that are part of Corps projects.

Subsection 404(r) of the Clean Water Act waives the requirement to obtain the state water quality certification if the necessary information on the effects of the proposed discharge of dredged or fill material is included in an Environmental Impact Statement on the proposed project submitted to Congress before the discharge takes place and prior to either authorization of the project or appropriation of construction funds. Nevertheless, it is the policy of the Corps to seek state water quality certification rather than utilizing the Subsection 404(r) exemption provision in most circumstances. I understand that the Corps does not invoke Subsection 404(r) to circumvent state Section 401 water quality certification requirements, out of respect for and deference to state water quality policy determinations, and I approve of this policy.

Congressional Oversight

In order to exercise its legislative and oversight responsibilities, it is important that this Committee and other appropriate committees of the Congress are able to receive testimony, briefings, and other communications of information.

Question: Do you agree, if confirmed for this high position, to appear before this Committee and other appropriate committees of the Congress?

Answer: Yes

Question: Do you agree, when asked, to give your personal views, even if those differ from the administration in power?

Answer: Yes.

Question: Do you agree, if confirmed, to appear before this Committee, or designated members of this Committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of the Army?

Answer: Yes.

Question: Do you agree to ensure that testimony, briefings and other communications of information are provided to this Committee and its staff and other appropriate Committees?

Answer: Yes.