

**Statement of
The Honorable Eddie Bernice Johnson, Chairwoman
Subcommittee on Water Resources and Environment
Hearing On
“Agency Budgets and Priorities for FY 2010 (Part 2)”
June 16, 2009**

Today's hearing marks the second hearing on the President's fiscal year 2010 budget request and the priorities of agencies under the jurisdiction of the Subcommittee. At today's hearing, the Subcommittee will receive testimony from the Army Corps of Engineers, the International Boundary and Water Commission, and the Agency for Toxic Substances and Disease Registry within the Centers for Disease Control and Prevention.

As I noted at the Subcommittee's last hearing, for the most part, the President's fiscal year 2010 demonstrates that "change" has finally come to Washington, and for most of the agencies within the jurisdiction of this Subcommittee, it is a welcome change. For example, in the fiscal year 2010 budget request, President Obama has requested the highest funding level ever for the Environmental Protection Agency, and the single highest request for EPA's Clean Water State Revolving Fund since its enactment in 1987. While only one year ago, I was concluding that the last administration's budget was "not adequate to meet the nation's needs," this budget message is much more optimistic.

However, as I also noted at the last hearing, there are portions of this budget that I do not agree with, and believe could undergo some improvement. That is my overall impression of the fiscal year 2010 budget request for the Army Corps of Engineers, which, although the highest request for the Civil Works program on record, is still close to 6 percent below the appropriated levels for the Agency in fiscal year 2009.

My greatest disappointment in the Corps' budget request is for the Investigations and Construction accounts, which are respectively 40 percent and almost 20 percent below last years' appropriated-levels for these accounts. For the Investigations account, this disappointment stems from a concern that, at the requested amount, the Corps of Engineers would be unable to plan and design the next generation of projects within its core missions of environmental restoration, flood damage reduction, and navigation. In fact, the President's budget requests funding for only three new project specific studies and two new programmatic studies.

In addition, if enacted at the levels proposed, the fiscal year 2010 investigations' budget could have a negative effect on staffing levels of Corps' district offices because the salaries of Corps employees are paid from project funds, and in part from funds for project studies. In addition, the need for new projects is increasing and it is critical to maintain and enhance the capability of the Corps planning mission – both for the civil works program, and for its military competency.

For the construction account, I am disappointed that the budget only requests \$1.7 billion for the construction of environmental restoration, flood control and shore protection, and

river and harbor projects. As was evident during the debate on the American Recovery and Reinvestment Act of 2009, the Corps had identified approximately \$12 billion in so-called “ready-to-go” projects where work could be undertaken almost immediately upon enactment. Clearly this unmet need was not addressed by the \$4.6 billion that was actually appropriated for the Corps in the Recovery Act; however, despite this fact, these so-called “ready-to-go” projects do not reappear in the budget request for fiscal year 2010.

I am equally disappointed that the budget only requests funding for five “new starts” that were authorized in the Water Resources Development Act of 2007. That monumental piece of legislation authorized a myriad of projects across the varied missions of the Corps which are vitally important to local community needs. However, for the most part, these authorized projects were passed over for funding in this budget request.

The one point of praise for the Corps of Engineers’ budget request is the close to 14 percent increase in funding for operation and maintenance of Corps’ projects and facilities. Operation and maintenance funds are necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood damage reduction, environmental restoration, and related projects. The administration’s request for this account recognizes the importance of operations and maintenance needs and restores the commitment to reliable and efficient operations of our nation’s vast water infrastructure.

I am pleased that we are joined, this afternoon, by witnesses of the International Boundary and Water Commission, and the Agency for Toxic Substances and Disease Registry. Both agencies have received slight increases over their fiscal year 2009 appropriated levels. However, the issues that I am most interested deal more with policy than with funding.

For the IBWC, I am concerned about your decision to move ahead with the construction of a wastewater treatment facility to address sewage flows emanating from Tijuana, Mexico at the South Bay International Wastewater Treatment Plant.

As you should know, our Committee colleague, Mr. Filner, has been a strident advocate for addressing Mexican sewage in Mexico, as was enacted through the actions of this Committee in the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000, as amended. What I fail to gather from your testimony is why the IBWC has, seemingly, ignored the implementation of this law, and, has chosen to return to a plan that has been repeatedly rejected by this Committee over the years.

For ATSDR, my attention focuses not on what is in your budget request, but on the importance of what you describe as meeting new challenges in the future related to toxic exposure. I am encouraged by your agency’s participation in the “National Conversation on Public Health and Chemical Exposures,” which seems to center on re-thinking how average individuals may come into contact with toxic chemicals, and exploring ways to minimize these contacts. As a former nurse, I understand the potential impacts that toxic substances can have on human health.

Over the past two years, this Subcommittee has held several hearings on emerging exposure pathways to chemicals of concern, including the presence of emerging contaminants in drinking water and surface waters. We have seen an ever-growing body of evidence that

these chemicals are harming the natural ecosystems, and may be posing a similar threat to human health over the long term.

This Subcommittee will continue to track your efforts, as well as the efforts of the National Center of Environmental Health, and I look forward to your recommendations from this conversation. I also applaud your efforts with respect to the recent coal-ash release at the Tennessee Valley Authority's Kingston Power Plant. This Subcommittee has been closely following this issue, and I have traveled to Kingston to see the spill, firsthand. I would appreciate your keeping the Subcommittee informed of your efforts.

###