

Advance Questions for Mr. Paul Michael (Mike) Parker
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. I believe that 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.

***Question:* Do you agree with these goals?**

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

Recently, there have been articles that indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

Question: Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Answer: I have not yet had an opportunity to consider whether changes to Goldwater-Nichols may be warranted.

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. 1, dated January 12, 2001. 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. 1 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 activities 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 Under Secretary of the Army (International Affairs), 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
- ?? 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: I have always believed that progress is achieved and problems are solved by collaborative efforts of many talented and dedicated people. In bringing this fundamental

philosophy to the position of Assistant Secretary of the Army (Civil Works), I would establish a professional environment in which communication and cooperation are the watchwords.

In the ten years during which I had the honor of representing the Fourth District of Mississippi in the United States House of Representatives, I applied my commitment to finding practical, realistic solutions to problems and issues of importance to my constituents. This common-sense approach to issues also stood me in good stead in my role as a member of several House Committees dealing with very difficult issues of national significance. I have served on five different House Committees whose responsibilities span the range of issues I can be expected to face as Assistant Secretary: Budget Committee, Appropriations Committee, Transportation and Infrastructure Committee; Education and Workforce Committee; and Veterans' Affairs Committee. I served on both Energy and Water Development and Military Construction Appropriations Subcommittees, so I know both the Civil Works and military programs aspects of the Corps of Engineers role in the Army.

One of the principal skills I have developed over my career in the public sector is the ability to work effectively with government and industry leaders, non-governmental organizations, Members of both parties in Congress, and with officials in the Executive Branch.

***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 each Corps of Engineers division 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 also 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. If confirmed, I also will develop a closer working relationship with other offices within the Department of the Army and the Department of Defense in order to make better use of resources and advance the interests of the Civil Works program.

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 as Assistant Secretary of the Army (Civil Works). I look forward to the challenge and experience this position affords if confirmed.

***Question:* Assuming you are confirmed, what duties and functions do you expect that the**

Secretary of the Army would prescribe for you?

Answer: If confirmed, 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 1, dated January 12, 2001.

Relationships

***Question:* In carrying out your duties, how will you work with the Secretary of the Army?**

Answer: If confirmed, I expect to work closely with the Secretary of the Army in furthering the goals and priorities of the President. However, 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.

***Question:* How will you work with the Deputy Under Secretary of Defense (Installations and Environment)?**

Answer: If confirmed, I will work to form a close and constructive relationship with the Deputy Under Secretary of Defense (Installations and Environment) in areas of shared responsibility.

***Question:* How will you work with the Deputy Under Secretary of Defense (Logistics, Materiel Readiness)?**

Answer: If confirmed, I will work to form a close and constructive relationship with the Deputy Under Secretary of Defense (Logistics, Materiel Readiness) in areas of shared responsibility.

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: Communities across the country rely on Army Corps of Engineers water resources projects to reduce flood damages, to enable efficient competition in world trade, to provide needed water and power, and to protect and restore our rich environmental resources. The Civil Works program provides a sound investment in the Nation's security, economic future, and environmental stability. I believe the greatest continuing water resources challenge is to find sustainable ways to strengthen the Nation's economy, while protecting and restoring unique water and related land resources for the benefit of future generations.

I feel that two other challenges the Corps faces are the need to maintain its existing infrastructure and to repair damages to the natural environment. I believe that an efficient water transportation system is critical if we are to remain competitive in international trade. Our system of ports and inland waterways must enable us to efficiently transport goods in an environmentally acceptable manner. Flooding also continues to threaten communities. We must use the Corps limited resources not only to respond to natural disasters when floods and hurricanes occur, but also to work more creatively with nature to prevent or reduce flood damages. Flood damages are a growing drain on the Nation's economy, and we must find ways to reduce them.

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

Answer: I believe that 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. The Corps must 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.

***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: The Assistant Secretary of the Army for Civil Works has wide-ranging responsibilities arising from the varied purposes of the Civil Works Program. I believe that the Assistant Secretary must set clear policy and direction so the Corps can effectively execute its important Civil Works mission.

***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. If confirmed, one of my first priorities will be to meet with the Chief of Engineers and others in the Administration and Congress to seek their input and to develop a plan for how the Corps can best meet the Nation's water resources needs.

Priorities

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

Answer: If confirmed as Assistant Secretary of the Army for Civil Works I would work to improve the management and administration of the Army Civil Works Program and the Army's national cemetery program and would seek ways to more efficiently use Army's resources in the development and execution of these programs.

Army Corps of Engineers

The Army Corps of Engineers does not currently have a system in place to ensure the independent peer review -- by experts from outside the agency -- of studies supporting major projects before such projects are approved.

***Question:* Do you believe that it would be appropriate to institute such an independent peer review program? Why or why not?**

Answer: I believe that an independent peer review would have value. However, we must find a way to do this so it does not needlessly increase the cost of projects or delay decisions. Any independent peer review program should complement both the existing technical and policy reviews conducted by the Corps and the reviews conducted by the stakeholders, the public and other agencies. Moreover, we must find a way to accomplish the review when it is most effective, that is, as an integral part of the Corps planning process.

In recent years, the senior military leadership of the Army Corps of Engineers is alleged to have placed pressure on Corps economists to change economic assumptions during a study of navigation projects on the Mississippi and Illinois Rivers. The Office of Special Counsel found “substantial likelihood” that senior Corps officials violated regulations and engaged in a “gross waste of funds” in connection with these projects.

***Question:* What is your view of these allegations?**

Answer: I have no personal knowledge of the facts surrounding these allegations; however, it is my understanding that all matters relating to these allegations have been resolved. The Chief of Engineers is considering changes in the management and scope of the navigation study in response to the Army Inspector General report and the study conducted by the National Research Council.

***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: I believe the technical and policy reviews conducted by the Corps of Engineers are an effective way to manage feasibility studies. The process ensures that the many

engineers, economists, biologists and other professionals who are involved in those studies are afforded an appropriate level of independence.

In testimony earlier this year by Lieutenant General Flowers before Congressional committees, he indicated that if the Army Inspector General had had the benefit of the National Academy of Sciences review of the Corps' Upper Mississippi Navigation Study and whistleblower allegations, the Inspector General would have taken an entirely different view of the proceedings.

***Question:* Do you agree with Lieutenant General Flowers' opinion? Please explain your answer.**

Answer: It is my understanding that the Army Inspector General and the National Research Council were evaluating different aspects of the conduct of the Upper Mississippi River Navigation Study. I am not in a position to speculate on whether the Inspector General would have reached different conclusions because of the National Academy of Sciences review.

The National Academy of Sciences report found that the Army Corps of Engineers used faulty models to forecast future demand for barge traffic and to estimate benefits. The Academy determined that predictions of future grain exports were overestimated and did not provide a way to account for key factors such as policy changes and weather that affect global markets. The report urged consideration of the less expensive option of improved scheduling of barges and recommended that future studies by the Army Corps of Engineers be subject to review by outside experts.

***Question:* Do you believe that the criticism of the Army Corps of Engineers in the National Academy of Sciences report is valid?**

Answer: The National Academy of Sciences/National Research Council recognized the challenges the Corps faced in developing the projections and models used in the study. They complimented the Corps for attempting to advance forecast modeling. I believe that the Council provided extremely valuable and constructive criticism of the Corps efforts. I understand the Corps is responding by making changes to the study.

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

Answer: I support recommendations of the National Academy of Sciences/ National Research Council report.

A February 24, 2000, article in the Washington Post reported that the senior military leadership of the Corps developed a “Program Growth Initiative” providing financial targets for each of the agency’s activities and divisions, without consulting the civilian leadership of the Department.

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

Answer: In light of the current Civil Works construction backlog, reported to \$40 billion to complete, it is my feeling that the Corps has no need to grow its program. However, I do believe that there should be honest debates about what activities the Corps should be involved in and their priority.

***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 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. Representing the Administration, I will work with Congress to set the proper direction for the Corps.

On March 30, 2000, Secretary Caldera announced a series of reforms 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?**

Answer: It is my understanding that the Assistant Secretary of the Army for Civil Works is 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 communication. If confirmed, 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 the Congress.

In a press conference in April of this year, Deputy Assistant Secretary of the Army for Management and Budget, Claudia L. Tornblom, indicated that the Army is considering options for strengthening the ability of the Office of the Assistant Secretary for Civil Works to ensure policy oversight of project planning.

***Question:* What are these options? Do you believe that they are necessary and that they are sufficient to ensure policy oversight?**

Answer: I believe Deputy Assistant Secretary Tornblom was referring to improvements noted by President Bush in his Fiscal Year 2002 Budget Blueprint. It is my understanding that no final decisions have been made yet on how to proceed. If confirmed, I intend to work with the Chief of Engineers to identify the correct amount of oversight and project review appropriate to be conducted by the Office of the Assistant Secretary for Civil Works and an efficient means of achieving it. Given the issues that have arisen and the importance of restoring the credibility of the Army Corps of Engineers, I do believe it is necessary to strengthen policy oversight of Civil Works project planning.

***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 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. If confirmed, I will establish and maintain a close, professional relationship with the Chief of Staff. I will communicate with him directly and openly as he performs his prescribed duties.

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. If confirmed, 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:* Do you believe that environmental restoration projects are part of the central mission of the Army Corps of Engineers?**

Answer: Yes. I believe that projects and programs that protect and restore the natural environment are a priority to the American people and a central mission for the Corps of Engineers. Ecosystem protection and restoration projects, projects that reverse the effects of prior human activities, have become a priority purpose of the Corps' Civil Works Program. Importantly, this current status has been achieved because of changing national priorities, rightfully setting the direction of the Civil Works Program.

***Question:* In your view, how can the Corps be more responsive to environmental concerns?**

Answer: I believe the Corps can and must carry out its missions in an environmentally responsible manner. The Corps has a long record of accomplishing its mission in accordance with environmental laws and using the National Environmental Policy Act process to obtain input from interested parties and agencies. This approach will continue to lead to more environmentally sensitive projects and projects specifically for environmental restoration and protection. Under the Regulatory Program processes are in place to ensure that permit applicants avoid or minimize environmental impacts and compensate for unavoidable impacts. In those instances where impacts to significant resources cannot be avoided, a mitigation plan for the impacts will be developed.

***Question:* In your view, does the Corps need to make fundamental changes in the way it operates?**

Answer: No. I believe the Corps is a fundamentally sound organization. It has strong technical abilities and has proven time and time again that it can solve difficult problems. It has served this Nation for many years and can be counted on to continue to do so in the future. However, based on recent findings, the Corps does need to re-examine the way it manages policy and technical reviews in order to ensure projects will receive broad support. Also, I feel that the Corps must find better, more effective ways of communicating with the broad range of interests that have a stake in its projects.

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. Controversy has grown over the extent of federal jurisdiction and the impact on private property, the burdens and delay of permit procedures, and roles of federal agencies and states in issuing permits. Some landowners maintain that changes are needed to lessen the burdens of the regulatory program. Other landowners believe they should be compensated if adversely affected by regulatory "takings" due to Section 404 requirements, particularly since an estimated 74 percent of all remaining wetlands are on private lands.

Question: If confirmed, how would you propose to address such issues in your role as assistant secretary?

Answer: It is my understanding that the objective of the Army's Regulatory Program is to provide fair, flexible and efficient evaluations for activities involving waters of the United States. The Corps balances development objectives with the Clean Water Act's requirements to protect the Nation's aquatic ecosystems. The Corps works with permit applicants to allow proposed activities to be authorized, but in ways that are not contrary to the public interest and that protect important aquatic resources. I believe that we can

continue to achieve our environmental protection goals while addressing public concerns about regulatory burdens and delays. For example, if confirmed, I will work with the Corps over the coming months to see that the nationwide permits are reissued. Nationwide permits are designed to provide project authorizations with little or no paperwork. If confirmed, I will work to ensure that we continue to carefully consider all comments we receive from other Federal agencies, but make sure that the public understands that the Corps of Engineers runs the program and makes the permit decisions, as provided for by law.

The General Accounting Office has found significant problems with the Army Corps of Engineers program for mitigation of wetlands losses. Last month, the National Academy of Sciences released a report in which it concluded that this program has fallen short of the stated goal of no net wetlands loss.

Question: What is your view of the findings of the General Accounting Office?

Answer: I have not yet had the opportunity to review the findings of this report. If confirmed, one of my first priorities will be to discuss this matter with the Chief of Engineers and others in the Administration and Congress to seek their input and to develop a plan for addressing the recommendations of the report.

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

Answer: I have not yet has the opportunity to examine the report. If confirmed, I plan to meet with the Corps to seek their input and to develop a plan for addressing the report recommendations.

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

Answer: Yes. The goal of "no overall net loss of wetlands" was established by President

George Bush in the early 1990's. It is a programmatic goal for the Regulatory Program, and Corps data clearly indicates that the Regulatory Program has exceeded this goal by working with permit applicants to avoid and minimize impacts and by requiring compensatory mitigation for unavoidable impacts. I understand the Corps has required more than one-for-one mitigation for permitted wetland loss (during the period 1993 to 2000 the annual average permitted loss nationwide was 24,000 acres and the annual average mitigation required was 42,000 acres).

Question: Do you believe that the Army Corps of Engineers has given wetlands mitigation efforts the priority and attention that it deserves?

Answer: I believe that the Corps has worked hard over the years to develop mitigation approaches that offset the losses of wetland functions, such as mitigation banks and in

lieu fee operations, while being fair and reasonable to the regulated public. However, I understand the Corps intends to focus more attention on ensuring compliance with the mitigation conditions for permitted activities.

The Army Corps of Engineers issues general permits to developers for draining and filling wetlands. Last year, the rules for this program were tightened to limit the types of activities that may be conducted pursuant to a general permit. The Corps is currently reevaluating the new rules.

Question: What is your view of recently adopted changes to the rules governing the issuance of general permits by the Army Corps of Engineers?

Answer: I have not yet had the opportunity to review the changes that were made to the nationwide permit program last year. If confirmed, I will discuss this matter with the Chief of Engineers in order to understand the impacts of these changes on the regulated public and on the Army's charge to protect the Nation's aquatic resources

Question: What is your view of proposed revisions to those rules?

Answer: I understand that most of the nationwide permits will expire in February in 2002 unless they are reissued. If confirmed, I will work with the Corps as they publish draft and final permit packages for public review and comment. I have not yet been briefed on proposed changes, but will make this a priority should I become the Assistant Secretary of the Army for Civil Works.

Use of Military Personnel

Like many federal agencies, the Corps of Engineers workload is declining in all areas

other than operations and maintenance of facilities. Most of this work is done by civilian contractors or civilian employees.

***Question:* What role do you see for the hundreds of military Corps of Engineers personnel currently working in the districts and divisions?**

Answer: It is my understanding that there are approximately 275 active duty military personnel serving in Districts, Divisions and Headquarters of the Army Corps of Engineers. Although they represent less than 1% of the 35,000 personnel within the Corps, they serve a variety of important roles. First, they provide experienced organizational leadership at the District level and higher. Second, they represent the organization's fundamental linkage to the Army. Third, the Army, in conducting operations that range from stability and support to actual war, has successfully leveraged the experience obtained in managing the large construction projects and response to natural disasters characteristic of the Civil Works programs.

State Water Quality Standards

In the past, the United States Army Corps of Engineers has not 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 in order to protect fishery resources?**

Answer: Yes, I do.

Section 401 of the Clean Water Act requires that the Army Corps of Engineers obtain certification from states, or interstate water control agencies, that a proposed water resources project is in compliance with established effluent limitations and water quality standards. If a state in question has assumed responsibilities for the Section 404 regulatory program, a state 404 permit would be obtained which would serve as the certification of compliance.

Section 404r of the Clean Water Act waives the requirement to obtain the state water quality certification if the information on the effects of the discharge are 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 Section 404r exemption provision.

Relationships

Question: If confirmed, how do you propose to ensure a reasonable balance between your oversight authority and the program execution responsibilities of the Chief of Engineers?

Answer: If confirmed, I propose to ensure a reasonable balance between my oversight authority and program execution responsibilities of the Chief of Engineers through development of a close professional relationship with the Chief based on mutual respect, trust, cooperation and communication. If confirmed, I am committed to establishing and maintaining such a relationship in order to respond effectively to the President's priorities and the policy directives of the Congress.

Consultation with Congress

In performing the duties of Assistant Secretary of the Army for Civil Works, you will be confronted with difficult, politically charged issues.

Question: How would you view your role in addressing such matters with the Congress?

Answer: 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. In performing my statutory duties, if confirmed, I intend to appropriately involve all interested parties and make decisions that take into account all relevant information.

Question: Specifically, would you plan to consult with the Congress prior to issuing any secretarial decisions or announcements regarding reforms that may affect the execution of the civil works functions of the Army Corps of Engineers?

Answer: Yes.

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, 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 for Civil Works?**

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.