

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS FOR 2019

WEDNESDAY, APRIL 18, 2018.

MEMBERS' DAY HEARING

Mr. FLEISCHMANN. Good afternoon. The hearing will come to order. I would like to welcome everyone to the Energy and Water Member Day Hearing.

Today our fellow members will testify on issues under the jurisdiction of the subcommittee that are important to them. Each witness will have 5 minutes to present their testimony. Members of the subcommittee will have an opportunity to ask questions if they would like. I know everyone has busy schedules today. So I would ask that everyone be mindful of the time, so that we can be sure to hear from everyone. I look forward to learning more from our colleagues on your priorities for this bill.

I would like to recognize my friend and colleague, the Ranking Member Ms. Kaptur for any opening comments that she would like to make. Ms. Kaptur.

Ms. KAPTUR. I thank you very much, Mr. Chairman, good to see you there.

And we welcome our guests, and we have been waiting a long time to hear from you. So, we are going to give you the time this morning, and thank you for testifying on behalf of your district, your state, and national issues that are of importance to you. We welcome you warmly.

Mr. FLEISCHMANN. Thank you, Ranking Member Kaptur. At this time the Chair would like to recognize the gentleman from New Jersey, the Honorable Leonard Lance. Mr. Lance.

WEDNESDAY, APRIL 18, 2018.

WITNESS

**HON. LEONARD LANCE, A REPRESENTATIVE IN CONGRESS FROM THE
STATE OF NEW JERSEY**

Mr. LANCE. Thank you very much, Chairman Fleischmann, Ranking Member Kaptur. And it is an honor to be before your subcommittee. This is the first time that I have been before your subcommittee, and thank you for permitting me to be with you.

This provides me the opportunity to update the distinguished members of the subcommittee on the Rahway River Basin Flood Risk Management Feasibility Study. A key project that is critical to and affects constituents in the communities I serve in the north central New Jersey. It also affects other districts in New Jersey.

The area has experienced significant and repeated flooding over the past century. Most notably in the last decade, during tropical storm Floyd a nor'easter in 2007, Hurricane Irene in 2011, and of course Sandy in 2012.

Hurricane Irene caused more than \$50 million in damage, and had an effect on 3,000 residences, forcing some families out of their residences for more than a year.

For the last 3 years, the U.S. Army Corps of Engineers has been advancing a study of a project aimed at reducing flooding along the Rahway River. This subcommittee has generously provided funding for the Investigations account essential to this work.

And for that, Mr. Chairman, and Ranking Member, I am extremely grateful.

Unfortunately, last year the Army Corps of Engineers Headquarters halted the tentatively-selected plan (TSP) prepared by the New York District. A plan that represented a compromise that had consensus support of the affected communities, and the Corps officials most familiar with the Rahway River.

The powers related to concerns about a key component of the TSP, the Orange Reservoir Dam, which is considered a small dam that has been proposed for modifications or replacement, and provides much needed upstream storage in line or protection from flooding in downstream communities.

Because of the TSP it was scheduled to lead to a Chief's report in 2018, the constituents I serve have been dismayed at the impasse and the further delays that the project has encountered.

I have been working directly with the Corps to address its concerns, and I am grateful that it has agreed to extend 3-by-3-by-3 Rules to continue evaluation of the project, and has also agreed to perform a detailed geotechnical study of the Orange Reservoir Dam in conjunction with the non-Federal partner in the project, the New Jersey Department of Environmental Protection.

I continue to believe that providing protection from flooding along the Rahway River, represents one of the clearest examples of the core function of the Federal Government, and of government at the State level, protection of life and property.

I respectfully ask to continue to work closely with this subcommittee in its oversight capacity of the Army Corps of Engineers, because it is absolutely critical that Headquarters help us advanced a project that will provide significant protection from flooding in the affected communities.

Inaction or a plan that does not offer adequate flood protection would be an unacceptable outcome. It will undermine the public trust in fulfilling this core function of us in Washington.

We have the best experts in dams and flood control at the Army Corps, as this distinguished subcommittee knows better than I, and it is imperative that the Corps demonstrates that the project can be advanced.

Thank you for your time today, and for your prior assistance with helping us to advance the Rahway River Project in a cooperative fashion.

And Mr. Chairman, I yield back a minute.

[The information follows:]

Rep. Lance NJ-07 Testimony

Chairman Simpson, Ranking Member Kaptur, and Members of the Subcommittee, thank you for holding this hearing and providing me with the opportunity to update you on the Rahway River Basin Flood Risk Management Feasibility Study, a key project that is critical to and affects constituents in many communities in the Congressional District I serve in New Jersey.

The area has experienced significant repeated flooding over the past century, most notably during Tropical Storm Floyd in 1999, a Noreaster in 2007, Hurricane Irene in 2011 and Superstorm Sandy in 2012. Hurricane Irene caused more than \$50 million in damages, impacting 3,000 homes, forcing some families out of their homes for more than a year.

For the last three years, the U.S. Army Corps of Engineers has been advancing a study of a project aimed at reducing flooding along the Rahway River. This Subcommittee has generously provided funding through the Investigations Account essential to this work, and for that I remain extremely grateful.

Unfortunately, late last year, the Army Corps of Engineers Headquarters halted the Tentatively Selected Plan prepared by the New York District, a plan that represented a compromise that had consensus support of the affected communities and the Corps officials most familiar with the Rahway River. The pause related to concerns about a key component of the TSP, the Orange Reservoir Dam, which is considered a small dam, that had been proposed for modification or

replacement and which provides much-needed upstream storage allowing for protection from flooding in downstream communities.

Because the TSP was scheduled to lead to a Chief's Report in 2018, my constituents have been dismayed at the impasse and the further delays that the project has encountered.

I have been working directly with the Corps to address their concerns, and am grateful that they have agreed to extend the 3x3x3 rules to continue evaluation of the project, and have also agreed to perform a detailed geotechnical study of the Orange Reservoir Dam in conjunction with the non-federal partner on the project, the New Jersey Department of Environmental Protection.

I continue to believe that providing protection from flooding along the Rahway River represents one of the clearest examples of the core function of government – protection of life and property.

While I am not seeking funding in Fiscal Year 2019 to advance this effort, I respectfully ask to continue to work closely with the Subcommittee in its oversight capacity of the Army Corps of Engineers because it is absolutely critical that Headquarters help us advance a project that will provide significant protection from flooding in the affected communities.

Inaction or a plan that does not offer adequate flood protection would be an unacceptable outcome. It would undermine the public trust in fulfilling this core function of government. We have the best minds, the best experts in dams and flood control at the Army Corps, and it is imperative that they determine a project that can advance.

Thank you for the time today and for your prior assistance with helping us to cooperatively advance the Rahway River project.

Mr. FLEISCHMANN. Congressman Lance, I want to thank you for your testimony, sir. Ranking Member Kaptur, do you have any questions?

Ms. KAPTUR. I thank the gentleman for his testimony. I do have one question. In the testimony you state that repeated flooding has been a particular challenge to your region. Could you answer for me whether between 1999 and 2012, whether the levels of flooding had increased, and if so, how would you compare it to the prior period in the 20th century? Do you see a difference?

Mr. LANCE. Yes. Thank you, Ranking Member. Yes, it has increased, and we have had several 100-year floods in the last 20 years, and of course that indicates that there is significant weather change that occurs along the East Coast.

I am a Republican who believes in climate change, and I believe that some of this is due to the effects of these factors, and there is some suggestion that within 50 years, in another part of New Jersey, at our coast, which we call the Shore in New Jersey, that barrier islands may no longer exist. That is not the district I serve, but it certainly is proximate to the district I serve, and I have quite a few constituents who have Shore residences.

Regarding the Rahway River, which is principally my concern today, it has flooded dramatically over the course of the last 10, or 15 or 20 years, and much more so than was true in a prior time.

Ms. KAPTUR. And is that largely due to rainfall, or toward Northeasters as you referred to?

Mr. LANCE. It is largely due to these horrible storms such as Hurricane Sandy, Super Storm Sandy. There was a direct hit on New Jersey, this is 5½ years ago, and there was dramatic damage across the entire region, and unfortunately, from the perspective of the State I represent, the direct hit was on New Jersey.

Ms. KAPTUR. I just wanted to say I was little bit late because I was talking with the representative from Hawaii who has been spending the last several days flying back and forth to Kauai, which has been terribly damaged. And 3,000 people impacted trying to deal with really, severe weather-related damage on that island.

So, thank you for your testimony, it gives us much pause for thought on what is happening to our country, and in different locations, and we will be mindful of what you recommend.

Mr. LANCE. Thank you. And if might conclude by saying, I have known Congressman Frelinghuysen my whole life, our late fathers were involved in public life together, and from the perspective of New Jersey there is no more distinguished Chair anywhere in the House of Representatives than the gentleman from New Jersey, Mr. Frelinghuysen.

I know that both of you work very closely with Congressman Frelinghuysen, and regardless of who succeeds him in Congress, I state this in a nonpartisan capacity from my perspective, and the perspective of the constituents whom I serve, Chairman Frelinghuysen has been the outstanding advocate on these issues that are important to the region he and I represent together.

And I know both of you have been supportive of these issues. My thanks to both of you from the bottom of my heart.

Mr. FLEISCHMANN. Congressman Lance, thank you for your testimony. And we appreciate all that you do for the great State of New Jersey. Thank you, sir.

Mr. LANCE. Thank you very much.

Mr. FLEISCHMANN. At this point in time I would like to recognize the distinguished gentleman from Virginia, the Honorable Morgan Griffith. Mr. Griffith, sir.

WEDNESDAY, APRIL 18, 2018.

WITNESS

**HON. H. MORGAN GRIFFITH, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF VIRGINIA**

Mr. GRIFFITH. Thank you very much. To just put everything into perspective, I will tell you a little bit about my district. It is a fairly large district. I have 29 jurisdictions, 22 counties and 7 independent cities. The vast majority of those get a significant portion of the economic money from the coal industry one way or another, directly or indirectly, as you go further down in the district it becomes more heavily dependent on the coal industry.

And the district, if you were to draw a line, and if you know these places, draw a line basically from Covington to Roanoke County in Salem, and then down to Martinsville. I don't have any in Franklin County, I don't have all the Roanoke County, but I have everything else from that line, which is roughly 141 on the Interstate, to the state line at 100, and then another hour-and-a-half out to the Cumberland Gap which is west of Detroit, Michigan. So, it is a fairly large district.

And as a result, as you know, I might be concerned about a lot of those issues, and 90 percent of that district lies within the Appalachian Region of the Commission's footprint. This Commission has been doing great work for decades. I would love to be able to say that their work was just about done, but that is not the case as the industry continues to struggle with coal, and as the culture continues to struggle with economic development issues in and around the mountains, because while our mountains might not be the highest, they certainly are an impediment to getting things done.

And many people know a lot of the things the Appalachian Region Commission does, but they also provide some money for roads, and as we try to transition, our economy as this country is moving away from using coal in such large amounts, I think it will continue to use coal in some amounts, but as it moves away from using coal in such large amounts, we have to reinvent our economy.

We need some help with that. ARC helps with that on a number of fronts, but also on roads, we need a road. In one part of my district right now, we have no four-lane highway, it is very hard to convince people to build an economic development facility or a plant when there is no great road to get you out of there.

The folks in the 81 Corridor are doing a little bit better, but over in the coal fields, we need some help. And ARC, you know, can help with that. We have got other projects that are not in your jurisdiction we would like to see come to fruition, but I hope you will con-

tinue to fund the Appalachian Regional Commission, because of all the great things they do in the region.

Now, talking about coal itself. I am convinced that coal will continue to be a major player worldwide. The Indians have a lot of coal. They are digging it. They are going to burn it. The Australians are producing a lot of coal which they export into the Asian markets.

I don't think we should go away from coal completely, but at the same time, I think we should, as a part of our overall policy, not just looking at the United States, but we were just talking about New Jersey and some of the impacts there, that they are feeling, we need to look at the entire world.

We know for a NASA study from a number of years ago that it takes 10 days for sand, carried in a sand storm from the middle of the Gobi Desert to reach the Eastern Shore of Virginia.

So if we are going to deal with issues related to pollution, and effects of carbon in the atmosphere, we need to continue to spend money on trying to find ways to burn our fossil fuels more cleanly, which is why I am also here to ask you to continue to fund the Department of Energy's Office of Fossil Energy, so that we can have the research dollars to figure out how, for that coal that we are going to use, how we burn that more cleanly, but also to help export that technology to the world, because the rest of the world will continue to use coal.

If they have a choice between having their people have food and jobs, or burning—if the choice is, I am not going to burn coal, but then my folks won't have jobs, in places like India, or Central Asia, they are going to choose coal every time.

They, like us, want to have clean air, it is not a question of wanting to have clean air. So, I think we need to continue to fund the Department of Energy's Office on Fossil Energy, so that we can figure out ways to burn it more cleanly, not just for our industries, which will help my district, but because the world, I think, needs this technology.

It can be done, there is lots of other interesting things going on with coal. I am happy to answer any questions that you all may have.

[The information follows:]

Congressman H. Morgan Griffith
9th District of Virginia
Written Testimony for the Record
Energy and Water Development Appropriations Subcommittee
Wednesday, April 18, 2018

Appalachian Regional Commission and Transportation Infrastructure Funding

One of the more important programs for my district that is funded under this appropriations bill is the Appalachian Regional Commission (ARC). ARC funding can be used for a variety of projects that directly benefit economic development in the Appalachian region through grants and contracts. This money has gone towards important initiatives in Appalachian communities, including expansion of broadband services, community planning, and roads. The projects this money funds are important to the success of Southwest Virginia.

Speaking specifically on road construction, the mountainous terrain of Appalachia can be more difficult to navigate, making highway projects more expensive and time consuming than they may be in other regions. Southwest Virginia is challenged in getting Federal funds for these projects due to state allocation formulas. ARC funding in Central Appalachia for our transportation initiatives, particularly the Coalfields Expressway as a Congressional High Priority Corridor, is especially critical. It is a high priority corridor, in part, because it opens up portions of Virginia, West Virginia, and Kentucky, all of which are ARC states.

The ability – or inability in many cases – to easily and safely travel through the 9th District dictates the success or challenges of economic development in many of my counties and independent cities. If a business cannot efficiently get in and out of the region to supply their shop, or attract additional business because through-traffic avoids the route through their town, it will continue to be a challenge to improve the economic outlook of our region. Highway projects serve as economic lifelines to towns across the country, bringing in commerce, tourism, and jobs.

Southwest Virginia deserves and needs expanded and improved highway access and ARC funding can help us realize these goals.

Thank you again for this opportunity to testify and I look forward to answering any questions you might have.

Department of Energy (DOE) Office of Fossil Energy

Many challenges Southwest Virginia has faced have come at the hands of federal regulations that have continued the War on Coal throughout Appalachia. Over the last several years, there have been numerous burdensome regulations on the coal industry and industries that burn coal. While we have worked with this administration to roll-back federal overreach and burdensome regulations impacting industry, it is also critical we ensure that coal-fired power plants and others dependent on coal have the technology required to meet the standards being imposed on them.

I have had many constructive discussions with folks throughout Southwest Virginia – from community and business leaders, to researchers and coal industry employees – as well as individuals from the Department of Energy. One thing is clear – there is a future for coal. This future for coal in many ways lies in the technologies being researched and developed by the Department of Energy's Office of Fossil Energy. And coal research is just a part of the work that the Office of Fossil Energy does, with its efforts also focused on oil and gas domestic resources and management of the Strategic Petroleum Reserve.

Funding through the Office of Fossil Energy has been critical in the development of advanced coal technologies. This funding will enable American fossil fuels and ingenuity in technological innovation to continue to prosper both domestically and abroad.

Let's figure out a way we can keep good-paying coal jobs. This is particularly true in economically distressed Southwest Virginia and Central Appalachia. It will also let us burn coal more cleanly. When you've lost as many jobs as my district has, we are going to need help to stabilize the situation. Funding for the Office of Fossil Energy can help achieve that goal.

Mr. FLEISCHMANN. Thank you, Congressman Griffith. I will strongly reaffirm your support of the Appalachian Regional Commission. My district in the Third District of Tennessee benefits from that agency as well, and our districts are relatively close, and I do appreciate your kind words about coal. We have coal in the Third District of Tennessee, and Tennessee is about ready to get its primacy back. It is one of two States that does not have primacy.

So, I thank you for your testimony. And I yield to my distinguished Ranking Member, for any questions she may have.

Ms. KAPTUR. Yes. Mr. Chairman, I just wanted to thank the witness very much, Congressman Griffin, and to be a strong voice for Appalachian Regional Commission, which also impacts the State of Ohio. Not the part I represent, but in the southeastern quarter of the State, and also coal country.

I agree with that you say about the necessity for economic diversification in these arenas, and this is one mechanism we have for that. I have always supported it.

And then finally, on the issue of fossil energy, I can't tell you how much money I have voted for over the years for fossil energy research. I agree with you there as well. I just wish somehow, scientifically we had been able to find an answer sooner on burning clean coal.

But we continue to pursue that end, and we thank you very much for representing that cause here before our committee.

Mr. FLEISCHMANN. Thank you, Ranking Member Kaptur. And Congressman, thank you for your testimony before this subcommittee, sir. Appreciate it.

At this point in time I would like to recognize Representative Jenniffer González-Colón, from Puerto Rico. Representative Colón.

WEDNESDAY, APRIL 18, 2018.

WITNESS

HON. JENNIFFER GONZÁLEZ-COLÓN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PUERTO RICO

Miss GONZÁLEZ-COLÓN. Thank you, Mr. Chairman. And thank you Ranking Member.

First of all I appreciate the opportunity to be here this afternoon, and discuss some of the U.S. Army Corps of Engineers projects in Puerto Rico.

The Army Corps receives multiple projects in several municipalities, we have got 78 municipalities at this time. And the work is critical to infrastructure and economic stability on the island.

As you were aware, late last year Puerto Rico was greatly impacted by two consecutive hurricanes of historical magnitude, and left historical damages, too.

Today, 8 months later there are 43,000 families without power. And I may say that at this time, we actually have island-wide power outages on the whole island, and it is going to take 24 hours to 36 hours to recover. And that will tell you how fragile the system still is as we speak.

As Puerto Rico's sole representative in Congress and someone who was on the ground when the hurricane hit, I can tell you, there was no way to prepare or expect such catastrophe. But we continue to move forward, and the people of Puerto Rico are resilient and hardworking, and we will overcome this difficult period with lessons learned and a greater sense of community.

But today I would like to use the rest of my time to talk about a particular community project, the Caño Martín Peña Ecosystem Restoration Project, located in San Juan. The Caño Martín Peña community is located in 3.75-mile tidal channel within the San Juan Bay National Estuary, and is home to over 26,000 of my constituents.

The community has struggled for decades with debris and waste accumulation in the channel. Resulting in public health and sanitary complications. Even the slightest rainfall causes the channel to flood, and it affects the homes in the Caño, neighboring communities in San Juan, and the Luis Muñoz Marín International Airport.

The hurricane exacerbated this predicament by mounting the amount of debris that already clogs the channel, and with such high levels of pollution, houses are often flooded with organic waste and trash.

Keep in mind that we are talking about thousands of families with children and elders that have no other option but to deal with this unfortunate reality, and live day after day with poor sanitation conditions.

Also keep in mind that this year, the hurricane season is rapidly approaching, and we need to do anything we can to revitalize this community as quickly as possible.

As you all are aware, the Bipartisan Budget Act of 2018 includes and allotment of more \$50 million for the Army Corps to construct and repair areas damaged by natural disasters, such as Hurricane Harvey, Irma and Maria.

Additional priorities covered under this description include work related to repair rehabilitation study, design and construction in Puerto Rico and the U.S. Virgin Islands that will be conducted at full-Federal expense, and I would like to thank the Committee for making that amendment on the bill.

This is the time to act, and the provisions from funding included in the bill will provide a remarkable opportunity to the Army Corps to continue working on the Caño Martín Peña, considering the incidental flooding benefits it represents and the impact it will have in the San Juan overall area.

Restoring the Caño will greatly enhance the quality of life of residents in this area, and will result in greater community opportunity for its residents in San Juan and all the island.

I urge the Army Corps to consider this as a priority for the flooding restoration assistance it provides, and I would like to enlist, of course, the help of this Committee to do so accordingly with the Committee rules and regulations.

I would also like to submit list of the other Army Corps projects still being developed in some municipalities for the record. I got the letter. It was submitted to the Committee, and to Army Corps, so

I just wanted to put that on the record, and the letter we sent the Army Corps with Congressman José Serrano.

Lastly, I would like to acknowledge the President of the State, Senator from Puerto Rico, Miguel Romero who is also in support of the development of this project.

And with that, I yield back my time. And I want to thank both of you, and members of the committee for helping us. Remember I don't vote, I can't vote on the floor. So, your votes were instrumental for all the money that was assigned to the island.

[The information follows:]



CONGRESSWOMAN JENNIFFER GONZÁLEZ-COLÓN

Puerto Rico - At Large

Energy and Water FY 2019 Member Day Hearing

Wednesday, April 18, 2018

2362-B Rayburn. 1:00 pm

5 minutes

Thank you, Chairman Simpson. I appreciate the opportunity to be here this afternoon and discuss US Army Corps of Engineer projects in Puerto Rico. The Army Corps oversees multiple projects in several municipalities and their work is critical to infrastructure and economic stability on the island.

Mr. Chairman as you are aware, late last year Puerto Rico was gravely impacted by two consecutive hurricanes of historical magnitude and left historical damages. Today, 8 months later, there 43,000 families without power or experience frequent service interruptions. In fact, we are at this moment experiencing an island-wide power outage.

As Puerto Rico's sole representative in Congress and someone who was on the ground when the hurricane hit, I can tell you there was no way to prepare or expect such catastrophe. But we continue to move forward. The people of Puerto Rico are resilient and hardworking, and we will

overcome this difficult period with lessons learned and a greater sense of community.

Today, I would like to use my time to talk about a particular community and project, the Caño Martín Peña Ecosystem Restoration Project, located in San Juan. The Caño Martín Peña community is located in a 3.75-mile tidal channel within the San Juan Bay National Estuary and is home to over 26,000 of my constituents. The community has struggled for decades with debris and waste accumulation in the channel, resulting in public health and sanitary complications. Even the slightest rainfall causes the channel to flood and it affects the homes in the Caño, neighboring communities in San Juan and the Luis Muñoz Marín International Airport. The hurricanes exacerbated this predicament by augmenting the amount of debris that already clogs the channel and with such high levels of pollution, houses are often flooded with organic waste and trash. Keep in mind we are talking about thousands of families with children and elders that have no other option but to deal with this unfortunate reality and live day after day with poor sanitation conditions. Also keep in mind that this year's hurricane season is rapidly approaching and we need to do anything we can to revitalize this community as quickly as possible.

Mr. Chairman as you are aware, the Bipartisan Budget Act of 2018 includes an allotment of over \$15 billion dollars for US Army Corps of Engineers to construct and repair areas damaged by natural disasters such as Hurricanes Harvey, Irma and Maria. Additionally, projects covered under this description and include work related to repair, rehabilitation, study, design and construction in Puerto Rico and the US Virgin Islands will be conducted at full federal expense.

This is the time to act. The provisions and funding included on the bill provide a remarkable opportunity for the Army Corps to continue working on the Caño Project considering the incidental flooding benefits it represents and the impact it would have in the San Juan area overall.

Restoring the Caño will greatly enhance the quality of life or residents of this area and will result in greater economic opportunity for its residents and the San Juan area in general. I urge the Army Corps to consider this project as a priority for the flooding restoration assistance it provides and I would like to enlist the help of the Subcommittee to do so according to Committee rules and regulations.

I would also like to submit a list of other Army Corps projects still being developed in some municipalities for the record.

Lastly, I would like to acknowledge the presence of State Senator Miguel Romero and State Representative José Enrique Meléndez, who also support the further development of this project.

Thank you, Mr. Chairman. I yield back the balance of my time.

JENNIFFER GONZÁLEZ-COLÓN
PUERTO RICO

WASHINGTON OFFICE:
1628 LONGWORTH HOUSE OFFICE BUILDING
(202) 225-2816 FAX: (202) 225-2154

SAN JUAN OFFICE:
157 AVENIDA DE LA CONSTITUCIÓN
ANTIGUO EDIFICIO DE MEDICINA TROPICAL
SANTO DOMINGO P.R.
SAN JUAN, PUERTO RICO 00901
(787) 723-6833 FAX: (787) 729-7738

Congress of the United States
House of Representatives
Washington, DC 20515-5400

COMMITTEES:
NATURAL RESOURCES
SMALL BUSINESS
VETERANS' AFFAIRS

March 6, 2018

MG Donald E. Jackson, Jr.
Deputy Commanding General for Civil and Emergency Operations
United States Army Corps of Engineers
441 G Street NW
Washington DC 20314

Dear General Jackson,

I greatly appreciated being able to discuss the status of the relief and rebuilding missions in Puerto Rico and how the implementation of the supplemental appropriations included in the Budget Act of 2018 will impact both ongoing work and future plans. USACE has been an invaluable resource in this moment of great need and it is vital to maintain good lines of communication between the team addressing the rebuilding work and those of us in the policymaking positions.

As was discussed, the long-term recovery will be a great challenge and there will be many legal, regulatory and administrative factors coming into play. Let me take the opportunity to once more go over the subjects that I presented as of high importance in this process, and where I would appreciate your feedback as to how they can be put into effect, and if they are within the scope of what can be done administratively, or will require legislative action.

- For projects that will be completed at full federal expense, including acquisition of "Lands Easements Rights-of-ways, Relocations, Disposal Areas (LERRDs)", that the non-federal sponsors (municipalities, DRNA) may request that the Corps perform acquisition of required LEERD on their behalf. As we understand, the full federal share allows this to be done, directly or through the allowance made in the Budget Act for 30-year financing of the in-kind acquisition by the local proponent.
- Waiving the requirements for Benefit to Cost Ratio (BCR) and Economic Reevaluations for approvals. Since this area was devastated by Hurricanes Irma and Maria and with the addition of the severe economic conditions of Puerto

Rico, a waiver on BCR economic reevaluations requirements should be implemented for at least a period of five years from the enactment of this bill to provide relief to areas on economic distress. As discussed, this may be something that I will need to bring up with the Office of Management and Budget for possible consideration in their decision or that would have to be legislated; but I rather encourage any executive order or administrative action that may be taken to accelerate this.

- Allowing for Construction New Starts funding for ALL large Congressionally Authorized Projects including Small projects authorized by the Continuing Authorities Program (CAPs).
- Allow for rehabilitation of completed but inactive USACE projects in Puerto Rico. These projects are not eligible for rehabilitation under USACE Disaster Operations Rehabilitation Assistance Public Law 84-99. Even though these projects fell into inactive status due to having been poorly maintained due to the fiscal situation, they performed as designed and provided effective flood protection to many populated areas of PR. All have suffered damages due to frequent storms and have an urgent need for rehabilitation to continue performing as designed.
- A way for the Secretary to be authorized to review studies, plans and specifications prepared by local sponsor to proceed to convert a Locally Developed Plan to a Federal Project and implement construction of projects by USACE, in the cases where there has already been some involvement by the Corps or in the cases where this would be done anew.
- Increasing the per project limit for Section 205 (Flood Damage Mitigation) and Section 103 (Beach Erosion) from \$10 million to \$20 million, Section 14 (Emergency Streambank) from \$5 million to \$10 million, for Continuing Authorities Program (CAP) projects in PR and USVI, for a period of five years from the date of enactment of this bill. Also, the overall funding levels should be increased for PR and USVI: the Budget Act's current global allocation of \$50 million for CAP projects will not provide sufficient funding levels.

These items need to be followed up on not just in the evaluation of implementation guidelines for the Budget Act "supplemental" appropriation, but in budgeting for future needs and the long-term rebuilding of Puerto Rico's infrastructure, and the design for future missions of the Corps.

As I also expressed to you, that look to the future is critical to the communities impacted by the disaster. The exposure to these weather events is periodic and does

not need to wait for a catastrophic hurricane to involve danger to life and property. Numerous local communities have brought up this matter, worried if the implementation guidelines for the appropriations will result in that many projects that may not be the “major” headlines will be left aside. I discussed with you the examples of localities such as Canóvanas, Ciales, Guayanilla, Orocovis or Aguada, where major flood damage was experienced yet they fear that attention will be focused on only already-underway “big ticket” projects to the detriment of their equally real needs.

I wish to impress on the leadership the importance of taken this into consideration, and I am ready to bring before my colleagues in Congress any need for additional appropriations or for statutory language that will move this forward.

I have attached to this letter a list of those projects either already under way, or that have been proposed, that may be possible to address under the supplemental appropriation (and thus eligible for 100% Federal share) or else by including them in a future budgeting processes. These are all communities that experienced damage and losses or saw themselves at serious risk, and where the climate and geographic realities mean they will face the same threat, so they need to be addressed in one way or another. Please do get in touch with my office with any question, comment or observation regarding these projects.

Again, I must thank all the men and women both military and civilian in USACE who have helped so much in the effort of Puerto Rico’s recovery. We cannot rest on our laurels yet, but must act quickly so that these projects may be placed in the necessary priority position either under the Budget Act supplemental or in the upcoming appropriation process. I look forward to an effective communication with the USACE team to make sure that Puerto Rico’s needs are addressed.

Thank you for your service,



Jenniffer A. González-Colón

Member of Congress

(Enclosures)



CONGRESSWOMAN JENNIFFER GONZÁLEZ-COLÓN
Puerto Rico - At Large

PRIORITY WATER RESOURCES/CIVIL PROJECTS IN PUERTO RICO

1. **Río La Plata (Toa Baja)** - CWIS 054450 - Ongoing major project, next phase is about to start. Toa Baja experienced the worst catastrophic flooding in these storms, with 12,000 homes flooded out and the municipality estimating \$300 million in total damages. Completion estimate for the project is \$500 million - Visited by the USACE District team.
2. **Canóvanas/San Isidro** - Flood control measures to protect the Villa Hugo community in the San Isidro sector of Canóvanas municipality. This project was terminated in August of 2017 because during the study phase it was determined that under the Section 205 CAP it was not cost viable, coming in at around \$36 million. At the time USACE suggested possibility to pursue instead under Section 7001, WRRD14, or Section 204, WRDA70. The Municipality of Canóvanas has shown interest in being the sponsor on any future efforts. Major hurdle is 154 relocations that need to happen to construct the project.
3. **Ciales** - (New Start) Channeling/mitigation project at Dos Ríos - Area experienced extensive and severe flood damage including two major bridge and road failures. Municipality has reports/plans/studies prepared and available: would want Secretary to be able to review those studies. Formerly sponsored by Puerto Rico Dept. of Natural Resources, assessments were conducted as early as 2003. Requires funding appropriation as there are no local resources available to match. Estimate \$20-30 million - Visited by the USACE District team
4. **Guayanilla** - (New Start) Río Guayanilla Flood Control - Flood from bodies of water through residential and commercial areas and public facilities in urban center described as "unprecedented", extensive damage to property and road accesses. Municipality has reports/plans/studies prepared locally: would require Secretary authority to adopt those studies. USACE approved SIR for New Start Project in 2017; authorization and funding needed; estimated \$60 million - Visited by the USACE District team
5. **Aguada/Aguadilla** - CWIS 091854 - Río Culebrinas Flood Risk Management - Under evaluation by USACE - Municipality of Aguadilla offered to be non-Federal sponsor -

mainly would protect Espinar community in Aguada. Catastrophic flood damage with water rescues conducted and two fatalities among responder personnel during Hurricane Maria. Environmental Assessment done under Section 205 in 2004. Estimate \$20million+

6. Aibonito - (New Start) Aibonito River Flood Damage Reduction – USACE determined Federal Interest, CAP Section 205. Mayor informed in letter dated February 22, 2017 that the municipality submitted a Study Initiation Request (SIR) to USACE-Jacksonville. During Hurricane Maria flooding cut off parts of the municipality from response services. Project estimate \$15 million - Visited by the USACE District team

7. Río Grande de Arecibo - CWIS 012335 - Unfinished flood control project, exceeded its Sec 902 limit; 1,800 homes, businesses and public facilities affected in recent hurricanes, \$100 million total damages. Estimate to continue flood control project is \$150 million. This could also potentially be combined with repairs to the levees for the Cambalache power plant.

8. Orocovis - (New Start) Río Orocovis Flood Control - A feasibility study was underway and due to be completed when the disaster struck. Would then require authorization and funding. Major flooding through residential and commercial urban areas. Project estimate \$20 million

9. Loíza - Shore erosion - CWIS455357 - Parcelas Suárez Community - Severe coastal erosion, exacerbated by the storm surge. Damage to roadways and threat to public facilities and utilities. WRDA-CAP14 funding may be available but has not been authorized for release. Design and construction contingent on funding. Current project estimate \$5 to 7 million

10. Arroyo - (A) Río Nigua Flood control - (New Start) - repeated flooding damage in urban area; estimate \$14 million; would also benefit Salinas. **(B) Dredging/Repairs to Breakwater at Paseo Las Américas (New)** for erosion/silting management to restore usability of harbor - project proposed by mayor in 2017, correcting effect of incomplete work performed in the 1990s. Was referred to contact Corps, at end of 2017 no response if followed up. Need to know what consideration if any has been given.

11. Yabucoa - Río Yabucoa Flood Control - New Investigation under Section 205 - history of repeated incidents of urban flooding - \$15 Million estimated for project.

12. Vega Baja - Río Cibuco & Caño Caribe levee rehabilitation - CWIS 085931 - It is one of the “inactive” projects. Notified by Mayor of Vega Baja in letter dated 1/24/2018, referred to USACE.

13. Río Puerto Nuevo - CWIS 012462 - Major channeling project for the San Juan Region (\$1.3 billion total investment projected); progress by phases slowed by difficulties in LEERD acquisitions. Historic flooding levels experienced in hurricanes. The flooding event also revealed hazards with the need to replace existing bridges and retaining walls in canals that were not due to be attended until later phases programmed for the 2020s, so there may need to be consideration to move ahead their attention. - Visited by the USACE District team

14. San Juan Harbor Channel Improvements - CWIS 076078 and 016190 - Project estimates \$55/60 million - This could be eligible insofar as there may be effects of silting and movement of debris due to the storm, that requires re-clearing the channels to speed up the cargo movement necessary for a sustained recovery.

15. Camuy - Demolition and replacement of Harrison Bridge - Permit approved by USACE November 16, 2015 - Municipality requested USACE extension of permit due delay in project due to weather issues.

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Congress of the United States
Washington, DC 20515

March 22, 2018

Mr. Ryan A. Fisher
Principal Deputy Assistant Secretary of the Army for Civil Works
Acting Assistant Secretary of the Army (Civil Works)
Office of the Assistant Secretary of the Army (Civil Works)
108 Army Pentagon
Washington, DC 20310-0108

Dear Mr. Fisher:

We respectfully write to express our strong support of the Caño Martín Peña Ecosystem Restoration Project as a critical project for flood and storm damage reduction in San Juan, Puerto Rico. We commend the U.S. Army Corps of Engineers, as well as the non-Federal Sponsor, ENLACE, for their leadership and the progress made in recent years to advance this project and secure funding for pre-construction, engineering and design (PED) activities through the Army's Civil Works Program. As you are probably aware, the additional supplemental appropriations for disaster relief and recovery included in the Bipartisan Budget Act of 2018 provides a unique opportunity to complete PED and commence construction of this vital project.

We support efforts to commence construction of this project, understanding its implications for the people of Puerto Rico and its federal importance, especially in the aftermath of Hurricanes Irma and Maria. In December 20, 2016, the Bipartisan Congressional Task Force on Economic Growth in Puerto Rico stated in its report that this project "can provide a significant return on investment for the federal government in terms of improving the economy, protecting public health, and restoring the natural environment in some of Puerto Rico's most distressed communities" and recommended the Corps and ENLACE finalize the Project Partnership Agreement (PPA) as soon as possible. The House Committee on Appropriations for Energy and Water Development echoed this statement on its Committee Report for Fiscal Year 2018, which also encourages the Corps "to include appropriate funding in future budget requests" for the project.

The Bipartisan Budget Act of 2018 (Act) includes funding to construct flood and storm damage reduction projects in areas impacted by Hurricanes Harvey, Irma and Maria, including projects currently authorized and with a signed Chief's Report. The Caño Martín Peña Project was authorized by Section 5127 of the 2007 Water Resources Development Act (WRDA) as a multi-purpose environmental restoration and flood risk management project. Additionally, the Assistant Secretary of the Army for Civil Works has approved it as technically feasible, cost-effective, environmentally justified, in accordance with environmental statutes, and in the public interest, as established in

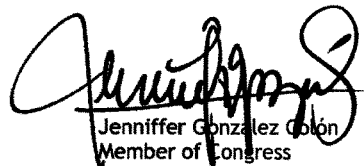
has approved it as technically feasible, cost-effective, environmentally justified, in accordance with environmental statutes, and in the public interest, as established in the Record of Decision signed on May 16, 2016. The project aligns with the criteria set forth in the Act.

We understand the Corps has 60 days to allocate and obligate the funds made available through the Act. The Jacksonville District of the Corps has included the project in its list of priority projects to be taken into consideration by the Corps' leadership. We urge you and your staff to actively explore the possibility of allocating funds for the Caño Martín Peña Ecosystem Restoration Project, recognizing its flood risk management benefits for Puerto Rico.

Finally, we would like to recognize the importance of, ENLACE's role as the entity in charge of conducting the acquisitions and removal of 297 structures required as part of the Land, Easements, Rights-Of-Way, Relocation, and Disposal Areas (LERRDs) of the project. As of February 2018, ENLACE has successfully completed 129 out of the 297 acquisitions of structures required for the project. In addition, ENLACE has leveraged over \$100 million and other resources from local, state, and federal governments, foundations, and private partners towards ecosystem restoration, real estate acquisitions and relocation of families, housing, and infrastructure. If the Corps allocates funds to the project, it is essential that ENLACE remains involved in the project as the non-Federal Sponsor in charge of conducting the remaining acquisitions and relocations to ensure their timely and successful completion, with the active participation and support of the communities, as it has been done to date.

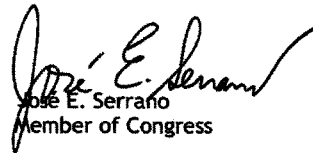
Please keep us informed of the progress being made on this project. By working together, we can help the people of the Caño communities regain a healthy waterway, and Puerto Rico to further protect critical infrastructure and strengthen the economy at a time of severe hardship.

We look forward to our continued collaboration.



Jenniffer Gonzalez Colón
Member of Congress

Sincerely,



José E. Serrano
Member of Congress

Mr. FLEISCHMANN. Thank you for your testimony. Senator, welcome to the subcommittee. It is good to have you here, sir. We certainly sympathize and empathize with the residents of Puerto Rico. I was a supporter of the omnibus bill which provided needed funding to the island. And we wish you well with all of your endeavors.

At this time I would like to yield to Ranking Member Kaptur.

Ms. KAPTUR. Thank you so very much, Congresswoman González-Colón for being here today. And your colleague from Puerto Rico, Senator Romero. Thank you so much. Glad to have you here.

And I wanted to ask just a question. In your early part of your testimony you say Puerto Rico was gravely impacted by two consecutive hurricanes of historical magnitude. We all saw that. Could you discuss that in the context of past storms that have impacted Puerto Rico? How do you see your ecosystem changing?

Miss GONZÁLEZ-COLÓN. I mean, the main difference is, in 90 years Puerto Rico was never impacted by a hurricane like this. We always get hit by a hurricane, so we are used to hurricanes, but never having a hurricane cross the whole island, entering like that, and making landfall in the east side, going through the mountains in the center part of the island, and getting out to the west. It was more than a day that we had the hurricane hitting us.

So, that is the main difference between all the regular hurricanes. The second one, I will say that we were preparing for Hurricane Irma, so all supplies were being used for Hurricane Irma in Puerto Rico, and in the U.S. Virgin Islands, because Puerto Rico is the distribution center for Puerto Rico and the U.S. Virgin Islands.

So, when the second hurricane hit the island, most of the provisions were already, you know, going to U.S. Virgin Islands, so there are many, many of the lessons that we are going to be learning from this process, I think there is no way we can expect the severity of the catastrophe of this, the magnitude of this hurricane. That is the reality.

This is the first time ever we go the Federal agencies, FEMA and NOAA before a hurricane, during the hurricane, and after the hurricane. The first time ever, both Irma and Maria.

But even having those Federal agencies there, in both hurricanes, I mean, it got us like we never expected before. So, I hope a lot of those lessons are already learned, and we are facing a new hurricane season in just 55 days, with 3 percent of the island still without power, which means 43,000 families.

Ms. KAPTUR. Congresswoman, I wondered what percent of the power had been restored.

Miss GONZÁLEZ-COLÓN. Three percent; 97 percent generation, but generation is not exactly the same as distribution, so, that is the reason we are talking about 43,000 families without power, but at this moment, it is zero, because the whole island is without power.

Ms. KAPTUR. And also, I wanted to ask, what percentage, what is the population of Puerto Rico now, what percentage of the population left, that hasn't come back home yet?

Miss GONZÁLEZ-COLÓN. The last numbers in Puerto Rico was 3.4 million, but after the hurricane there have been several numbers

saying about 200,000 people that left the island. We still don't have exact numbers regarding that. We are using most of the numbers through the Medicaid and Medicare, for the people who moved to Florida or the eastern coast of the States.

We even know the numbers of families that are moving to live with relatives on the States, we don't know yet how many of them are going to be returning to the island. So, that number, we should be looking at that number maybe this summer, because you've still got a lot of people who have power. But yes, a lot of people move, because they love their homes.

It has been said by ARC Department that more than 100,000 houses were impacted directly, and more than 250,000 homes need to have repairs, because they were severely impacted. So, we are talking about the biggest catastrophe that has been happening in the island—ever happened in the island.

Mr. GRIFFITH. If I might chime in. As a part of my duties on the Energy and Commerce Committee, I went with the Representative down to Puerto Rico, and one of the things I noticed both in Puerto Rico and the U.S. Virgin Islands, that over time, we ought to be looking at from a money standpoint, is the actual telephone poles, if they were made up of composite material they would survive much better in the storm, than if they were made of wood.

And so as we are spending money, instead of just restoring wooden poles, and Puerto Rico is too large to do it all at one time, but if we started over time putting in some money for, and I hope you don't object to me jumping in, but I was just so moved that, you know, were those composite poles, where there was a much greater chance that they would be there, and it is a whole lot easier to not just get the power back up, but to get it to the houses.

If all you are doing is stringing the wire on a pole that is still standing. If you have to replace the pole and the wire, it is much more difficult to get power back to the—particular the center of the island, but to the very more remote places. So, I just throw that in and I apologize.

Miss GONZALEZ-COLÓN. That is what happened. Actually, thank you for coming to the island. And thank you, both of you, because all the help that has been happening in the island, yes, it is because this Committee has been assigning the money.

And I will tell you this, without any, you know, regret or remorse. The first responders for this catastrophe was the House assigning the money. I mean, the first allocation of funds came from this committee, in many areas. From different agencies, and the supplemental, the Omnibus, I mean, we continue to receive those kinds of funds, and even for the amendments that I was praying for, in terms of the full Federal match.

Because as you may know, Puerto Rico had a different situation, a bankruptcy situation, so we don't even have the 10 percent or the 20 percent to match the Federal funds in the U.S. Army Corps, or the rest of the programs.

So, with this kind of help, I mean, we need to put the island on the track. But again, we are patching up. We are still not doing a new system, a new generation system; that is another story here. But I mean, that is our number one priority. We are still in an emergency mode, and so this is the reason I put many of the flood-

ing mitigation programs in some municipalities here, and even shore erosion, is on the list that I am submitting to the Committee.

Ms. KAPTUR. Thank you. And I represent the largest Puerto Rican population west of New York City, in Lorain, OH, and one of my questions to you is, what would be the most important message I can share with them, when I go back to my district?

We have sent many, many humanitarian shipments. What would be the—I am sure they know because if many of them are helping their own families, but, what advice would you have for the American people who still want to help Puerto Rico? What would you say to them?

Miss GONZÁLEZ-COLÓN. I mean, there still are many different NGOs, social organizations that are helping out with the health clinics on the island, helping, cleaning, painting, a lot of the infrastructure on the island. I mean, it is a lot, the recovery process itself. I mean, we are talking about roads, bridges that were washed away by rivers and the floods.

So, I would say that they continue to help those relatives on the island, and that would be the first one. We still run generators to have the communication towers running, so even the cell phones are being used, because you have got a generator on the tower of the telecoms, in the center part of the island, because those areas are still without power.

So we are not yet to that 100 percent, but we are working to that goal, and I do want to thank all the Federal agencies that are on the ground, and the State agencies, and even the states that have been sending different brigades to help us with the power grid.

Ms. KAPTUR. I have one final question. And I appreciate the Chair's indulgence here. I represent an organization called El Centro Unico in Lorain, OH. And my question is, would it be valuable to the people of Puerto Rico to have some sort of tele-medicine for children or adults who have flashbacks related to the hurricane? Do you have an issue with sort of post traumatic stress on the island because of what happened there? And I think that our region would very much be interested if it would be of benefit to link some of our medical assets to you.

Miss GONZÁLEZ-COLÓN. It will be. It will be. And that is something that we haven't emphasized enough yet, because we are still in the recovery mode, but you are just right, there is a great amount of distress and mental illness after the hurricane. A lot of kids and elderly people are traumatized because of the hurricane. And so we are going to face, I mean, even the suicide rate went higher after the hurricane on the island, so those numbers are up to double.

So, yes, that is something that we need to address, and something that we are looking forward to having some help, not just in the tele-medicine but even regarding the programs and the health care insurance in terms of the services they can receive from physicians on the island.

Ms. KAPTUR. I thank you. Thank you very much, Congresswoman González-Colón.

Miss GONZÁLEZ-COLÓN. Thank you, because you have been helping and signing a lot of the letters we have been sending to our members, so thank you for that, Ranking Member.

Ms. KAPTUR. Thank you for your leadership. Thank you, Congressman Griffith.

Mr. GRIFFITH. Thank you so much.

Mr. FLEISCHMANN. I wish to thank the Ranking Member, Ms. Kaptur for those questions, very, very beneficial to us. And for those of you in the audience who might not know, especially our distinguished friend from Puerto Rico, Ms. Kaptur has just gotten a very high honor. She is the longest-serving female member of the United States House of Representatives in history, so it is a great privilege to serve with you in this capacity.

Ms. KAPTUR. Thank you very much. It is a privilege to serve with you, Mr. Chairman.

Mr. FLEISCHMANN. Thank you. And to our members, thank you for your participation. This really helps us as we go through the 2019 Appropriations process, and we are going to give very close consideration.

As you know as appropriators we generally work very well together on both sides of the aisle, and appropriators, to perform our function. So, your input is much appreciated.

With that, this hearing is adjourned.

[Additional material submitted for inclusion in the record follows:]

Congressman Bill Foster (IL-11)
Energy and Water Appropriations Testimony
April 19, 2018

- Good morning, and thank you Chairman Simpson and Ranking Member Kaptur for holding this Members' Day hearing and to the members of the Subcommittee for allowing me to testify.
- Today, I am asking the committee to support funding for the continued research and development of an advanced naval nuclear fuel system based on low-enriched uranium or -L-E-U.
- In a letter addressed to the attendees of the 2016 Nuclear Security Summit, a group of 35 Nobel laureates urged world leaders to transition away from the use of highly-enriched uranium or H-E-U.
- HEU is one of the most dangerous substances known to man because it can be used to make a simple, gun-type design nuclear bomb with a multi-kiloton yield.
- In contrast, LEU is relatively useless to terrorist groups who would not possess the enrichment capabilities of a nuclear capable nation.

- The detection of even minute amounts of HEU can be clear evidence of a weapons program in a nation that has formally committed to only peaceful uses of atomic energy based on LEU.
- Which is why the elimination of globally held stockpiles has been a long-standing U.S. policy objective.
- The proliferation concerns, along with the dangers of nuclear terrorism, have led us to believe that the minimization of using HEU outside of nuclear weapons would make the United States and the world a safer place.
- And significant progress has been made.
- The Megatons to Megawatts Program, for instance, eliminated more than 25 percent of the planet's nuclear bomb fuel.
- But more remains to be done.
- Today, the largest remaining non-weapons use of HEU is as fuel for naval propulsion reactors.
- Of which, the United States holds the largest declared reserve, approximately 140 metric tons.

- Public estimates assess that U.S. naval reactors use more than two tons of weapons-grade HEU annually, equivalent to hundreds of nuclear weapons.
- Unless a transition to LEU fuel is made, the United States may have to resume the production of HEU for the first time since 1992, further undermining our nonproliferation efforts.
- There is also a concern that the Navy's use of weapons-grade fuel could establish a backdoor for other countries to acquire nuclear weapons.
- Under the Nuclear Non-Proliferation Treaty, international inspectors are blocked from examining nuclear material designated for naval fuel.
- As such, a country could produce HEU for naval purposes, then remove it to illicitly build a nuclear weapon.
- In 2016, two more countries – Iran and South Korea – announced programs to develop naval nuclear propulsion reactors, and Iran already has claimed its program would require HEU.
- Negotiating the end of dangerous HEU programs would be immeasurably easier if the United States establishes the technical feasibility of using LEU for all non-weapons purposes.

- Secretary Perry and Secretary Spencer recently suggested that the use of LEU fuel would necessitate refueling, requiring the need for a larger submarine force and significant new shipyard infrastructure.
- However, the main goal of research and development is to determine whether an LEU life-of-the-ship core is possible in a newly designed next-generation vessel.
- Or to determine if LEU would be a viable option in aircraft carrier reactors, which are not size-constrained and use about half of the HEU for naval propulsion.
- Continued research and development would also energize the next generation of nuclear engineers.
- As the U.S. Office of Naval Reactors warned in a 2014 report to Congress: “Development of an advanced fuel system would help maintain the unique naval nuclear technology base... If these essential capabilities are lost, then development of an advanced fuel system will become impractical.
- During, FY2016 and FY2017, Congress authorized and appropriated \$5 million for initial research and development.

- It is now more important than ever for the United States to lead by example and continue exploring the feasibility of converting our naval nuclear propulsion to LEU fuel.
- I look forward to working with you on this matter.
- Thank you again, and I yield back the balance of my time.

House Committee on Appropriations

Subcommittee on Energy and Water

Rep. James R. Langevin (RI-02)

Testimony – April 18, 2018

Thank you, Chairman Simpson and Ranking Member Kaptur, for allowing Members to testify before you and inform the development of the Fiscal Year 2019 Energy and Water Appropriations bill. I serve on the House Armed Services Committee, and I wish to bring one matter to your attention.

As you may know, the United States has demonstrated strong leadership over the past decade to minimize, and where possible all but eliminate, the use of highly-enriched uranium (HEU) for civilian purposes. Doing so reduces the risk of nuclear terrorism and makes clear that the accumulation of HEU is military in nature, isolating states seeking nuclear weapons capability.

By instead using low-enriched uranium (LEU) in naval reactor fuel, we bring significant national security benefits to bear when it comes to nuclear nonproliferation, lower security costs, and naval reactor research and development at the cutting edge of nuclear science. Pursuing the development of LEU fuel offers the opportunity to achieve transformational progress on fuel technology; the same imperatives do not apply to research and development for HEU fuel improvements.

Additionally, unless an alternative using low-enriched uranium fuel is developed in the coming decades, the United States will have to resume production of bomb-grade uranium for the first time since 1992, ultimately undermining U.S. nonproliferation efforts.

Using LEU for naval reactors is not an impossible task – France’s nuclear navy already has converted from HEU to LEU fuel. We must evaluate the feasibility for the U.S. Navy as well, and take into account the potential benefits to U.S. and international security of setting a norm for using LEU instead of nuclear bomb-grade material.

As America confronts the threat of nuclear terrorism and as countries continue to enrich uranium for naval purposes, the imperative to reduce the use of HEU will become increasingly important over the next several decades. As such, Congress has sought to advance these efforts over the last several years by evaluating the potential of utilizing LEU fuel in reactors for U.S. Navy aircraft carriers and submarines.

It is therefore critical that the House of Representatives build upon the progress of previous years and continue to provide funding for this critical research that is paramount to our national security interests. This work should not be a fiscal burden for the U.S. Navy. It is a core tenet of the Defense Nuclear Nonproliferation (DNN) mission, and the resources for this effort should come from the DNN account.

As such, I request you include \$15 million in funding to support early testing and manufacturing development required to advance LEU technology for use in naval fuel. Should the Secretary of the Navy and the Secretary of Energy sign an agreement to advance such research and development work, I urge that an additional \$30 million be made available for this purpose.

The time has come to invest in new technologies to address the threat and to reduce reliance on highly-enriched uranium. Thank you once again for receiving my testimony and taking my request into consideration for the Fiscal Year 2019 Energy and Water Appropriations bill. This investment is critical in providing for our collective national security, and I encourage its inclusion.

HOUSE APPROPRIATIONS SUBCOMMITTEE ON ENERGY AND WATER
DEVELOPMENTWRITTEN TESTIMONY OF
CONGRESSMAN ALEX MOONEY OF WEST VIRGINIA'S 2ND DISTRICT

RE: COAL TO LIQUID FUEL TECHNOLOGY

APRIL 18, 2018

Chairman Simpson, Ranking Member Kaptur, and members of the Subcommittee, I, like you, am interested in ensuring our country continues to develop energy technologies to promote American energy independence. Specifically, I would like to note the importance of advancing the United States' capabilities in the coal to liquid fuel technology space. This testimony specifically addresses activities by the U.S. Department of Energy Office of Fossil Energy.

As a member of the Congressional Coal Caucus representing one of the nation's most prominent coal producing regions, I have had the opportunity to learn about advanced energy programs, such as coal to liquid fuel technologies. Companies in this space are presently hard at work researching and developing an exciting coal to liquid fuel ("CTL") process that has the potential to be a transformative energy technology once piloted and scaled. This technology is one of several that are currently being developed that have the potential to not only optimize and revitalize use of domestic coal resources but also to significantly reduce the environmental impact of fossil fuel.

This written testimony is intended to serve as a resource for the House Appropriations Subcommittee on Energy and Water ("Subcommittee") and to provide information on (1) recent progress in the development of technology that produces crude oil equivalents from coal at low pressure and temperatures with no coal burning or carbon emitting gasification; (2) the potential of such technology to help America achieve its goal of energy independence; and (3) the need for Congressional support to test advance concept CTL technologies at the pilot plant phase.

Advancements in Coal to Liquid Fuel Technology

Fossil energy resources such as coal, oil and natural gas generate approximately 65 percent of the nation's electricity and will continue to provide for the majority of our needs for the foreseeable future. According to the U.S. Energy Information Administration's (EIA) most recent Annual Coal Report (published in November 2017), the demonstrated reserve base of coal in the U.S. is significantly larger than estimated remaining natural gas and oil resources, based on total British thermal units (BTUs). Development of a low cost CTL technology could enable the U.S. to utilize these vast coal reserves to stabilize the more limited domestic oil reserves, thereby reducing reliance on foreign oil sources and providing an enduring and secure domestic energy resource.

A number of companies are currently investing in and developing methods for producing crude oil equivalents from coal. The liquefaction processes being tested and developed have

several advantages over past coal to liquid conversion methods that were researched, but never widely-commercialized due to high cost and long conversion time (i.e., Fischer-Tropsch). First, many involve a direct liquefaction process that does not include a gasification step, making them both faster and cleaner, since no carbon is emitted in the conversion process. Second, recent technological advances in process engineering have opened new pathways for coal to liquid conversion, which, if scaled, will drive down overall time and cost of producing oil equivalents to a per barrel price that is competitive with or lower than current crude oil prices.

It is my understanding that any type of coal can be converted into a synthetic crude equivalent using these technologies, though the volume of liquid produced per ton of coal varies according to the BTU content of the coal feedstock. For example, one ton of high BTU Central / Northern Appalachian coal converts to roughly four barrels of crude equivalent, and one ton of lower BTU coal from Uinta or Powder River Basin produces roughly 2-3 barrels of crude. Preliminary testing shows the crude equivalent produced via this conversion process can be easily refined into jet and motor fuels and other chemicals with minimal modification at the refinery level. Further, no hazardous products are used in the conversion process and no known hazardous byproducts are produced.

The technology is designed to be modular, making it easy to fit a specific application and to scale up if greater conversion capacity is required. Current prototypes suggest that one line can process five tons of coal per hour, resulting in 20 barrels of oil per hour (with high BTU coal inputs). Commercial plants can therefore be sized according to BTU content of the coal and amount of coal available at specific locations.

Given these features, this technology, if successfully commercialized, could lead to the development of a low capital cost, low per barrel cost source for crude oil. Further, this technology uses existing infrastructure and natural resources to boost employment opportunities in coal producing regions and move America towards its goal of energy independence. DOE's Office of Fossil Energy is intended to support precisely this sort of transformational technology development.

Benefits of Coal to Liquid Fuel Technologies

For decades, West Virginia has been integral in contributing to America's energy independence. However, with the closure of multiple mines, West Virginia, like the rest of our country, has experienced significant economic impacts due to decreases in coal-related employment. According to the EIA, in 2016, U.S. coal production dropped 18.8 percent year-over-year to the lowest annual production level since 1979.

We must continue to invest in our nation's energy portfolio. Federal support for the development and commercialization of coal to liquid fuel technology is one important way to do so and also aligns with the Department's stated interest in supporting coal-related technologies that can revitalize American manufacturing and energy production. The development and deployment of CTL technology will help secure the future of high paying American coal mining jobs that are critical to the economies of our states.

Moreover, the coal to liquid fuel technologies that are currently being developed can produce crude oil equivalents from coal with minimal or no coal burning or carbon emitting gasification. Thus, the technology represents an environmentally sustainable method to utilizing America's plentiful domestic coal resources.

Need for Advanced Energy Pilot Program

To capitalize on this developing technology and provide for increased employment opportunities in coal producing states, advanced concept CTL technologies must be tested in the field to evaluate scalability. Accordingly, I submitted appropriations report language and encourage the Subcommittee to support the funding of an Advanced Energy Pilot Program by the Department of Energy's Fossil Energy Research and Development ("FERD") program.

Federal funding for such a pilot program is needed to incentivize continued investment in CTL technologies and to ensure that such technologies advance beyond the bench phase. Funding of a CTL advanced energy pilot program is consistent with the DOE Office of Fossil Energy's mission to "ensure the nation can continue to rely on traditional resources for clean, secure and affordable energy while enhancing environmental protection." Indeed, the FERD program was created to fund research, development, and demonstration activities that improve existing technologies and to develop next-generation systems in the full spectrum of fossil energy areas.

Federal partnership in the development of transformational coal conversion technologies will help secure our nation's position as a leader in the fossil energy field and will ensure continued use of our domestic resources in a safe, economically competitive and environmentally sustainable manner.

Conclusion

The United States Department of Energy must continue to invest in our nation's energy portfolio. Federal support for the development and commercialization of coal to liquid fuel technology is one important way to do so and directly aligns with the Department of Energy's stated interest in supporting coal-related technologies that can facilitate a renewal of American manufacturing and energy production. CTL technologies, once scaled, can be used at existing mines across the United States with minimal investment, thereby creating an environmentally sound, economically sustainable, safe and efficient use of existing domestic coal resources.

Put simply, federal investment in transformational CTL technologies provides a pathway towards American energy independence and can contribute to increased employment and economic success. Mr. Chairman, Ranking Member, and members of the Subcommittee, I appreciate your attention to this emerging technology and look forward to working with you as we advance our nation's energy opportunities. I ask you to support funding for an advanced energy pilot program at DOE that will help ensure the potential of this transformational technology is realized.

Congresswoman Jacky Rosen (NV-03)
Member Day Testimony
Energy and Water Development, and Related Agencies Subcommittee
House Appropriations Committee
April 17, 2018

Chairman Simpson, Ranking Member Kaptur, and Members of the Energy and Water Development, and Related Agencies Subcommittee – thank you for the opportunity to submit written testimony for the record in opposition to funding the Yucca Mountain nuclear waste repository program.

I come before you today with two requests. First, I request that this Subcommittee include limiting language in its appropriations bill that would prohibit the use of federal funds to support activities associated with the licensing of Yucca Mountain. Second, I request that this Subcommittee reject the President's FY19 budget request and refrain from appropriating any funding for Yucca licensing.

In 1987, Congress amended the Nuclear Waste Policy Act to target Yucca Mountain in Nevada as the sole site for our nation's geological repository. The State of Nevada and local communities continue to oppose this site recommendation, and licensing proceedings have halted.

The President's FY19 budget request includes \$120 million to restart licensing proceedings for the Yucca Mountain nuclear waste repository and establish a robust interim storage program. Nevadans strongly oppose the construction of a repository at Yucca Mountain because it threatens our health and safety.

Using Yucca Mountain as the nation's dumping ground would require transporting over 70,000 metric tons of radioactive waste, much of it through my district, and through the heart of Las Vegas, a city

that attracts over 42 million visitors annually and generates almost 59 billion dollars in revenue according to the Las Vegas Convention and Visitors Authority.

Moreover, this misguided proposal requires the construction of almost 300 miles of new railroad tracks to transport the waste, putting more than 123 million lives near the proposed routes at risk. Such nuclear waste transportation directly threatens individuals living in nearly 330 Congressional Districts, including many of the districts that Members of this Subcommittee represent: CA-31, CA-42, FL-23, ID-02, IN-01, NE-01, OH-09, OH-14, TN-03, TX-12, and WA-04.

In addition, the Yucca Mountain project is also a threat to our national security and the readiness of our Air Force. The Yucca Mountain site is adjacent to the Nevada Test and Training Range (NTTR), the largest air and ground military training space in the contiguous United States. According to Air Force Secretary Wilson, there is no nuclear waste transportation route across the NTTR that would not impact testing and training.

Most importantly, Nevadans have not consented to allowing our state to become the nation's nuclear dumping ground. In its 2012 final report, the Blue Ribbon Commission on America's Nuclear Future recommended that any plan to address nuclear waste storage must be based on scientific analysis as well as consensus from affected parties. Yucca Mountain does not have that kind of consensus. The majority of Nevadans agree that storing nuclear waste in Yucca Mountain is not a viable or sustainable solution.

As such, I respectfully request that you include the following language in the Fiscal Year 2019 Energy and Water Development, and Related Agencies Appropriations bill:

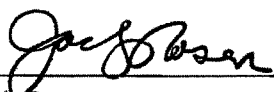
None of the funds made available under this or any other Act, or any Appropriations Act, may be used to support activities associated with the Yucca Mountain geological repository license application.

I also request that the Energy and Water bill itself include no funding for Yucca licensing or related activities.

I urge this Subcommittee to stop wasting billions of taxpayer dollars by resurrecting a project that's been dead for over 30 years, and instead identify viable alternatives for the long-term repository in areas that are proven safe and whose communities consent to storage.

Thank you for your consideration of this request.

Sincerely,



Jacky Rosen
Member of Congress