

HEARING ON THE NOMINATION OF R.D. JAMES
TO BE ASSISTANT SECRETARY OF THE ARMY
FOR CIVIL WORKS

HEARING
BEFORE THE
COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE
ONE HUNDRED FIFTEENTH CONGRESS
FIRST SESSION

DECEMBER 6, 2017

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ONE HUNDRED FIFTEENTH CONGRESS
FIRST SESSION

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HEARING ON THE NOMINATION OF R.D. JAMES TO BE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

WEDNESDAY, DECEMBER 6, 2017

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The Committee met, pursuant to notice, at 10:05 a.m. in room 406, Dirksen Senate Office Building, Hon. John Barrasso (Chairman of the Committee) presiding.

Present: Senators Barrasso, Carper, Inhofe, Capito, Boozman, Wicker, Fischer, Rounds, Ernst, Sullivan, Whitehouse, Merkley, Booker, Markey, Duckworth, and Harris.

OPENING STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM THE STATE OF WYOMING

Senator BARRASSO. Good morning. I call this hearing to order.

Today we will consider the nomination of R.D. James to serve as Assistant Secretary of the Army for Civil Works.

The Assistant Secretary establishes policy direction and provides supervision over the Department of the Army functions relating to all aspects of the Civil Works program of the U.S. Army Corps of Engineers. This Committee shares jurisdiction over Mr. James' nomination with the Senate Armed Services Committee, which has already held a hearing and reported the nominee favorably by voice vote.

The Assistant Secretary plays a central role in ensuring the navigability of America's ports and inland waterways. The Assistant Secretary is tasked with overseeing the Army Corps' Flood and Storm Risk Management, including responding to emergencies such as Hurricanes Irma and Maria.

The Assistant Secretary also is charged with protecting and restoring aquatic ecosystems, while allowing infrastructure development. America's water infrastructure faces numerous challenges, including those impacting rural States like Wyoming. Mr. James is well qualified to tackle those challenges. He has served as a civil engineer member of the Mississippi River Commission since 1981. That is 36 years. He was appointed to that position by both Republican and Democrat Administrations. Throughout his tenure, Mr. James has helped lead the Commission's efforts to improve the conditions of the Mississippi River, foster navigation, promote commerce, and reduce destructive flooding.

He gained extensive experience collaborating with five presidential Administrations, State and local officials, and the public at large. Prior to joining the Mississippi River Commission, Mr. James worked at the Kentucky Department of Water Resources as a Water Resources Design Engineer for State water resources projects.

Mr. James is also an accomplished farmer and businessman. I look forward to working with Mr. James, once he is confirmed, on projects and issues important to Wyoming, including challenges associated with providing long term water supply and storage to rural communities, and preventing flooding and modernizing levees. For example, it is past time to find a permanent solution to preventing ice jams such as those that caused the Big Horn River to flood in the city of Worland.

I also look forward to working with Mr. James on major policy issues such as the Trump administration's proposed withdrawal of the Waters of the U.S. rule and legislation to address our nation's most critical infrastructure needs, which is a top priority of this Committee.

Confirming Mr. James to be Assistant Secretary of the Army for Civil Works will be an important step in empowering the Army Corps of Engineers to more effectively and efficiently address our nation's infrastructure needs.

I will now turn to the Ranking Member of the Committee, Senator Carper, for his statement.

**OPENING STATEMENT OF HON. THOMAS R. CARPER,
U.S. SENATOR FROM THE STATE OF DELAWARE**

Senator CARPER. Thanks, Mr. Chairman.

Mr. James, great to see you again. Thanks for stopping by yesterday.

There is a lady sitting behind you, over your right shoulder. Do you know her?

Mr. JAMES. Yes, I do.

Senator CARPER. How well?

Mr. JAMES. Very well.

Senator CARPER. Does she have a couple of Es in her name?

Mr. JAMES. Yes, she does.

Senator CARPER. Yes, she does; got an extra one.

Welcome. Is it Jennye? Welcome. We are happy you are here. Thank you for allowing your husband to do this, and a lot of the other things he has done with his life. I was the only one here on the Committee when he came in, and I told him I was the only one coming, and he said that's a good thing.

[Laughter.]

Senator CARPER. Maybe yes; maybe no.

We are glad you are here and grateful that you have been nominated. Look forward to this hearing.

As we all know, this is a position that is real important to, I think, all of us in this room. I am going to ask John King, right behind me, just to hold up a map. We have all seen maps of the United States of America, but how many court districts are there? Thirty-seven? Thirty-eight in all. And they spread all the way from Alaska all the way to Hawaii, from Oregon and Washington up in

the northwest to Maine up in the northeast, Florida down in the southeast, and California; and a lot of them have water. A lot of them have water. A lot of them have coast.

In fact, I think about 80 percent of the people in this country, maybe 75 percent of the people in this country live within about 75 miles of one of our coasts. And one of the things I am going to mention in my comments is how much money we are spending to allow the Army Corps of Engineers to, frankly, address all these needs, all these needs around our country, across all this water, and it is huge. And sometimes I don't think—and I think my colleagues agree—we probably don't provide enough money.

All right, but thanks for joining us today, for your willingness to serve, and Jennye for joining him and allowing him to do this.

If you are confirmed, Mr. James, you are going to be overseeing, as you know, the Army's Civil Works program. Through this important program, the Corps is responsible for responding to and reducing the likelihood of flood damage.

The Civil Works program also includes the construction, the operation, and maintenance of our nation's ports and inland waterways, which are the gateways of both domestic and international commerce. It also includes shoreline and coastal protections for the areas of the country that are dramatically affected by large bodies of water, such as my own home State of Delaware. And if confirmed, you will also oversee the Army Corps of Engineers' activities for environmental regulations and permitting.

Mr. James, the responsibilities of the position to which you have been nominated are daunting, and if confirmed, you will be leading efforts that dramatically affect just about every part of this big country of ours that we just took a look at. As such, we on this Committee should take your nomination very seriously, and we do. In your role as a member of the Mississippi River Commission for the last 36 years—how old were you when you started out, 12?

Mr. JAMES. Six.

Senator CARPER. Six. OK.

[Laughter.]

Senator CARPER. You have had a direct impact—I am tempted to ask if Jennye was a child bride. I won't get into that.

But you had a direct impact on a number of successful initiatives for that region, and it is a pretty big region, as I understand. The geographic scope, though, that the Commission manages, however, is narrow compared to what you are about to take on. When I met with you earlier this week, you committed to coming to visit us in the First State, in Delaware, expressed an interest in visiting other States as well. I think that is terrific, and I urge you to follow through on that. We will be sure to welcome you warmly.

But if I were in your shoes, you have great expertise about certain parts of the country, but obviously you can't know it all, and this is a good chance. There is nothing like being there, going there, so I am happy that you are doing that.

This country, much like this Committee, has very diverse and broad geographic makeup, from the coastal communities such as those represented by Senators Booker, over here to my left, and Whitehouse, to rural communities such as those represented by Senator Ernst and Senator Rounds, to inland communities such as

those represented by Senator Barrasso and Senator Duckworth. All these regions have various water interests managed by the Corps of Engineers.

In your new role, should you be confirmed, you will have to balance a wide range of competing interests. It is important that you visit these different types of communities to garner a broader understanding of the challenges that each face, and I am encouraged that you plan to do just that.

As you know, the President has said that America's aging infrastructure should be modernized and rebuilt. My guess is that just about every U.S. Senator has said the same thing, including those on this Committee. Democratic Senators released, in fact, a blueprint earlier this year that called for rebuilding our infrastructure for our country. Senators on both sides of the aisle are supportive of investing in infrastructure, and such an investment should include funding that would allow the Corps to address our country's water infrastructure needs.

While I am interested in learning how the Corps can be more efficient with the appropriated funds that you receive to get the most out of every taxpayer dollar, I also believe that the Corps has been considerably underfunded for a number of years, and I am not the only one here in the Senate who feels that way.

Water infrastructure investment is a shared responsibility, as you know, with State and local governments, and I want to make sure that these jurisdictions get the help they need while they are doing their part, as partnered with the Federal Government. I also want to learn more about how we can make sure that we prioritize the most critical investments that need to be made in our nation's aging infrastructure.

With that being said, there is no one size fits all approach to solving this problem. Should you be confirmed, you will be a central figure for making sure that these bipartisan concerns are addressed. I look forward to hearing your thoughts on these important matters.

Again, Mr. Chairman, thanks for bringing us together.

And to Mr. James, your wife, we are grateful. Anybody else in your family that is here, we are grateful that you are here. Welcome. Thanks.

Senator BARRASSO. Thank you very much, Senator Carper.

Senator Blunt wanted to be here as well to introduce you, Mr. James, in person. Unfortunately, his schedule would just not allow it, but he has submitted a statement in support of your nomination, which I am going to submit for the record. Without objection.

[The prepared statement of Senator Blunt follows:]

STATEMENT OF HON. ROY BLUNT,
U.S. SENATOR FROM THE STATE OF MISSOURI

I would like to express my strong support for the confirmation of Mr. R.D. James to the role of Assistant Secretary of the Army for Civil Works.

Mr. James is from New Madrid, Missouri, and brings with him a deep understanding of our nation's water resource needs.

As a civil engineer, farmer, and small businessman he has the perspective of someone who knows first hand the importance of the role the Corps of Engineers plays.

For the past 36 years Mr. James has served as a member of the Mississippi River Commission providing advice to the Congress, several Administrations, and the Army Corps.

His vast experience with our nation's most significant waterway, and decades of leadership on flood control and navigation issues, have prepared him to effectively take on this role.

I know Mr. James believes, as I do, that our nation finds itself at a pivotal point where we must decide to make smart investments in our nation's critical infrastructure or else lose our competitive advantage in the world economy.

As the Administration continues to develop its infrastructure proposal, it is vital that we have a strong voice for our nation's ports, flood control, and maritime infrastructure so there is a comprehensive approach to our interconnected transportation system.

As the events of the past couple of months show, the Corps plays an indispensable role in response and recovery from natural disasters as well as in the planning and construction of flood control projects to reduce future risks.

I have full confidence that Mr. James has the knowledge and skills needed to provide leadership for the Corps to fulfill its vital missions, and I urge your support of his confirmation.

Senator BARRASSO. Now I would like to turn to you to welcome you, our nominee, to the Committee. I remind you that your full testimony will be part of the record, so I would like to invite you to introduce family members who are here, if you would like, and then please proceed with your testimony.

**STATEMENT OF RICKEY DALE "R.D." JAMES,
ENGINEER, MISSISSIPPI RIVER COMMISSION**

Mr. JAMES. Thank you, Mr. Chairman.

Chairman Barrasso, Senator Carper, and distinguished members of the Committee, I am truly honored to come before you today as the nominee to serve as the Assistant Secretary of the Army for Civil Works. First and foremost, I want to thank President Trump and Secretary of Defense Mattis for placing their trust in me and providing me with this remarkable opportunity to serve the public in such a vital role. I thank you, Mr. Chairman, and each and every member of this Committee for allowing me to testify before you today. I am very humbled to be here.

Mr. Chairman, members of the Committee, thank you for your kindness in allowing me to first introduce my family, my wife, my love of 47 years, Virginia Jennye James, my son, Riley James, which, due to his hard work and education, will allow me to come up here if confirmed. It is a family business that we run and operate. I would also like to recognize our beloved daughter, Elizabeth James, who departed this life 22 years ago, at the tender age of 19 years.

I am R.D. James of New Madrid, Missouri. I'm a farmer, a businessman, a civil engineer, and for the past 36 years, a presidential appointee to the Mississippi River Commission.

Our country enjoys the largest contiguous acreage of agricultural land in the world. This "bread basket" and abundant food provider also overlays the longest inland navigation system in the world, actually being longer than all other inland navigation systems combined. Our country is blessed with natural locations along all our coasts that have long served as "port of call" and which can, once deepened, serve and promote our continued participation in the global trade market. These ports are critical to our national de-

fense, our agricultural industry, our international trade, and our economic superiority.

As we know, none of these natural blessings came cheap or easy. Our forefathers' blood and sweat built this great commercial infrastructure with shovels, picks, and axes. Suffering and sacrificing for years, our forefathers built this great nation into the world power it is today. We are now the benefactors of all this great infrastructure and must do everything possible to maintain and enhance it for future generations of Americans.

In addition to locks and dams, water supply, navigation, ports, flood control, ecosystem and environmental stewardship, Congress directed the Corps to construct and operate a crucial source of renewable energy, that being hydropower. This renewable now produces more electricity than all other renewable generators combined. Flood control and hydropower facilities have significantly contributed to our world class status. As we restore past environmental damage and mitigate present impacts, our past investments in water resources infrastructure will benefit our children and their children for years on end.

My 36 year tenure as a member of the Mississippi River Commission taught me valuable lessons which I would like to share with you. Civil works infrastructure directly supports national defense. Many regions would be out of fresh water without civil works projects. Silted-in rivers do not transport commerce or sustain jobs. Outdated and shallow ocean ports will not promote economic growth and continued dominance in world trade.

Inaccessible small ports and harbors will halt the shipping of grain and goods from the interior of the country to the larger ports. Crumbling locks and dams will land-lock grain and other bulk commodities essential to our nation's economic survival. Inadequate flood control does not protect lives or property, nor provides fresh water or stabilizes river alignment, and does not support navigation. If not neglected, the ecosystem restoration and environmental enhancement can be the icing on this civil works cake.

Let me report to you that during the SAS Committee hearing I was asked to recuse myself on a project that has been ongoing in the Corps for many years; it is the St. Johns New Madrid Floodway Project. I and my family have land inside that project that would benefit from that project, and I have signed a recusal statement before I left the SAS Committee. And the other part of that is it is the same area of land, but it is a different thing; it is the New Madrid Floodway, and it is blown artificially by explosives to allow waters to flow through the floodway, thereby reducing elevations on the river during major flooding times. And I recused myself from that floodway operation to the point that it might affect or benefit my family.

Finally, let me just say that I am firmly committed to cooperation and collaboration at all governing levels. I also deeply believe in being a catalyst for friendship and partnership, nurturing the existing ones and developing new friendships and partnerships based on mutual professional trust and respect. If confirmed as the Assistant Secretary of the Army for Civil Works, I plan on immediately contacting OMB, EPA, Interior, Agriculture, and any other agency that has interest in civil works. I am profoundly committed

to working with all Federal, State and local agencies, this Congress, and the Administration to advance our water resources and infrastructure needs.

Thank you, Chairman. Thank you, Senator Carper, and members of this Committee for your time and the opportunity to appear before you today, and I look forward to discussing any questions you might have.

[The prepared statement of Mr. James follows:]

Rickey Dale "R.D." James



President Ronald Reagan appointed R. D. James as a Civil Engineer civilian member to the Mississippi River Commission in 1981. He was reappointed in 1991 by President H.W. Bush, in 2003 by President George W. Bush, and in 2017 by President Barack Obama. While serving as a member of the Mississippi River Commission, Mr. James has toured and inspected civil works engineering features and engaged water resources stakeholders across the greater Mississippi Drainage Basin, which encompasses 31 states and more than 250 major rivers and tributaries, draining 41 percent of the United States. He developed superior expertise in inland navigation and flood-control development by fostering strong ties and in-depth understanding of conditions along every major tributary of the Mississippi River: the upper Mississippi River, the Ohio River, the Missouri River, the Arkansas River, the Illinois River, the Tennessee River and the Cumberland River. In 2009, Mr. James received the prestigious Bronze de Fleury medal for his significant contributions to Army engineering.

During the commission's inspection trips, Mr. James collaborated with U.S. Army Corps of Engineers leadership at the district, division and national levels, to include Chiefs of Engineers and Assistant Secretaries of the Army for Civil Works, as well as numerous governors, and U.S. Senators and Representatives in each of those areas promoting improved flood control and navigation. His duties with the Mississippi River Commission also resulted in overseas missions to represent the United States in fact-finding and engineering solutions with the Mekong River Commission. In this capacity, Mr. James travelled to Thailand, Laos, Vietnam and Cambodia.

During the historic flood of 2011, he served continuously for more than 30 days to ensure proper performance of the Mississippi River and Tributaries flood control system as the record-setting flood crest moved downstream from Cairo, Illinois to the Gulf of Mexico.

R. D. James was employed by A. C. Riley Cotton Company in 1971 and became manager of the company in 1975. Following the death of A. C. Riley in 2001, Mr. James became Managing Member of A. C. Riley Cotton Co, LLC, A. C. Riley Land Co, LLC and A. C. Riley Equipment Co, LLC. He also owned and operated R. D. James Farm, producing cotton, corn, soybeans and rice.

Mr. James served as president of the Southern Cotton Ginners Association in 2009 and served on the Board of Directors and Executive Committee of the Southern Cotton Ginners Association (1993-2001), the Cotton Producers of Missouri (1999-2005) and the Board of Directors of U.S. Bank of Sikeston, Missouri (1981-1995). Mr. James also served on the Board of Directors of Osceola Products cottonseed oil mill (1984-1997) as well as the New Madrid County Board of Education (1981-1997), serving as president from 1986-1997.

Mr. James received the Sikeston Area Chamber of Commerce 2007 Agri-Business Award and was the New Madrid County Outstanding Conservation Farmer of 1987.

**Statement of R.D. James
Nominated to be
Assistant Secretary of the Army for Civil Works
Before the
Senate Environment and Public Works Committee
December 6, 2017**

Chairman Barasso, Ranking Member Carper, and distinguished members of the Committee, I am truly honored to come before you today as the nominee to serve as the Assistant Secretary of the Army for Civil Works. First and foremost, I want to thank President Trump and Secretary of Defense Mattis for placing their trust in me and for providing me with this most remarkable opportunity to serve the public in such a vital role. And I thank you Mr. Chairman, and each and every member of this Committee, for allowing me to testify this morning. I am very humbled.

Mr. Chairman, members of this Committee, thank you for kindness in allowing me to first introduce my family. With me today is my love of 47 years, Virginia James. Unfortunately, our son Riley James could not be here today. I also wish to recognize our beloved daughter Elizabeth James, who departed this life 22 years ago, at the tender age of 19 years.

I am R. D. James from New Madrid, Missouri. I'm a farmer, a business man, a civil engineer, and for the past 36 years a presidential appointee to the Mississippi River Commission.

Our country enjoys the largest contiguous acreage of agricultural land in the world. This "bread basket" and abundant food provider also overlays

the longest inland navigation system in the world — actually, longer than all other inland navigation systems combined. Our country is blessed with natural locations along all our coasts that have long served as a “port-of-call” and which can, once deepened, serve and promote our continued participation in the global trade market. These ports are critical to our nation’s defense, our agricultural industry, our international trade, and our economic superiority.

As we all know, none of these natural blessings came cheap or easy. Our forefathers’ blood and sweat built this great commercial infrastructure with shovels, picks, and axes. Suffering and sacrificing for years, our forefathers built this great Nation into the world power it is today and now, we as the benefactors of all this great infrastructure, must do everything possible to maintain and enhance it for future generations of Americans.

The great civil works expansion was assigned to the U.S. Army Corps of Engineers for good reason. The Corps has always delivered in terms of the civil works mission —*both past and present*. If confirmed, I will do my very utmost to ensure that future civil works missions and assignments are properly and lawfully executed as intended by Congress.

In addition to locks and dams, water supply, navigation, ports, flood control, ecosystem and environmental stewardship, Congress has directed the Corp to construct and operate one crucial source of renewable energy — hydropower. This renewable source now produces more electricity than all other renewable generators combined. Flood control and hydropower facilities have significantly contributed to our “world-class” status.

We have improved, and will continue to improve, our water resources nationwide, together with interconnected ecosystems and environmental enhancements. As we restore past environmental damage and mitigate present impacts, our past investments in water resources infrastructure will benefit our children and their children for years on end.

My 36-year tenure as a member of the Mississippi River Commission taught me some valuable lessons which I would like to share with you:

- Civil works infrastructure directly supports national defense
- Many regions would be out of fresh water without civil works projects
- Silted-in rivers do not transport commerce or sustain jobs
- Outdated and shallow ocean ports will not promote economic growth and continued dominance in world trade
- Inaccessible small ports and harbors will halt the shipping of grain and goods from the interior to large ports
- Crumbling locks and dams will land-lock grain and many other bulk commodities essential to our nation's economic survival
- Inadequate flood control does not protect lives or property, provide fresh water, stabilizes river alignment, or support navigation
- If not neglected, ecosystem restoration and environmental enhancement can be the icing on the civil works cake

Finally, let me just say that I am firmly committed to cooperation and collaboration at all governing levels. I also deeply believe in being a catalyst for friendships and partnerships, nurturing the existing ones and developing new friendships and partnerships based on mutual professional trust and respect. If confirmed as the Assistant Secretary of the Army for Civil Works, I plan on immediately contacting OMB, EPA, Interior, and any other agency that has an interest in Civil Works. I am profoundly committed to working with all Federal, State and local agencies, Congress, and the Administration to advance our water resources infrastructure needs.

Thank you Mr. Chairman, Ranking Member Carper, and members of the Committee for your time and the opportunity to appear before you today. I look forward answering any questions you may have.

Senate Committee on Environment and Public Works
Hearing entitled, "Hearing on the Nomination of R.D. James to be Assistant Secretary of
the Army for Civil Works,"
December 6, 2017
Questions for the Record for Mr. R.D. James

Chairman Barrasso:

1. Section 1115 of the Water Infrastructure Improvements for the Nation Act or WIIN Act established a pilot program to increase water storage capacity in reservoirs by removing sediment, which would allow for additional storage in Wyoming and the other Upper Missouri River Basin states. Will you make implementation of this pilot program a priority?

Answer: Many flood control reservoirs are adversely affected by siltation reducing ability to hold water, as designed for flood control, drought storage, water supply, and recreation. The Army has issued guidance for Section 1115 and, if confirmed, I will make it a priority to work with the U.S. Army Corps of Engineers to review and implement Section 1115's pilot program as contemplated by law.

2. Preparing for and predicting floods is a priority for Wyoming and other western states. Will you make implementing Section 4003(a) of the Water Resources Reform and Development Act of 2014 "Upper Missouri Basin Flood and Drought Monitoring", a priority?

Answer: If confirmed, I will make it a priority to operate the Missouri River Projects to address flood and drought conditions by using the most reliable information available. I commit to working with the Corps and other interested parties to better understand this provision of law, if confirmed. I would be pleased to work with you, the Administration, and Congress to address any concerns regarding implementing this provision of law.

3. It is my understanding that the federal 404 permit process for the Millennium Coal export project in Longview, Washington was nearing completion, but may now be delayed by the state's refusal to issue a water quality certification on grounds that may not be appropriate under the Clean Water Act. While the project proponent appeals the state's decision, will you commit to completing the federal EIS in a timely manner? The Draft federal EIS was published over a year ago in September 2016. Finalizing the Federal EIS will facilitate resolution of an administrative record, and will prevent additional delays in the event the project moves forward after the appeal of the state's decision.

Answer: I understand that the next major milestone in the permit review process for the Millennium Bulk Terminal Project is the completion of the final EIS. I also understand that

there are numerous ongoing issues involving other Federal agencies and uncertainty about the outcome of the applicant's challenges to the state's denial of the required water quality certification, and the recently denied shoreline permit and Aquatic Land's lease. If confirmed, I will certainly look into this project to ensure that the Corps moves forward with the permit evaluation process at the appropriate time. I will recommend moving forward with the Federal EIS provided doing so is legally permissible and appropriate.

4. Rural communities and the Corps sometimes struggle to communicate effectively with each other. I have seen this with regard to some Wyoming communities, including those dealing with ice jams. This has led to delayed or inefficient completion of important infrastructure projects. If confirmed, what would you do to ensure more effective communications with rural America?

Answer: Having spent my entire life as part of small rural communities in Kentucky and Missouri, I fully understand the challenges these communities face. The Corps is a highly decentralized organization with thirty-eight district offices around the country, so they have a presence near many of our rural communities. If confirmed, I commit to fully leveraging this geographic advantage to maximize the opportunity to effectively communicate with rural communities whenever possible.

5. The output from hydropower production at Corps of Engineers projects remains an important resource for many communities and rural customers in the West and other parts of the U.S. However, hydropower production has been neglected by the prior administration in any number of areas. Yet, the hydropower activities provide one of the largest sources of revenue within any of the Corps of Engineers many functions. What steps will your leadership team take to restore the importance of hydropower within the Corps of Engineers?

Answer: Hydropower in the United States is a critically important energy component that, in my judgment, is underutilized in many waterways. I believe that the Corps has an important role in the Nation's hydropower generation. If confirmed, I will work with the Corps to better understand the specifics of the hydropower mission and will support the long-stranding partnership with the Department of Energy's Power Marketing Administrations and the customers who market and purchase power from Corps facilities.

6. The Corps has a critical role to play in water storage projects around the country, especially in headwater states like Colorado, Wyoming and Alaska, and yet some of these projects have languished. It has been brought to our attention, by Senator Gardner of Colorado, that specifically the Halligan Reservoir Enlargement Project has been in

process for 12 years at a cost of \$12 M. Will you encourage the Corps to move important water storage projects like the Halligan Enlargement Project in Colorado?

Answer: I understand and acknowledge the importance of water projects and our Nation's water resources. In regards to Halligan reservoir, I understand the Corps is currently working a regulatory issue. If confirmed, I will ensure that every effort is being made to complete the necessary environmental analyses in a timely and efficient manner.

Ranking Member Carper:

7. As you may know, American Indians and Alaska Natives share a unique relationship with the federal government. As part of that relationship, the federal government has a duty to perform meaningful consultation with Indian Tribes and Alaska Native villages regarding issues that affect tribal communities and tribal members. Do you commit to engage in essential and honest consultation with tribes and tribal governments?

Answer: Yes. I believe that meaningful, respectful, and regular consultation with tribes and tribal governments is not only a legal requirement, but the right way to conduct Federal business. If confirmed, I will ensure that the Corps continues to improve this practice as it implements the Civil Works program.

8. As you know, the U.S. Army Corps of Engineers' levees alone protect an estimated \$1.3 trillion in property. However, as development continues to encroach in floodplains along rivers and coastal areas, an estimated \$80 billion is needed in the next 10 years to maintain and improve the nation's system of levees, which the American Society of Civil Engineers has given a grade of "D." Our nation's levee infrastructure is of critical importance to my state and me. I was pleased to see that WRRDA 2014 created a new National Levee Safety Initiative (NLSI) to promote consistent safety standards, create levee safety guidelines, and provide assistance to states for establishing participating levee safety programs. Will you commit to working with me to get the NLSI up and running?

Answer: Yes, if confirmed, I commit to supporting the National Levee Safety Initiative (NLSI). The importance of the Nation's levees cannot, in my view, be overstated. The NLSI provides an opportunity to support a broader national flood risk management approach and, if confirmed, I will support the initiative's goals of public safety, risk reduction, reliable infrastructure, resilient communities and wise Federal investment of resources.

9. On behalf of Senator Udall, Federal agencies comply with Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 300101 et seq., as amended) by following the four-step process set forth in the Section 106 implementing regulations,

“Protection of Historic Properties” (36 C.F.R. part 800). Those regulations are binding on all federal agencies and are issued by the Advisory Council on Historic Preservation (ACHP), the only agency with the authority to issue Section 106 regulations. The Section 106 process requires that the federal agency initiate a Section 106 review with Tribal Historic Preservation Officers, Indian tribes, Native Hawaiian organizations, and State Historic Preservation Officers, among others. In fact, Congress passed amendments to the NHPA in 1992 make mandatory the duty to consult with tribes during the NHPA process. Nevertheless, the U. S. Army Corps of Engineers (Corps) uses a different set of regulations in its Regulatory Program, referred to generally as “Appendix C”, for complying with Section 106 during the review of permits under the Clean Water Act, and the Rivers and Harbors Act, among others. Developed over the objections of the ACHP in 1990—two years prior to the NHPA amendments mentioned above—the Corps’ Appendix C has been widely criticized by sister agencies and outside groups alike as a source of “continuing frustration for Section 106 users and the regulated public.”^[1]

- a. What is the Army Corps’ timeline for aligning Appendix C with 36 C.F.R. part 800?

Answer: I am generally familiar with the Corps’ regulatory program and the “Appendix C” regulation. At this time I do not have sufficient information regarding this specific issue. However, if confirmed, I will make it a priority to meet with the Corps to better understand the issue and to address any change in regulations that may be helpful or required.

- b. How do you intend to align the abbreviated deadlines contained in President Trump’s “Presidential Executive Order on Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure” with the NHPA’s requirement that agencies undertake a reasonable and good faith effort to consider impacts to historic properties of religious and cultural significance to Indian tribes?

Answer: As a general matter, I am informed that the Corps has a strong record of compliance with the NHPA and has always been committed to working with Federal, tribal, state, and local agencies, including ways to identify additional efficiencies in existing permit and environmental review processes. Although I am not familiar with the specific timelines associated with the referenced Executive Order, if confirmed, I will delve into the issue and ensure that the Corps supports the Administration’s initiatives in this regard while meeting its legal responsibilities under the NHPA.

^[1] <http://www.achp.gov/docs/fapc.pdf>

10. Please state your position in general on the Army Corps' role in upholding the federal government's trust responsibility to Indian Tribes.

Answer: I firmly believe that meaningful, respectful, and regular consultation with tribes and tribal governments is not only a legal requirement, but the right way to conduct Federal business. I also believe that commitments made to Indian Tribes should be upheld. The Corps has an established Tribal Nations program which is goal oriented towards consulting with Tribes that may be affected by Corps projects or policies and to reach out and partner with Tribes on water resources. If confirmed, I will ensure that the Corps continues this practice as it implements the Army's Civil Works program.

11. Please provide an update on the status of reports Congress required in Sec. 1120 of the Water Infrastructure Improvements for the Nation Act (Pub. L. No. 114-322).

Answer: If confirmed, I will make it a priority to work with the Corps to understand the status of the reporting requirements of this provision and ensure compliance.

Senator Booker:

12. The Rahway River Flood Control Project is a high-priority project for the tens of thousands of my constituents who live in the impacted area. I want to reiterate that storms including a Nor'easter in 2007 and Hurricane Irene in 2011 damaged over 400 homes and businesses at a cost of over \$100 million in damages due to floodwaters. Unfortunately, Army Corps Headquarters has recently stalled moving forward with the Tentatively Selected Plan 4(a) pending further review. I appreciate you listening to my concerns about the status of this project both in your nomination hearing and in a meeting in my office.

- a. If confirmed, will you direct the Army Corps to take every possible step to move forward with the Rahway River Flood Control Project?

Answer: If confirmed, I will work with the Corps to more fully understand the issues surrounding this project and explore all options available to enable the Corps to advance this flood control project.

- b. If confirmed, will you commit to visit New Jersey and meet with relevant stakeholders to see firsthand the importance of this project to the safety and wellbeing of New Jersey communities?

Answer: Yes. If confirmed, I will gladly visit New Jersey and meet with the stakeholders involved in this project.

13. As the Army Corps continues its work to help communities rebuild from natural disasters, it is important that there is a common-sense flood risk management standard reinstated in order to protect taxpayer dollars and protect communities from future disasters.
- Do you support a common-sense standard for federally-funded infrastructure projects that takes into account climate science, expected sea level rise, and foreseeable flood risk?

Answer: Yes. Because many Army Civil Works projects are specifically designed to safely perform and reduce risk under the extremes of the hydrologic cycle (from extreme floods to prolonged droughts), I believe the communities, industries and economic sectors that depend on Civil Works systems must be provided assurance that these systems are sufficiently resilient, now and in the future, to perform dependably regardless of what future climatic conditions are presented.

14. In the aftermath of Hurricane Sandy, the Army Corps recommended expanding from traditional structural risk reduction measures to include more emphasis on nonstructural, natural, and nature-based systems as an important component of making communities more resilient.
- a. Do you support expanding the use of natural and nature-based approaches especially for coastal Army Corps projects?

Answer: Yes. It is my understanding that coastal storm damage risk reduction can be achieved through a variety of approaches, including natural or nature-based features (e.g., wetlands and dunes), as well as nonstructural interventions (e.g., policies, building codes and emergency response such as early warning and evacuation plans). Natural and nature-based features can attenuate waves and storm surge and provide other ecosystem benefits that align with Corps aquatic ecosystem mission areas. If confirmed, I will work with the Corps to achieve a better understanding of how the benefits of natural and nature-based features compare to some of the uncertainties involved in evaluating and quantifying the value and performance of these measures for shoreline erosion and coastal risk reduction.

- b. How important is regional-level planning for addressing the tremendous interconnected challenges of sea level rise, back-bay flooding, and climate change?

Answer: The Army's Civil Works project planning process informs Congress as it makes decisions for authorizing and funding the Nation's water resources investments. Applying a regional perspective to the development of solutions to water resource challenges allows the Corps to incorporate a systems-based approach, allowing cause/effect relationships to be examined at the watershed level.

Senator Cardin:

The Clean Water Act gives the Army Corps of Engineers a critical role in protecting our nation's waterways and wetlands through the Section 404 "dredge and fill" permitting program, but the Corps' professional staff cannot efficiently and effectively implement the law without clearly understanding what features constitute waters of the US. Since the 2006 Supreme Court decision in *Rapanos v US*, numerous parties with widely different perspectives urged the agencies to resolve the question of which waters are – and are not – waters of the US. EPA and your predecessor at Army promulgated the 2015 Clean Water Rule providing that clarification, but the current Administration has proposed to repeal the rule.

15. Do you agree that the Army Corps needs a clear, legally and scientifically sound, regulation defining waters of the US in order to efficiently and effectively execute its Clean Water Act permitting responsibilities?

Answer: Yes. Having a clear, legally and scientifically sound regulation is imperative so that the public, as well as all Federal and state agencies, understand how the Clean Water Act is being applied thereby ensuring consistency and predictability.

16. Do you agree with the basic – and widely accepted—approach followed since the Court's decision in *Rapanos*: That the definition of waters of the US should include waters that, "alone or in combination," based on robust science, have more than "speculative or insubstantial" physical, chemical, or biological connections to navigable waters, interstate waters, or the territorial seas? If not, why not?

Answer: Given the breadth and importance of the Clean Water Act (CWA) and the significance of several U.S. Supreme Court decisions addressing the scope of CWA jurisdiction, I am committed to making it a priority to thoroughly understand how the Corps is implementing Section 404 of the CWA today and what changes, if any, are necessary.

17. On October 9, 2015, the U.S. Court of Appeals for the Sixth Circuit stayed the 2015 rule nationwide pending further action by the court. The justification for the rulemaking to rescind the 2015 rule has been that if this stay was lifted, there would be confusion among the states. If restrictions on implementing the 2015 Clean Water Rule are lifted, will you commit to following the 2015 rule?

Answer: The stated purpose of the proposed rule published on July 27, 2017 is to re-codify pre-existing rules, which, as a result of the Sixth Circuit's stay, are currently being implemented, to ensure consistency and certainty for the regulated public while the agencies reevaluate the 2015 rule in accordance with the Executive Order dated February 28, 2017. Whatever the outcome of

the policies, laws, and court rulings, if confirmed, I will comply with any and all court orders and implement final regulations upon becoming effective.

18. The health of the Chesapeake Bay and healthy drinking water are as connected as the creeks, streams and rivers that flow through the 64,000-square-mile Chesapeake Bay watershed. What is good for clean water in local waterways is good for the Bay — and for our public water supply. Would you like to see a definition that protects more or fewer waterways than the 2015 rule?

Answer: I believe that withdrawal of the 2015 rule would allow the Army and EPA to develop a revised definition of “Waters of the United States,” that fully addresses the goals, objectives and policies of the Clean Water Act (CWA) but also recognizes the rights and responsibilities of the states and tribes to protect waters that are beyond the scope of Federal CWA jurisdiction. Whatever the outcome of the policies, laws, and court rulings, if confirmed, I will comply with any and all court orders and implement final regulations upon becoming effective.

Senator Duckworth:

19. The Corps is conducting an economic reevaluation of a congressionally-authorized project to build an additional lock at the Soo Lock complex that provides a critical navigation connection between Lake Superior and the other Great Lakes. Due to the lack of realistic alternative transportation modes for cargo passing through the Soo Locks, the Corps is analyzing hypothetical alternatives, including the construction of a \$6 billion rail connection that assumes rail operators would a) construct such an alternative, and b) not attempt to recoup all of those capital costs. If confirmed, would you review how the Corps is conducting this economic reevaluation to ensure they are using common-sense economic assumptions?

Answer: Yes. If confirmed, I will engage the Corps and review the economic analysis being developed to ensure that all appropriate guidance and policies for this important project are being followed.

Senator Gillibrand:

20. Puerto Rico and the US Virgin Islands continue to face a dire situation, and the Army Corps has an important role in helping the territories. If confirmed, will you prioritize projects to rebuild Puerto Rico and the US Virgin Islands and support the necessary funding to carry out those projects?

Answer: I understand that working through FEMA, the Corps is heavily engaged in assisting both Puerto Rico and the U.S. Virgin Islands to recover from recent hurricanes. If confirmed, I will work with the Corps to thoroughly understand what projects are ongoing and what projects

are under consideration. If confirmed, I will also prioritize my efforts to address ways to support rebuilding Puerto Rico and the U.S. Virgin Islands.

21. Prior to Hurricane Maria, Caño Martín Peña in San Juan, Puerto Rico was in desperate need of dredging to address frequent flooding and environmental contamination in a very low-income community. The Jacksonville District is currently carrying out the Pre-Construction Engineering and Design phase of the project. Will you support this project and work to ensure that it moves forward on schedule and with adequate resources from the Corps?

Answer: Although not familiar with the specific details of this project, if confirmed, I will work to gain a deeper appreciation for the project's objectives and, more specifically, what is required to ensure the project continues to move forward.

22. You may be familiar with the issue of Asian carp from your work on the Mississippi River Commission. Asian carp are threatening to spread from the Mississippi River basin into the Great Lakes, which by all accounts would have a devastating impact on the Great Lakes fisheries and aquatic ecosystems because of the damage that this invasive fish can do. To address this urgent threat, the Army Corps is undertaking a study to establish a barrier at the Brandon Road Lock and Dam in Illinois. Will you commit that the Army Corps will continue to prioritize this study and produce a Chief's Report by the Corps' 2019 deadline?

Answer: I believe that this report must be completed at the earliest date possible. If confirmed, I commit to working with the Corps to ensure that the study remains a high priority, and that project completion also remains a priority.

23. New Yorkers are very concerned about the continued disposal of dredged material in the Long Island Sound, which could have a negative impact on the efforts we have made to clean-up and restore the environmental health of the Sound and its ecosystems. One of the ways we can reduce the volume of dredged material in the Sound is through the beneficial reuse of the dredged material, rather than open water disposal. Will you work with me to explore options for expanding the beneficial reuse of dredged material from dredging projects that would otherwise be disposed of in Long Island Sound?

Answer: Yes. If confirmed, I will work with the Corps and you to explore options for expanding the beneficial reuse of dredged material for Long Island Sound Federal navigation projects. Maintaining ports and waterways is critical to the Nation's economic well-being, and National Security. Further, the dredging mission of inland and coastal waterways faces the

continual challenge of disposition of dredged material in an efficient, environmentally acceptable and beneficial manner.

24. Following Superstorm Sandy, the Army Corps prioritized the South Shore of Staten Island Coastal Storm Risk Management Project, which is critical to protecting Staten Island from future storms. I am grateful for the hard work that the Army Corps has done to advance this project to date. However, I am concerned that the Corps has not adequately addressed questions raised by New York State and New York City, the non-federal sponsors of the project that they need answered before finalizing and executing the Project Partnership Agreement. I am concerned that bureaucratic foot-dragging could further delay this project. If confirmed, will you commit to working with my office and the New York Delegation in Congress to ensure this critical project stays on schedule?

Answer: Yes. If confirmed, I am committed to working with your office, the State of New York, and the City of New York to finalize and execute the required Project Partnership Agreement. The parties involved in this project should have all the information they need to move forward with this project.

25. The Mamaroneck and Sheldrake River Basin flood risk management project is important for protecting the Village of Mamaroneck, which experienced more than \$50 million in damage during a 2007 nor'easter storm. Senator Schumer and I recently wrote to the Chief of Engineers requesting swift approval of the Chief's Report so that Congress can authorize this project at the next possible opportunity. Will you commit to working with the Chief of Engineers to ensure that the review and approval of this report is not unnecessarily delayed?

Answer: Yes. If confirmed, I will directly engage with the Chief of Engineers to ensure that the Chief's Report for this project moves forward as expeditiously as possible.

Senator Markey:

26. Section 1122 of the Water Infrastructure Improvements for the Nation Act (WIIN Act) directed the Corps to conduct a pilot program to carry out ten projects that beneficially use dredged materials. I recently wrote to the Deputy Assistant Secretary of the Army, encouraging the Corps to give due consideration to Massachusetts' proposed project. This project would efficiently fulfill the needs of multiple existing projects to reduce coastal storm damage potential, enhance navigation, and provide a range of additional benefits in line with the goals of this law. Regrettably, the Corps has yet to develop implementation guidance for this important pilot. If confirmed, will you ensure that the Corps swiftly develops implementation guidance for Section 1122?

Answer: Yes, if confirmed, I will work expeditiously to finalize the implementation guidance for Section 1122.

Senator Sanders:

27. Vermont has a number of water infrastructure needs, including the repair of three flood control dams built by the Corps and now owned by the State. The dams need repairs that will cost tens of millions of dollars. I supported provisions in the Water Infrastructure Improvements for the Nation Act of 2016 that authorize the Corps to work on dams like those in my state. If confirmed, will you commit to continuing to work with Vermont to address the challenges of rehabilitating dams through these and other authorities?

Answer: Yes. I believe that one of the biggest challenges facing this Nation is the condition of its infrastructure, both Federal and non-Federal. I understand the Corps utilizes risk-informed decision making in order to prioritize funding for Federal dam safety projects, with priority given to those projects with the greatest risk of failure. If confirmed, I will work with the State to address these non-Federal dams in Vermont.

28. The Waterbury Dam, located in Waterbury, Vermont, needs significant repairs, including the likely replacement of the tainter gates and work on the spillway. Additionally, during a Corps' annual inspection of the Wrightsville and East Barre dams, both flood control dams located in Washington County, Vermont, the Corps recommended an assessment of both dams' outlet tunnels. If confirmed, will you work with Vermont to perform these repairs and assessments as soon as possible?

Answer: If confirmed, I will work with stakeholders to understand these dam safety challenges in the Vermont and to explore options to assist the state.

29. I included Section 1177 of the Water Infrastructure Improvements for the Nation Act, which authorizes the Corps to work on dams that were built by the Corps but are now owned and managed by states. The Corps has yet to issue implementation guidance for this Section. If confirmed, will you commit to ensuring the implementation guidance is issued in a timely manner?

Answer: If confirmed, I will direct the Corps to complete all of the required implementation guidance, including guidance for Section 1177, in a timely manner.

30. Section 542 is an important program in the Lake Champlain Basin to address water quality challenges. If confirmed, will you commit to supporting Section 542 of the Water Resources Development Act?

Answer: I believe that the Nation faces many challenges regarding water quality. If confirmed, I will commit to learning more about the Section 542 program.

Senator Sullivan:

31. Do you believe that EPA's use of a preemptive veto of a project under section 404(c) of the Clean Water Act may create the opportunity for overreach by the agency and could undermine administrative process and the rule of law?

Answer: Section 404(c) of the Clean Water Act provides authority to the Environmental Protection Agency (EPA) to prohibit the specification, including the withdrawal of specification, of any defined area as a disposal site for dredged or fill material, whenever EPA determines that the discharges will have unacceptable adverse effects on the environment. Involving the Corps and the public are expected parts of the CWA 404(c) process. If confirmed, I commit to devoting considerable personal effort to enhance overall communication, collaboration, and the working relationship between EPA and the Corps.

32. The Government Accountability Office (GAO) Report 09-551, "ALASKA NATIVE VILLAGES Limited Progress Has Been Made on Relocating Villages Threatened by Flooding and Erosion," published in 2009, identified 31 rural Alaska communities that face significant damage to infrastructure, and/or relocation due to these threats. Of the four most vulnerable villages identified in the GAO Report, the village of Newtok faces the most imminent threat due to a rate of erosion of 70 feet per year attributable to permafrost degradation acting in combination with the currents of the Ninglick River. Community infrastructure is being decimated, as the barge landing, sewage lagoon and landfill have all been lost. As erosion continues, homes, the school and the airport will inevitably be destroyed within the next 2 to 4 years. Relocation of the community is the only option – there is no stopping the Ninglick River. An effort has been underway to accomplish this task, as envisioned by Congress in 2003 when it passed PL 108-129 transferring Federal lands which are located nine miles upriver at a location called Mertarvik to the village of Newtok.

Following your hearing in Armed Services Committee, I received a commitment from you to look at the ability of the Army Corps of Engineers to allocate funds for the Alaska Coastal Erosion Program and to allow those funds to be used for Newtok. That is very encouraging, and I appreciate that response.

There is currently an evaluation of excess military barracks located in Anchorage that could potentially be used for housing in the new community.

Would you commit to me to work with the Newtok Village Council to investigate costs to upgrade and move the surplus barracks that are located at JBER for use as housing at Metarvik, if the Corps is approached by the Council on the matter?

Answer: If confirmed, I commit to working with the Newtok Village Council to determine what kind of assistance could be provided to investigate the costs to upgrade and move the surplus barracks that are located at JBER for use as housing at Metarvik.

33. Mr. James, while the FY2018 NDAA authorizes a new missile field at Fort Greely, AK, it is my understanding that part of this construction requires either a new EA or EIS. What will this EA/EIS specifically study, what is the anticipated timeline for this EA/EIS, will it adversely affect the construction deadline mandated in the FY2018 NDAA, what is the latest it could be completed and not affect the construction deadline, and what would be the implications of legislatively waiving the EA/EIS requirement due to critical national security needs?

Answer: I believe this project falls outside of the duties which I would assume, if confirmed, as Assistant Secretary of the Army (Civil Works). If confirmed, I will immediately work with the Chief of Engineers and other appropriate Department of Defense officials to determine what are the necessary appropriate steps to advance this project.

34. The two closest Department of Defense-designated strategic seaports to the Arctic Circle are the Port of Anchorage (POA) and the Port of Tacoma, located about 1,500 nautical miles and 2,400 nautical miles away, respectively, and 1,900 nautical miles and 2,800 nautical miles respectively from Barrow, AK. The distance from POA to the Arctic Circle is 260NM greater than the distance from the Port of Miami to the Port of Portsmouth, ME. The nearest "port" to the Arctic, Dutch Harbor, is 800 NM away – the equivalent distance of New York Harbor to Jacksonville.

The United States needs to step up its game in the Arctic to counter the increasing Russian presence in the region. Over the last 2 years, Russia has added 4 new brigade combat teams, a new Arctic command, 14 new operational airfields, and expanded to a total of 16 deep-water ports.

The FY2017 NDAA includes a provision on a Strategic Arctic Port to help begin to remedy this issue. Do you commit to ensure the USACE submits extensive inputs to the Office of Secretary of Defense – Policy to ensure that they fully understand the need and requirements needed to construct a Strategic Arctic Port?

Answer: Authorities provided in the Water Infrastructure Improvements to the Nation Act of 2016 allow the Secretary of the Army to consult with the Secretary of Defense to identify

national security benefits associated with an Arctic deep draft port, and consider these benefits in determining whether an Arctic deep draft port is feasible. If confirmed, I commit to ensuring that the Corps utilizes appropriate authorities to demonstrate the benefits and requirements to construct a deep draft Arctic port.

Senator Whitehouse:

35. In last year's Water Infrastructure Improvements for the Nation Act (Pub. Law 114-322), Section 1164 expanded the Army Corps of Engineers' authority to remove obstructions, snags, and other debris from areas adjacent to navigational channels. It also allowed for recreational needs to be used to justify these removals and increased the authorization from \$1 million to \$5 million for the program. However, the Army Corps of Engineers has not taken advantage of this expanded authority. If confirmed, will you commit to (1) including this expanded authority in the Army Corps of Engineers' FY19 budget request and (2) directing the Army Corps of Engineers to take up projects under this authority if funded?

Answer: While I cannot commit to funding activities in future Civil Works budgets, I will certainly research the referenced Section 1164 authority. If confirmed, I commit to identify ways to implement this authority, and if funding is made available, using those resources to address this issue.

36. Last month, the U.S. Global Change Research Program (GCRP) released its Climate Science Special Report. Among its conclusions, the report—which was authored by experts from the Army Corps of Engineers NOAA, NASA, EPA, DOE, and other agencies and leading universities— noted “[t]his assessment concludes, based on extensive evidence, that it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century.” They go on to say “[t]he magnitude of climate change beyond the next few decades will depend primarily on the amount of greenhouse gases (especially carbon dioxide) emitted globally.” The authors found “no convincing alternative explanation” for the warming we’ve seen over the last century, noted to be “the warmest in the history of modern civilization.”

- a. Do you disagree with this report and its findings?

Answer: While I am not highly familiar with this report, I have no reason to question its conclusions.

- b. If confirmed, will you use the science summarized in the report to guide your decisions and the Army Corps of Engineers design and completion of long-term projects?

Answer: Because many Army Civil Works projects are specifically designed to safely perform and reduce risk under the extremes of the hydrologic cycle (from extreme floods to prolonged droughts), I believe the communities, industries and economic sectors that depend on Civil Works systems must be provided assurance that these systems are sufficiently resilient, now and in the future, to perform dependably regardless of what future climatic conditions are presented.

- c. Will you allow any Army Corps of Engineers staff who contributed to the report to be reassigned or otherwise professionally penalized because of their participation in this effort?

Answer: While I am unaware of any circumstances in the Corps that would lead to this type of punitive action, I would strenuously oppose any such efforts.

37. Do you agree that humans are the dominant force driving global warming?

Answer: As a general proposition, as an engineer I depend on science and technology. While I do not have a definitive answer to this specific question, I believe that is extremely important to prioritize efforts on how to build resilient systems - both in terms of infrastructure and our natural systems. Clearly, we are experiencing sea level rise, changes in shipping channels in Alaska and the Arctic, and other extremes such as drought and flooding. It is my understanding that this is a focus of the Corps and, if confirmed, I am prepared to research and guide their efforts in this regard.

38. Section 335 in the National Defense Authorization Act for FY 2017 (Pub. Law 114-328) directs the Secretary of Defense to submit to Congress "a report on vulnerabilities to military installations and combatant commander requirements resulting from climate change over the next 20 years." The report is due next year.

- a. What role should the Army Corps of Engineers play in the development of this report?

Answer: I believe that the Corps is uniquely qualified to offer expertise in the development of such a report. Any input from the Corps into this report would continue to be coordinated through the Assistant Secretary of the Army for Installations, Energy and Environment. If confirmed, I will work to ensure that the Chief of Engineers timely and accurately provides any and all assistance required.

- b. How should the Army Corps of Engineers incorporate the conclusions of this report into its own planning?

Answer: I believe that the Corps does incorporate climate change and updated scientific data into its planning process and, in this case, would support the Army, as appropriate, as it works to reduce any vulnerabilities to military installations and combatant commander requirements.

39. In your opinion what are the three most significant consequences greenhouse gas emissions have on the oceans and coasts?

Answer: Generally, I understand the issue and concerns of greenhouse gas emissions. If confirmed, I will immediately work with Corps experts in this area to more fully understand the specific impacts as it relates to the oceans and coastal regions.

40. Extreme weather events put infrastructure at risk. In Rhode Island, Superstorm Sandy almost caused Narragansett Bay to breach the water supply for the City of Newport. The March 2010, storms flooded the Pawtuxet River, overtopping the Warwick Wastewater Treatment facility and sending untreated wastewater into surrounding neighborhoods, the River and Narragansett Bay. What do you see as the Army Corps of Engineers' role in helping cities and towns respond to these increasingly frequent extreme weather events and ensure the safety of the nation's critical infrastructure, especially along the coast?

Answer: I believe that the Corps has a well-recognized expertise in coastal engineering and also long-term experience in planning and designing for the effects of changing sea level, both of which can benefit cities and towns. The Corps has guidance to include sea level effects and the Corps planning process incorporates observed and expected changes, for example lessons learned from Hurricane Katrina and Superstorm Sandy. The Corps also develops technical tools that can be used by states, towns, and local communities.

41. Rhode Island's Coastal Resources Management Council is preparing for a worst-case scenario of 9-12 feet of sea level rise by 2100. This amount of sea level rise will overwhelm our coast, creating a series of new islands where land, homes, and businesses once were. At 10 feet of sea level rise, Rhode Island would lose 36 square miles of land. Under your leadership, how will the Army Corps of Engineers take a more forward thinking approach to project designs that will take into consideration future conditions instead of just the current conditions?

Answer: If confirmed, I will ensure that the Corps continues to incorporate appropriate technical data and information into its planning process. For new projects, it is my understanding the Corps already takes into account future changes in sea level, so that projects may safely perform and reduce risk under conditions of changing sea level and the extremes of the hydrologic cycle.

42. The National Fish and Wildlife Foundation is conducting an ecosystem and community resiliency study of Narragansett Bay and six other watersheds around the country (Portland and Midcoast Maine; Delaware Bay; Charleston Harbor; Savannah River; Jacksonville and St. Johns River; San Francisco Bay). In addition to mapping resiliency hot spots, NFWF is also collecting and vetting potential resiliency projects that would qualify for the Army Corps of Engineers' Continuing Authorities Program (CAP). The Narragansett Bay study and suggested projects are expected in April. The CAP has a severe backlog of likely eligible projects that haven't been started yet due to funding constraints.

- a. If confirmed, how will you clear the CAP backlog and prioritize projects for completion?

Answer: Generally, I am familiar with the Continuing Authorities Program and the flexibility it provides. If confirmed, I will continue to support this program by ensuring that the Corps efficiently utilizes available funding on those projects which are able to move forward through construction as quickly as possible.

- b. How will you use the results of the NFWF Narragansett Bay and the other watershed studies?

Answer: It is my understanding that the Corps has been supporting this effort. If confirmed, I will ensure that the Corps uses the results from this effort, including the potential for future projects under its Continuing Authorities Program.

43. The Army Corps of Engineers' FY18 budget proposal set aside \$1.32 billion for inland projects under the Flood and Coastal Storm Damage Reduction Program, and only \$46 million for coastal projects. If confirmed, how will you ensure coastal flooding and storm damage reduction projects will receive equal attention as inland concerns?

Answer: If confirmed, I will work with the Office of Management and Budget on the budgeting process and, while I cannot commit to funding activities in future Civil Works budgets, I will ensure that coastal flooding and storm damage reduction projects receive equal consideration to those inland projects.

44. In the wake of *SWANCC*, *Rapanos*, and other Supreme Court decisions, and the Trump Administration's recent efforts to rescind and rewrite the Clean Water Rule, how would you shape regulations and internal Army Corps of Engineers policy to provide more certainty for regulated parties on how the agency will make CWA Section 404 permitting decisions?

Answer: I understand there is significant work already underway by several Federal agencies in implementing the Administration's executive direction regarding the CWA's definition of "Waters of the United States." I believe that implementation of a final rule will require extensive outreach and communication to the public and, if confirmed, I am committed to doing so.

45. Do you anticipate that you will seek any waivers to the President's ethics pledge? If so, please specify what waivers you will request and the reasons for requesting them. If not, can commit that you will not seek any waivers once confirmed?

Answer: If confirmed as Assistant Secretary of the Army (Civil Works), I vow that every decision I make will be in the best interest of the Department of the Army and our Soldiers. I am fully committed to following the terms of my Ethics Agreement, and I can assure you that in everything I do, my actions will be conducted with the utmost integrity. I commit to not seek or accept a waiver to paragraph 6 of Executive Order 13770.

Senator Wicker

46. In its March 16, 2006 report on contaminated sediments, the EPA Inspector General recommended that EPA expand its efforts to work with the U.S. Army Corps of Engineers to address contaminated sediment sites in high priority watersheds, specifically citing the need to incorporate authorities of the Corps embodied in its various WRDA authorities to improve our Nation's response to this important problem. However, it appears that little has been done to follow up on the IG's recommendation. Could you let me know how you intend to reach out to EPA to investigate possibilities for the Corps to work with EPA in this regard?

Answer: I believe that the Corps has a unique perspective on contaminated sediments. Navigation has been a Corps mission for over 150 years. The Corps is considered the Nation's "dredging agency." If confirmed, I intend to quickly engage with the Environmental Protection Agency on this and other matters relevant to both agencies.

Senator BARRASSO. Well, thank you very much, and congratulations again, and welcome to your family. I will say we are going to enter a period of questioning now, and I would ask that throughout this hearing you please respond to the questions today, as well as those that members may submit afterwards for you to respond in writing for the record.

Now, I have to ask the following questions that we ask all nominees on behalf of the Committee.

First is do you agree, if confirmed, to appear before this Committee, or designated members of this Committee, and other appropriate committees of Congress and provide information subject to the appropriate and necessary security protection with respect to your responsibilities?

Mr. JAMES. Yes, sir.

Senator BARRASSO. And do you agree to ensure that testimony, briefings, documents, and electronic and other forms of information are provided to this Committee and its staff, and other appropriate committees, in a timely manner?

Mr. JAMES. Yes, sir.

Senator BARRASSO. And do you know of any other matters—you have raised a couple—that you may not have disclosed that might place you in a conflict of interest, if confirmed?

Mr. JAMES. No, sir.

Senator BARRASSO. I am going to defer my questions because I know Senator Sullivan needs to go and preside, so I will give up my time to Senator Sullivan, and I will pick up my time in your available space.

Senator SULLIVAN. Thank you very much, Mr. Chairman.

Mr. James, welcome. I think you are very qualified for this position and look forward to supporting you. As the Chairman mentioned, your position is actually kind of at the intersection of really some key issues; infrastructure, but also DOD strategy, and that is why you are here on two committees, both of which I served on.

You and I had a very good meeting, but I am just going to be straightforward here. I am going to need some more definitive answers from the Department of Defense on some key issues that I am concerned about that I am not getting answers on before I am going to allow to move forward on a vote for you. They relate to an issue we have talked about, and it is the Arctic and its strategic importance to the United States, so I am going to talk a little bit about that. It is more on your SASC or your Armed Services role, versus the EPW, but there is an intersection here.

In the last several years we have had a huge build up of Russia's Arctic capabilities. A new Arctic command, four new Arctic combat brigades, 14 operational airfields by the end of this year, 16 deep-water ports, 50 airfields by 2020, a 30 percent increase in Russian special forces, 40 icebreakers; they are building 11 more, 3 of which are nuclear powered.

And Mr. Chairman, if I could submit for the record this map that shows all the Russian Arctic build ups.

Senator BARRASSO. Without objection.

[The referenced information was not received at time of print.]

Senator SULLIVAN. And we have had U.S. leaders, Democrats and Republicans, from Ash Carter to John McCain. He wrote an

op-ed in the Wall Street Journal called The Real Arctic Threat. It is about the Russian build up.

If I could submit this for the record as well.

Senator BARRASSO. Without objection.

[The referenced information follows:]

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OPINION | COMMENTARY

The Real Arctic Threat

Obama focuses on global warming while Putin's neo-imperialist dreams continue to spread north.

By John McCain

Sept. 1, 2015 7:17 p.m. ET



Russian President Vladimir Putin, aboard a cross-country vehicle, arriving at a research center in Russia's Franz Josef archipelago in the Arctic Ocean in 2010. PHOTO: ALEXEI NIKOLSKY/ASSOCIATED PRESS

President Obama is on a three-day visit to Alaska that will include a stop north of the Arctic Circle. The focus of his trip is climate change. Some of my Senate colleagues and I recently returned from the Arctic, and while we saw the challenges of melting polar ice, we also saw a greater and more immediate threat. It is a menace that many assumed was relegated to the past: an aggressive, militarily capable Russian state that is ruled by an anti-American autocrat, hostile to our interests, dismissive of our values, and seeking to challenge the international order that U.S. leaders of both parties have maintained for seven decades.

Vladimir Putin's neo-imperial ambitions are clear enough in his attempt to dominate Russia's neighbors, Ukraine most of all. But his ambitions increasingly extend to the Arctic and Europe's northern flank. That is where I and my colleagues met with leaders and security officials from Norway, Sweden, Latvia, Lithuania and Estonia.

Like the U.S., these nations don't want a return to the Cold War. But Russia's aggressive behavior has led them to conclude President Putin wants exactly that. They see Russia's undeclared, grinding war on Ukraine as a test both for Moscow's campaign to reassert Russian dominance of its so-called near abroad and the response of the trans-Atlantic community.

As polar ice melts, Russia is rushing to nationalize and control new waterways across the Arctic Ocean that could open not simply to commercial shipping, but also military and intelligence activities. Vast natural resources, including oil and gas, could become available for exploitation, potentially transforming the Arctic into a new theater of geopolitical competition.

Officials from each of the countries I visited expressed the same concern:

Russia is threatening the security and prosperity of the Arctic and Northern Europe by assertively deploying its military power, patrolling its neighbors' coastlines both above and below water, and building or reopening numerous military outposts across the region.

Russian provocations and territorial claims in the Arctic also threaten U.S. national-security interests. Russia's military expansion in the Arctic and North Atlantic appears to be an attempt to establish de facto control over these vital areas, much as China is seeking to do in the South China Sea. In both cases the U.S. response has so far been feeble. That is alarming, because freedom of the seas is essential to the modern way of life. Any action by Russia that impedes movement in the Arctic may ultimately threaten the peace of the Atlantic and the intercontinental ties between the U.S. and our closest allies and trading partners in Europe.

Defending America's national interests in the Arctic will require bringing renewed energy to our alliances and partnerships. This year the U.S. assumed the chairmanship of the Arctic Council for two years. During that time we should make recognition of Mr. Putin's hegemonic ambitions a top priority and increase cooperation with our Arctic partners to deter Russia from instigating a new "great game" in the Arctic.

We must also provide robust support for the U.S. Navy and Coast Guard. But amid budget constraints and worsening global crises, the Arctic challenge is stark. Traveling in the region often requires heavy icebreakers. Russia currently operates 27 of these vessels. The U.S. has two, one of which is not currently operational. As U.S. Coast Guard Commandant Paul F. Zukunft told Newsweek in July: "We're not even in the same league as Russia right now. We're not playing in this game at all."

On Tuesday President Obama proposed to start planning for construction of new icebreakers. That's only modest progress. Without the proper capabilities, the U.S. gives Russia a free pass to establish facts on the ground that will be hard to rebut.

Ultimately, Mr. Putin's ambitions—from Ukraine and the Baltics to the Arctic and North Atlantic—require the trans-Atlantic community to return to a mission that too many assumed was no longer necessary: deterrence. We must project strength to prevent conflict.

Moscow is waging a Cold War updated for the 21st century, employing modern military tactics and weapons systems, conducting sophisticated information-warfare operations and using advanced cyber and space capabilities. It is not that the U.S. and our allies are doing nothing in response to this new Russian threat, but nothing we are doing has been successful in establishing deterrence.

To be successful, the U.S. must end the arbitrary caps on defense spending imposed by the Budget Control Act and return to a strategy-driven defense budget. America's European and NATO partners must spend more on defense—at a minimum, meeting the NATO commitment of 2% of gross domestic product. But they also have to spend strategically by investing in interoperability and high-priority and high-demand systems, including missile defense, aerial refueling and unmanned aerial vehicles.

The good news is that some European countries are responding to the new strategic realities in Europe. Norway continues to be a leading military power in Europe. Sweden, which has suffered brazen Russian incursions into its territorial waters and airspace, is planning a defense-spending increase to improve training and acquire vital military capabilities, including submarines, fighters jets and air defenses.

The Baltic States are stepping up as well. Estonia has developed some of the world's most advanced cyber capabilities. Latvia plans to spend 2% of GDP on defense by 2018. Lithuanian President Dalia Grybauskaitė tells me that her country is boosting its defense spending by a third next year.

With each of these nations, and other European and NATO allies, the U.S. must encourage greater security cooperation, robust military exchanges and exercises, and improved intelligence capabilities to deter Vladimir Putin's quest for a new form of Russian empire.

Mr. McCain, a Republican, is a U.S. senator from Arizona.

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Senator SULLIVAN. And the quotes from all Democratic and Republican senior leaders on the Arctic and what we need to do there.

Senator BARRASSO. Without objection.

[The referenced information was not received at time of print.]

Senator SULLIVAN. One of the quotes was from Secretary Mattis: "The Arctic is key strategic terrain. Russia is taking aggressive steps to increase its presence there. I will prioritize the development of an integrated strategy for the Arctic. I believe that our interest and security of the Arctic would benefit from increasing the focus of the Department of Defense." That is Secretary Mattis.

Secretary Mabus: "As the ice melts on the Arctic, our responsibilities clearly are going up. We don't have the capability we would like to have in the Arctic."

I mean, it is Democrat, Republican, leader after leader has been focused and recognized this issue. And we are acting, the Congress is acting. In the NDAA we required a new Arctic strategy. In last year's NDAA we required a focus from the Secretary of Defense and Homeland Security on a strategic Arctic port. But what happens when this goes over the bureaucracies, of which you will be in charge, is the bureaucrats say, no, no, this isn't a good idea, we know what we are doing, we are going to blow off Congress, we are going to blow off all these leaders.

Some of us were at the Reagan Defense Forum. I met with Secretary Schultz, George Schultz, very, very smart man. First thing he said to me is, Senator, what are we doing in the Arctic? How come we are not doing anything? We are getting our lunch handed to us. Why aren't we doing anything?

So here is my concern, Mr. James. And again, you have had nothing to do with this, but I need answers from the Department of Defense on this strategic Arctic port concept that we put in the NDAA. It is supposed to be a report. It is already late from the Secretary of Defense, Secretary of Homeland Security. We have heard about a draft report saying, you know what, that is a bad idea; we don't need any capabilities in the Arctic for the next 20 years. That is what the draft says.

Well, I think it is ridiculous. You know what that would be like for an East Coast Senator? It would be like saying the Port of Miami can cover Rhode Island and Delaware and Boston, because the closest deepwater port to all the Arctic activity is Dutch Harbor, 1,000 miles away.

And then as it relates to the Port of GNOME, this is a project we have been trying to get going, you and I talked about it, with the Corps of Engineers. They have been blowing us off, blowing us off, blowing us off. I finally had a good meeting with Lieutenant General Semonite yesterday, only because your hearing today, I think, where they are finally starting to get the message.

But Mr. James, I know you have had nothing to do with this. I think you are well qualified, but I am going to need—no kidding—serious answers from the Department of Defense to get with the program that Congress and every other leader, Democrat and Republican, who has led the Department of Defense saying we need to do something here, quit delaying. Russia is eating our lunch, and we are doing nothing.

So, can I get your commitment to work with me? I am going to need commitments from the Department of Defense of Defense before you move forward on your confirmation, but you are going to get confirmed because we will get answers here. But can I get your commitment to work with me on these important issues that I think almost everybody here—bipartisan support for, and yet the bureaucrats over at the Pentagon, in their infinite wisdom, which isn't always wise or infinite, believe that we shouldn't do anything? Can I get your commitment on that, sir?

Mr. JAMES. Absolutely, Senator.

Senator SULLIVAN. Thank you.

Mr. Chairman, I am going to have a lot more questions for Mr. James for the record, but I appreciate you allowing me to go first here, and appreciate the Committee working with me on these issues, which don't just benefit my State. These are national security issues for the United States of America, and we got people over at the Pentagon who have their head in the sand, and it needs to stop.

Thank you.

Mr. JAMES. I agree, sir, and I appreciated our meeting very much, and I have to say I was shocked when I discovered there was not a Defense site in the Arctic region.

Senator SULLIVAN. There is nothing. Nothing.

Mr. JAMES. I was shocked by that. So, I will, from whatever venue I can work, if I am confirmed, I will work with you and your State, the Congress, to see what we can do about that.

Senator SULLIVAN. Thank you very much.

Mr. JAMES. Also, one more thing. If I happen to come before this Committee again, if I am confirmed, after I am confirmed, if I get to come before this Committee again, I hope none of you put me in the definition of a bureaucrat. I don't intend to be.

Senator SULLIVAN. Good. Thank you very much.

Senator BARRASSO. Senator Carper.

Senator CARPER. I am going to yield to Senator Whitehouse.

Go ahead.

Senator WHITEHOUSE. Thank you very much, Senator Carper.

Welcome, Mr. James. Glad to see you. Thank you for stopping by yesterday. I understand from our conversation that, as a trained engineer, you will follow responsible climate science wherever it leads and that you bring no predisposition against climate science, or any science, for that matter. Is that a correct understanding of what we talked about?

Mr. JAMES. Yes, Senator, that is correct.

Senator WHITEHOUSE. Terrific. We also talked about something that you very clearly conceded, which is that your expertise is not in coastal matters. Your expertise is with respect to inland matters and rivers. So, I wanted to point out that the GAO has indicated that we are going to be facing multiple billions of dollars of coastal losses annually in the short run. The GAO has said that number goes above \$50 billion annually before the end of the century in coastal losses, this mostly from sea level rise and worsening storms; that the GAO report cited a figure that the total harm, the total damage to America's coasts between now and the end of the century is looking to be \$5 trillion.

So, I know that coasts aren't your area of expertise, but I sure as heck hope that they will be an area of focus for you. And a signal that the Army Corps has not really focused on this is the fiscal year 2018 budget, which has \$1.3 billion for inland projects and \$46 million for coastal projects. That is a 29 to 1 ratio of inland to coastal, at a time when we are looking at a \$5 trillion hit to coastal economies. So, I hope very much that you will focus on this.

Let me just show you, really quick, a map of Rhode Island. Our best data from our University of Rhode Island, from our Coastal Resources Management Council, and from NOAA, when you put that together, what you come up with is this is the map of Rhode Island, the northern part of Rhode Island, up near Providence. Here is Providence right up there at the top. This is Upper Narragansett Bay. Everything that you see in blue is now land, valuable land that has people's homes on it, people's businesses on it, critical infrastructure on it. Up here in Warren there is a sewage treatment plant in the flood zone. So, there is all sorts of stuff that is really at risk in my State.

At 10 feet, we lose 36 square miles of valuable homes and property in my State. So, I really need to make sure that you will pay attention to this.

Could you tell me a little bit about what you might do to make that in your office, given that you don't have expertise in this area, there will be both expertise and attention to this area in your shop?

Mr. JAMES. Yes, sir, absolutely. And I might say that I may have misspoken when I said I didn't have any coastal experience as a member of the Commission. The Commission has worked with south Louisiana, both river navigation and also trying to keep their coast from eroding as badly as it has been in the past. I have been a part of that. I will tell you I didn't learn everything there is to know about that coastal erosion, but I have been involved.

Senator WHITEHOUSE. We are just worried that we don't get the attention on coasts that the inland and river work does in the Corps, that that has been a longstanding problem. But that when you are looking at GAO saying, look, it could be \$5 trillion in coastal damage in the decades ahead, and it is going to be \$50 billion a year, that is something worth paying more attention to.

Mr. JAMES. I will definitely look into that, if I am confirmed, and see why that is happening and try to make an informed judgment on it. And if there is not some scientific, or really, economic reason for that, then I will happily get back with you to discuss it further.

Senator WHITEHOUSE. And I look forward to working with you to make sure that somewhere in your office there is somebody who really is expert and focused on our coasts and coastal infrastructure, because we are past, I think, being able to overlook that. And I appreciate it. We had a great meeting, and I wish you well.

Mr. JAMES. Thank you, sir.

Senator BARRASSO. Thank you, Senator Whitehouse.

Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman.

While you are taking care of Senator Whitehouse's coastal areas, let's don't forget the most inland port that we have is in the Port of Catoosa in the State of Oklahoma.

Mr. JAMES. I would never forget that.

Senator INHOFE. All right. Thank you very much.

[Laughter.]

Senator INHOFE. We have eight members on the Republican side that are also on Armed Services, and all eight were there during your hearing on that, so we appreciate the fact that we have that jurisdiction, too.

I have one thing I want to actually specifically talk about, because it is probably my greatest single frustration with the Corps. The cities of Sand Springs, Oklahoma, and Tulsa, Oklahoma, are protected by a levee system that was built in the 1940s, and the infrastructure is beyond its useful life. The system is in desperate need of repair and protects \$2.2 billion in homes and business infrastructure along the Arkansas River, including two large refineries.

Tulsa citizens have provided \$15 million in funding for the project, but were stalled in moving forward because the feasibility study needs a new start. I have it on good authority that the project was on the Corps' list to receive one of the six new starts that Congress appropriated last fiscal year, but in the end, only one new start was awarded. So, the commitment I want to extract from you is that you will commit to ensure that this project remains a priority for the Corps as Congress finalizes their fiscal year 2018 appropriations to include new starts for studies. Can I get that?

Mr. JAMES. Yes, sir, absolutely you will get it from me. If it was one of the proposed six this past year, I can't see any reason that it wouldn't remain on that list. It will become a priority to me. And another priority to me will be the shape our infrastructure is in in this country. Why are we limiting ourselves to six new starts proposed and one new start accepted? That is bothering me.

Senator INHOFE. Well, that bothers me, too, and I appreciate that.

Mr. James, several months ago I joined with Senator King in introducing legislation to improve the permitting process for natural gas pipelines. That process has become more protracted and contentious in recent years, and often the biggest delays are from the multitude of Federal and State agencies charged with permitting a proposed pipeline. The Corps and its State partners are key to permitting agencies in this process, and they need to be part of the solution.

Will you work with us and with Senator King to improve the permitting process? This is a process you and I have talked about on critical infrastructure projects.

Mr. JAMES. Yes, sir. You know, to me, a pipeline makes a very small footprint. I am sure there are permits that have to be obtained from an environmental standpoint, and if it goes through a wetland and so forth, but I can't imagine that we don't have the technology now to monitor those pipelines to the point where, if a leak or crack or something develops, it can't be rectified immediately; therefore, with that in mind, I would think that would enter into the permitting process.

Senator INHOFE. And with that answer, I will not call you a bureaucrat.

[Laughter.]

Senator INHOFE. Last, we have a system of cooperative federalism. By the way, I have to say, on the pipelines, in the last Administration, you know and everybody around this table here knows the problems that we had with pipelines, so I think that is part of our history now.

We have a system of cooperative federalism that has been largely absent under the last Administration. The Obama administration repeatedly tried to consolidate power in the Federal Government, taking away historically held jurisdiction, most notably— well, it has already been once talked about, and that is the WOTUS decision that was made, the rule put forth in the last Administration.

By the way, I would remind you, and I think you already know this, that that rule was of the greatest significance to the farmers of America than any of the other regulations that they found. They have a system or list of about 75 regulations that are harmful to our farmers. That was No. 1. In my State of Oklahoma, I have no doubt in my mind if you change that jurisdiction from a State jurisdiction, you get out in the panhandle, a very arid area, the first rain that came along, that would be a wetland.

Anyway, what is your view on the cooperative federalism and the State's role in regulating our water resources?

Mr. JAMES. I believe in the federalism aspect of it very positively, 100 percent. I think that is the way it should be. I don't think the Federal Government should be here to take away the rights of a State.

As far as a rule like WOTUS, I will have to tell you that, as Assistant Secretary, if I am confirmed, I will be bound to the rules and the laws that Congress makes or administrative policy, regardless of my personal feeling about that rule or law or policy. That is what I will have to do.

Senator INHOFE. That is very reasonable. Thank you very much. Look forward to working with you.

Mr. JAMES. Yes.

Senator BARRASSO. Thank you, Senator Inhofe.

Senator Carper.

Senator CARPER. I am going to yield to Senator Booker.

Senator BOOKER. I am deeply greatly for that.

Senator CARPER. You are quite welcome.

Senator BOOKER. Thank you very much.

Hi, Mr. James. I am grateful for you being here and also for your willingness to come by my office really quick later on this afternoon; it means a lot to me. And your work will inevitably make a difference in the lives of millions of Americans, and I am grateful to have this chance to question you in an open hearing.

I want to just start by just talking to you about a project that is extraordinarily high priority for the State of New Jersey, affecting tens and tens and tens of thousands of folks, and that is the Rahway River Flood Control Project, which you may be familiar with; I hope you are.

We had horrible storms that we have seen, including a nor'easter in 2007, Hurricane Irene in 2011, that continues to damage hundreds and hundreds of homes, costing tens and tens of millions of dollars in damage due to these floodwaters. I know the Army Corps, headquartered here in Washington, they are working closely

with regional and district offices, together with the New Jersey Department of Environmental Protection, the DEP, and the Mayor's Council, Rahway River Watershed Flood Control.

There are a lot of folks who are involved in this, and I am grateful for the hard work people are putting in it, but right now they are just trying to find a way to work to move forward with the plan that they have selected, which is Alternative 4a, or some version, and to move as expeditiously as possible.

There have been some concerns raised in New Jersey that we are not moving as expeditiously as possible. I am grateful for the efforts of the Army Corps; we have had a great relationship since the time I was mayor of Newark, New Jersey, including now that I am here, and I am just hoping we can find a way to provide my constituents in that region, and all those that are concerned in my State, with the protection from what is a devastating flood problem. There are a lot of risks to property, as well as to life, and it is something that we can prevent if we act expeditiously before the next floodwaters.

So just a basic question would be do you know the latest that the Army Corps is thinking about how to proceed as quickly as possible with this project in a timeframe?

Mr. JAMES. No, sir, I can't answer that. I don't know that.

Senator BOOKER. OK. Well, then I would ask that maybe perhaps you can find out. We can have a discussion not in a hearing setting. And then I would just also ask would you commit to coming to New Jersey to look firsthand at the urgent need for this project.

Mr. JAMES. Yes, sir, I will make that commitment to you, and I will also commit to you that I will work with you and your State, and the Corps in this instance, to see what is holding it up and try to move forward.

Senator BOOKER. I really appreciate that. That means a lot to me. And I can see the excitement in your eye when I mentioned coming to New Jersey, which gets most people very, very pumped. [Laughter.]

Senator BOOKER. You might leave with a Bruce Springsteen sound track, sir, if you are nice.

Mr. JAMES. OK.

Senator BOOKER. In last year's WRDA I was really excited to include language to expedite the completion of the reports for the Hudson Raritan Estuary Comprehensive Project. This was going to restore a lot of coastal resources and wetlands at 32 sites in the New York-New Jersey Harbor. This is just another thing I would love to see if you would commit to working with me, in particular, to advance that project.

Mr. JAMES. Sir, that will be my job, is to look into and promote infrastructure in this country, and if that is part of it, I will definitely get with you on it.

Senator BOOKER. You are a good man, and I appreciate that commitment.

Then the last thing I just want to ask, which is a larger issue, not necessarily particular to New Jersey, but on August 15th, 2017, days before Hurricane Harvey devastated Texas and a few weeks before Hurricanes Irma and Maria decimated Florida, Puerto Rico, and of course, the U.S. Virgin Islands, President Trump made an

infrastructure announcement that repealed the 2015 Federal Flood Risk Management Standard. Raised a lot of concerns with me. The rule he repealed would simply ensure that federally funded projects in a floodplain, such as roads, bridges, hospitals, and infrastructure in general, are built to withstand extreme weather and flooding driven by the ravages we are seeing as the climate continues to change.

As the Federal Government is allocating tens of billions of dollars to help communities rebuild, I believe it is essential that we make sound investments that will not just rebuild, but really withstand future weather events. And as the Army Corps continues its work to help these communities rebuild, such essential work, that is why you are unsung champions in the Federal Government, I would just like to know, in general, what is your opinion about the Federal Flood Risk Management Standard, and do you have some reservations about the decision to revoke the Federal Flood Risk Management Standard?

Mr. JAMES. No, sir, I have no opinion about that whatsoever. What I do have an opinion on, in an area where you know is going to flood in this United States, or where has been flooded by a hurricane, and now we are looking at building protection in the future, I do not believe in interim protection. I believe if we are going to spend the money, get the permits, and try to put something in place to protect people and the economy, we need to build it to the point where it should be built to begin with.

Senator BOOKER. Sir, I am grateful for those words.

And Senator Carper, I am really thankful for you allowing me to get before you.

Senator BARRASSO. Thank you, Senator Booker.

Senator Rounds.

Senator ROUNDS. Thank you, Mr. Chairman.

Mr. James, it is good to see you once again. We go back into, what—I think 2009 or 2010, when you were in my home in South Dakota when I was working as Governor at that time, and we had a chance to visit about the relationship between the Missouri River and the Mississippi River, and the water flows and so forth. I would like to explore that just a little bit with you. I think that is an area in which you probably have a lot more expertise than a number of the other individuals that have been before this Committee in the past, and part of it is water flows on the Missouri flow into the Mississippi, and yet at the same time we have obligations to manage the two flows independently. Is that a fair statement?

Mr. JAMES. Yes, sir, it is.

Senator ROUNDS. And at the same time, the Missouri, as it flows into the Mississippi, provides for adequate flows during times in which there is less rainfall coming out of the rest of the Mississippi Basin and allows for the ongoing transportation industries, barge industries and so forth, to continue. But that seems to create conflicts once in a while between the Upper Basin and the Lower Basin.

Even back in 2008, 2009, 2010, prior to the Corps flood of 2011, as I call it, we talked about the fact that there has to be a relationship between the two river systems, and yet during the time in

which we had huge snowfalls, snowpack, and rainfalls early in the year on the Upper Missouri River Basin, the Corps had a very difficult time in trying to manage between the two river systems. There was flooding going on in the Lower Basin; they were holding water in the Upper Basin, hoping that there would be time for the Mississippi to begin to drain out, and it didn't happen. In doing so, we had a lot of water in the Upper Basin.

The spring of 2011 came, and even as late in the year as March 3rd I remember there was an Omaha Herald report where there was a statement by a Corps official that said we are going to be just fine; we are not going to have flooding on the Missouri River unless—and I will paraphrase—unless it rains. And it seemed to me that that was a very inappropriate way to manage an entire river system, recognizing that the water has got to flow through the Missouri and into the Mississippi.

The amount of damage done in the Upper Missouri River Basin from North Dakota, South Dakota, Iowa, Nebraska, on down was significant, and to this day there is still damage on the actual dams on the Missouri River that have not yet been fully repaired.

I would like to know—before we get into the specifics of assuring that we are going to get those repairs made in the Upper Basin, give me your thoughts. You have seen this. Isn't it about time that we start recognizing the relationship between the Missouri River and the Mississippi River with regard to management and we start talking about the needs of both the Upper Basin States and the Lower Basin States, and finding some way to actually work together between these two systems?

Mr. JAMES. Absolutely, sir, I do. As you know, during major floods, not only does the Missouri River system come into play with the Mississippi, but the Ohio system comes in, and then the Red River in the south comes in to significant impact on the Mississippi.

Yes, we need to work together. That is a system. Getting water from where you live to the Gulf of Mexico is a challenge, and if each river system tries to do that independently of the other, we all will lose on that. Now, I haven't worked on this in the Missouri system, so I am just speaking from the cuff here, but I think one of the problems has been the Master Manual and the requirements in the existing Master Manual; it pretty well limits what the Corps can do in response to flood control.

Senator ROUNDS. Sir, I agree with you, and I know that right now flood control is No. 1. We all agree on that. And yet, during this time in which the Corps had actually tried to manage the floodwaters that were accumulating, they didn't even have the appropriate tools in place at that time to actually measure snowpack in those areas that are above the main stem dams of the Missouri River.

That was directed, and it was supposed to be completed back as early as 2014. To this date, I don't believe that has been completed. The equipment necessary, we have actually laid out that the Corps should be the lead agency in putting together the equipment and setting it up for snowpack measurements and so forth—and I am out of time, but would you commit to us today that you will see

that that equipment gets put in place, as directed by Congress and as it should have been done in the last couple of years?

Since 2011, since that last major flood did literally hundreds of millions of damages along the Missouri and the Mississippi. Some of that could have been avoided if we would have had adequate tools to have forecasted and brought attention to the fact that we had a huge amount of water coming through there. They still tell us today those tools aren't in place. Would you commit that the tools should be put in place and that you will help us get that done as soon as possible?

Mr. JAMES. Absolutely, Senator, I will commit to that. Let me tell you my short story on it, was that after the 2011 flood, I was quite disturbed to discover that those kinds of tools didn't even exist on the Mississippi River, and when I pushed that situation, as why do not we have enough gauges along the Mississippi to scientifically know, instead of guessing, what is going to happen, the answer was lack of funding; we don't have the money to buy and install the gauges. You know, we used to have the boards on the side of the bank that people would go down and read the elevations. Now they have the electronic ones that they can read in-office. But that was what I was told at the time.

Be assured that, if confirmed, I will look further into this even into the snow areas.

Senator ROUNDS. Just one last note, and then I will yield back.

Last year, at a Subcommittee hearing, a Subcommittee of this hearing, in North Sioux City, South Dakota, representatives of the Corps of Engineers clearly told us—they said, you know, we just didn't have the money, and yet it was never even requested in their appropriations request to Congress to actually get the money.

Would you commit that you will assist in getting the appropriate requests in place so that it can be acted upon by Congress?

Mr. JAMES. Yes, sir.

Senator ROUNDS. Thank you.

Thank you, Mr. Chairman.

Senator BARRASSO. Thank you very much, Senator Rounds.

Senator Carper.

Senator CARPER. Senator Merkley.

Senator MERKLEY. Thank you very much, Mr. Chair and Ranking Member.

Mr. James, pleasure to see you.

One of the things that we allocate each year is a Harbor Maintenance Trust Fund, but we take in far more than we actually put out for infrastructure, infrastructure that you can tell by the questions raised here needs a lot of improvement. Do you support the idea of using all of the Harbor Maintenance Trust Fund to actually do what the Trust Fund was set up for, that is, the infrastructure, improve the infrastructure of our harbors?

Mr. JAMES. Sir, I am not sure I could answer that directly, not being entirely familiar with the Harbor Maintenance Trust Fund. I can answer it this way, though, that I feel like we need to be using a lot more than it appears that we are using. Now, using it all per year, I can't answer that; really, I am not that familiar with it. But we continue to accumulate funds in the Harbor Maintenance

nance Trust Fund that we are not using, and we have a lot of places that needs that money.

Senator MERKLEY. Great. We will be glad to get you details on that. But there is a lot of infrastructure that is needed over here, and there is a lot of money unused over here gets diverted to other things, and I always find it fascinating, the word trust fund, and then it is raided for other things.

One of the things that we fund is work on small ports, and that is very important to coastal communities in Oregon and throughout the nation, and it hasn't been a set aside in the President's budget, so we do it each year in appropriations to make sure that there is adequate dredging. But we don't always get all the dredging needed.

Do you support the idea of making sure our small ports get dredged so that those communities can maintain both their sport and their commercial fisheries?

Mr. JAMES. With proper funding, absolutely, sir, and that is something that I do understand because, along the Mississippi River, from Lake Itasca all the way to the Gulf, we are having the same problem with small ports in this country. And you know, the debate is that they don't do a million tons or more a year, and therefore, they can't be dredged every year; they don't qualify, they don't qualify for the annual dredging. And I think the same would apply to ocean ports, and we need to relook at the guidelines, in my opinion, because if you have 10 small ports that you don't ever dredge, what good is the big port going to be? So, yes, sir, I will definitely look into that with you and be glad to learn more about it.

Senator MERKLEY. Those ports and jetties are just absolutely essential to those communities, and when they fill in and you get big breaker waves, you get some brave people saying, well, we are going to go out there, we have to go fishing, and then they end up rolling their boat and dying, and then everybody goes why didn't we dredge this thing. Meanwhile, those are the ones who went out. Everyone else who didn't go out is basically the economy is shut down. So, thank you.

I wanted to turn to the issue of fishing villages along the Columbia River. We built these phenomenal dams, the Dallas Dam and the Bonneville Dam, the John Day Dam, and when we did it we promised that the native communities would be rebuilt, their villages would be rebuilt. There were also a community of, if you will, white Americans. That community was rebuilt. But the communities for the native Americans were not rebuilt, and that is a moral obligation that we haven't fulfilled decade after decade.

I visited some of the temporary makeshift fishing sites that are just horrific. Would you commit to visiting those with me so that we can get some national understanding of the challenge being faced there?

Mr. JAMES. Absolutely.

Senator MERKLEY. Thank you so much. We have worked with the Corps of Engineers, and they gave us language to include last year—well, this year, 2017. We included that language. Really, they have been helpful at every turn in this effort. However, now we have run into an obstacle called the Office of Management and

Budget, which has said, no, we don't want to spend the money on rebuilding these villages, and I am very disturbed by that. But we are going to need a close partnership with the Corps of Engineers. There are Democrats and Republicans on the two sides of the river; it is House and Senate members.

Will you be able to work with us to try to remedy this historic wrong?

Mr. JAMES. Sir, I am a firm believer in cooperation and collaboration, and if that is where these lie, I definitely will.

I ran into this on my own in the Missouri River system several years ago. We visited a dam there that tribes had been displaced in the 1940s, and they were promised housing. They were moved from the fertile valley, where they raised crops and had a very nice town—we saw videos of it—up to an arid plain. So, they were promised housing up there and irrigation in order to grow crops, and that was in 1944, and I was there, I think, 8 or 9 years ago. So, I am familiar with that problem in this country, and if asked, and if confirmed, I will look into it with you.

Senator MERKLEY. Thank you so much. I appreciate that you have that personal understanding of the situation and a sense that we should honor these obligations that we made when we undertook these big projects. Thank you.

Mr. JAMES. Yes, sir. You are welcome. Thank you.

Senator BARRASSO. Thank you, Senator Merkley.

Senator Ernst.

Senator ERNST. Thank you, Mr. Chair.

And thank you, Mr. James, very much for being here today. I would like to echo the thoughts that were shared by Senator Rounds as well. That was a devastating flood up and down the Missouri River during 2011. In our State, of course, like all of the other States involved in that flooding situation, called up many of their National Guardsmen. I was one of those National Guardsmen that was called up. I spent a lot of time on the levee system up and down the Missouri River in that particular summer, and I just want to emphasize how devastating this was, because during that flood event we had people in southwest Iowa that were out of their homes 4 months; actually, much longer than that.

The reason they were out of their homes for 4 months is because their homes were literally under water for 4 months. That is the significance of this flood event. This was not a quick pass through event. They were out of their homes for 4 months. Only after the waters had gone away were they able to come back to an absolutely devastating situation.

Some of those folks are just now getting back into homes that have been rebuilt. So very devastating actions. We need to make sure that that doesn't happen again, whether it is the rewrite of the Master Manual by the Corps of Engineers, whatever has to happen, the measurement tools in place, we need to do that. It is something that will never be forgotten up and down that river system.

In 2008 I was also called up as a National Guardsman, this time in a different flood event in Cedar Rapids, and when we sat down in my office about a month ago I had told you about this, and I explained the challenges that are being faced by the city of Cedar

Rapids and its Flood Mitigation Project. So, in 2008 the city suffered a devastating flood as well, and that loss to that community was \$5.4 billion. I am not talking hundreds of millions; \$5.4 billion of losses to the city of Cedar Rapids.

The city's Flood Mitigation Project was first authorized in the 2014 Water Resources Development Act, or WRDA, and then mentioned for prioritization in WRDA 2016. However, due to the project's low benefit to cost ratio, the BCR, Cedar Rapids has been unable to secure Federal funding for it, and the reason for that is because of the relatively low property values in the city. Iowa has very reasonable housing property values, so that keeps the BCR down, and it prevents Federal funding.

This is not an issue that is unique to Iowa; I have talked to many other rural legislators that are suffering from the same low BCRs.

The Corps has some discretion to fund projects with low BCRs if it deems there is a significant risk to human safety. In fiscal year 2017, four of the five projects receiving funding under this human safety exception were in California. Four of five in California.

Will you commit to ensuring that all areas of the country are treated equally in this aspect?

Mr. JAMES. Yes, ma'am, I most certainly will.

Senator ERNST. I think that one life in California is equal to the value of a life in Iowa as well. Very significant.

And do you believe that the BCR metric should be modified?

Mr. JAMES. Absolutely.

Senator ERNST. And how do you think that we can modify that?

Mr. JAMES. Senator, I really don't want to presume how I would do that. I would want to get economists and the right people to get with me to look at that. But it is not right that there are people in this country who will never ever get any type of water infrastructure project under the current BCR analysis.

Senator ERNST. I appreciate that point of view, and thank you for acknowledging that we do need to consider this. I think that is the first step for us moving forward with this because, of course, the coastline property values are much more than what you will find in rural South Carolina or rural Iowa or rural Wyoming, so we do need to take a look at that, and I would love to work with you on that.

Will you commit to working with me and the OMB to modify those metrics and do that in a timely manner? Let's work on that soon. Will you commit to that, assuming your confirmation?

Mr. JAMES. Yes, ma'am, I sure will. Just give me time to—the first thing I would want to do, if confirmed, is to visit with OMB and EPA and Fish and Wildlife and Department of Agriculture and try to establish a working relationship to the point where, if you have a problem, you can call or go over there. And I would like a little bit of time to do that. Then absolutely, yes, ma'am. I think this needs to be addressed for the benefit of the country. There are people even in live safety issues that are behind the lack of a project just because of the BC ratios.

Senator ERNST. Well, thank you very much. And I think collaboration is important and a great working relationship between all

of those agencies is imperative to making sure that we get this issue resolved. So, thank you very much, Mr. James.

Thank you, Mr. Chair.

Senator BARRASSO. Thank you, Senator Ernst.

Senator Carper.

Senator CARPER. Thanks.

Senator Duckworth, if you would like to go next, I will yield to you.

Senator DUCKWORTH. Thank you, Ranking Member Carper.

And thank you also, Chairman Barrasso, for this hearing.

Mr. James, thank you for your time today and for your decades of service, including your 36 years on the Mississippi River Commission. I believe the Corps can benefit greatly from your experience and expertise.

I really enjoyed our conversation yesterday. I was so happy to learn about your background as a farmer also, in addition to your extensive experience with the Corps. I think that you are just the right person to move forward in this position, especially if you stick with your recognition that building a better relationship between the Corps, EPA, the USDA will improve the Corps' ability to advance its mission and benefit our farmers, especially those in Illinois.

I would like to just quickly follow up on a couple questions from our conversation yesterday.

As we discussed, our inland waterways system in the United States gives us a competitive advantage across several important industries. If we don't invest in our waterways, we are going to lose that advantage, and markets will inevitably turn toward other systems, more efficient systems oftentimes in other countries.

I also appreciate your interest and commitment to protecting the Great Lakes from aquatic invasive species like the Asian carp, while also maintaining sustainable and efficient commerce on the Illinois River.

Do you agree that we must keep the Brandon Road Study on track, while signaling to businesses that rely on our waterways that they will remain efficient and cost effective?

Mr. JAMES. Yes, to both of those, ma'am. I think when the objective is to try to stop a fish from swimming upstream, you don't have much time to do that, and from what I have read, I am not satisfied with the progress at this point, even not having been confirmed, just reading what is happening. And then as far as permanent structure in that area, I think it would devastate the navigation process and hurt a lot of people, both large and small businesses.

Senator DUCKWORTH. Thank you.

I would like to chat a little bit about the Navigation Ecosystem Sustainability Program, the NESP. I appreciate your recognition of the national significance of NESP to the Corps navigation and environmental missions. As you may know, the Illinois delegation, along with our colleagues in neighboring States, continue to advocate for the advancement of NESP. Unfortunately, we have been unsuccessful in both Republican and Democratic administrations, so this is a bipartisan frustration.

Will you work with me and other Senators who represent the Upper Mississippi region to identify a path forward with OMB and the White House that recognizes the importance of NESP, with the goal of including pre-construction engineering and design funding in the President's budget request to Congress?

Mr. JAMES. Yes, ma'am, I will work with you on that.

Senator DUCKWORTH. Thank you.

I would also like to chat about the McCook Reservoir, which we talked about yesterday. It benefits Chicago and 36 suburban communities, and it protects approximately 150,000 structures from flooding and significantly reduces untreated sewage backflow into Lake Michigan. And you had mentioned the importance of these reservoirs.

Under a pilot program established in WRDA 2014, the Metropolitan Water Reclamation District of Greater Chicago is working with OMB and the Corps to finalize a project cooperation agreement amendment to transfer a lump sum of \$34.7 million to MWRD for design and construction of Stage 2 at McCook. It is my hope and expectation that the Corps' fiscal year 2018 workplan reflects this agreement.

Will you commit to doing everything in your power to ensure this funding is provided and the arrangement is executed quickly to ensure timely and cost effective flood protection for the Chicagoland area?

Mr. JAMES. I was amazed when I learned about that project, how innovative that it was being in the location, and yes, ma'am, I will work with you toward completion of that.

Senator DUCKWORTH. Thank you. And I am very appreciative of how open you have been and how willing you are to work with us, and I hope that I can count on you to continue with that openness and allow my office to work with your office well into the future so that we can safeguard the Upper Mississippi River and also the economic viability of our farms.

Mr. JAMES. Senator, as I told you during our discussion, I plan to make the ASA office an open door office so that any member of the Congress that wants answers, needs answers, needs contact, wants discussion, it will be there. If I am called partially, if I can't get back to that Congressman immediately, I will get back that afternoon, the next morning, as soon as possible, particularly the members of this Committee and subcommittees that oversee our policies.

Senator DUCKWORTH. Thank you. And thank you for your decades of service to our country.

Senator BARRASSO. Thank you, Senator Duckworth.

Senator BOOZMAN.

Senator BOOZMAN. Thank you, Mr. Chairman.

We appreciate, Mr. James, your willingness to serve. I am very excited about the fact that you are willing to do this. I have had the opportunity to work with you, now, for several years, and as you mentioned earlier, you are not a bureaucrat in any sense of the word; you are a guy that has a lot of common sense and a kind of the get-to-it type guy, you know, let's get this stuff done.

The other thing is I know Senator Sullivan is very concerned about the Arctic, and I would echo that also. I am the Appropria-

tions Subcommittee Chairman that has to do with the icebreakers and things, and so we are committed to doing this; we just need to get the dollars to get it done, which is so, so difficult, and yet it is a national security interest. So, I look forward to working with you and working with him so that we can get some of these things accomplished.

In an Environment and Public Works Committee hearing earlier this year, Secretary of Transportation Elaine Chao assured us the Administration's infrastructure proposal will not just address the three Rs, a tradition associated with infrastructure—roads, rails, and runways. Secretary Chao explained energy, water, and broadband will also be included in the Administration's infrastructure proposal.

Can you explain the benefit in incorporating water into an infrastructure proposal? More specifically, how does investing in our nation's ports and inland waterways affect the day to day lives of everyday Americans?

Mr. JAMES. Well, it has been my experience, Senator, that without the inland waterway systems that we have, commerce would stop. We don't have enough roads in this country to accommodate trailer trucks. The railroads are full now, so even if we were to have a major failure on one of our existing facilities on any inland waterway, the commerce would just be stopped, and I don't think we can afford that at all.

Senator BOOZMAN. Very good. And then, you know, also from an environmental standpoint, the efficiency on the waterway, compared to the airways and the——

Mr. JAMES. Yes, sir. There's no question about that.

Senator BOOZMAN. Very good.

Public power and electric cooperatives have partnered with the U.S. Army Corps of Engineers and Department of Energy's Power Market Administrations for over 80 years in the Federal Hydropower Program. Many view this as one of our longest standing and successful public-private partnerships. Do you support this continued partnership?

Mr. JAMES. Absolutely, sir. I think every lock and dam in the Corps portfolio should have a hydropower plant attached to it, either private or federally owned, according to who would want to own it, of course.

Senator BOOZMAN. Very good.

The 2014 WRDA bill contained requirements for the Corps of Engineers to provide annual 5 year projections of reservoir operations and maintenance, O&M costs. O&M costs can vary greatly from year to year, making budgeting for this expense very difficult. Unfortunately, it is my understanding that many Corps districts across the country have yet to provide these O&M projections to their partners. If confirmed, will you make complying with these O&M projection requirements from WRDA 2014 a top priority?

Mr. JAMES. Absolutely. And I am shocked to hear that they haven't been, sir. That is part of the problem; we have to quit focusing on the process and focus more on the results in the civil works of this country. And I am sorry to hear about that, but I will check into it, if confirmed.

Senator BOOZMAN. I appreciate that. That is music to my ears, and I think to the Committee as a whole.

So, thank you, Mr. Chairman.

Senator BARRASSO. Thank you.

Senator Carper.

Senator CARPER. Thanks.

You are making a lot of friends here, and you are also making a lot of commitments. One of the things you may want to do is just find somebody who is really good to help you doing your schedule and sort of like keeping you going, pointing in the right direction. Make sure you have really good talented people, because your nature is to be very open and welcoming and inclusive, which is great. I wish other folks throughout this Administration and other administrations would follow that. But the idea, the question that the Chairman asked you at the beginning about being responsive to inquiries, questions, and stuff like that, you want to be very responsive, so that is good. Just make sure that you surround yourself with people who understand—

Mr. JAMES. Well, Senator, I noticed yesterday in your office a couple that I might like to bring over.

[Laughter.]

Senator CARPER. I am tempted to say I brought a couple of resumes I would like to give you, but I don't have one. Not one.

Just a couple of words of advice, not that you need it. One of the things, from time to time we have a new Administration, new people coming into these positions, and the person who held that position in the past might have been very good and has gone on to do other things. One of the things you may want to do, if you haven't done already, is to seek out Jo-Ellen Darcy and just talk with her. She filled this role for a number of years.

Just like I like to say we have something called new Senators, orientation for new Senators, something we borrowed from the National Governors Association. We used to have a National Governors Association orientation for new Governors and spouses right after the election, and the idea was for the grizzled veteran Governors to explain to the new guys and gals all the mistakes we made, and to learn from our mistakes. I think there is value in reaching out, in this case, to Jo-Ellen Darcy.

Mr. JAMES. Thank you.

Senator CARPER. Go ahead.

Mr. JAMES. I said, thank you, sir.

Senator CARPER. You are welcome.

Also, a couple people have mentioned the General Accountability Office. It is run by a guy named Gene Dodaro, a wonderful human being and a wonderful servant to the people of this country. But they put out something every 2 years called a High Risk List, high risk ways of wasting money, and a few years ago, for the first time, they put on their High Risk List something that I think Senator Whitehouse alluded to, and that is the sea level rises. And we have stronger storms. I don't think we have had two Category 5 hurricanes in the same year, ever, and we have this year. We have had maybe 30 Category 5 hurricanes in the last 100 years; this year we had 2. So, something is going on. And in my little State of Dela-

ware the sea level is rising and the State is sinking, which is not a very good combination, and we welcome you to come there.

I have said to my colleagues before, in Delaware we can come up on I-95 out of Washington and pick up State Route 1, which is a north-south road that takes you right down parallel to the ocean, and we can go over and take a look at the Delaware Bay. When you drive out toward the Delaware Bay heading east in Delaware, in the southern part of our State, after a few miles you get to the Delaware Bay. You get out of your car and you look, well, there is the Delaware Bay. It used to be a parking lot where people parked their boats, their trailers, and their trucks, and so forth, and now it is the Bay.

And you can look off to like about 1 o'clock off to the right and you see a concrete bunker just barely sticking out of the water in the Bay way out there. It used to be on dry land 500 feet behind you. So, something is going on. And it is not just Delaware; it is not just Maine; it is not just Florida; it is all of us, and it is a matter of great concern.

We talked yesterday about replenishment beach nourishment. I think we have more five-star beaches in Delaware than maybe any other State in the country. We are proud of that. And the Army Corps is very helpful to us, State-Federal partnership, in re-nourishing the beaches and making sure that they are going to be there.

The real key, though, is to make sure the dunes are there so when the storms come in; the dunes can be a shock absorber. And instead of you having—whether it is a Category 1 hurricane or nor'easter, whatever, the dunes are there to protect the towns, the communities, the infrastructure, businesses, and that is hugely important. We have had a great relationship with the Army Corps for years in Delaware, and we value that very, very much.

But beach re-nourishment projects tend not to compete well, overall, in benefit-cost ratio analysis when compared to larger projects like ports, and I would just ask—and you may be able to answer this or you may want to take this question for the record—but just what other factors should be considered in identifying project benefits in order for initiatives to move forward, and how should the Corps prioritize those projects? Any ideas?

Mr. JAMES. No, sir, none that would give you an answer that you would appreciate today. I have ideas, but they are convoluted and not down a direct line, and I would really like to look into that further.

Senator CARPER. Maybe sometime when you come over to Delaware, we will get into my 2001 Chrysler Town & Country minivan with 465,000 miles on it, and we will drive down State Route 1 and head over to Prime Hook Beach, and I will show you where the beach used to be and where the parking lot used to be, and so forth, and it will make it real.

Mr. JAMES. Sounds like a good place to think.

Senator CARPER. All right. I have some more questions, but we will hold off for those right now. Thanks.

Senator BARRASSO. Senator Capito.

Senator CAPITO. Thank you, Mr. Chairman.

Thank you, Mr. James, for being here today and for your willingness to serve; also for your visit and the conversation that we had in my office last week. I appreciate your great knowledge in this area, but also for educating me on cotton farming, which I didn't know much about until I got a chance to ask you.

In our meeting, you kind of beat me to the punch because you put a bright line under the cost and slow progress of the feasibility studies in the Corps. We talked about this. You know, in a State like West Virginia, our lock and dam infrastructure is generally several decades old. Of the 614 West Virginia dams that the Corps has designated in the national inventory of dams, all but 72 of those were built before 1970. Some of them even date back to the 1920s.

So, as the Corps looks at replacement and rehabilitation, it will be required to conduct feasibility studies. At the same time, many of the water storage agreements between the Corps and these towns and companies have either lapsed or haven't been updated for years. So, budgets being what they are, the Corps comes to these entities and asks them for cost sharing, and a lot of times, for these small communities and regional governing areas, these are cost prohibitive. In addition to looking at that, the studies are frequently used to revisit the terms of water storage agreements that have lapsed or gone out of date.

So, for cash strapped communities, this is an impossible choice. They either can't afford to fund the study or they don't wish to be held liable twice, because they could be held liable because the Corps has said that if they don't pony up to the studies, then they can be threatened with charges of trespassing.

So, do you agree that this is an issue? And how would you go about balancing the needs and finances of local stakeholders, the Corps' budget, and economic development and public safety implications around these feasibility studies?

Mr. JAMES. Senator, I think that goes right back to the benefit-cost ratios that we were talking about a little earlier. Communities such as you are speaking of, they can't achieve the benefit side of that ratio to the point where the Corps can support it any longer, and that entire issue has got to be leveraged in some way downward to accommodate people that live in rural areas, lower income areas, or those people are going to be left out of the infrastructure formula.

Senator CAPITO. Right.

Mr. JAMES. And it is not right. As we can see, what we have enjoyed, everybody was included in the first round of infrastructure our country built, and here we are sitting, making up rules and policies that may exclude people, and I don't feel that is right.

Senator CAPITO. Thank you.

Mr. JAMES. I know it exists in your part of the world—

Senator CAPITO. Definitely.

Mr. JAMES [continuing]. And I will definitely, as I move forward on that, if confirmed, I will get back with you, and we will work on that.

Senator CAPITO. Well, I think we are thinking along the same lines there, and I think the timelines in a lot of these situations, sometimes the timelines draw out so much, obviously, it becomes

more expensive, or communities and private entities just throw up their hands and say, I can't do this, I don't have the expertise. So, I hope we can work together on that for the smaller, more rural areas.

One of the things—just briefly I would like to say, and this really isn't a question, but we talked about this in my office as well. All the different entities, and you have mentioned several times that would be one of the first things you would do, would be to get Fish and Wildlife in the room, the EPA in the room, Department of Ag in the room, all the players at the Federal level that can sometimes either A, work across purposes, or B, make the process even more cumbersome than it really needs to be. And I would encourage you to move in that direction and be aggressive there, because I think a lot of times some of the reasons that things become much more complicated, because nobody is really in charge here.

Maybe you have four agencies that are weighing in, but there is no principal that is willing to take the reins and kind of honcho the project to see it through the bailiwick of Federal agencies. So while I wouldn't say the Corps needs to be in charge of everyone or you need to take responsibility of all of these, I do think there needs to be a recognition between agencies that somebody is going to have to be the principal steward of figuring out how to get these things either A, done, or even better, if they are impossible or not going to work, don't drag through the process forever and a day without putting the yield or the stop sign in front of the community or the entity, or however you want to phrase that, and at least let them know, OK, this is what your major problems are; you are not going to get to where you want to be in the end unless you make some major changes. Don't drag that out to the end. That is discouraging and also very counterproductive.

So, I plan to vote for you. I know you will be a great nominee in this area, and I look forward to working with you. Thank you.

Mr. JAMES. Thank you, Senator.

Senator BARRASSO. Thank you, Senator Capito.

Senator Markey.

Senator MARKEY. Thank you, Mr. Chairman, very much.

Cape Cod is an economic pillar and recreation oasis for Massachusetts, and the only accessible way to get on that island by land is by two bridges which span the Cape Cod Canal. Regrettably, these two 80 year old bridges, which are crucial evacuation routes, do not meet modern specifications.

The Corps of Engineers, which maintains the bridges, is currently conducting a study to evaluate whether the bridges need to be replaced or substantially rehabilitated. The agency that you are seeking to run is charged with reducing risk from disaster, so my question to you is will you work with me to ensure that the Corps of Engineers has the resources and authorities it needs to rehabilitate or replace these bridges?

Mr. JAMES. Yes, sir, I sure will.

Senator MARKEY. Thank you, sir. And many of our nation's roads, ports, airports, railways not only serve as critical arteries of commerce and transportation, but also play an instrumental role in facilitating mass evacuations and expediting recovery and emergency response. But many of our nation's evacuation routes may

not have the capacity or resilience they need to fully serve their critical role. That is why I am planning to introduce legislation that tie up Federal resources toward these critical evacuation routes to ensure that we can protect the public and better respond to disasters, and I think it is important for all of our colleagues to work on addressing this important issue.

Plymouth Harbor, in 2020 we will be celebrating the 400th anniversary of the voyage of the Mayflower to the settlement in Plymouth, so that is just 3 years from now. But the celebration won't be complete if ships cannot get into and out of the Harbor. Regrettably, Plymouth Harbor has filled up with so much sand that ships are having trouble navigating.

Mr. James, if confirmed, will you work with me to ensure that we complete the Harbor deepening before the 400th anniversary of the settlement of Plymouth in the year 2020?

Mr. JAMES. Senator, I will work with you toward that. I look forward to it and will get back with you.

May I ask you a question?

Senator MARKEY. Please.

Mr. JAMES. Will there be a dredge disposal problem in that area? If it were to be, it would slow down that process.

Senator MARKEY. That is a very good question that I am going to rely upon the Army Corps to determine.

Mr. JAMES. OK, sir. I will ask them. Thank you.

Senator MARKEY. Thank you.

If we don't maintain our nation's rivers, channels, harbors, we will be effectively hitching an anchor to the U.S. economy. We have communities all across Massachusetts, New Bedford, Wellfleet, Essex, Gloucester, Newburyport, the waterways are filling up with so much sand, again, that vessels cannot reliably and safely pass, which harms commerce, recreation, and safety. Many of these waterways are federally owned, and it is the U.S. Army Corps of Engineers' responsibility to dredge these waterways.

In Massachusetts we have had success in securing funding for these important projects. Over \$18 million was awarded to Boston Harbor in fiscal year 2017; another \$58 million in the President's fiscal year 2018 budget. And I look forward to working with the Army Corps to maintain this strong level of Federal support. We still have a lot of work to do, this big backlog.

And I thank you, Mr. James, for your willingness to put yourself up for this job.

Mr. JAMES. Thank you, Senator, very much.

Senator MARKEY. Thank you.

Thank you, Mr. Chairman.

Senator BARRASSO. Thank you.

Mr. James, I want to first express my appreciation to the Army Corps for being a part of the conversation that led to the removal of a sandbar from the Big Horn River. Earlier this year the sandbar had caused ice jams and serious floods in the city of Worland, Wyoming, necessitating the evacuation of 80 of our citizens. While the sandbar's removal is an important step toward protecting lives and property, I would note, as we talked yesterday, it is only a temporary solution. Eventually, sediment will redeposit, and the area could face the same threat.

So, will you commit to working with Wyoming and with me to find a long term solution to this problem?

Mr. JAMES. I will, sir.

Senator BARRASSO. And Mr. James, in the Water Infrastructure Improvements for the Nation Act of 2016, Congress passed a provision, that I authored, to establish a pilot program that will help develop effective technologies to reduce ice jams. It is important to communities in Wyoming, as ice jams are a primary driver for flooding in areas such as Worland and Grable. I understand the Corps is still working to identify projects for this program.

If confirmed, would you commit to making the implementation of this pilot program a priority?

Mr. JAMES. Yes, sir, I will.

Senator BARRASSO. And Mr. James, the EPA is currently in the process of considering a revised definition of waters of the United States. Many in my State have been concerned about expanding Federal control over State waters under the previous Administration, and requiring ranchers and farmers to get costly permits for simply putting a shovel in the ground on their property, their own property.

So, for example, under the previous Administration, a constituent of mine, Mr. Andy Johnson of Fort Bridger, Wyoming, was threatened with a \$75,000 fine per day for simply building a stock pond on his property.

So, if confirmed, will you commit to use common sense and consider the best interest of the people of my State and the entire country when interpreting Federal laws?

Mr. JAMES. Absolutely, sir. As long as it is the law, I will follow it.

Senator BARRASSO. And Mr. James, you have more than three decades of experience in the infrastructure field, including 36 years as a presidential appointee by Administrations of both parties on the Mississippi River Commission. How has this experience prepared you for the role of Assistant Secretary of the Army for Civil Works?

Mr. JAMES. Well, Senator, I do have that experience, and it has been my experience as a member of the River Commission to not only learn more about the infrastructure and how it should be addressed in this country, but also to understand some of the inadequacies inside the processes that we try to get things done, and I think that experience will help me as well in working with the Corps and other agencies in order to try to speed up the process and get to the results of what we are trying to do. I think that is one major thing I have learned.

Senator BARRASSO. My final question is many individuals and organizations who work with the Corps have complained that the process that the Corps follows to get from identifying that water resources problem to actually implementing a solution can just take too long and cost too much money. So, I wondered if you had any thoughts on how to best improve the process, and will you make it a priority to develop and implement ways to improve the process?

Mr. JAMES. I agree 100 percent to make it a priority of mine. To improve the process, I want to get with the leadership of the Corps,

because I am sure, if they are there, they recognize some of it themselves. So, hopefully we can address that. You know, a day saved is a dollar earned, and that is the way I look at the process.

Senator BARRASSO. Thank you.

Senator CARPER.

Senator CARPER. Are there any questions you wish had been asked that you have not been asked?

Mr. JAMES. No, sir.

Senator CARPER. OK.

One of the issues that has been raised a couple of times during this hearing is money. There is an old line in the song not by the Beatles, but somebody, maybe the Isley Brothers before that, the best things in life are free, but you can give them to the birds and bees; I want money. That's what I want.

All this stuff costs money, and we are not allocating nearly enough to do the job, whether it is inland projects, port projects, rivers. I don't know if it was the American Society of Civil Engineers, they put out an annual report card, and they evaluate our dams, levees, inland waterways, and so forth. Last year they awarded the grade of D, as in dog, and I think they mentioned there is an overall cumulative investment backlog of nearly \$140 billion and in authorized—projects that have been authorized but unconstructed, of about \$60 billion.

The Corps has a big problem because their annual budget hovers right around \$4.5 billion. Think about that. And we have a reluctance in this country to pay for things, things that we need to have; whether it is roads, highways, bridges, airports, rail, ports, you name them. Just a reluctance.

And not that you need my advice, but during the course of putting the budget together, we are still working this month on a final spending package for the current fiscal year, which started on October 1st, which is not the way we did business in Delaware when I was Governor; but it is the way we do business here, sadly. But the budget process starts by a proposal from the Administration, and you are going to be asked how much do you need and to make the case for that allocation. And the need here is huge.

And I think it was Sheldon Whitehouse, Senator Whitehouse who mentioned the Harbor Trust Fund, where moneys are collected for one purpose and not spent entirely for that purpose.

I think there is a request for an increase in fees for inland waterways. I think there is a fee for inland waterways. I think it is a fee on fuel, about \$0.29 a gallon, and I think the Administration—it is kind of a 50-50 deal that half the money comes from those who use the waterways; the other half comes from the Treasury. But I think the Administration has asked for some extra money from those who use and increase the user fees, which I think is probably appropriate, and you are going to be asked from time to time where should the money come from, and we get into roads, highways, bridges here, too, that is part of our jurisdiction, but the part that really pertains to you is this Inland Waterways Trust Fund.

And I think, at the end of the day, if the Congress doesn't want to appropriate the money or allow the fees to be collected, that is one thing, but I think you need to make the ask and then make the case to us. Make the case to us. So, I would leave that.

I think I think that is pretty much it. We once had a hearing, I don't think it was this—no, it was this Committee, and Lisa Jackson had been nominated by President Obama to be the head of EPA. She had her husband and kids with her at the hearing, and I thought it went pretty well. And at the end of the hearing I was just joking, and I said to her children, well, take a good look at your mom, this is the last time you will see her until Christmas. Fortunately, they were old enough to know I was joking, but I would just say, Jennye, take a good look at him. You will hopefully see him before Christmas.

To you, this is a sacrifice for everybody here, but thanks for your willingness to share him with us for a while. It looks like you have a pretty good job training him. It is a hard job, but we look forward to working with you. As Jennye may know and your son may know, we are not the committee of jurisdiction; we share jurisdiction over this agency that you will lead, so we don't get to vote up or down here and report out the nomination, but we have a huge ongoing interest in what you do and want to be a good partner, and we look forward to that relationship, and we look forward to welcoming you to Delaware and I am sure to 49 other States in the months to come.

All right, thanks so much. God bless. Merry Christmas to you and your family.

Senator BARRASSO. Thank you, Senator Carper.

No more questions for today. The members may submit follow up written questions for the record by the close of business tomorrow. We ask you please respond to the questions by noon on Monday.

I want to thank the nominee and congratulate you again. Thank you for your time and your testimony.

The hearing is adjourned.

[Whereupon, at 11:41 a.m. the Committee was adjourned.]

