

**U.S. ARMY CORPS BUDGET 2024 AND IMPLEMEN-
TATION OF WATER RESOURCES DEVELOPMENT
ACT OF 2022**

HEARING
BEFORE THE
COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS

UNITED STATES SENATE
ONE HUNDRED EIGHTEENTH CONGRESS
FIRST SESSION

MAY 3, 2023

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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED EIGHTEENTH CONGRESS
FIRST SESSION

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C O N T E N T S

Page

MAY 3, 2023

OPENING STATEMENTS

Carper, Hon. Thomas R., U.S. Senator from the State of Delaware	1
Capito, Hon. Shelley Moore, U.S. Senator from the State of West Virginia	3

WITNESSES

Conner, Hon. Michael L., Assistant Secretary, Army, for Civil Works	5
Prepared statement	8
Responses to additional questions from:	
Senator Carper	18
Senator Whitehouse	19
Senator Fetterman	20
Senator Ricketts	21
Senator Sullivan	24
Spellmon, Lieutenant General Scott A., 55th Chief of Engineers and Com- manding General, U.S. Army Corps of Engineers	26
Prepared statement	29
Responses to additional questions from:	
Senator Carper	33
Senator Graham	36

U.S. ARMY CORPS BUDGET 2024 AND IMPLEMENTATION OF WATER RESOURCES DEVELOPMENT ACT OF 2022

WEDNESDAY, MAY 3, 2023

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

The committee met, pursuant to notice, at 10:01 a.m. in room 406, Dirksen Senate Office Building, Hon. Thomas R. Carper (chairman of the committee) presiding.

Present: Senators Carper, Capito, Cardin, Markey, Stabenow, Kelly, Padilla, Fetterman, Cramer, Boozman, Wicker, Sullivan, Mullin, Ricketts.

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

Senator CARPER. Good morning, everybody. I am pleased to call this hearing to order.

Today, we have gathered to examine the U.S. Army Corps of Engineers' budget request for Fiscal Year 2024 as well as the implementation of the recently passed Water Resources Development Act, affectionately known as WRDA 2022.

This year, the President has proposed a budget of \$7.4 billion for the Army Corps of Engineers, \$7.4 billion for this year. While that is larger than any other budget request for the Corps to date, the President's proposal is still less than the \$8.7 billion that Congress provided in annual spending last year.

To help us unpack the request and understand the Corps' implementation of WRDA 2022, we are pleased to welcome our witnesses. Assistant Secretary Connor, welcome, good to see you, and General Spellmon. General, Navy salutes Army. Thank you both for joining us and for your ongoing service to our Nation.

The Corps' work is fundamental to keeping our economy moving forward. As you may recall, the Corps manages our Nation's ports and waterways, restores our ecosystems, which are critical to fisheries, to tourism, to recreation, and advances flood management solutions to protect communities from coast to coast. In fact, 99 percent of our overseas trade goes through channels that the Corps helps to maintain. Let me repeat that: 99 percent of our overseas trade goes through channels that the Army Corps of Engineers helps to maintain.

As the largest manager of our Nation's water infrastructure, the Corps also plays a critical role in job creation and job retention. In

addition to employing nearly 37,000 civilian and military personnel, the agency's work spurs economic growth across our Country to the tune of more than \$50 billion annually. With that in mind, I am sure that a number of our members will have some specific projects in their States that they want to ask both of you about today.

The Corps has certainly been a vital partner in many parts of our economy in the first State of Delaware. In addition to delivering nearly \$300 million in essential project funding for Delaware this year alone, the Corps recently approved permits to allow for an expansion of the Port of Wilmington. I am pleased to share that Delaware is now set to build a new terminal at the Port and bring hundreds of new jobs to our region, which includes several States, including New Jersey, Pennsylvania, and Maryland.

The Corps' work is possible because of the policies and studies, along with the projects and programs that our committee authorizes through WRDA. For a decade, this committee has led the effort to pass biennial WRDA legislation with overwhelming bipartisan support. Last year, for example, the Senate passed the final WRDA 2022 legislation by a vote of 83 to 11.

I can't tell you how often people say to me in Delaware, outside of Delaware, on the train, why don't you guys ever work together instead of always fighting with each other? We do work together. This is a workhorse committee. We have the numbers to prove it. That is a pattern we hope and expect to continue: timely bipartisan reauthorizations, resulting in sound policies to address our Nation's water resource needs.

Today, I am particularly interested in hearing, I think we are particularly interested in hearing, about how the Corps' Fiscal Year budget for 2024 would help advance its mission and support the implementation of WRDA 2022. We also want to hear about any ongoing challenges that the agency faces so that our committee can continue to be a problem solver as we consider the next WRDA reauthorization.

The Corps has an important and challenging mission. We recognize that even with historic funding, project demands still often outpace our investments. In the past, that has led to the Corps having to make some tough choices, particularly in many smaller, more economically disadvantaged communities, including those in rural and tribal areas. Historically, these disadvantaged communities have been the last to have their needs met.

That is why we have included provisions in the 2018, as well as the 2020 and the 2022 WRDA reauthorizations directing the Corps to increase its work with financially disadvantaged and underserved communities. I am encouraged that the Corps' recently issued guidance begins to better serve these communities. I know they appreciate it, too. In addition, I am eager to hear more about the Corps' progress.

In WRDA 2022, Congress instructed the Corps to take a more holistic approach when accounting for the impacts of climate change in the work that you do. With that in mind, today is also an opportunity for our committee to hear about how the Corps is using and plans to use those authorities.

We are acutely aware of the need to develop solutions that not only work today but will still protect our Country in the future, but we are not alone in facing the challenges posed by climate change. The Federal Government needs to plan for the climate realities we face and will continue to face for as long as we are around, as human beings and probably as a Nation. These realities range from droughts in the West to sea level rise in the Gulf Coast to floods from snowpacks melting in the Midwest and beyond.

As a key partner for States and communities in addressing the impacts of climate change, the Corps must plan for these realities. We know that failing to do so comes at a steep cost. In 2022, there were 18 climate disasters in the United States with damages of over \$1 billion apiece. Let me just say that again: there were 18 climate disasters in the United States in 2022 with damages of over \$1 billion each.

Throughout the past 30 years, much of the Corps' funding has been provided in response to disasters, not in preparation for them. Not only do we need to proactively address the root causes of climate change, and we are, we need to also proactively make our infrastructure more resilient to the climate-fueled extreme weather.

In closing, my hope is that today's hearing will provide us with a better sense of the Corps' priorities and the direction it plans to take. General Spellmon, Assistant Secretary Connor, we look forward to hearing your testimony and your insights today. That will better inform our oversight and, of course, the 2024 WRDA bill.

I would just say, I know you have several members of your team here today, including a couple named Stacey. I just want to say to them and to the other folks who are a part of your team, uniformed and not, how much we appreciate, from coast to coast, Red States, Blue States, every kind of State, we appreciate the great work you do for us, for our constituents, and for our Country.

With that, let me turn to our Ranking Member, Senator Capito for her opening remarks. Senator Capito?

**OPENING STATEMENT OF HON. SHELLEY MOORE CAPITO,
U.S. SENATOR FROM THE STATE OF WEST VIRGINIA**

Senator CAPITO. Thank you, Mr. Chairman. Thank you for calling the hearing today and for your ongoing commitment to our bipartisan oversight of the implementation of WRDA 2022. I look forward to hearing about the Corps' ongoing efforts to implement the law and then also your 2024 budget request.

As Ranking Member of this committee, I recognize the important role that the Army Corps plays in safeguarding our communities and supporting growth. I live one-quarter of a mile from one of your waterways, so I see how important the work of the Corps is in my own community.

Since 2014, the committee has kept its biennial schedule of authorizing water resource projects and setting national policies for the Civil Works Program of the Army Corps. I look forward to continuing this track record next year.

WRDA 2022 authorized 25 new projects and six modifications to existing projects around the Country, including projects for navigation, flood, and coastal storm risk management, and ecosystem restoration it authorized, and I think this is the largest number, more

than 100 feasibility studies that will develop solutions to water resources challenges in the years ahead.

WRDA 2022 also included several policy changes that will help the Army Corps better succeed, I believe, in the Civil Works mission.

I would like to extend my appreciation to the staff at the Army Corps and also in the Assistant Secretary's office for their continual engagement with the committee as we oversee the implementation of WRDA 2022 and prior WRDA legislation.

As my colleagues on this committee know so well, the Army Corps also has important regulatory responsibilities under other Federal laws. These responsibilities include reviewing permit applications from public and private entities that are seeking to undertake important infrastructure projects or economic development projects across the Country.

One of those private entities, Nucor, announced last year that Mason County, West Virginia will soon be home to the company's newest steel sheet mill. This is really great news for the State of West Virginia, but also for the Country. The committee has heard time and time again how product availability issues adversely impact the delivery of projects and the manufacture of goods.

This mill will have the capacity to produce up to three million tons of American-made steel sheet per year, helping to alleviate availability issues for the industries that utilize this product and supporting compliance with Buy America provisions, including those for the Corps' own construction projects. According to Nucor, it will also have one of the lowest carbon footprints of any sheet mill in the world.

Most importantly, to me and to most of my fellow West Virginians, it will bring hundreds, if not more, permanent, great jobs to West Virginia, which we desperately need.

In order for this mill to become a reality, Nucor submitted applications for permits under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 to the Huntington District. I was looking at that date, 1899. That was pretty long ago.

The Army Corps and Nucor must work diligently and collaboratively through this process so that timely decisions on these applications can be made. The Federal laws must be adhered to, while bureaucratic delays must be avoided.

Assistant Secretary Connor and General Spellmon, you are not surprised to hear me talk about this. I want to thank you for the personal attention you have paid to these applications and look forward to continuing our engagement as we move forward. I appreciate your commitments to provide the District with resources it needs to review these applications and notify me of any challenges that the Army Corps has encountered.

As I have previously reinforced with both of you, this plant is critical to the economic vitality of my home State and to improving the lives of constituents while supporting infrastructure and manufacturing across our Country. I will continue to stay on top of this, and we have talked about this already, previous to this starting, as I know you all will, too. Thank you for that.

Last year, the Army Corps also provided funding for the Kanawha River Basin flood risk management study. This study

will focus on the area of West Virginia that was devastated in 2016 where we lost 26 people in a massive flash flood.

Notably, the Corps has also made a significant investment in the Lower Mud River flood control project in Milton, West Virginia. This funding will go toward constructing a levee and other measures to help ensure the long-term safety and prosperity of residents in the Milton area.

Thank you very much for recognizing the importance of these projects to my State. The work of the Corps, and I am sure each one of us could enumerate, and probably will, projects in our State. The work of the Corps has and will continue to make a difference in communities across the State of West Virginia.

Chairman Carper, I know before too long, we will be kicking off the process for WRDA 2024. I look forward to continuing our partnership to develop bipartisan legislation.

Let me again reiterate my gratitude toward our witnesses. Thank you for being here today.

Senator CARPER. Thank you, Senator Capito. Thanks very, very much.

As she knows well, my family is from West Virginia, Beckley, just south of Charleston. I still have quite a few relatives in that State. I just want to say, Senator Capito, as somebody who cares a lot about the Mountain State, I am really delighted to hear about the economic opportunities that are being delivered in no small part because of the Army Corps. So thank you doubly for that.

Now, we are going to turn to our witnesses. Before I do, though, let me just say to our staffs, our side led by John Kane, and both sides, Democrat and Republican, as well as the members of our committee, all of our staffs, blue States, red States, we work together. We worked really well together on this legislation. It is really important legislation. I can't say thanks enough to all who made our jobs relatively easy as we move forward to today's hearing. My thanks to all of you.

OK. Assistant Secretary Connor has served in a variety of positions in the Federal Government, focusing on natural sources and water resources throughout his distinguished career. He was confirmed as the Assistant Secretary of the Army in November 2021, and has been off and running ever since, immersing himself in all matters related to Civil Works programs.

Mr. Connor, you are now recognized for your statement. Once you have given it, we are going to turn to the fellow in uniform right next to you.

Secretary Connor.

**STATEMENT OF HON. MICHAEL CONNOR, ASSISTANT
SECRETARY, ARMY, FOR CIVIL WORKS**

Mr. CONNOR. Thank you. Chairman Carper, Ranking Member Capito, and distinguished members, thank you for the opportunity to be here today to discuss the President's Fiscal Year 2024 budget and the implementation of WRDA 2022.

Thank you for the tenacious work of you and your staff in getting the Water Resources Development Act over the finish line last year. We and countless stakeholders rely on the biennial authorization to address new challenges and adjust existing authorities as

circumstances warrant. This committee's work is incredibly important.

As you know, the Army Civil Works Program serves three main missions: flood and storm damage reduction, commercial navigation, and aquatic ecosystem restoration and supports related project purposes, such as water supply, hydropower, and recreation. The Fiscal Year 2024 budget request includes over \$7.4 billion for the Army Civil Works Program, which is the largest request in history, and is complemented by an additional \$1.05 billion from the Infrastructure Investment and Jobs Act.

These investments demonstrate President Biden's ongoing commitment to funding the construction of critical infrastructure projects that will strengthen our economy, protect people and property, and restore key ecosystems.

It is important to note that the water resources challenges of today are not like those of yesterday. Weather extremes are increasingly the norm, so understanding vulnerabilities and increasing our preparedness is of the utmost importance. For that reason, the budget provides \$86 million, the largest request in Corps' history, for research and development. The focus of this work will be on innovative solutions that address the emerging water resources challenges of the 21st century and achieves cost savings in the Civil Works Program.

The Army Civil Works budget focuses on the highest performing work within the three main missions of the Civil Works Program. In developing the budget, consideration was also given to advancing three key objectives of the Administration: decreasing climate risk for communities and the environment, promoting environmental justice in underserved communities and tribal nations, and strengthening the Nation's supply chains.

First, the Corps has always been in the resilience business and climate-focused investments include more than \$1.4 billion for construction of flood and storm damage reduction and aquatic ecosystem restoration projects.

Second priority, the budget supports the Administration's Justice40 Initiative through investments in 23 studies and construction of 33 projects to help disadvantaged and tribal communities address their water resources challenges.

Priority three, the budget facilitates safe, reliable, and sustainable commercial navigation to support U.S. competitiveness and improve the resilience of our Nation's manufacturing and supply chains, supporting American jobs and the economy.

The Administration's commitment to our coastal ports and inland waterways is represented by over \$3.4 billion for the inland and coastal navigation projects, including \$1.7 billion derived from the Harbor Maintenance Trust Fund.

Looking deeper at the construction budget, it provides \$653 million for aquatic ecosystem restoration, including \$415 million to continue restoring America's everglades, and \$67 million to support salmon recovery efforts in the Columbia River Basin. Other significant construction activity includes \$655 million for dam safety at Prado Dam in California, \$350 million for replacement of the Cape Cod Canal Bridges, and \$235 million to continue construction of the Soo Locks project, which benefits our entire economy.

In total, the Fiscal Year 2024 construction program is funded at more than \$2 billion. In addition to new projects, the budget invests in operation and maintaining the Corps' existing infrastructure and improving its reliability and performance by providing over \$4.4 billion in the operation and maintenance account.

Investments in the recreation program are also providing significant funding as set forth in my statement, and the regulatory program is robustly funded at \$221 million to support the Administration's focus on permitting.

Turning to WRDA, we are well into the initial steps of implementing the law. We held a public comment period and listening sessions earlier this year to gather input on the need for implementation guidance. At this time, the Army has identified 10 provisions of WRDA 2022 that will require implementation guidance documents, and the drafting is now underway.

WRDA 2022 provided additional flexibility for the Army to assist disadvantaged and rural communities, including tribal nations, a theme continued from WRDA 2020. We look forward to using these tools to expand the range of communities we work with and for. We also look forward to engaging with each of you on the provisions of importance to the communities that you represent.

To summarize, the budget makes critical investments that will benefit the American people and promote greater prosperity and economic growth for decades to come. WRDA 2022 provides the opportunity to solve water resources challenges facing communities, nurture sustainable aquatic ecosystems, and strengthen community resilience and the Nation's economy as a fundamental part of the Army Corps' mission.

Thank you for the invitation. I look forward to the questions.
[The prepared statement of Mr. Connor follows:]

DEPARTMENT OF THE ARMY

**WRITTEN STATEMENT
OF**

**MR. MICHAEL L. CONNOR
ASSISTANT SECRETARY OF THE ARMY
FOR CIVIL WORKS**

**BEFORE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE
ON**

**THE REVIEW OF THE FISCAL YEAR 2024 PRESIDENT'S BUDGET
AND IMPLEMENTATION OF THE WATER RESOURCES
DEVELOPMENT ACT OF 2022**

May 3, 2023

Chairman Carper, Ranking Member Capito, and distinguished members of the committee, thank you for the opportunity to be here today to discuss the Fiscal Year 2024 President's Budget and the implementation of the Water Resources Development Act of 2022.

The U.S. Army Civil Works Program serves three main missions: flood and storm damage reduction, commercial navigation, and aquatic ecosystem restoration; and supports related project purposes, such as water supply, hydropower, and recreation. The Fiscal Year 2024 Budget request includes over \$7.4 billion for the Army Civil Works program — which is the largest request in history — complemented by an additional \$1.05 billion from the Infrastructure Investment and Jobs Act — or IIJA. These investments demonstrate President Biden's ongoing commitment to funding the construction of critical infrastructure projects that will strengthen our economy, protect people and property, and restore key ecosystems. This Budget will also create good paying jobs that provide the free and fair chance to join a union and collectively bargain. Overall, we believe in smart investments that yield high economic and environmental returns, while, also reducing deficits and improving our country's long-term fiscal outlook.

It's important to note that the water resources challenges of today and tomorrow are not like those of yesterday. Weather extremes are increasingly the norm, creating risk to communities, the economy, and natural systems. As a result, understanding vulnerabilities and increasing our preparedness is of paramount importance. For that reason, the Budget provides \$86 million — the largest request in Corps' history — for research and development. The focus of this work will be on innovative solutions that would help achieve significant cost savings in the civil works program and address the emerging water resources challenges of the 21st Century, including climate change. We also address drought in our research and development program. I will continue to work with the Corps to develop meaningful near-term activities to address drought-related issues while advancing long-term drought resilience through robust forward-thinking actions.

The Army Civil Works Budget focuses on the highest performing work within the three main missions of the Civil Works program.

In developing the Budget, consideration was also given to advancing three key objectives that reflect the Administration's priorities: 1) decreasing climate risk for communities and increasing ecosystem resilience to climate change based on the best available science; 2) promoting environmental

justice in underserved and marginalized communities and Tribal Nations in line with the Justice40 Initiative; and 3) strengthening the supply chain.

With respect to the first Administration priority, climate-focused investments include more than \$1.4 billion for construction of flood and storm damage reduction and aquatic ecosystem restoration projects, over \$64 million to improve climate resiliency and/or sustainability at existing Corps-owned projects, and \$35.5 million for technical and planning assistance programs with an emphasis on actions to help local communities identify, understand, and address their flood risks including work that would directly benefit disadvantaged communities by improving their resilience to climate change. The Budget also funds the continuation of studies to investigate climate resilience along the Great Lakes coastlines as well as in Central and Southern Florida.

For priority two, the Budget supports the Administration's Justice40 Initiative through investments in 23 studies, and in the construction of 33 projects to help disadvantaged and tribal communities address their water resources challenges—including funding for the Tribal Partnership Program. The Budget also provides construction funding for the environmental infrastructure program, with a focus on disadvantaged communities. The Army is committed to helping to achieve the broader

goals of the Administration regarding equity and environmental justice and will continue to improve outreach and access to Civil Works information and resources, including technical and planning assistance programs; maximizing the reach of Civil Works projects to benefit disadvantaged communities; and, ensuring that updates to Civil Works policies and guidance will not result in a disproportionate negative impact on disadvantaged communities.

Supply chains remain a priority, which the Corps supports through its commercial navigation program. The Budget facilitates safe, reliable and sustainable commercial navigation to support U.S. competitiveness and improve the resilience of our nation's manufacturing supply chain to support American jobs and the economy. In support of the Administration's commitment to our nation's coastal ports and inland waterways, the Budget includes over \$3.4 billion for the study, design, construction, operation and maintenance (O&M) of inland and coastal navigation projects. Of this amount, over \$1.7 billion is derived from the Harbor Maintenance Trust Fund for eligible projects with an emphasis on operation and maintenance, including dredging, of completed projects and over \$1 billion will be used to maintain and improve navigation on the inland waterways.

Flood and storm damage reduction is at the center of the Civil Works program's actions to support the Administration's goal of tackling the climate crisis. Accordingly, the Budget contains nearly \$2 billion for flood and storm damage reduction, including funding to provide technical and planning assistance to local communities to enable them to understand and better manage their flood risks. The Budget proposes to assist these local efforts, with emphasis on non-structural approaches.

Equally important to building community resilience is the work of the aquatic ecosystem restoration mission (AER). The Budget provides \$653 million for AER, including \$415 million for the South Florida Ecosystem Restoration (SFER) program, which will enable significant progress in restoring America's Everglades while building ecosystem resilience to climate change in South Florida. The Budget also includes \$93 million to support salmon recovery efforts in the Columbia River basin, another priority within the AER program.

Other significant initiatives include \$655 million for construction of a critical dam safety project at Prado Dam, and \$350 million for replacement of the Cape Cod Canal Bridges. Additionally, to facilitate action on Cape Cod, the Budget includes a legislative proposal that would allow the Corps to transfer funds to the Commonwealth of Massachusetts to design and

construct the replacement bridges. Ultimately, the ownership of these bridges will be conveyed to Massachusetts, which will be responsible for future operation and maintenance. Also, of significant note, the Budget includes \$235 million to continue construction of the Sault Ste. Marie (Replacement Lock) project in Michigan.

In total, the FY 2024 Construction program is funded at more than \$2 billion. While most of this funding is in the Construction account, over \$37 million is in the Harbor Maintenance Trust Fund account, and nearly \$64 million is in the Mississippi River and Tributaries account. This budget will help us get things done and ensure momentum across the nation on these water resources infrastructure improvements. The Army also has allocated the \$50 million provided for construction in 2024 in the IIJA for shore protection projects that will support coastal communities and improve their resilience to storm and climate change impacts.

As I wrap up the discussion on construction, I want to acknowledge that there is no funding proposed from the Inland Waterways Trust Fund (IWTF) in this year's budget in view of the \$2.5 billion made available in the IIJA for construction, replacement, rehabilitation, and expansion of inland waterways projects. The IWTF is a very valuable funding source, and I

anticipate there will be ongoing and significant use in the future beyond the investments provided by the IIJA.

Of course, in addition to new projects, the Budget focuses on maintaining the key features of the vast water resources infrastructure that the Corps owns and manages, and on finding innovative ways to rehabilitate it or divest it to others. The Budget invests in operating and maintaining the Corps' existing infrastructure and improving its reliability and performance. Specifically, the FY 2024 Budget funds the Operation and Maintenance program at over \$4.4 billion, consisting of over \$2.6 billion in the Operation and Maintenance account, nearly \$1.7 billion in the Harbor Maintenance Trust Fund account, and nearly \$154 million in Mississippi River and Tributaries account. The allocation of funding among projects for maintenance reflects a risk-informed approach that considers both project and project component conditions and the potential consequences of a failure. The Budget also gives priority to the maintenance of coastal ports and inland waterways with the highest commercial traffic. Additionally, the Budget is complemented by \$1 billion for operation and maintenance in 2024 from the IIJA.

For the Investigations program, the FY 2024 Budget provides \$139 million, consisting of nearly \$130 million from the Investigations account

and over \$9 million in Mississippi River and Tributaries. Within those amounts, the Budget includes \$35.5 million for technical and planning assistance programs. These programs help local communities, including disadvantaged communities, identify and address their flood risks, including flood risks associated with climate change.

Continuing with the Budget summary, it's significant that the FY 2024 Regulatory Program is funded at \$221 million to protect the nation's waters and wetlands and provide efficiency in permit processing. And the recreation program is funded at \$275 million to ensure the Corps — one of the nation's leading Federal providers of outdoor recreation — can continue to effectively serve the public's desire to experience the great outdoors.

Following the passage of WRDA 2022 at the end of last year, we began implementation of the law. As required by WRDA 2014, we held a 60-day public comment period as well as four listening sessions to gather input on implementation of the provisions. The Army has identified 10 provisions of WRDA 2022 that will require implementation guidance documents and we have begun drafting this guidance.

WRDA 2022 provided additional flexibility for the Army to assist economically disadvantaged and rural communities, including Tribal

Nations. As we look to future Water Resources Development Acts, an area that we continue to improve is our support of Tribal Nations. I believe we have significant opportunities to be better partners to our Tribes and look forward to future discussions to advance that objective.

To summarize, the Budget makes critical investments in water resources that will benefit the American people and promote greater prosperity and economic growth for decades to come. WRDA 2022 provides us with the opportunity to solve water resources challenges facing communities, nurture sustainable aquatic ecosystems, and strengthen community resilience and the nation's economy as we continue to deliver our mission to serve the public.

I am very honored to implement the President's priorities for the Army Civil Works program and excited to be a part of a great team — serving our Nation.

Thank you for inviting me here today. I look forward to your questions.

Senate Committee on Environment and Public Works
Hearing Entitled, “US Army Corps Budget 2024 and Implementation of Water Resources
Development Act of 2022”
May 3, 2023
Questions for the Record for the Honorable Michael Connor, Assistant Secretary of the
Army for Civil Works, U.S. Army Corps of Engineers

Chairman Carper:

1. President Biden has set clean energy goals and committed to significantly reduce greenhouse gas emissions (GHG). The Corps’ vehicle and vessel fleets can be part of the solution to reduce GHG emissions as shown by the FY 2024 President’s Budget request of \$26 million for electric vehicle supply equipment.

- a. How is the Corps evaluating greenhouse gas emission reductions as it transitions to an electric vehicle fleet for its cars and what are the plans for the Corps’ vessels?

Response: Ongoing evaluation, recording and comparing energy usage (fuel and electricity) occurs on a regular and recurring basis through the Corps’ Sustainability Program, with quarterly Leading Metrics input to the Federal Annual Energy Management Report, which supports the annual OMB Scorecard. This is done in parallel with the Corps’ EV transition and EVSE implementation strategy as well as Carbon-Free Electricity initiatives.

The Corps continues to incorporate efficient hull designs, modern fuel-efficient diesel engines, and futureproofing where possible through use of diesel-electric power for all new and replacement vessels resulting in lower greenhouse gas emissions. The Corps is also currently building its first hybrid diesel/battery powered vessel for use in the New York Harbor which is expected to be completed in CY24.

- b. What are the other sources of emissions that the Corps is working to reduce, and how?

Response: The Corps is committed to reducing energy and water use intensity, stationary combustion, wildfire emissions through prescribed burns, and optimizing building utilization through identification and implementation of energy conservation measures.

Senator Whitehouse:

1. WRDA 2022 mandated a GAO study on the disparity between coastal and inland projects. The mandate provided a year to start the project. Has GAO contacted the Corps to begin the study?

Response: No.

2. The panel was asked about the Corps' ability to incorporate sea level rise and coastal storms into the Corps' cost-benefit analyses. I was pleased to hear that the Corps has used sea level rise curves for twelve years. What is the source of the data on sea level rise?

Response: USACE uses observed sea-level data and published sea-level trends from NOAA to apply global sea-level rise scenario curves to the site-specific conditions at project locations. The original source for the USACE sea-level scenario curves was the National Research Council report "Responding to Changes in Sea Level: Engineering Implications," with slight adjustments to align the scenarios to the most recent mean sea level published by NOAA. While other scenarios have been proposed by various scientific groups, recent research has shown the USACE scenarios to be broadly aligned with the scientific consensus for future sea-level change through the year 2100. More detail is available in USACE Engineering Regulation 1100-2-8162, "Incorporating Sea Level Change in Civil Works Programs."

- a. What other climate and natural disaster models are currently, or are planned to be, used in your cost-benefit analyses?

Response: The Corps uses the Timeseries Toolbox, the Corps' Climate Hydrology Assessment Tool (CHAT), and/or the Vulnerability Assessment (VA) tool, as appropriate, to inform the analyses.

- b. Is the Corps working with any other government agencies with expertise in climate modeling, such as NOAA, to refine their cost-benefit models?

Response: Yes, the Corps works with the U. S. Global Change Research Program (USGCRP), National Oceanic and Atmospheric Administration (NOAA), National Aeronautics and Space Administration (NASA), U.S. Geological Survey (USGS), Federal Emergency Management Agency (FEMA), Environmental Protection Agency (EPA), and other partners.

- c. What is the time frame in which you expect the Corps to have updated their cost-benefit analyses with the best available climate science?

Response: The state of climate science is always advancing and changing. The Corps updates its guidance continually, including updates in response to emerging actionable science such as climate science. In accordance with the USACE Climate Preparedness and Resilience Policy Statement, USACE implements climate preparedness and resilience planning using the latest available and

actionable climate science. The best available science is not always the latest available, so the actionable science standard – requiring salience, legitimacy, credibility, and co-production, helps avoid constantly-shifting policies or methods in response to the latest publications. Allowing climate science to mature before changing approaches helps USACE avoid missteps or retractions which would require projects to restart or change course with each new scientific finding. Within this framework, USACE will always strive to update its analyses to use the latest available and actionable climate science as that science emerges. To give just two examples, the Corps is currently developing its next update of guidance for consideration of climate change impacts to inland hydrology and is initiating an update of our guidance for consideration of sea level change. Both of these updates will reflect the state of the climate science at the time of publication.

3. What is the average impact to project costs generated by missed deadlines?

Response: There is no “average impact” to project costs. The implications of a missed milestone, or deadline, are dependent upon the type of milestone and duration of delay. Some missed milestones may have no impacts or even beneficial impacts. Others may be negative and result in increased costs.

- a. How does this change in cost scale with project size?

Response: Generally, the Corps’ project costs increase with the complexity of the project. Therefore, a more complex project is more likely to have higher impact costs due to missed milestone or deadline but this ultimately depends on the specific milestone or deadline missed and the duration of delay.

4. The India Point Railroad Bridge has been removed but the railroad pilings are still in place. What is the timeline for their removal?

Response: The pilings are scheduled for removal in May 2023.

Senator Fetterman:

1. The three mid-Atlantic river basin commissions play a critical role in managing and protecting our water resources. However, although Congress has established that the Army Corps should financially support the river basin commissions, federal funding has only ever been provided through congressionally directed spending. The federal statutes that formed the commissions set a statutory obligation for payments by signatory members, which include the United States. Can you briefly explain why funding for the river basin commissions was not included in the FY24 Presidential Budget or in past budgets?

Response: The Corps personnel who participate in meetings with the river basin commissions are funded in the Expenses account. The river basin commissions also may

receive Corps funding on a cost-shared basis for eligible work through the Planning Assistance to States program. The Budget supports both of these activities.

- a. Has the Corps submitted reports to this Committee explaining this absence as required in WRDA 2014? Same as above, and so forth.

Response: The Corps personnel who participate in meetings with the river basin commissions are funded in the Expenses account. The river basin commissions also may receive Corps funding on a cost-shared basis for eligible work through the Planning Assistance to States program. The Budget supports both of these activities.

Senator Ricketts

1. For years, both military and federal officials were aware that Offutt Air Force Base was vulnerable to flooding. In 2011, floodwaters reached within 50 feet of the base's runway. In March of 2019, flooding submerged part of the airstrip and dozens of buildings at one of our nation's most important air bases, home to the U.S. Strategic Command, which oversees the Pentagon's nuclear deterrence and global strike capabilities as well as our 55th Wing. It took six years to receive a 408 federal permit to begin reinforcing an earthwork levee system to protect the vital base from the Missouri River. After the permit was finally issued, construction was set to begin in May or June of 2019. This disaster cost taxpayers \$988 million to repair.

- a. What steps should have been taken to prioritize projects which protect national security, especially our critical military installations?

Response: Pursuant to Section 14 of the Rivers and Harbors Act (33 USC 408 or "Section 408"), the Corps must ensure that the proposed modification to the Corps' federal project will not be injurious to the public interest and will not impair the usefulness of the federal project. All Section 408 requests receive a fair and timely review.

Specific to the Missouri River Right Bank Levees (R613/616), the Corps conducted its reviews as expeditiously as possible. During the review process there were delays due to critical technical concerns related to the adequacy of the modeling relating to raising the R-613 levee and assessing the potential impacts on the adjacent R-616 levee and the left bank Missouri L611-614 levees. Unfortunately, many of the applicant's submittals contained deficient technical analysis and inconsistent data between reports which the applicant did not address even when provided technical assistance from USACE. This led to numerous resubmittals, technical meetings and additional review and coordination between the Corps, applicant, and the applicant's A/E firm.

- b. What could have been done to move this project through permitting more expeditiously?

Response: The Corps received the initial submittal for Section 408 review in May 2013. The Corps determined the initial submittal had significant technical deficiencies and provided comments to the non-federal sponsor within 90 days (Aug 2013). The non-federal sponsor submitted a revised application to the Corps 21 months later. After that, there were additional resubmittals, technical meetings, additional reviews and coordination between the Corps, non-federal sponsor, and the sponsor's A/E firm.

Over this period, the Corps also was working to improve the section 408 review process. The Corps issued Section 408 guidance in July 2014, EC-1165-2-216, which included procedural guidance for the Corps staff who review the Section 408 requests. In September 2018, EC-1165-2-220 was issued, superseding the 2014 guidance, which provides clarification and a more formal process, including delegation of all decisions from Headquarters, elimination of the 60% minimum design requirement so information requirements can be scaled to the scope of the request, and a 30-day Completeness Review and 90-Day Technical review and decision timeline for each Section 408 request.

- c. It was stated that the average U.S. Army Corps permitting time is 11 months. How do you track and prioritize outliers, like this project, which are so far from the average?

Response: The statement regarding 11 months as the average Corps permitting time was based on a subset of permit actions for Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 (i.e., individual permits and not general permits) not Section 408 permit actions. Section 408 actions, such as this one, are tracked via the Section 408 Tracking system, established in the fall 2018. Districts retain discretion to prioritize and expedite reviews as they determine appropriate.

2. The R-616-613 Levee Restoration Project took 6 years to permit. It cost the Natural Resource District \$6 million dollars to prepare the 408 permit application for the Corps and all of the consultant and NRD staff time to answer corps questions, provide additional detail, studies, data etc.in order to received ultimate approval. The total construction cost for this project was \$45 million.

- a. As Natural Resource Districts are supported by taxpayer dollars, do you believe it is efficient to charge taxpayers 13% of the entire project cost just to get a prepare a permit for approval?

Response: Applicants incur costs in developing and submitting the information necessary for the Corps to ensure compliance with applicable federal laws and

regulations. In many cases, including this one, the applicant's costs are dependent on the scale and complexity of the proposed project and are outside of the Corps' control.

- b. It was stated that the average U.S. Army Corps permitting time is 11 months. How do you track and prioritize outliers, like this project, which are so far from the average?

Response: The statement regarding 11 months as the average Corps permitting time was based on a subset of permit actions for Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 (i.e., individual permits and not general permits), not Section 408 permit actions. Section 408 actions, such as this one, are now tracked via the Section 408 Tracking system, established in the fall of 2018. The Corps Districts use their judgement and expedite reviews where appropriate.

3. Section 408 channel maintenance permits can take one to two years to receive to complete maintenance that should be completed annually if not monthly. What is your perspective on categorical exclusions for monthly and annual maintenance?

Response: Per the 2018 Engineer Circular 1165-2-220 (EC), maintenance conducted by a non-federal sponsor does not require Section 408 review. Covered Operations and Maintenance (O&M) activities are outlined in the authorized project's O&M manual. A Section 408 permission would only be required if the non-Federal sponsor proposes work that is outside of the authorized project maintenance described in the O&M manual.

4. It appears water management from the Omaha District is much more delayed than other districts. Please share the efficiency and average permitting time required to issue a permit in each of the Corps' districts.

Response: Table of Average number of Days for Section 408 Decisions Rendered in Fiscal Year 2022.

Corps Division	Corps District	# of Decisions (FY22)	Average Days
LRD	Buffalo	17	88.88
LRD	Chicago	28	83.29
LRD	Detroit	3	166.33
LRD	Huntington	7	183.83
LRD	Louisville	62	18.96
LRD	Nashville	0	-

Corps Division	Corps District	# of Decisions (FY22)	Average Days
NWD	Portland	81	65.6
NWD	Seattle	29	47
NWD	Walla Walla	2	357
POD	Alaska	2	80
POD	Honolulu	0	-
SAD	Charleston	0	-

LRD	Pittsburgh	13	149.09	SAD	Jacksonville	105	107
MVD	Vicksburg	70	71.63	SAD	Mobile	0	-
MVD	Memphis	20	53.94	SAD	Savannah	0	-
MVD	New Orleans	20	51.72	SAD	Wilmington	0	-
MVD	St. Paul	1	120	SPD	Sacramento	48	35.56
MVD	Rock Island	21	96.24	SPD	Albuquerque	0	-
MVD	St. Louis	22	57.75	SPD	Los Angeles	35	11.59
NAD	Baltimore	10	309	SPD	Sacramento	0	-
NAD	New England	4	49.25	SPD	San Francisco	9	329
NAD	New York	0	-	SWD	Fort Worth	7	40.67
NAD	Norfolk	190	59.26	SWD	Galveston	45	67.19
NAD	Philadelphia	0	-	SWD	Little Rock	0	-
NWD	Omaha	93	86.96	SWD	Tulsa	28	69.5

Senator Sullivan:

1. I appreciate the work that the Army Corps team, both at Headquarters and in the Alaska District, has done to advance the Cape Blossom Regional Port Project. This is a very significant project for the region around Kotzebue, for the State of Alaska, and for our country. The U.S. Arctic, which is Alaska, is of increasing strategic importance to the U.S. The U.S. is very infrastructure poor in the region, and the development of the Cape Blossom port will help address this problem. With the help of the Corps, this will be the one key location in a system of Arctic ports.

It is my understanding that the site selection for the project is still underway. Can you provide a status update on the project?

Response: The Kotzebue Harbor Feasibility Study, Navigation Improvements at Cape Blossom, Kotzebue, Alaska, was terminated on March 4, 2020, due to a negative federal interest determination. A Planning Assistance to States (PAS) study was completed in November 2021 to evaluate coastal bluff erosion at several potential sites for further consideration by the Native Village of Kotzebue and the City of Kotzebue. No additional studies or investigations for Cape Blossom, Kotzebue, have been requested subsequent to the completion of the PAS study in 2021.

2. The majority of communities in Alaska, do not “fit” into the traditional national economic determination formula, which led Congress to enact provisions that allow for non-economic factors to form the basis for authorizing a project, as found in Section 2006 “Remote and Subsistence Harbors” of the Water Resources Development Act of 2007. In

the 2016 Water Infrastructure Improvements for the Nation Act, I included two provisions to expand on this authority to help with a justification for an Arctic port: (1) one provision recognizes the value of a potential port to the surrounding communities in the cost/benefit analysis, and (2) the other provision enables Corps to justify an Arctic port based on the national security benefits.

In regards to the value of the Cape Blossom Regional Port Project to the surrounding communities, commodity costs in the Northwest Arctic Borough (NWAB) are elevated due to the practice of lightering to get commodities ashore at Kotzebue. Fuel and goods delivered are utilized in Kotzebue and distributed regionally to at least 9 other villages located in the NWAB. The delivery costs associated with lightering increase the cost of fuel and goods to levels that may threaten the long-term viability of regional communities by imposing economic burdens on families and individuals.

In regards to national security interests, the Russian Federation has prioritized the development of Arctic capabilities and has made significant investments in military infrastructure in the Arctic, including the creation of a new Arctic Command and the construction or refurbishment of 16 deep-water ports and 14 airfields in the region. As one key location in a system of Arctic ports, the Cape Blossom Regional Port Project in Kotzebue is positioned to play a contributing role in ensuring the United States remains a leader in the Arctic region.

Will you commit to me that Army Corps headquarters will embrace all available statutory authorities to allow Cape Blossom Regional Port Project to be evaluated on all regional and national interests, as appropriate?

Response: In such a study, the Corps would proceed in accordance with established planning guidance and the applicable law.

Senator CARPER. Thanks so much for your testimony and for your leadership.

Now, we are going to turn to General Spellmon. General Spellmon, you have been here before any number of times. We are happy to see you again.

I understand that you served in a number of a variety of positions within the Federal Government, focusing largely on natural and water resources throughout your distinguished career. How long have you served in the Army?

General SPELLMON. Sir, 37 years.

Senator CARPER. Thirty-seven years. You started as a child? Didn't they have labor laws back then?

General SPELLMON. Eighteen, sir.

Senator CARPER. That is pretty impressive. Were you prior enlisted?

General SPELLMON. No, sir.

Senator CARPER. Where did you go, the Military Academy?

General SPELLMON. Military Academy at high school, yes, sir.

Senator CARPER. Good for you.

General Spellmon was confirmed as Assistant Secretary of the Army in November 2021 and has been off and running ever since, immersing himself in all matters relating to the Civil Works Program. That, I just read the wrong intro. Let us just start over.

[Laughter.]

Senator CARPER. General Spellmon has been serving forever as the 55th Chief of Engineers as Commanding General of the Army Corps of Engineers serving since September 2020, before which he served as the Deputy Commanding General for Civil and Emergency Operations. He is no stranger to the Corps' Civil Works Program or to this committee.

We are grateful for your distinguished service, long-time service. We look forward to hearing from you today, and you are welcome to begin your statement.

Thank you.

**STATEMENT OF LIEUTENANT GENERAL SCOTT SPELLMON,
55TH CHIEF OF ENGINEERS AND COMMANDING GENERAL**

General SPELLMON. Sir, thank you for that generous introduction, and good morning.

Senator CARPER. Which one did you like best?

[Laughter.]

We can only pay you for one job, though. Welcome aboard.

General SPELLMON. Yes, sir. Chairman Carper, Ranking Member Capito, and distinguished members of the committee, I am honored to testify before you today.

Thank you for the opportunity to discuss the Fiscal Year 2024 budget request for the U.S. Army Corps of Engineers. It is another record investment in our Nation's Civil Works Program, and I am also pleased to discuss the ongoing implementation of the Water Resources Development Act of 2022, as well as other recent water resources acts. This critical legislation provides us with the authorizations necessary to advance our civil works missions and enables critical policy transformations to address the changing needs of the Nation's water resources infrastructure.

Today, I look forward to discussing the status of important Corps projects and programs, as well as answering any questions the committee may have regarding the 2024 budget and recent WRDA implementation. Most importantly, I look forward to continuing to work with this committee, the Congress, and the Administration to address the Nation's critical water resources infrastructure needs.

We greatly appreciate the committee's continued support of the Corps' program. In WRDA 2022, Congress authorized 25 new construction projects, 94 new feasibility studies, and 131 new environmental infrastructure projects. These studies and projects, when funded, will strengthen our supply chain, help tackle the climate crisis, advance environmental justice, and invest in tribal nations and underserved communities.

With recent record-high appropriations, including the \$1.4 billion of additional funding provided late last year as part of the Disaster Relief Supplemental Appropriations Act of 2023, the Corps' Civil Works Program has experienced significant growth over the past several years. This substantial level of investment enables critical water resource projects to be studied and constructed and it allows us to further develop innovative approaches to address some of our most pressing challenges through focused research and development.

The Fiscal Year 2024 Budget reflects a targeted approach to continue investing in our water resources programs to promote climate resiliency, which will benefit the Nation's economy, our environment, and public safety now and well into the future. The budget also supports the Assistant Secretary's priorities for the Corps by upgrading our Nation's waterways, protecting communities and ecosystems, better serving disadvantaged communities, investing in science and research and development, and then finally, sustaining and improving our communications and relationships with our many partners.

The 2024 budget, when taken with other recent funding, as well as the authorizations from WRDA 2022 and previous WRDA legislation, provides the Corps with what the Secretary calls a transformational opportunity to deliver water resource infrastructure projects that will positively impact communities across our great Nation.

We are also taking advantage of this opportunity to do two things. First, that is to transform our organization and decision-making processes to safely deliver quality projects on time and within budget, and second, to identify risks to how we are delivering our program. Our teams are hard at work seeking out new and better ways to mitigate or eliminate these risks so we can further strengthen the safety and security of communities across our Country and our territories.

By evolving our policies, programs, and operations, and placing increased focus on research and development, we are working to overcome impacts of challenges such as sea level rise, changes to precipitation patterns and hydrology, and other effects of climate change, including improvement to the resilience of our own Corps-owned and operated infrastructure.

I will conclude by saying the Corps does not accomplish anything on its own. Delivering successful civil works projects is a shared re-

sponsibility. It is a team sport. We draw from our engineering expertise and build upon our relationships with our non-Federal partners, our project stakeholders, and Congress to enable us to succeed.

I look forward to continuing our great collaboration as we continue to pursue our vision, and that is engineering solutions for our Nation's toughest challenges.

Thank you again, Chairman Carper, Ranking Member Capito, and members of the committee. I look forward to answering any questions you may have.

[The prepared statement of General Spellmon follows:]

**DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS**

COMPLETE STATEMENT OF

**LIEUTENANT GENERAL SCOTT A. SPELLMON
CHIEF OF ENGINEERS**

**BEFORE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

ON

**THE FISCAL YEAR 2024 BUDGET
FOR THE CIVIL WORKS PROGRAM
OF THE U.S. ARMY CORPS OF ENGINEERS
AND IMPLEMENTATION OF THE WATER RESOURCES
DEVELOPMENT ACT 2022**

03 MAY 2023

Chairman Carper, Ranking Member Capito, and distinguished members of the Committee. I am honored to testify before you today along with the Honorable Michael Connor, Assistant Secretary of the Army for Civil Works, regarding the President's Fiscal Year 2024 (FY 2024) Budget (Budget) for the Army Civil Works Program and our implementation of the Water Resources Development Act of 2022 (WRDA 2022).

Through the Army Civil Works program, the United States Army Corps of Engineers (Corps) works with other Federal agencies, States, Tribes, and local governments, as well as others, to develop, manage, restore, and protect water resources, primarily through the study, construction, and operation and maintenance of water-related infrastructure projects. The Corps also regulates development affecting waters of the United States including wetlands and works with other Federal agencies to help communities respond to, and recover from, floods and other natural disasters.

For FY 2024, the President recommended \$7.413 billion in discretionary funding for Civil Works activities – the largest budget request in the history of this program. This funding, along with the authorizations provided to us by Congress, will allow us to advance our three main missions of commercial navigation, flood and storm damage reduction, and aquatic ecosystem restoration, as well as support related project purposes, such as water supply, hydropower, and recreation. The Civil Works program is performance-based and focuses on high-performing projects and programs within these three main mission areas. The Corps uses its engineering expertise and relationships with project sponsors and stakeholders to develop innovative approaches to address some of the most pressing water resources challenges facing the Nation.

WRDA 2022 provided the Corps the flexibility to design projects that respond to a wider suite of impacts associated with climate change. WRDA 2022 also provided flexibility to address the water resources needs of urban and rural communities with environmental justice concerns. This is a high priority goal of the Administration. An important next step for Army Civil Works will be the adoption of procedures implementing the Water Resources Principles, Requirements, and Guidelines. In partnership with the Assistant Secretary for Army for Civil Works, we expect to formally initiate a rulemaking process on this issue later this year. This rulemaking will include a focus on securing environmental justice and spurring economic opportunity for disadvantaged communities that have been historically marginalized, underserved, or overburdened by pollution, and may have been left behind in the past in terms of infrastructure development.

The Corps Tribal Nations Program enables the Army to partner with Federally recognized American Indian and Alaskan Native tribal governments to identify solutions to their water resources challenges, which will substantially benefit the people who live in Indian Country or in Alaska Native villages. The Corps works with Native American Tribes as cost-share partners on Civil Works projects through its Tribal Partnership Program, under its Planning Assistance to States Program, as well as through specifically authorized Civil Works projects. WRDA 2022 supports our trust commitment to Tribal Nations by enhancing the breadth and reach of the Tribal Partnership Program,

strengthening tools to provide Tribal assistance, as well as establishing a framework for an advisory committee to further facilitate delivery of water resources projects to Tribal Nations. The Corps reaffirms its commitment to engage in regular, meaningful, and robust consultation with Tribal officials in the development of water resources projects and on regulatory actions that have Tribal implications.

In developing the FY 2024 Budget, the Administration gave consideration to projects that reduced climate risk to communities. For example, to advance community resilience, the Budget provided construction funding for Environmental Infrastructure and the Tribal Partnership Program. This is the first time that the Budget provided such funding. The Budget also includes \$35.5 million for our planning and technical assistance programs, where the Corps shares its expertise with local communities, including economically disadvantaged communities, to help them identify and understand their water resources problems and increase their resilience to, and preparedness for, flood risks.

Through the Army Civil Works research and development program, we are making investments to tackle future water resources challenges and advance related technological development in support of the three Army Civil Works main missions. The Budget includes a historic \$86 million investment in research and development activities, or over \$100 million including technology transition and data collection. This investment demonstrates the Administration's commitment to engineering innovation to deliver enduring water resource solutions for the Nation. This investment will allow the Corps to continue addressing the most pressing knowledge gaps that our practitioners face while doing their jobs in the field, such as operational, data-driven methods to improve navigation channel maintenance, the beneficial use of dredged material, and flood and storm risk management modeling. This investment also includes funding to advance longer-term research and development including: \$10 million to accelerate the Forecast-Informed Reservoir Operations Assessment, which will further our understanding of atmospheric river impacts on flood risk management, water supply, and other water uses; and \$25.5 million to inform and improve our overall asset management strategy, with a focus on work that has the potential to achieve significant cost savings in the Civil Works program.

The FY 2024 Budget reflects a number of other priorities of the Administration. The Aquatic Ecosystem Restoration program is funded at \$653 million in the Budget, investing in the restoration of some of the Nation's most unique aquatic ecosystems, such as the Chesapeake Bay, the Upper Mississippi River, the Great Lakes, the Louisiana Coast, and the Everglades. This includes \$415 million for the South Florida Ecosystem Restoration (SFER) (Everglades) program — which is an \$8 million increase compared to the 2023 Budget level, as well as \$93 million to support salmon recovery efforts in the Columbia River basin.

The FY 2024 Budget includes \$235 million for the Sault Ste. Marie (Replacement Lock) project in Michigan and \$350 million for replacement of the Cape Cod Canal Bridges in Massachusetts along with a legislative proposal that would allow the Corps to transfer

funds to the Commonwealth of Massachusetts to design and construct the replacement bridges. The largest request in the Construction Account is \$655 million for the construction of a critical dam safety project at Prado Dam in California.

The FY 2024 Budget also includes five new studies in the Investigations account — Klamath Basin, CA (Aquatic Ecosystem Restoration); Southeast Michigan, MI (Flood Risk Management); Tittabawassee River, Chippewa River, Pine River and Tobacco River, MI (Flood Risk Management); Fox Point Hurricane Barrier, RI (Flood Damage Reduction Coastal); and Morgantown, WV Lock and Dam Automation.

My top priorities include identifying the highest priority potential investments for the Army Civil Works Program, starting with the maintenance of our existing infrastructure, and ensuring that we deliver studies and finish quality projects safely, on time, and within budget. I am focused on delivering projects that will contribute to the effort to enhance the Nation's resilience to climate change. These priorities will ensure a better return on taxpayer investment and improve the lives of all Americans.

The FY 2024 President's Budget for the Army Civil Works Program represents a continuing, fiscally prudent investment in the Nation's water resources infrastructure and restoration of aquatic ecosystems. The Corps is committed to efficiently and effectively executing the Army Civil Works program.

Thank you, Chairman Carper and Members of the Committee. This concludes my statement. I appreciate the opportunity to testify today and look forward to answering any questions you may have. Thank you.

Senate Committee on Environment and Public Works
Hearing Entitled, “US Army Corps Budget 2024 and Implementation of Water Resources
Development Act of 2022”
May 3, 2023
Questions for the Record for Lieutenant General Scott Spellmon, Chief of Engineers and
Commanding General, U.S. Army Corps of Engineers

Chairman Carper:

1. The Port of Wilmington expansion is an important project for the mid-Atlantic region and the nation that will provide jobs, minimize supply chain burdens, and support economic growth opportunities. This project used the 204 alternative project delivery approaches to advance the project and enabled the federal government to assume the long term maintenance needs associated with the expansion. “204” is one of a number of expanded project delivery methods at the Corps’ disposal. These alternative project delivery methods can expedite project delivery beyond traditional timelines and clear backlogged projects non-federal sponsors are dependent on for the economy. Though the alternative project deliver methods are not new to the Corps, these methods are still not widely used compared to more traditional models. The Committee has also heard concerns that the reason these methods are not recommended or pursued is due to a lack of understanding of these alternative project delivery methods.

- a. How is the Corps working to make sure all Districts are informed about and trained on alternative project delivery methods?

Response: When new alternative project delivery methods are created or existing ones are updated, the Corps develops and updates implementation guidance and engineering regulations that are available on multiple Corps websites. In addition, the information is provided to the districts through bi-weekly webinars, Planning Chief monthly meetings, monthly planning newsletters and ongoing training opportunities.

- b. How is the Corps helping staff to look for opportunities to use these alternative project delivery methods where practicable?

Response: Alternative project delivery specialists at the Headquarters are available to assist staff in answering questions regarding alternative project delivery methods and their applicability in a given situation. In addition, examples of best practices and positive outcomes are compiled and shared with the planning community.

2. The Harbor Maintenance Trust Fund (HMTF) provides opportunities to invest in the operation and maintenance of the nation’s ports and harbors, which enables navigation, strengthens the supply chain, and supports economic growth. The Water Resources Development Act of 2020 (P.L. 116-260) outlines targeted distribution of the HMTF to ensure ample consideration of priorities for emerging harbor projects, the Great Lakes

Navigation System, commercial strategic seaports, and expanded uses at donor ports and energy transfer ports, to the extent practicable.

- a. Please describe the how the Corps' tracks funding requests in each of the HMTF targets.

Response: HMTF funded projects are tracked by coding work elements for eligibility for HMTF funding, including Emerging Harbors, Great Lakes Harbors, and Commercial Strategic Seaports.

- i. How did the Corps solicit for and track pre-WRDA 2020 Operations and Maintenance HMTF funded projects? How did this process change post-WRDA 2020?

Response: In general, the process for identifying (soliciting) and tracking HMTF projects has not changed significantly pre- or post-WRDA 2020. The Corps produces annual budget guidance for the development and submission of the Corps of Engineers Direct Civil Works (CW) Budget for each fiscal year (FY). This guidance is promulgated each year. However, after the passage of WRDA 2020, an additional attribute was added to the database to identify Commercial Strategic Seaports.

- ii. Is the process for soliciting and tracking expanded uses different? If yes, how so and why?

Response: Yes. "Expanded uses" is one of the eligible uses of Donor and Energy Transfer Ports funding and is provided in the annual appropriations acts, consistent with the limit provided in section 101 of the Water Resources Development Act of 2020. The distribution of the expanded uses funds is consistent with Section 2106 of the Water Resources Reform and Development Act (WRRDA) of 2014, as amended (33 U.S.C. 2238c).

- iii. Please provide the FY2022, FY2023, and FY2024 requests the Corps received from Donor and Energy transfer ports' for expanded uses.

Response: The table below shows the distribution of funding pot appropriations consistent with Section 2106 of the WRRDA 2014. The below ports have been using these funds provided by the Donor and Energy funding pot for expanded uses. The Corps has not solicited or received expanded uses requests from Donor and Energy Transfer Ports to use funds over and above those provided by specific funding pot appropriation.

Project	FY22-WORKPLAN	FY23-WORKPLAN	FY24-BUDGET	Grand Total
BALTIMORE HARBOR AND CHANNELS (50 FOOT), MD	4,950,000	5,544,000		10,494,000
CALCASIEU RIVER AND PASS, LA	1,096,425	880,815		1,977,240
CORPUS CHRISTI SHIP CHANNEL, TX	1,237,500	1,386,000		2,623,500

HOUSTON SHIP CHANNEL, TX	1,237,500	1,386,000	2,623,500
LOS ANGELES - LONG BEACH HARBORS, CA	10,861,290	12,375,000	23,236,290
MIAMI HARBOR, FL	2,371,050	2,726,000	5,097,050
MISSISSIPPI RIVER, BATON ROUGE TO THE GULF OF MEXICO, LA	3,853,575	4,663,185	8,516,760
MOBILE HARBOR, AL	4,950,000	5,544,000	10,494,000
NEW YORK AND NEW JERSEY HARBOR, NY & NJ	5,500,440	6,137,000	11,637,440
NORFOLK HARBOR, VA	4,950,000	5,544,000	10,494,000
PORT EVERGLADES HARBOR, FL	213,840		213,840
PORT HUENEME, CA	139,590	220,000	359,590
SABINE - NECHES WATERWAY, TX	1,237,500	1,386,000	2,623,500
SAN DIEGO HARBOR, CA	137,610	184,000	321,610
SEATTLE HARBOR, WA	2,781,900	2,714,000	5,495,900
TACOMA HARBOR, WA	2,744,280	3,364,000	6,108,280
TEXAS CITY SHIP CHANNEL, TX	1,237,500	1,386,000	2,623,500
Grand Total	49,500,000	55,440,000	104,940,000

- b. Once identified, how are HTMF projects considered and prioritized for the annual HMTF funding?

Response: HMTF projects are ranked according to multiple criteria including economics, environmental concerns, and public safety.

- i. How do expanded use projects compare to other projects in the HMTF prioritization process?

Response: The Donor and Energy Transfer Ports funding, which funds expanded uses, is derived from the general fund of the Treasury.

- c. Please describe how the Corps tracks HMTF expenditures to show how the HMTF targets are being met.

Response: Project execution is tracked in the Corps' enterprise financial management system and program management system. Total expenditures across a specific group of qualifying projects, such as Emerging Harbors, are assessed against the established HMTF targets to show how HMTF targets are being met.

- i. Is this data communicated with relevant stakeholders and the public? If so, how and please provide examples.

Response: The project-specific allocation of the appropriated HMTF funding for that fiscal year, including allocation to Emerging Harbors, is shown in the Corps annual work plan, which is available on the Corps website.

- d. What is the amount of the current operations and maintenance HMTF-eligible backlog, how is this backlog calculated and how does the Corps report on this backlog to relevant stakeholders?

Response: It is difficult to accurately estimate the total quantity of the HMTF-eligible Operations and Maintenance backlog across all Corps projects. Site-specific figures may be quantified and reported to relevant stakeholders on a case-by-case basis. However, due to the significant variability in available data – especially in the case of small or low-use waterways – there is not an authoritative source for quantifying the total backlog across all eligible projects.

- c. What is the Corps' capability for FY2024 for all HMTF-eligible projects, and does this amount include expanded uses? If not, why?

Response: The FY 2024 Budget included over \$1.7 billion in HMTF funding to support commerce through U.S. coastal ports. This amount does not include expanded uses since they are funded through the general funds from the Treasury. Expanded uses are non-federal work and not part of the Federal navigation project.

- i. Is this capability different than the FY2024 HMTF budget request? If yes, how so and why?

Response: The Corps is still in the process of evaluating its capability for FY 2024.

Senator Graham:

1. The funding allocations for Operations and Maintenance for the Charleston Harbor have increased over the past several years. Please provide a detailed breakdown of Operations and Maintenance funding allocations and expenses for the Charleston Harbor for the six most recent fiscal years, including the performed work and total expenses associated the work.

Charleston Harbor	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024 Budget	Total
Dredging	\$14,470,000	\$19,302,000	\$17,968,000	\$18,033,000	\$789,000	\$41,346,000	\$15,054,000	\$126,962,000
South Jetty	\$0	\$0	\$8,300,000	\$0	\$0	\$0	\$0	\$8,300,000
DMPF	\$1,951,500	\$140,000	\$2,177,000	\$1,341,000	\$7,189,000	\$4,133,000	\$3,578,000	\$20,509,500
Operations	\$418,500	\$1,122,000	\$831,000	\$1,667,000	\$1,167,000	\$1,217,000	\$852,000	\$7,274,500
Supplemental (Dredging)	\$0	\$0	\$0	\$0	\$0	\$3,000,000	\$0	\$3,000,000
TOTAL	\$16,840,000	\$20,564,000	\$29,276,000	\$21,041,000	\$9,145,000	\$60,136,000	\$19,484,000	\$166,046,000
HMTF-eligible	\$16,840,000	\$20,564,000	\$29,276,000	\$21,041,000	\$9,145,000	\$46,696,000	\$19,484,000	\$163,046,000

- a. Additionally, please include any relevant or necessary descriptions of the work performed.

Response: Dredging includes maintenance work with contract dredges to remove material from various segments of the federal channel.

South Jetty refers to emergency repairs of the south jetty to address damage from hurricane Irma.

A Dredged Material Placement Facility (DMPF) includes operations and maintenance work to maintain capacity for placement of dredged material.

Operations is funding to support general operations work required for the federal project, including surveys, project operations, environmental coordination and requirements, real estate support and other requirements.

In FY 2023, Charleston Harbor received \$3 million in Disaster Supplemental Relief Appropriations Act, 2022 funding to address increased shoaling in response to Hurricane Ian.

Senator CARPER. General, thank you so much for that testimony.

I am going to ask a couple of questions. The first one, let me just lay the groundwork, if I could. The 2024 budget request of \$7.4 billion, which is the largest request by an Administration for the agency. The Corps has received record high appropriations in recent years, as you know, last year receiving over \$8.6 billion. This is in addition to significant resources from the Bipartisan Infrastructure Law, as you have referenced.

Altogether, in the last three years, the Corps has received almost \$50 billion between advanced and regular appropriations, almost \$50 billion. This is more money than the Corps has ever received. With this funding, Congress has entrusted you to plan, to construct, to maintain and to operate our Nation's water resources infrastructure.

My question is, we are hearing that there are significant cost overruns on the Bipartisan Infrastructure Law projects. This could cause these projects to become stalled or to require supplemental funding. Please tell us how the Corps and the Office of Management and Budget (OMB) are working together to avoid or to address these cost overruns and to make sure that the Bipartisan Infrastructure Law projects are being delivered on time and on budget.

Who would like to go first?

General SPELLMON. Sir, I will start. Sir, first, I would acknowledge, these are clearly historic times for the Army Corps of Engineers. You mentioned the Civil Works Program. When you add in the work we are doing for the Army, the Air Force, the Veteran's Administration, today, it is a \$92 billion program, the largest we have ever seen.

Couple that historic program with some unique challenges that we are experiencing across the Country. When you talk to our contractors that do this work, No. 1 is labor availability of skilled tradesmen. That is the No. 1 cost driver that we are seeing on our projects.

Senator CARPER. Yes, we hear that all over our State, and I think we hear that all over our Country.

General SPELLMON. Yes, sir, and different impacts in different States, but a close second are material prices. Timber is coming down, steel is levelling off, but we are still seeing 40-year highs on glass products, on asphalt products, and coating.

So what are we doing? First of all, we want to take advantage of Section 8155. That is the 902 Holiday. We don't want to lose momentum on any project that we have underway.

For a \$92 billion program, we have been told we need about 500 cost engineers in the Army Corps. Last year at this time, we had 350. Today, we have 422, so we want to give better estimates to the Secretary, and we are working hard to hire the remaining 78.

We are working hard, also, on alternate suppliers. When we have long lead items on switch gears or HVAC systems, we are working with Defense Logistics Agency, and they have given us opportunities to cut that delivery time, in some cases, a half to a third.

Again, sir, you have our commitment. One of the criteria when we take our project recommendations to Secretaries, we want to finish everything that we start, and we remain committed to that.

Senator CARPER. Thank you.

Mr. Secretary, if you would like to add to that, please do.

Mr. CONNOR. Absolutely. Just some additional thoughts really quickly.

I do think it is important that we do more frequent updates, certified cost estimates, so that we are up-to-date and transparent with respect to the costs that we have. I think that has been some of the issue, and General Spellmon has highlighted how the Army Corps is moving in that direction.

I would just note, for the record, he mentioned the \$192 billion program that now exists. That is basically with 38,000 employees. A decade ago, that was about \$37 billion with about 37,000 employees. So we are working with about the same numbers of employees, slightly more these days, on over twice as large a program. It is quite the challenge.

I think there are a number of innovations from using an enterprise-wide system at the Corps, bringing in help from other districts divisions to support the work that I think is incredibly important.

A couple other quick thoughts: reserve funds, we did it in Bipartisan Budget Act 2018 (BBA). We have done some of that with the Bipartisan Infrastructure Law. We have reallocated some funds. I should say we have reserved some funds and then allocated those funds to address some of the cost impacts and trying to get some of the increases. We are looking at reallocations.

Some of our sponsors, who have interest in multiple projects, are looking at how we might reallocate funds to finish one project before we start another one.

We also got to talk about rescoping with our project sponsors. There are a number of strategies that we are discussing internally and with OMB to try and get at these cost increase issues.

Senator CARPER. Let me ask one other quick question. With respect to climate change, as you know, as the Senator from the lowest-lying State in our Country, we are concerned about the fact that climate change is driving sea level rise and extreme weather events in my State and, frankly, in a lot of other States around our Country. WRDA 2022 includes authorities for the Corps to address extreme weather, including sea level rise, when it designs any project, large or small.

Question:

With these new authorities, how will the Corps work to implement these provisions and make non-Federal sponsors aware of the law to ensure that the impacts of climate change are fully accounted for in all project designs, please?

General SPELLMON. Yes, sir. I will start.

First, I am proud to report that the Corps has been using sea level rise curves in our coastal projects for the past 12 years, and we are working every day to improve the modeling of that.

We have a lot more work to do on our inland systems. I am proud to report that our research and development budget has quadrupled in this President's budget, and that is going to allow us to get after things like forecast-informed reservoir operations. Very, very successful pilots ongoing today out in the West Coast, but how can I take that technology and modify it to accommodate

for some of the changing precipitation patterns we are seeing, say, on the upper or lower Missouri, or what we are seeing down in Florida? We are very thankful for that investment. We think we can do more, but we have to focus on our R&D program to get after it.

Senator CARPER. Thank you.

Mr. Secretary.

Mr. CONNOR. You are going to hear a lot of repetitive items here.

Senator CARPER. Repetition can be good.

Mr. CONNOR. The R&D initiative that we have in the budget, I think, is incredibly important to ensure that we are constantly updating the models that we use as part of the engineering design work, whether it be on our coast with sea level rise, or the hydrology that we are trying to get after right now. So I think that is fundamental to the whole effort.

I think General Spellmon also highlighted a need that we have, whether it is new infrastructure or existing infrastructure, we need to make that infrastructure work harder and serve multiple benefits.

I think that is incredibly important as we face new extremes, whether it be drought, or whether it be significant precipitation events, the seven one-in-one-thousand-year events we had just in the continental U.S. last year. We have to look at the existing infrastructure and how it might operate differently, as well as integrate those extremes into the designs in our new infrastructure.

Senator CARPER. Thank you both for those responses.

Senator Capito.

Senator CAPITO. Thank you, Mr. Chairman. Thank both of you.

I am going to go to, as I mentioned in my opening statement, about the Nucor permit application. General Spellmon, can you provide me with an update, a brief update, with Nucor's Section 404 permit and also, in particular, Section 106, the National Historic Preservation Act?

General SPELLMON. Yes, ma'am. First of all, I want to thank you for hosting the meeting with the new Corps executives and our leadership in your office.

Since that meeting, several developments. The West Virginia State Historic Preservation Officer has concurred with our assessment that the five cultural sites and phase eight properties do, in fact, qualify for consultation, so we have sent letters to the three tribes to initiate that consultation. They have asked us for some time. These are 800-page reports, so we will get that scheduled.

We did receive Nucor's cultural assessment on the phase B properties. These are, if you recall, the properties closer to the Ohio River. There are two additional sites there that will add to that consultation effort.

We did receive the feedback that we requested on the Neibert sites, ma'am. That is the property just to the south with the laydown yard. That response included some case law that we are researching with our attorneys and those from Nucor, and then we will make a decision here shortly whether or not that is part of the project footprint.

Senator CAPITO. I appreciate that. It sounds as though there is constant contact here with communication and so, I appreciate that from both of you.

Assistant Secretary Connor, I wanted to ask about congressionally directed spending. The Army Corps' budget request includes roughly \$5 million for nine feasibility studies that were included in the congressionally directed spending items in Fiscal Year 2022. I think the Administration's incorporation of these items is a step in the right direction.

Will the Corps continue to incorporate CDS items, particularly new starts into future budget requests? If the answer to that is yes, can you please describe the process that the Corps uses to identify which of these items would be included?

Mr. CONNOR. We will certainly proceed in accordance with the congressionally directed spending items that are highlighted in the annual appropriations bills and through our work plans. That is how we will make the selections and move forward.

I think it is not just the projects themselves that are having significant cost increases. We are seeing that in the investigation side of things, too. The investigations we are doing are more complex. The \$3 million mark that we have used based on the 2014 legislation, in my view, is a bit outdated. Those costs need to be updated. We are almost 10 years later.

From that standpoint, I think we have still got a good track record of taking congressionally directed items, particularly in the investigations count, then following up through work plan, through the President's budget, and through the additional resources, supplementals that we have had of maintaining progress toward completion of those studies.

As General Spellmon said earlier, completing our work, whether it is projects or investigations, is paramount and incorporated into every aspect of our decisionmaking processes.

Senator CAPITO. Thank you.

General Spellmon, I championed a provision in WRDA 2022 that directs the Army Corps to submit to the committee on an annual basis a report on the timeframes for completing environmental reviews for water resource development projects. We are talking a lot about permitting. We had a hearing last week on permitting. You are obviously a critical part of that process. Can you solve our permitting reform problem?

[Laughter.]

Senator CAPITO. I am just kidding. That was not my real question. If you would like to weigh in on that, too, I was going to ask you the status of the implementation of the provision that you will report to us on an annual basis, but any comments and any words of wisdom you can give us as we are trying to work a bipartisan permitting reform process would be greatly appreciated.

General SPELLMON. No, ma'am, I think the best policy and decisions will come from the data, so this is Section 8134. You have asked for eight different data sets that deal with how many categorical exclusions do we do, how many environmental assessments (EA), how many environmental impact statements, how long does that take. No issue, we collect that data, and I am happy to provide that to you in this annual report.

Senator CAPITO. OK, and now onto permitting. Do you have a comment on that?

General SPELLMON. Ma'am, we work hard. We do 80,000 regulatory actions each year. The ones that rise to this chamber, there is a handful. So, you have an incredibly hard team out there working every day.

I just want to thank the Congress for the additional funding that you gave us in the regulatory program in the Bipartisan Infrastructure Law. It funded 200 additional regulators that we so desperately need out in the field. We have hired 150 of those, and we are working to hire the remaining 50 as quickly as we can.

Senator CAPITO. Thank you.

Senator CARPER. It looks like Senator Padilla is next in the lineup, and after that, Senator Ricketts. Senator Padilla?

Senator PADILLA. Thank you, Mr. Chair.

Secretary Connor, I want to start by thanking you for your partnership on so many critical issues that we have been working on in California, from maintaining our seaports, which handle 40 percent of containerized cargo arriving to the United States to protecting communities from flood risks posed by more than 30 atmospheric river storms that we have experienced this last winter. The Army Corps is clearly critical to California.

In particular, I appreciate your willingness to work with the town of Pajaro and Watsonville to accelerate the Pajaro River Flood Protection Project in order to safeguard the community from future natural disasters. We have spoken about it directly. I know you have had a chance to visit and see firsthand.

But now I want to urge the Corps to provide the emergency assistance necessary to these communities who have been left behind in so many ways, and are oftentimes disproportionately impacted by natural disasters like what we have experienced in recent months. As you know, one of the biggest impediments to protecting the community of Pajaro before their recent storms was the Army Corps' benefit-cost ratio. Again, we have talked about this privately.

I want to raise it in today's hearing, because this is fundamentally an issue of equity. The Pajaro River Project was long overlooked because it would protect, imagine this, it would protect a low-income community with what is considered, relatively speaking, lower property values. The Army Corps' rigid benefit-cost ratio formula typically disadvantages projects that would protect communities like this one compared to communities with higher property values.

This was an issue that I discussed in a budget hearing with OMB Director Shalanda Young in March. She and I agreed that it is patently unfair to have a system that says poorer communities will not receive the same level of flood protection as wealthier communities. She committed to work with me to permanently fix this glaring inequity.

I want to ask, for the record, Secretary Connor, do you agree that the benefit-cost ratio systematically disadvantages underserved communities like Pajaro, and will you also commit to working with us on a permanent fix?

Mr. CONNOR. Senator, I appreciate the question. I absolutely agree with you that, whether they be rural or minority communities that are systematically disadvantaged by our current benefit-cost ratio processes, and I will absolutely work with you. We have an initiative in place that I think you are aware of to institute a rulemaking to address principles, requirements, guidelines, how we will apply them to better balance environmental, social, as well as economic benefits.

Senator PADILLA. Great. Just to be clear, this is not just for the sake of current projects that, in many cases, are overdue, but for all future projects as well.

I want to, in my time remaining, raise one more issue. In California, we are facing a special kind of weather whiplash right now. I have talked about the storms that led to record snowpack, and in fact, snowpack in California right now measures about 254 percent of average. Six feet of snow sits in many places that were bare ground just a year ago.

As this historic snowpack melts this spring, we are seeing the re-emergence of Tulare Lake, a lake that has been dry for 25 years, but has the capacity to hold three to four times more water than Lake Tahoe, just to give you a perspective here. At risk are communities like Corcoran, whose levee is already facing erosion challenges from previous storms.

Secretary Connor, the Corps operates the four major dams that impact the Tulare Lake Basin. Can you share with the committee what the Army Corps is working on in collaboration with the State of California to bolster communities in the low-lying areas of the San Joaquin Valley against potential flood risks?

Mr. CONNOR. Absolutely, Senator. General Spellmon and I were both out there just a few weeks ago for the ribbon-cutting on Lake Isabella, the dam safety project. So we are operating the four-plus facilities that we have. I mentioned Lake Isabella because we have 200,000 additional capacity now to store water in the middle of this flood control event, because we are completing work that we started over a decade ago. What we do today matters for the next crisis.

Second of all, we immediately started to improve our inter-agency coordination between the Corps, the Department of Water Resources, and local officials. During the event itself, I got several calls, so did the General, and the leadership of the Corps to better coordinate how we were making releases that we would prepare the levee district boards, their operators, as well as the State. We visited the command center outside of Fresno not too long ago, so we are coordinating those operations to ensure that we have the best information possible for people to manage the system throughout down to Tulare Lake.

Last, I would just mention the State of California's partnership. It was rewarding to see the enthusiasm amongst our day-to-day operators in incorporating data that the State of California was providing with their LiDAR monitoring of snowpack on a real-time basis, giving updates of what snowpack was there, how quickly it was coming out. That will greatly improve our operations so that we can manage this flood risk as best possible. It is pretty overwhelming, though, as you noted.

Senator PADILLA. Thank you very much.

In closing, just imagine that: utilizing technology and science and data to inform decisionmaking. What a concept.

Thank you, Mr. Chair.

Senator CARPER. Thank you for those questions. I was just saying, as an aside to Senator Capito, I used to be stationed in the Navy in California. The idea of two Senators representing a State that large, that diverse, how many people live in California now?

Senator PADILLA. Nearly 40 million, Mr. Chair.

Senator CARPER. That is amazing. We are at one million. So, there you go.

Next in our questioning is going to be Senator Ricketts, and then it will be Senator Cardin. Senator Ricketts, please.

Senator RICKETTS. Thank you very much, Chairman Carper. I appreciate it. Secretary Connor, thank you very much for being here, and General Spellmon.

General Spellmon, I am going to focus my remarks on the Army Corps. I was previously the Governor of Nebraska, so I have a fair amount of experience with, specifically, the Omaha District of the Army Corps. I will start by complimenting Colonel Himes, who is currently the person in charge there, and Colonel Hudson before him for their efforts to reach out and have a good relationship with the State of Nebraska with regard to communication and so forth.

However, my overall experience with the Army Corps is poor. There are a lot of things I would love to have the time to talk to you about, but we have limited time, so I am going to focus on one. First of all, at some point, I hope we do have an opportunity to talk about the Army Corps' management of the Missouri River, how they made determinations of how much storage they are keeping upstream and waterflows and so forth.

But today, I am going to focus on one of the issues that is also very important, which Ranking Member Capito talked about, which is permitting reform. I am going to share with you some of my experiences that I had. First of all, one of the things that our local natural resource district was trying to do, because they are responsible for flood control, is raise the levees around Offutt Air Force Base. I am sure you are familiar with Offutt Air Force Base as the site of strategic command that controls our nuclear forces, very important, the 55th wing, as well.

It took the Army Corps of Engineers six years to get a permit to raise the levees around Offutt Air Force Base. It came just as construction was supposed to start in March, so it would allow for construction to start in the spring of 2019. Twenty-nineteen was also the year that we had historic flooding in Nebraska, the most widespread flooding in our State's history.

The reason they were trying to raise the levee is because they knew from previous experience that the water was going to rise, and they needed to raise those levees. The flooding that happened in 2019 covered the air strip, damaged dozens of buildings, and cost the taxpayers of this Country nearly a billion dollars.

If the Army Corps had delivered the permit in just four years, that could have been avoided. But it took six years, and that is not the only example of that. We will get back to this one as well, but R616-613 took seven years to get a permit. I want to talk about that one maybe a little bit later.

Another example of permitting where we didn't have good communication or didn't get good explanation is Highway 275. It is a two-lane highway we are expanding to a four-lane highway, and the Army Corps of Engineers insisted on a full-blown Environmental Impact Study instead of an Environmental Assessment.

But I want to focus on the permitting side, because I have lots of questions about why it would take this long. Do you measure how long it takes to get a permit done for the Army Corps of Engineers?

General SPELLMON. Yes, sir.

Senator RICKETTS. How long does it take?

General SPELLMON. An individual permit, on average, for the 80,000 that we do each year, is 11 months.

Senator RICKETTS. Eleven months. Did you do a review of why it took six years to get a permit for those levees around Offutt Air Force Base?

General SPELLMON. Sir, I don't know all the history behind those six years. I can do that for you, but I don't know.

Senator RICKETTS. When you have a project that is such an outlier, if you say it is 11 months, and one happens in six years, you don't have a process to go back and say, hey, what happened here? Why is it taking so long?

General SPELLMON. I don't have that information today.

Senator RICKETTS. I would encourage you to put controls in place to do that. We did a lot of permitting reform when I was Governor of Nebraska to be able to take time to reduce the time it takes for us to be able to issue permits, the State. We used a process called Lean Six Sigma. It is a process improvement methodology. There are several others out there you could use.

But that is a way that has helps you process-map so that you can reduce duplicated steps. To me, again, based upon my experience with Colonel Himes and Colonel Hudson, you have a systematic problem. You have good people there, and maybe this is only my experience in the Omaha District, but we have a problem there.

For example, I am going to go back to the R616-613 levee and it taking seven years to get that permit. Again, another outlier. I presume you don't have any specific knowledge of that, but it cost \$6 million to get that permit for the natural resources district. The total project cost was \$45 million, was what was projected.

Do you believe it should cost 13 percent of a project to get your permit?

General SPELLMON. Sir, I don't know the details here and what modeling requirements were necessary. I don't know the details of your question.

Senator RICKETTS. But do you think permitting should take up 13 percent of the cost of a project?

General SPELLMON. I don't have the data behind this, sir. I would love to followup with you once I know more.

Senator RICKETTS. So you don't have a ballpark on what you think permitting should cost as an overall project?

General SPELLMON. I don't, here this morning. Not for this particular project.

Senator RICKETTS. Just in general, I am just saying, in general. How much should a permit cost? What percentage of a project should a permit be?

General SPELLMON. Sir, I don't have that figure here.

Senator RICKETTS. General, I think that is part of the problem that you have, is that you don't think about the overall scope of what you should be doing to provide service to the taxpayers, here. I strongly encourage you, because we do need to have permitting reform, here. We can streamline these processes without sacrificing any sort of quality, here, but to me, there is no reason why it should take six or seven years to issue a permit to districts.

Another area is maintenance. It is taking two years to get maintenance permits. That is something that should be done on an annual basis, but you can't do maintenance annually if it takes two years.

My time has expired here, General, maybe I will have an opportunity to have another round of questions here. Maybe not. But this is why I think it is so important that we look at permitting reform, looking at our processes, seeing how we can streamline them so we can turn these things around in a better timeframe, because it will be important to preventing damage and also save taxpayers money.

Thank you, Mr. Chairman.

Senator CARPER. You bet.

You said earlier, I think, General, you mentioned a number of permits that you process or segue over in a year. What was that, do you remember?

General SPELLMON. Sir, it is about 80,000 regulatory actions. I think that the first step for Senator Ricketts, just to respond, I think the first step in permitting reform you have helped us with, and that is resourcing the program.

I don't know the details of why this took six years. I also don't know how many permit actions were on that particular regulator's desk at the moment. So again, this funding has greatly helped us. It will help us service through 2026, and I think an important part would be funding that program into the future.

Senator CARPER. Thank you.

We have been joined by Senator Cardin, who has, as some of you will recall, he has decided he does not want to be a United States Senator for the next 100 years, but we are stuck with him for the next, I think, 20 months.

[Laughter.]

Senator CARDIN. I think I might have to defend myself, here. Let me tell you, I enjoy serving on almost all the committees I serve on. Not sure about this one.

[Laughter.]

Senator CARPER. Ben has the misfortune of having to sit next to me on not one committee, but two. We have been, and also, to be alongside our border, we share borders from the north of our States all the way down to Ocean City.

It is a joy. He and his wife, Myrna, come to our State from time to time. We have great affection for them. We look forward to working you really hard in the next 20 months, and we are going to get one hell of a lot done. We already have.

Senator CARDIN. Mr. Chairman, first, it is a pleasure to serve on this committee. It is one of the great committees in the U.S. Senate. We work together, and I appreciate that very much.

I started working with the Army Corps in 1967, my first year in the Maryland General Assembly, so I go back a few years on some of these issues, and started working on the Chesapeake Bay back with Governor Hughes when he became Governor, the Chesapeake Bay Program. It has been a long run in regard to the partnership.

General Spellmon, I want you to know that in our District, Colonel Pinchasin is doing a fabulous job. The communication is excellent. I am glad you got more resources on the regulatory front. It was needed; there was no question about that. The relationship and the transparency has been outstanding, so I just really wanted you to know that.

Secretary Connor, thank you for your attention, particularly on our Mid-Bay Project. I mention that because Poplar Island was really a game changer in regards to using beneficial use of materials from dredging to do environmental restoration. It provided a friendly place for us to be able to keep our channels open for commerce, which was always a controversial issue in Maryland politics, but no longer is it a controversial issue.

As a result, we now have Mid-Bay, and thank you again for your personal attention. We had a little challenge to make sure we got the construction dollars there. We were initiating it, and then the Administration came in, the Army Corps came in, and we appreciate the funds that are there.

Mid-Bay will keep us for about another 40 years, so I am going to let my future legislators figure out what we do after 40 years. But are we on target to make sure that Mid-Bay moves forward? If you could just comment on that, I would appreciate it.

Mr. CONNOR. Yes, Senator Cardin. As a 24-year Maryland resident before I relocated back out West, thank you very much for your service, sir.

With respect to Mid-Bay, we are on target right now to keep moving forward. We have initiated the project itself. We are good through Fiscal Year 2024 with the \$84 million provided in the Bipartisan Infrastructure Law, and then the \$5 million in additional appropriations.

But I do think we will be looking at the need for resources in 2025. This is a very significantly sized project, but as you pointed out, win-win-win-win, I think is how I referred to it between the long-term certainty for the harbor and the economic activity that supports, the restoration of the islands and the habitat and aquatic ecosystems and the coastal wetlands that it will provide, the benefits overall even with respect to sequestering carbon when we restore those coastal wetlands, as well as the protection of the Maryland coast when we rebuild these barrier islands.

This is a really important project. It is a demonstration of what we can do with valuable material instead of just putting it in placement areas. I appreciate Maryland's leadership in developing the program so that we can be a partner in this.

Senator CARDIN. For my colleagues, Poplar Island was at one time a habitable island. When we started the restoration, there

was just a few acres that remained. Mid-Bay was at one time habitable, and now it is just a few acres. We are restoring it.

I know my colleagues appreciate the challenges of trying to find sites for dredged material. It is not easy. Poplar Island is located in, basically, mid-shore of the Eastern Shore of Maryland, which has accepted it, and not only accepted it, brags about that fact of what is there. It is going to become a real magnet for the economy of the region because it is attracting wildlife, and it is a plus for the community.

We have been able to really make this a win-win situation, and it couldn't have been done without your support, so thank you, Mr. Secretary, I appreciate that very much.

I want to move on to a second priority I have, which are the small harbors. They can't compete with the large Army Corps projects on the economic benefits, but they are critically important to the local economy. In the last WRDA bill, we included language that asked you to prioritize the consideration of the smaller projects so that we can help our smaller communities deal with dredging, which is so important to their viability and continuation.

Can you just share with us how you are going about trying to make those types of priority judgments, either the General or the Secretary?

General?

General SPELLMON. Sir, I had a great conversation with Colonel Pinchasin on this. Every year, we have 90 shallow harbors in your State, and we have the capability each year to maintain about 10 of them. We have to do better. One of the things that we are discussing is, we have to get better usage data for these 90 small ports. Right now, when I send up my justification sheets to the Secretary, it is largely anecdotal, and we have to do better on providing the data that would support the budget recommendation. That is one idea, sir.

Senator CARDIN. I appreciate that.

Last, this committee has provided such additional resources in regards to environmental infrastructure. I appreciate that there was authorization for my State, substantial authorization for environmental infrastructure.

I know that is going to require funding moving forward, but it also requires technical capacity to take advantage of this. I would just ask you how you are prioritizing being able to analyze the opportunities that are there matching with the funding made available by the Congress.

Mr. CONNOR. I can not think of any more of an oversubscribed program than environmental infrastructure at this point in time. I think in this last WRDA bill, there was \$4.2 billion in authorizations in environmental infrastructure, and we recognize the value it has to many communities. I think that \$4.2 billion was over double what had previously been authorized over two decades, at least.

A journey of a thousand miles begins with a few steps. We have the first budget request for environmental infrastructure. Yes, it is modest, but I think it is a turning point to recognize how valuable this program is, given all the array of challenges. We are another provider of services that can address a lot of communities' needs, whether it be water supply, wastewater, all the smaller projects.

We are looking at how we can advance our support in conjunction with the very significant funding provided by Congress. I think this is going to be a work in progress, Senator.

Senator CARDIN. Thank you. Thank you, Mr. Chairman.

Senator CARPER. Do I understand, from your announcement this last week, that you were first elected to the State legislature 58 years ago? Is that correct? At the age of 12?

Senator CARDIN. Yes, in 1966.

Senator CARPER. So it was your wife who was 12?

Senator CARDIN. You can do the arithmetic. I will let everybody. Your arithmetic might be a little bit off. It has been almost 57 years, but it will be 58 by the time I complete this term.

Senator CARPER. That is amazing.

Senator CARDIN. It has been an interesting run. I ran when I was a law student at the University of Maryland. They thought it would hurt my class standing, but I got on the committee that had the budget of the University of Maryland School of Law, and did very well in law school.

[Laughter.]

Senator CARPER. In adversity lies opportunity. We are happy for you and sad for us, but we look forward to making the next 20 months count very much.

Senator Wicker, you are next, and Senator Fetterman, you are in the on-deck circle. We will turn to you after Senator Wicker. Go ahead, Senator Wicker.

Senator WICKER. Mr. Chairman, I am getting older by the minute, sitting over here.

[Laughter.]

Senator WICKER. I want to thank the Secretary for his help in Mississippi. Mr. Secretary, you have been visiting with us several times, and we appreciate it and look forward to having you again.

As you know, we have had a long-time, decades-long flooding problem in the Pearl River Basin. Today, I want to talk to you about the Pearl River Basin Flood Control Project. You were kind enough to visit with us last August, usually the driest month in Mississippi. Perhaps providentially, we had a terrible flood in Jackson while you were there, and you were able to see firsthand the problem that we have had for years and years and years.

This involves the capital city of our State, the largest municipality in our State, and the largest county, and also two of our other most popular counties, Rankin County and Madison County. It seems that we are getting to a point with the Pearl River Flood Control Project that we are about to really make some progress.

Just two months ago, Mr. Secretary, you issued a memorandum for Lieutenant General Spellmon. The memo outlines a 2023 timeline for this Pearl River Flood Control Project. This would be initial public engagement this month, May of this year, June, finalize the draft report of the project, July and August, complete environmental reviews and revise the project report based on public comments, September, review the final report, and fall of this year, a decision by you, Secretary Connor, on the project.

Also, the memo mentions that there should be a sense of urgency within the Corps to provide the people of Jackson and surrounding areas with effective solutions to their flooding.

How are we doing on this, and are we going to be able to adhere to the timeline which you presented a month before last?

Mr. CONNOR. Senator, thank you for hosting last August. I think those moments are pretty significant.

There was some kind of sign with the amount of rain that we both experienced when we were touring the project. We came back and allocated very significant resources to move forward with the project, not just the completion of the studies and this aspect, but also moving forward with project construction. So we do see it as a high priority.

We are moving forward well. We have a very whole-of-office approach between my office, the Army Corps' headquarters, the division, and the district in working through issues on a constant ongoing basis and working with the local sponsor to fill in any holes that exist with respect to the feasibility report that they provided us.

There are some issues that need to be addressed. I think we are generally consistent with the schedule that I outlined, although we might be in the 30-day, 60-day range of having to extend that because of some of the technical work that needs to be supplemented.

But we will engage the public in May of this year. We will move forward with the environmental reviews, take that input, and try and move forward to ensure and basically, we have to check all the boxes, which is this has to provide the locals, the plan has to provide the same amount of flood protection that was envisioned originally, it has to be environmentally acceptable, it can't impact downstream communities or States. And we have put a fourth criteria on there. It can't impact the other infrastructure needs that are being addressed through other mechanisms for Jackson, Mississippi.

That review is going to be a thorough one. I will keep you posted on the timeline. It may shift a little, but this will continue to be an all-hands-on-deck approach, Senator.

Senator WICKER. So, if it shifts, it will be a matter of weeks, you think?

Mr. CONNOR. Thirty to 60 days is what I am anticipating at most, based on what we know now.

Senator WICKER. After decades and decades of working on this, I suppose I could accept a matter of 30 or 60 days. The memorandum also states that the Corps will look at comprehensive benefits that may be derived from the proposed project. I know you are aware we have a water system problem in Jackson, and just so many infrastructure problems, as well as economic development disadvantages.

Can you assure us that the final flood control project will adhere to your direction that it provide comprehensive benefits and take all of those into consideration?

Mr. CONNOR. Absolutely, Senator. The team has taken that to heart. We will ensure that we meet the four criteria that I just mentioned. But we also want to understand the collective, additional benefits that the community sees from this flood control project and ensure that we document that and highlight those as we do our work.

Senator WICKER. Let me just say, I cannot tell you how much this means to us in Mississippi and how appreciative we are that the Corps of Engineers is, at this point, really focused in on this. It will mean the world to a great number of residents in this flood-prone area. We are very grateful for your help.

Mr. CONNOR. Thank you, Senator.

Senator CARPER. Senator Wicker, thanks for those questions.

Next, we are going to recognize Senator Fetterman. Thank you for joining us today.

I am going to run off to the Finance Committee for a few minutes. I will be back shortly. After Senator Fetterman, it will be Senator Cramer, and Senator Kelly has graciously agreed to hold the gavel while I am out of the room. Thanks.

With that, Senator Fetterman, you are recognized. Please proceed.

Senator FETTERMAN. Thank you, Chairman. Lieutenant General Spellmon, I want to start by discussing the Lower Mon Project in Southwestern Pennsylvania. Are you familiar with it?

General SPELLMON. Yes, sir.

Senator FETTERMAN. Locks and dams Two, Three, and Four on the Monongahela River are one of the oldest currently operating facilities on the river. They experience the highest volume of the commercial traffic. Modernizing and improving and navigating would reduce the bottleneck delays.

The Army Corps has replaced the 100-year-old dam at Braddock, and I actually was the mayor of that community. I remember going on a tour when I was mayor, years back, with Bob Casey, too. As you know, now he is my mentor here in the Senate and in Pennsylvania.

One, I thank you for that work there, because that has been very helpful and transformative. With that being as it is, do you have a timeline for the locks and dam removal of Elizabeth and the new larger lock construction for Charleroi? What benefits can residents expect when it may be finished?

General SPELLMON. Yes, sir. First, the timeline. The new lock at Charleroi will be operational this December, December 2023. Then we will have the lock and dam removed at Elizabeth in December 2025.

Sir, the benefits are immense. The new lock at Charleroi will be able to pass nine barges at a time. Nine barges, that equates, the cargo on nine barges equates to 600 trucks on the road, 600 diesel engines, 600 drivers.

Senator FETTERMAN. Six hundred trucks? Really, that is the equivalent? Wow.

General SPELLMON. Yes, sir, 600. The economic benefit to that, when we did this feasibility study, was \$200 million a year, so that lock renovation is going to pay for itself in five years. These inland waterways, sir, they are national treasures, and we appreciate all the leadership from Congress in helping us maintain and modernize them.

Senator FETTERMAN. I kind of, just like my colleague, Senator Wicker, I share my thanks and appreciation for the work that is done. Again, living right there, I can see the kind of impact that it has there. Really, I am just grateful for that.

I have a second question, and that is to Secretary Connor. I understand that there are a number of sections in WRDA 2022 that will need a formal implantation and guidance, including the scope and flood risk management feasibility studies. This provision is important for climate change, and it will consider impacts on our communities.

How can the Corps look into implementing the provision in the face of climate change, and what more can be done?

Mr. CONNOR. Thank you, Senator, for the question. I think it is a very important one.

As I mentioned earlier, I just want to assure you, that section is one of the ones that we will be issuing implementation guidance on, and we have already gotten that process underway.

I would just note that we are not waiting for that guidance. I think the concepts incorporated in that provision are consistent with the directive that my predecessor issued, that we should be looking at comprehensive benefits as we analyze and do our studies. That comprehensive benefits necessitates that we be looking at climate change and new challenges for any of the water resources infrastructure projects that we do.

The breadth of review that I think is anticipated by that particular section will be good for us to document to move forward and incorporate that as fundamental to our studies, but we are already looking at those challenges right now and trying to incorporate them in the work that we do.

Senator FETTERMAN. Thank you.

I cede the remainder of the time toward Senator Kelly.

Senator KELLY.

[Presiding.] Thank you, Senator Fetterman.

Senator Cramer?

Senator CRAMER. Thank you, Senator Kelly, and thank you both for being here. Right up front, I, too, appreciate not only the work you do, but the accessibility that both of you have given to me has been generous, and hopefully it is helpful to your work, but it is certainly helpful to mine.

With that, Mr. Connor, the ice has finally melted on most of the Missouri River up in North Dakota, but it has been a long winter. As you know, as we have talked about, I spend a lot of time with the Standing Rock Tribe and the leadership down there. Chairwoman Janet Alkire and Vice Chairman Frank Jamerson are especially interested in your projects.

I know you have said that you would like to go down there. I really hope we can get something scheduled this summer. I am very committed to it, and I hope you are, as well, to get down there and just spend some time with them. They have some wonderful projects. As you know, they have incredible water resources down there, and we would sure like to see you. Together, I think the two of us could do some good, so I would love to host you.

Mr. CONNOR. I would just like to let you know that we will be there for the executive leadership meetings with the Corps this coming week, and I will spend a little bit of time with the Tribe. But Senator, there are a lot of things going on up there. I would be happy to make a return engagement with you. I share your views.

Senator CRAMER. I appreciate that very much. I know that Frank and Janet and the others are going to be grateful just to hear that.

General Spellmon, I also want to thank you for extending the comment period for the EA on the Snake Creek embankment. It is really, really important. I want you also to know, I have talked to the Governor, I have talked to the economic developers, and they are going to get you all the information that they need, at least the ball is in their court now, to make a good assessment.

My only admonition would be just, again, to stress the importance of an all-encompassing perspective that recognizes that it provides water for about 50 percent of the population of North Dakota. It is obviously important to development, economic development, some billions of dollars, actually, worth of projects that will require that water. Thanks for extending that.

General SPELLMON. Yes, sir. We remain on path to remove that 43-foot head differential at the Snake Creek embankment by the end of this calendar year, sir. We will subsequently update the water control manual, and then we will mitigate that risk with an increased inspection regime, should the water elevation reach those levels.

Senator CRAMER. I appreciate that a lot. It is obviously an important project.

To both of you, I think it was just last week. Time is so deceiving around here. Our weeks are short, but they seem like they are long, from time to time. Senator Heinrich and I introduced the LAKES Act. It is the Lake Access Keeping Economies Strong Act. I know the Corps hasn't taken an official position on the legislation, but your teams have been very helpful in providing the information and technical support to help us draft the legislation.

What it does, for those who don't know, it expands the opportunities to improve and develop recreational facilities. A lot of people don't think of the Corps of Engineers as a recreational manager, but boy, it is incredible, some of the best assets that we have in North Dakota are your assets.

What it does, it does two things, basically. It allows the Corps to retain recreation fees at the area, at the sites where they are collected. And this is something, as you know, in your background, Secretary, from BOR, it is common throughout the Federal Government, just not with the Corps of Engineers.

The other thing that it does is it allows the Corps, gives them more latitude to partner with non-government organizations, support organizations, nonprofit entities.

Again, thanks to you and your staff. They have been very helpful. If the opportunity presents itself or you see other opportunities, we want to be able to advance this. I think with Senator Heinrich's help and his understanding, we can do that.

It is hard, as a former tourism director, let me just tell you, it is hard to exaggerate the value of the incredible resources you all have, so any thoughts you have on that, I would be grateful.

Mr. CONNOR. I will judiciously stay away from opining on the legislation, but I will say thank you very much. I think five agencies have that authority already, including the Bureau of Reclamation, which has a similar mission, although our recreation mission is significantly larger. I think we have the largest number of camp-

grounds, or we are second to the Forest Service. I can't remember exactly.

But the bottom line is, it takes some pressure off of our budget and, I think, greatly has the capacity to provide improved services and facilities for those using those recreation facilities. We look forward to taking a look at that legislation, but thank you for thinking of us, because that is a very important part of our mission.

Senator CRAMER. I know that the support groups, the nonprofits, the people that use the assets are going to be very grateful as well. So we will work on getting that done without your opinion, but we are grateful for your support.

Thank you, Mr. Chairman.

Senator KELLY. Thank you.

Secretary Connor, General Spellmon, it is great seeing you both again.

I want to start off by discussing two priority flood control projects in the State of Arizona. Both projects have been authorized for construction, and both have received full Federal funding, but neither project has been able to break ground yet.

I understand that the Los Angeles District continues to work with the local sponsors to get these projects shovel-ready, but I would appreciate a commitment from both of you that the projects don't get off-track.

The first one is the Little Colorado River Winslow Levee Project. This project would provide long overdue flood protection to the entire town of Winslow, Arizona.

Will you both commit to work with the Los Angeles District to ensure a design agreement is signed by the end of July, if not sooner?

General SPELLMON. Yes, sir, absolutely. We are on track to sign that design agreement with Navajo County in July.

Senator KELLY. Mr. Connor?

Mr. CONNOR. Absolutely. It is an incredibly important project from a lot of different perspectives.

Senator KELLY. Thank you.

Then, the second one is Rio de Flag, which would help to comprehensively address the flood risk in Flagstaff, Arizona. This region struggled in recent years with significant flooding that is caused by the wildfire burn scars up in the hills. The Corps has been working on this project since the early 2000's.

Will you both commit, again, to work with the Los Angeles District to ensure that the district and the local sponsor have the resources they need to complete all of the real estate transactions by this September?

General SPELLMON. Yes, sir. Certainly, we will put all the resources we can. The first three phases, as you know, of this project are complete. Flagstaff is having some challenges that we are working through on nine remaining parcels with the BNSF Railroad. We are meeting regularly. We are putting all of our experts in the room to try to expedite this negotiation as quickly as possible.

Senator KELLY. Thank you.

Mr. CONNOR. I am committed to also helping work through those remaining issues. I think they are in a better position than they

have been historically to work through those real estate issues, and we will continue to monitor and support.

Senator KELLY. That is great. If we meet this timeline, this project is going to be ready for construction next year, and if we face delays, it might not be able to break ground until 2025 at the earliest. So thank you for that.

To Mr. Connor, I want to discuss an issue that I understand you have done a lot of work on, and that is drought in the Western United States. As you know, this year has been great. We have had a wetter winter than usual, and that has resulted in a significant snowpack, but we still face a significant drought.

The solution to this problem is clear. We need to invest in some long-term conservation efforts, which will help prevent water loss. It would also help to increase storage capacity. We need to develop some new sources of water.

Last July, you wrote a memo spelling out the existing authorities that the Army Corps had to respond to drought challenges. We then built upon that memo in WRDA 2022, which provided some more authority for the Corps to respond to drought and water conservation needs.

Mr. Connor, in light of the new provisions included in WRDA 2022, do you plan to update your July 2022 memo on drought authorities?

Mr. CONNOR. Thank you for the question. I share your view. I was Commissioner of Reclamation in 2011 when we had a record year, and then by 2013 and 2014, we were doing drought contingency planning again. One year's bounty is not going to sustain the system overall.

With respect to our role as part of a whole-of-government effort to build drought resilience, yes, we will. That memo directing the Corps to develop a long-term strategy is a living, breathing document that we will continue to update with new authorities. We have some specific approaches right now using the Environmental Infrastructure Program, using operations and the ability to change operations to provide more water, to look at how ecosystem restoration might take pressure off water supply in our tribal programs and planning programs.

We are moving forward, but we will incorporate those new authorities into a long-term strategy, yes, Senator.

Senator KELLY. Thank you. If the Corps was to identify a new, let's say, a new start project with drought reduction benefits, how well would that project compete for funding within the Corps and from OMB compared to a new start project which fit within one of the more traditional areas of the Corps, like things like flood control and navigation?

Mr. CONNOR. I think, in general, Senator, it would compete well, because our goal would be moving forward to integrate multiple benefits of any particular project, whether it is large infrastructure or just how we manage water, how are we going to not only provide better flood control, look at how we might restore the environment as part of that flood control by slowing down water and letting it spread out where there is land. But then how we might also use that to recharge aquifers or to provide additional water supply. I think the key to improving the ability to compete for limited budget

resources is to have those multiple benefits incorporated in any part of our projects.

Senator KELLY. Thank you, Mr. Secretary.

Senator BOOZMAN?

Senator BOOZMAN. Thank you very much.

We appreciate you all being here. I appreciate your hard work.

Recently, the Air Force selected Ebbing Air Force Base in Fort Smith, Arkansas to serve as the home of the F-35 training mission for our Nation's partners and allies. This mission is being deemed critical to our Nation's national security as well as our partner nations' national security. Those aren't my words; those come from the very top on down.

The Corps of Engineers in Little Rock, whom we enjoy working with, is responsible for the new construction for the mission at Ebbing and will be tasked to meet a really very tight turnaround. Will you both commit to giving the Little Rock District the resources it needs from the entire Corps of Engineers' enterprise to meet their deadlines?

General SPELLMON. Yes, sir. This falls under our military construction portfolio, sir.

The important part here is we have been given \$10 million from the Air Force to develop the area development plan. Sir, that will inform the detail designs moving forward and really helping get down to the level of detail we need to on the schedule. Yes, sir, you have my commitment to give them everything they need to deliver this important program.

Senator BOOZMAN. Okay.

Mr. CONNOR. Senator, any way the Civil Works Program can support the military side of the house, we are happy to do that.

Senator BOOZMAN. Well, thank you all very much. I knew that was the case, but again, this is something, deadlines are tight, and it is just going to take everybody working together.

The other thing is, I would like to also voice my support for the Cramer-Heinrich Bill. I am a cosponsor of that, too. We have really been working with that for several years.

But you have problems at your parks, and you do a great job in the sense, especially now with people, I think, wanting to get out more after the pandemic and all that has occurred, but you have troubles right now in Arkansas, throughout the Midwest. You have a lot of flooding. Most of those campgrounds now are under water, the Mississippi campground, the list goes on and on.

You have a lot of maintenance that has been deferred. You can fix things now, and it costs some money. You can defer that, and it costs more money, and then it comes to a point where you have to replace it, and it costs a lot of money.

I do think that it is a bill that would make a lot of difference. If maybe 80 percent is too high, we can work with that, or whatever. But I do think that whatever money we did in that, you would actually receive benefit from, the cost-benefit would be very, very good, plus you would be able to update the campgrounds and make it such where you would have even more usage. I think it would actually pay for itself, but look at it. Again, your support, if somehow that could be acquired, would be very helpful.

Mr. CONNOR. Thank you very much for recognizing what an important part of this mission and the value of those additional resources might provide.

I did visit some recreational facilities last summer. You would not believe the lengths that our committed rangers go to try and ensure that the visitors have the best experience possible and have good facilities. We should make it a little easier for them, quite frankly.

Senator BOOZMAN. I understand.

General SPELLMON. Sir, I would just echo that commitment. This is an important part of our mission. I don't know the details of the legislation, but anything that supports our recreation function we fully support.

Senator BOOZMAN. The other thing is, right now, we are in the process, I am the Ranking Member on Agriculture. We are in the process of trying to pass a Farm Bill. We are going to get it passed this year.

But it comes to mind, 40 percent of the products in Arkansas are exported. That is true throughout most of the Country. So, our inland waterways, our ports and harbors, are so vital.

Can you talk a little bit about, again, the importance of that flow of trade, and what that means, not only to those farmers, but also the end users? Right now, we have the cheapest, safest food supply of any place in the world. What does that do to costs and things like that?

General SPELLMON. Yes, sir. I would just say, in your State, you have tows and barges, sometimes a couple, 15 barges together, and just to keep the analogy going, 15 barges, that is a thousand trucks, a thousand diesel engines, a thousand drivers that you don't need because of movement of cargo on the waterway. Sir, it just drives the cost down for goods and increases the speed of those goods getting to market.

As I said earlier, these are national treasures, and we appreciate all the support we get from Congress in maintaining and upgrading those.

Mr. CONNOR. Just a quick point. The old saying, we know the value of water when the well runs dry. Well, we know the value of the inland waterway system when the Mississippi River has low flows.

Senator BOOZMAN. I know. It was last summer where I wanted to just jump in it and claim that I could swim across it. Remarkable.

[Laughter.]

Mr. CONNOR. Significant immediate economic impact from drought when the Mississippi River is that low and we can't efficiently move product. The reverberates to the Agricultural Committee.

So we are not looking just at how we manage the system in conjunction with industry. I think we had great communication and resources to keep the system dredged and moving, but we also want to do lessons learned and make sure we are continuing to try and ensure that the next drought doesn't have as deep an impact.

Senator BOOZMAN. It is remarkable. Now the Mississippi, we have actually closed off part of it, because it is so high. Thank you very much. Thank you.

Senator CARPER.

[Presiding.] Senator Boozman, thank you.

It is not every day we have the chairs of both the Environment and Public Works Committee and the Ranking Member of this committee, along with the Chair of the Ag Committee and the Ranking Member of the Ag Committee. It is a special day. Good to see you both.

Senator Stabenow, you are on.

Senator STABENOW. Good morning. It is wonderful to be with you, Mr. Chairman. Senator Boozman and I, I think we are on a tour today, all week now, talking about farm bills and forestry and all kinds of wonderful things, and public works, here, and the important infrastructure. It is great.

It is wonderful to see you, Assistant Secretary. It is wonderful to see you, Lieutenant Colonel. We appreciate so much your work.

I first have to start with a thank you, because when you look at the Corps' 2024 budget request, I see a lot of wins for Michigan. I appreciate it very much. Two new starts to identifying and addressing flood risk in both Southeast Michigan and Midland County, two important projects that I was pleased to author as part of WRDA in 2022.

Also, Soo Locks, that we have talked about so many times, thank you for working with me to ensure that this critical project has a line item this year in the President's budget.

I do want to say though, that as grateful as I am, I note this funding falls short of the full 2024 capability. You and I want to get this done, I know.

Assistant Secretary Connor, as you know, any unscheduled outage at the Soo Locks would devastate the economy. I am going to fight tooth and nail to make sure we are in a good place on the appropriations side, but I need your help to make sure that this is in the work plan, and I wondered if you might speak to that.

Can I continue to count on you to make this vital project and the funding a priority and to help keep it on schedule?

Mr. CONNOR. Yes, Senator. Soo Locks, for all the reasons we have discussed and that you have identified today will continue to be a very high priority. We have tried to plug the gap with those cost overruns through additional resources from Infrastructure Investment and Job Act, the work plan money we had earlier this year, the budget request. We will continue to work with you.

We have the contracts identified with the options. We want to minimize the additional prospects of cost overruns by trying to meet those options. We will continue to be in very close coordination with you, Senator.

Senator STABENOW. Thank you so much. As we know, they have been working hard, and when we talk about cost, inflation is not our friend on this, and has been a real challenge. But I think they have been doing a good job and working really hard on this, and efficiently on this.

Speaking of projects that are critical to the Great Lakes, let us talk Brandon Road Lock and Dam. Lieutenant General Spellmon,

you know that this is the linchpin to halting the terrible Asian carp from getting into the Great Lakes. I have a fish and a lock that keep me up every night as to what will happen. I feel like we are on borrowed time on both, frankly.

I have been working on this project for nearly a decade, having secured \$226 million in the Infrastructure Law funding. We increased the Federal cost share as part of WRDA. I thought we were finally ready for construction. However, now it is my understanding that the construction phase of the project is on hold until the Army Corps and the State sign a project partnership agreement, and unfortunately the carp, they are a ticking time bomb. They don't wait. The fish aren't waiting around for project agreements.

Lieutenant General Spellmon, given the stakes, is the Brandon Road project a priority? If so, do I have your commitment to do whatever it takes to get this Power Purchase Agreement signed as soon as possible so construction can begin?

General SPELLMON. Yes, ma'am. This is absolutely a priority for us for all of the reasons that you have outlined.

Committing to do whatever it takes is a bit outside of my authority at the moment. As I mentioned in my opening statement, delivery of these projects, it is a team sport.

There are several things that the non-Federal sponsor is asking from the Corps that would require legislative changes and even policy changes. So we are sending a team out from our headquarters this month to meet with our non-Federal sponsors.

I just want to make sure that they have a firm understanding of what our left and right limits are, statutorily and then from policy, from a policy perspective. But we want to get to that signed PPA so we can unlock that \$225 million that you secured for us and getting to construction.

Senator STABENOW. Well, I am happy to work with you in any way possible and communicating with the States and signing. It has to be clear what you can and can't do with the money that we have, and that we really are, this is a ticking time bomb. We have to move. We are ready to move, so I will look forward with you to getting that done.

General SPELLMON. Thanks, ma'am.

Senator CARPER. Senator Stabenow, thanks so much for joining us and working with us on, as you put together the Agriculture Bill, you and Senator Boozman, and we look forward to making sure we are joined at the hip. Thank you.

Senator MULLIN, you are up. Thanks. Welcome.

Senator MULLIN. Thank you, Chairman, and thank you guys for being here.

General, I will start with you. As you know, Section 8358 of the Water Resources Development Act of 2022 directly provides the city of Bartlesville in Oklahoma the opportunity to secure water storage rights from Copan Lake, also in Oklahoma. General Spellmon, would you agree that a growing city such as Bartlesville, like many growing cities in the Country, needs affordable, that is the key word there, affordable access to water storage to continue their growth?

General SPELLMON. Yes, Senator, absolutely.

Senator MULLIN. I want to bring something to your attention. I don't know if you are aware of it or not, but Lake Copan was built in the 1980's. In 1981, the Corps acquired 4,750 acre feet of water storage for Lake Copan. That was 40 years ago, right?

Now, the city of Bartlesville is trying to purchase that from you guys. In 2020, they also worked out a deal with the Corps of Engineers to buy water from the lake at roughly \$81 per acre foot. Right now, they are currently in negotiations wanting to buy that 4,750 feet of water from the Corps of Engineers, but the Corps of Engineers wants to charge \$1,181 per acre foot.

Would you consider that affordable?

General SPELLMON. Sir, this is what the legislation, the formula for these pricing constructs, it is not a Corps policy. It is not a policy from the Secretary. The formula is given to us in the 1958 Water Supply Act.

Senator MULLIN. The way that I understand that, sir, is that the Army Corps of Engineers can agree to charge less, but you don't normally do, but you do have the flexibility to do so.

General SPELLMON. I am not aware of any flexibility to stray from the legislation, sir. I would have to look into that. The statute is very clear on the pricing methodology.

Senator MULLIN. So, how do you suggest moving forward in this? Because when you are trying to recover the cost of a lake that was obviously really expensive to build, it is sitting there for 40 years, no one has purchased it because no one can afford it. The taxpayer dollars are holding the bill.

What is our solution?

General SPELLMON. Sir, unfortunately, today, it requires legislation, piecemeal legislation.

Senator MULLIN. What is the legislation you are needing for flexibility?

General SPELLMON. The WRDA provisions from 2020 and 2022 for Lake Bartlesville have reduced that cost to your water suppliers to \$74 an acre foot, so that is the maximum amount that we can charge.

I will tell you that I have 145 water supply storage contracts like this across the Country. The average cost per acre foot is \$300 per acre foot.

Sir, I would just say, when you compare that with other water suppliers across the Country, this is—

Senator MULLIN. Three hundred dollars is fine. We are talking about a \$1,000, or nearly \$1,200.

General SPELLMON. Sir, I have some ideas on how we can go about this moving forward. The problem here is there is a large renovation contract associated with Lake Copan, and unfortunately, a small percentage of a large figure gets spread across all the users. So that is what they were experiencing. We have seen this in other corners as well.

I think there are other ways to go about this, and I look forward to having this conversation with you.

Senator MULLIN. That is what the conversation is about. Sir, if you have ideas about this, I am looking for solutions that this committee can bring forward. This isn't just going to be a one-off situation on Bartlesville. This is something that is going to be facing a

lot of municipalities moving forward, because the cost of everything is skyrocketing.

What is it that the committee needs to be looking at, legislatively speaking, to fix this?

Mr. CONNOR. Senator, I just wanted to add onto what General Spellmon said. We are happy to look at the legislative limitations here, and I trust the General has already looked at that, so we will get back to you and let you know specifically the issue.

To your point on policy, I agree. Any revenue is better than no revenue. We want to maximize the use of existing infrastructure to serve communities in different ways, because that is going to be the cheapest and less environmentally damaging approach.

Senator MULLIN. This has been sitting for over 40 years and hasn't been sold because no one can afford it. So this would be a perfect opportunity to show how we can work together with agencies to create the flexibility. I know the Chairman and the Ranking Member would both agree that this is something that needs to be addressed.

Mr. CONNOR. There is good policy here to be made, Senator.

Senator MULLIN. Great. If you could, get back to us, and let us know what we can do on our side to give you that flexibility. I look forward to hearing from you. I yield back.

Senator CARPER. Thanks, Senator Mullin.

Senator Capito, if you have another question or two you would like to ask, or comments, please do.

Senator CAPITO. I have one question, just a comment. First of all, thanks to both of you. These are massive amounts of dollars, but as you can tell, the interest from the committee, massive amounts of impacts in communities in all kinds of ways.

Assistant Secretary, you mentioned the word reprogramming. That brought back some, I would say, not the greatest memories of some experiences I have had in past years with the Corps. I have been here a while.

Here is my concern. We have all these projects, and you reach a point of cost overruns, we have already talked about it; things are more expensive than we think. Then, we think they are getting delayed for one reason or another, so you are looking at maybe six projects, I am just using this as an example, six projects, and all of a sudden, project No. 6 is starting to fail, but these other five are moving and, as the General said, completing projects is really important to the Corps.

Who makes the decision to pull the funding, then, from project No. 6 that is flailing over here? Is this what you mean by reprogramming? Do you reprogram away from what we would think would be a project that is going to be happening in our State into maybe, another project within our State or within our Corps District? Is that what reprogramming means to you?

Mr. CONNOR. Senator, I think my staff already seizes up when I use the word reprogramming because of those specific issues. There are technical aspects of it, too.

But yes, fundamentally, I think we need to look at where a project is not proceeding. As I highlighted in my oral statement, we have had discussions with stakeholders who have involvement in

a series of projects, they may be the one suggesting we should be proceeding.

Bottom line is, I don't know if reprogramming was the right word, but are we looking at where we haven't yet allocated resources, whether a project is going to proceed, and whether we need to look at trying to move funds to try and complete a project so that we can move forward and fund other projects in the future, yes.

I am thinking about that. That authority rests in my office, but it doesn't work unless I am transparent with all of you in any of the interests involved.

Senator CAPITO. I think that is probably why I seize up, because I think that the decision that is made within your office, whereas we have already made the decision legislatively to move in a certain direction, so I do think communication and transparency is the key here.

I am not naive enough to think that, well, we gave you all the money you are ever going to need, and you need to do all these projects, and life is never going to change there. I realize there are change orders, there are all kinds of things that you find in the process of different projects that maybe were unexpected or circumstances changed, or we can't find the work force, whatever the issue is.

But I do believe that the transparency with which you move forward on these decisions is absolutely critical. From a public servant point of view, as an elected leader, when you go to the mayor of your small town and say, we are going to have a levee here, and we are going to solve your flooding problem, and then all of a sudden, you go back to the Corps and they go, well, we had to go ahead and move that to another project, without our knowledge, without at least, I understand maybe we don't be included in the project reprogramming issues, but at least having us aware of it, we can soften the blow.

I don't want to have to do that. I want everything that we have planned for and that we have put into legislation and we have worked with you all on to be able to work to completion. But I do understand the reality. Sometimes, that makes it more difficult.

I would thank you both, your open communication with me, and certainly as the Ranking Member on this committee, it has been very much appreciated, and I appreciate all the good, hard work that you do every day.

I am going to take my leave and do my constitutional duty, which is to vote on the floor of the Senate. Thank you, Mr. Chair.

Senator CARPER. Thanks so much.

I am going to ask a couple of questions, maybe, for the record, and then go vote, as well. The first one would be for Secretary Connor.

Secretary Connor, as you well know, Congress included some critical new authorities in WRDA 2022 to increase assistance to disadvantaged communities. I was pleased to see that the budget focuses on environmental justice and that the Corps has issued guidance for WRDA 2020 and for WRDA 2022 authorities to support the disadvantaged communities. Will you take a minute or two to explain for us the significance of this recent guidance, and how

do you plan to prioritize devoting resources to disadvantaged communities?

Mr. CONNOR. Absolutely, Mr. Chairman. These authorities are incredibly important and allow us to do good work on a broader scale than I think we would otherwise be able to do.

First of all, in the Bipartisan Infrastructure Law, Congress gave us express direction to not just be beholden to the highest benefit-cost ratios. That allowed us to choose projects to fund that would broaden the benefits to communities on a larger scale.

Second of all, we want to improve outreach, and there are existing programs, whether they are the planning assistance to States, flood plain management services, tribal partnership program, we are trying to use the guides that I provided to broaden our outreach so that we can do work with more communities.

Finally, the specific provisions in WRDA 2020, those we are moving out with guidance, economically disadvantaged communities definition, so that we can use that to implement the programs that Congress has already provided funding for. This is the pilot program to do investigations for economically disadvantaged communities.

We have \$30 million in the Bipartisan Infrastructure Law waiting to be released. After we finalize that guidance, which is significant guidance, so we have to have a process there, as well as the CAP projects that are going to use that funding.

The direction has been great. I think we are moving forward with our smaller programs, and we are trying to ensure we are taking the provisions that you have enacted and run with them.

Senator CARPER. Thank you.

I am going to leave another question for the record. It deals with economic growth and project delivery. I will just submit that one for the record.

Before I turn over the gavel to Senator Markey to close us out, I am going to give just a really short closing statement, with some housekeeping, if you don't mind.

Every State is significantly, maybe dramatically affected, by the work that you lead across the Country, and to all the men and women who report to you, who look to you for leadership. We want to thank you, and we want to thank them for doing extraordinary things.

Every member of this committee has great interest in the work that you do, and really, great gratitude. The same is true of all 100 Senators. We appreciate very much what you do with your lives, serving our Country and our respective States.

Before we adjourn, before I give the gavel to Senator Markey, I just want to mention that Senators will be allowed to, invited, rather, to submit written questions for the record by 4 p.m. on Wednesday, May 17th, which is two weeks from today. We will compile those questions. We will send them to you, and we will ask you to reply by Wednesday, May 31st.

I am not going to adjourn this hearing. We are going to hand the gavel to Senator Markey, and when he finishes with his questions, if he would just adjourn the hearing, that would be great. Thank you.

Again, our thanks to all of you. It was great to see you. Take care.

Senator MARKEY.

[Presiding.] Thank you, Mr. Chairman, very much. There is a roll call on the floor of the Senate right now, which is why the members were scrambling to get over there. I am running back over from the Senate floor to be here to take the gavel from Chairman Carper.

It is great to see you again, Assistant Secretary Connor, General Spellmon.

The Army Corps owns the Cape Cod bridges, which are nearly 90 years old. The bridges are structurally deficient, and they are in need of desperate replacement. The Bourne and the Sagamore Bridges are the only route for people to drive to and from Cape Cod. I will say that again: it is the only way for people to drive to and from Cape Cod, Massachusetts.

The Federal Government, almost 90 years ago, built two bridges, which make it possible for that to be possible. We thank the Federal Government for building those two bridges back then, at the height of the New Deal. Great work by President Roosevelt, great visions for these public works projects. In the same way they were building the Tennessee Valley Authority, they were building these other facilities all across the Country, especially for electrical generation.

In Massachusetts, they built two bridges for us, and my colleagues in the Massachusetts congressional delegation and I right now are extremely concerned that if a severe storm strikes the Cape, residents and visitors could be unable to evacuate the Cape and the islands, because it is the only way off. Replacing these bridges is not just a matter of convenience. It is a matter of safety.

Assistant Secretary Connor, do you agree that replacing the Cape Cod bridges is a critical safety project?

Mr. CONNOR. Senator, I do.

Senator MARKEY. Thank you. Obviously, we are very fortunate that Hurricane Sandy did not hit us, but if it did, it would have devastated Cape Cod. It would have just devastated it, and people would have been told to evacuate, to get out before Cape Cod was inundated. We obviously need these bridges to be replaced in order for that safety concern to be dealt with.

The Army Corps owns these bridges. These are Federal bridges. The Corps and the Federal Government have a financial responsibility here. In fact, in 2020, the Corps estimated that rehabilitating the bridges over the next 50 years would cost nearly \$800 million. Just for the Army Corps, for the Federal Government, which owns the bridges, it would cost them \$800 million just to maintain them over the next 50 years.

Massachusetts has agreed to take ownership of the new Cape Cod bridges as long as the Corps contributes its fair share to help to replace them. The stakes are clear: if the Corps doesn't help replace the bridges, it will have to spend even more money to maintain them over the next 50 years.

Assistant Secretary Connor, would giving the bridges to Massachusetts save money for the Corps in the long run, in your opinion?

Mr. CONNOR. In my opinion, yes, it would. We would no longer have the ongoing operations and maintenance and significant

rehab costs into the future related to the bridges, so we think this is a good approach.

Senator MARKEY. O&M is operation and maintenance?

Mr. CONNOR. Operation and maintenance, that is correct.

Senator MARKEY. The Army Corps, otherwise, would have to contribute to keeping those bridges functional.

I agree with you. The Corps' most fiscally responsible action is to help replace the Cape Cod bridges now, and we need to do this project in a smart way. Both Massachusetts and the Corps want Massachusetts to manage the bridges project.

After all, the Corps specializes in water projects, not building bridges. This is an anomaly for the Corps, these bridges. I don't know, is there another instance across the whole Country where the Corps owns the bridges?

Mr. CONNOR. We own more bridges than I can remember, but it is a significant part of the portfolio, and you are exactly right. It is not our specialty. It has come with our inland waterways and intercoastal waterways.

Senator MARKEY. So, Secretary Connor, does the Corps have significant experience in building bridges over the last 20 or 30 years?

Mr. CONNOR. Not in the last 20, 30 years. We have experience, but that is experience that others have much better.

Senator MARKEY. Yes, and most of the people who had the experience are already retired from the Corps who worked for the Corps. Would you agree with that?

Mr. CONNOR. Absolutely.

Senator MARKEY. Yes, so this is something that would have to be developed. It makes no sense, in other words, for the Corps to construct these new bridges.

Unfortunately, the Corps lacks the authority to transfer money to Massachusetts for this project, and that makes it difficult for the Corps to help fund this project and allow Massachusetts to construct the new bridges. I am glad the Corps proposed legislative language to address this issue. With a narrow fix, we can construct new bridges in a smart, fiscally responsible way.

Assistant Secretary Connor, does the legislative language proposed by the Corps give the Corps sweeping new authority to issue grants?

Mr. CONNOR. This is not a grant, Senator. The authority that we have submitted would just provide us a mechanism to provide money to an entity that is much better positioned to replace the bridges, take us out of that business, and I think it is unique to this situation with bridges. It is larger than just Cape Cod, but it is specific to this particular aspect of the portfolio which we shouldn't have.

Senator MARKEY. I think that is right. I urge my colleagues to support this small legislative tweak and ensure that this critical safety project can proceed.

I thank you, Assistant Secretary Connor and your entire team, for all your help with this project that goes back years. Time is of the essence. We have to begin the job of actually replacing these bridges. We thank you for your assistance. Let me turn and recognize Senator Sullivan for his round of questions.

Senator SULLIVAN. Thank you, Mr. Chairman. Secretary Connor, General Spellmon, thank you, gentlemen.

I just want to begin by doing a shoutout to both of you. I think you are both doing a really good job. It is not an easy position to be in, a really important position. I am on Armed Services, too, so I was saying, I kind of have dual oversight of you guys, because you are Army and EPW, Armed Services.

I appreciate you and your team and all the hard work that you guys are doing. It is much appreciated and much needed for our Country, certainly for Alaska, so thanks. Both of you have, in my view, really good teams.

Secretary Connor, I just wanted to reiterate, and you probably know where I am going with this. I think I have asked you to reiterate this 50 times. I am just doing it one more time, just to be safe.

I am going to talk about Donlin. One of the hallmarks, and it is for both of you gentlemen, one of the unfortunate hallmarks, in my view, of the Biden Administration, particularly for big projects in my State that have gone through massive permitting by professional staff from the previous Administration, actually, from the previous two Administrations, Obama, Trump, we got things done, completed, records and decisions.

This Administration loves to come back to Alaska and go, hmm, you know what, we are going to reopen this. We are going to reopen that. We are going to reopen this. They come up with excuses. It is Ambler; it is ANWR; it is Tongass; it is Willow; it is King Cove Road. It is just nonstop. Decisions that have been made, and they come back, usually to say, the previous Administration didn't consult enough.

By the way, Secretary Connor, you and I have talked about this. Most of these are strongly supported by the Alaska Native people, these projects I just listed, and so when you have an Administration talk about environmental justice, racial equity, they seem to always forget indigenous people of Alaska. I know you haven't, but I am just making the point, because, and by the way, this is a broader issue. It turns America into a Banana Republic if we can't rely on previous Administrations that have done the due diligence, made records of decision, and then now we reopen them three, four, five, six years later? We might as well be Venezuela, right? It chills impact, chills investment opportunities.

Mr. Secretary, you and I have talked ad nauseum, and Administrator Regan of the EPA and Assistant Administrator Fox, you guys have all, and I appreciate it, made commitments that the Donlin permits were issued five years ago, five years ago, and you see no reason to reopen those.

As you know, there are some radical lower 48 environmental groups who are now trying to do this. Our Native leaders call them eco-colonialists, right, lower-48 groups that come up and tell the Native people what they need to do, kind of a second wave of colonialism that they call eco-colonialists. It is a term that I think really fits well.

The Donlin project, as you know, is supported by the regional Alaska Native Corporation. It is on their land. Can I just get one more commitment from you guys, and I know you have done it a

lot, but things are starting to percolate once again. These groups have a lot of power. The media loves them. This important project, that you see no reason to reopen these permit decisions, I know you have to consult, but if they file a lawsuit, just defend it. Defend it. That is your job, in my view. General, you and I have talked about it, Mr. Secretary.

I just want a quick commitment on that. To his credit, the EPA Administrator, just a couple weeks ago, and Assistant Administrator Fox came in right here, same, said Senator, we are with you. We don't see any reason to do that.

I would just like that commitment from you. It is important, because this is all percolating, and five years ago, we had a permit issued. Banana Republic-ville if we start opening these things up. General?

General SPELLMON. Sir, on the Donlin project, we have a valid permit. I am not aware of any discussions to reopen that decision.

Senator SULLIVAN. Thank you. No reason to do that, five years old. OK, Mr. Secretary?

Mr. CONNOR. Senator, as we have talked about before, nothing has changed with respect to my views on Donlin, and that is after we have done consultation. We have talked with proponents, opponents. It is in litigation now. We are defending the lawsuit.

Senator SULLIVAN. Good. Thank you very much for that, both of you. I appreciate that you guys kept your word.

It is not just support for Alaska and the Native people there. It is important for America. Five years, and now you are going to reopen a permit? You won't be able to get anything done in this Country.

Let me just end, Mr. Chairman, really quickly, the Port of Nome, you guys have done a great job. I can't thank you enough. That is a nationally significant and important project, a very strategic Arctic port for America. The Corps has done a great job. Mr. Secretary, you have done a great job.

I am sure you are aware that WRDA, last year, modified the cost-sharing formula for that deep draft port, which the Navy needs, the Coast Guard needs. It will help the communities out there.

During our recent meeting, Major General Graham had stated that we can anticipate full support from the Administration in future years, moving and phasing. Can I just continue to get your commitment on that, given that the cost share changed?

General SPELLMON. Yes, sir. We appreciate, certainly, the \$250 million that we received in the Bipartisan Infrastructure Law. We are getting ready. We are doing the design on the west causeway extension right now and looking forward to awarding that contract in 2024 and then also working on the design of the deepening for the channel. Yes, sir, you have our commitment.

Senator SULLIVAN. Mr. Secretary?

Mr. CONNOR. I would just go with what General Spellmon just said. We are committed to moving that forward. It increases the challenges, so with respect to the funding needs, obviously from the cost share change, but we are committed to moving forward with the project.

Senator SULLIVAN. Great. Thanks again, both of you. I think your teams are doing a great job for Alaska, the Country, and we really appreciate it.

Senator MARKEY. I thank Senator Sullivan.

I note Senator Wicker is here. If you have any other comments you would like to make?

Senator WICKER. No, thank you, Mr. Chairman.

Senator MARKEY. With that, and the thanks of the committee, we have completed this period of questioning and answering of our great witnesses today. We thank you both for your service and for all those who serve with you in the Army Corps. We thank you so much.

With that, and again, with all of the procedural niceties that Chairman Carper has already laid out in terms of the rights of the committee and the request to the Army Corps to respond to questions in writing, this hearing is adjourned. Thank you.

[Whereupon, at 12:02 p.m., the hearing was adjourned.]

