

Table of Contents

U.S. Senate	Date: Wednesday, May 8, 2019
Committee on Environment and Public Works	Washington, D.C.
STATEMENT OF:	PAGE:
THE HONORABLE JOHN BARRASSO, A UNITED STATES SENATOR FROM THE STATE OF WYOMING	3
THE HONORABLE THOMAS CARPER, A UNITED STATES SENATOR FROM THE STATE OF DELAWARE	6
THE HONORABLE R.D. JAMES, ASSISTANT SECRETARY OF THE ARMY CIVIL WORKS	13
MAJOR GENERAL SCOTT SPELLMON, DEPUTY COMMANDING GENERAL, CIVIL AND EMERGENCY OPERATIONS, U.S. ARMY CORPS OF ENGINEERS, CIVIL WORKS	18
LYNN BUDD, DIRECTOR, WYOMING OFFICE OF HOMELAND SECURITY	23
KYLE R. "CHIP" KLINE, JR., CHAIRMAN, COASTAL PROTECTION AND RESTORATION AUTHORITY BOARD	28

OVERSIGHT HEARING ON THE U.S. ARMY CORPS OF ENGINEERS' CIVIL
WORKS PROGRAM

Wednesday, May 8, 2019

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 10:05 a.m. in room 406, Dirksen Senate Office Building, the Honorable John Barrasso [chairman of the committee] presiding.

Present: Senators Barrasso, Carper, Inhofe, Cramer, Braun, Rounds, Sullivan, Boozman, Wicker, Ernst, Cardin, Whitehouse, Markey, Duckworth, and Van Hollen.

STATEMENT OF THE HONORABLE JOHN BARRASSO, A UNITED STATES
SENATOR FROM THE STATE OF WYOMING

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

The Committee has an important responsibility to maintain oversight over the U.S. Army Corps of Engineers' Civil Works Program. Today's hearing is an opportunity to hear directly from the leaders of the Army Corps.

The Army Corp's water infrastructure projects support America's economy and help keep communities safe. These projects include maintaining navigable waterways, managing the risk from floods and coastal storms, and supporting aquatic ecosystems. They also provide power and water to communities around the Nation.

Over the last two months, extensive flooding has taken place in the Midwest due to melting snow and intense rain. This flooding has tragically resulted in loss of life, as well as billions of dollars in damages.

In April, this Committee held a field hearing in Iowa to examine the Army Corps' management of Midwest flooding. The goal was to get to the bottom of this disaster and move towards possible solutions. Given Wyoming's own experience with flooding in places like Greybull and Worland, my constituents and I can sympathize with those who have lost so much.

Today's hearing will provide the Committee another opportunity to hear from the leadership of the Army Corps of Engineers on the flood in the Midwest. It will also give Committee members an opportunity to hear testimony about the implementation of America's Water Infrastructure Act.

Since 2014, this Committee has worked in a bipartisan way to pass critical water resource development legislation every two years. These water infrastructure laws benefit every State.

Last October, Congress passed, and President Trump signed into law, America's Water Infrastructure Act. The legislation passed the Senate by a vote of 99 to 1. When fully implemented, the new law will have far-reaching impacts. These include creating jobs, growing the economy, protecting lives and property, cutting red tape, and promoting federalism.

The benefits of America's Water Infrastructure Act will be evident in the West as well as all across the Country. Nationally, the Act improves permitting reforms to allow for the development of more water storage projects and it increases local input in the prioritization process.

America's Water Infrastructure Act will reduce flood risk through the construction of levees and the improvement of dams. Key provisions will benefit farmers and ranchers. In my home State of Wyoming, we will restore water storage capacity at federal reservoirs and expand the Fontenelle Reservoir in

Southwestern Wyoming. It also creates a permanent program to help mitigate the threat of floods caused by ice jams.

The law requires the Army Corps to expedite snowpack monitoring activities in the Upper Missouri River Basin. This is to help predict and mitigate flood risks. This year's increased snowpack is a serious concern to many of my constituents, especially in northern Wyoming, including Teton County. The law does all this while actually reducing the deficit.

America's Water Infrastructure Act represented excellent progress. Now it needs to be implemented, so I look forward to hearing from today's witnesses on how the Army Corps of Engineers is managing its Civil Works Program. I want to thank you for coming before the Committee to testify, and we look forward to hearing from you.

As I get ready to turn to Ranking Member Carper, I will mention that we are in the middle of five roll call votes this morning, so members of the Committee may be leaving and coming back as we go to the Floor, because each of the votes must be cast in person.

With that, Senator Carper.

[The prepared statement of Senator Barrasso follows:]

STATEMENT OF THE HONORABLE THOMAS R. CARPER, A UNITED STATES
SENATOR FROM THE STATE OF DELAWARE

Senator Carper. Thanks, Mr. Chairman. Mr. Chairman,
thanks for bringing us together.

I also want to apologize for the exercise we are about to
go through. When John Barrasso and I are running the U.S.
Senate, this won't happen during our hearings. On our regular
order we will do a lot better.

Mr. Chairman, thanks for convening this morning's hearing
to conduct oversight on the Civil Works Program run by the U.S.
Army Corps of Engineers. We salute you all. Thank you all for
your service. Delighted that those in the audience have joined
us as well.

This hearing is a timely follow-up to the field hearing we
recently held in Iowa to examine flood protection efforts along
the Missouri River and its tributaries. This subject is still
particularly pertinent given that much of downtown Davenport
remains submerged under flood waters this morning.

While I am optimistic that this hearing will provide us
with some important insights, I do have some concerns that we
only have the Army Corps of Engineers at the table today.
During the drafting process for the last Water Resources
Development Act, also known as WRDA, one of the issues that
Chairman Barrasso and I and our staffs heard repeatedly raised

was that the OMB micromanages the Corps of Engineers and that there is a troubling lack of transparency with respect to OMB's Corps budgeting process.

While OMB continues to underfund the Army Corps' infrastructure efforts in every budget, OMB also relies upon a prioritization method that fails to capture all of a project's benefits. This method is called the "Benefit to Cost" ratio. It racks and stacks projects based solely on national economic benefits. What that means, however, is that the needs of smaller communities, the needs of rural communities, of Tribes and, in many cases, the environment, our environment, lose.

At the same time, OMB can oftentimes be a "black box." The agency rarely, if ever, discloses how each individual project was evaluated, raising serious concerns about which projects will make it into the final Army Corps workplan each year. It may seem esoteric, but millions of Americans across our Country really do rely on Army Corps projects in order to safely navigate our waters, stay safe from flooding and storm damage, or reap the benefits of healthy aquatic ecosystems and marshlands.

At the hearing in Iowa, it was made clear that the Army Corps is not the only agency that should be at the table if we want to take a holistic view of civil works projects and programs. Numerous other Federal agencies, State agencies,

local partners and communities all share a responsibility to be part of the solution.

In the coming months, our Committee needs to conduct additional oversight hearings on the implementation of the America's Water Infrastructure Act. It is incumbent upon us to hold agencies accountable to the reforms that our Committee and the Congress supported in an overwhelmingly bipartisan way.

These reforms, including Benefit to Cost ratio transparency reforms, flood mitigation studies, and local stakeholder participation in district budget planning processes, must be implemented to ensure we abate the damage of these floods and storms before they occur, rather than fix the unmitigated damage in their aftermath.

I want to thank our witnesses today. I am particularly excited to hear from Mr. Chip Kline. Chip off the old block. I said, Chip, who are you named after? He said, my dad; I'm a chip off the old block. But whether you are a chip or not, we are happy that you are here.

I think Mr. Kline is going to share some insights on Louisiana projects. We welcome that, especially after that State's experienced the devastation wrought by Hurricanes Katrina and Rita, and God knows how many more.

In my home State of Delaware, we have witnessed the destructive forces of climate change with hurricane max storms

like Superstorm Sandy. Scientists tell us that climate change was connected to the torrential rains and snowfall conditions that led to record-breaking flooding in the Midwest this spring, just a few weeks ago. Meanwhile, in Louisiana, climate change and sea level rise are eroding the coastline, forcing the State to take on massive reconstructive efforts that we will hear about later this morning. Climate change does impact red States and blue States alike, and we need to work together in a constructive bipartisan way to help address this issue.

From today's testimony I hope to learn more from the Army Corps as to how the Civil Works Program should be improved to better account for extreme weather events and sea level rise, which our Nation's leading scientists tell us will be the new norm, placing extreme burdens on the American people and our economy.

As the adage goes, an ounce of prevention really is worth a pound of cure. If we invest strategically in the maintenance of our flood control infrastructure before the storms hit, many problems could be prevented before they ever begin. In the case of the Army Corps, however, I fear that this Administration may be preventing the agency from preparing our Nation's levees, dams, and ports to meet a new climate reality.

Again, Mr. Chairman, thanks so much for pulling us all together. It is an important hearing. We look forward to

learning from our witnesses and I thank them all for taking the time to share their experience and brilliance with each one of us. Thank you.

[The prepared statement of Senator Carper follows:]

Senator Barrasso. Thank you very much, Senator Carper.

In just a few moments we will start hearing from our witnesses.

We have R.D. James here, who is the Assistant Secretary of the Army for Civil Works, the United States Department of the Army; Major General Scott Spellmon, who is the Deputy Commanding General for Civil and Emergency Operations from the U.S. Army Corps of Engineers; Lynn Budd, who is the Director of the Wyoming Office of Homeland Security; and Chip Kline, who is the Chairman of the Coastal Protection and Restoration Authority.

Before we get to the opening statements, I would like to personally welcome Director Lynn Budd, who has recently taken over as the Director of the Office of Homeland Security in Wyoming in January of 2019. Director Budd has spent the last three decades as a resident of Cheyenne.

She began her career at the Wyoming Office of Homeland Security in 2011 as a Grants Specialist. From there she served in a variety of different capacities, including Senior Planner, Critical Infrastructure Protection and Resilience Program Manager, and Security Unit Chief.

Director Budd has also functioned as a Manager of the State Operations Center, coordinating State resources in support of local jurisdictions during times of emergency in Wyoming. Prior to joining the State Office of Homeland Security, she worked in

the Wyoming Office of the Nature Conservancy. I have had the privilege of knowing Director Budd for over 20 years and I am very grateful that she is here with us today. Welcome.

I also want to remind all of the witnesses that your full written testimony will be made part of the official hearing today, so please try to keep your statements to five minutes so that we may have time for questions.

I look forward to hearing your testimony, beginning with Assistant Secretary James.

Secretary James, please proceed.

STATEMENT OF THE HONORABLE R.D. JAMES, ASSISTANT SECRETARY OF
THE ARMY CIVIL WORKS

Mr. James. Thank you, Chairman Barrasso, Ranking Member Carper, and distinguished members of the Committee. Thank you for the opportunity to be here today to discuss the oversight of the Army Corps of Engineers program.

This reminds me that Harry Truman once said that the buck stops here. Well, I propose that the buck starts here with this Committee. Your deliberations, your oversight, your commitment to the Civil Works Program of this Country has made it a better place, and I look forward to working with you to continue to try to do that and improve on what we have already got.

I was sworn in as Assistant Secretary of the Army 15 months ago, and my goals today are the same as they were when I started: focus on outcomes, not process, in order to get the results. Since last year, I have had the pleasure to meet with most of you one-on-one to discuss both your concerns and the overall direction of the U.S. Army Civil Works Program. The input that you provide is appreciated, and I remain committed to working with each of you.

The fiscal year 2020 budget provides over \$4.8 billion for the Civil Works Program, with a focus on investments that will yield high economic and environmental returns or address a significant risk to public safety. This budget relies on a

foundation of strong relationships between the Corps and the local communities, which allow us to work together to help manage, develop, restore, and protect their water resources. The budget focuses on the highest performing work within the three main missions of the Corps: flood control and storm damage reduction, commercial navigation, and aquatic ecosystem restoration.

The fiscal year 2020 budget supports a Corps program that has a diverse set of tools and approaches to working with local communities, whether this means funding projects with our cost-sharing partners, providing planning assistance and technical expertise to help communities make better informed decisions, or participating in the national and international conversations on how to best address our water resource challenges. The budget helps us maintain and improve our efforts on resiliency and sustainability, one of the challenges associated with the way we have used our water resources.

The fiscal year 2020 budget includes approximately \$2.4 billion for the study, design, construction, operation, and maintenance of inland and coastal navigation projects. The Flood Risk Management program is funded at approximately \$1 billion in the budget and includes funding to provide technical and planning assistance to local communities to enable them to understand and better manage their flood risk. The budget

provides \$187 million to restore several large ecosystems that have been the focus of interagency collaboration to support restoring aquatic habitat in ecosystems where the aquatic ecosystem structure, function, and processes have degraded.

The President signed the America's Water Infrastructure Act of 2018 into law on 23rd October 2018. Title I of the Act is known as the Water Resource Development Act of 2018 and included numerous provisions that apply directly to the three main Corps mission areas described above. In October 2018, we moved forward with implementation of the provisions in the law that pertain to the Army Civil Works mission. I have provided guidance, where needed, to ensure effective and efficient implementation of the law.

I would also like to touch on the widespread devastation and serious impacts that this spring's Missouri and Mississippi River flooding has created for many people throughout the Country. Major General Spellmon and I both visited the areas personally and have seen the impacts. This year's flood season has challenged many Federal and State agencies and local communities across the Nation.

The extent of the damage to levees in the region is catastrophic. Most levees extending from near Omaha, Nebraska to near Kansas City, Missouri overtopped during the flood, and most of them overtopped were blown out of position and were no

longer acceptable as levees. I am committed to helping this region repair the damage to infrastructure as quickly as possible and will assure this Committee the Corps' number one priority is life and public safety.

Since receiving my appointment to be the ASA, I have one mission: move dirt. The intention is to start, continue, and finish projects in a more timely and efficient way to ensure a better return on the taxpayers' investment and to better the lives of Americans. Under my oversight and the direction, and with the help of General Semonite and his team, the Corps of Engineers' Civil Works Program is taking bold actions to improve performance and engineer solutions for the Nation's toughest challenges.

I am committed to ensuring that the United States Army Corps of Engineers does what it does better than any other organization in the world: design and build infrastructure projects, projects that protect lives, improve commerce, and benefit all Americans.

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

[The prepared statement of Mr. James follows:]

Senator Barrasso. Thank you very much, Assistant Secretary
James.

Now, General Spellmon.

STATEMENT OF MAJOR GENERAL SCOTT SPELLMON, DEPUTY COMMANDING
GENERAL, CIVIL AND EMERGENCY OPERATIONS, U.S. ARMY CORPS OF
ENGINEERS, CIVIL WORKS

General Spellmon. Sir, good morning, Mr. Chairman and Members of the Committee. Thank you for the opportunity to speak with you today about America's Water Infrastructure Act of 2018, Corps execution of the Civil Works Program, and our ongoing flood fights across the Nation.

Again, my name is Major General Scott Spellmon. I am the Corps' Deputy Commanding General for Civil Works and Emergency Operations.

To begin, the Corps would also like to acknowledge the widespread devastation and serious impacts this spring's flooding is creating for many people across the Country. The Assistant Secretary and I have witnessed many of these impacts firsthand during our visits to the field. Throughout, Corps personnel have been working tirelessly to help mitigate the effects of these events by providing assistance to States and local communities, and we will continue to do so for the foreseeable future.

Like Secretary James stated, this year's flood season is challenging many Federal and State agencies, as well as local communities. At our highest point, there were over 400 river gages indicating flood stage across the Country and over 183

reported ice jams on our Nation's rivers. In the Ohio River Valley, this past fall and winter were the wettest on record in the past 124 years, and we have seen record reservoir levels in our Cumberland River projects.

Our Mississippi Valley Division has been flood fighting on the Lower Mississippi River for the past 200 days, and that will continue for at least the next several weeks. Just this week, flood stages on the Upper Mississippi River reached record levels, impacting communities in Illinois, Iowa, and Missouri.

In North Dakota, the Red River of the North presented several challenges north of Fargo, with Corps reservoirs again reaching full capacity. In Colorado, we are seeing near record amounts of mountain snowpack, as well as in California, where snowpack exceeds 160 percent of average in portions of the Sierra Nevada Mountains.

Additionally, significant weather systems have been coming onshore along the West Coast, causing major flooding along the Russian River, north of San Francisco, as well as in the Willamette and Rogue River basins in Oregon. In many of these watersheds, Corps dams and reservoirs have prevented significant flooding downstream of those projects, averting millions of dollars in property damage, as well as saving countless lives.

On the Missouri River, the flood event that began on March 13th was a combination of rainfall, warmer temperatures, and

rapid snow melt, all on top of saturated and frozen soil. This condition covered a large area, including central and western Nebraska, southeastern South Dakota, western Iowa, and portions of northern Missouri and Kansas. The ensuing runoff drained into uncontrolled tributaries that were already subject to ice jam conditions. This combination of events led to record discharges on a number of rivers where we reached major flood stage in less than 24 to 48 hours.

Today I want to assure the Committee that the Corps' number one priority in all of its operations remains life and public safety as we work to address the many flooding challenges across the Country.

We also want to thank this Committee and the Congress for the authorities and flexibilities it has provided the Corps to address these and many other challenges. These tools, accompanied with record levels of appropriation for the Civil Works Program, is making a positive difference.

You may have heard our Chief of Engineers speak to ongoing efforts to revolutionize the way we do business as an enterprise. The authorities provided by this Committee continue to enable this initiative. We are working to modernize the traditional delivery of the Civil Works Program by utilizing innovative tools to accelerate project delivery, explore alternative financing approaches, and streamlining internal

processes to improve permitting and regulatory reform.

We recently completed an internal survey of our 43 districts to garner their initial feedback on project delivery given the support provided by the Administration, Congress, and our own internal initiatives. The early results of this survey are impressive. Sixteen districts reported a combined 200 months of scheduled savings across numerous projects. That is 17 years of time shaved off of project schedules. They also reported millions of dollars in cost savings attributed to innovation, risk-informed decision-making, among many other initiatives.

In the regulatory program we continue to streamline our permit processes. Where modifications to existing Corps structures are concerned, we have reduced pending Section 408 permission requests as much as 50 percent.

I look forward to highlighting these improvements to our project delivery during our session today and I would welcome any comments or questions that you may have. Thank you.

[The prepared statement of General Spellmon follows:]

Senator Barrasso. Thank you very much for your testimony.

Now, Lynn Budd, Director of the Wyoming Office of Homeland Security.

STATEMENT OF LYNN BUDD, DIRECTOR, WYOMING OFFICE OF HOMELAND SECURITY

Ms. Budd. Good morning, Chairman Barrasso, Minority Ranking Member Carper, and distinguished members of the Committee. My name is Lynn Budd. I am the Director of the Wyoming Office of Homeland Security. We are the homeland security and emergency management agency for the State of Wyoming. We support local jurisdictions in times of emergency and disaster through the coordination of State agency resources and facilitate assistance from our Federal partners.

In Wyoming, the most frequent natural disaster events that we face are flooding due to ice jams, spring runoff, and flash flooding. Less frequently, tornadoes, landslides, and wildfires.

Wyoming works with three Corps districts: Omaha, Sacramento, and Walla Walla. As a headwater State, our water passes through approximately two-thirds of the landmass of the lower 48 States, and we take our stewardship of these waters very seriously.

When we think about spring flooding, our focus starts in October as we begin to monitor snowpack levels across the State. In addition to monitoring snowpack levels, we closely monitor seasonal water weather developments in coordination with Jim Fahey, our NOAA hydrologist, who tailors a flood forecasting

outlook for Wyoming. This is an annual cycle for us. Stream gauge data is critical to flood forecasting and flood prediction, life safety, and property protection.

The Committee's inclusion of Section 1203(f) within AWIA directed expedited activities to restore and maintain existing mid- and high-level elevation snowpack monitoring sites operated under the SNOTEL program, which is very important to our State. Not only do these SNOTELs and stream gauges need to be restored and maintained, but additional equipment should be deployed. For example, in Teton County this year, above 8,000 feet, where the SNOTELs are, the snowpack was reading at just above normal or at normal, compared to the valley floor, which was at about 300 percent of normal level. This will create saturated soils with no room for spring runoff.

This situation makes it more difficult to predict the level of possible flooding. Stream gauge funding at the Federal level needs to be rethought. A clearer funding mission and expedited implementation would aid all users of this critical data.

Comparatively speaking, 2019's potential flood season for Wyoming is not as severe as previous years. We are still monitoring additional snow accumulation, temperature forecasts, and any anticipated rain on snow events throughout the summer.

In the past decade we have worked closely with the Army Corps in more than 25 technical and direct assistance projects

through the State in all 23 counties, including the Wind River Reservation. As with any relationship, there are always opportunities for improvement. We can identify three areas for improvement with our relationship with the Corps.

First, the Snake River System. Better communication and stakeholder engagement at the local level when evaluating water management strategies for Jackson Lake in the spring and early summer is very important. The potential for flooding on the Snake River can create fear in residents and property owners downstream. There is a lack of public confidence that the Corps considers the impact of downstream tributaries when calculating Jackson Lake releases into the Snake River.

Secondly, Glendo Reservoir. We support the implementation of Forecast Informed Reservoir Operations, or FIRO, in Wyoming, as demonstrated at the Lake Mendocino Reservoir in California. Our arid western climate water management is the key.

Lastly, Big Horn Reservoir. Implementation of a regional sedimentation management plan in the Big Horn Reservoir will be very beneficial to ensure the restoration of active water capacity as originally designed. While we have highlighted these three actions, the application of these solutions combined could receive exponential benefits for the State.

Lastly, funding the fight against aquatic invasive species. With our Office's dual mission of emergency management and

homeland security, we have the mission of critical infrastructure protection, specifically the water sector. Wyoming sits as the headwaters State of the Nation. Rivers flow downstream to the Missouri, Platte, Mississippi, Colorado, Snake, and Columbia watersheds.

Quagga and zebra mussels represent the most immediate and eminent AIS threat to Wyoming. We don't have those in our State yet, but Colorado, Utah, South Dakota, and Nebraska do. These mussels can choke off the water supply pipelines for industry and municipalities and have other major economic impacts for our State and others.

Wyoming's AIS prevention program started in 2010 with public outreach, watercraft inspections, and monitoring of waters. Every water user in Wyoming and every other State that benefits from Wyoming waters will be impacted if these species make their way to the Wyoming water system. Stable funding for these prevention programs is imperative.

Overall, Wyoming has a very strong relationship with the Corps. We look forward to continuing the development of new projects in order to better protect the residents of Wyoming and their property.

[The prepared statement of Ms. Budd follows:]

Senator Barrasso. Thank you so much for that very useful testimony. We are grateful that you are here today with us.

Thank you.

Now, Chip Kline, the Chairman of the Coastal Protection and Restoration Authority.

STATEMENT OF KYLE R. "CHIP" KLINE, JR., CHAIRMAN, COASTAL
PROTECTION AND RESTORATION AUTHORITY BOARD

Mr. Kline. Thank you, Mr. Chairman and Ranking Member Carper, for the opportunity to testify today. My name is Chip Kline, and I have the honor of serving as Executive Assistant to Louisiana Governor John Bel Edwards for Coastal Activities and Chairman of the Coastal Protection and Restoration Authority Board.

My message today is simple. It is one you have heard before, and as recently as just last week from Senator Whitehouse: It is time for the Federal Government to wake up.

Louisiana is a flood-prone State, and a State that has lost close to 2,000 square miles of land since the 1930s. But, at the same time, we are a State that is home to vitally important assets and resources that provide value to this entire Nation.

In 2018, Congress provided \$1.4 billion to the Corps for projects in Louisiana to address flooding and hurricane protection. Unfortunately, as is often the case, while the need for these projects was identified many years ago, they were only funded for construction after our communities suffered the financial and disrupting challenges of a flood. This approach is painful, costly, and unsustainable. Here are two examples:

A Comite River Diverse project completed its Chief's Report eight years after the flood of record in 1983. Construction

funds were not appropriated until the area suffered another catastrophic event in 2016. In the case of the West Shore Hurricane Protection Project, the study phase began in 1971, but construction funding was not provided until 2018, six years after Hurricane Isaac flooded the communities the project would have protected.

Louisiana has been proud to offer a different approach through our Comprehensive Coastal Master Plan, a science-based plan that combines hurricane protection and coastal restoration into one mission and forces us to proactively address the impacts of flood risks, climate change, and a lack of sediment in our coastal marshes.

The single most effective hurricane protection project identified in our Master Plan is the Morganza to the Gulf Hurricane Protection System. It was authorized in 1992 and would protect 150,000 people across two parishes. It is a region of our State that is home to Port Fourchon, which services over 90 percent of the oil and gas rigs in the Gulf of Mexico, Louisiana Highway 1, a critical transportation corridor that gives the entire Country access to infrastructure that provides close to 20 percent of the Nation's oil and gas. This project would protect resources that are critical to the economic health of this Country. Yet, it has not received a single dime of construction funding from the Federal Government.

These examples are not unique and my message is not new, but here it is again: the Federal Government needs to fundamentally change how it funds hurricane protection and coastal restoration projects in this Country. Yes, decisions to allocate funds need to be made in a principled manner, but the Federal Government's track record of constructing projects after a disaster strikes means there is a flaw in your process, a flaw that costs the taxpayers of this Country hundreds of billions of dollars more by waiting on natural disasters to happen.

We need the Federal Government to mimic Louisiana's proactive mindset in addressing hurricane protection and coastal restoration. In order for this to happen, the Corps needs to expand its vision for what its mission is and Congress needs to arm them with the resources to carry out that mission. Coastal restoration should be just as much of a priority as navigation and flood control.

The Mississippi River and its land building ability is literally our lifeline to addressing the crisis of coastal land loss. But the Corps only manages the river as a navigation tool, rather than a navigation and restoration tool. Together, the Corps and Louisiana's Coastal Program can accomplish great things together and be a model for the Nation, but more resources are needed. Given the severity of the crisis we face in South Louisiana, a different approach is also needed.

Mr. Chairman, on behalf of the over 2 million people who call South Louisiana home, I implore this Administration and this Congress to wake up to what is happening in South Louisiana. Thank you very much.

[The prepared statement of Mr. Kline follows:]

Senator Rounds. [Presiding.] Thank you, Mr. Kline, and thank you to all of you for your opening statements. They will all be made a part of the record.

At this time we will go to individual questions.

For those of you who are here, we have five votes in a row on the Floor of the Senate right now. We are just in the middle of them, so you will see a lot of members coming and going back and forth as we try to keep the Committee hearing going and also make those votes in a timely fashion.

With that, I will ask Senator Inhofe for any questions he may have.

Senator Inhofe. Thank you very much, Mr. Chairman. I might add that when this happens, and it does happen quite often, we normally get more stuff done with about half of them here, so I think we are going to be all right.

I do have a couple questions. I am sorry, Mr. James, that I wasn't here during your opening comments because I would have enjoyed that. We have had some similarities in our background and some of the frustrations are similarities, too.

Let me just mention to get one thing behind us here. I want to thank the Corps for their work in getting WRDA 2018 guidance done as quickly as you have. The City of Bartlesville, Oklahoma, and this is one that we have worked on for a long period of time, Bartlesville is a small city north of Tulsa. It

is one that had really serious problems in water storage, so what we did was get together and try to find out a way that we could knock down some of the price that came through as \$100 million over a 10-year period. Now, that is something where that community, there is just no way that they would be able to come up with that, so people and communities are forced into situations where they might have to do it themselves and figure out ways to do it to come into compliance and all that.

So, what happened was, in that case, that was right before the last WRDA bill, Water Resources Development Act, and I actually had to put an amendment on there to negotiate that down to something that was livable. Now, it ended up working. That is a happy ending story.

By the way, none of the stuff I am going to mention happened during your watch; it was always before. That is one of the problems you and I talked about even before your confirmation.

Unfortunately, there is another city, a larger city, Enid, Oklahoma. It seems like the Corps price structure is affecting that about the same way as it did Bartlesville, Oklahoma. During talks with the local district, the Corps provided the community with price estimates and the city planned accordingly. Now, when I say planned accordingly, they actually had to pass a bond issue, and we are talking about around a \$4.5 million

estimate as to what it was going to cost for this storage to take place.

Now, we passed the bond issue. In fact, the bond issue was in 2016. After that took place, we found out that I would use the word they were blindsided by the Corps coming in and saying what they failed to do was to get all of the compound interest rates from the time when this first went into effect, which would have been in 1976. That is when Kaw Lake was actually made.

Now, the Corps has the authority to make changes, and they didn't do it in the case of Bartlesville, so in Bartlesville I had to actually put an amendment on the WRDA bill. Now, it looks like, if this isn't changed, we will have to do the same thing here.

So, I would just like to kind of explore what your thoughts are as you are faced with these situations and you are getting a whisper from your left, so you might want to take that into consideration, too, how we handle situations like this. Now, if they had known that this thing that started out to be a \$4.5 million contract or liability, they had to end up adding to that \$8.5 million, making the total amount \$13 million instead of the \$4.5 that came from a bond issue, that is just, on its face, something that shouldn't happen. And it happened because they were not aware there is a lot of noise about when they were

preparing the \$4.5 million bond issue what the cost was going to be. So that is what happened and that is how we got into that situation.

So I have two things that I am concerned about. I would like to know, in that particular case, is there something that we can actually do right now? Because I think it is within the purview and authority of the Corps to do something about that. Then, secondly, to preclude that from happening again.

Does all of that make sense to you in terms of what happened?

Mr. James. Yes, sir. If I may let General Spellmon address that first, and then I will follow up quickly with my thoughts.

Senator Inhofe. Good.

General Spellmon. Yes, sir. We are taking action here. We owe the Secretary, by August, a revised rulemaking for the water supply rule. The situation that you are describing really can be traced back to the 1958 Water Supply Act, where the Secretary of the Army is authorized to provide storage to local communities for water supply purposes, provided that those entities agree to pay their fair share of the cost to store that water.

So, in some of these cases, you have entities that are requesting storage behind a dam that may have extensive

operation costs, maintenance costs, repair or rehabilitation costs, so the entity ends up bearing a percentage of that burden. The rule that we are taking to the Secretary in August, we are trying to bring more consistency and clarity to the public in the way we go about this at over 100 reservoirs across the Corps.

Senator Inhofe. Well, yes, consistently. What about fairness? Shouldn't that be in there too? What is your reaction? It always bothers me when I hear a response this is something we started in 1958, as if we have been doing it wrong all these years, so let's keep doing it wrong. That is my fear is of what your recommendation may be to the Secretary.

General Spellmon. Yes, sir. Over those 100 reservoirs that I just described, I would tell you there is very little consistency across the Corps in this practice, and that is the intent of the revised rule that we want to take to the Secretary.

Senator Inhofe. Mr. Secretary, is there anything specifically on the Kaw Lake problem that could be, well, I know it could be, but should be addressed now?

Mr. James. Yes, sir. To answer that directly, it should be addressed the same way that the Bartlesville was addressed, in my opinion. Hopefully, you wouldn't have to add legislation to do that.

I will just make this comment. I am looking forward to get this water supply rule, this new one, on my desk. I am trying to help the Corps stretch what appropriation we get as far as I can help them stretch that appropriation.

Senator Inhofe. Sure. Sure.

Mr. James. You know, when I came to this town, I was kind of known as the flood control guy, and I guess I was kind of the flood control guy where I have lived all my life. But I have discovered since then that there are other issues in parts of the Country that I was not aware of, water supply being one of those issues. I have tried to learn that issue, tried very hard to learn that issue, and I am looking forward to get that. In the long run, I will try to be helping the users as best I can without breaking law, and I will also try to be helping the Corps get it right.

Senator Inhofe. I have extended my time here. I would only say one thing, something the Chairman is fully familiar with. I sometimes comment to people I had a hard job one time: I was the mayor of a city. I would hate to be the mayor of the city of Enid after going through all the expense of passing a \$4.5 million bond issue only to find out it should have been \$13 million. That is kind of awkward, isn't it?

Senator Rounds. Yes, sir. Thank you.

I am going to follow up on the same question to begin with,

gentlemen, with my first question, and that is, to Secretary James and General Spellmon, the Army Corps of Engineers has been grappling with the proposal of a so-called surplus water rule for the better part of the last decade. I, myself, don't even agree with how the Corps uses the term surplus water; it is offensive to me and so many other citizens in the West who view it as an unlawful taking of what is constitutionally protected. It is a constitutionally protected right of the States to the natural flows of river systems.

The Flood Control Act of 1944 highlights the preeminent role of States and localities with respect to water rights. Surplus water appears undefined in Section 6 of the Flood Control Act. In the decades since passage of the Act, with the exception of the previous Administration, the Corps has declined to define surplus water.

Yet, in December of 2016, the Corps sought comment on a proposed surplus water rule. The original deadline of this action was February 2017. The comment period was extended and is now closed. According to OMB's Office of Information and Regulatory Affairs, the Army's final action on rulemaking is expected in August of 2019 and the rule is expected to go into effect in October of 2019.

First of all, it was never the intention of Congress to federalize all of the water in our Country's major rivers. My

question for you both is, where are we now with this proposed rulemaking action and how will you balance the responsibilities of the Corps as authorized by Congress with the rights and interests of the States.

General Spellmon. Sir, with the Secretary's permission, I will begin. Where we are today, we just ended an 11-month comment period on the proposed rule. We are working our way through about 180 comments that we received from a variety of States, Tribes, and stakeholders; and certainly the topic that you raised of natural flows was one of the recurring themes that we heard.

In the revised rule there is no intention by the Corps to impinge on States' rights to water or Tribal rights to water, and we want to make sure that is clear in the rule that we bring to Secretary James, but also is in our actions.

As you said, sir, our objective is to complete this rule in 2019. We have some more consultation with Tribes to conduct next month and we look forward to getting this on the Secretary's desk.

Senator Rounds. Very good.

Mr. Secretary, I understand you have been good in trying to work through some of the issues with us with regard to getting access to the water. As you know, this is one of those cases where the States do have, and it is unquestioned, in my opinion,

that they have access to the natural flow of the river systems. But in some cases the Corps has actually tried to stop access to that by prohibiting access across the Corps right-of-way along those areas where the Corps manages the river systems.

Is it your intent that that will not be an action that you will continue on with while this rulemaking process continues?

Mr. James. That action will not continue unless it were to impede or endanger a Corps project. In other words, they want come in too close to the dam or something like that, sir.

Senator Rounds. Very good. That would be a change in policy and I appreciate your work on that. I know we have talked about that several times.

Mr. Secretary, first of all, I want to say also to you thank you for meeting with me over the last few months to discuss the authorities Congress provided to the Army Corps of Engineers to use Operations and Maintenance funding to implement a snowpack monitoring system in the Upper Missouri River Basin.

You have a snowpack monitoring system right now in the mountain States; you simply don't have one in the Plains region. Your own internal recommendations suggested in 2014 that one be implemented.

I also want to thank you for putting the initial funding in place, and I know that your team is reviewing your programs to find unobligated funds to provide the remainder of the \$1.5

million fiscal year 2019 commitment for this important system.

Finally, I want to thank you for the \$3.5 million you have programmed in for the President's fiscal year 2020 budget. This system will give the good people of the Corps' Missouri River Water Management team better information to make better decisions in a more timely manner with respect to dam releases that impact all of the people in both the Upper and the Lower Basins, and I most certainly appreciate your assistance in that. I know at times it sounds more like I am chewing on you, but I do appreciate the work that you are doing to put that in place.

General Spellmon, I urge you to personally review the implementation plan that the Northwestern Division is currently working on in order to immediately in-place snowpack monitoring sites as soon as the final report is submitted this summer. Synchronizing the planning, management, and technical teams, now that the funding is in place, is critical to assuring that the Corps reaches an initial operating capability this year and the entire system is fully operational next year. The citizens of every State in the entire Missouri River Basin will be safer and more secure when this system is in place.

Would you give me your commitment to that, sir?

General Spellmon. Yes, sir.

Senator Rounds. Thank you.

Gentlemen, unofficial estimates for repair of the Corps'

infrastructure resulting from the March and April flooding has ranged from \$5 to \$8 billion. The Corps' outreach to member offices indicate that water levels are still not low enough to permit detailed inspections of the entire system.

I know the Corps uses econometric and other analysis to provide rough waters of magnitude of damages for floods. While we know that any disaster supplemental needs to address the devastation in the Midwest, and I am aware of the award of initial repair contracts, I am curious to know how the Corps can ever address design flaws or weaknesses if they begin rebuilding the system to the same standard immediately after a flood event. This does not show stewardship of the American people's resources or common sense, especially when we know the system should be improved or redesigned.

General Spellmon, in your professional military judgment, what do you need to get us out of this continual loop where the Corps rebuilds to the same standard after ever significant flood, even though you know that the improvements should be made to the system? Are the constraints that P.L. 84-99 places on rebuilding too restrictive to permit an innovative reconstruction effort? Do you need additional authorities? Are there commonsense improvements that you could make now that exceed the constraints of law or policy that Congress can help you with?

Kind of an open-ended question, but I really would like to have you work your way through that. Once again, I am asking for this not so much in terms of the administrative side of this thing, but in your professional military judgment.

General Spellmon. No, sir. Thank you for the question. First, regarding the constraints on PL 84-99, no, sir, we don't have a constraint. WRDA 2016 gave the Corps authority to do some upgrades on levee systems in situations like this. We have not used that authority. Let me explain why.

The levee systems that were overtopped between Omaha and Kansas City were largely federal. We could go in and upgrade those levees, but that water is going to go to Missouri, where the levees that overtopped were primarily non-federal.

Sir, the authority that we would ask for from Congress would be to do a comprehensive flood risk study on the Lower Basin. What that would allow us to do would take some concepts that have been a recommendation for over 26 years, put some technical rigor behind them, bring in the public, get public comment, and then we could bring those recommendations to General Semonite, Secretary James, the Administration, and eventually to Congress.

Senator Rounds. Thank you.

Secretary James, would you like to add anything to that?

Mr. James. Yes, sir, I would. In your opinion, General,

does that require an authority from the Committee?

General Spellmon. Sir, it would be a new start authority for a study, a feasibility study.

Mr. James. That is what I thought.

That is the only way to fix that area. It has to be designed as a system; and not only levees, but -- may I just speak for a moment?

Senator Rounds. Yes, sir.

Mr. James. In the MRT system in the Lower Mississippi Valley, it is not just big levees from Cairo, Illinois all the way to the Gulf, that is not what it is. There are three floodways in it; it has backwater areas; it has levees on one side of the river that are subservient to the elevation of the levees on the other side of the river. And that is due to the fact that the hill line is very close on that less elevation levee, so it is designed to go over it first, instead of going over the other side of the river and maybe flooding 100 miles.

So it is a system, it is not just levees. I would recommend, after we have seen what happened in the Missouri Valley, that the Corps be given the authority to at least look at what we could do to help protect that area.

Now, sir, I might as well bring this up now, then you can chew on me the next time you see me again. As you know, those reservoirs upstream, up in the upper part of the Missouri

Valley, have eight different uses connected to them, and it is very hard to manage those reservoirs. I think my opinion is that we need -- and I know how important water supply is in those reservoirs, and I want to help. But I also know how important flood control is in those reservoirs.

For example, we have water supply allocated in reservoirs up there and there is nowhere close to that much water being used for water supply. So, if just temporarily, that water should be able to be drawn down into the used area for flood prevention. Instead, we stop it up here where it is not even being used. You and I can talk about that, or the Committee, later on, but all that needs to be looked at if we are going to try to protect the Lower Missouri Basin in the future.

Speaking of the MRT Project, it has been flooding as well. It is the top three or four floods of its history, as the Missouri has been going on. It is not even in the paper. And it was designed in 1928. So I know we can design a system, it is just a matter of authority and, of course, the appropriation.

Senator Rounds. And I look forward to working with you on that process in the future.

Mr. James. Thank you.

Senator Rounds. My time has expired and our members are starting to come back in.

Senator Carper, are you ready with your questions?

Senator Carper. You know I am.

Senator Rounds. There we go.

Senator Carper. How did he do, pretty good? He is going to make a hell of a chairman, isn't he? He and Ben. Ben has already been chairman.

The real Chairman has rejoined. Mr. Chairman, Senator Rounds has been kind enough to recognize me to take the next questions, and I am ready to.

Again, thanks for bearing with us this morning as we go through all these votes. It is very strange to have five consecutive votes like this on a Wednesday morning when everybody is having hearings, but it is what it is. Thanks for your patience.

My first question would be, Mr. Secretary, for you and for General Spellmon, if I could. It deals with AWIA implementation. What I am going to ask you to do is give us an update on three sections of AWIA that were required in 2018 legislation. I hope we telegraphed this pitch so you are prepared to address this. The three sections we are interested in hearing about today are Section 1102, Section 1103, and Section 1207.

Section 1102 deals, as you may recall, with a study of the future of the United States Army Corps of Engineers, Section 1103 deals with a study on economic and budgetary analyses, and

Section 1207 calls for a study on innovative ports for offshore wind development. If we could just take them in that order. Again, I just want to get an update on what is going on with respect to the studies required by Section 1102, 1103, and Section 1207.

Mr. Secretary, please.

Mr. James. Yes, sir. As far as the studies on the Corps of Engineers, there were studies proposed by the Administration that there be studies done to look at moving the Corps of Engineers outside of the U.S. Army. That study has not been funded and we can't do that study.

Now, the Secretary of the Army did order me to do a study from the Army Science Board for both the processes of the Corps, which bothered us, and General Spellmon indicated how much progress we have made on that, and the other thing was the permitting, how do we do our permitting and how effective or ineffective is that, and we are required to do just a multitude of permits a year. So that study is going on now and we will forward the results of that study to you immediately.

Senator Carper. Now, last evening I was told by John Keane, who is sitting right behind me, that we received a report from the Bureau of Reclamation on Snake River that was mandated in WRDA without a specific appropriation. I would just suggest that maybe the Corps should be able to do the same with respect

to Section 1102, 1103, and 1207.

General Spellmon, any thoughts?

General Spellmon. Sir, I think the actual provision is for the Secretary of the Army to reach out to the National Academy of Sciences to conduct this study. It is not an internal look by the Corps of the Corps.

I would just add that the studies are important, but we are not waiting for the studies. We have heard the frustration from the field and member stakeholders and, as the Secretary said, we are taking a number of actions in our construction program and our regulatory program to get after those frustrations and get better at project delivery.

Senator Carper. I understand it is not just about reorganization, but also about budgetary techniques, and I would just ask you to think about that and share any thoughts you have with me.

Let me just back up a little bit. I understand a number of reports that I have mentioned have been started. As I understand it, the implementation guidelines for the 2018 AWIA law indicates that commencement of the reports is subject to appropriations. I also understand that Congress has provided the Corps with \$193 million in funding for fiscal year 2019 in the Expenses account that can and some have believed should be used to complete these reports.

Am I correct in my understanding that funds in the Expense accounts can be used to complete the reports? If not, who determines whether a congressionally mandated report needs a specific appropriation to complete it versus a report being funded generally under the expense account? Is it the Corps who makes the decision or OMB that actually has that call?

General Spellmon. Sir, I will start. You are correct, we can use expense dollars, and we have used expense dollars already to complete several of the 47 reports that are required by the Corps in this particular legislation. Our immediate focus has been getting out the implementation guidance to the field. With the Secretary's approval, we will now transition and do our mission analysis on those 47 reports and start teeing up the dollars what we can do internally, and then we will come back to the Chief and the Secretary where we may need some additional help.

Senator Carper. All right. We will come back and explore this with you further. Thank you both.

Senator Barrasso. [Presiding.] Thank you, Senator Carper.

Senator Ernst.

Senator Ernst. Thank you very much.

General Spellmon, I want to thank you very much for coming to Iowa, doing that field hearing; that was very, very helpful not only to the local stakeholders, but those of us that were

able to take that information and present that back to the Committee. So, again, General, thank you so much for that.

General Spellmon, I know that Senator Rounds had already touched largely on this, but I would like to go back and revisit it. Just because our flood season isn't over yet, and as long as those levees are down, the farms, the businesses, the homes, everything, those communities will remain at risk.

I know that you are currently working on the levees, several of those major breaches in southwest Iowa, but, going forward, what administrative tools, authorities, or additional funds does the Corps need to expedite and fully carry out the levee repair and rebuilding process under the 84-99 program? Just go a little bit further with that and be specific maybe to southwest Iowa as you could, sir, please. Additionally, if we do need to provide additional authorities and flexibility, please let us know what that is.

General Spellmon. Yes, ma'am. Since the field hearing, just a couple of updates. At the field hearing, I mentioned to you there were four critical levee repairs that we needed to put in place essentially to stop the bleeding, to help get some of that water off of the basin. We have contracted already three of those that are underway.

The fourth is being contracted today. And they have a period of performance anywhere from 60 to 90 days. What that

will allow us to do is get the water off of the floodplain, and then we get into the detailed assessments on the other 110 breaches that we know we have to get out and repair.

Ma'am, I don't have any restrictions to report to you from PL 84-99. The only additional authority I mentioned to Senator Rounds that would be helpful for the Corps is a study authority, and that is to do a comprehensive study on the lower basin so that we can add some technical rigor to concepts that people have been discussing for about 20 years, and I am talking about flood easements, potentially some limited levee realignments, some storage basins, if you will. And then we can get public comment on those ideas and bring those back to the Chief and Assistant Secretary James, and then eventually to Congress.

Senator Ernst. Okay. I appreciate that very much. And if we were to do a study like that, what would an anticipated time frame of a study be, General?

General Spellmon. Ma'am, obviously, we would want to expedite this. We have to get some repairs on the levee breaches that I mentioned earlier because, obviously, farmers have crops they have to get in the field. But before we rebuild that entire system the way it is today, we would want to expedite this study. We are not starting from ground zero. A lot of work has already been done on this particular topic on this basin that we could leverage to expedite.

Senator Ernst. Okay. I appreciate that very much.

As well, Secretary James, thank you again for all of the great work that you have been able to do in the last couple of years. Very impressive work has been done, especially in Iowa. Thank you for that. I have been told by various Corps officials that the mainstem system has been operated with flood control as the number one priority for the past 12 to 13 months, but during this particular event, a significant amount of water entered the Missouri and its tributaries below those reservoirs on the system, meaning that the role of the reservoirs was minimized in this latest event.

Do you believe that making flood control the unquestioned number one purpose of the system would decrease the likelihood and the severity of damage from most of our flood events?

Mr. James. Senator, when I came here last year, I was known as the flood control guy, and I still believe in flood control. There has got to be everything, the environmental restoration, flood control, navigation, water supply, recreation, and so forth, particularly in reservoirs. But if you don't assess and take care of the flood control first, the rest of it doesn't matter, because sooner or later you are going to get wiped out just like this year.

Senator Ernst. Right.

Mr. James. I mentioned to Senator Rounds a few moments

ago, before you came in, that this study that the General is talking about for the lower Missouri system, that also has to look into the upper system and take that into account. We have to decide how much water we can withdraw from those reservoirs without hurting their water supply in order to be ready to catch some flood water.

Now, I know this one came from down south, I get that, but I will grant you they all don't do that.

Senator Ernst. Exactly. And large in part what we have seen in the past is more of the water coming from below or, excuse me, above those reservoir systems.

Mr. James. Exactly.

Senator Ernst. So I do appreciate it.

Gentlemen, I appreciate the fact that you know how significant this is to the Midwest, and what we have seen in my home State of Iowa we see it now on the eastern side as well. But thank you for putting the attention into it, and I look forward to working with you on this issue.

Senator Barrasso. Thank you, Senator Ernst.

I would just, to the members of the panel, again apologize on behalf of the Committee. We just started the third of five votes. They just rang the buzzer for that, so it is possible that some of us may ask questions that have previously been asked by other senators, as we are coming and going, so we

apologize for any redundancy and we appreciate your patience with all of us.

Senator Cardin.

Senator Cardin. Thank you, Mr. Chairman.

I do thank our witnesses, particularly our governmental witnesses, for what you are doing in regard to very important water projects. As the Senator from Maryland, you are not going to be surprised to learn that my principal concerns are going to be with the Chesapeake Bay and the work that the Army Corps is doing with the Chesapeake Bay, and I thank you very much for that.

There are several Senators that are part of the six States that represent the Chesapeake Bay watershed. I am working with Senator Capito on the reauthorization of the Chesapeake Bay program. It is bipartisan. We have the support in the House of our colleagues to increase the authorization on that program to \$90 million. I also point out that the Army Corps is a key partner in that arrangement.

Secretary James, I very much appreciate your personal visit to Poplar Island and see firsthand, yes, the importance of having sites where we can take dredge material, because the economic impact that has on keeping our channels at the depths that they need to be, but also how unique, no longer unique, but for its time doing an environmental restoration, so it had the

popular support of the community, but also the positive impact it had on our environment.

As you know, Poplar Island was once a habitable island on the Chesapeake Bay. It eroded to virtually nothing and now is a vibrant environmental restoration project, and we see the completion of that in sight with Mid Bay being the next. And I appreciate the Army Corps' support for that and the continued funding that we have been able to get, so that, to me, has been a good news story and I thank you very much for all your help in that regard.

The Chesapeake Bay Comprehensive Plan was just recently submitted by the Baltimore District. We are pleased about that. It carries out the Chesapeake Bay Watershed Agreement of 2014, with all stakeholders participating. I think that the major strength of the Chesapeake Bay program is that the stakeholders have all bought in, States have all bought in, and we need the Army Corps to carry out many of the projects.

I want to ask you specifically about oyster restoration, because oyster restoration is one of the key elements in restoring the Chesapeake Bay. Over the last century we have seen a loss of oysters in the Bay to about less than 1 percent of its historic level. That is an incredible loss of the most important filtering agent for clean water in the Chesapeake Bay.

The Army Corps has participated in 740 acres of oyster bars

in the State of Maryland. General, we thank you for that help; that has been encouraging and been very helpful. And Congress has encouraged more funding for oyster restorations. They are in more general funding categories in which we need to do a better job in funding. I will be the first to acknowledge that.

The Water Resources Development Act was very, I think, forward in saying we need to deal with water infrastructure in America, with resiliency, with adaptation, deal with our coastal waterways, etcetera.

My question to you is what can we do to accelerate the oyster restoration efforts in the Bay and other areas, and how are those decisions affected by the funds that are made available to you in the various programs that you have.

General Spellmon. Sir, I will start. First of all, we do acknowledge in the Corps that these are important projects not only to the economy, but to the ecosystem, as you have outlined.

In the Corps, we have been working to ensure that we maintain a capability to leverage about \$5 to \$8 million each year, pending appropriations, to get after this program. There are many other worthy projects just like this across the Nation, so we have been able to keep going on this particular program in the Chesapeake, frankly, largely through approved reprogramming off of a variety of budget lines, so we will continue to exercise all the flexibility we can to get after this important

set of projects.

Senator Cardin. I thank you for that. We would like to be more specific, and under our rules we have restrictions on what we can do because of restrictions on so-called earmarks, so we have to work with you to find creative ways, since you have the resources, because I think we all agree that we have to be more aggressive. It is working; it just takes time and it takes a lot of effort, and the leadership in the Army Corps is vitally important.

I really do thank you for that commitment, and let's find ways that we can advance these programs and help you during the appropriation process.

Thank you, Mr. Chairman.

Senator Barrasso. Thank you, Senator Cardin.

General Spellmon, the people of Teton County in my State remember vividly the flooding from the Gros Ventre River and Flat Creek in 2017. They are concerned about inadequate preventive drawdown of water from the Jackson and the Palisades Reservoirs to capture the snowpack runoff, as you can imagine.

As you know, both your agency and the Bureau of Reclamation have a responsibility to protect these communities from flood risk. America's Water Infrastructure Act requires the Corps and the Bureau of Reclamation to develop a Flood Prevention Action Plan, key word action. The Flood Prevention Action Plan should

include actions that the Corps and the Bureau will take to mitigate flood risk in the Snake River Basin.

The law required the plan to be provided to this Committee by April 21st, last month. The Corps didn't meet the deadline. The Committee received a report yesterday, the day before this hearing. The report is 20 pages long. It restates what the Bureau and the Corps already do to mitigate flood risk in the Snake River Basin.

The only new actions, if you will, that the Corps and the Bureau will take to protect my constituents, and you are sitting next to our Director of Homeland Security for Wyoming, involves, number one, inviting one Corps staffer to an informal meeting in May, adding a Bureau of Reclamation staffer to an email list, and having the Bureau work better with the media to highlight public informational meetings.

I would just say, Senator Spellmon, do you think this is really sufficient to reduce the flooding risk for the people of Teton County?

General Spellmon. Sir, we did have the opportunity to review and work with the Bureau of Reclamation on this particular report. In fact, I had a good conversation with the Regional Director for the Bureau just this weekend. There were five broader focus areas that we took away from this particular report that we want to work on and, frankly, sir, I had a

conversation with our Walla Walla District Commander just this past week on this effort and he even shared with me that the district could do better in the State of Wyoming on communicating with stakeholders about the level of flood risk.

So, sir, we are going to take this on, the broad focus areas, and get after it with all of your constituents and stakeholders.

Senator Barrasso. Well, thank you. It is good to hear that we are going to get there.

Director Budd, your agency is tasked with mitigating and responding to flood risk in Wyoming, is that correct?

Ms. Budd. Yes, sir, that is correct.

Senator Barrasso. And has the Corps or the Bureau consulted with your agency in developing a Flood Prevention Action Plan?

Ms. Budd. No, they have not.

Senator Barrasso. And have you heard from other relevant officials in the State about whether they have been consulted?

Ms. Budd. In preparation for this testimony today, we contacted several State agencies, as well as our partners on the ground in Teton County, and there was one contact made with the local emergency manager in Teton County by the Bureau of Rec, and that is all we could find.

Senator Barrasso. So you would agree with the General that

they can really step this up; more needs to be done to focus on the concerns of the people.

Ms. Budd. Yes, Mr. Chairman.

Senator Barrasso. The reason I raise all this is, as you know, in Wyoming we are entering flooding season. Last month Wyoming Public Media ran an article with a warning: "Cold Winter and Warm Spring Equals Ice Jams and Flooding."

I am going to have this submitted into the record.

[The referenced information follows:]

Senator Barrasso. Wyoming has always faced flood risks, especially in northern Wyoming, northwestern Wyoming, in Worland and Greybull, communities along the Snake River in Teton County.

Director Budd, in your opinion, what are some ways that the Corps could better help the State of Wyoming mitigate this flood risk?

Ms. Budd. Mr. Chairman, we would like to see continued work at the local level with our rural communities on projects such as you mentioned, Worland, the removal of Goose Island to mitigate the risk of ice jam flooding, as well as the Silver Jackets project that is ongoing in Hudson, Wyoming, in Fremont County, where we had a lot of flooding in the past year. So more projects on the ground.

Senator Barrasso. To Secretary James, will you pledge to work with my State to do all that you can to get input and to help mitigate this flood risk?

Mr. James. Absolutely. I can't imagine two agencies like Bureau of Rec and the Corps of Engineers not working together on flood risk. I discovered, after I got here to this job, that Bureau of Rec has many reservoirs out west that I wasn't aware of, and I think it gets a little complicated sometimes. Sometimes the Bureau of Rec is responsible for the flood risk management and sometimes the Corps is, but we need to do all we can do to help protect the people.

Senator Barrasso. Thank you.

Senator Duckworth, I think you are next.

Senator Duckworth. Thank you, Mr. Chairman. I want to thank you and the Ranking Member for holding today's hearing.

Secretary James, I want to commend your leadership in helping to advance several important projects in Illinois towards completion, including the McCook Reservoir agreement and the Brandon Road Lock and Dam, among others. I also want to thank you and the rest of the Corps of Engineers for your efforts to protect communities across Illinois during what has turned out to be a season of tremendous rainfall with significant flooding throughout Illinois and the Midwest. We have had a lot of discussion of flooding, but I really want to focus on urban flooding challenges here with my questions.

As you know, flooding, both rural and urban, is a key justification for the McCook Reservoir project is that it will help to protect 500,000 homes across the Chicago land region from flooding, and much more must be done. Unfortunately, outdated Corps policies greatly undermine your ability to help urban areas address flooding issues, and I fear that we need to fix this issue. It is why I authored Section 1211 of the most recent WRDA bill to require the Corps review Federal policies that restrain its ability to address urban flooding, like the 800 cubic feet per second rule, and report back to Congress

within one year on potential fixes.

As the law was enacted in late October of 2018, this critical review should be half done, but I am told that you have not even started the review, which is very frustrating. I would appreciate your personal commitment, Mr. Secretary, to completing this review before September 30th of 2019, which would be the one-year mark; ideally well before that date.

Mr. James. Yes, ma'am, you have got my commitment.

Senator Duckworth. Thank you.

In addition, if the Corps is running into bureaucratic hurdles with the Office of Management and Budget in this process, I would first note that this review is not optional, it is required by law; and, second, I am confident this Committee would be very interested if OMB is interfering with implementation of the bipartisan WRDA bill, which Congress passed and the President has signed into law.

Major General Spellmon, will you commit to getting this study done this year also?

General Spellmon. Ma'am, we will commit to getting the study done. And I would just say the 800 cfs rule is a matter of Corps policy; it doesn't require legislation to change. We will take action to get the report done, but I would just offer an interim. We have made exceptions to this particular policy before, so if there is a particular urban area or project set

that you would like us to give up, we can get started and not have to wait for a report or change to policy.

Senator Duckworth. Okay. I will take you up on that. Thank you.

I know Senator Carper already touched on the Corps' expense account, but can you talk a little bit about trying to get this done this year, this study?

General Spellmon. Yes, ma'am. This bill required 47 reports from the Corps and other Federal agencies. Our initial focus, as the legislation was passed, was to work through about 39 sets of implementation guidance out to the field so they could get started. Our focus now will transition to the 47 reports, what can we do with the expense account dollars that we do have, and then we will come back to General Semonite and Secretary James, possibly to Congress, if we need additional funds to complete the remaining reports.

Senator Duckworth. Okay, thank you. It is a testament to the Corps' expertise and dedication that most of our Nation's locks and dams continue functioning well beyond their original life cycle. Congress and Administrations past and present have not provided the Corps with the resources that you need to address the 8 billion inland waterway construction backlog. And I have toured some of those locks and dams where you have actually had to preventively knock over walls so that they would

collapse in the correct way and not impede the locks. As we know, every time an unscheduled lock closure occurs, it raises the cost for shippers, ship freight traffic onto our roadways and rail, and undermines our global competitiveness.

Secretary James, Highway Trust Fund construction projects generally enjoy an 80:20 cost share between Federal and non-Federal sponsors, and construction projects using Airport Trust Fund dollars generally receive a 75:25 cost share, as do harbor construction projects. Yet, lock and dam constructions using Inland Waterways Trust Fund dollars must divide costs between Federal and non-Federal sponsors of 50:50.

If this Committee was able to secure an increase in Federal cost share for lock and dam projects in the next Water Reauthorization, can you describe how this change would benefit inland water projects throughout the Country? If we could find you the money, how would that affect how they would move forward, and would it affect the cost share?

Mr. James. Senator, we always can use money.

[Laughter.]

Mr. James. I will tell you that. The cost share is out of my hands. From what I understand the Administration set that 50:50 cost share on the Inland Waterway Trust Fund several years ago. I don't think I can influence that myself.

Senator Duckworth. Well, I think you have given me

something to work on. Thank you.

I yield back.

Senator Cramer. [Presiding.] Thank you, Senator Duckworth.

Senator Sullivan.

Senator Sullivan. Thank you, Mr. Chairman. I want to thank our witnesses here today. In particular, I want to thank Secretary James, General Spellmon. Your work, both of you, is very much appreciated, I think throughout the Country, certainly my State, great State of Alaska. I know we have had a lot of discussions on some of the issues.

Mr. Secretary, I really want to thank you for your responsiveness. You probably know more about Alaska than you ever thought you would, and I appreciate that. I am not sure you do, but it is what it is.

So, let's talk about some of the Arctic issues that are happening. I think that both in this Committee and your jurisdiction as both, obviously, the Army Corps, but it relates to national security as well, and I just wanted to touch on a couple of projects.

Secretary of State Pompeo was in Finland yesterday at the Arctic Council and really kind of emphasizing the importance of what is going on in the Arctic. I think it is recognized we are pretty far behind from an infrastructure and national security

perspective, but we are actually starting to wake up to this. It is quite bipartisan on the Armed Services Committee to do this kind of work.

There are three potential Arctic projects included in the 2020 WRDA, that is the Barrow Coastal Erosion Project, that is literally at the top of the world for us, the furthest northern community in North America; the Cape Blossom Port in Kotzebue; and the Gnome Arctic Deepwater Port.

Can I just get an update from you, Mr. Secretary, or General? We want you to try to meet the timing on these. We know that you are very familiar with them and appreciate your focus. A lot of times, again, these don't get focus, but there is no infrastructure in the Arctic; the Russians are building massive amounts of ports and airfields and we have essentially nothing, and we have to get out act together, so we need your help.

General Spellmon. Yes, sir. Thank you. I have the opportunity to travel to visit with our Alaska District next week and look forward to getting out and seeing a number of these projects.

Senator Sullivan. Are you going to go out to western Alaska, where all these are?

General Spellmon. Yes, sir.

Senator Sullivan. Great.

General Spellmon. The Corps has been building harbors and channels for over 100 years in Alaska; we are committed to it. I think 57 of them are still in operation, but the Port of Gnome, as you know better than anyone, sir, is a great example of why we need to modernize. So that draft feasibility report will go out by the end of this week, and I will just refer to my notes. We are on schedule to have a final chief's report by June of next year.

Senator Sullivan. Great. On that issue, you know, we have talked, Mr. Secretary, there is this issue of what kind of draft we would want for that, particularly as the Navy, the Secretary of the Navy has talked about doing more freedom of navigation operations up there. I know you are waiting essentially for word from DOD, OSD, and the Secretary of the Navy on the demand signal for something that could at least, in my view, hold a destroyer, so we are going to work on that.

Do you have any thoughts on that right now? We actually think if we are looking at a strategic deep draft port and it can't handle a basic size Navy ship, it is a very significant missed opportunity. The Secretary has stated they are going to do a freedom of navigation operation with Navy destroyers up and over the Pole this summer. First time we have done that since the 1980s, but importantly.

Do you have any thoughts on that in terms of what is needed

and what we need to do or the Secretary of the Navy needs to do to make it so your draft report can handle the size ships we need? Heck, I would like to be able to handle an aircraft carrier there, but what do you think, Mr. Secretary?

Mr. James. Well, sir, if you can get the authority, I will support anything you get.

Senator Sullivan. But right now you are not hearing directly -- you need that authority -- my understanding is not the authority, but the demand signal, as the Pentagon likes to use that term, from the Navy, is that correct, on what they need?

Mr. James. The demand signal, I think that is correct, probably. Is that where we are on that, is that the Navy would need to concur that that needs to be there? I am sorry, sir, I am just not sure where we are.

Senator Sullivan. Okay. Well, look, we have had a good working relationship, Mr. Secretary. We will work together with you on that and the Secretary of the Navy. What I don't want to do is have a report, and you know we have been working on this Gnome project for quite some time and there has been some back and forth. It has been, to be frank, a little bit frustrating for all of us.

But what we don't want to do is having something and then, like, a year from now go, geez, we actually really should have

made that at least acceptable for a Navy destroyer, when, remember, in the Arctic, in the western part of Alaska, America is an Arctic nation because of Alaska, but we don't have anything capable of doing that right now, and the Russians and, heck, the Chinese, I mean, go read the reports, they are all over the Arctic because of the resources, because of the opening sea lanes.

We clearly need infrastructure, and what I don't want to have happen is us, a year and a half from now, going, darn, you know that report, we should have been able to make sure we had at least a destroyer capability to resupply and refuel, if not something like a carrier.

Mr. James. Sir, I will work with you any way I can on that. You let me know and I will come visit.

Senator Sullivan. Thank you. Thank you, Mr. Secretary, General, and the rest of the witnesses. I appreciate the cooperation.

Thank you, Mr. Chairman.

Senator Cramer. Thank you, Senator Sullivan.

Senator Whitehouse.

Senator Whitehouse. Thank you, Chairman.

Welcome, all. Particularly welcome to Chip Kline, and thank you for your hospitality during my climate visit to Louisiana. You and Governor Edwards were extremely helpful and

I appreciate it.

Secretary James, I am looking forward to the June 14th meeting in Rhode Island for the coordination between our projects and the Army Corps, but I wanted to go over some of the projects that seem to be stalled in various places that we have talked about. You were kind enough to visit, so you have seen some of this.

The project for the abandoned pilings in the waterway between Providence and East Providence that I showed you that morning was authorized first in 2016 after a lot of conversation with the Army Corps about how they were not obstructions to navigation because boats could navigate around them. Just think about that for a second. It is my view as a boatman that that is actually the definition of what an obstruction to navigation is; you have to navigate around it.

So when we failed at that, we actually got it into the authorization thanks to bipartisan support from my colleagues, and I really would like to move forward on that project. There is a small sum in your current budget for a derelict bridge that is in the target area, and I hope we can work together to expand the funding so that, as long as you are in the target area, we can do the whole job rather than just do part of the job.

We have the contractors available; we have the design and testing of the specialized equipment to remove the pilings

accomplished. Everything is green-lighted and go if we can only get this to move forward, so I would ask you to lean in a little bit on your team and see if they can be a little bit more cooperative with respect to finishing off that project.

Mr. James. I would be happy to, sir. I did visit with you there and it is definitely a danger to navigation and recreation, from my viewpoint.

Senator Whitehouse. We spent a lot of money in Rhode Island cleaning up that waterway so that it is actually fishable and swimmable now, so there is a whole different set of recreational uses than originally when, in ancient times, it was a part of commercial traffic up to Pawtucket. There is no commercial traffic up to Pawtucket now; it is recreational, and we need to clean this up.

Mr. James. When I was there, there was a guy working on how to get those pilings out without disturbing the soil.

Senator Whitehouse. Yes.

Mr. James. Was that perfected? Is that what you are talking about?

Senator Whitehouse. Yes. Kent Dresser is his name, Captain Dresser.

Mr. James. Good.

Senator Whitehouse. And we have actually even modeled it with some private funding to make sure that it works. But now

that we have everything ready to go, and as long as you are there to take down the derelict bridge end, it would be great to just finish the job up there and do it all at once.

Mr. James. All right, sir. We will look at it.

Senator Whitehouse. In 2016 I got a new authorization for a study on innovative materials through the National Academy of Sciences. The Army Corps said, no, we are not going to do that, so I got it again in 2018 to require it out of existing Army Corps resources. I don't know if there has been any progress made on that study, but I would like to move that forward. I don't know how many times I have to get these things into legislation that passes in strong bipartisan fashion before the Corps responds, but could you get me a response? Are you familiar with that?

Mr. James. Absolutely, sir. I know exactly what you are talking about.

Senator Whitehouse. If you can give that a little boot also, I would appreciate it.

Mr. James. A what?

Senator Whitehouse. A little boot in the rear end.

Mr. James. Oh, okay. Okay, I got it.

Senator Whitehouse. A little encouragement; put it that way.

Mr. James. Okay. All right. Yes, sir. We will talk

about that.

Senator Whitehouse. Particularly if sea level rise comes on to have new materials that are less immune to rust and corrosion to find the role for composites. But it is really hard to design that in if the book hasn't been developed that says what the standards are for the new materials. So that is basically the problems that we are trying to solve.

A third issue is the antiquated Corps permit for the Providence and Worcester property that is just up the river from all those pilings that we saw. There is an ongoing negotiation between the local city, East Providence, our major environmental group, Save the Bay, the owners of the property; and we would like to make sure that the Army Corps joins in a productive way in those negotiations. What we are trying to do is come up with a solution for the property that suits the modern uses and needs. The permit was decades ago, when a commercial use was planned. There is going to be no commercial use.

There is a whole plan along that shorefront for residential and recreational development, and we need you guys to be a part of that conversation, because otherwise we are stuck in a situation which we are negotiating with each other and then throwing things up to you, and then it is like, nope, go back and do it again. We need you actually in the room being productive.

You don't need to give away any particular position. I am not trying to tell you what your negotiating position should be, but if you are not in the room, it is a big time waste for everybody else, because ultimately you have to rewrite that permit.

General Spellmon. Sir, I am not familiar with this, and we will dive in and get you a response.

Senator Whitehouse. Okay. I appreciate it. I have raised it I can't tell you how many times, so it would be great to have it get a little bit of attention.

The last thing is -- I guess my time is out -- you have a flood and coastal storm damage reduction business line. You are familiar with that. It says coastal storm damage right in it, but over the past 10 years the Corps has spent between 19 times and 120 times more on inland versus coastal. So I keep asking for you to report on what is the deal and why can't we get more resources into coastal, particularly when we have people like Mr. Kline here saying we have huge problems coming and we need a lot of resources not just to respond when the disaster happens, but to know how to prepare to save property, to save lives, to protect assets and all of that.

So it is not as if there isn't a massive need. I know you are down to 13 to 1 in the coming budget, which is, I guess, a step in right direction from 120 to 1, but on behalf of coastal

States everywhere, I know you guys love the Mississippi River, but you are the U.S. Army Corps of Engineers, and it would be really great to step up for this account to meet the coastal storm damage responsibilities, particularly the planning ones.

Comment, response?

General Spellmon. Sir, I will start. First of all, there are many worthy projects on the coast, and I would just say we want to thank Congress. In the Bipartisan Budget Act of 2018, Congress provided the Corps about \$4.3 billion for just coastal projects alone, so that is about 20 that we are setting now, writing contracts on, and will go into construction next year, but we realize we have more work to do.

Senator Whitehouse. Good. And the report was due March 19th. It is not here.

General Spellmon. Sir, I will follow up with you.

Senator Whitehouse. Thank you.

Senator Cramer. Thank you, Senator Whitehouse.

At this point I will recognize myself and start out, General Spellmon, by just associating myself with the comments of Senator Rounds regarding the surplus water rule, the definition of surplus water. For the life of me, how we can even have something like this is beyond me, but, nevertheless, we look forward to the new rule in the definition. Just know that I support what Mike was saying.

I also say, Secretary James, one of the things I noticed about moving from the House to the Senate is it is much easier to get a secretary to come to your office, but I have to say on your behalf that you came to my office when I was a House member too, so I appreciate your responsiveness and your attention. That means a lot.

With that in mind, I very much appreciate the recent visit. We have a number of issues and I just want to address one of them with you here in this forum because I think a little bit of progress has been made since you and I visited, and that is with regard to Select Energy's application for increase flows and volumes for out at Lake Sakakawea, the Missouri River system, for use in fracking.

As I stated then, these are applications that have been pending for two years, since May of 2017. They got lost in the shuffle, somehow got caught up in an order to consider them at a different level, including Washington, D.C.

Just to put some context around it for everybody, Lake Sakakawea, of course, is a large reservoir on the Missouri system. It usually has too much water and, of course, right now not only does it have a lot of water, there is a lot still coming, and probably the worst yet to come.

These requests are well under the State of North Dakota's allocations; they are well under even the U.S. Army Corps of

Engineers' additional 100,000 acre feet decision that came out of an environmental assessment in 2012. They are existing permits that are just asking for greater volumes. It should not be a complicated matter. It has been two years.

Since you and I talked, our staffs have been talking and evidently there is an agreement that it should be settled within 30 days. My only question to you in this hearing is would you commit to that, to getting that resolved in the next 30 days.

Mr. James. Sir, I reserve not committing to it getting it solved, but I will commit to making every effort in my office I can to get it resolved. If it has been going on two years, there must be some kind of reason, and I don't want to tell you something that I can't come through on.

Senator Cramer. Well, I appreciate that, but the reason clearly isn't a lack of water in the Missouri River system. These are people who have committed that if it ever gets to a drought stage, that they would no longer take the water. In other words, the private sector has agreed to terms that should never be a problem, and this little bit of water, it is hard to describe how quickly water goes into the system versus goes out.

You couldn't come up with a number large enough for it to make a difference to the people being flooded downstream from us, so I know deadlines are very difficult for the Corps. We all know deadlines are very difficult for the Corps. They are

difficult for most of Federal Government, but the Corps has really written the book on not meeting deadlines and commitments; and what is at stake here is human safety. That water will move throughout North Dakota, and still does, in trucks on highways and bridges. That water will move; just not in as efficient or safe a manner as it can if we use the existing pipeline infrastructure.

The other thing that is at stake is America's national security. And I find it ironic that the Army itself has stonewalled American Energy Security, because I would much rather, much rather use the peaceful tools of energy development than the weapons of war in an energy fight. So, I appreciate your commitment to do everything you can. I will call you in 30 days, and let's hope that we are successful.

Mr. James. I hope I will have it to you in 10, but I can't promise it.

Senator Cramer. All right. Thank you.

I just want to make sure, before we go to a second round -- all right, Senator Markey.

Senator Markey. Thank you, Mr. Chairman. Much appreciated.

Thank you all so much for what you do. Mr. Secretary, I am not telling you anything you don't know, Mr. Secretary. Cape Cod is the arm of Massachusetts. The two bridges spanning the

Cape Cod Canal are the vital arteries delivering the island's life blood. All 200,000 residents rely on these bridges for access to the mainland, but during the summer, as you know, the population explodes three, four, five, six times on a daily basis; and, unfortunately, regrettably, these two 80-year-old bridges, which are crucial evacuation routes as well, are deteriorating.

You were kind enough to join me to take a look at those bridges and the Army Corps of Engineers does maintain the Cape Cod Canal bridges and is currently conducting a study which will almost certainly conclude that the bridges need to be replaced within the next 5 to 10 years, which could cost \$800 million to \$1 billion. And if the Sagamore Bridge is not replaced within the next five years, the Corps may need to perform a major rehabilitation that could cost \$150 million just to repair it, and still have to replace the bridge in the next decade or so after that. That is \$150 million that could be spent, I think, more wisely. Extending the life of a functionally obsolete bridge, one that does not have adequate lane and shoulder widths, is an infrastructure nightmare.

So, Mr. Secretary, you are the steward of our Nation's water resource funding. Would you support swiftly replacing these bridges so that we can avoid spending \$150 million to repair a bridge that would still need to be replaced in a decade

or so?

Mr. James. Senator Markey, I will have to check on my authority to do that. The Corps is not in the bridge business, as you know, sir, and at one time since you and I met, I understood that the DOT there was looking at maybe replacing or restoring those bridges at the State level, so until I find out those answers, sir, I really can't give you a promise other than to promise you I will get those answers and get back with you.

Senator Markey. I appreciate that. Our problem is that the Army Corps does own the bridges.

Mr. James. Yes, sir.

Senator Markey. The Massachusetts Department of Transportation does not own them.

Mr. James. You know, when I went there with you, I came back and asked how in the world does the Corps own two bridges, and they said back when that was done, that was a Federal channel and the bridges over those became owned by the Corps, which doesn't make sense to me because there are bridges in St. Louis, Missouri, Memphis, Tennessee, and Caruthersville, Missouri and up the Ohio River system, and the Corps don't own those bridges. I don't think I got a very good answer.

Senator Markey. But did they tell you how great the Massachusetts congressional delegation was in the 1930s?

[Laughter.]

Mr. James. I was told that.

Senator Markey. So it does make sense, though, to rebuild rather than repair those bridges, you do agree with that?

Mr. James. From an engineering perspective, yes, sir, I think so.

Senator Markey. So that is why I think it is so important for us to work together here, because this is kind of an opportunity, the way we had in the 1930s, to pass a big infrastructure bill, to pass a surface transportation bill so that we are providing the funding at a magnitude that makes it possible for us to provide funding that can help to solve these problems that are created only because of the great work that was done in the 1930s.

But the dependence which we have on the work that was done by the Army Corps back then is now far greater than it was then. Our population is three or four times greater as a State, and the whole world comes to the Cape as well. So that is why I am looking forward to working with the Chairman and the Ranking Member of this Committee to put together a supplemental funding program that can help to provide for the reconstruction or building anew of a lot of the infrastructure from times gone by and to just put it on a separate track.

Just one final thing. Does the Corps support divesting of the bridges? Would it be helpful if Congress provided the Corps

with more directives and authorities on how to divest the Corps-owned bridges to willing State and non-Federal sponsors?

Mr. James. I really hate to answer that directly, but I would say yes, they would certainly entertain a way to divest of those bridges, because that is really not their work, their expertise.

Senator Markey. Thank you. By the way, again, I thank you for your great work, and all of you on this panel.

Senator Barrasso. Thank you, Senator Markey.

Senator Markey. And I am looking forward again, Mr. Chairman, Senator Carper, to working with you going forward so that in this reauthorization bill we have a chance to make some legislative changes as well as funding changes as well. Thank you.

Senator Barrasso. Thank you.

Senator Carper.

Senator Carper. Thanks, Mr. Chairman.

A question if I could for Mr. Kline, Chip Kline. One of the Corps' most significant problems, as you know, is the agency's limited resources. We are culpable for that, we are complicit in that because we don't provide enough resources; and I think you and our panel of witnesses are aware of that. Consistently, Congress seems to give the Corps more work to do than we give them the resources to do that work, so they limp

along each year.

We fund, too often, projects piece by piece rather than fully funding projects upfront. Then a storm hits and the Federal Government has to spend large amounts of money to rebuild projects over and over again. One of the key themes of last year's WRDA bill, as you may recall, was that the Corps should be building an entire project once and doing so in a resilient way, rather than on a piecemeal basis.

I want us just to focus on Louisiana for just a moment in this regard. Would you just talk with us a little bit about how this piecemeal funding has impacted your State, the State of Louisiana? Compare that to funding provided to the new sea wall and pump station in New Orleans.

Mr. Kline. Yes, sir. Thank you, Senator Carper. I don't think that there is a better example to point to than the hurricane protection system around the greater New Orleans area to answer your question, and I think it is important for members of this Committee to realize that the hurricane protection system around the greater New Orleans area was first authorized in the 1950s.

Fast forward to 1965, Hurricane Betsy hits. The system was not yet complete. There were portions of the system that were funded, there were portions that were not, and, as a result, catastrophic flooding happened as a result of Hurricane Betsy.

Hundreds of millions of dollars were then expended to respond to the disaster.

Fast forward 40 years, from 1965 to 2005. Hurricane Katrina hits. The hurricane protection system around the greater New Orleans area was not yet complete. The components that were complete failed because they were not built properly and, as a result, thousands of people lost their lives, livelihoods were destroyed because of that piecemeal approach.

As I referenced in my opening comments, Senator Carper, the process by which the Federal Government funds these projects is flawed. If full funding was appropriated on the front end, you and I would probably not be having this conversation right now.

Senator Carper. Thank you, sir.

A question for the whole panel, and we will start with Lynn Budd, from Wyoming, right? I was in Wyoming this last weekend.

Ms. Budd. Very good. It is wonderful.

Senator Carper. It is called Camden Wyoming in Delaware.

Ms. Budd. [Laughter.] Well, you will have to come to our State.

Senator Carper. I have been, and I will be back. I will be back. I might bring my wife.

The Army Corps reports that it has a major backlog of construction projects now estimated to say, they used to say just over \$90 billion, now I am told it is close to \$100

billion. That is not a good direction to be going. These projects include both those that have been authorized but unfunded and those that have started and stopped due to funding constraints. It is clear that the Army Corps needs more resources, looking at a \$90 billion plus backlog, because \$7 billion in annual civil works funding is obviously not enough to reduce the kind of backlog, so a question for each of you. If you want to lead off, you can; if you don't want to, you don't have to.

A two-part question: how can Congress assist the Corps in working with local sponsors so we can get our Nation's critical infrastructure projects moving, more of them? In addition to the lack of sufficient funding, because it always does come back to money, does the Corps face other obstacles as it attempts to reduce its backlog that Congress should be examining?

And that may not be a fair question for you, but I am sure it is for others at the table. Maybe someone whose first name is General, Major General Spellmon, please. You want to take a shot at that? Anything in addition to the lack of sufficient funding that the Corps faces as it attempts to reduce its backlog that Congress should be examining?

General Spellmon. Yes, sir. You are correct, the backlog, by our latest estimates, is about \$98 billion, one-third of that being flood risk management projects.

Sir, the example I would give you would be the commitment to fund projects to completion. That is, after Congress appropriates dollars to begin a project, we ought to see it all the way through. The example I like to give the Herbert Hoover Dike. This is a 143-mile dike around Lake Okeechobee in southern Florida. It has had some seepage and stability concerns for some time, so we are in the process of putting in a 56-mile cutoff wall about 80 feet below the dike surface. With incremental funding, it took us 13.5 years to get to the halfway point of that cutoff wall. Congress has made the decision in the Bipartisan Budget Act of 2018 to fully fund the remainder, so it will only take us three years to get the second half of that project complete.

So that would be my recommendation, sir, to the Committee and to Congress, is once we start, a commitment to finish our work.

Senator Carper. All right, thanks.

All right, we have been joined by one of our colleagues. I will yield back my time so Roger has a shot. Go ahead.

Senator Barrasso. Thank you, Senator Carper.

Senator Wicker.

Senator Wicker. Thank you. I know how it feels to be chairing a committee and see a straggler come in the last minute.

Senator Barrasso. Let the record reflect that this Committee would never consider the senior Senator from the fine State of Mississippi as a straggler; only a stalwart member of this Committee and a valued member, and we always welcome his presence and his thoughtful questioning.

Senator Wicker. Well, thank you for that.

Senator Carper. I am Tom Carper and I approved this message.

[Laughter.]

Senator Wicker. I hate to complain, but, Mr. James, let me ask you about the Jackson County Airport Authority. The Mobile District Corps has denied a request to extend a regional general permit, RGP, for the Jackson County Airport. This permit allows for Clean Water Act compliance for aviation-related development on a 300-acre site near the Trent Lott International Airport. This means economic development and jobs for the Americans who live in and around the area of Jackson County.

First issued in 2005, the permit had been extended twice, in 2009 and 2014. Suddenly it is not okay to do that anymore according to the Mobile Corps of Engineers. The District gave only two weeks' notice that the permit would be allowed to expire. Of course, this caught our economic developers and job creators off guard and presents a crippling blow to economic possibilities on the site.

Secretary James, you and President Trump have said repeatedly that we need to find ways to streamline the bureaucracy and move much quicker for construction of projects, so I wonder how this action by one Corps district, who has decided to do it differently than other Corps districts and differently than they have done in the past, I wonder how this complies with this.

I think we have made you aware, at least made staff aware of this. I realize it is a rather detailed and complex issue, but are you aware of this? If not, will you look into it and see if you can help us get through this bureaucratic roadblock to creating jobs and economic development for Americans?

Mr. James. Senator Wicker, I apologize, I am not aware of it, but we will get to the bottom of it as soon as possible.

Senator Wicker. Okay.

Mr. James. We will report back to you on it.

Senator Wicker. I do appreciate that. You might want to put something on the record there; the Chair might appreciate this. But if these streamline approaches to economic development are not utilized, then we are going to be hurting for job creation in an area where this has come to be something that we have expected and something that we have enjoyed working with.

So, I do appreciate that and, with that, Mr. Chairman, I

will forego other questions, submit some for the record, perhaps, and yield back my time.

Senator Barrasso. Well, thank you very much, Senator Wicker. I know as Chairman of the Commerce Committee you have a lot of additional responsibility, so I appreciate you always focusing and getting the job done for the people of your home State. Thank you very much.

In closing, I would like to say that this Committee authored, and Congress passed, America's Water Infrastructure act for a reason. We gave the Corps deadlines in the Act for a reason. I think it is unfortunate that the April 21st deadline for the submittal of the Snake River Flood Prevention Action Plan was not met and that the report, I believe, is light, as we have heard today, on new substantive actions to better protect my constituents from flood risk. Wyoming has not been adequately consulted by the Corps, as we have heard from our Director of Homeland Security. Had it been, the Corps could have produced a substantive Action Plan by now.

Today, Secretary James has pledged to work with us in Wyoming to improve our ability to mitigate our flood risk. I think this is an important step forward and I promise you that I will hold the Secretary, as well as the Corps of Engineers, their feet to their fire on this important step.

If there are no more questions, and there are not, members

may also submit follow-up questions for the record. The hearing record will remain open for two weeks.

I want to thank all the witnesses for being here, for their time and their testimony, especially Lynn Budd, the Director of Homeland Security for the State of Wyoming, and Leland Christensen, who is sitting behind her, who is the Assistant who I have served with in the Wyoming legislature. It is good to have all of you here today.

With that, this hearing is adjourned.

[Whereupon, at 12:00 p.m. the committee was adjourned.]