

HEARING ON WATER RESOURCES DEVELOPMENT ACT OVERSIGHT: USACE
IMPLEMENTATION OF WATER INFRASTRUCTURE PROJECTS, PROGRAMS AND
PRIORITIES

Wednesday, January 12, 2022

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee, met, pursuant to notice, at 3:03 p.m. in room 106, Dirksen Senate Office Building, the Honorable Thomas R. Carper [chairman of the committee] presiding.

Present: Senators Carper, Capito, Cardin, Whitehouse, Markey, Stabenow, Kelly, Inhofe, Cramer, Boozman, Sullivan, Ernst.

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

Senator Carper. I am pleased to call this hearing to order.

Today, we are going to continue our work on this year's Water Resources Development Act, affectionately known as WRDA. We will be hearing from our distinguished witnesses from the Army Corps of Engineers, Assistant Secretary Connor, welcome, and to also welcome General Spellmon. We thank both of you for joining us.

I think just earlier today, I think it was earlier today, that each of you appeared before the House Committee on Transportation and Infrastructure. Is that correct? It is like a day, I am tempted to say day and night double header like they have in baseball, but it is a morning and afternoon double header. We are grateful that you are here. It is a big day for WRDA on Capitol Hill.

Let me start by taking a moment to note our committee's successful track record on bipartisan water legislation. I am proud of the work by all of our colleagues and our staff members. I am grateful for the partnership that I enjoy with Ranking Member Senator Capito on these issues and on so many others. This has made it possible for us to pass a Clean Drinking and Wastewater bill as part of the historic bipartisan infrastructure law last year and to pass and then enact multiple

bipartisan water resources development bills in the last several years.

Those of us on this committee know that the process of working on WRDA every two years presents us with an opportunity to assess the Army Corps of Engineers' operations, to see how we can better support and equip this vital infrastructure agency with the tools it needs to succeed. The Corps has an extraordinarily important and difficult mission, as we know, with project needs that far outweigh the available resources allocated to it.

Indeed, due to years of underfunding, the backlog of authorized but not completed projects has grown to over \$100 billion. That is more than 15 times the agency's annual operating budget, 15 times.

Demand for projects so outstrips the supply of resources that the Corps is placed in an untenable position. Moreover, its decision-making process grows far more difficult as the agency struggles to address both backlogged projects and the new needs of many communities grappling with the impacts of climate change, such as sea level rise and extreme weather.

Fortunately, with the passage of the Infrastructure Investment and Jobs Act and several supplemental funding bills, along with what we expect will be included in the annual appropriations measures, the Corps will be looking at a total of

somewhere between \$80 billion to \$100 billion in available annual funding over the next five years. It doesn't wipe out the backlog but it is a great step in the right direction.

With the significant influx of funding, we now have an opportunity to take the time to review the Corps' statutory authorities and make sure the agency spends these resources wisely, fairly and in the areas of greatest need. Many smaller, disadvantaged communities, including those in rural and tribal areas, have great infrastructure needs. Yet, they are typically the last to receive assistance due in large part to outdated budgeting practices.

That is why we included several provisions in the 2020 WRDA bill directing the Corps to increase its work with disadvantaged communities. We are interested in hearing from our witnesses today about how this work is going and how our committee can work with the Corps to better assist these vulnerable communities.

It is also imperative that we discuss how the Corps' work must adapt to the increasingly powerful storms, more devastating floods, encroaching sea levels and the seemingly endless droughts we continue to witness across our Country. To better respond to these worsening impacts of climate change, the Corps needs to update its economic assessments and engineering standards.

Assistant Secretary Connor, let me again congratulate you on your confirmation. Assistant Secretary Connor, I recently wrote to you about the need to update engineering standards in response to directives from recent WRDA bills. This includes the implementation of natural and nature-based project planning requirements.

As my colleagues frequently hear me say, Delaware is the lowest lying State in our Nation. Our State is sinking and the seas around us are rising. Other States are seeing something similar to that, particularly along our coasts. We are acutely aware of the need to develop solutions that not only work today but also will protect us well into the future.

Incorporating natural infrastructure into resilience efforts in Delaware and other States has been and continues to be a critical element of long-term solutions. The Corps needs to erase and use natural infrastructure in combination with engineered solutions to mitigate the impacts of climate change. That means ensuring local project sponsors are aware that natural infrastructure is an available option in project demand.

Moreover, the Federal Government needs to plan for the climate reality that we face. We know that failing to do so comes at a steep cost. The seven most severe storms since 2000 cost our Country a total of \$1.3 trillion. Let me say that again. The seven most severe storms since the year 2000 cost

our Country a total of over \$1.3 trillion. As homes and cars were destroyed, peoples' jobs and lives were uprooted and traveling and tourism came to a halt -- \$1.3 trillion.

Throughout the past 30 years, much of the Corps' funding has been provided in response to disasters, not in preparation for them. Our Country must become more proactive, addressing climate change before the storms arrive and preventing these massive losses in the first place.

So let's begin our work on WRDA this year with equity in climate in mind, along with traditional issues such as navigation and flood control. Let's keep them at the top of our minds. My hope is that today's hearing will provide us with important insights into these challenges.

General Spellmon, Assistant Secretary Connor, we look forward to hearing your insights that will better inform our work on this next authorization bill. Welcome.

Senator Capito, I am delighted to recognize you for any comments you would like to make.

[The prepared statement of Senator Carper follows:]

STATEMENT OF THE HONORABLE SHELLEY MOORE CAPITO, A UNITED STATES
SENATOR FROM THE STATE OF WEST VIRGINIA

Senator Capito. Thank you, Chairman Carper. Welcome to our witnesses, Assistant Secretary Connor and General Spellmon.

Last year, this committee took the lead in the passage of the historic bipartisan infrastructure legislation, the Infrastructure Investment and Jobs Act. I am pleased to begin 2022 with a discussion of how we can build upon that success by advancing the Water Resources Development Act, which we call WRDA, and get this legislation to enactment.

Since 2014, the committee has kept to its biennial WRDA schedule authorizing water resource projects and setting national policies for the Civil Works Program of the U.S. Corps of Engineers every two years. I look forward to continuing this track record.

The Corps' main missions are in the areas of navigation, flood risk management, ecosystem restorations, safeguard our communities, and support economic growth. This fact was underscored just a few months ago when portions of Louisiana were protected from devastation thanks to the Corps projects constructed in the wake of Hurricane Katrina.

Moreover, recent supply chain disruptions and accompanying inflation have highlighted the continued need for investments in our Nation's ports and waterways which facilitate the movement

of billions of tons of goods and commodities in the United States. These projects and activities are authorized and directed by Congress through our WRDA legislation.

The most recent iteration of WRDA in 2020 included several project-specific authorizations, modifications, as well as programmatic reforms. It also provided the Corps with a number of new authorities. The committee continues to oversee the implementation of provisions from prior WRDA legislation.

I look forward to hearing from our witnesses on the status of the implementation of WRDA 2020 as well as other outstanding policy changes. I also expect there will be project-specific questions from our members. All this will inform the committee's work on future WRDA legislation which has begun in earnest.

I thank all of my Senate colleagues and their staff because they have submitted their proposals for the committee's consideration. As I have previously said, it is important that any future WRDA legislation supports the timely and efficient delivery of water resource projects in communities that need them while continuing to meet our national priorities.

We must also ensure that communities have access to the requisite technical expertise to address their water resources challenges. The opacity of the Corps' process and programs is a recurring issue. We must not be overly proscriptive, however.

Our Nation's water resources are diverse and communities know more about their needs than the policymakers here in Washington, D.C. We must preserve the role of our non-federal sponsors in project delivery processes.

We must also take care not to divert the Corps' focus away from its primary mission areas. That said, the Corps ought to work with Congress and vice versa to make sure we are spurring innovation. Now is the time to deliver those projects better or faster. And as the General and I were speaking earlier in the lead up to this that with the enormous infusion of funds, delivery of this legislation comes as the Corps manages the \$17 billion in supplemental appropriations provided to it by the IIJA which includes funding for WRDA 2020 authorities. That is more than double the annual appropriations and represents a real opportunity to reduce the backlog of some Corps projects.

Prompt responses to oversight requests from the committee regarding this funding are critical. I look forward to hearing from our witnesses about the Corps' next step to implement the legislation.

In that vein, I would like to thank the staff at Corps headquarters and the Assistant Secretary's office for their attention to committee requests for information regarding prior WRDA legislation, and in advance for their continued assistance as we move forward.

Let me reiterate my gratitude to our witnesses for being here today. As I have said in prior hearings, the missions of the Corps are more critical than ever. The testimony we will hear today will inform the committee as it moves into its integral role in improving our Nation's infrastructure.

Thank you, Mr. Chairman. I yield back my time.

[The prepared statement of Senator Capito follows:]

Senator Carper. Senator Capito, thank you very much.

Now it is our witnesses' turn to share their thoughts with us today and respond to our questions. We will begin with Assistant Secretary Connor. Mr. Connor, you are recognized for your statement. Again, congratulations on your confirmation. We look forward to working with you today and beyond.

Thank you.

STATEMENT OF THE HONORABLE MICHAEL CONNOR, ASSISTANT SECRETARY
OF THE ARMY FOR CIVIL WORKS

Mr. Connor. Thank you, Mr. Chairman, Ranking Member Capito, members of the committee. I appreciate the opportunity to be here with my partner, General Spellmon, to testify regarding WRDA 2022.

I am Mike Connor, as has been noted, serving as Assistant Secretary of the Army for Civil Works, a position I have been in since November 29th of last year. Thank you again to this committee for moving my nomination forward. I have submitted my written testimony and will summarize a few highlights.

The U.S. Army Civil Works Program is the largest water resources program in the Nation. It serves three primary missions: flood and storm damage reduction, commercial navigation, and aquatic ecosystem restoration. It also addresses a host of other water resources and infrastructure needs as directed by Congress.

The Corps of Engineers have contributed significantly toward the Nation's well-being, supporting the economy with its infrastructure and protecting and improving the lives of Americans with actions to address flood risk, environmental protection needs, even drought. Today, the Army Corps is committed to the national effort to work as partners with communities to improve their resilience to extreme weather

events and other challenges related to a changing climate.

As the President has made clear, this Administration is focused on increasing infrastructure and ecosystem resilience and decreasing climate risk for communities based on the best available science; promoting environmental justice in disadvantaged, underserved, and rural communities; and creating good-paying jobs.

The Army Civil Works Program will continue to work within its own authorities to tackle the climate crisis at home. Of course, we participate in the whole-of-government effort, including the Interagency Water Subcabinet and the Coastal Resilience Interagency Working Group.

WRDA 2022 is where we can continue to ensure the authorities necessary to implement the Administration's priorities. The President has set a goal that 40 percent of the overall benefits of federal investments flow to disadvantaged communities, the Justice40 Initiative. I am committed to working with Lieutenant General Spellmon to seek opportunities to secure environmental justice and spur economic opportunity for disadvantaged communities that disproportionately experience the adverse effects of climate change.

I should also make clear the Army's role in supporting a broad range of infrastructure and landscapes. The Army works with our Nation's coastal ports to maintain their channels,

operates and maintains the inland waterways of commerce, supports State, Tribal, and local flood risk management activities, restores significant aquatic ecosystems, and operates and maintains multipurpose dams and reservoirs that exist behind those dams.

It is a great story. But much of the water resources infrastructure that the Army Corps owns and operates was constructed over 75 years ago and will require significant investments to maintain. As noted here, there have been significant investments and we appreciate Congress' support.

As the Army works on policy and administrative changes to improve infrastructure development and regulatory responsiveness, my staff and I are looking at authorities, policy, regulations, and procedures to identify opportunities for increased efficiency and effectiveness.

This is particularly necessary given the substantial resources provided to the Corps this past year and the importance Congress ascribes to our programs. We want to make sure that Army Civil Works is using its significant capabilities in an equitable manner, that it incorporates natural and nature-based infrastructure solutions into resiliency efforts, that it reduces redundancy, and that it delegates authority for decision-making to the appropriate level. I am committed to working closely with the Chief of Engineers and his commanding

officers to position the Civil Works Program for continued success.

With respect to specific matters of interest to the committee, we are working with OMB to finalize a proposed rule to implement WIFIA as provided for in the 2020 Energy and Water Appropriations Act. This proposed rule would implement a new federal credit program to support investment in non-federal dam safety projects through credit assistance to maintain, upgrade, and repair non-federal dams.

This new federal credit program will provide another way for non-federal dam owners and managers to enhance the safety of their dams while also addressing water supply, energy, and environmental needs in a changing climate.

The Army has completed 18 WRDA 2020 implementation guidance documents and made substantial progress on the remaining guidance. Certain provisions may require rulemaking. You have my commitment that WRDA 2020 implementation will be a priority and that we will complete the remaining implementation guidance documents and rulemakings.

The Army is also making progress on key regulatory issues. Together, we are working closely with the EPA to develop a durable definition of Waters of the United States informed by science, experience and expertise to protect all interests dependent on clean water.

The Army has also lifted the temporary pause on finalizing Section 404 permits in November 2021 and is working to resolve the vast majority of the outstanding jurisdictional determinations.

The Army is also moving forward to coordinate with certifying authorities on water quality certifications that are potentially impacted by the recent vacatur of the 2020 Clean Water Act Section 401 rule.

With that, I look forward to answering any questions.

[The prepared statement of Mr. Connor follows:]

Senator Carper. Mr. Connor, thanks so much.

General Spellmon, you are on. Welcome.

STATEMENT OF LIEUTENANT GENERAL SCOTT SPELLMON, CHIEF OF
ENGINEERS AND COMMANDING GENERAL, UNITED STATES ARMY CORPS OF
ENGINEERS

General Spellmon. Chairman Carper, Ranking Member Capito, and distinguished members of the committee, good afternoon. I am honored to testify before you today with Mr. Connor. Thank you for the opportunity to discuss our execution of and your oversight of the Corps' Civil Works Program.

I look forward to discussing the status of implementation of recent Water Resources Development Acts as well as questions the committee may have regarding anticipated legislation for 2022. Most importantly, I look forward to continuing to work with the committee, with Congress and the Administration to address the Nation's water resources infrastructure needs.

The infrastructure authorized by the Water Resources Development Acts and implemented by Corps is critical for the Nation's economic growth and for our national security. Ultimately, they benefit all American citizens.

We greatly appreciate the committee's continued commitment to enacting WRDAs on a two-year cycle. This predictability has enabled critical water resources projects to be authorized for study and construction. This succession has also provided regular updates to our authorities, modernizing our methodologies and enhancing flexibility in the policies we

utilize to execute our missions.

We maintain a dedicated commitment to our partners and value the engagement we have held with stakeholders to gain their input in shaping guidance for implementation of these authorities.

While the focus of this hearing may be on the prospective legislation being considered by the committee, it is important for me to acknowledge the recent, significant growth in the Corps' Civil Works Program that we have experienced over the past several years. The challenge that we have for us in the Corps is that we are structured, we are organized, we are manned for what has historically been a \$20 billion to \$22 billion annual program. It is civil works, it is the work we do for the VA, certainly the work we do for the Army and the Air Force and our combatant commanders in 110 countries around the globe today.

Our current program is not \$20 billion to \$22 billion. It is \$84 billion and it is growing. Our Civil Works Program has seen the greatest growth in these past five years going from a \$7 billion annual budget to more than a \$48 billion annual budget. That is when you include all of the supplemental appropriations Congress has given us.

This money provides the Corps with a once in a generation window of opportunity to deliver water resources infrastructure,

programs and projects that will positively impact the lives of communities across this great Nation. It is an opportunity we are taking advantage of to transform our organization and our decision-making processes to safely finish quality projects on time and within budget.

We are taking major steps to proactively identify risks, to execute our mandates and developing measures to reduce, resolve, or eliminate those risks, measures such as accelerating recruitment through direct hiring authorities and transforming our workplace to attract and retain the top talent that will help us in fortifying our technical expertise to effectively develop and implement infrastructure projects.

The Corps is also combining traditional and alternative delivery concepts that allow us to develop additional contracting tools and enhance our partnership efforts. By evolving our programs, our planning and our operations, we are able to better address impacts from important drivers like global climate change.

Additionally, the Corps continues to provide meaningful engagement opportunities for overburdened and underserved communities and Native American tribes to encourage and enable participation in decisions that impact their communities.

The Corps does not accomplish anything by itself. We use our engineering expertise to address some of the most pressing

water resource challenges we face as a Nation today. My top priorities include identifying the highest priority investments and that we safely deliver quality projects on time and within budget.

I strongly feel that to achieve this vision, we must execute a comprehensive research and development strategy to meet the challenges of the 21st Century. We will accomplish this strategy with our partners in government, industry, academia, both nationally here in the United States and internationally. From climate change to war-fighting, from overextended infrastructure to cyber security, there is no shortage of challenges that will require bold new research and development to solve.

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

[The prepared statement of General Spellmon follows:]

Senator Carper. General Spellmon, thank you. Thanks for joining us, and thanks for your service over how many years of service now?

General Spellmon. Thirty-five, sir.

Senator Carper. But who is counting? You started at what, about 12?

[Laughter.]

General Spellmon. Sir, I came on active duty in 1986.

Senator Carper. I think we are going to start voting here in a very short while in the Senate. Let me just ask our staff, would somebody just check and make sure they are going to kick it off at 3:30? Okay, good.

What I might do, Senator Capito, is just head over there right now. I know you have another engagement. I will vote and come back, if you can just keep things moving. Then you can vote and take care of that other engagement.

Senator Capito. Okay.

Senator Carper. With that, why don't you lead us off in questions.

Senator Capito. Do you want to question first?

Senator Carper. No. I will go vote. I am going to go so I will be there when they start voting.

Senator Capito. If you are asking me to go first, I am going to yield to Chairman Inhofe to let him have my spot.

Senator Carper. The order, I might mention the order. Senator Capito, Senator Cardin, Senator Inhofe, Senator Whitehouse, Senator Boozman, Senator Stabenow. Thank you all. I will be back shortly.

Senator Inhofe. First, let me thank Senator Capito for allowing this to take place in this order.

I have had occasion to spend some time with both General Spellmon and Michael Connor. We are in agreement on so many different things and it is so important for my State of Oklahoma.

I have to share with the rest of the people here how serious of a flood we had in 2019. The only ammunition that we had at that time was the Tulsa levee and the West Tulsa levee system. This actually was at a time, when it was put together, actually when I was four years old. It far exceeded its service life.

So we had the levee system. And when our flood came in 2019, more people, professionals, believed that we were going to be breaking the levee and having a really disastrous situation. It did perform, and I can remember actually personally being down there when the water was coming through. Nobody thought it was going to be able to hold.

We put in emergency things right after that. Now we are in a situation with which certainly Secretary Connor is familiar, assuming that it is serious. I know you are aware of the

seriousness of this thing.

So we have this levee system and we are hoping and doing everything we can to ensure we are going to be able to hold this out in the event of another one. It was a close call, a very close call.

The other thing that wanted to make sure I had time to mention is our MKARNS. People don't realize that we are navigable in Oklahoma. We are the most inland navigable system in the Country. It is something that people don't realize. We have more miles of freshwater shoreline than any of the other 50 States.

Now, there is a reason for that. It is because ours are all manmade lakes. Manmade lakes, they give you a lot of shoreline because they have a dam down here and then go across. So people are not aware but that is something that is serious.

The other thing that is of concern is that we are navigable in terms of having the capability to take care of the things that we need. For example, our navigation way coming to the State of Oklahoma is about 98 percent 12-foot channel. But that means that we have 2 percent that is not a 12-foot channel. It is a 9-foot channel. That is one of the things that has been on our list for a long period of time. It has been authorized and I just want to make sure that I take this opportunity, Mr. Connor, of reminding you of what you and I talked about before,

and the seriousness of what we are facing now with these two projects, one being of course the levee system, that it would hold up for not another 100 years, but to start working immediately with top priority. I believe I asked that along with the deepening of the MKARNS.

Would you share your thoughts on those two projects?

Mr. Connor. Senator Inhofe, thank you for the conversations regarding these projects and the ongoing dialogue. I think they represent two very high priority aspects of the overall Corps of Engineers program, that is obviously with respect to the levees, our need to maintain, rehabilitate and do any new construction with an eye towards resilience. Particularly given the 2019 flooding situation, we know what extreme events can bring. So that brings a focus to the need to move forward with your project in West Tulsa.

Then the inland waterways issue, the 12-foot navigation channel, I think during my confirmation process, I mentioned that I had looked up the extensive background in preparation for a talk with you and I saw the Port of Tulsa. I really was a little taken aback at the Port of Tulsa.

But my first trip out of the box here was on the Mississippi River and the Illinois River, seeing the dam and lock system, the navigable, talking to the folks involved in our navigable waterways, inland waterways and moving commerce on that system

and the need for reliability, the benefits that exist with efficient delivery and our need to maintain and improve that system so that it continues to be an important part of our commerce system. That is part and parcel, that is one of our priorities, the supply chain, shoring up the supply chain. From that standpoint, I am with you on the importance of those projects, sir.

Senator Inhofe. I appreciate that very much.

The last thing I would mention is on our lakes development, It seems like I never knew why it was this way but it always seemed they were always concerned with navigation and flood control but not recreation. We have so many great opportunities for recreation. This is something we have started looking at now for the first time.

I actually was chairman I guess of this committee during the 2007 WRDA legislation. We made some advancements at that time, and again in 2020. But I would like to say we have all changed on our priorities on the lake system that we have. We recognize recreation is a very important opportunity for us in our State of Oklahoma. I would hope you would agree that is an area we need to concentrate on for everyone's benefit.

Mr. Connor. Absolutely, Senator. I have a long history at the Interior Department. I was delighted to hear, when I came over in this position, to find out that we have more campgrounds

within the Army Corps of Engineers system than the National Park Service.

[Laughter.]

Mr. Connor. So I understand the importance of that. Particularly during the pandemic, we have seen how people have gone to recreate at federal facilities outdoors. It is an incredibly important part of the portfolio because it serves those communities in which we exist.

Senator Inhofe. I appreciate that.

Thank you, Senator Capito.

Senator Capito. [Presiding.] Senator Cardin.

Senator Cardin. Thank you, Madam Chair. Let me thank both of our witnesses for their work.

Secretary Connor, as you can imagine, for a Maryland Senator, the health of the Port of Baltimore is critically important. Maintenance dredging is absolutely essential.

When I first started in the House of Representatives many years ago, probably the greatest challenge was to find locations where we could put dredged material. But since we started Poplar Island, which became an environmental restoration as well as a location for dredged materials, we have overcome that controversy.

I appreciate our conversation we had last year about Mid-Bay which is the next scheduled location for environmental

restoration and beneficial use of dredged materials and to make sure that we can maintain our channels and have a location for the dredged material.

You said very nice things about it back then. I just wanted to give you an opportunity to say, now that we are ready to start actual construction, that this is a top priority of our regional delegation. I would hope we will receive your full support.

Mr. Connor. Senator Cardin, I am not ready to make any announcements about any work plans that may be coming out in the near future. But absolutely, my time spent here in this position has only doubled down on my views of the benefits of the program that specifically you are mentioning that is happening in the Chesapeake Bay, the beneficial use of that dredged material. The need to do more of that is something that we need to work through. We are doing it in your area. We need to take that knowledge and that partnership that we have and do that more in other places. We need to work through those cost issues.

I think with the pilot projects that are moving forward, the ten we have selected are only partially funded at this point in time. We can demonstrate that. But I am very impressed with the work that has been done in Maryland in the Chesapeake Bay. It something we absolutely want to continue, absolutely,

Senator.

Senator Cardin. Thank you very much for that. We are on schedule in this appropriations cycle. If the work of the committees ends up in an omnibus appropriations bill, there will be additional support there for Mid-Bay to start construction.

So I recognize your answer and I thank you very much for your support for beneficial use of dredged materials where we are able to accomplish what we need to for dredging sites as well as in environmental progress.

General Spellmon, I want to talk a little bit about Section 510 that was in the last WRDA Act. We substantially increased the authorization of Section 510 funding. It is a source that we looked upon as one of the most encouraging for restoration of the Chesapeake Bay and a lot of the work done in the Chesapeake Bay Partnership Program.

The challenge is we have to get it funded now that it is authorized to get into your work plan. Can you share with us how we can work together to try to make sure that process moves forward, consistent with the intent of Congress in the last WRDA bill?

General Spellmon. Yes, sir. I just want to start out by saying we appreciate the support of Congress last year in the \$50,000 in 2021 of reprogramming. We used that to complete the feasibility phase for Plum Creek and North City Park, Maryland

projects. We would like to get that out of the work plan into a more predictable funding stream. As you just said, these are incredibly important projects for the ecosystem and for the Bay. We just think there are great opportunities out there. We will continue to make our best technical recommendations to advance these types of projects.

Senator Cardin. Good. Let's work together because I know sometimes, we run into the bureaucracy of the budget people in trying to get these funds flowing the way we intended. Let's figure out a strategy where we can actually implement the programs that we intended in the last WRDA bill. I thank you for your support.

I want to use my remaining minutes to sort of support Senator Inhofe's point as it relates to what I will call the small harbors or where we have recreational use. These projects are numerous in our State and throughout our Country. We recognize it doesn't have the same degree of priority because the economic impact isn't as direct as the major harbors are. But they are critically important to smaller communities.

I would hope as we look at the WRDA bill for 2022, Madam Chair, that we look at a way that we can make progress in dealing with some of the smaller projects, because communities really depend upon that. We can really help the economic life of communities if we deal with some of the standards that are

currently being used that make it very difficult to get these projects funded.

I just mention that and I hope we can work together, and I hope we can work with our leadership here, to figure out a way to move those projects forward. Thank you.

Senator Capito. Thank you.

Assistant Secretary Connor, last year we provided the Corps with more than \$22 billion in additional appropriations with the Infrastructure Investment and Jobs Act and the disaster supplemental from Hurricane Ida. Funding obviously is critical but if permitting approvals are not issued in a timely fashion, these projects cannot move forward. Understanding how the Corps has used and continues to use those funds will help us to understand what we need to do in the future.

The first question is a very broad one, but the status of the spend plans for those funds and what is the Corps doing to help streamline the permitting and environmental review process so we can get these projects moving?

Mr. Connor. I will start with part one of the question with respect to the spend plans, the work plans. I can assure you that I have been spending a good amount of my time since I have been in this position on those spend plans. I am confident that we will meet the commitments Congress set forth in passing IIJA in particular and thinking that through in the context of the

disaster supplemental as well as Fiscal Year 2022 and the Fiscal Year 2023 budgets.

I look forward to meeting those commitments. I will just express confidence that we are in a position to do that with respect to the funding plans.

Moving on to the regulatory program, you are exactly right. There have been issues coming up in our regulatory program that I think about, and I know General Spellmon thinks about, in terms of we have a lot of work to do. So do a lot of other parties. We want to continue to promote, even in, quite frankly, a regulatory environment that is changing, we have changes in administration, we have court orders and we have to respond and provide some regulatory certainty for potential permittees on how we can move forward and do the work that is necessary under the Clean Water Act in particular.

So we have done that. We have dealt with the court decisions that have vacated the navigable water protection rule as well as the 401 certification processes. We have figured out and are giving guidance to folks. But overall, I would say that is part of the job, figuring out what we are going to do with decisions made.

In that interim period, we have done that, too. We are not going to go back and revisit all decisions that were made. We are trying to move forward in the processes but recognize that

there may be new information that may warrant revisiting some of those determinations. That is just going to have to play out. That is a conversation we need to have with the actual permittees.

Moving forward, we want to give clarity now so we can move forward with the business and then we want to engage, as we talked about during my confirmation process, Waters of the U.S., the two-step regulatory process, the rulemaking process that has been proposed and let's go back to pre-2015 now. That is a familiar landscape. And then move forward with a very rigorous process to get to a durable rule that hopefully gets us out of this litigation cycle. That is what I said during the confirmation process. I believe it even more strongly now.

Senator Capito. Let me ask a clarifying question. Are you saying that some of the permits that had already been granted under the previous Administration could retroactively be revoked?

Mr. Connor. Not the previous Administration. We are looking at the tenure of the rule itself. We are not looking at --

Senator Capito. Under that rule, though, are you saying they could be revoked?

Mr. Connor. I think there is some legal risk that may exist not because the Corps of Engineers is going to go back and

assess legal risk, but I think permittees are looking at that. The rule was vacated and that is new terrain for us.

So I think we all have to think through that from the agency perspective as well as the permittee perspective. But we think, in general, we have always held to the position that decisions made under the appropriate rules at that time are valid. We are not going to go back.

Senator Capito. So you are not going to go back over those?

Mr. Connor. We are not.

Senator Capito. Okay. I thought you were saying in some cases, you might have to, with new information and other things.

Mr. Connor. Well, there may be situations where we do that in consultation with the permittees, because they may want to limit their legal risk.

Senator Capito. Okay.

Let me ask, General Spellmon, in WRDA 2020, we talked about delivering projects. There was a provision defining economically disadvantaged communities.

My understanding is the agency has not done that. I want to know where the development of that definition is and if you are following through with the directed language from that bill that said you would use the economic distress criteria that EDA uses. And if you are following through on that directive, that you are using that as the definition, and where you are on this specific

provision in the WRDA 2020.

General Spellmon. Yes, ma'am. Thanks for the question. We are using the EPA tool to help us identify when we need data on minority --

Senator Capito. The EDA?

General Spellmon. I am sorry, ma'am?

Senator Capito. Did you say EPA or EDA?

General Spellmon. EPA, ma'am.

Senator Capito. Once again, the EDA or EPA?

General Spellmon. The EPA tool.

Senator Capito. So you are not using the EDA administration's statute that says that is how you use their economic distress criteria? Is that correct?

General Spellmon. I am sorry, let me go back and follow up with you on that.

Senator Capito. You are so far away I cannot tell the difference between a "D" and a "P."

General Spellmon. I have seen both tools. I have seen the application of the EPA tool on a number of regulatory actions. I will go back and follow up on the EDA.

We have been employing the Environmental Justice Executive Order since President Clinton released that in 1994. So I don't think we have a problem in identifying and going through that two-part test when we do our feasibility studies and when we do

our construction projects, where we are making recommendations to the Secretary. I would just briefly take you back to WRDA 2018. We were asked to provide alternative metrics to the benefit to cost ratio that would better serve underserved communities, maybe communities in Middle America that frankly the BCR does not serve very well.

Senator Capito. Right.

General Spellmon. We made a number of recommendations. We came up with a community equity modifier. I just have not had the chance yet to walk Mr. Connor through the work that we did following 2018.

What I am saying is I don't think I have a staffing problem or we are not paying attention. I just think it is just the metric that is used to grade our homework. We could probably have another conversation and make a stronger argument for alternative metrics.

Senator Capito. I think some of these communities, and both members who have questioned talked about smaller communities that don't have capacity to be able to know how and when to work these things or are economically disadvantaged, whether it is recreational flood control or whatever. So we need you all to step in there and that is the intent. Hopefully, that is what you will move forward with.

General Spellmon. Yes, ma'am.

Senator Capito. Senator Whitehouse by WebEx.

Senator Whitehouse. Yes. Thank you, Senator Capito.

Good afternoon, gentlemen. I have a general question and then two Rhode Island-specific ones.

The general question has to do with the 2022 budget of the Army Corps for its Flood and Coastal Damage Reduction Fund. Do you know what that number is? I will break the silence and I will tell you. It is \$1.72 billion. Of that \$1.72 billion, do you know how much is allocated for inland versus coastal?

Mr. Connor. I do not know the number specifically.

Senator Whitehouse. It is \$1.68 billion. If you do the math, the difference is \$0.04 billion for coastal flooding which is less than 3 percent of the number.

Of your \$1.72 billion, 97.7 percent will go inland. You do understand that part of the coastal damage that you are referring to, part of the climate risk that you referred to, is sea levels rising, worse coastal storms, and resulting coastal flooding, correct?

Mr. Connor. Yes, Senator.

Senator Whitehouse. All right. . So we are going to have to have a bit of a conversation about why 97.7 percent goes to inland and about 2.3 percent goes to coastal of that \$1.72 billion. May I follow up with you on that, so we are not taking all our time here?

Mr. Connor. Yes, sir, absolutely.

Senator Whitehouse. Can you defend it quickly? I am I wrong, or should we have this conversation?

Mr. Connor. I would just say I have begun digging into that. I know from a budgeting standpoint a little bit about why there is a discrepancy.

I also understand that you have taken matters into your own hands with respect to IIJA, BBA 2018, to ensure that there is significant resources and appropriately so, I would say. I am applauding you for that effort given storm surge, sea level rise and the risks attending our coasts.

Senator Whitehouse. Let me move on to two other things and we will keep working on that.

The two things, I just want to emphasize again the continuing importance to me of the Providence River Pilings Removal Project. The Army Corps is taking out an abandoned bridge. In that project, they are looking at taking out some pilings around it.

In terms of the conversation we have had about smaller ports changing their use, the Providence Port area, the Providence River around our capital city of Providence, it is no longer industrial. The pilings are long since abandoned. There are children in sailboats out trying to sail in that area. People try to fish and swim in that area. The pilings are dangerous.

I was told at one point by the Army Corps that you wouldn't take them out because they weren't a hazard to navigation because you could sail around them. In my view, something you have to sail around is the very definition of a hazard to navigation.

So I just want to flag that for you to keep pressing, pressing, pressing. It has been years of trying to make some progress on this. Thank you for the little bit of progress we got related to the bridge and the immediately surrounding pilings. But there are other pilings to go.

The second has to do with the Blackstone River where it runs through Rhode Island, comes down from Massachusetts, runs through Rhode Island. In the lower Blackstone, there are four dams we are trying to fix. We need fish passage in order to keep the environment working and allow the, what do they call them, the anadromous fish to get up the river. You guys have a cost per fish analysis that is very hard for us to meet, because these are urban areas, these are downtown, valuable areas. This goes back to the original industrial revolution of colonial days.

So we have a lot of help that we need with those four dams. Could you assign someone to help us deal with the cost per fish ratio, which seems to create a real problem for small dams, and also for dams that have been there a long time, so that fish

passage is minimum? Because the dam itself has killed off the fish that would come for passage. But in time, with any luck and with proper fish passage, then that environmental resource will revive.

Those are my two Rhode Island specific concerns.

General Spellmon. Sir, I will be real quick. I think we are going to be fine on the Blackstone River in terms of the metric, the ecological outputs. I am confident we are going to make that.

The challenge we are going to have here, you mentioned it, this is on some very difficult real estate. CAP Section 206 is capped at \$10 million per project. We are probably looking, with what we know now, at about a \$20 million project on this real estate.

So what we want to do is, we will finish our homework, sir, and then we will come back to you with what options may be out there.

Senator Whitehouse. Okay. And don't forget those pilings. Thank you.

Senator Capito. Senator Cramer.

Senator Cramer. Thank you, Madam Chair.

General Spellmon, Assistant Secretary Connor, great to see both of you. Happy new year, thanks for being here to help us out.

Mr. Connor, you and I have had some what I thought were delightful conversations leading up to your confirmation. I am glad that you are confirmed and in front of us now. I am looking forward to working with you.

I especially respect and appreciate your expertise on western rights issues and your understanding of them. We will be talking about them in a little bit.

General Spellmon, likewise, thank you. I have appreciated the last couple of years working with you. You have been very attentive to North Dakota and North Dakotans and you have been very responsive to my concerns. I have appreciated that partnership.

In particular, General Spellmon, I have appreciated the work you did previously a couple of years ago on rescinding the real estate policy guidance number 26, and of course, informally withdrawing the Corps' proposed Surplus Water Rule. These were very positive steps, as both the rule and the guidance infringed upon States' rights and complete, in my view, complete contradiction to existing law. The Water Supply Act never authorized a one size fits all rule to federalize the water appropriation authority that is specifically reserved for States.

With that in mind, as we pursue now a new WRDA, I think we should consider setting up some sort of a venue or commission

that would allow States to have a platform to discuss and sort these issues out with the Corps. It would provide North Dakota and other western States especially the forum to bring localized problems that they may be experiencing directly to you.

In our previous conversations, General, you and I discussed the potential creation of such a venue. Through your feedback, you indicated that you want to make sure that we do not recreate another national policy. Believe me, I agree with you.

Would you agree there would be some value, could be some value in western States having an advisory board of some sort, or a commission to bring some of these more niche water issues to the Corps?

General Spellmon. Sir, I absolutely always welcome feedback and engagement with States and with our partners and municipalities out on our waterways. As you know, I have been working hard to remove a number of what I have termed D.C. level obstacles to that conversation. You mentioned policy guidance, November 26th, we worked hard on the Water Supply Rule. We had the Secretary in the previous Administration return the surplus water reports without action, and a number of other things.

Sir, from a purely technical perspective, I would like to keep this at the local-regional level. I say that just from my experience in the Water Supply Rule. If I were to bring three States in this room today, I don't think I could get three

States to agree on Congressional terms like surplus water or natural flows. But I can get to solutions at the local level.

So we are going to follow the direction of Congress. We are going to, obviously, honor State water rights. I just did not want to take a step back and start to recentralize a committee where you have a person like me at the front of the room. I did not want to return to those days, sir.

Senator Cramer. I rarely see value in another layer of bureaucracy myself. So I am open to ideas. Maybe Mr. Connor, you could weigh in on the possibility of some sort of a venue.

I do think, and you are very familiar with this, western issues are unique and oftentimes, the consequence, the western States are a consequence of some other region's policies. That is my only reason for thinking about this. I am not committed to it, but I would be interested in your thoughts.

Mr. Connor. Absolutely, Senator. I have appreciated our discussions, and I think it is your terminology, a fellow policy geek.

[Laughter.]

Mr. Connor. I share that view and have enjoyed the discussions. I think that is what this gets to, is as we discussed, and I think as General Spellmon has alluded to, we need to look at every tool that we have with respect to water supply to address some of the challenges, particularly out west

where there is water scarcity across many basins.

So from that standpoint, how do we best figure out, we did this a long time with the Bureau of Reclamation, we set it up from the beginning, Section 8 of the Reclamation Act, to the States, get your permits and work it out from there. That is not how the Corps developed its water resources project, because they weren't developed for supply.

So how do we get back to having that analysis to move forward and figure out how we can use these facilities or manage or operate these facilities in a way that enhances water supply, that is in watersheds, that is with the relevant States involved. Because they will be driven by the need for solutions.

So I completely support what General Spellmon said about the watershed and the local level. But there is an urgent need, I think, that you are trying to get at. I think we can try to figure out how to meld the two to have this dialogue with the appropriate folks in the room.

Senator Cramer. I appreciate that. I just want to associate myself as well with some comments you made earlier in response to both Senator Inhofe and Senator Cardin about the smaller recreational opportunities. It is really quite remarkable how much recreational facility you are responsible for at the Corps.

In our water scarcity of the west, we are experiencing a drought right now. If you have been out to Sekakawea before the freeze, you know there is going to be lot of exposed infrastructure from previous droughts that needs to be rehabbed. I am looking for creative ways that we can be helpful and that you can be helpful and multiple agencies can be helpful to make sure that regardless who the landlord is that we actually grow the opportunity for enjoying the lake.

With that, I appreciate again both of you. I yield.

Senator Capito. Thank you. Senator Duckworth?

Senator Duckworth. Thank you, Madam Chair.

Assistant Secretary Connor, welcome. The America's Water Infrastructure Act, which was enacted in 2018, included my provision that requires the Corps to analyze federal policies that hinder the Corps' ability to address urban flooding. The previous Administration committed to deliver this study to Congress by 2019. Unfortunately, it failed to meet its deadline and never delivered the report.

Assistant Secretary Connor, would you commit to prioritizing the completion of this study as required under the 2018 WRDA reauthorization? And once completed, provide my office with a briefing of the results to inform our efforts to strengthen the Corps' capabilities and capacity to address urban flooding?

Mr. Connor. Yes, Senator, I commit to following up and to

prioritize giving the report and the information available to you. I think it fits within the idea that we are looking to figure out how we can address urban disadvantaged communities which are disproportionately affected. I think it fits in that area.

So I know there has been a lot of work done on the report. I don't exactly know where it is in the process. But it is on my radar screen now, and it is a priority on the commitment I just made.

Senator Duckworth. Okay. Well, it was due in 2019. So I hope that it is a priority item.

Do you think it could be completed and release this study by the end of this month?

Mr. Connor. I don't know that it will be available by the end of this month but I will definitely get back with you and your staff as far as timing, and ensure that I am doing what I can to break it free, Senator.

Senator Duckworth. Thank you.

This next question is for both witnesses. It is about urban flooding and disadvantaged communities. The Corps manages a significant amount of our Nation's infrastructure, and communities depend on the Corps to implement projects that will help protect them from harmful flooding and natural disasters. We have already heard about this today. We need to do this

without worsening pollution problems.

Because many Corps projects are located near or directly impact low-income communities, both urban and rural, and communities of color, it is critical that the Corps have the staff capacity to achieve multiple goals for these communities. These goals include, I feel, prioritizing recovery efforts, minimizing adverse impacts of projects, and collecting and integrating input from communities, experts and other stakeholders to improve current policies and practices.

Lieutenant General Spellmon and Assistant Secretary Connor, would each of you describe how the Corps would benefit from Congress taking action to authorize some form of an advisory committee to support the Corps' environmental justice efforts to better serve marginalized and disadvantaged communities? Also, would the Corps consider prioritizing environmental justice initiatives across the agency by elevating an official to specifically advise leadership on this topic?

How do you feel about an advisory committee, and would you elevate somebody and pin the rose on them to be in charge of environmental justice, marginalized and disadvantaged communities?

Mr. Connor. Yes. With respect to an advisory committee, I think the idea of getting input to ensuring that we are having communications with those communities and their representatives

about how we can best address the risks they are facing, that is part of a dialogue that we should be having overall. From that standpoint, given the Administration's focus on that, I am definitely open to the idea of an advisory committee. We can have a dialogue.

Quite frankly, we rely on that. As we move forward and we implement the procedures and the requirements to look at how we can benefit disadvantaged, marginalized communities, we are going to look to those communities to help best inform us. But if there is an overarching dialogue that we should be part of, I am supportive of that, absolutely. We are going to need somebody, and we are going to have to socialize this throughout the organization, through the Corps. I know General Spellmon has been working with this, because we have talked about this with respect to addressing environmental justice needs within the projects and activities that we undertake. We will certainly take under advisement the idea of elevating somebody with that specific responsibility.

But even then, that is just a start. We need to integrate this throughout the organization.

General Spellmon. Senator Duckworth, I would just add, we are never going to say no to advice, we are never going to say no to more staff expertise. We would welcome both of these initiatives.

Senator Duckworth. Thank you. I yield back.

Senator Carper. [Presiding.] I think Senator Sullivan is next. Senator Sullivan, welcome, how are you?

Senator Sullivan. Thanks, Mr. Chairman.

Senator Carper. Good to see you.

Senator Sullivan. I want to follow up, gentlemen, good to see both of you. Very quickly, just on this issue of environmental justice, marginalized communities, as my good friend Tammy Duckworth, Senator Duckworth mentioned. It has not been you guys yet, it better not be, but the Biden Administration continues on their actually targeting, targeting of marginalized communities in my State.

Just on Monday, we had, Mr. Chairman, our 21st executive action targeting solely the great State of Alaska, 21st very negative for our State. The Inupiat community leaders of the North Slope put out a press release, great Americans who don't - - this is a press release that in some ways is out of character. Because they are so angry, Mr. Secretary. They are so angry because they are being attacked. Native Americans, marginalized community, environmental justice B.S. you hear from this Administration all the time, here is just a couple of quotes.

This is when they took 50 percent of the National Petroleum Reserve of Alaska, set aside by Congress for energy development, 50 percent off the table going all the way back to President

Obama. Not based on science. Radical environmental groups.

So here is the Inupiat leadership of my State. All this baloney about environmental justice, marginalized communities, we really care about helping the most downtrodden communities, it is baloney. It is bullshit. I am sorry, Mr. Chairman. But it is.

Here is the chairman of ASRC: On multiple occasions, ASRC, the borough and the tribe have offered to work in partnership with the Biden Administration on issues affecting our region, the North Slope Borough. Bigger than California, by the way. Secretary Haaland and President Biden have chosen with this decision not only to ignore the voices of North Slope Inupiat, Native Americans, but to exclude us from the decision making process on issues that impact our Inupiat communities and our culture.

Here is the Inupiat leader of the Arctic Slope region. Secretary Haaland has violated her department's consultation guidance by failing to consult with the Inupiat community of the Arctic Slope. That is a tribe. We are a federally recognized tribe, and this action directly impacts the livelihoods of our tribal members. This is further proof that the Biden Administration prioritizes its relationship with environmental organizations over the sovereignty of Alaska Natives.

Here is the North Slope borough mayor, Harry Brower, Inupiat

leader. I have a responsibility to the people of the North Slope to protect the long-term sustainability of community through a viable economic base, a responsibility I take seriously for the Native people of my State. Secretary Haaland is failing in her responsibility to the Alaska Native people of the North Slope.

Mr. Secretary, it goes on and on and on. All this baloney about environmental justice, we want to take care of disadvantaged communities, guess what? There is a huge exception in the Biden Administration. As we, not for Alaska Natives, we will target them, we will make sure we crush their economic opportunities.

Can I get both of your commitments not to do this? Twenty-one executive actions smashing my State. There is no other State in the Country that is getting this kind of bullshit focus on shutting down Alaska, ignoring the Native people, and then they go to the meeting and say, oh, we care about the disadvantaged communities of America. That is a bunch of baloney. No in my State, they don't

Mr. Secretary, you and I have talked about this. I am sorry, I am so angry about this. You haven't done it yet, General, you haven't done it yet. I sure hope you don't. So you have any response? Or can I just get your commitment, don't do this to my State? If Joe Biden had a Republican

administration that came in on year one and issued 21 executive actions against Delaware, he would be as mad as I am.

Mr. Connor. Senator Sullivan, I can assure you that environmental justice and working with marginalized communities is not baloney to me. I don't believe it is baloney to the Administration.

Senator Sullivan. But, as long as they are not disadvantaged communities in Alaska. Then they get targeted. Just commit to me that --

Mr. Connor. My commitment that I am going to work with the Native communities in Alaska, I talked to Mayor Brower a few weeks ago about some needs that are up there on the North Slope. It is an ongoing dialogue. We are going to try and serve those communities as I think they are being served across the Country.

Senator Sullivan. Well, I want to work with both of you on whether it is the Port of Nome, what is going on in Barrow. We had General Gibbs, who was up in Barrow with me this summer, who did a great job, General. I am sorry, I love the Corps, I think both of you are very qualified. This is just --

Senator Carper. The Senator's time has expired.

Senator Sullivan. -- very difficult for my constituents to have to deal with. And I think it is unfair, Mr. Chairman, and I would like to have a hearing on this, this Administration targeting one State with shutdown.

Thank you, gentlemen. I am going to submit questions for the record.

Senator Carper. Very good. My staff is going to recognize Senator Markey next, but I was just handed a note by my senior staff person on water issues that the issue being raised here regarding the tribes, this particular issue is an issue that is under the Energy and Natural Resources Committee and under the Interior Department. Let's talk about it after.

Senator Sullivan. I acknowledge that.

Senator Carper. Very good. Thank you.

All right, Senator Markey. Your turn. Thanks for your patience.

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

The Sagamore and the Bourne Bridges, also known as the Cape Cod Canal Bridges, connects the nearly 250,000 residents of Cape Cod to the rest of Massachusetts. These structures are essential routes for general transportation, tourism, and evacuations in case of an emergency, which is more important than ever as Cape Cod faces the existential threat of climate change. It is right in the crosshairs, and the only way off Cape Cod are these two bridges in the event that a Hurricane Sandy-like event occurs.

The Army Corps has ably owned and maintained the Cape Cod Bridges since 1935. Unfortunately, they are now more than 85

years old and are in desperate need of replacement. That is why I fought so hard to make sure that our recent bipartisan infrastructure law could provide the resources we need to replace both bridges. First, we gave Massachusetts and the Army Corps a huge increase. My State, Massachusetts, is now poised to receive more than \$9 billion in direct federal infrastructure funding over the next five years, including \$1.1 billion for bridge replacement and repair. The Army Corps has also received more than \$17 billion in new funding for the next five years.

Second, I also helped working with the Chairman to make sure that the bipartisan infrastructure law includes nearly \$35 billion in competitive grant opportunities that can now be targeted for the Cape Cod Bridges.

Assistant Secretary Connor, we have talked extensively about this project. I appreciate your support that you have expressed in private. So I just hope at this moment, in a public hearing, that you would commit to advancing this bridge replacement effort in Massachusetts. Do you agree that the infrastructure law provides a path forward and sufficient funding opportunities to replace the Cape Cod Bridges?

Mr. Connor. Absolutely, Senator Markey. Thank you for the question. Thank you for the dialogue that we had over the holidays on this particular issue. I think absolutely the IIJA does provide the opportunity and the resources for us to move

forward in the bridge project.

As we discussed, I think it is going to be an interagency, interdepartmental partnership that is going to get this done. We are working with the Department of Transportation. Even with the very productive conversations we had before you and I spoke, we have had ongoing conversations. I had discussions with leadership at the Department of Transportation on this effort. So I think we are executing the game plan that we talked about. We are moving forward on those next steps that we discussed.

So absolutely, we will keep you posted on that.

Senator Markey. Thank you, Mr. Secretary, very much. And again, IIJA, for anyone listening, the other name for the -- Mr. Connor. The bipartisan infrastructure bill.

Senator Markey. Yes, the other name for that is Cape Cod Bridges as it is translated into English in Massachusetts.

[Laughter.]

Senator Markey. Will you commit to ensuring that the Army Corps applies all of the grant programs it can to complete the essential project, including opportunities that can be pursued in collaboration with Massachusetts?

Mr. Connor. Absolutely. We are looking at all opportunities. We have strong incentive to do that.

Senator Markey. I thank you, Mr. Secretary.

Another issue facing Massachusetts is the growing threat of

more flooding, coastal erosion, and extreme storms, all of which are supercharged by human-caused climate change. Far too many communities in our State are already experiencing the devastating impacts of coastal erosion on their beaches, homes, and businesses, from Plum Island up in Newburyport, down to Chatham, Revere, Winthrop, and more. Flooding, sea level rise, and extreme storms are also dire threats for communities like Boston and Chelsea and others that are potentially environmental justice communities.

We are fighting every day to make sure that the climate crisis is not an extinction level event for eastern Massachusetts. But we have to prepare to respond to the unavoidable and inevitable impacts.

There is a program that the Army Corps has, the Storm and Hurricane Restoration and Impact Minimization +-Program, through which the Corps can respond. Secretary Connor, would you agree that this program's funding should be increased in order to ensure the Army Corps can keep pace with the growing threat of climate change?

Mr. Connor. Senator Markey, I am not familiar specifically with this program. Looking at the totality of the needs out there, and going through our work plan process and understanding the need, we need to invest more in resilience. There is no question about it, given all the factors that you just

enunciated. General Spellmon, with respect to the specific program, you know about that.

General Spellmon. Exactly, sir, we would certainly support that. Also, sir, we appreciate Congress' support of the Boston Regional Coastal Storm Risk Management Study. You gave us a new start in 2021. We are going to make our best technical argument for funding if we are offered a 2022 work plan to move out on that effort.

Senator Markey. Thank you. That is why, Mr. Chairman, I want to work with you in the next WRDA bill, the next Water Resources bill, so that we have the capacity to provide the resources to these great public servants, so that they can provide the protection for those very valuable resources along our coastlines that otherwise are going to be in great jeopardy.

So I thank you, Mr. Chairman. I thank both of you for being great public servants as well.

Senator Carper. Thanks, Senator Markey. Thanks a lot for joining us and for your passion on these issues. I remember that bridge, and conversation about that bridge.

Senator Stabenow is on her way back to her office to join us remotely, and Senator Kelly, why don't I recognize you. Oh, is she here?

Senator Stabenow. Hello, Mr. Chairman. I am here.

Senator Carper. Great. Go right ahead, then we will turn

to Senator Kelly.

Senator Stabenow. Thank you very much, Mr. Chairman, as we are all juggling various things. Thank goodness for being able to do some of this virtually. I am very enthused about working with you on the next WRDA bill.

To Mr. Connor and General Spellmon, thank you for your leadership on these really important issues.

It is hard for me to think of a single piece of infrastructure more consequential to our economy than the Soo Locks up in the UP where as you know, right now we only have one large lock that will handle freighters, barges come through from the St. Lawrence Seaway carrying materials, carrying finished products, and so on that go not only all around the Great Lakes region, but all around the Country.

During my recent visit, I asked the officials from the Detroit Army Corps what impact front-loading all of the funding, the entire funding so they could do the long-term contracts that are needed to get this thing completed so, heaven forbid, we don't have a shutdown of the one lock working and really a disaster economically. What impact front-loading would have on completing the project. I was really pleased to hear, the good news is that if we provide all the funding up front now for certainty, and they can do the contracts, we can expedite its completion by up to two years, and potentially up to \$200

million.

So it seems like this would be the prudent, efficient, responsible thing to do. So following the passage of the Infrastructure Investment and Jobs Act, I led a letter, along with seven of our Great Lakes Senators, to the Administration supporting the portion of the Corps' new construction to fully fund the Soo Locks project. Given the importance of the project to the Great Lakes region, to the national economy as a whole, can I count on the Corps to give very serious consideration to this request?

Mr. Connor. Absolutely, giving it very, very strong consideration. Important, strategic, as I have looked into it after we had our initial discussion about the Soo Locks, the reliance on that system and the lack of redundancy that exists, it is concerning. It is one of those things that you do wake up in the middle of the night thinking about.

So from that standpoint, strong consideration, absolutely.

Senator Stabenow. Thank you. Yes, heaven forbid we would see a Suez Canal type situation, where it is blocked and we can't move forward.

Speaking of high stakes Corps projects, I want to also talk again about the Brandon Road Lock and Dam project to install comprehensive measures to stop invasive carp from entering the Great Lakes. This is of interest to a number of us on the

committee, and off the committee. An event that would result in irreparable damage to the Great Lakes.

Despite the gravity of the threat, this project has not progressed nearly quick enough. These fish just keep coming, whether we are completing this project to stop them or not. We authorized a feasibility study as part of an award in 2007, this has been a bipartisan effort. We expedited its completion as part of the 2012 Highway Bill, and today we still have three years remaining on the preconstruction engineering and design. The carp are continuing to swim up the Mississippi River and the Illinois River. They are not waiting for us to get this thing done.

So while I appreciate the Corps' diligence, the pace at which it moves in adopting innovative solutions across, carries its own risks. I realize these are new solutions that you have come up with. But it has been, there has been such caution and slowness on it. I am very concerned.

How is the Corps working to become more responsive to these sorts of pressing threats, especially as we look forward to a whole slew of new and unprecedented challenges as a result of the climate crisis?

General Spellmon. Senator, this is General Spellmon. I will tell you, this has our full attention. And I acknowledge, it will never be fast enough. But as you outlined, we

absolutely have to get the engineering right. We are dealing with new technologies. We have not put on a structure of this size before, CO2 curtains, acoustic barriers, light deterrents. We appreciate, Congress has been generous, as has the President's budget, to give us all the money we need and can put to work with our best engineers and architects that are going very hard on the design for this project.

Ma'am, you have my commitment, we will work to get out a design as quickly as possible and get to construction.

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

Senator Carper. Senator Stabenow, thank you for joining us remotely as we work through this afternoon's series of votes.

Next, I understand Senator Ernst is here, yes, she is here. Senator Ernst, nice to see you. Then Senator Kelly.

Senator Ernst. Thank you.

Senator Carper. Thanks to you both for joining us.

Senator Ernst. Thank you, Mr. Chair. Thank you, gentlemen, very much for being here. General Spellmon, always great to see you. I know you have worked so hard on a number of projects throughout Iowa. We are greatly appreciative.

In December, Senator Grassley led a bipartisan letter that I had signed. It stated the importance of the Navigation and Ecosystem Sustainability Program, NESP, and asking if it gets

prioritized in the course of coming work plan. Iowa has approximately 85,000 farms, 95 percent of which are family owned. As we work to make American farm exports more abundant around the world, we also need to maintain a strong and efficient inland waterways navigation system. The 20 most recent new starts for the inland waterways system, only one was in the upper Mississippi River Basin

So, Mr. Secretary and General, can you make any assurances today that NESP, specifically for me, Lock and Dam 25, will be prioritized in the upcoming Corps work plan?

Mr. Connor. Senator Ernst, thank you for the question, and raising the issue. It is being given strong consideration as part of the work plan process. As I noted earlier, I was out, one of my first trips out of the box was on the Mississippi, and on the Illinois River, and becoming familiar with the users of the inland waterway system. I recognized from that meeting and the explanations the importance from an agricultural perspective, the supply chain as a whole, in and out, the reliability of this system, that is certainly part of that process.

So as directed by Congress, we will be making substantial investments for following the capital investment strategy. It is going to get strong consideration.

Senator Ernst. Okay, and General Spellmon?

General Spellmon. Yes, ma'am, so we are making the best use of the \$5 million that Congress gave us in the 2021 work plan to advance the design for Lock and Dam No. 25, adjacent mooring cells, and of course, there is a correlated ecosystem restoration project. We want to make sure when the Administration makes its decision that we are absolutely ready to go to construction. These are important projects.

Senator Ernst. Very important projects. I appreciate your commitment. If we need to make any further discussion opportunities in the future, let me know. I am happy to visit with both of you. But it is a priority for us. Thank you very much for that.

Certainly one of the priorities for the WRDA 2022 would require the Corps to submit a report to Congress listing all projects that are either \$100 million over budget or five years behind schedule. So again, that is a priority I have for WRDA 2022.

Unlike in the private sector, there are no clear incentives for federal agencies to deliver projects on time or on budget. General Spellmon, what kind of incentives do you think that agencies might respond to? What do you think would be effective?

General Spellmon. Yes, ma'am. I professional disagree that we don't have any incentives. There are firms out there that

build big box stores, and they do it every day, and they get very good at it over and over. And there are firms out there that build high-rise apartments, and they do it every day, every year, and they get very good at it.

I don't have two projects that are alike in the Civil Works Program. Cedar Rapids is very different from Texas Coastal, it is very different from what we are dealing with down in Miami. That is the beauty of why folks want to come to the Corps, because they are working on national level infrastructure that is all different. They are not building Wal-Mart's.

That is why I think that the engineers and the talent that we have in the Corps are recognized nationally throughout the year on national level awards. Many of them are recognized, ma'am, internationally for the work that they do. We work on, again, projects that are of national significance, both here in the United States and today in 110 countries around the world.

Senator Ernst. And yes, I would agree, I think we have a phenomenal Corps that does a great job, tremendous engineers. But what we do end up with are a lot of projects that end up behind schedule, or over time. Cedar Rapids, of course, additional dollars will be needed for that particular project.

So how can we do better with that?

General Spellmon. Yes, ma'am. You absolutely have our commitment. We want to do better. So for Cedar Rapids, yes, we

have some cost growth. Ma'am, I will go back to the beginning of the bipartisan Budget Act of 2018. This was not unexpected, given the level of feasibility we had done on this particular project and several others. We knew this cost growth was coming. We just didn't know where.

So we have, in this case we have adequate contingency in our non-Harvey or Memory Estates to adequately cover the cost growth. Again, it was expected. We are planning for it. And we are committed to finishing that project.

Senator Ernst. And we are extremely pleased that you have been engaging with Cedar Rapids and so many of the other projects as well. We hope that we can continue working on this. Lock and Dam 25, let's try and get that going as well. But I really appreciate your time and your attention to so many of these projects. Hopefully, we can see many of them completed in the near future.

Thank you. I yield.

Senator Carper. Senator Ernst, great to see you.

Now, patient, long-awaited Senator Kelly. Senator Boozman, you follow on the heels of Senator Kelly. Then I understand we are going to have another vote in the Senate later today. It is an interesting afternoon.

All right. Mark, you are up.

Senator Kelly. Thank you, Mr. Chairman. Thank you to both

Secretary Connor and General Spellmon for joining us today.

As we begin drafting the 2022 WRDA bill, it is important to me that we ensure the Army Corps of Engineers has the authorities and the resources necessary to respond to the drought that is facing Arizona and other western States. As the bill moves through the Senate, I am hopeful that we can work together to ensure a whole government approach to respond to this severe drought. It is not like anything we have seen in our lifetime. It has been going on 22 years now. It is significant.

Secretary Connor, as a former Commission of the Bureau of Reclamation, I know you know the importance of these issues. So I would like to start my questions with you. As you know, the 2020 WRDA bill authorized a new Section 595 Western Infrastructure Program in Arizona which allows localities in Arizona to receive funding for a variety of water and wastewater projects.

What updates can you share about the Corp's work to stand up and fund this program? How do you think a program like this can help Arizona adapt to changing drought conditions?

Mr. Connor. Senator Kelly, thank you for the question. As you and I discussed, I understand from that prior service Arizona is at the epicenter of drought in the Colorado River Basin and facing shortages to the supply that it has long relied

on. I think the Environmental Infrastructure Program, so we have already started funding. Pascua Yaqui Tribe, I believe, got about a million dollars to move forward with water supply pipeline. I think that is one aspect.

But in the dialogue that you and I have had, and with others, I also understand there is about \$70 million of identified projects already. That is a good thing. We have a whole of government approach. I know the Interior Department has a lot of responsibilities and resources that it will be applying to the Colorado River system.

But we can do our part in working with your communities. We are developing innovative strategies under that Environmental Infrastructure Program, managed aquifer recharge, re-use activity. So we will look forward to trying to work with the resources we have, and there are additional resources within IIJA for environmental infrastructure. I know it has been part of the Congressionally directed spending in past appropriations bills. So will put that to good use whenever we can to help address these resource issues.

I think even in our overall programs that we are undertaking in Arizona, looking at how we integrate flood protection and water supply, and looking for opportunities for multi-benefits is going to be a key part of what we do moving forward.

Senator Kelly. Do you think this will help us deal with the

drought situation we are facing?

Mr. Connor. I think it is an absolutely critical part of the drought situation. There is always going to be some reliance on the Colorado River. But having these local strategies developed through the water supply and re-use and wastewater projects that we are talking about, and flood control, I think that is the future. It needs to be.

Senator Kelly. So broadening this out a little bit, do you believe that the Corps' main authorities for flood risk management, ecosystem restoration, and water supply are sufficient to allow the Corps to play its part in responding to drought conditions in the western United States?

Mr. Connor. I am going to have to look into that more closely. I know we have authorities to engage in projects and activities, whether they are long-term enough, whether they have the right parameters to ensure we are looking at this. I think we have the discretion to do that.

But that will be an ongoing dialogue, and I will get with you and your staff on that.

Senator Kelly. That is what I would like you to do. So if there are additional authorities which the Corps could benefit from to address water supply issues unique to the western United States, if you could get us that information, and General Spellmon, the same for you, that would be incredibly helpful.

We will work with both of you to make sure that within, if it makes sense, to get you the authorities that you need.

Mr. Connor. Absolutely.

Senator Kelly. Thank you, Mr. Chairman. I yield back the remainder of my time.

Senator Carper. Thanks, Senator Kelly. We have been rejoined by Senator Boozman. Good to see you, my friend. You are recognized. Thanks for joining us, twice.

Senator Boozman. Thank you, as always, Mr. Chairman. We appreciate the hearing today. Thank you all for being here.

Also, General Spellmon, Secretary Connor, we appreciate you, we appreciate the Administration for their support of the President's 2022 budget request for the Three Rivers Navigation Project. This is something that is essential to the river. If it fails, and it is not a question of, it is when, then it would severely make it such that essentially the Arkansas River would shut down, which would be a real impact not only to the State of Arkansas, but our entire economy.

So I do appreciate your having the foresight to address it before it becomes a crisis.

I have a couple of questions. Congress authorized the deepening of the MKARNS in 2003, and work on the 12-foot deepening project was initiated in 2006, using funds appropriated in 2005. However, the project has been inactive

since then. I understand preconstruction engineering design funds, this is something that we have been working with Senator Inhofe and the Arkansas delegation, entire Arkansas delegation, Oklahoma delegation, but I understand preconstruction engineering design funds will be required in Fiscal Year 2022 and 2023 for resumption of the deepening project.

What are the capability figures for preconstruction engineering design for the Tulsa and Little Rock Districts for Fiscal Year 2022 and 2023?

General Spellmon. I will take that, sir. We are going to express capability for \$10 million. There is some more design work.

But I also want to share with you that we are thinking proactively here, we are combining some already-funded O&M work for bank stabilization and rock placement that we need to do. But that is also going to serve us well when we move forward with the deepening.

Senator Boozman. Very good. The final question has to do with the levee safety provision that was enacted as part of the Water Resources Development Act of 2020. Section 131 of WRDA directs the Corps to do three things with the individual levee sponsors for systems in the federal portfolio: identify project-specific engineering and maintenance deficiencies, if any, describe recommended remedies and the associated cost of these

remedies, consult closely with the non-federal sponsor throughout the process. We were part of leading this.

The problem is, we have a situation where we all agree, you have a levee that really isn't very well maintained. But it is a Catch-22 situation, in the sense that with your grading structure, it is not recognized as that. You say, well, how can I fix this? What can I do to get it up to the level? And there is simply no answer.

So this is something that we have to get fixed. We have excellent levees, not only in Arkansas, but throughout the Country, with this minimally acceptable rating, which is simply, it is not good.

General Spellmon. Sir, I know we are going back and working with the public on this. I know one of the pieces that we have received a lot of feedback on is how we are defining risk. It is a probability, and at times a consequence. The probability, of course, is what you described, the state of the levee, the structure of the levee, how sound is it. It is the consequence if that were to fail.

We were using that as a metric to help the Secretary make informed decisions with limited funds. You can't go out and fix everything. So let's use this risk metric.

We are going to circle back on this, sir. We have more communications to do with experts in your State and throughout

the Country on how we can better communicate this and find a way forward.

Senator Boozman. Yes, again, and we need to do that in a timely fashion.

The other problem, we have had on the Mississippi or various waterways, we have had these massive floods, these centuries floods. That is a great stress test. For areas that have held up with no problem at all, what better measurement is there that they are capable of doing. See what I am saying?

The other side is that you all could be very proud, you have designed a system that really has done well and we can be very proud of that. But we have some problems in administering it.

Thank you, Mr. Chairman. Thank you guys, very much.

Senator Carper. Senator Boozman, thanks as always for joining us and for your thoughtful questioning.

I have a series of questions I would like to ask of Secretary Connor and General Spellmon.

Mr. Connor, you have been in this new job for how long now?

Mr. Connor. Senator, I think it is six weeks now.

Senator Carper. Does it seem longer?

[Laughter.]

Mr. Connor. No, it is actually just one long day it seems like, since that time.

Senator Carper. All right. Just take a minute and reflect

on your new responsibilities, what you expected, what you have found, what you are encouraged by, maybe what you are challenged by. Just take a few minutes on that. Then I have some other prepared questions.

Mr. Connor. Senator, I appreciate the question.

I am taken aback about the level of respect across, on a bipartisan basis, across regions of this Country, the work that the Army Corps of Engineers does, and the importance that it has to many, many communities. There are obviously a lot of issues all the time. But I think people have made it clear to me, they take a step back and they look at the totality of what the Corps does in their communities, and they appreciate that work. It has resonated with me how important this organization is.

The expectations are daunting with respect to the need that exists. You have identified a number of things that we should be working on, particularly in a climate-impacted world, and the enormity of the task ahead of us is daunting to say the least.

But I am confident, I feel very fortunate to be working with the folks that I get to work with, and to have a role in this organization and be charged with responsibilities that Congress and members like you have for this organization. I think it is a great partnership, and I think we can do a lot of great work.

But we have the weight of expectations, of execution, too. So it is not just about thinking about it, talking about it,

having good intentions. It is about execution and moving forward. And we are working on the whole range of that portfolio.

Senator Carper. Good. I think you partly answered this. When we passed the bipartisan infrastructure bill this committee provided the foundation for the water side, drinking water, wastewater, flood issues. On the surface transportation side, there were roads, bridges issues as well.

The first part of that money out to States put it to work, it has been done. We don't come together on a lot of big issues on a bipartisan basis these days. But we did pass on a strong bipartisan basis the comprehensive bipartisan infrastructure legislation.

The second challenge is to make sure the money gets out the door, to be put to good use. I think that is beginning to be done.

The second thing is we want to make sure people in this Country know what is happening, and that we don't hide our candle under a bushel, and we let them know what we are doing, how that money is being put to good use to improve their quality of life. Also, to frankly strengthen our economic vibrancy of our Country.

So thank you for those reflections. Again, we are delighted that you are interested in this job. The President nominated

you, and we are grateful to our colleagues for confirming you.

This is a question for General Spellmon, and for you, Mr. Connor. Gentlemen, as leaders of the Corps, you understand the importance of the biannual Water Resources Development Act legislation probably better than anybody around. As you know, it not only authorizes projects and spending limits for the Corps, but it sets new authorities and new priorities.

Now that we are starting development of the 2022 WRDA, I would like to take this opportunity here to from both of you today about key changes, priorities or authorities that the Corps needs to be a better partner with non-federal stakeholders. Mr. Connor, why don't you take that, lead off with that? Then we will kick it over to General Spellmon.

Mr. Connor. Thank you, Senator Carper. Absolutely. Thinking about how we can best use this WRDA 2022 process, I think General Spellmon may have some specific ideas that we have discussed. I want to talk a little bit more broadly. We are going to be moving forward in the direction of WRDA 2020 and doing agency-specific procedures with respect to the principal requirements and guidelines, which is going to be looking at our projects and comprehensive benefits associated with those benefits, not just focused on national economic development. What are regional benefits, what are local benefits, what are environmental and social benefits, and how we integrate that

into our decision making as part of that. We also want to ensure we are looking at certain features of our projects, that we are looking and expecting that we at least assess natural and nature-based features, and that we integrate them wherever we can.

So it is going to be a pretty significant undertaking. We are going to be moving forward with that process. How we take those ideas and those disclosures and that discussion and turn it into practice is something that we should all be looking at as to whether that requires new authorities or modification authorities about how we assess and how we choose and select projects.

So I think that is a heads-up for the process that you directed. I think it is one that we should keep in touch on, because it may yield the need for new authorities.

Second, as we have talked about here today, with respect to environmental infrastructure, continuing authority programs, communities across the Country are making great use of those programs. I naively thought a year ago that they were underutilized programs that had a lot of capability. Now I know they are oversubscribed programs with respect to the need. You all obviously understood that in providing the resources in the bipartisan infrastructure bill. So how we make use of those authorities, thread them into the needs and maybe expand their

use is something that we ought to think about together.

Lastly, I would note, how we do business and how we create the efficiencies to make investments in the best use of our resources is going to be an ongoing issue, particularly with the size of the portfolio that General Spellmon mentioned in his opening statements, the expectations not just for the Civil Works Program. Our Civil Works folks support other activities.

So contracting efficiencies, something even like the plant replacement improvement program, WRDA 2016 might have put a little bit of process in there that maybe we want to discuss about more flexibility to use at least some low-dollar funds. We understand the need for oversight about how we use funds directly to address some of our plant maintenance and replacement needs.

But maybe we can talk a little bit about some flexibility with respect to that, and looking back to the changes made in the 2016 WRDA. Those are three ideas that I will throw out. I know General Spellmon has some more.

General Spellmon. Yes, sir, first of all a general statement on your comment on partnership. I tell myself, I have a consistency problem. I have districts that do partnering and have partnerships and they do this very well. And I have some that don't do it very well at all. We are working every day, this is one of our four priorities.

Senator Carper. Why do you suppose some do it well and some don't do it well? Can you generalize on that?

General Spellmon. Sir, it is younger staff, it is inexperienced commanders coming to the Corps for the first time. So we just published new guidelines. We have not published doctrine on this since 1993. So we have new guidelines out, and we are working on a partnering playbook that we will publish this year.

So there is an education component to this. There is a sharing of best practices component to this as well. We are working on this very hard.

Sir, with respect to WRDA 2022, a couple things. First of all, again, on partnership. I would like to see a reauthorization of the Tribal Partnership Program. This came to us, it was authorized in 2000, it sunsets in 2024. We have completed a number of very good studies under this program. We completed one very good construction project up in South Dakota. I would like to see Congress reauthorize this program so we can take these studies and move them into good construction projects.

I would like to have the ability to assign warrant officers and non-commissioned officers to my civil works projects. I mentioned the massive workload. Today I have 800 military men and women in the Army Corps of Engineers. The rest are very

talented civilians.

But I can't bring in all those captains and majors because of other priorities for engineer officers elsewhere in the Army. But I have non-commissioned officers with degrees in project management. I have warrant officers with masters' degrees in electrical engineering. I would love to be able to assign them to civil works projects. It is the 1956 Flood Control Act; it limits me to commissioned officers only. Secretary Connor mentioned it. If we could have a discussion and maybe gain some flexibility, it is Section 160 of WRDA 2016, that puts some governance on top of my plant replacement improvement program. I have to publish a perspective each year for those projects.

So these are the types of projects where out in the field I store equipment, or I have a field office. They are generally small projects, \$7 million to \$8 million. I have not had a project approved or we have moved forward on since the implementation of this provision.

I would just like to have the ability, or maybe Secretary Connor have an approval level where I could go to him and get approval for an \$8 million project to replace a building that burned down in Portland, for example, this past summer. I would like to offer a conversation on that one, sir, and would welcome any flexibility we could get.

Senator Carper. All right, thank you.

Aside from what you have just said, are there any other key issues you would like to see addressed that come to mind in the coming WRDA bill? You have touched on a number of them. Anything else, anything that you would like to mention?

General Spellmon. Sir, I will mention one more. We mentioned it earlier, the Hurricane, Storm, and Risk Reduction System in New Orleans. It is Section 3017 from WRDA, going all the way back to WRDA 2018. That allows us to account for subsidence and settlement in the levees and the flood walls in and around New Orleans. Sir, that authority expires in 2024. I think we would like to keep that system intact and keep it whole for Congress to reconsider reauthorization that authority as well.

Senator Carper. Okay, good.

Next question. Again, this would be for you, Mr. Connor. It deals with collaboration, collaboration especially with stakeholders. Sponsored collaboration with the Army Corps of Engineers, as you know, is critical to solving today's water resources challenges. It helps to limit the cost of missed opportunities, promote better planning, provides better transparency and results in more fiscally and I think environmentally sound projects.

The Corps unfortunately has been limited in its outreach, particularly in disadvantaged communities. In addition, the

Corps has still not completed implementation guidance on the disadvantaged community provisions contained in WRDA 2020.

First, actually, a two-part question. First, when do you think we can expect the disadvantaged community guidance that Congress has required? And second, what more should the Corps be doing to collaborate with non-federal stakeholders, including those in disadvantaged communities? Will you take on those two questions, please?

Mr. Connor. Absolutely, Senator Carper. It is a great question. I think it is going to be a priority here now, as I committed to in my opening statement, moving forward with the guidance and getting the right definitions of disadvantaged communities, economically challenged communities. We need to just make a decision and that will set us in a position to finish the guidance. Particularly because we have resources in the IIJA, specifically the \$30 million that was carved out to move forward with the investigation and working on projects with those marginalized, disenfranchised communities. Then the CAP program, the \$100 million that was set aside, so that we can use those ranges of authorities to work with those communities.

So we have resources now, that is always an issue. They are there; we need to put in place the guidance. So that will be a priority for me in moving forward on that in the very near future.

With respect to being able to partner and work with these communities, a couple of things I will just mention. I will go back to looking at comprehensive benefits, which the Corps is already doing, but then trying to institutionalize that with our agency-specific procedures to implement the principal requirements and guidelines.

That is going to be the key. I think that has always been a strict look at benefit costs. It has great value. We should be assessing the economic costs and benefits of our projects. We should be looking at the environmental values aspect, and we should also integrate the societal values. When you are just top-heavy on the economic benefit, those marginalized communities suffer, and they don't compete as well. We have to re-do our criteria in a way that everybody is on board with, so we can consider those other factors. We should try and quantify costs and benefits as much as possible. But sometimes it is a discussion, it is a narrative. We will do our best to do both aspects, quantification as well as a discussion about those benefits.

Lastly, programs like the Tribal Partnership that General Spellmon mentioned. Those are specific programs, like the pilot projects, that allow us to go work with communities. As I said in my confirmation process, it is not about just undertaking our projects in a way that doesn't harm those communities, but we

want to bring the Corps' resources, skills, capabilities, to work with those communities and ensure that they get the benefits of those activities that so many other communities have had over the years.

Senator Carper. All right, thanks for that.

I have a third question, and I am going to address this, Mr. Connor, to you and to General Spellmon. I think I will ask General Spellmon to lead off, we will let you rest for a spell. The subject is sea level rise, something near and dear to our hearts in the First State. And frankly, a lot of places on the east coast and the Gulf, and even on the west coast and Great Lakes.

As you know, as the Senator from the lowest-lying State, I have already referenced it once today. But sea level rise and extreme weather are becoming more and more of a cause for concern. Earlier this year, I asked General Graham if the Corps accounts for climate change in project design. He answered yes.

It seems, however, that the Corps only designs projects to address damage from storm surge. And in a storm situation, flooding can have more than one cause. The Corps should comprehensively reduce the risk of all flood hazards when it designs a project, including climate change, fuel, sea level rise.

My question, starting with you, General Spellmon, and then

turning to Mr. Connor, given the Administration's priority in addressing both the impacts and the root causes of climate change, how will the Corps be working to remedy this shortfall in its project design? General Spellmon?

General Spellmon. Sir, I will start, and tell you that is something that we are working very hard on. General Graham was correct; we have been using sea level rise curves in our feasibility studies and our projects for the past 12 years. Frankly, we have a great climate change tool that DOD has accepted for use on all of the installations.

I would like to see us, and we are working hard on this, I will use the example, go back to the hurricane storm damage risk reduction system in Louisiana. We used the sea level rise curves and climate science in the construction of that project. And the Corps has been credited with the performance of that structure, along with our great partners in Louisiana, for its performance during Hurricane Ida.

What I am saying here is that while concrete and steel and the compacted dirt that protected the city was very, very important, I am of the opinion that that system performed even better because all of the natural and nature-based features that the State of Louisiana has been working on, the marsh restoration projects, the barrier islands. I think that has to be an important component in our coastal work moving forward for

the reasons that you said, Senator.

Senator Carper. Thanks for that.

Mr. Connor, do you want to add to that, or take away?

Mr. Connor. I would simply add that in a lot of cases now, we are doing these coastal resilience assessments and studies. I think those are great opportunities to integrate that risk, to continue to evaluate the risk, and then look at the broad array of solutions, that we can enhance the existing protections that are already in place. I think that is going to be critical.

I absolutely agree with General Spellmon; the integration of natural and nature-based features, the lessons we have learned of how it works in places where it has been done and how we can take that to other communities. And they are demanding it. We have communities that are way ahead in their views of what we should be doing with natural and nature-based infrastructure features.

So these studies present a great opportunity for us to do the assessment. We have the tools as General Spellmon noted. It is going to be an ongoing process, even where we have done resilience activity to date. We have to constantly reassess given new threats, and given new opportunities to address those threats.

Senator Carper. All right, thank you. I have one more question I want to ask of you, Mr. Connor. Then I will give

each of you a minute or two to close. You get an opportunity to give an opening statement; I like to give the opportunity for you to give a little closing statement as well, something you want to reemphasize or something you think that has been missed that you could comment on.

Mr. Connor, my last question would be with respect to the Corps' budget. As you know, the Congress typically funds the Corps' levels above the President's request. For example, I think in 2021, the President's request was about just under \$6 billion, I think it was \$5.97 billion, to be precise. Congress provided \$7.8. So that is an increase, probably about a 25 percent increase above the President's request in Fiscal Year 2021.

While these numbers are large, the Corps has not made a significant dent in the project backlog, which is estimated, as I mentioned earlier, to be nearly over \$100 billion, maybe closer to \$110 billion. Between the Infrastructure Investment and Jobs Act, also known as the bipartisan infrastructure bill, annual appropriations added to that additional supplemental dollars that the Corps is expected to have somewhere between \$80 billion and \$100 billion to invest over the next five years.

With such a large backlog, how will the Corps balance work on backlogged projects while helping communities that have newly emerging needs?

Mr. Connor. It is a complex set of issues that we need to deal with, addressing that backlog and moving forward with the new protections and the new demands that exist. As you note, we do have a significant backlog. I think the figure I saw for WRDA 2020 was something in the neighborhood of another \$15 billion. That goes to the ongoing need and maybe even enhanced need going forward.

So I think we have to look at those projects. There is a process to continue to look at whether some projects should move forward, particularly in the way they were originally envisioned. We want to make sure we use this influx of funds to complete projects, get them off the books, finish the work that we have started. We want to prioritize the use of projects in the future.

We are always going to look at risk from a safety standpoint. We are always going to look at economic environmental benefits. There are other needs out there, and other demands.

Also, with respect to the Administration, we are looking at resilience, we are looking at environmental justice, and we are looking at supply chain as priorities that we need to address. So it is going to be a balance of trying to finish projects, trying to really assess future risks and moving forward with those priorities.

I do believe that we can make a dent with the resources we have. Congress has entrusted us with a lot of resources. I think getting back to that execution piece of this, this is going to be key, so that you can entrust us with more resources moving forward to address these concerns. Because we have a lot of work to do, and some of it we don't even know about yet, given the new challenges that we are facing.

Senator Carper. Thanks for that reply.

My last thing, this is really giving each of you a minute or two, maybe three, to add anything else that you think you would like to reemphasize, or something that wasn't raise that you would like to leave on the table. Mr. Connor, why don't you go first, then we will go to General Spellmon.

Mr. Connor. Thank you, Mr. Chairman. I don't have much more to add. I am thinking about the points I would like to make. I think from my standpoint, moving on from WRDA 2020, there is a lot of to-dos still out there. Even when do guidance, even when we finish rulemakings, even when we get those items done, then there is the implementation phase from a policy perspective. That is going to give rise to a lot more projects and activities.

So we were a little shy here with respect to new authorities because I think you have given us lots of tools and authorities. We want to continue some of those authorities in more long-term

ways such as mentioned with the Tribal Partnership Program. We know that that program is really going to take off, that the outreach that has been done by the Corps, that we intend to do in the future, not only with tribes but with other communities that haven't long been served by the Corps. Those programs are going to take off.

So I am not suggesting a light touch at all with WRDA 2020. There are projects, there are proposals that are identified in our 7001 report that are going to be coming to you that you already have with the 2021 report. But this is an ongoing process, and a backlog will continue to build. But we want to make effective use of the resources we have and demonstrate that we can execute on the expectations.

Senator Carper. All right, thank you.

General Spellmon, any final thoughts you want to share?

General Spellmon. Senator Carper, first of all, thanks for your time today, and that of all the committee members.

As Secretary Connor said, this is an historic level of investment for the Army Corps of Engineers. We certainly appreciate the trust that Congress and the Administration has placed in us. But now we have to deliver. We absolutely have to deliver on this historic level of investment.

You have my commitment; we have every tool on the table to get these projects on the ground. So whether it is new

contracting strategies, new acquisition strategies, delegations, workload sharing, which we experienced in Delaware not too long ago, non-federal sponsor-led work under the 1043 authority, or any other tool, we are an open book. We want to be completely transparent with you and the committee to help us get this work in the ground.

Senator Carper. Good. Well, thank you for doing double duty today, with the House of Representatives Infrastructure, the oversight committee there, and then for joining us here this afternoon. I spent a lot of years of my life in the Navy. My dad was a chief petty officer for, gosh, over 25, close to 30 years all in. I always felt that leadership is the single most important ingredient in the success of any organization I have been a part of.

I am encouraged by the leadership we have in the military, and with respect to the Army Corps of Engineers and your responsibilities. So thank you both for your willingness to sign up to do this work. We look forward to working with you.

The time I spent in the Navy, I was always impressed with, some of the finest officers I ever served with were people who had been prior enlisted, we called them [indiscernible], mustangs. Some of the finest people I served with were folks who were non-commissioned officers, including chief petty officers like my dad and others. I think you asked for us to

look at some of the language to see if we might give folks who enjoy those ranks some opportunities to make some greater contributions. We will take a close look at that.

This is not the end of the conversation, it is the beginning of the conversation. We look forward to continuing that conversation, making sure that all this money, all these resources that have been appropriated find a great place to go, consistent with the guidance we have provided, and that we can be proud of that, the implementation that lies ahead.

With that, we have a little bit of housekeeping, very little bit of housekeeping to do in order to close our hearing. Senators will be allowed to submit questions for the record through close of business on Wednesday, January 26th. We will compile those questions and send them to both of you. We ask that you reply to them by Thursday, January 27th. Not really. We are going to ask you to respond, we are going to get the question back from our committee by Wednesday, January 26th, and we are going to give you all the way until February, Wednesday, February 9th, in order to reply. We ask that you try to be timely in those responses.

This is important stuff, especially for those of us on the coasts of our Country. Frankly, Senator Ernst was here talking about the needs that they have in Iowa. We have heard from folks in Michigan, Alaska, who have a huge interest in the work

you do. We are anxious to be your partners. Thank you again for your leadership and for your testimony today.

With that, this hearing is adjourned.

[Whereupon, at 5:03 p.m., the hearing was adjourned.]