

Jul 09, 2021

**Senate Armed Services Committee**  
**Advance Policy Questions for Mr. Michael Connor**  
**Nominee to be for Assistant Secretary of the Army for Civil Works**

Department of Defense  
OFFICE OF PREPUBLICATION AND SECURITY REVIEW

**Duties and Qualifications**

**1. What is your understanding of the duties and functions of the (ASA(CW))?**

**Answer:** The Army Civil Works program is extremely complex and diverse; and includes activities involving navigable waterways, flood risk management, ecosystem restoration, and hydropower. If confirmed, I understand that I will be the principal advisor to the Secretary of the Army for the Civil Works program. The Assistant Secretary of the Army for Civil Works (ASA(CW)) establishes the strategic direction for the program and has primary responsibility for the oversight of the Army Civil Works program functions. I understand that the ASA(CW) provides policy direction and budgetary oversight to the U.S. Army Corps of Engineers in the execution of the Civil Works program and coordinates with senior leadership of other federal agencies with related missions.

**2. What background and experience do you possess that qualify you to perform these duties?**

**Answer:** I was formerly the Deputy Secretary of the Department of the Interior and Commissioner of the Bureau of Reclamation (2009-2017). In those roles, I gained extensive experience in directing strategy and managing a large federal water resources agency responsible for significant infrastructure assets associated with water resource and energy development. As Deputy Secretary, I was the Chief Operating Officer at Interior, responsible for approximately 70,000 employees and an annual budget in excess of \$13 billion. At Reclamation, I managed approximately 6,000 employees and an annual budget in excess of \$1 billion. These positions also provided extensive experience in working directly with the U.S. Army Corps of Engineers (USACE). At Reclamation, I worked closely with USACE in developing climate resilience strategies, coordinating flood control and water management operations in numerous river basins, engaging in river restoration projects, and collaborating on dam safety risk management efforts. As Deputy Secretary, I worked with USACE in its regulatory role pursuant to the Clean Water Act and Rivers and Harbors Act. As Counsel to the U.S. Senate Energy and Natural Resources Committee, I worked on a number of legislative initiatives related to USACE authorities that were enacted into law in annual appropriations bills and biennial Water Resources Development Acts. Finally, I am a recognized national expert in water resources and Federal Indian law with significant experience in all major federal environmental laws that affect USACE operations and facilities. In sum, my extensive Federal experience coupled with other work and my educational background as both an engineer and lawyer, provide a unique set of qualifications to perform the duties of the ASA(CW).

**3. Do you believe that there are actions you need to take, if confirmed, to enhance your ability to perform the duties of the ASA(CW)?**

**Answer:** I believe my background and experience have prepared me well for the position of ASA(CW). To effectively perform these duties, I will need to immerse myself in the details associated with the Corps projects, programs, and budgets, as well as engage closely with headquarters and field leadership to better understand the details and issues associated with those projects, programs, and budgets. I will also have to make myself available to the constituencies outside government who rely on, and consistently interact with USACE in its various roles.

**4. If confirmed, what additional duties and functions would you recommend the Secretary of the Army prescribe for you?**

**Answer:** At this time, I do not have enough information to identify specific additional duties or functions that I would recommend that Secretary Wormuth prescribe for me, if confirmed. However, I will provide unwavering support to the Secretary for the priorities she sets for the Army, including those that apply to the Civil Works program.

**Major Challenges and Problems**

**5. In your view, what are the major challenges that will confront the next ASA(CW)?**

**Answer:** In my view, the major challenges that will confront the next ASA(CW) involve: greater demands on our Nation's water supply, an aging water resources infrastructure, adequacy of flood and coastal storm protection against extreme weather events, resource constraints, and ensuring appropriate environmental protections as part of addressing those challenges. If confirmed, I look forward to addressing these challenges with the Administration, the Congress, and the Army's cost-sharing partners.

**6. If confirmed, what plans, management actions, and timelines would you have for addressing these challenges?**

**Answer:** The additional demands on our nation's water resources are exacerbated by the challenges of an aging water resources infrastructure. The Corps must consider the impacts of climate change so that improvements to this infrastructure will not only meet the needs of today, but also be ready for tomorrow. This will require a collaborative approach with key partners, continued investments in science and technology, and an efficient use of available funding. In working to address these issues, we must also address continued resource constraints through opportunities that allow the Corps to leverage non-traditional funding mechanisms, like public-private partnerships. If confirmed, I will immediately engage with Congress and Federal, state, tribal, and non-governmental partners to understand what the challenges and potential solutions look like at all levels and from all perspectives. Success will be highly dependent on a

collaborative approach and, if confirmed, I will make such an approach a priority.

**7. If confirmed, what broad priorities would you establish in terms of issues that must be addressed by the ASA(CW)?**

**Answer:** In order to address the challenges in the Army's Civil Works Program, I believe it is very important to: (1) assess the most significant risks to Corps mission areas; (2) invest in research and development and related actions to better understand and address those risks; (3) maintain a strong and talented workforce; (4) strengthen relationships and improve collaboration both inside and outside of government; and (5) support and build on the trust between the Office of the Assistant Secretary of the Army for Civil Works, the Administration, and Congress. If confirmed, building and strengthening those relationships will be an early priority for me. Additionally, I will work closely with the Corps to strengthen the performance and improve the delivery of the Nation's Civil Works program while making schedule and cost commitments.

**Relations with Congress**

**8. What are your views on the state of the relationship between the ASA(CW) and the Senate Armed Services Committee in particular, and with Congress in general?**

**Answer:** I currently do not have enough information to offer my view of the current state of the relationship between the ASA(CW) and Congress. However, having worked for an extended time as committee staff in the U.S. Senate, if confirmed, I intend that this relationship will be strong, collaborative, and productive. The Army's Civil Works mission has a broad scope and congressional oversight is shared among multiple House and Senate committees, to include the Senate Armed Services Committee. If confirmed, I commit to providing the oversight committees with the information they need to conduct proper oversight of this important mission.

**9. If confirmed, what actions would you take to sustain a productive and mutually beneficial relationship between Congress and the ASA(CW)?**

**Answer:** If confirmed, I will ensure the Army engages in a transparent and cooperative relationship with Congress concerning all Civil Works efforts. I will be proactive in providing information to Congress regarding Civil Works policy matters of interest. I will be responsive to congressional inquiries and will make myself, senior leaders on my staff, and entities within the U.S. Army Corps of Engineers, available to answer questions quickly and thoroughly. If confirmed, establishing and maintaining a strong relationship with Congress will be one of my top priorities.

**10. What is your view of the role of both the civilian and military leadership of the Corps in developing goals for Corps' programs and presenting these goals to Congress?**

**Answer:** The interwoven roles of the civilian and military leadership of the Corps are

longstanding and invaluable to the Corps' mission and to the Nation. The leadership of the Corps provides strategic direction for the Army's numerous critical military and civil works missions. The Army's civilian appointees advance the policy direction of the Executive Branch's elected leadership, in cooperation with trained senior military leaders and civilian career executives who provide expert advice and skilled execution to accomplish the established goals. I understand the importance of a constructive and supportive relationship between civilian appointees, military leadership, and career executives and employees. If confirmed, I commit to providing the civilian leadership necessary to execute the Administration's strategic policy goals and to advance the U.S. Army Corps of Engineers project execution to provide greater contributions and value to the Nation.

**11. If confirmed, what procedures would you follow regarding consultation with Congress prior to issuing any decision or announcement that could affect the Corps execution of its civil works or environmental functions?**

**Answer:** If confirmed, I will follow the established regulations and procedures, and look to improve upon the procedures as appropriate, to ensure efficient and effective consultation with Congress on decisions that may affect the Corps' execution of its civil works or environmental functions. This process will include understanding and being attentive to significant issues and/or projects that are of a priority concern to Congress.

**Civilian Oversight of the Army Corps of Engineers**

**12. What is your view of the relative authority of the U.S. Army Chief of Engineers, the ASA(CW), the Secretary of the Army, the Army Chief of Staff, and the Secretary of Defense with regard to the civil works function of the Army Corps of Engineers?**

**Answer:** I view the relative authority of the Secretary of Defense, the Secretary of the Army, the Chief of Staff of the Army, the Assistant Secretary of the Army for Civil Works, and the Chief of Engineers, as it relates to the Civil Works functions of the U.S. Army Corps of Engineers, as follows:

**Secretary of Defense**

Under 10 U.S.C. §113, the Secretary of Defense is the Cabinet-level assistant to the President in all matters relating to the Department of Defense. Subject to the direction of the President, Title 10 of the U.S. Code, and Section 2 of the National Security Act of 1947 (50 U.S.C. §3002), the Secretary of Defense has full authority, direction and control over all elements of the Defense Department. He exercises power over the U.S. Army Corps of Engineers through the Secretary of the Army, whose responsibility for and authority over all affairs of the Army is subject to the Secretary of Defense's authority, direction, and control.

**The Secretary of the Army**

Under 10 U.S.C. §7013, the Secretary of the Army is the head of the Department of the

Army. Subject to the authority, direction, and control of the Secretary of Defense and, subject to the provisions of Chapter 6 of Title 10, the Secretary of the Army is responsible for, and has the authority necessary to conduct, all affairs of the Department of the Army. As further authorized by 10 U.S.C §7013, the Secretary of the Army may assign such of her functions, powers and duties as she considers appropriate to the Under Secretary of the Army, as well as the Assistant Secretaries of the Army, and require officers of the Army to report to these officials on any matter.

#### **The Chief of Staff of the Army**

As provided by 10 U.S.C. §7033, the Chief of Staff of the Army is the senior military advisor to the Secretary of the Army and is the Army's senior military officer. The Chief of Staff of the Army is directly responsible to, and performs his duties under the authority, direction, and control of, the Secretary of the Army. As a member of the Joint Chiefs of Staff, the Chief of Staff of the Army also performs duties prescribed by law under 10 U.S.C. §151.

#### **The Assistant Secretary of the Army for Civil Works**

As provided by 10 U.S.C. §7016, the Assistant Secretary of the Army for Civil Works is principally responsible for the overall supervision of the functions of the Army relating to programs for conservation and development of the national water resources (commonly known as the Army Civil Works program), including flood damage reduction, river and harbor navigation, environmental restoration and protection, water supply, shore protection, hydroelectric power, recreation, and related purposes. The critical national interests served by the Civil Works program require that the Assistant Secretary and Chief of Engineers develop a close, professional relationship built on open and frequent communication, active cooperation, and mutual trust and respect.

#### **The Chief of Engineers**

The Chief of Engineers advises the Assistant Secretary of the Army for Civil Works on Civil Works functions of the Army, including those relating to the conservation and development of water resources and the support for others program and, as Commander of the U.S. Army Corps of Engineers, executes the Civil Works program under the supervision of the Assistant Secretary of the Army for Civil Works. The Chief of Engineers is a member of the Army staff (10 U.S.C. §7031) and is one of four statutory Army chiefs of branches under 10 U.S.C. §7036. The Chief of Engineers is the principal advisor to the Secretary of the Army and other principal Army Headquarters officials for the formulation of policy related to engineering, construction, and real property activities for the Department. As a member of the Army Staff, the Chief of Engineers reports on military matters to the Chief of Staff, through the Vice Chief of Staff. In the area of installation activities, the Chief of Engineers advises the Assistant Secretary of the Army (Installations & Environment), who has principal responsibility for all Army matters related to installations and the environment.

**13. If confirmed, what fundamental changes would you make in the Corps' execution of both its operational and institutional functions? Please explain your answer.**

**Answer:** I have no immediate plans to make fundamental changes to the Corps operational and institutional functions. I believe the U.S. Army Corps of Engineers is one of the Nation's best public design, planning, and construction agencies. If confirmed, I intend to evaluate the mission delivery timelines, policies and procedures, delegations of authority, internal and external relationships, and talent management processes to see what, if any, changes would improve the operational and institutional functions. I also intend to seek opportunities for innovation that will enhance the execution of planning, design, construction, and operation and maintenance efforts to meet today's challenges and those on the horizon. I believe innovation can be found using enhanced research and development methods and improved approval processes that will ultimately reduce the time required to deliver quality projects to the Nation safely, on schedule, and within budget.

### **Integrity and Accountability in the U.S. Army Corps of Engineers**

**In November 2000, the Army Inspector General found that three Army Corps of Engineers projects have a long history of cost over-runs and schedule delays on its major projects.**

**14. If confirmed, what steps, if any, would you take to ensure that projects are appropriately justified by meaningful and accurate cost-benefit analysis?**

**Answer:** If confirmed, I will take the steps necessary to ensure that any U.S. Army Corps of Engineers analysis is fundamentally sound, unbiased, and transparent. To ensure that projects are fully justified, the U.S. Army Corps of Engineers must complete a defensible technical and environmental analysis in a timely and cost-effective manner. Additionally, I will consult with the experts within the agency to identify other ways to ensure all Corps projects are appropriately and lawfully justified.

**15. If confirmed, what steps, if any, would you take to enhance the likelihood that Corps-managed projects will be completed on time and on budget?**

**Answer:** I believe that it is important to deliver on commitments, including both schedule and cost commitments. If confirmed, I will work to maintain and enhance the U.S. Army Corps of Engineers' ability to deliver quality projects safely, on time and within budget, a matter of growing importance given the backlog of needed projects and growing reliance on the Corps in many areas. I plan to work with the U.S. Army Corps of Engineers and other Federal agencies who participate in program and project delivery to strengthen performance in this area. I am committed to developing programming policies and supporting the use of innovative tools/methods that will enhance the efficient use of program funding in order to deliver quality projects on time and within budget.

**16. If confirmed, what steps would you take to hold accountable officers and employees of the U.S. Army Corps of Engineers who fail to properly manage the projects entrusted to them?**

**Answer:** If confirmed, I will collaborate with the Chief of Engineers to ensure that appropriate management controls are in place to promote accountability in the execution of the U.S. Army Corps of Engineers Civil Works missions. My expectation is that the U.S. Army Corps of Engineers will faithfully execute the missions entrusted to it and to be good stewards of taxpayer dollars. I will expect that any shortfalls be promptly reported and corrective actions implemented at appropriate levels. In so doing, I would expect the Corps document lessons learned and continuously develop and update best practices to further improve future mission delivery. In the event that issues are identified that warrant personnel administrative action, I will work with the Chief of Engineers to ensure that those responsible are held appropriately accountable.

### **Navigation**

**The Army Corps of Engineers has built and maintains an intra-coastal and inland network of commercial navigation channels, and locks and dams for navigation, which comprise integral parts of the nation's critical infrastructure. The Corps also maintains 300 commercial harbors, through which pass 2 billion tons of cargo a year, and more than 600 smaller harbors. Significant amounts of heavy equipment and supplies bound for potential overseas military operations move by ship through ports maintained by the civil works program.**

**17. In your view, what are the greatest challenges facing the U.S. Army Corps of Engineers with respect to the execution of its navigation mission?**

**Answer:** I am aware that one of the greatest challenges with the execution of the Army's Civil Works navigation mission is the maintenance and modernization of this infrastructure. Providing a safe, reliable, efficient, and effective waterborne transportation system is critical to the Nation's economic well-being and global competitiveness. Further, I am aware also that the dredging mission for inland waterways and coastal channels faces the continual challenges of optimizing dredge schedules to execute the growing requirements and ensuring proper management of dredged material to maximize follow-on beneficial use.

**18. If confirmed, are there aspects of this mission that you would recommend be transferred from the Department of the Army? Please explain your answer.**

**Answer:** At this time, I am not aware of any specific aspects of the navigation mission that should be transferred from Department of Army. Navigation is an integral part of the water resources mission and it was one of the earliest missions of the Corps. The waterborne transportation system maintained by the Corps continues to be vital to the Nation generally and to our national defense more specifically. If confirmed, however, I will closely review all aspects of the Army's Civil Works program and look for ways to improve the execution of the navigation mission.

**19. In your view, how can the Corps best respond to environmental concerns in carrying out its navigation mission?**

**Answer:** If confirmed, I will work with industry stakeholders as well as federal, state, local and tribal authorities to fully understand the environmental concerns related to the navigation mission. I believe that opportunities exist for non-federal sponsors and the Corps to partner with tribal, state, and federal resource agencies to examine ways to address specific concerns. I intend to coordinate with other agency stakeholders to reduce hurdles to efficient execution of the navigation mission, while providing an environmentally sustainable waterborne transportation system.

### **Environmental Mission**

**The U.S. Army Corps of Engineers is responsible for environmental restoration projects at Department of Defense Formerly Used Defense Sites and also at Department of Energy Formerly Utilized Sites Remedial Action Program. Under the Department of Energy program, the Corps cleans up former Manhattan Project and Atomic Energy Commission sites, making use of expertise gained in cleaning up former military sites and civilian hazardous waste sites under the Environmental Protection Agency “Superfund” program.**

**20. What do you view as the greatest challenges facing both the U.S. Army and the U.S. Army Corps of Engineers with respect to environmental concerns and the execution of its environmental restoration mission?**

**Answer:** I assess that the U.S. Army Corps of Engineers faces the challenge of balancing available funding, increased technological standards for restoration, emerging issues related to chemicals of environmental concern, as well as stakeholder expectations. Of course, the effects of climate change and the need to consider resiliency issues related to many communities are also factors adding to the challenges. If confirmed, I will work with the U.S. Army Corps of Engineers to continue applying sound science and management practices that will increase remediation efficiency and meet the commitments made to stakeholders. I also intend to work with the U.S. Army Corps of Engineers to provide sustainable solutions to mitigate climate change impacts and address emerging chemicals of environmental concern as they relate to on-going Civil Works or Formerly Utilized Sites Remedial Action Program (FUSRAP) projects.

**21. If confirmed, are there aspects of this mission that you would recommend be transferred from the Department of the Army? Please explain your answer.**

**Answer:** At this time, I believe that the Army is the most appropriate agency to perform the environmental remediation mission in support of the Civil Works responsibilities. I am aware that the President’s FY 2022 Budget Request includes a proposal to restructure this program such that the Department of Energy’s Office of Legacy Management would assume responsibility for the Formerly Utilized Sites Remedial Action Program (FUSRAP) budget and would fund the Corps to continue on-the-ground execution of the program. While significant progress has been made in FUSRAP, the remaining sites are more complex, requiring larger and more consistent budgets and this would streamline the process of transferring sites from the U.S. Army Corps of Engineers after cleanup activities are complete, back to the Department of Energy’s Office of Legacy Management for long-term surveillance and maintenance.



**22. If confirmed, what would be your vision for improving this aspect of the Corps mission?**

**Answer:** I would like to see the Corps continue its strong performance in the Army's environmental remediation mission and continue to deliver results with the same technical competency and integrity as it supports the Civil Works program. I would also like to see a continued focus on applying science, technical innovation, and employing transparency and collaboration with its stakeholders in all environmental restoration and remediation operations. The Corps must increase transparency and its reliance on science and technology in its sustainability activities, particularly those that focus on facility energy efficiency, renewable energy, water efficiency, sustainable acquisition and procurement, and greenhouse gas reductions in support of reducing climate change impacts.

**23. If confirmed, what changes might you recommend to address the Corps' environmental funding requirements?**

**Answer:** At this time, I am not aware of specific changes that I would recommend regarding the Corps' environmental funding in support of the Civil Works program. However, the Army has an important environmental remediation mission and, if confirmed, I would make it a priority to focus on the key priorities, including to seek additional funding where necessary to ensure the effective execution of the Corps' environmental mission.

**24. If confirmed, specifically what steps would you take to preserve the integrity of the Corps environmental and civil works mission?**

**Answer:** I believe that the Corps' environmental and civil works missions are essential to the Nation. Preserving their integrity requires maintaining the Corps' technical expertise, a continuing evaluation of the processes by which it carries out those missions, and a commitment to integrate science and technology to understand, account for, and build resilience to the factors affecting the missions. I am committed to taking the necessary appropriate steps to preserve the integrity of the environmental and civil works missions.

**25. In your view, could the regulatory functions presently executed by the Corps be performed more effectively or efficiently by other government departments or agencies, including non-defense entities?**

**Answer:** Based on the information I currently have, I believe that the Army is the most appropriate agency to perform its current regulatory functions. I understand that the Corps' execution of the Regulatory Program has evolved over the years to appropriately implement requirements under environmental laws. Most important, I understand that the Corps maintains a solid base of experience and expertise to best execute these regulatory functions. Corps permit decisions must properly integrate environmental

reviews, appropriately balance conservation and the use of the Nation's important resources, and must come from a process rooted in sound science. I believe that the Corps must continue to refine its processes to ensure that decisions are transparent, equitable, supported by sound science, made in a timely manner, and ultimately, defensible under the law.

**The Corps is also responsible for Environmental and Ecosystem Restoration as part of its civil works mission. There are many large ecosystem restoration projects around the nation, including the Everglades, Western river systems, Coastal Louisiana, and the Great Lakes.**

**26. If confirmed, how would you balance the Corps' work between ecosystem restoration and traditional navigation?**

**Answer:** I recognize the importance of the Corps' work in ecosystem restoration and traditional navigation. If confirmed, I will look for ways to balance this work in a manner ensuring that both programs maintain their primary roles in the Corps' mission. In particular, there may be opportunities where the two missions complement each other, for example, when dredged material from navigation channels can be used for ecosystem restoration projects.

**27. What is your assessment of the effectiveness and propriety of the Corps' approach and prioritization of river restoration projects?**

**Answer:** I assess that the Corps is uniquely suited to implement large-scale restoration of the nation's river systems and that it has successfully carried out many creative restoration projects, including fish passage at large dams and floodplain restoration. If confirmed, I will be committed to working with the Corps to further develop strategies to ensure an effective and appropriate approach to restoration projects that support ecosystem health, economic development, and resilient communities along our rivers. As part of that strategy, it will also be important to effectively prioritize this mission and continue to evaluate and integrate native-based solutions and engineering into the Corps restoration and flood protection strategies.

### **State Water Quality Standards**

**In the past, the U.S. Army Corps of Engineers has not always been required to meet state water quality standards in constructing and operating its water resources projects.**

**28. Do you believe that the Corps should be required to meet state water quality standards in constructing and operating Corps projects? Please explain your answer.**

**Answer:** Yes, I believe that the U.S. Army Corps of Engineers should meet state water quality standards (or tribal, as appropriate) as required by law and under the Corps authorities. However, I am aware that there may be, in rare cases, projects where meeting the water quality requirements of one state or jurisdiction may impede the Corps' ability

to carry out a Congressionally-authorized project, particularly if more than one state jurisdiction is involved. These rare situations require good-faith negotiations with the state(s) involved. If confirmed, I will ensure the Corps follows state water quality standards as required.

### **Funding**

**The U.S. Army Corps of Engineers has a significant backlog of operation and maintenance work and construction work throughout the country. This backlog has very real economic, environmental, and safety implications.**

#### **29. If confirmed, how would you plan to address the significant backlog of work?**

**Answer:** I understand that current requirements significantly outpace available resources. Working with Congress, with the Administration, and within the Army, I commit, if confirmed, to explore opportunities to leverage non-traditional funding mechanisms where they make sense to reduce the backlog, including the use of public-private partnerships. For the operations and maintenance backlog, I will proactively manage and communicate risk as we sustain the portfolio of federally managed projects. As many projects in the Civil Works portfolio are well into their life-cycle and require increased levels of repair and renewal, I will ensure priorities are set to buy-down risk in a way which can be articulated to stakeholders and Congress. Finally, I will work with the Chief of Engineers to continue to innovate and improve the manner in which the Corps evaluates, designs, and conducts environmental reviews for projects.

#### **30. What factors would you consider in determining which backlogged projects should be prioritized? Please explain your answer.**

**Answer:** If confirmed, I will work with the U.S. Army Corps of Engineers to ensure that we make the best use of every dollar invested and that funding is applied to the highest-performing projects. For the portfolio of federal managed projects, risk tools are available for each individual business line or benefit stream. These risk tools allow managers to make explicit trade-offs in the planned work that makes up the backlog. While I will need to continue to assess how best to prioritize backlogged projects, I commit to pursuing work based on a “first-things-first” approach that can be articulated to stakeholders in terms of risk management and Administration priorities.

#### **31. What are your views on the potential for using the Harbor Maintenance Trust Fund, to address the Corps’ project backlog?**

**Answer:** I believe that the effective employment of the Harbor Maintenance Trust Fund can help us address the backlog in operations & maintenance and in construction, and is therefore an important tool. I understand that the Harbor Maintenance Trust Fund reimburses 100% of eligible Civil Works Operation & Maintenance (O&M) expenditures for coastal harbors and channels and inland harbors (does not include inland and intra-coastal fuel-taxed waterways) and 100% of the Federal share of construction costs for coastal harbor and channel and inland harbor dredged material placement facilities,

beneficial use projects, and sand mitigation projects. With continued appropriations for the Harbor Maintenance Trust Fund, there is great potential to further reduce project backlogs.

**32. What are your views on the potential for using the Inland Waterways Trust fund to address the Corps' backlog?**

**Answer:** I understand that the Water Resources Development Act of 2020 changed the cost sharing for inland waterway navigation projects receiving a construction appropriation during any of the fiscal years 2021 through 2031 so that 65% of the cost of the project shall be paid from the General Treasury and 35% of the cost of the project shall be paid from the Inland Waterways Trust Fund. I believe that this change to the Inland Waterways Trust Fund cost sharing formula will allow the Corps to address the construction backlog by leveraging a greater number of inland waterways modernization and major rehabilitation activities.

**U.S. Army Corps of Engineers Workforce**

**There has been much publicity about the reduction in engineers graduating from our nation's colleges universities over the last 20 years.**

**33. How would you assess the overall health of national engineering expertise and the engineering maintained within the Army Corps of Engineers workforce—both military and civilian? Please explain your answer.**

**Answer:** It is my understanding that the Corps has a sufficient level of engineering expertise within the organization to meet its current mission. It is imperative, however, that the Corps' leaders continue to attract the engineering workforce of the future. Corps leadership must focus on building outreach programs to a diverse group of students and recent graduates. The Corps must also partner with colleges and universities; including minority-serving institutions, to maintain the current level of expertise. If confirmed, it will be a high priority to ensure that America's youth continue to see the Corps as an exceptional career opportunity for engineers and scientists.

**34. In your opinion, does the Corps have in place adequate workforce education and development to ensure its engineering workforce maintains capability and proficiency in the latest technologies and innovations?**

**Answer:** I believe the Corps has the necessary programs available to ensure that the workforce is educated and optimally trained to perform its technical functions. If confirmed, I will work with the Chief of Engineers to ensure that the Corps' training, development, and education opportunities grow and continue to align with a rapidly evolving mission implemented with the very latest technologies and innovations.

**35. Do you believe there to be any additional authorities or resources you would need, if confirmed, to incentivize talented engineers from our nation's top colleges and universities to affiliate with the Corps? Do you believe there to be any**

**additional authorities or resources you would need to improve the current workforce development program?**

**Answer:** The Corps has a very complex and robust world-wide engineering mission. The Corps competes with the private sector and other Federal agencies to recruit and retain top, diverse talent in an increasingly competitive environment. I understand that the Corps' Direct Hire authority has been instrumental in rapidly sourcing and onboarding exceptional candidates.

One challenge the Corps faces is contending with private-sector salaries, which continue to rise for talented engineers. If confirmed, I will strongly support the efforts of the Chief of Engineers to ensure the continuation of Direct Hire authorities, while also exploring the use of Special Salary Rates, and other compensation structures for Engineering and Scientific positions.

I also will support efforts to adopt automated recruitment tools to optimize candidate quality and decrease hiring time. Based on my experience, efficient hiring is an imperative to support the mission. In addition, I believe that additional resources that will allow the Corps to develop its workforce through leadership and technical training at all levels, including continuing education programs to sustain cutting-edge knowledge and best practices, will allow the Corps to attract and retain top talent. All of these tools are vital to acquire and maintain the Corps' talented workforce.

**36. What do you perceive to be the most significant challenges to and opportunities for improvement to the Corps' workforce—both military and civilian?**

**Answer:** I believe the three most significant challenges with the Corps civilian workforce are: recruiting, sustaining employee engagement, and retaining talented employees. In an increasingly competitive talent market, it is imperative that the Corps is viewed by prospective civilian applicants as an "Employer of Choice," by showcasing its diverse mission and contributions to both the Nation and the world, as well as its commitment to diversity and equity. In addition, for current civilian employees, the Corps must focus on work/life programs (including telework, remote work, and flexible work schedules), which play a significant role in ensuring employees remain with the agency. If confirmed, I will give my strongest possible support to the Chief of Engineers in his efforts to recruit, engage, and retain a premier workforce.

For the Corps' military workforce, the most significant challenge is competing with other branches of service and against the Army's other career fields (e.g., infantry, armor, and aviation) for those ROTC undergraduates with STEM degrees. To address this issue, I understand the Corps, in conjunction with the Engineer Regiment, is standing up a University Outreach Program to educate and recruit cadets with undergraduate STEM degrees.

## Acquisition Processes for the U.S. Army Corps of Engineers

**In the last five years, the Corps has continued to rely upon a contract process known as “design-build,” which requires a design agent to partner with a construction agent to compete for a contract. This differs from the traditional design-bid-build process, in which the Corps contracts first for a design product and subsequently issues a separate solicitation for the construction. Although there are many benefits to a collaborative process between a designer and the construction agent, there are also drawbacks. These include reduced oversight of the design/construction process by Corps’ engineers, as well the systematic elimination of small- to medium-size engineering/architecture firms and construction contractors who do not have the resources to compete for design-build contracts.**

**37. In your opinion, what are the strengths and weaknesses in the “design-build” contracting structure? In the “design-bid-build” structure?**

**Answer:** In my view, the benefits of using the Design-Build (D-B) acquisition vehicle include shorter contract durations, a single source of design and construction quality accountability, introduction of industry innovations, the ability to set goals with performance criteria, reduction in design liability / ambiguity owned by the Government, lower design costs, and the ability to transfer design risk to a contractor. I believe that the key benefit of the Design-Bid-Build (DBB) acquisition vehicle is that the Government can be very prescriptive in all the details of a design / construction product. Projects that require historical context and broad technical knowledge tend to be successful using the DBB.

One drawback of using the D-B acquisition vehicle is that the Government must effectively communicate design requirements via a “Request for Proposal,” rather than directing a design contractor to make changes. As a result, the Government loses some control over the technical details of the final product. The key drawback of the DBB acquisition vehicle is that the Government owns all liability over the design product and, as such, all errors and omissions noted in the plans and specifications become the responsibility of the Government to resolve. These issues, in my assessment, can lead to unexpected time and cost growth.

I assess that the Corps must choose the best acquisition strategy for each project to ensure the best value to the government. Regardless of the acquisition strategy chosen, if confirmed, I will provide the oversight necessary so that the Corps has rigorous processes to ensure appropriate quality management of the design and construction deliverables.

**38. In your view, what factors should the Corps consider in determining which contracting process to use?**

**Answer:** I believe that the objective is to select the contract type that is most appropriate for the respective acquisition, that places a reasonable degree of risk on the contractor, and that gives the contractor the greatest incentive to perform efficiently and

economically. The Corps' acquisition team should review the overall objectives for mission execution when determining the best acquisition strategy. Goals for cost, schedule, and quality should be evaluated to determine the suitability of any acquisition strategy. In making these decisions on acquisition strategy, the Corps must also evaluate the appropriate suitability for the Corps' stakeholders, the Corps' ability in construction and design, the Corps' industry partners, and the technical aspects of the project.

**39. In your view, does the preponderant use of “design-build” contracting process have any effect on the proficiency of the Corps engineering and contract management workforces? Please explain your answer?**

**Answer:** There is a balance to maintaining a highly skilled workforce with the ability to both execute project delivery and provide oversight of project delivery by others. Evaluation of a project typically requires an understanding of the steps it takes to achieve the delivery of a successful project. In order to achieve this balance, there must be enough “hands on” engineering and construction contract management by internal engineers. In my assessment, the Corps appears to excel as a design and construction agent because of its ability to manage a large portfolio of public projects, as well as execute in-house designs. Design-Build contracts may be an effective strategy for executing certain types of projects, but the Corps must maintain its own technical competence developed through executing designs in-house in order to effectively manage these projects. The use of performance criteria and openness to industry innovation will enhance the Corps' engineering and contract management workforces.

**40. How can the Corps properly incorporate the use of small- to medium-size engineering/architecture firms and construction contractors, particularly those with innovative ideas and methods, in Corps' projects?**

**Answer:** The Corps can pursue small- to medium-size architecture/engineering firms and construction contractors through a variety of means, including market research and transparent opportunity announcements. Additionally, I understand that the Corps dedicates a cadre of Small Business Analysts who work with the project delivery teams to identify qualified small business firms for engineering/architecture and construction projects. These analysts collaborate with the Small Business Administration to continuously identify new firms who are encouraged to highlight innovative capabilities. If confirmed, I will ensure that the Corps is completely committed to taking full advantage of the expertise and innovation offered by small business private sector partners.

**41. What long-term issues do you perceive could emerge from the Corps preponderant use of design-build contracts?**

**Answer:** I understand that the use of design-build contracts for the Corps Civil Works mission is minimal and typically driven by aggressive goals for schedule. I do not perceive long term issues using this acquisition vehicle particularly due to the commitment to maintain technical competence within the Corps. In instances where design-build contracts are used, the Corps Quality Management processes must ensure

that the technical standards are upheld even when the integrity of the design is the responsibility of a design-build contractor.

### **Nation-Wide Levee Systems and Flood Control**

**The fragility of the United States' levee systems continues to be a safety hazard.**

**42. How would you assess the health of these levee systems?**

**Answer:** Levee systems are extremely important to the nation's economic health, but they are aging, like much of the Nation's infrastructure, with many systems over 50 years old. With the increasing demand for levee systems to withstand more frequent and extreme weather events, while continuing to protect the continued agriculture and urban development behind the levees, the systems require continued, diligent examination and management to ensure they can continue to perform as designed. If confirmed, I will thoroughly review the Corps work on the Nation's levee systems to assess and understand their overall health.

**43. In your opinion, is the process used by the Corps of Engineers to prioritize national levee requirements adequate?**

**Answer:** Based on my current understanding, I assess that the process the Corps uses to prioritize levee requirements nationwide is adequate. If confirmed, however, I will conduct a thorough review of the specifics for how the Nation's levees are assessed and prioritized to best inform decisions to protect life, property, cultural resources, navigation, and the environment.

**44. In your view, are the resources provided to address levee systems sufficient?**

**Answer:** I understand the Corps has effectively utilized available funding and authorities to assess and manage the risk associated with levee systems across the Nation. If confirmed, I will conduct a review of the requirements and funding levels to ensure it is adequate for the continued viability of these systems to protect the economic health of our nation.

**45. If not, what additional resources—in funding, capability, and capacity—are needed to address the requirements of the levee systems properly, in your opinion?**

**Answer:** If confirmed, I will work with the Corps' leadership to understand the levee system resource requirements. I will then work with the Administration and with Congress to address shortfalls and prioritize available funding to the highest needs.

**The Water Resources Reform and Development Act of 2014 required the Corps and the Federal Emergency Management Agency to take the lead on certain national levee-safety-related activities.**

**46. If confirmed, what would be your approach to implementing these activities going forward?**



**Answer:** I will work closely with the Corps interagency partners and stakeholders to ensure that risks are properly managed across levee-safety-related programs utilizing the appropriate authorities. In addition, I believe it is important that the Corps conducts public engagement, state engagement, and tribal engagement to help develop a comprehensive program regarding levee safety that will support the needs of the nation and ensure long-term resiliency.

### **Prioritization Process in the Army Corps of Engineers**

**The U.S. Army Corps of Engineers is regularly subject to pressures from various levels of government to carry out certain projects of special interest.**

**47. Do you believe the prioritization process used by the Corps for civil works projects is appropriate?**

**Answer:** A prioritization process must be realistic, regularly monitored, and able to be updated or modified as needed. Prioritization is essential for executing near-term responsibilities and is also key to achieving long-term goals regarding the needs of the Nation. I believe this is an important issue and, if confirmed, I plan to evaluate the current prioritization process in detail.

**48. If confirmed, what prioritization processes would you follow, barring any unforeseen circumstances?**

**Answer:** If confirmed, I will follow the established prioritization process. However, I would make it a priority to look into the process in greater detail to identify opportunities for improvement, including using economic, environmental, and social criteria for decision-making and prioritization consistent with legal requirements and the Water Resources Principles, Requirements, and Guidelines, and Administration priorities. I am committed to ensuring that the U.S. Army Corps of Engineers' prioritization process addresses the critical needs of the nation.

**49. In your opinion, would using peer reviews of Corps projects to obtain an outside opinion on the need, urgency, effects caused by Corps projects, be "value added"? Please explain your answer.**

**Answer:** I understand the Corps currently integrates peer review into its project development process during feasibility studies and in the design phase for authorized projects. If confirmed, I will work with the Corps to determine the benefits of leveraging peer reviews throughout the lifecycle of a project. Both internal and external peer reviews of Corps projects, including the need, urgency, and assessment of effects, increase the transparency of these projects and strengthen the overall product by incorporating additional technical expertise.

### **Extreme Weather Events**

**Extreme weather events have put a strain on our nation's aging water resources and critical infrastructure. Efforts to rehabilitate projects following an extreme weather event**

and to mitigate against the effects of future such event have pushed existing resources to their limits.

**50. What are your views of the Department's responsibility to prepare in advance to mitigate the consequences of extreme weather events?**

**Answer:** I understand that most Army Civil Works projects are specifically designed to safely perform and reduce risk under the extremes of the hydrologic cycle. I believe it is critical that we look at climate information, hydrologic data, analyze hydrologic trends, and understand what is happening in specific Army Civil Works projects. This understanding is crucial to assuring those projects continue to perform as designed and that they are sufficiently resilient to whatever future climatic events may occur.

I also am aware that the Corps works to integrate climate change preparedness and resilience planning and actions in all activities within its authorities. This is a critical component of the Corps' mission and will enhance community resilience with the Corps water-resource projects, ensure the effectiveness of the Corps military support mission, and reduce the potential vulnerabilities of those communities and those missions to the effects of climate change and variability. The Corps' policy is that adaptation, mitigation investments, and responses to climate change must be considered together, and include both near and long term considerations.

If confirmed, I will continue this work using the best available and actionable science and continued collaboration with our federal agency, state, and tribal partners. I am fully committed to ensuring the President's priority action of adapting to, and mitigation for, climate change is incorporated into Corps actions and policies.

**51. What is your understanding of the ways that extreme weather events pose risks to national security?**

**Answer:** Extreme weather risks can impact a range of DoD military mission areas. Specific to Civil Works, extreme weather and climate change contributes to regional instability resulting in, for example, increased risk from flooding and drought. These risks have been identified by Secretary Austin who elevated climate as a national security priority and has stated that the Department of Defense faces a growing climate crisis that is impacting DoD missions, plans, and capabilities and must be met by ambitious and immediate action.

**52. In your view, how should the Department incorporate resilience against extreme weather events into the planning, design, and oversight of its civil works projects?**

**Answer:** As the Federal government's largest and oldest manager of water resources, the Corps has long been adapting its policies, programs, projects, planning, and operations to impacts from important drivers of global change and variability. Resilient Corps projects not only contribute to resilient communities, but also reduce disruption and decrease recovery time after an event occurs. The greater the resilience of a system or element, the

greater its ability to anticipate, prepare for, and adapt to changing conditions and withstand, respond to, and recover rapidly from disruptions. Planning and preparedness are the most effective components of disaster response.

I understand that the Corps is considering climate change adaptation at every step in the project life cycle for all Corps projects to reduce vulnerabilities and enhance the resilience of the water-resource infrastructure. I also believe that strong partnerships with other federal, state, tribal, and local government agencies, and program and project stakeholders, are critical to ensuring we meet our shared responsibility to address the issues posed by a changing climate. If confirmed, I will ensure the Corps is committed to integrating the best available climate information into its missions, programs, and management functions, as allowed within relevant authorities.

### **Federal Response Plan**

**The U.S. Army Corps of Engineers has a primary role in support of the Federal Response Plan, which identifies the basic structures by which the Federal government will mobilize resources and conduct activities to assist states in coping with the consequences of significant disasters. The Corps is the primary agency for planning, preparedness, and response under the Emergency Support Function (ESF #3), Public Works and Engineering.**

**53. In your view, how well prepared is the Corps of Engineers, including individual Corps districts and offices, to execute its ESF #3 functions? Please explain your answer.**

**Answer:** In my assessment, the Corps is prepared to execute the ESF #3 in direct support of the Federal Emergency Management Agency (FEMA) under the established National Response Framework. In this role, the Corps serves as the Nation's public works and engineering agent responsible for supporting the prevention of, preparation for, response to, and recovery from, both natural and man-made disasters.

If confirmed, it will be a priority to fully and continuously evaluate the Emergency Management preparedness program to ensure the Corps remains fully prepared for activities related to ESF-3 (planning and response teams, training and exercises, and advance contract capability).

### **Deployments**

**Since 2001, many civilian employees of the U.S. Army Corps of Engineers have answered the call and deployed in support of contingency operations in the U.S. Central Command area of responsibility.**

**54. What is your understanding of the types of missions performed by Corps civilian employees—in support of Corps deployments, and as members of the Civilian Expeditionary Workforce?**

**Answer:** The Corps' civilian employees deploy around the world in support of overseas contingency operations, performing many of the same functions as Corps employees

within the United States. Many of the Corps' forward deployed civilian volunteers serve in many different areas of expertise such as structural engineers, electrical engineers, and mechanical engineers. These employees provide design, construction, and construction management expertise, and support civil works operations for all the forward-deployed DoD entities, as well as providing host nation infrastructure support. These employees not only serve overseas, but are called upon during domestic response operations under both the Corps' emergency response authorities and support to other agencies such as the Federal Emergency Management Agency and their authorities under the National Response Framework.

**55. Looking forward, how might the Corps better ensure that an adequate number of civilian employees, with the requisite capabilities, are available and ready to deploy in short order in support of contingency operations?**

**Answer:** If confirmed, I would emphasize the expeditionary mindset within the Corps. I understand that the Corps' civilian employees have consistently volunteered to support both overseas contingency operations and domestic disaster support missions. It is important that the Corps continue to focus on having a flexible, agile, and expeditionary workforce that maintains a desire to provide selfless service to the Nation for both day-to-day requirements, as well as emergency, quick response missions.

**Sexual Harassment**

**In responding to the 2018 DOD Civilian Employee Workplace and Gender Relations survey, 17.7 percent of female and 5.8 percent of male DOD employees indicated that they had experienced sexual harassment and/or gender discrimination by "someone at work" in the 12 months prior to completing the survey.**

**56. What is your assessment of the current climate regarding sexual harassment, gender discrimination, and other harassment in the Office of the ASA(CW) and in the U.S. Army Corps of Engineers?**

**Answer:** I understand the Office of the Assistant Secretary of the Army for Civil Works conducted an Organizational Climate Survey in April. The results indicated the OASA(CW) had an overwhelmingly supportive leadership with no indications of behavior that was unwelcomed, offensive, or involved mistreatment. It appears the office is in complete compliance with the published laws and regulations and that there is a culture of dignity and respect among the entire workforce. If confirmed, I will lead by example and ensure that the OASA(CW) maintains a climate free from sexual harassment, gender discrimination, and other forms of harassment. Such behaviors have no place in our society and I would seek to use any and all authorities available to ensure that the OASA(CW) remains free from all forms of harassment and discrimination.

**57. If confirmed, what actions would you take were you to receive or become aware of a complaint of sexual harassment, discrimination, or other harassment from an employee of the Office of the ASA(CW), the Corps, or an employee of any other organization over**

**which the ASA(CW) exercises authority, direction, and control?**

**Answer:** If confirmed, I will be committed to providing a workplace that is free from all forms of harassment and discrimination and where individuals are treated with dignity and respect. Upon receiving or learning of a complaint of sexual harassment, discrimination, or other harassment from an employee, I will ensure that appropriate action is taken in accordance with federal laws, EEOC, DOD, and Army policy. I will coordinate with my legal counsel, EEO Official, Civilian Personnel Official and support any inquiry or response necessary to promptly address and resolve the matter(s) at issue, and take corrective or disciplinary action as warranted.

### **Congressional Oversight**

**In order to exercise its legislative and oversight responsibilities, it is important that this Committee and other appropriate committees of Congress are able to receive testimony, briefings, reports, records (including documents and electronic communications) and other information from the Department.**

**58. Do you agree, without qualification, if confirmed, and on request, to appear and testify before this committee, its subcommittees, and other appropriate committees of Congress? Please answer with a simple yes or no.**

**Answer:** Yes.

**59. Do you agree, without qualification, if confirmed, to provide this committee, its subcommittees, other appropriate committees of Congress, and their respective staffs such witnesses and briefers, briefings, reports, records (including documents and electronic communications), and other information as may be requested of you, and to do so in a timely manner? Please answer with a simple yes or no.**

**Answer:** Yes.

**60. Do you agree, without qualification, if confirmed, to consult with this committee, its subcommittees, other appropriate committees of Congress, and their respective staffs, regarding your basis for any delay or denial in providing testimony, briefings, reports, records—including documents and electronic communications, and other information requested of you? Please answer with a simple yes or no.**

**Answer:** Yes.

**61. Do you agree, without qualification, if confirmed, to keep this committee, its subcommittees, other appropriate committees of Congress, and their respective staffs apprised of new information that materially impacts the accuracy of testimony, briefings, reports, records—including documents and electronic communications, and other information you or your organization previously provided? Please answer with a simple yes or no.**

Answer: Yes.

**62. Do you agree, without qualification, if confirmed, and on request, to provide this committee and its subcommittees with records and other information within their oversight jurisdiction, even absent a formal Committee request? Please answer with a simple yes or no.**

Answer: Yes.

**63. Do you agree, without qualification, if confirmed, to respond timely to letters to, and/or inquiries and other requests of you or your organization from individual Senators who are members of this committee? Please answer with a simple yes or no.**

Answer: Yes.

**64. Do you agree, without qualification, if confirmed, to ensure that you and other members of your organization protect from retaliation any military member, federal employee, or contractor employee who testifies before, or communicates with this committee, its subcommittees, and any other appropriate committee of Congress? Please answer with a simple yes or no.**

Answer: Yes.