

Senate Environment & Public Works Committee
Water Resources Development Act 2016
Testimony of Rob Roberson
Nucor Corporation
February 10, 2016

Chairman Inhofe and Ranking Member Boxer, thank you for the opportunity to testify today. I am Rob Roberson, Director of Corporate Logistics for Nucor Corporation.

Nucor is the nation's largest steel manufacturer and recycler with the capacity to produce almost 29 million tons of steel annually. Last year, the company recycled nearly 17 million tons of scrap steel and turned it into new steel that is used in construction, automotive and energy applications, to name a few. We are a company of over 23,000 teammates, located primarily in the U.S. and Canada.

Inland waterways and ports are an essential part of our nation's transportation system and economy, creating jobs and revenue regionally and nationally. As a company that relies on just-in-time delivery of products to our customers, an efficient transportation infrastructure is vitally important. Waterway infrastructure is not only important for moving finished steel products to market, but also for bringing raw materials to our steel mills. We have several steel mills located on rivers which bring in more than 90 percent of their raw materials by water. Nucor's scrap steel business – The David J. Joseph Company – transports approximately 3,500 scrap barges per year. Barges provide a safe, efficient, environmentally friendly and cost-effective way to move goods.

In order for the U.S. to remain economically competitive, we must continue to invest in our ports and inland waterways. Every barge we utilize can move up to 1700 net tons of raw material or product. This is the equivalent of 17 railcars or almost 80 trucks. When we fail to adequately maintain our ports and inland waterways, companies like ours are forced to use more costly and less efficient shipping alternatives, which threatens our ability to deliver goods to our customers in a cost effective manner, a key competitive strength of our company for almost 50 years.

A well-functioning inland waterways and port system also gives Nucor access to an effective distribution channel to fight against surging steel imports that have crippled much of the domestic steel industry.

The American steel industry is in crisis. A glut of global steel production has led to the dumping of steel into the U.S. market at historic levels and in violation of international trade rules. Despite the highest level of domestic steel consumption since 2006, less-efficient foreign producers are benefitting – not domestic producers. Due to unfairly traded imports, the American steel industry's capacity utilization in 2015 was less than 70% and pricing for most steel products collapsed.

To help fight the import surge and to better serve the needs of our customers, Nucor is expanding our capabilities to produce higher quality offerings. We recently invested 100 million dollars to modernize our South Carolina mill in order to produce wider and lighter sheet steel for the automotive industry. The ability to use our ports and waterways as a means to provide the most competitive freight solution to the market, gives us an advantage over our foreign competitors.

For these reasons, we appreciate the action Congress took in 2014 passing the Water Resources and Reform Development Act, and we are pleased Congress is getting an early start on the next WRDA reauthorization.

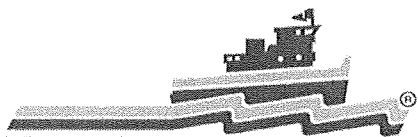
The 2014 legislation made many important changes to the way water infrastructure projects are approved and funded. That bill helped streamline project approval by removing redundant studies and expediting permits. It also recognized the importance of funding for harbor maintenance and the dredging of inland waterways. We were pleased that the legislation also encouraged the use of resilient construction techniques and materials. The 2016 reauthorization can build on these changes and address several issues that have emerged since the last WRDA bill was passed.

The last WRDA legislation included Buy America provisions in the newly created WIFIA program and permanently applied Buy America to the EPA's Clean Water State Revolving Fund projects. We would like to see these provisions permanently applied to EPA's Drinking Water State Revolving Fund in the upcoming reauthorization. We believe that it is good policy to apply Buy America preferences to taxpayer-funded programs – particularly those administered by the EPA, which heavily regulates domestic industries. This will help stimulate job growth in the iron and steel industries, and encourage research and development and capital investment here at home.

Regular investment will ensure our waterway infrastructure remains competitive and our economy will continue to grow, and we appreciate the work this Committee will undertake to reauthorize WRDA. We also encourage Appropriators to follow through with funding to ensure that the merits of WRDA

2016 are fully achieved. Since 2009, Nucor has invested over 6 billion dollars in our U.S. facilities because we believe so strongly in the American economy and American workers. We want to continue investing here in America. We need Congress' help to ensure a competitive environment here at home that allows domestic steel producers to realize the benefits of a growing U.S. economy.

Thank you.



TULSA PORT OF CATOOSA
McCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM

CITY OF TULSA
ROGERS COUNTY
PORT AUTHORITY

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**EXECUTIVE
DEPARTMENT:**

ROBERT W. PORTISS
Port Director

DAVID L. YARBROUGH
Deputy Port Director

Testimony of

Robert W. Portiss
Port Director
Tulsa Port of Catoosa
5350 Cimarron Road
Catoosa, Oklahoma 74015

Before the
United States Senate
Committee on Environment and Public Works

Hearing on the Importance of
Enacting a New Water Resources Development Act
Wednesday, February 10, 2016
10 A.M. EST
406 Dirksen Senate Office Building

My name is Bob Portiss. I have been affiliated with the Tulsa Port of Catoosa since 1973 and as Port Director since July 1st, 1984. Our Port is located at the Head of Navigation for the McClellan-Kerr Arkansas River Navigation System (MKARNS), 15 miles from downtown Tulsa, Oklahoma. It is both an honor and privilege for me to appear before you today—especially since my long time friend and our Senior Senator is Chairman. Senator Inhofe’s numerous contributions to our industry and our Port began in 1978 when he began his 6-year term as Mayor of Tulsa.

Prior to passage of the Rivers and Harbors Act of 1946, which authorized the building of the MKARNS, Congress made it clear that before federal monies were invested in the new Waterway the principal cities located along this new 445 mile long proposed waterway would need to commit to develop a port to insure that business and industry would have access to barge transportation. Tulsa fulfilled this commitment by acquiring its current 2500 acres of contiguous land and developing it into one of our Nation’s largest inland ports with its current compliment of 72 industrial facilities that, as of a year ago, employed 4200 people and whose annual waterborne commerce averaged 2.5 million tons. Congress, in turn, agreed to construct and maintain the MKARNS with its 18 locks and dams to provide a minimum depth of 9 feet.

This partnership worked well until a few years ago when the backlog of maintenance reached an unprecedented \$170 million, \$70 million of which is now deemed critical by the Corps of Engineers. The term “critical” is defined by the Corps to mean those items that have a greater than 50% chance of failing over the next 5 years. The stakeholders of the MKARNS, including non-federal public and private interests, have been alerting Congress to this problem ever since. As this backlog continues to increase so will the probability of lengthy failures. Recognizing this, the stakeholders along the MKARNS worked to include a provision in WRRDA 2014 that would allow us to partner with the Corps to help address such failures.

The provision that was enacted in WRRDA 14 is Section 1024. Section 1024 authorizes the Secretary of the Army to accept materials and services from non-federal stakeholders to be used to repair, restore and replace projects that were damaged or destroyed as a result of an emergency. Implementation guidance has not yet been released for this section, but we are pleased that the Corps’ Little Rock District held a table top exercise on November 19th, with stakeholders along the waterway, to discuss how to implement this provision.

The statutory language refers to an emergency. The Manager’s Report describes damage resulting from a major disaster, emergency, or other event. The Report also expresses concerns about lack of funding for operation and maintenance and failure of equipment.

We are concerned because we understand that when the implementation guidance for this section is issued, it will be limited to emergencies resulting from a natural disaster. So, for instance, if there's a flood event and lock gates fail, then this provision could be utilized to allow the non-federal stakeholders to contribute goods and services to repair them. If however, those same gates fail as a result of lack of maintenance, then the authority provided under this provision would not be available.

The Corps has stated that they embrace the intent of Section 1024, but have not found ways to overcome the legal constraints of the rules and regulations they must follow. In order to carry out Section 1024 as intended, we believe that WRDA 2016 presents an opportunity to address any concerns the Corps might have. In that regard, we would urge you to modify Section 1024 of WRRDA 2014 to confirm that an "emergency" is not limited to natural disasters but includes failures resulting from a lack of maintenance. We would further recommend that authority to implement this provision be delegated to the District Commanders to ensure prompt action.

Our Nation's 25,000 miles of inland waterways handle over 600 million tons of cargo annually—including agricultural products, petroleum, chemicals, coal, and iron and steel at a cost typically \$11 cheaper per ton than other modes. This amounts to an average annual savings of \$7 billion for America's economy—readily understood when considering that a typical 15 barge tow carries the equivalent of 216 rail cars or 1,050 semi-trailer trucks and generates fewer emissions than the other modes. Our Nation's commerce is projected to increase by over 14 billion tons over the next 20 years. If our waterways handle just 10% of this amount, its volume would triple—assuming it remains a viable mode of transportation.

As to the impact on the central portion of our Nation, over 20 million bushels of winter wheat are shipped on the MKARNS by barge from Kansas and Oklahoma to the Gulf of Mexico at a cost per bushel that approximates the price of a first class postage stamp. Corresponding savings are realized for other commodities including project cargo that typically saves our shippers an impressive \$100,000 per barge load. Last, but not least, more than 8,000 direct maritime jobs have been created along the MKARNS between Muskogee and Tulsa, Oklahoma as a result of some \$5 billion of industrial investments. All of this is at risk if we do not adequately maintain our waterway—something that we are ready and willing to help with.

One important answer to the critical needs of our Nation's waterway system is to make sure the Congress passes WRDA bill in 2016 and that it commits to moving this important legislation every two years thereafter. The Congress made that commitment in WRRDA 14 and we are very appreciative of this committee's leadership and commitment in working to develop a WRDA this year. WRDA is critical to ensuring the reliability of the

system through a consistent and routine authorization process that identifies needed improvements to its existing infrastructure and to build upon the reforms adopted in WRRDA 2014.

I also recognize that adequate funding needed to maintain our valuable water resources infrastructure will continue to be a challenge. The Congress recognized this in WRRDA 14 through several provisions that allowed for alternative funding mechanisms, including a public private partnership model. WRDA 16 presents an opportunity to further enhance and improve those provisions, and I would strongly recommend that you direct the Corps to implement those provisions to enable us to work jointly with them to develop alternative forms of financing to overcome the current critical maintenance backlog that will insure the reliability and sustainability of the MKARNS and therefore our maritime ports. Given our ability to successfully work with our Corps Districts and Division, the partnership we have developed along the MKARNS may well serve as a model that can be looked upon nationwide.

Thank you again for the opportunity to be here today. I would be happy to answer any questions you may have and I look forward to working with the Committee as you develop a WRDA for 2016.

U.S. Senate
Committee on Environment and Public Works
Testimony of John Swearingen
Senior Vice President, Transportation and Logistics
Marathon Petroleum Corporation
February 10, 2016

Marathon Petroleum is headquartered in Findlay, Ohio, and with our seven-plant refining network, we are the nation's fourth-largest transportation fuel manufacturer. We are also one of the largest marketers and transporters of petroleum products in the US. A key part of our business is our inland river fleet, which is one of the largest private domestic fleets of inland petroleum product barges in the US. Our fleet consists of 219 inland waterway towboats and barges that we wholly own, accompanied by another 22 towboats and barges which are leased. We also have another 30 boats and 100 barges under contract with third parties. Our fleet carries products primarily on the Ohio River between Pittsburgh and Paducah, Kentucky. Other movements are also regularly scheduled on the Mississippi, Illinois, Allegheny, Monongahela, Kanawha, Tennessee, and Cumberland rivers. All of these river systems have locks and dams built and maintained by the US Army Corps of Engineers. We also own distribution storage facilities throughout the Midwest and South, which are also accessed via water. Just recently the US became the number-one producer of oil and natural gas, and we are a net exporter of refined products. This has made energy more affordable and our country more energy secure. In order for Americans to fully realize the benefit of this abundant and affordable energy, investments in energy transportation infrastructure are absolutely critical.

Moving commodities by barge and tanker is extremely efficient. For example, moving the amount of liquid volume on just five 8-barge towboats is the equivalent of moving the same volume over the road with 5,000 semi-tractor trailers. However, inadequate investment can minimize these efficiencies and result in bottlenecks in commerce.

Unscheduled and unplanned lock outages, like those we have experienced on the Ohio River over the past decade, are extremely disruptive and lead to increased costs of everyday products, commodities, and raw materials for the end consumer. Nearly 40 percent of all domestic waterborne trade is crude oil or petroleum products, and 40 percent of the crude oil arriving at refineries is being shipped via water. Therefore, the longer it takes for a shipment to arrive due to backlogs at locks and dams, the more expensive petroleum products will become.

It is well-known the Army Corps of Engineers has billions of dollars of deferred maintenance activities due to insufficient funding. These maintenance projects are critical to our industry's operations. Today, we functionally have a "fix as fail" posture when it comes to our inland waterway infrastructure; we cannot afford to move towards a "fail to fix" posture.

Congress has already taken a number of positive steps forward in the long road toward recovery. The 2014 WRDA bill established a framework for authorizing full distribution of the revenues paid by the inland towing industry into the Harbor Maintenance Trust Fund. We appreciate that Congress included this provision and appropriated the authorized amounts last year. We now encourage Congress to maintain the WRDA authorized distribution levels, and to appropriate the authorized amount of 71 percent of Trust Fund revenues expected in Fiscal Year 2017. We also encourage Congress to appropriate the 3.1 billion dollars in the operations and maintenance account for the Army Corps of Engineers, and further appropriate the full use of the Inland Waterways Trust Fund, which is based on a 29-cents-per-gallon user fee assessed on vessels operating on the inland system. Lastly, there is currently a near final feasibility study for the Pittsburgh area to modernize Emsworth, Dashields, and Montgomery Locks and Dams. This study has been under development for more than 12 years, and has cost more than 17 million dollars. We strongly encourage the Committee to authorize the Upper Ohio River Navigation Study in the 2016 WRDA bill.

Marathon Petroleum Corporation stands ready to work with the Senate Environment and Public Works Committee, as well as other committees of jurisdiction and appropriators. We are a willing partner in the effort to build and maintain a 21st century energy infrastructure network. The American public deserves no less.

TESTIMONY OF
Norma Jean Mattei, P.E., M.ASCE
ON BEHALF OF
THE AMERICAN SOCIETY OF CIVIL ENGINEERS
BEFORE THE
ENVIRONMENT AND PUBLIC WORKS COMMITTEE
UNITED STATES SENATE
ON
THE WATER RESOURCES DEVELOPMENT ACT
FEBRUARY 10, 2016

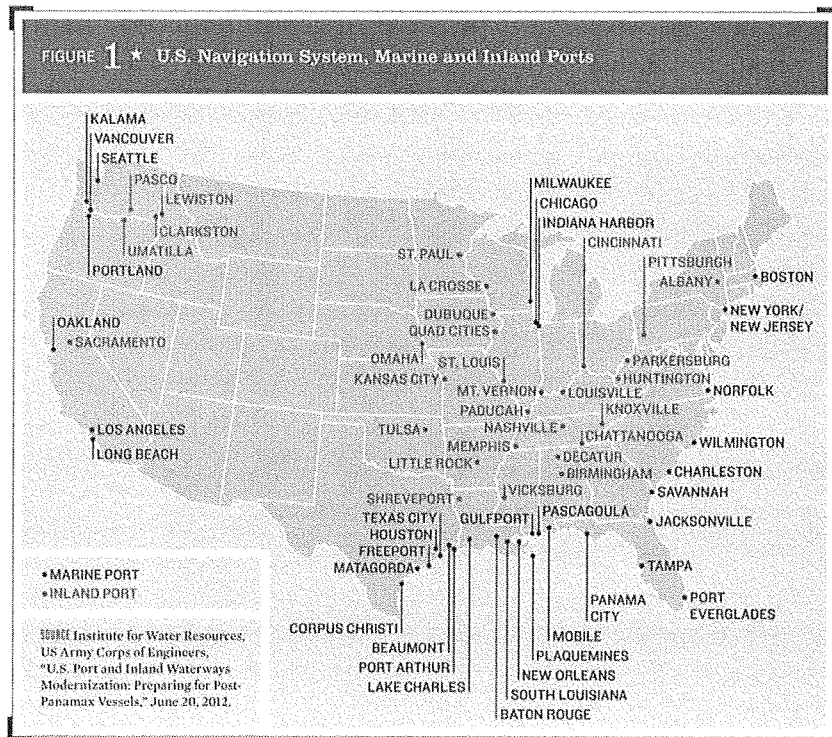
Chairman Inhofe, Ranking Member Boxer, and Members of the Committee:

It is an honor for me to appear before this committee on behalf of the American Society of Civil Engineers (ASCE)¹ to discuss the importance of water resources projects to our nation's overall economic health.

ASCE commends the Environment and Public Works Committee for holding a hearing today on the Water Resources Development Act (WRDA) and for continuing to make the legislation a priority in the 114th Congress. The Society is pleased to present to the Committee our views on the state of our nation's water resources infrastructure and to express the impact that ignoring capital improvement, operations and maintenance has on the nation's ability to compete in a global economy. In addition we are pleased to offer our views on innovative financing and the need to continuing being both stewards of the built and natural environment as we design, build and construct our nation's infrastructure. A Water Resources Development Act that fosters economic growth, job creation and the built environment will allow the nation to remain competitive and sustainable in the Twenty-First Century.

THE IMPACT OF UNDER-INVESTING IN OUR NATION'S PORTS AND INLAND WATERWAYS

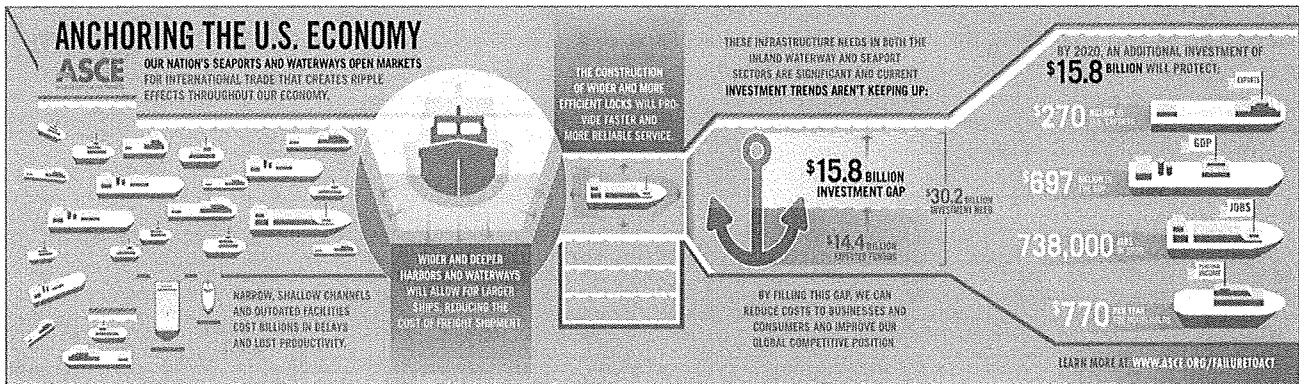
The United States has 300 commercial ports, 12,000 miles of inland and intra-coastal waterways and about 240 lock chambers, which carry more than 70 percent of U.S. imports by tonnage and just over half of our imports by value. In 2013, ASCE gave the nation's waterways infrastructure an overall grade of "D+" due to the age of many facilities and the fact that the current system of inland waterways lacks resilience. To remain competitive on a global scale, U.S. marine ports and inland waterways will require investment in the coming decades beyond the \$14.4 billion currently expected. Thankfully, with the 2014 passage of WRRDA and updates to the Harbor Maintenance Trust Fund, ports and harbors across the country can now count on an assured revenue stream to address their dredging needs. Additionally, WRRDA changes made to the Inland Waterway Trust Fund and an increase to diesel barge tax will help add and reallocate precious dollars to ensure a more robust and equitable



¹ ASCE was founded in 1852 and is the country's oldest national civil engineering organization. It represents 150,000 civil engineers individually in private practice, government, industry, and academia who are dedicated to the advancement of the science and profession of civil engineering. ASCE is a non-profit educational and professional society organized under Part 1.501(c) (3) of the Internal Revenue Code.

distribution of funds. We applaud the Committees work to update these two important infrastructure funds in WRRDA 2014.

According to ASCE's 2012 *Failure to Act*² economic study on the nation's marine ports and inland waterways, aging infrastructure for marine ports and inland waterways threatens more than 1 million U.S. jobs. Additionally, between now and 2020, investment needs in the nation's marine ports and inland waterways sector will total \$30 billion, while planned expenditures are only about \$14 billion, leaving a total, federal, investment gap of nearly \$16 billion over the upcoming years. However, the costs attributable to delays in the nation's inland waterways system were \$33 billion in 2010. These costs reverberate throughout the economy given the heavy reliance of energy inputs like petroleum and coal on inland waterway transportation. Furthermore, this cost is expected to increase to nearly \$49 billion by 2020. These costs are large, and do not even address the landside connections or the "inside the fence" infrastructure that is the responsibility of the port authority. Therefore, the nation will either need to pay for much needed investments in the nation's ports and harbors now, or will pay more severely in lost labor, lost exports, and lost GDP down the road.



The nation's marine ports and inland waterways have historically been the critical links that make international commerce possible. However, with the scheduled expansion of the Panama Canal by 2015, the average size of container ships is likely to increase significantly, affecting the operations of those major U.S. ports that handle containerized cargo. Currently, many of those U.S. ports will still require significant infrastructure upgrades to handle the larger ships and therefore remain competitive. The needed investment in marine ports will include harbor and channel dredging, while inland waterways will require new or rehabilitated lock and dam facilities.

TABLE 16* Lost Trade Due to the Gap in Inland Waterways and Marine Ports Investments (in billions of 2010 dollars)

YEAR OR PERIOD	EXPORTS	IMPORTS	TOTAL TRADE
2020	-42.8	-20.5	-63.3
2040	-141.6	-63.6	-205.2
2012-20	-270.1	-157.4	-427.5
2021-40	-1,711.8	-775.6	-2,487.4
2012-40	-1,981.9	-933.0	-2,914.9

SOURCES: EDR Group and LIFT model, University of Maryland, INFORUM Group, 2012.

² www.asce.org/failuretoact

If the nation makes an additional investment of \$15.8 billion between now and 2020, the U.S. can eliminate the current drag on economic growth and protect:

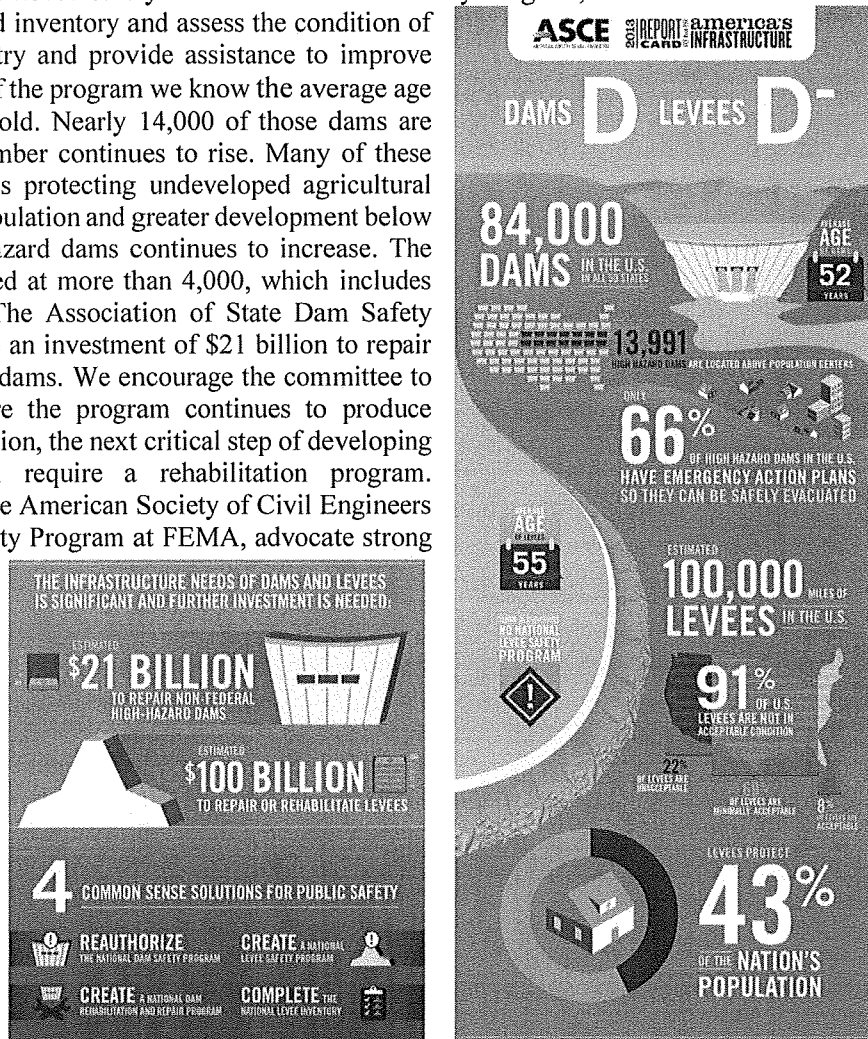
- \$270 billion in U.S. exports.
- \$697 billion in GDP.
- 738,000 jobs in 2020.
- \$872 billion in personal income, or \$770 per year for households.

Unless America's infrastructure investment gaps are filled, transporting goods will become costlier, prices will rise, and the United States will become less competitive in the global market. As a result, employment, personal income, and GDP will all fall.

ENSURE THE SUCCESS OF THE NATIONAL DAM SAFETY PROGRAM AND LEVEE SAFETY INITIATIVE

In the Water Resources Reform and Development Act of 2014, Congress reauthorized the National Dam Safety Program and stood up a new National Levee Safety Initiative. The Dam Safety Program, first authorized in 1996 has for more than two decades helped inventory and assess the condition of nearly 84,000 dams across the country and provide assistance to improve state dam safety programs. Because of the program we know the average age of dams in this country is 52 years old. Nearly 14,000 of those dams are considered high-hazard, and that number continues to rise. Many of these dams were built as low-hazard dams protecting undeveloped agricultural land. However, with an increasing population and greater development below dams, the overall number of high-hazard dams continues to increase. The number of deficient dams is estimated at more than 4,000, which includes 2,000 deficient high-hazard dams. The Association of State Dam Safety Officials estimates that it will require an investment of \$21 billion to repair these aging, yet critical, high-hazard dams. We encourage the committee to use its oversight authority to ensure the program continues to produce important life-safety benefits. In addition, the next critical step of developing robust dam safety processes will require a rehabilitation program. Organizations such as ASDSO and the American Society of Civil Engineers (ASCE), with the National Dam Safety Program at FEMA, advocate strong state and federal programs, promote awareness of the need for improvement of the nation's infrastructure, and support federal legislation to launch a dam rehabilitation financing program.

WRDA 2014 also created a National Levee Initiative, which, once funded will begin the same process the dam infrastructure underwent 20 years ago. It is estimated that there are 100,000 miles of levees in the U.S. Currently only about 10% of levees



have been inventoried and assessed. The Levee Safety Initiative provides the mechanism to expand the inventory and assessment process. We encourage the committee to continue its oversight and provide any additional policy changes or resources necessary to ensure the success of this program.

EXPLORE ALTERNATIVE FINANCING

In the Water Resources Reform and Development Act of 2014, Congress authorized the Army Corps of Engineers to study the feasibility of partnering with the private sector to deliver projects through alternative methods. ASCE recognizes and supports Public Private Partnerships (PPPs) as one of many methods of financing and delivering infrastructure improvements. ASCE supports the use of the P3 project delivery method when federal, state, or local funding is not available to address capacity or safety issues in a timely manner and the public interest is protected. Any public revenue derived from PPPs must be dedicated exclusively back to comparable infrastructure facilities in the state or locality where the project is based. Revenue and assessment of revenue should be reported annually to the general public in a public forum available to access by all. We also recommend that P3 contract's includes at a minimum performance criteria that address long-term viability, life cycle costs, return on public and private investment, takeover and turnback, projected yearly revenue, identification of responsible parties and their roles, and residual value. Transparency is a key element in all aspects of contract development, project implementation and any subsequent operation. PPPs can be an effective method of project financing and delivery. PPPs do not replace the need for public funding of infrastructure projects. ASCE supports the use of PPPs only when the public interest is protected and where professional engineers serve in responsible positions of authority regarding engineering to further safeguard the public interest.

MAXIMIZE MULTIPLE CO BENEFITS OF PROJECTS

ASCE supports and encourages project sponsors to survey co benefits that can be achieved by looking beyond a singular authorized purpose. For example, ASCE supports the use of beneficial use of dredged material. The federal government should revise its methodology for economic analysis of dredging costs to reflect gaining the benefits of using dredged material for coastal protection, environmental stewardship and other beneficial uses as well as to avoid disposal costs. Government and private entities that develop and execute projects requiring dredging be stewards for the beneficial use of dredged material. Dredged material be managed as a resource using life-cycle dredged material management plans that consider regional sediment management needs; dredging frequencies, locations, and quantities; as well as landscape use and change. Contaminated sediments, considering the contaminant and degree of contamination, be evaluated for selected beneficial uses. Any dredging plan includes a comprehensive monitoring plan that considers site requirements, beneficial uses, and environmental impacts.

Issue

RESTORE THE ENVIRONMENT

Too often the built environment can cause adverse impacts on the natural environment. Civil engineers have the training and tools necessary to ensure that projects meet their intended purpose, but do so in a manner that pays particular attention to ecosystem values. ASCE is working with members to update best practices for storm water management, flood control and coastal protection infrastructure. ASCE is focused on few issues in particular that are relevant to WRDA:

- Ensuring green infrastructure practices are fully considered in storm water management plans
- Revisiting flood control structures to maximize environmental benefits (for example, studying the potential environmental benefits of restoring wetlands in southern Louisiana using large scale sediment diversions)
- Promoting the use of shoreline protection that incorporate multiple lines of defense³, including the use of living shorelines, natural infrastructure and resilient construction practices.

³ See John Lopez, *The Multiple Lines of Defense Strategy to Sustain Coastal Louisiana, Lake Pontchartrain Basin Foundation*, 2006.

CONCLUSION

In conclusion, ASCE applauds the Senate Environment and Public Works Committee for taking strides to address our nation's aging water resources. In the 2017 Report Card ASCE will once again grade the nation's infrastructure. WRDA bills provide an important opportunity to help raise the grades.

Deferring water resource projects creates costs that reverberate throughout our economy, causing exports and GDP to fall, threatening U.S. jobs, causing a drop in personal income, and putting vessel operators at increased risk. ASCE urges Congress to continue working on WRDA bill every two years. A two year cycle provides certainty to project sponsors, keeps the price tag of the legislation manageable and can cut down on the backlog of projects. ASCE looks forward to working with the Senate Environment and Public Works Committee as you move forward on this legislation.

Thank you, Senator Inhofe. This concludes my testimony. I would be pleased to answer any questions.