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BUSINESS MEETING TO CONSIDER PN 718, ROBERT WALLACE OF WYOMING TO BE ASSISTANT SECRETARY FOR FISH, WILDLIFE AND PARKS AT THE DEPARTMENT OF THE INTERIOR; PN 491, WILLIAM B. KILBRIDE OF TENNESSEE TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY; S. 1345, A BILL TO AMEND AND REAUTHORIZE THE MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION ACT; S. 1833, RESTORE THE HARMONY WAY BRIDGE ACT; S. 1014, ROUTE 66 CENTENNIAL COMMISSION ACT; SUBSTITUTE AMENDMENT TO S. 349, REVIVING AMERICA'S SCENIC BYWAYS ACT; SUBSTITUTE AMENDMENT TO S. 1507, PFAS RELEASE DISCLOSURE ACT; S. 1689, A BILL TO TRANSFER CERTAIN FUNDS FROM THE CLEAN WATER REVOLVING FUND OF A STATE TO THE DRINKING WATER REVOLVING FUND OF THE STATE; AND 38 GENERAL SERVICES ADMINISTRATION RESOLUTIONS

WEDNESDAY, JUNE 19, 2019

U.S. SENATE

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 9:34 a.m. in room 406, Dirksen Senate Building, the Honorable John Barrasso [chairman of the committee] presiding.

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

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

Senator Barrasso. Today, we are going to consider two nominees, six bills, and 38 General Services Administration resolutions. We will consider three of the GSA resolutions that we noticed on Friday at a later date.

Senator Carper and I have agreed that we will begin voting at 9:40. At that time, I will call up the items on the agenda. We will not debate the items on the agenda while we are voting. Instead, we will debate the items on the agenda before we begin voting at 9:40. I will also be happy to recognize any members who still wish to speak after the voting concludes.

We will consider two nominations, Rob Wallace to be Assistant Secretary for Fish, Wildlife, and Parks at the Department of the Interior, and William Kilbride to be a member of the Board of Directors of the Tennessee Valley Authority. The full committee held a hearing on Rob's nomination earlier this month. The Subcommittee on Clean Air and Nuclear Safety held a hearing on Mr. Kilbride's nomination last week.

I would like to thank the chairman of the subcommittee, Senator Braun, for holding the hearing and assisting the full committee in considering Mr. Kilbride's nomination. Both nominees are well qualified and will bring a wealth of experience and expertise to these important positions.

I would like to say a few words about Rob Wallace. I have known Rob for over 35 years. Without question, Rob is the right person for the job as the Assistant Secretary for Fish, Wildlife, and Parks.

Once confirmed, Rob will oversee the U.S. Fish and Wildlife Service and the National Park Service. His confirmation will be especially important because neither of these agencies have Senate-confirmed leadership at this time. He will play a central role in managing fish and wildlife for the American people.

Stakeholders from across the political spectrum agree, Rob is an outstanding choice. I urge my colleagues to support his nomination.

We will also consider six bills: Senator Heinrich's bill to amend and reauthorize the Morris K. Udall and Stewart L. Udall Foundation Act; Senator Braun's Restore the Harmony Way Bridge Act; Senator Duckworth's Route 66 Centennial Commission Act; Senator Collins' Reviving America's Scenic Byways Act, with a substitute amendment; Senator Capito's PFAS Release Disclosure Act, with a substitute amendment; and Senator Booker's bill to transfer certain funds from the Clean Water Revolving Fund of the State to the Drinking Water Revolving Fund of the State.

I would like to say a few words about the PFAS bill. We will report a broad bipartisan package to address pollution from

a large class of chemicals, known as PFAS. This pollution is an urgent concern for many communities and States across the Country.

This spring, the committee held two hearings on this issue. In March, we heard from top officials at EPA, as well as the Departments of Defense and Health and Human Services. In May, we heard from State water regulators, water utilities, and others, who are struggling to deal with these contaminants.

The Barrasso-Carper substitute amendment to the Capito bill requires industrial manufacturers and users to disclose to the public when they release these chemicals into the environment. The legislation also requires EPA to set, within two years, a national primary drinking water regulation for, at a minimum, two of the most toxic PFAS substances. The Barrasso-Carper substitute amendment is identical to an amendment that Senator Capito, Ranking Member Carper, Senator Gillibrand and I filed to the National Defense Authorization Act last week.

I want to thank those members for their leadership on this issue. Our bipartisan package will go a long way to helping the Federal Government and the States combat this pollution.

Lastly, we will consider 38 resolutions to approve prospectuses providing for General Services Administration leases.

I will now turn to Ranking Member Carper for his statement.

[The prepared statement of Senator Barrasso follows:]

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

Senator Carper. Thanks, Mr. Chairman.

I want to thank the staffs and all the folks who worked very hard to get us ready for this day. It has been a sometimes-frenzied effort but I think a good one.

We have some important items on our agenda. I am going to be brief as we all have other commitments today.

Today, our committee is set to consider a number of General Services Administration resolutions, five pieces of legislation, two nominees and legislation to address widespread contamination of substances that we affectionately refer to as PFAS. I am going to start by saying that the Minority is willing to move this large number of GSA resolutions today only because of GSA's recent efforts to begin providing documents that the Minority requested as far back as the beginning of last Congress. I thank the Chairman and his Majority staff for their help in motivating GSA to be more responsive to the Minority's document requests.

Three of the four pieces of legislation on today's agenda are related to our Nation's transportation system. The fourth piece is a bill introduced by Senator Heinrich that would reauthorize the Morris K. Udall and Stewart L. Udall Foundation Act. This bill was passed in the Senate last year, and this

year, I am confident we can get it across the finish line.

The fifth bill is Senator Booker's proposal to allow States a one-year opportunity to use excess Clean Water State Revolving Loan Fund dollars to address lead contamination in drinking water. This bill would provide immediate relief to a number of States facing extreme cases of lead contamination, and I am proud to support Senator Booker's proposal.

I believe the two nominees our committee is considering today, Rob Wallace and William Kilbride, are both qualified and ready to lead at their respective agencies. Mr. Wallace has pledged to uphold science and bolster the expertise of the Interior Department career staff that he would oversee. I believe he is up to the challenge of providing badly needed leadership within the Department of the Interior.

I look forward to welcoming Mr. Wallace to Delaware later this year so that he can see and learn firsthand about our national park and wildlife refuges that make the first State home to so many people and visitors and species.

Next, let me take a minute or two to focus on the substitute for Senator Capito's bill, which is a package of PFAS contamination legislation. Over the last couple of months, I have come to learn that addressing PFAS contamination is a particularly complicated and multi-faceted problem faced by an ever-growing number of communities across America.

During our hearing last month, I said that our committee would continue to work hard with stakeholders to forge a consensus approach to address head-on the PFAS problem. For the most part, that is what we have done. I especially want to thank Chairman Barrasso and the Majority staff, as well as our own Minority staff, and our colleagues, for their excellent and constructive work in crafting the legislative package that is before us today.

This substitute requires EPA to set a drinking water standard for PFOS and PFOA in two years, while also establishing on-ramps so the agency can create monitoring requirements and drinking water standards for other PFAS chemicals in the future. The substitute also immediately adds about 200 PFAS chemicals to the Toxic Release Inventory. By doing so, we can better understand the research, cleanup and prevention that are needed at every level of government. Furthermore, the substitute includes additional bipartisan measures to require research, monitoring technologies, funding for drinking water cleanup and guidance on how to properly dispose of PFAS.

Notably, though, there is one critical piece of PFAS legislation missing from this package. That is the bill I introduced with Senator Capito and 30 co-sponsors earlier this spring that designates PFAS as hazardous substances under the Superfund law. This designation would require DOD to help clean

up the PFAS contamination it has caused and it would unlock EPA resources to clean up sites when no one else can do so.

With that said, I still remain hopeful this last PFAS bill ultimately will be included in the Defense Authorization Act. I hope to have the Chairman agree to join me, along with other members of this committee, as we strive to reach that goal, given the extensive conversations happening between our staffs, relevant agencies, stakeholders, and constituents who are affected by PFAS contamination.

Let me close with this. When we held our first business meeting of this Congress back in February, I shared my hopes that our committee would work to reach consensus on important issues, consensus that would help us strengthen protections for our environment and public health while enhancing economic growth. Nearly half a year later, the legislative work that we have achieved thus far on PFAS gives me renewed cause for hope that this committee can and will continue to make further progress on the issues that Americans care about the most.

With that, I look forward to a quick markup and a productive session. Thank you all for your efforts.

[The prepared statement of Senator Carper follows:]

Senator Barrasso. Thank you very much, Senator Carper. Thanks for the kind comments about the commitment of the entire committee to work together on issues of bipartisan importance to the Nation.

Now that enough members have arrived, I would like to move to a vote on the items on today's agenda. The Ranking Member and I have agreed to vote on two nominees, six bills, and 38 General Services Administration resolutions en bloc by voice vote. Members may choose to have their votes recorded for a specific item in that bloc after the voice vote.

I would like to call up first: Presidential Nomination 718, Rob Wallace of Wyoming to be Assistant Secretary of Fish, Wildlife, and Parks at the Department of the Interior; as well as Presidential Nomination 491, William Kilbride of Tennessee to be a member of the board of directors of the Tennessee Valley Authority; S. 1345, a bill to amend and reauthorize the Morris K. Udall and Stewart L. Udall Foundation Act; S. 1833, Restore the Harmony Way Bridge Act; S. 1014, Route 66 Centennial Commission Act; the Cardin substitute amendment to S. 349, Reviving America's Scenic Byways Act; the Barrasso-Carper substitute amendment to S. 1507, the PFAS Release Disclosure Act; S. 1689, a bill to transfer certain funds from the Clean Water Revolving Fund of a State to the Drinking Water Revolving Fund of the State; and 38 General Services Administration

resolutions en bloc.

I move to approve and report Presidential Nomination 718, Presidential Nomination 491, S. 1345, S. 1833, S. 1014, and S. 1689, approve the Cardin substitute amendment to S. 349 and report S. 349 as amended, approve the Barrasso-Carper substitute amendment to S. 1507, and report S. 1507 as amended, and approve 38 GSA resolutions en bloc. Is there a second?

Senator Carper. I second.

Senator Barrasso. All those in favor, please say aye.

[Chorus of ayes.]

Senator Barrasso. All those opposed, nay.

[No audible response.]

Senator Barrasso. In the opinion of the Chair, the ayes have it.

We have approved Presidential Nomination 718, Presidential Nomination 491, S. 1345, S. 1833, S. 1014, S. 1689, S. 349 as amended, S. 1507 as amended, which were reported favorably to the Senate. We have approved 38 GSA resolutions.

The voting part of this business meeting is finished. I would be happy now to recognize any member who wishes to make a statement on any of the nominations, the legislation or the resolutions that we have just approved.

Senator Whitehouse. Mr. Chairman?

Senator Barrasso. Senator Whitehouse.

Senator Whitehouse. I will just speak very briefly about Mr. Wallace.

I was delighted to be able to vote for him. We had a terrific conversation and he pledged two things to me. One, to work with me on the Blackstone Valley River National Historic Park, which is a complicated thing, because we are developing a park in an existing urban-developed area.

This isn't a place where you can just draw lines on a map and say everything inside is a park. So we are going to need more attention from his Service to get that completed. He was terrific about that.

The second point we talked about is that even though the organization he works for is called the Department of the Interior, this is a Country that has more than interior. It also has edges, and the edges are our coasts and our coasts are being overlooked by his department. He has agreed to sit down with a bipartisan group of coastal Senators and begin a conversation as to how coastal communities can be treated with more attention and more fairly by his department.

Thank you very much.

Senator Booker. Mr. Chairman.

Senator Barrasso. Senator Capito asked to be recognized.

Senator Capito. Go ahead, Senator.

Senator Booker. That is very generous of you, Senator

Capito.

I just want to say thank you to the Chairman and Ranking Member. You have been tremendous. There are literally thousands of children and families in the State of New Jersey who, because of your partnership with me, will now have the opportunity to have the lead problems addressed.

It really is making a real difference. This is a very, very good day for our State and I know others as well. I want to express my gratitude.

Thank you, Senator Capito.

Senator Barrasso. Thank you, Senator Booker.

Senator Capito.

Senator Capito. Thank you, Mr. Chairman.

I want to thank Ranking Member Carper, Senator Gillibrand and the staff, too, for the work that we have done on the PFAS legislative package that we see today, but also the work that was done to get it into an amendment for the NDAA. I did talk with the Chairman and thanked him for his efforts as well, the Chairman of the Armed Services Committee.

I am proud to lead this bipartisan consensus package. It is very important to me. You have heard me talk about two of the communities in my State, Parkersburg and Martinsburg, who have endured a history of PFAS contamination. We are very concerned about this.

This will hold emitters to account, will provide more transparency, and ensure that federal agencies, communities and the public can respond to emissions. Sunlight being the best disinfectant, I think this accountability is really good.

The Manager's Amendment also adds a refined version of the legislation I introduced with Senator Gillibrand to direct the EPA to impose safe drinking water standards for PFOA and PFAS and other PFAS compounds as the science merits.

We have included language ensuring that the EPA can assist rural water systems. This was a concern that came out in our hearing, whether rural water systems could meet the challenges of testing, both financially and with the technical expertise. This will help them so they can meet these standards.

It is regrettable to me that the EPA has been dragging its feet on this issue to the extent that Congress is compelled to act, but ensuring the public's faith in their drinking water is vitally important. This also provides for the facilitation of research into PFAS and effects on human health.

There still remains much to be done. I look forward to continuing work with my colleagues, Senator Carper mentioned this, on getting to an agreement on addressing legacy contamination at industrial and military sites around the Country through the CERCLA and Superfund Programs. I believe we need to prioritize development of new mitigation technologies,

including destroying PFAS-contaminated material in a responsible way that does not change the medium of contamination from soil and water to the air. This will require new sampling methodologies and standards for the sophisticated processes needed to break that carbon fluorine bond that makes these substances useful for commerce but persistent in the environment.

The public needs the confidence that Washington is working to keep their water, soil and air safe while protecting their economic interests and standards of living. I am very pleased this is in here.

Thank you very much for your dedication and help.

Senator Barrasso. Thank you, Senator Capito.

Senator Cardin.

Senator Cardin. Mr. Chairman, I want to thank you and Senator Carper in regard to moving the Reviving American Scenic Byways Act that I introduced with Senator Collins, giving us an opportunity to restart this highly beneficial, grassroots program that has been dormant since 2009.

I also want to thank you for the courtesies in removing three of the prospectuses that were on the list today, one dealing with the Bureau of Fiscal Services at the United States Department of Treasury that we are working in regard to certain employee issues, and then also removing the consolidated

activities, various buildings, to get certain understandings as to the restrictions on the use of those funds.

Again, thank you for the courtesy of giving us the opportunity to clarify those prospectuses.

Senator Barrasso. Thank you.

Senator Braun.

Senator Braun. Thank you, Mr. Chairman and Ranking Member Carper.

The Harmony Way Bridge, which has been closed since 2012, is included in this package. It is the last remaining Federal Bridge Commission responsibility that was created in 1941 to manage basically local bridges.

The Commission wasn't up to the task. Over time, the bridge fell into disrepair. It is vital to the community of New Harmony. It gives them the flexibility now to move forward. The Restore the Harmony Way Bridge Act is a prime example of bipartisan cooperation that can happen in D.C. when leaders come together to solve problems affecting constituents. It eliminates unneeded federal programs and allows the community of New Harmony to make decisions in their own best interest.

Thank you again for the support and I look forward to this legislation making it to the full Chamber. Thank you so much.

Senator Barrasso. Thank you.

Senator Sullivan.

Senator Sullivan. Thank you, Mr. Chairman.

I just want to commend you, the Ranking Member and Senator Capito, in particular, on finally all of us getting our arms around this PFAS issue which I think has occupied a lot of our time, but I think it is a good beginning on what is in this legislation, particularly with regard to loans for communities, forbearance for the EPA with regard to penalties on water systems in municipalities and localities.

As Senator Capito mentioned, the next step we need to start focusing on is the CERCLA issue and the responsibility in communities, particularly where we have large military bases, like in my State. I think we are off to a good start but I want to commend both of you, and her and the other members, Democrats and Republicans, on this committee for that important legislation. Hopefully we will see it on the Floor soon.

Thank you.

Senator Barrasso. Thank you, Senator Sullivan.

Senator Carper.

Senator Carper. Mr. Chairman, I enjoy music. Every now and then I hear a song that seems particularly appropriate. I was listening to my favorite radio station driving to the train station this morning and I heard an old Chicago song. It started off "Only the beginning." It is a great song.

I think we have made good progress here today. As the

Senator says, this is only the beginning. We still have work to do, on the challenges that you face in Alaska with respect to PFAS contamination and the huge clean-up responsibilities in almost every State. Almost every State can tell us some more stories. We need to continue to work. It is a good start but it is only the beginning.

Thank you.

Senator Barrasso. I thought you were going to sing the Chicago song "Does Anybody Really Know What Time It Is?" We could sing it here but we will not because instead, I am going to ask unanimous consent that we not sing, but that the staff have the authority to make technical and conforming changes to each of the matters approved today.

With that, our business meeting is concluded.

[Whereupon, at 9:52 a.m., the business meeting was concluded.]