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BUSINESS MEETING

Wednesday, April 6, 2020

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee, met, pursuant to notice, at 10:04 a.m. in room 406, Dirksen Senate Office Building, the Honorable John Barrasso [chairman of the committee] presiding.

Present: Senators Barrasso, Carper, Inhofe, Capito, Cramer, Braun, Rounds, Sullivan, Boozman, Wicker, Shelby, Ernst, Cardin, Markey, Van Hollen.

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

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

Today, the committee is voting on two bipartisan infrastructure bills: America's Water Infrastructure Act of 2020, and the Drinking Water Infrastructure Act of 2020. The bills are ideal complements to the bipartisan Highway Bill that the committee has already reported with a vote of 21 to nothing. Together, America's Transportation Infrastructure Act and these two bills will be critical to our economic recovery after the immediate pandemic response is behind us.

I want to specifically thank Ranking Member Carper, Subcommittee Chairs and Ranking Members Capito, Cardin, Cramer, and Duckworth for their ongoing tireless efforts to craft these two important bills.

Senator Carper and I have agreed that we will begin voting at roughly 10:15. At that time, I am going to call on Senator Cramer to bring up his amendment, and then we will turn to the agreed-upon amendments and final passage of the bills.

Once we begin voting, we will not debate the other items in the agenda while we are voting. Instead, we will debate the items on the agenda before we begin voting. I will also be happy to recognize any members who still want to talk about any

issues that they have concerns about after voting concludes.

America's Water Infrastructure Act of 2020 is bipartisan legislation and includes input from every member of this committee and the Senate as a whole. The bill will help grow the economy, cut Washington red tape, and keep communities safe.

The legislation provides \$17 billion in new federal authorization for Corps and EPA projects and programs. It will help deepen nationally significant ports, maintain the navigability of inland waterways, fix aging dams and irrigation systems, and upgrade wastewater systems across the Country.

The bill will increase water storage in the West and help build new flood management infrastructure in the Midwest. Many flood protection projects in the heartland are not funded because their property values are not as high as property values on the coasts. Our bill will make it possible for these important projects, including those in rural and disadvantaged areas, to get funded and built.

It also includes new water storage provisions to study, construct, or enlarge small water storage projects. Many States in the West, like Wyoming, want the ability to provide more water for farmers and ranchers. Our bill will enable the construction of smaller reservoir projects and expand existing reservoirs in these States.

Too often, important water projects are delayed because of

drawn-out environmental reviews. America's Water Infrastructure Act of 2020 cuts Washington red tape. It will push the Army Corps to take just two years to complete its feasibility studies for potential projects. The goal is in line with the standard President Trump has set for Federal infrastructure projects and permits.

Our bill will also allow other agencies, federal agencies, to review Army Corps categorical exclusions, and if appropriate, adopt some more categorial exclusions. These exclusions will get needed projects started faster.

Many communities also need assistance complying with burdensome environmental laws and regulations. The legislation increases funding for technical assistance and training programs for small, rural, and tribal municipalities.

The bill also includes important provisions to help smaller rural communities leverage federal dollars and waive cost share requirements so that they can implement needed infrastructure projects.

America's Water Infrastructure Act of 2020 also makes safety a priority. In recent years, we have seen the damage that floods and droughts can cause. Our bill takes steps to address the maintenance backlog of dams, levees, and reservoirs that protect so many communities around the Country. The bill also contains provisions to fight the threat of invasive

species.

Drinking water systems are also critical. The Drinking Water Infrastructure Act of 2020 provides an estimated \$1.25 billion in federal authorizations to help communities ensure their drinking water is safe. The bill reauthorizes the Safe Drinking Water Act Emergency Fund to provide assistance to communities facing drinking water emergencies. Our legislation requires 20 percent of the Drinking Water State Revolving Funds be used on grants, no-interest loans, or debt relief, to help public water systems. The provision will give struggling systems a chance to provide safe and reliable drinking water to their communities.

The bill also makes it simpler for schools and childcare programs to test for lead in their drinking water.

I want to thank all the members of this committee for their hard work in writing these bills. The bills before us today will support our recovering economy, will cut Washington red tape, will help keep communities safe, and will improve Americans' quality of life.

President Trump has called on Congress to pass infrastructure legislation. Our highway infrastructure legislation, combined with these two water infrastructure bills, will answer the President's call to help revive our Nation's economy once we have moved beyond the immediate health crisis.

I would now like to turn to Ranking Member Carper.

[The prepared statement of Senator Barrasso follows:]

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

Senator Carper. Thanks, Mr. Chairman. I am delighted to be here with you and our colleagues, especially on the day when we celebrate the birthday of our dear friend, Richard Shelby. Happy birthday, Richard.

We are gathered here today, and it doesn't look like our regular room, does it? I could get used to this; it is pretty big. I don't know how long we will have to use it, but I am glad it is available for us today. Here we are, wearing masks, attempting to maintain at least six feet of separation between us, and I am reminded that these are far from normal times.

Before we turn to two pieces of very fine legislation whose consideration brings us here today, I want to first express my thanks to you, Mr. Chairman, for your leadership, and to every member of this committee. Every member of this committee has contributed to the products that we are going to be debating and voting on here today.

I think most members of the United States Senate, not all, but almost all members of the United States Senate, have contributed as well, but we are grateful for all that input that has been provided to enable our majority and minority staff to draft the legislation that is before us.

I was talking to John Cain coming in, who has worked as



sort of the lead on our side for putting this baby together, these two pieces of legislation together. I said, "How do you feel, John?" He said, "I am exhausted," and he is probably not the only one who is exhausted. I just want to say to everyone, on our staffs, Democrat, Republican, majority, minority, thank you so much for your hard work.

I would note that the United States Senate has returned to work in Washington, D.C. today, while the rest of this city and much of our Country remain under stay-at-home orders due to the COVID-19 pandemic that continues to ravage many communities across America. I spoke to one of the Capitol police officers outside in the hall to ask her about how many Capitol police officers have been stricken, may have been found carrying the virus, and I was surprised how many of our Capitol police officers have actually had the symptoms and then had to be quarantined and treated.

Last month, we learned that -- speaking of the city -- last month, we learned that here in this city, African Americans account for almost 80 percent of COVID-19-related deaths. Eighty percent. In fact, we are reminded almost daily by news stories that communities of color are disproportionately impacted by harmful air pollution, which is a co-morbidity of this disease.

In recent weeks, studies have consistently shown a link

between air pollution and higher numbers of COVID-19-related deaths. Sadly, despite that, these findings, EPA has answered the President's call to be all hands on deck in this fight largely by seeking to roll back major public health protections for clean air.

So as our committee moves forward on two important bipartisan pieces of legislation today, I hope we will all continue to be mindful of our responsibility as Senators to conduct oversight on the Federal Government's response to the ongoing COVID-19 pandemic. In doing so, we also have an opportunity to highlight some of the science and innovation that can help us overcome this deadly pandemic.

For example, I was reading this, Mr. Chairman, was reading this morning about how COVID-19 virus can be detected in wastewater in ways that might be able to help us almost as looking over the horizon to know that this is coming. This is technology; this is science that actually goes back to the days of polio, when we were concerned about stopping the spread of polio in this Country. This technology is probably able to be brought to bear currently, and we are interested in seeing that happen.

The COVID-19 pandemic has also reminded us that access to clean water and public health are critically connected. In addition, we are reminded daily, almost hourly, it seems, just

how important it is to have access to soap and clean water and washing our hands, a simple yet effective way to prevent this virulent disease.

Now, Mr. Chairman, that brings us to our focus today, and that is improving and investing in our Country's waterways, as well as our drinking water and wastewater infrastructure systems. Our Country's drinking water and wastewater systems, our shipping channels and flood control structures are essential to our economy and to our way of life, but they remain in desperate need of improvement and investment.

I was talking to a reporter and trying to explain why this is relevant. In the Declaration of Independence, we all know it talks about life, liberty, and the pursuit of happiness. It is hard to have life without water, clean water that we can drink. It is hard to have happiness without a strong economy, and when we are talking about moving goods and products around this Country and around the world, a lot of it goes on water, overwhelmingly does. Stuff goes on water in and out of our Country, so it is critically important.

America's Water Infrastructure Act of 2020 and the Drinking Water Infrastructure Act of 2020 are two bipartisan bills that will help the U.S. Army Corps of Engineers and the EPA continue to make more of the urgently needed improvements to key water infrastructure systems throughout our Country. Every American

relies on water and on our water infrastructure, most without realizing it. Millions of Americans across this Country rely on the Army Corps projects to safely navigate our waters, to stay safe from flooding and storm damage, and reap the benefits of healthy aquatic ecosystems in marshlands.

In communities across America, Army Corps projects are often the silent engines that power local economies, too. For example, in Wilmington, Delaware, the Port of Wilmington supports, I am told, more the 19,000 jobs in our region, several States. It is the United States' top seaport for fresh fruit imports as well. If you ate a banana this morning, it probably came through the Port of Wilmington.

The Army Corps is working diligently with our port on an expansion project that will open a channel to a new containment facility in Edgemoor, just a couple miles north of our current Port of Wilmington on the Delaware River. The Army Corps is responsible for dredging and maintaining access to this new channel, which over time will support more commerce and more jobs for the region.

In addition to authorizing the necessary projects, America's Infrastructure Act will also improve agency transparency and accountability for the budgeting, conduct, and completion of federal projects. Our committee has heard that the Corps' arcane benefits-cost analysis, which the Corps relies

on to prioritize projects, often fails to capture the critical needs and true economic benefits of projects in smaller, coastal, rural, disadvantaged, and tribal communities. This legislation addresses those problems.

Meanwhile, too many of our communities are facing significant water contamination. America's Water Infrastructure Act reauthorizes the Clean Water Revolving Loan Fund for the first time since 1987, which I think is pretty close to the time of your birthday, your original birth, Senator Shelby. Anyway, I find that so many of our communities use that to improve their wastewater systems.

In the Drinking Water Bill, we authorize more than a half billion dollars to provide critical drinking water infrastructure through the Small and Disadvantaged Communities Grant Program. We also continue our work to address PFAS, commonly known as the forever chemicals, because they degrade so slowly over time. The Drinking Water Bill expands an EPA grant program that became law last year to allow it to provide funds to clean up groundwater contaminated with PFAS, in addition to drinking water.

The bill before us today also requires provisions that previously passed the Senate to require EPA to set a drinking water standard for two of the PFAS chemicals we are most concerned about, PFOA and PFAS.

Finally, looking to the future, these two bipartisan bills will also help us to fortify our communities from the growing impact of climate change. The bills expand grants that will help small and medium-sized communities increase the resiliency of their water systems to natural hazards and to extreme weather.

Before I close, Mr. Chairman, I will just say that as far as we have come in reporting these bills today, we have more work to do before these bills are truly ready for the Floor. I just want to mention very briefly two issues in particular. First, Democratic Senators want to keep working on this bill as it moves forward to ensure that many types of ports receive a balanced distribution of funds from the Harbor Maintenance Trust Fund. I appreciate your agreement, Mr. Chairman, to ensure this outstanding issue is addressed before these pieces of legislation go to the Senate Floor.

Second, I am troubled that we have not been able to make more progress on language submitted to the committee by Senator Gillibrand that would ask EPA to determine whether to set standards under the Clean Water Act to limit the amount of PFAS that can be released into the environment by industry. Forcing water ratepayers to remove the PFAS from the drinking water and providing taxpayer funding to clean up contaminated sites are efforts made less effective if we don't also take steps to

reduce the amount of PFAS being released into our environment in the first place.

I hope our Chairman will join me in the weeks ahead in leading a determined effort to find a bipartisan solution on this effort, something that my staff and I know other staffs are anxious to do.

Again, I appreciate that you are willing to ensure, Mr. Chairman, that these outstanding issues are addressed before these two pieces of legislation go to the Senate Floor. And with that, I again want to thank everyone who has worked so hard to bring us here to this day. Thank you so much.

[The prepared statement of Senator Carper follows:]

Senator Barrasso. Thank you very much, Senator Carper.

I would now like to turn to our Subcommittee chair and ranking members, and we will start first with Senator Capito.

Senator Capito. Thank you. For my statement?

Senator Barrasso. If you would like, yes.

Senator Capito. You know what? Why don't I save my statement until after we vote?

Senator Barrasso. Certainly. Then, Senator Cardin?

Senator Cardin. Well, I just really want to thank the leadership of the committee. As you both have said, this bill represents the product of every member of this committee. It has been done in a very bipartisan, open manner. It is critically important to our economy.

I could talk at length about how important it is to projects in the State of Maryland, but I will follow the example of my subcommittee chair, and defer any further comments.

Senator Barrasso. Well, thank you, but I do appreciate the bipartisan nature, because you looked terrific last night on Fox News extolling the virtues of the Infrastructure Bill, so thank you for that. I appreciate it.

Senator Cramer, anything you would like to add as a subcommittee chairman?

Senator Cramer. Other than to just say thank you to both of you, for your leadership, and to the entire committee. It is



one of the joys of this committee, is the bipartisan collaboration. So I look forward to making a longer statement with my amendment.

Senator Barrasso. We will certainly do that.

Senator Inhofe, any final comments before we move to the vote?

Senator Inhofe. Just briefly. I think it is significant to recognize that, remember when Barbara Boxer and I took over the leadership back in 2014, this WRDA bill is supposed to be happening every two years, and it had been seven years since the last one that we had. Since that time, it was 2014, 2016, 2018, and 2020, so that is a major thing to get back to the way it should have been.

The last thing I would mention is that a lot of people don't realize that Arkansas and Oklahoma are navigable States, and there are some things in here that are very effective for Senator Boozman and myself that we appreciate very much. Thank you.

Senator Barrasso. Thank you very much, Senator.

Now I would like to move to vote on the items on today's agenda. I would like to first call up Barrasso-Carper-Capito-Cardin Substitute Amendment to S. 3591, America's Water Infrastructure Act of 2020, that was circulated last Friday. The Ranking Member and I have agreed that this substitute shall

be considered the original text for purposed of amendments. Members have filed amendments to the substitute. The Ranking Member and I have filed Barrasso-Carper number 1, which incorporates additional input from members and stakeholders. With the agreement of the Ranking Member, I am happy to accept this amendment.

[The text of the amendment in the nature of a substitute follows:]

Senator Barrasso. The Ranking Member and I have agreed to vote on Barrasso-Carper number 1 by voice vote, but members may choose to have their votes recorded after the voice vote. Before that, Senator Cramer would like to offer an amendment.

Senator Cramer. Thank you, Chairman. Let me ask for Cramer Amendment number 2.

Thank you again, Chairman Barrasso, Ranking Member Carper, for the collaborative way that you approach this committee. It is a real joy to be part of it. I think about last year, and what an honor it was to work with all of you on the largest Highway Bill in the history of our Country that passed with this incredible cooperation. It was a joy, and it is great to be able to add these two bills to that infrastructure ambition.

That being said, I do have this amendment before the committee to protect States' water rights, and I am asking for your support. Last year, I led a bipartisan letter asking for the withdrawal of the Corps' disastrous water supply rule. Many of you signed that letter, and thankfully, the President withdrew the rule, because there was bipartisan resolve that the Army Corps had overstepped its bounds.

Western States span the ideological spectrum, but we were all united: our water rights must be respected. Since the rule's withdrawal, I have worked closely with the Western Governors Association, Western Attorneys General, and the

Western Water Council to build upon this success by drafting legislation to address the long-standing conflict between the Army Corps of Engineer's application of federal water law and western States' application of their water rights under the prior appropriation doctrine.

The amendment before you today only applies to Section 6 of the Flood Control Act for States located wholly or partly west of the 98th meridian. To be clear, the language I started with was much broader, but I wanted to be cognizant of the longstanding water litigation some eastern States have with the Corps.

This broader language, much more substantive language than the original amendment, is what was supported unanimously by every governor and every attorney general in the western United States. But I included multiple safeguards into the amendment to accommodate others' concerns.

It does not affect any State east of the Mississippi. Let me say that again, Mr. Chairman. It does not affect any State east of the Mississippi. It preserves all existing water supply contracts, and only applies to prior appropriation States. Just like western States want to preserve our water rights, we are not trying to get involved in eastern States' water wars. The amendment codifies the historic practice of not requiring a water supply contract as part of granting water users access to

Corps reservoirs in western States.

It is simple, but it is vital to States' rights to meet the water supply needs of their citizens. For historical context, it was the Federal Government who dammed our rivers and flooded our land. It seems completely unreasonable that the Corps would then try to federalize the water system and force States and water users to ask them for permission to access it.

For further context, there are only 11 water supply contracts under Section 6 authority. One of those is in North Dakota. Even though this withdrawal was quite literally a drop in the proverbial bucket and was swiftly approved by North Dakota, it took over two years to complete the water supply contract process. I think any of us would find that unacceptable and no doubt, each of you have similar frustrations in your States.

The Flood Control Act clearly states, "it is declared to be the policy of the Congress to recognize the interests and rights of the States in determining the development of the watersheds within their borders." It is not often an issue unites States ranging from North Dakota to Oregon, to Oklahoma to Washington. However, when States are granted a right, we do expect it to be observed.

I have only been on this committee for a little more than a year, but it has been a common refrain for many of you that the

Corps is unresponsive, has overstepped its bounds, or has completely ignored Congressional direction. We should not squander the opportunities we have to address some of these issues.

Mr. Chairman, like me, many members of this committee are from western States or served as State legislators, regulators, or even governors. No matter our political stripes, we all understand the importance of protecting the rights granted to our States, and I am sure each of you agree you would rather have your State determine how to best serve your constituents.

I respectfully ask you to support the amendment and look forward to continuing to work with each of you. Thank you.

[The text of the amendment follows:]

Senator Barrasso. Thank you, Senator Cramer.

Anyone else like to address Senator Cramer's amendment?

Senator Shelby?

Senator Shelby. Mr. Chairman, I will be brief. I can understand, we all can, Senator Cramer's frustration with our water supply issues. This is something that my State of Alabama has grappled with for 30 years.

The people in the States, the governor, and the attorney general and all of them have expressed immense concern over the proposed language and the precedent, basically the precedent, that it would set despite efforts to minimize the concerns. Fundamentally, this amendment, as you all know, would allow States to preempt federal law and Corps of Engineers projects, which has the potential to impact downstream States. I understand how he has crafted it for the west and so forth, but I think it is a bad precedent, and I would oppose it.

Senator Barrasso. Anyone else like to make a comment regarding this amendment?

I understand the importance of State water rights in the west. Water is vital for ranching, farming, and rural communities in Wyoming and North Dakota and the entire west. For years, my colleagues in the west have fought to protect our States' water from federal encroachment, which is the spirit of this amendment.

Unfortunately, there still remain some concerns with the amendment as currently drafted, and it is for that reason that I believe we need to continue to work on this issue and address the potential unintended consequences which have just been raised by another colleague.

So I pledge to continue the conversation with my colleague from North Dakota and other members of the committee moving forward, but will not be able to then support the amendment as drafted at this time.

At this time, we would offer the amendment from Senator Cramer, and the motion would be on approving Cramer 2. Is there a second?

Senator Sullivan. Second.

Senator Barrasso. It is been moved and seconded. All those in favor please say aye.

[Chorus of ayes.]

Senator Barrasso. Opposed, nay.

[Chorus of noes.]

Senator Barrasso. It is the opinion of the chair that the noes have it, and Cramer No. 2 is not agreed to at this time.

I would like to now call up Barrasso-Carper No. 1, and I ask that members withhold discussion of this amendment until we complete the voting. I move to approve Carper-Barrasso number 1. Is there a second?



Senator Carper. Second.

Senator Barrasso. All those in favor please say aye.

[Chorus of ayes.]

Senator Barrasso. Opposed, no.

[No audible response.]

Senator Barrasso. In the opinion of the chair the ayes have it, and Barrasso-Carper number 1 is agreed to. Any other Senators seek recognition to offer an amendment? I see no other members seeking recognition to offer an amendment.

I move to approve the substitute amendment to S. 3591 as amended and report S. 3591 as amended favorably to the Senate. We will hold a roll call vote. Is there a second?

Senator Carper. Second.

Senator Barrasso. The Clerk will call the roll.

The Clerk. Mr. Booker?

Senator Carper. Aye by proxy.

The Clerk. Mr. Boozman?

Senator Boozman. Aye.

The Clerk. Mr. Braun?

Senator Braun. Aye.

The Clerk. Mrs. Capito?

Senator Capito. Aye.

The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Carper?

Senator Carper. Aye.

The Clerk. Mr. Cramer?

Senator Cramer. Aye.

The Clerk. Ms. Duckworth?

Senator Carper. Aye by proxy.

The Clerk. Ms. Ernst?

Senator Ernst. Aye.

The Clerk. Mrs. Gillibrand?

Senator Carper. Aye by proxy.

The Clerk. Mr. Inhofe?

Senator Inhofe. Aye.

The Clerk. Mr. Markey?

Senator Carper. Aye by proxy.

The Clerk. Mr. Merkley?

Senator Merkley. Aye.

The Clerk. Mr. Rounds?

Senator Rounds. Aye.

The Clerk. Mr. Sanders?

Senator Carper. Aye by proxy.

The Clerk. Mr. Shelby?

Senator Shelby. Aye.

The Clerk. Mr. Sullivan?

Senator Sullivan. Aye.

The Clerk. Mr. Van Hollen?

Senator Van Hollen. Aye.

The Clerk. Mr. Whitehouse?

Senator Carper. Aye by proxy.

The Clerk. Mr. Wicker?

Senator Wicker. Aye.

The Clerk. Mr. Chairman?

Senator Barrasso. Aye. Clerk will report.

The Clerk. Mr. Chairman, the yeas are 21, nays are zero.

Senator Barrasso. The yeas are 21, the nays are zero. We have approved S. 3591 as amended, which will be reported favorably to the Senate.

Now I would like to call up the Barrasso-Carper-Cramer-Duckworth substitute amendment to S. 3590, Drinking Water Infrastructure Act of 2020, that was circulated last Friday. The Ranking Member and I have agreed that this substitute shall be considered the original text for purposes of amendments. Members have filed amendments to the substitute. The Ranking Member and I have filed Barrasso-Carper Number 2, which incorporates additional input from members and stakeholders.

[The text of the amendment follows:]

Senator Barrasso. With the agreement of the Ranking Member, I am happy to accept this amendment. The Ranking Member and I have agreed to vote on Barrasso-Carper 2 by voice vote. Members may choose to have their votes recorded after the voice vote.

Now, at this time, I would like to call up Barrasso-Carper 2 and ask that members withhold discussion on this amendment until after we complete the voting. I move to approve Barrasso-Carper 2. Is there a second?

Senator Carper. Second.

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

[Chorus of ayes.]

Senator Barrasso. All those opposed, nay.

[No audible response.]

Senator Barrasso. It is the opinion of the chair that the ayes have it; Barrasso-Carper 2 is agreed to.

Any other members, Senators, seek recognition to offer an amendment? I see no members seeking recognition to offer this amendment.

So at this point, I move approval of substitute amendment to S. 3590 as amended and report S. 3590 as amended favorably to the Senate. We will hold a roll call vote on this. Is there a second?

Senator Carper. Second.

Senator Barrasso. The Clerk will call the roll.

The Clerk. Mr. Booker?

Senator Carper. Aye by proxy.

The Clerk. Mr. Boozman?

Senator Boozman. Aye.

The Clerk. Mr. Braun?

Senator Braun. Aye.

The Clerk. Mrs. Capito?

Senator Capito. Aye.

The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Carper?

Senator Carper. Aye.

The Clerk. Mr. Cramer?

Senator Cramer. Aye.

The Clerk. Ms. Duckworth?

Senator Carper. Aye by proxy.

The Clerk. Ms. Ernst?

Senator Ernst. Aye.

The Clerk. Mrs. Gillibrand?

Senator Carper. Aye by proxy.

The Clerk. Mr. Inhofe?

Senator Inhofe. Aye.

The Clerk. Mr. Markey?

Senator Carper. Aye by proxy.

The Clerk. Mr. Merkley?

Senator Merkley. Aye.

The Clerk. Mr. Rounds?

Senator Rounds. Aye.

The Clerk. Mr. Sanders?

Senator Carper. Aye by proxy.

The Clerk. Mr. Shelby?

Senator Shelby. Aye.

The Clerk. Mr. Sullivan?

Senator Sullivan. Aye.

The Clerk. Mr. Van Hollen?

Senator Van Hollen. Aye.

The Clerk. Mr. Whitehouse?

Senator Carper. Aye by proxy.

The Clerk. Mr. Wicker?

Senator Wicker. Aye.

The Clerk. Mr. Chairman?

Senator Barrasso. Aye. The Clerk will report.

The Clerk. Mr. Chairman, the yeas are 21, the nays are zero.

Senator Barrasso. Thank you. The yeas are 21, the nays are zero. We have approved S. 3590 as amended, which will be reported favorably to the Senate.

I want to thank the members. The voting part of this business meeting is concluded.

Senator Carper. Mr. Chairman?

Senator Barrasso. Yes.

Senator Carper. I just wanted to say a brief word. Just to commend our chair of our relevant subcommittee, the Transportation Infrastructure Committee, and to Ben Cardin, our ranking member. Thank you, both of you.

Senator Barrasso. And our new committee spokesman now on Fox News, as we saw last night.

Senator Carper. That is right.

[Laughter.]

Senator Barrasso. Are there members who have filed amendments that they did not offer but would still like to discuss? If not, I would be happy to recognize any other members, and I know Senator Capito, you deferred on making your opening statement until after the voting was completed out of courtesy for the other members.

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

Senator Capito. Right. Thank you, Mr. Chairman, and I thank everybody, members of the committee, for the good hard work.

I want to thank you, particularly, Chairman Barrasso, and Ranking Member Carper, thank you, and also Senator Cardin and I have worked, I think, very well together with our staffs, both on this bill and on the highway bill that we previously passed.

I would like to get into just some of the issues that are specific to my area that I think are particularly very, very good for my part of the Country. This will reauthorize programs under the Corps of Engineers and the EPA that are critical to West Virginia. In particular, there is a provision in there that I authored that will establish a new program that will provide over \$100 million for water and wastewater infrastructure in West Virginia and elsewhere in Appalachia. We are far behind, in some cases.

This legislation increases investments in our Nation's inland waterway infrastructure, and if you know anything about the eastern part of the Country and certainly, those locks and dams on the Ohio, Kanawha, and Mon River are extremely important for moving commerce and for recreational purposes. By adjusting the cost share for projects funded with expenditures from the



Inland Waterway Trust Fund, a long overdue update, and quite welcome, it can help us expedite construction.

It also supports flood control through enhanced cooperation between the Corps and local communities, which is critical to a State like mine, again, because we have experienced catastrophic floods in recent years. And it incorporates important changes to a program I created along with Senator Booker that will help train the next generation of water and wastewater workers. I am sure all of us are hearing that the workforce is way down in this area, and attracting the new work force into what can be a career in water and wastewater is something that Senator Booker and I have worked on over the last several years. These are just a couple examples of improvements this will make to our water resource infrastructure.

I was also glad to see that some of the provisions that I authored are in the Drinking Water Infrastructure Act. This legislation authorizes several programs that will help community systems, such as those in West Virginia, provide safer, more affordable drinking water. I think Senator Cardin talked a lot about the importance of, in the COVID atmosphere that we are in now, knowing that your drinking water is safe and how important that is.

My bill with Senator Cardin, the Assuring Water Quality Infrastructure Act, is included and will provide grant funding

to small water systems to address the issue of water loss. I was astounded when I read an article in our local paper that talked about the 50 percent or 80 percent of water loss that some of these systems, because they are so old, are leaking out of old infrastructure. A recent report detailed that some of the systems, as I said, have over 75 percent of the water they produce leave before it even reaches the tap.

We are lucky in our State, because as we are here today in the dampness of Washington D.C., we do have a lot of water, luckily. The Drinking Water Infrastructure Act also includes provisions that address the issue of PFAS, something I have been extremely concerned about, and that contamination which has been a priority of mine.

Importantly, it includes legislation I co-sponsored with Senator Gillibrand that mandates that EPA establish a drinking water standard for two legacy compounds, PFO and PFOS, which have been shown to cause health problems in communities across the Country and in my State particularly. This legislation also authorizes funding to address the presence of PFOS and other contaminants in drinking water through the purchase of filtration systems.

In closing, I would like to extend my gratitude to the staff that negotiated these bills many times in our absence, both with the committee and in our personal offices. In my

office, I would like to thank Max and Travis and Adam. In particular, I would like to thank on the committee, Brian, Andrew, Lizzy, Craig, Christina, John, Annie, Susan, and Mark with the committee, and Shannon and Andrew with Senator Cardin's office. Their hard work and dedication is to be commended.

I do look forward to the day, and hopefully this will be sooner than later, where we marry the two infrastructure bills together to serve as, I think, a great get-back-to-work, rebuild America's infrastructure. The bills that we have passed overwhelmingly, now unanimously, through this committee, so I join with you, Senator Barrasso, as the chair and others to bring these to the full committee to see this legislation become law.

Thank you so much.

[The prepared statement of Senator Capito follows:]

Senator Barrasso. Thank you, Senator Capito.

Senator Sullivan, before calling on you, I want to thank you for your continued leadership in all areas of infrastructure, highways, roads, bridges, tunnels, water infrastructure, ports, dams, reservoirs, thank you for your incredible work.

STATEMENT OF THE HONORABLE DAN SULLIVAN, A UNITED STATES SENATOR  
FROM THE STATE OF ALASKA

Senator Sullivan. Thank you, Mr. Chairman, and I want to return the compliment to you and the Ranking Member. I think this is exactly what our Country needs right now, seeing Senators back at work, which we all are, working in a bipartisan way that will help our Country at the appropriate time, and I think it is very soon, to really turbo-charge the economic recovery that we are going to need as we get through this pandemic.

You mentioned the Highway Bill, 21 to zero by the way, out of this committee, really important, super bipartisan. And then today with regard to the WRDA Bill, legislation with regard to clean water, again, completely bipartisan. The combination of these two coming together as an infrastructure bill, bipartisan, it is what our Country needs.

The President certainly supports us. I have had the opportunity to talk to him about this, as I know you have, Mr. Chairman, so I want to thank you and Ranking Member Carper's leadership on this issue.

Again, I think it is what we need to be doing, what the American people need to be seeing, progress, bipartisan progress on something that the vast majority of my constituents in Alaska, but probably all over the Nation, support: serious

infrastructure for our Nation to help our economy, help our workers, get through this crisis.

Mr. Chairman, I want to just highlight two areas of this legislation that are particularly important to my State, and I think important in the Nation. One, as already mentioned, is the work with regard to clean water, clean sewers, or I am sorry, flush toilets. I hate to say it, but I remind this committee a lot that there are communities in America, a number of them in my State, that don't have running water, that don't have flush toilets. Over 30 communities in Alaska, primarily Alaska Native communities, don't have what every American thinks is a basic amenity, that they have in their State, or in their community. We don't have it.

The CDC is saying wash your hands very frequently, okay? That is important. How can you wash your hands if you don't have running water? You can't. And by the way, these are communities that during the Spanish flu, over a hundred years ago, got wiped out. My State had more deaths per capita than any State in the Country during the Spanish flu because that ripped through Native communities and had mortality rates, in some, in the 70 percent mortality rates.

So there is a lot of trepidation in my State and in some of my communities right now with regard to this pandemic. But one thing we have to do is to be able to get running water, basic

running water and sewer to communities in America. This legislation will help in that regard. I want to thank Senator Capito. I know this issue is important to her, but all the members on this matter.

The second issue I wanted to highlight, Mr. Chairman, is another that relates to our economic security, but our national security. This legislation takes a very important step forward with regard to recognizing the strategic importance of the Arctic to our Nation. America is an Arctic nation. We are an Arctic nation because of the State of Alaska. There is a sense of Congress in this legislation that recognizes the strategic importance of the Arctic to our economic and national security and calls for expediting the feasibility report for the first deep draft port in the Arctic.

Let me explain. Right now, in the bill, this will serve as a placeholder for this vital project. It is my understanding that the Chief's Report for the Arctic deep draft port in Nome, Alaska, is expected to be finalized at the end of the month. We are all recognizing, a number of us sit on the Armed Services Committee, on this committee, that the receding sea ice, the opening of transportation routes, the increase in human activity, the increases in resource opportunities, have all increased the interest globally in the Arctic. Even the Chinese have a plan with regard to the Arctic, although they are not an

Arctic nation.

It is possible now to safely navigate the Arctic via the Northwest Passage and Northern Sea route. These routes can save shippers weeks in travel and are thousands of nautical miles shorter when compared to using the Suez Canal or Panama Canal routes.

Yet, in America, an Arctic nation, we have essentially no strategic Arctic port that can handle any kind of serious shipping, any kind of Navy shipping, any kind of Coast Guard shipping, icebreakers.

In fact, the closest U.S. port to the Arctic is in Dutch Harbor, that is Unalaska, which is a thousand miles away from the Arctic Circle, or the Port of Alaska in Anchorage, my hometown, which is 1,500 nautical miles away from the Arctic. Otherwise, there is nothing there.

So, Mr. Chairman, I want to thank you and the Ranking Member and this entire committee, because what will be happening with this legislation is that the Port of Nome will be positioned as a critical Arctic port that can handle deep water draft ships, like destroyers, like icebreakers. This will be the first of what I believe will one day be a system of Arctic ports in Port Clarence, north of Nome, Cape Blossom near Kotzebue.

But our Arctic neighbors have had a head start. As I



mentioned, the government of China, the government certainly of Russia has prioritized the development of Arctic capabilities. The Russians have created a new Arctic military command and construction or refurbishment of 16 deep water ports and 14 military airfields. Again, the U.S., an Arctic nation, has none. Not one. Not one deep water port in the Arctic, but that changes today.

Our first Arctic deep water port draft will support U.S. Navy and Coast Guard assets operating in the region, as well as provide vital support for economically challenged communities in western Alaska. Mr. Chairman, there is a lot at stake here: national security, economic security, the environment. But I want to mention also, there are 23 communities across the Norton Sound Region that depend heavily on the Port of Nome as a trans-shipment point for fuel, equipment, supplies, many of them legitimately threatened by the high price of fuel and goods, and over 53 communities in my State in the broader region that rely on Nome as a maritime freight hub.

Enabling this port and other ports to have ships, large ships that can dock there, can lower the cost of commodities, bringing savings to these residents in my State and the surrounding communities, many of whom practice as a subsistence-based way of life.

So again, this is all in this bill. Very important issues,

I would say, for the Nation, certainly for Alaska, and I want to thank the Chairman and the Ranking Member on including these in a very bipartisan way. It is important progress that we are seeing today in the Senate.

Thank you, Mr. Chairman.

[The prepared statement of Senator Sullivan follows:]

Senator Barrasso. Well, I appreciate your comments, Senator Sullivan. As you talk about the role of China, the role of Russia now in the Arctic, I have read that China is trying to build another Silk Road through the Arctic, and Russia is trying to build a toll road through the Arctic, and the impact of those on the globe as well as on our own economy in America.

So I appreciate your ongoing leadership and dedication to fight for these ports and the issues related to, not just your State, but to American security, economic as well as other components of security as we face a changing world. Thank you so much.

Anyone else like to make any statements at this time?

Senator Carper. I have a unanimous consent, but I want to thank the Senator from Alaska for an interesting and informative statement. It was just really a pleasure to work with you on this legislation, and your staff. Thank you.

Mr. Chairman, I have a unanimous consent request, but as you know, we have received, I think, more than 150 stakeholder letters on our bills with comments during the information gathering process that you led over the last two weeks, I think people had until May 1st to offer their comments.

All of the comments included statements of support for various provisions, helpful feedback, and additional ideas. We are really appreciative of that process that we are going to

continue to work through this water infrastructure process in a bipartisan fashion.

So I would ask unanimous consent to insert in the record for this markup the more than 150 letters we received during the information gathering process.

Senator Barrasso. Without objection. I appreciate your lead on that, because that is right, last Friday, the committee concluded the information gathering process on draft legislation entitled America's Water Infrastructure Act of 2020 and the Drinking Water Infrastructure Act of 2020, Stakeholder Comments. This information gathering process help lay the foundation for the two bills that we reported out today.

So we now have unanimous consent to enter the full record of this information gathering process in today's business meeting, and I thank you for raising that issue.

[The referenced information follows:]

Senator Carper. One last thank you, if I could, in fact a couple of closing thank-yous. I already mentioned John Cain, who has worked so hard on this legislation with everybody, not just Democrats, but Republicans, with leadership staff.

I just wanted to acknowledge and again, thank our staff director on the minority side, Mary Frances Repko, affectionately known as MF. John was joined invariably by Annie and by Mark in the work on these projects and these pieces of legislation, and we are grateful to each of them. Thank you.

Senator Barrasso. I agree. We have tremendous staff, and Beth is over there manning the clock and all activities, and Brian behind me here, Richard over here, Matt in the front, Lizzie in the back, Michael also in the back. They have all worked very hard, and there would be more people in the room were it not for the distancing and they are watching and paying attention. But we have a tremendous staff who have worked very well together, and I know will continue to do that.

I would also like to ask unanimous consent that the staff have authority to make technical and conforming changes to each of the matters approved today, and with that, our business meeting is concluded.

[Whereupon, at 10:49 a.m., the business meeting was concluded.]