

Table of Contents

U.S. Senate	Date: Wednesday, March 24, 2020
Committee on Environment and Public Works	Washington, D.C.
STATEMENT OF:	PAGE:
THE HONORABLE THOMAS R. CARPER, A UNITED STATES SENATOR FROM THE STATE OF DELAWARE	3
THE HONORABLE SHELLEY MOORE CAPITO, A UNITED STATES SENATOR FROM THE STATE OF WEST VIRGINIA	8

BUSINESS MEETING

Wednesday, March 24, 2021

United States 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 Office Building, the Honorable Thomas R. Carper [chairman of the committee] presiding.

Present: Senators Carper, Capito, Cardin, Sanders, Whitehouse, Merkley, Markey, Duckworth, Stabenow, Kelly, Padilla, Cramer, Lummis, Boozman, Wicker, Ernst.

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

Senator Carper. Good morning, everybody. I am pleased to join Senator Capito in calling this business meeting to order as we prepare to consider two nominations, a wastewater infrastructure bill and legislation to honor a barrier-breaking leader in transportation.

First, let me say that I am delighted and grateful that we are voting today on important water legislation that is the result of months of collaboration by members of this committee on both sides of the aisle and the hard work of the members of both staffs. The Drinking Water and Wastewater Infrastructure Act increases our government's commitment to providing safe and resilient water systems to cities and communities, both large and small.

I especially want to thank some of the members of the water staff, the water team on the majority side, John Kane, Annie D'Amato, Mackie McIntosh, Lizzy Olsen, Lizzy with Senator Duckworth. On the minority side, Travis, thank you, Jess Kramer, and Adam Stewart, who I believe, work for Senator Lummis, I think.

This bill authorizes funding for the EPA's Clean Water and Safe Drinking Water State Revolving Funds and directs resources, particularly to disadvantaged, rural, and tribal communities.

This bill helps to ensure that the drinking water coming out of the faucets across the Country is safe to drink, regardless of a neighborhood's zip code or the economic status of its citizens.

I especially want to thank Senators Capito, Duckworth, Lummis, and Cardin for their partnership and leadership on this legislation. Senators Cardin and Wicker have helped to address water affordability for people who are struggling to pay their water bills. We especially appreciate their efforts.

I am also proud that we are considering a bipartisan bill to name the Department of Transportation headquarters here in Washington, D.C. after the late William T. Coleman, the first African American ever to lead that agency. Mr. Coleman brought to the USDOT a special focus on improving life in our cities and lowering air pollution from our transportation systems. Today, we come together to recognize his lifetime of service to this Country.

Today, we are also considering a couple of the President's nominees. Up first is Brenda Mallory, who has been nominated to serve as Chair of the White House Council on Environmental Quality, or CEQ. No stranger to CEQ, Ms. Mallory served there for a number of years after an impressive tenure of more than a decade at EPA, including under President George W. Bush. She has earned respect from both sides of the aisle and would be the first African American to lead CEQ, if confirmed.

I am confident that Ms. Mallory will ensure that bedrock protections for the National Environmental Policy Act are being fairly and adequately deployed to safeguard clean air and water throughout our Country. She is an effective and proven leader who brings people together to find lasting solutions to some of the most pressing challenges. Thirteen, no fewer than 13 past Republican CEQ chairs and EPA appointees recently sent us a letter supporting Ms. Mallory's nomination, and I will be proud to vote for her today. Shelley said, are any Democrats for her? And I said, well, a few. A few are, but we have a ton of Republicans, so we will see how it works out.

Next, we are considering our President's choice for Deputy Director of the EPA, and that would be Janet McCabe. We would be hard-pressed to find many others with Ms. McCabe's level of experience and understanding of the inner workings of this agency. After the chaos of the past four years, I have every confidence that Ms. McCabe is the kind of steady hand we need working with Administrator Michael Regan to rebuild morale and restore scientific integrity in this agency.

Another leader who enjoys support from across the political spectrum, Ms. McCabe has been recommended by no less than nine people who have previously served in the role for which she is being nominated, five Democrats and four Republicans.

Members of this committee have heard me say more than a few

times that true leaders are humble, not haughty. They have the hearts of a servant and understand that their job is to serve, not be served. Brenda Mallory and Janet McCabe will each be that kind of leader. I am confident that they will serve the American people with integrity and humility.

Let me just close, if I could, by noting how proud I am today to lead this committee with our Ranking Member, Senator Capito. I believe collectively we have shown again today that we can come together across the aisle to help meet the pressing water infrastructure needs of the American people.

We can do that with our nominations before us, too. Throughout this entire process, Brenda Mallory and Janet McCabe have conducted themselves with dignity and honor. Neither of them have uttered a partisan or divisive word during the confirmation process. I urge our colleagues to join me in supporting them today.

In the unlikely event that they prove to be unreasonable or unresponsive, should they be confirmed, we will invite them to come back before this committee again and answer bipartisan questions, although I highly doubt that that need will arise.

Just as this committee comes together on water, I hope we can come together to confirm these highly qualified nominees. I am proud to support all measure before us today, and I am grateful to everyone who has worked on them. I hope all of our

colleagues will join me in that support.

With that said, let me turn to our Ranking Member, Senator Capito, and again, my thanks for all of your help and that of your staff. Thank you.

[The prepared statement of Senator Carper follows:]

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

Senator Capito. Thank you, Mr. Chairman. I want to thank the members of the committee, and thank you for your partnership in developing this water infrastructure bill, and the subcommittees that have worked on this.

When you said if they decided to be unresponsive or unresponsive, I thought you were talking about us. That is how bad it is. Actually you were making a reference to if our nominees are not responsive, to bring them in front of the committee, so excuse me for my thought.

Anyway, only two months into this Congress, this committee is passing bipartisan commonsense legislation through regular order. I think that is terrific. I look forward at that same path that we are working on now on our surface transportation reauthorization bill.

I want to talk about the two nominees. I don't think you will be surprised, you and I have talked about this. I strongly support this legislation, but I do oppose the two nominees, Janet McCabe and Brenda Mallory. I do appreciate their willingness to serve, and I certainly don't question their integrity. The problem is, I have concerns about the policy vision as it relates to my State and our Country.

As the architect of the Clean Power Plan, Ms. McCabe has

not shied away from her support for this overreaching policy. Just the opposite: Ms. McCabe has basically doubled down.

In 2019, McCabe wrote an op-ed with Gina McCarthy and Joe Goffman, who is now running the Air Office at EPA. We know that Gina McCarthy is the climate czar in the White House. McCabe supported rulemaking to "deepen and accelerate CO2 reduction" a continuation of policies beyond the Clean Power Plan. That is right, in her opinion, this op-ed, the Clean Power Plan did not go far enough.

West Virginia's Attorney General, Patrick Morrissey, wrote a letter to Chairman Carper and me in opposition of Ms. McCabe's nomination. As the Attorney General stated, "there is a right and wrong path, and a bipartisan rejection of this nomination is one of the ways we can steer the right course going forward rather than return to the mistakes of the past." I agree with our Attorney General.

In 2019, my colleagues Joe Manchin and Kyrsten Sinema voted against reinstating the Clean Power Plan. Opposition to the Clean Power Plan was and is bipartisan. I expect policies that would be created by EPA under Janet McCabe's leadership would also have tough sledding. I think a fresh start with a vision of achieving environmental goals while weighing impacts would be a better start, so I cannot support Janet McCabe.

I also can't support Brenda Mallory, and I appreciate her

openness. We have had several conversations, as I have had with Ms. McCabe, as well. Ms. Mallory has stood against long-overdue reforms of environmental review under the National Environmental Policy Act, known as NEPA. She voiced outright opposition to the Trump Administration's NEPA rule, saying "you almost don't have a choice but to remove the whole thing." She did not commit to a presumptive two-year time limit for completing environmental impact statements.

We simply cannot be content with an average of seven years to complete an environmental impact statement for a highway project. Most in Congress agree that the NEPA process needs significant improvement. The truth is there is broad support for NEPA reform, from State governments to the American Road and Transportation Builders Association, to North America's building trade unions. Those who want to address our transportation backlogs, grow our economy, and secure financing know certainty and clarity are needed.

As I have said before, if we want to build back better, we have to be able to actually build.

My opposition to Ms. McCabe and Ms. Mallory is based on fundamental differences of opinion I have with them about the direction of the Country. Where I do agree with you, Mr. Chairman, is on the legislation we have in front of us today. Together, we can be an example for our Nation of what

bipartisan, thoughtful, and commonsense policies look like.

During last week's hearing, we heard from a panel of experts about challenges facing this Country's drinking water and wastewater infrastructure. We also received testimony on solutions.

I want to highlight just a couple of the themes that I heard from our witnesses. First, continued and additional funding is necessary for both the maintenance of existing drinking water and wastewater infrastructure and for the construction of our new projects. That said, funding must be targeted so that it reaches the communities with the greatest needs and maximizes return on our taxpayers' dollar.

Second, investment in our Nation's water workforce is vital to ensuring the effectiveness and longevity of water infrastructure investments. We heard about that from every single witness that we heard. I am pleased that the bipartisan provisions in this bill that I have championed with Senator Booker, actually, are these two issues that are included.

Also high in importance to me, and included in the bill, is funding for decentralized wastewater systems. So many of our rural communities rely on these septic systems. This bill also invests in the operational sustainability and physical resilience of our water systems. We address the growing challenges posed by cybersecurity vulnerabilities to our

drinking water supplies.

Today's bipartisan package addresses these themes, and I urge approval by my colleagues. I am also proudly supporting and cosponsoring S. 400, Senator Wicker's bill to name the main Department of Transportation building in Washington, D.C. after a truly dedicated public servant, Mr. William T. Coleman, Jr.

With that, I urge my colleagues to oppose both of the nominees today, but I strongly support both of these bills, and I thank you again.

[The prepared statement of Senator Capito follows:]

Senator Carper. Thank you so much.

I am going to ask Senator Wicker if he would be willing to say a word or two with respect to William Coleman.

Senator Wicker. Yes, thank you. I know we have myriad tasks, and I don't want to prolong the vote. But I do think members need to understand what an excellent public servant we are honoring by moving this bill along to the Floor.

William T. Coleman was an accomplished legal scholar, World War II veteran, and civil rights leader before he left his mark on history by becoming a cabinet secretary. Bill Coleman was the first African American clerk to the United States Supreme Court. As a young attorney, he worked on five cases for the NAACP Legal Defense Fund that led directly to the court's landmark ruling in *Brown v. Board of Education*. He was also co-council in *McLaughlin v. Florida*, a case that led to the end of State bans on interracial marriage.

Bill Coleman later served on presidential commissions during the Eisenhower, Kennedy, Johnson, and Nixon Administrations. Then, in 1975, he was selected by President Gerald Ford to be the Nation's fourth Secretary of Transportation, and the first African American to hold this position. Upon his confirmation, Coleman became the second African American to hold any cabinet-level position.

Secretary Coleman provided a forward-looking vision for the

future of transportation, spearheading the first comprehensive national study on transportation policy and several important reform efforts. The William T. Coleman, Jr. Department of Transportation Headquarters Act will name the Department of Transportation headquarters after this groundbreaking leader.

I want to thank my colleagues for cosponsoring. That includes Chairman Carper, Ranking Member Capito, Senators Cantwell, Tim Scott, Booker, Warnock, Toomey, Casey, Sullivan, Inhofe, Duckworth, and Barrasso. This is a fitting tribute for a distinguished public servant, which will honor his legacy for many years to come.

I thank you, Mr. Chairman.

Senator Carper. Thanks so much, and thank you for the reminder of the great role that he has played for our Country all those years. Thank you so much.

I want to ask Senator Cardin if he, and again, I don't want to pick on you, Senator Wicker, but would you be willing to say a few words about the good work that the two of you have done with respect to affordability in impoverished communities as we try to move this legislation forward, Ben?

Senator Cardin. Well, thank you, Chairman and Ranking Member, for the bipartisan manner in which we are bringing forward very important legislation today.

Senator Wicker and I have worked on many issues together,

including global human rights, but we also work on the needs of the people in our own Country, and I just want to congratulate the committee leadership for forwarding legislation in the bipartisan manner the mission of our committee for drinking water and wastewater infrastructure. Critically important.

I want to thank you for including a provision that Senator Wicker and I authored to help low-income families in the affordability of their water bills. This is a pilot program based upon factual information that is required to be obtained in order to move forward with the affordability issue, so I want to thank the leadership for including that provision in this legislation.

Senator Carper. We are happy to do it.

Thank you. Senator Wicker, a comment please, on this? Go ahead.

Senator Wicker. Once again, I am glad to be a teammate with my good friend, and I urge the unanimous passage of this legislation.

Senator Carper. Thanks so much. All right. Senator Duckworth, please. Thank you for being our Democratic lead on this bill, thank you.

Senator Duckworth. I have to say, thank you first and foremost, Mr. Chairman, to you, and also to Senator Cardin for allowing me to lead this bill. It is very generous of you. It

is so important to my home State, where we are home to 25 percent of the lead water lines in the entire Nation. We have exponentially more lead water lines than any other State in the Nation. We are also a State that sees significant injustice when it comes to infrastructure and environmental injustice.

So I just want to thank Chairman Carper for your very strong leadership and willingness to work with me in making a comprehensive water infrastructure bill a reality. I know that both of you, all of us, share a belief that to truly build back better, our Nation must prioritize putting Americans back to work repairing, upgrading the aging pipes we all depend on to deliver our water.

I also want to thank Ranking Member Capito and subcommittee Ranking Member Lummis for working with us to make our drinking water and wastewater infrastructure bill a truly bipartisan proposal that meets the needs of the diverse communities we represent.

Of course, as I have said, the threat is particularly pressing in Illinois. My home State has the misfortune of containing more lead service lines than any other State in the Country. In fact, over 23 percent of our Nation's lead service lines may be located in Illinois. Furthermore, the city of Chicago is home to more lead service lines than any other city in the United States.

I speak regularly, both with Governor Pritzker and Chicago Mayor Lightfoot; in fact, I spoke with both of them within the last 72 hours about this very issue. They joined me in being ready and willing to fix this problem, but they need the Federal Government to step up.

But it is not just the Mayor of Chicago, it is also the Mayor of Peoria, the Mayor of Alton, Illinois. It is the farmer who farms in El Paso, Illinois. They all need clean drinking water, as well. Our States and municipalities, regardless of political affiliation, regardless of red or blue State, are ready to tackle this issue, and we here at the federal level to do our part.

A chilling Chicago Tribune report published last week revealed that between 2015 and 2020, tap water measurements in dozens of Illinois homes showed hundreds and even thousands of parts per billion of lead. These extreme levels match what researchers found during the same period in Flint, Michigan.

As with many problems in our Nation, this lead contamination is often the worst in black and brown communities. Data from one predominantly black community in Illinois showed as much as 5,300 parts per billion of lead in the drinking water, when the EPA action level is just 15 parts per billion, and the Centers for Disease Control and Prevention strongly warns parents that there is no safe level of lead exposure for a

child.

Years of failures to make adequate investments on a Nationwide scale in our water infrastructure has led to a status quo where thousands of constituents, our constituents, are served drinking water through what, essentially, is a lead straw. This is a dire public health crisis, and we must do more to stop it.

In favorably reporting our bill to the full Senate for consideration, this committee has taken an important first and significant step forward towards achieving our objectives. Of course, our work is not complete. I want to again express my appreciation for Chairman Carper, for his commitment to work with me as we move through the floor to integrate and refine provisions, to strengthen programs that help support full lead service line replacement in Illinois and throughout the Country. Thank you again for your support in this effort.

Chairman Carper, I look forward to making safe water a priority as we together get this Drinking Water and Wastewater Infrastructure Act of 2021 across the finish line. Thank you.

Senator Carper. Senator Duckworth, thank you for that statement. Thanks for your leadership.

Let me turn, before we vote, we will have a quorum, and we are ready to vote, but Senator Lummis, let me just yield to you for a statement as well, and then we will start voting. Anyone

after that who has something that you would like to add to the record, feel free. Senator Lummis?

Senator Lummis. Thank you, Mr. Chairman. Wastewater, clean drinking water, safe drinking water are important to all of us, of course, Democrat, Republican, rich and poor, in rural and urban areas, so I want to applaud everyone who worked on this bill, particularly our personal staffs, the committee staffs, minority and majority party both.

Thank you, Mr. Chairman. Thank you, Ranking Member Capito, and thank you, Senator Duckworth. It is very nice to work with you all. Thank you. I yield back.

Senator Carper. It is great to have you here.

All right. Anyone who would like to speak after the vote, you are most welcome to do that. We have some folks who have to get to other hearings, meetings, for the voting as well.

Now, I would like to call up Presidential Nomination 79-7, that is Brenda Mallory of Maryland to be a Member and Chair of the Council on Environmental Quality. I move to approve and report the nomination favorably to the Senate. Is there a second?

Senator Cardin. Second.

Senator Carper. It has been seconded. The clerk will call the roll.

The Clerk. Mr. Boozman?

Senator Boozman. No.

The Clerk. Mrs. Capito?

Senator Capito. No.

The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Cramer?

Senator Cramer. No.

The Clerk. Ms. Duckworth?

Senator Duckworth. Aye.

The Clerk. Ms. Ernst?

Senator Ernst. No.

The Clerk. Mr. Graham?

Senator Capito. Yes, by proxy.

The Clerk. Mr. Inhofe?

Senator Capito. No, by proxy.

The Clerk. Mr. Kelly?

Senator Kelly. Aye.

The Clerk. Ms. Lummis?

Senator Lummis. No.

The Clerk. Mr. Markey?

Senator Markey. Aye.

The Clerk. Mr. Merkley?

Senator Merkley. Aye.

The Clerk. Mr. Padilla?

Senator Padilla. Aye.

The Clerk. Mr. Sanders?

Senator Sanders. Yes.

The Clerk. Mr. Shelby?

Senator Capito. No, by proxy.

The Clerk. Ms. Stabenow?

Senator Stabenow. Aye.

The Clerk. Mr. Sullivan?

Senator Capito. No, by proxy.

The Clerk. Mr. Whitehouse?

Senator Whitehouse. Aye.

The Clerk. Mr. Wicker?

Senator Wicker. No.

The Clerk. Mr. Chairman?

Senator Carper. Aye.

The Clerk. Mr. Chairman, the yeas are eleven, the nays are nine.

Senator Carper. Thank you very much.

Now, I would like to call up Presidential Nomination 79-8. That is of Janet McCabe of Indiana to serve as Deputy Administrator of the Environmental Protection Agency. I move to approve and report the nomination favorably to the Senate. Is there a second?

Senator Lummis. Second.

Senator Carper. The clerk will call the roll.

The Clerk. Mr. Boozman?

Senator Boozman. No.

The Clerk. Mrs. Capito?

Senator Capito. No.

The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Cramer?

Senator Cramer. No.

The Clerk. Ms. Duckworth?

Senator Duckworth. Aye.

The Clerk. Ms. Ernst?

Senator Ernst. No.

The Clerk. Mr. Graham?

Senator Capito. No, by proxy.

The Clerk. Mr. Inhofe?

Senator Capito. No, by proxy.

The Clerk. Mr. Kelly?

Senator Kelly. Aye.

The Clerk. Ms. Lummis?

Senator Lummis. No.

The Clerk. Mr. Markey?

Senator Markey. Aye.

The Clerk. Mr. Merkley?

Senator Merkley. Aye.

The Clerk. Mr. Padilla?

Senator Padilla. Aye.

The Clerk. Mr. Sanders?

Senator Sanders. Aye.

The Clerk. Mr. Shelby?

Senator Capito. No, by proxy.

The Clerk. Ms. Stabenow?

Senator Stabenow. Aye.

The Clerk. Mr. Sullivan?

Senator Capito. No, by proxy.

The Clerk. Mr. Whitehouse?

Senator Whitehouse. Aye.

The Clerk. Mr. Wicker?

Senator Wicker. Aye.

The Clerk. Mr. Chairman?

Senator Carper. Aye.

The Clerk. Mr. Chairman, the yeas are eleven, the nays are nine.

Senator Carper. Senator Capito, would you just repeat what you just said to me, please?

Senator Capito. Yes, thank you. My mistake here, when I voted, when I said Senator Graham's "no" vote, I should have said "no, by proxy." I would like to have that recorded as a

proxy vote.

The Clerk. Yes, ma'am.

Senator Carper. The clerk will restate the outcome, please? Would you just restate the outcome, please, of the last vote?

The Clerk. Yes. The yeas are eleven, the nays are nine.

Senator Carper. That sounds just about as close as it gets, but at the end of the day, it will be a "w" for us, and I hope for our Country. I think so.

Whether you voted yes or no, I am glad we got this far, the opportunity to put out the nominations, and we will have an opportunity to revisit.

I am going to be encouraging both nominees. They clearly have some work to do, in talking with especially our Republican colleagues. As we go forth, from this date, I want to make sure that your voices are heard with all these nominees, if they are confirmed, so thank you.

With that, let's turn to the Drinking Water and Wastewater Infrastructure Act. I want to thank everybody for being here. We needed everybody, so I thank you for coming.

Senator Capito and I would lead to consider S. 914, which was introduced yesterday and is identical to the bill circulated to all members of the committee on Friday as the base text for the committee's consideration. Therefore, by unanimous consent,

S. 914 is considered the base text.

Is there objection?

[No audible response.]

Senator Carper. There is none.

I am pleased that we are able to work with Senators Capito, Duckworth, Lummis, Cardin, and Cramer to resolve the outstanding issues with the circulated text. The bipartisan agreement is embodied in the Carper-Capito Amendment Number 1.

I move to adopt the Carper-Capito Substitute Amendment. Senator Capito and I have agreed to do this by voice vote. All in favor, please say aye.

[Chorus of ayes.]

Senator Carper. Opposed, say nay.

[No audible response.]

Senator Carper. The ayes have it. I now move that the committee report S. 914, the Drinking Water and Wastewater Infrastructure Act of 2021 as amended. Is there a second?

Senator Capito. Second.

Senator Carper. The clerk will call the roll.

The Clerk. Mr. Boozman?

Senator Boozman. Yes.

The Clerk. Mrs. Capito?

Senator Capito. Yes.

The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Cramer?

Senator Cramer. Aye.

The Clerk. Ms. Duckworth?

Senator Duckworth. Aye.

The Clerk. Ms. Ernst?

Senator Ernst. Aye.

The Clerk. Mr. Graham?

Senator Capito. Aye, by proxy.

The Clerk. Mr. Inhofe?

Senator Capito. Aye, by proxy.

The Clerk. Mr. Kelly?

Senator Kelly. Aye.

The Clerk. Ms. Lummis?

Senator Lummis. Aye.

The Clerk. Mr. Markey?

Senator Markey. Aye.

The Clerk. Mr. Merkley?

Senator Merkley. Aye.

The Clerk. Mr. Padilla?

Senator Padilla. Aye.

The Clerk. Mr. Sanders?

Senator Sanders. Aye.

The Clerk. Mr. Shelby?

Senator Capito. Aye, by proxy.

The Clerk. Ms. Stabenow?

Senator Stabenow. Aye.

The Clerk. Mr. Sullivan?

Senator Capito. Aye, by proxy.

The Clerk. Mr. Whitehouse?

Senator Whitehouse. Aye.

The Clerk. Mr. Wicker?

Senator Capito. Aye, by proxy.

The Clerk. Mr. Chairman?

Senator Carper. Aye.

The Clerk. Mr. Chairman, the yeas are 20, the nays are zero.

Senator Carper. Say that again, I think you said 20 to zero. Was that 20 to zero?

The Clerk. Mr. Chairman, the yeas are 20, the nays are zero.

Senator Carper. Is that a unanimous vote, Mr. Clerk?

[Laughter.]

Senator Carper. That is good. That is great. Okay, folks, we can be proud of that. I am very proud of all of us and, in particular, our staffs who have worked on this. This legislation is favorably reported. Thank you all.

Final business before us today is S. 400, the William T.

Coleman, Jr. Department of Transportation Headquarters Act, and I move to favorably report S. 400.

Senator Wicker, would you like to second that? He is not here.

Senator Capito. Second.

Senator Carper. All right. It has been moved, and seconded. All in favor, say aye.

[Chorus of ayes.]

Senator Carper. Opposed, say nay.

[No audible response.]

Senator Carper. I don't hear any nays. In the opinion of the chair, the ayes have it, and the legislation is reported.

The voting portion of our meeting is concluded. I want to thank everyone for joining us today and for the hard work that has gone into this. Is there anyone who would like to make a statement at this point in time? Senator Padilla is recognized.

Senator Padilla. Sure. Thank you, Mr. Chairman. Mr. Chair, I want to thank you and Ranking Member Capito and your staffs for the hard work that went into crafting this significant bill that we just acted upon.

But I want to take this opportunity, colleagues, to call attention to the one million Californians who cannot drink their tap water due to contamination. I believe this bill will make a meaningful difference in helping deliver clean, safe drinking

water to millions of Californians.

In particular, I would like to highlight some priorities of mine that are included in the legislation: reauthorization of the Water Infrastructure Finance and Innovation Act, known as WIFIA, which has provided \$3.3 billion in financing for California water projects, grants to assist small and disadvantaged communities that do not have safe drinking water, which is critical as California enters yet another year of drought, and the new EPA pilot program for low-income water rate assistance, the Rural and Low Income Drinking Water Assistance Pilot Program.

I particularly want to focus on this last one, given the water debt emergency facing my State and others across the Country as a result of the COVID-19 pandemic. One in eight California households currently have unpaid water bills, totaling an estimated \$1 billion. Mr. Chairman, I would like to ask consent to submit a letter into the record from a broad coalition of California organizations, communities, and water agencies emphasizing the critical need to address this and other equity issues surrounding affordable, safe drinking water. I think the pilot program included in this bill is a good start, but we must do much more.

Mr. Chairman, I hope to work you and Ranking Member Capito on a bipartisan basis as this bill moves to the Floor to input a

permanent, long-term assistance program to help low-income Americans access safe drinking water, just like we have programs to help low-income Americans with their energy bills.

Thank you, Mr. Chairman.

Senator Carper. Senator Padilla, would you make your unanimous consent request again, please?

Senator Padilla. Yes. Request to ask consent to submit a letter to the record from a broad coalition of California organization, communities, and water agencies emphasizing the critical need to address this and other equity issues surrounding affordable, safe drinking water.

Senator Carper. Without objection, so ordered.

[The referenced information follows:]

Senator Padilla. Thank you, Mr. Chairman.

Senator Carper. You are welcome. Thanks for your good work.

Anyone else? Senator Kelly, did you have something that you wanted to add, please?

Senator Kelly. Thank you, Mr. Chairman. I want to take a moment to discuss the Drinking Water and Wastewater Infrastructure Act of 2021, of which I am a proud cosponsor. Recent data indicates that the drought conditions in Arizona and the entire southwest are worse than they have been in 20 years.

At a time when Arizona's population continues to grow, ongoing water shortages pose a serious threat to Arizona's economy and the livelihoods of all Arizonans, yet at a time when water conservation is so critical, most of our Arizona drinking water infrastructure is more than 30 years old, and Arizona's wastewater infrastructure is suffering from a \$1.4 billion investment shortfall.

To adapt to ongoing drought conditions, Arizona must make smart investments in our drinking water infrastructure to prevent leaks and water main breaks that waste our precious water resources and in our water infrastructure to support new, advanced water reuse technologies.

That is why I am proud to cosponsor the Drinking Water and Wastewater Infrastructure Act of 2021. This bill creates a \$50

million grant program to help drinking water systems invest in climate resilience and cyber security technologies. It also requires that the EPA invest in research of new and emerging technologies to monitor system efficiency to prevent water loss.

The bill makes a significant investment in new, alternative water source projects to help Arizona communities invest in desalinization, storm water reuse, and wastewater reclamation facilities, which will be necessary to help Arizona maximize our scarce water resources. At the same time, this bill supports communities in need throughout Arizona.

I am glad that, at my urging, this bill reauthorizes the Indian Reservation Drinking Water Program, with a specific set-aside for Arizona tribes located in the lower Colorado River Basin, and I am pleased that this bill takes the first step towards creating permanent water utility bill assistance for low-income households, what Senator Padilla was referring to.

Lastly, the Sewer Overflow and Stormwater Reuse Municipal Grant Program that is included in this bill will help communities fix their failing wastewater systems.

I hope to work with you, Mr. Chairman and Ranking Member Capito, in the coming weeks to ensure there is dedicated funding within these programs to prevent sewer overflows in Arizona communities along the U.S.-Mexico border. It is a significant problem, and I appreciate that this bill provides the Arizona

Water Financing Authority with the tools to finance water or wastewater system improvements in rural and under-served communities through grants, negative interest loans, and loan forgiveness programs.

This bill is not perfect. For example, it fails to address the systematic inequities inherent in the Clean Water State Revolving Fund formula, which provides Arizona with just one-third of the funding to which we would be entitled if the formula was updated based on need and current population.

So I hope to work with the committee in the coming months to fix this and close the gap, but this bill does take significant steps towards meeting the real and pressing needs faced by Arizona's water users.

So thank you, Mr. Chairman, to you and to Ranking Member Capito, Chairwoman Duckworth, and Ranking Member Lummis for your work and the work of your staffs in this bipartisan bill. I yield back.

Senator Carper. We thank you, as well. You are a new member. The opportunity to work on legislation of this consequence, and for us to be able to report it out unanimously, thank you for making a good bill even better by your participation.

I like to say, if it isn't perfect, make it better. We will have some opportunity going to the Floor to hopefully make

it better still, and then as we work out our differences with the House of Representatives on the subject.

Usually, I take the train to come down here. Today, we drove down in record time, almost, from Wilmington, Delaware. But it is not uncommon for people to say to me as I am standing on the platform at Biden Station in Wilmington, Delaware, people say, why don't you guys work together? Why can't you just work together?

And I just want to say, on something as important as drinking water, clean drinking water, and clean water itself, this is important. This is really important, and today, to report out a bill of this consequence unanimously and prepare to go to the Floor and ultimately, hopefully, pass the bill with strong margin there, and take up our differences with the House and resolve those. This is a good start, very great, good start, so we thank you for being part of that.

Senator Kelly. Thank you, sir.

Senator Carper. Before we adjourn, we have a ton of letters of support for this legislation. We are grateful for all who have submitted letters of support, and I suspect that more will come, but I ask unanimous consent to submit for the record a number of letters of support for S. 914. They include letters from the American Public Works Association, Council of Infrastructure Financing Authorities, National Association of

Sewer Service Companies, National League of Cities, National Association of Counties, United States Conference of Mayors, the National On-Site Wastewater Recycling Association, Water Environment Foundation, Water Reuse, National Rural Water Association, the American Waterworks Association, Portland Seamen Association, Association of Metropolitan Water Agencies, the National Wildlife Federation, the National Association of Clean Water Agencies, Natural Resources Defense Council, Clean Water Action, Healing Our Waters, Great Lakes Coalition, Water Equity and Climate Resiliency Caucus, and finally, last but not least, the Rural Community Action Partnership.

[The referenced information follows:]

Senator Carper. While I was a bit disappointed that our committee support of nominations we considered today was not unanimous, let me just say that I am deeply grateful to each member who did find a way to vote for one or both of the nominees before us today. We are grateful for that. Brenda Mallory and Janet McCabe have conducted themselves for decades now with dignity and honor for this Country, and I believe, before this committee.

None of us is perfect; that certainly includes me. But they have served our Country, I think, admirably, and if confirmed, I believe they will do so again. There is no one else who wishes to make a statement, so let me just close with this.

People say to me, why is the Federal Government involved in this issue of clean drinking water and wastewater? And I tell them, it goes all the way back to the Declaration of Independence, written by Thomas Jefferson. They were actually having a vote on the Declaration of Independence, the Delaware Delegation was apparently deadlocked.

A fellow named Caesar Rodney rode his horse, famously, from Dover, Delaware to Philadelphia to cast the tie-breaking vote in favor of the Declaration of Independence. As we all know, maybe the most famous words in the Declaration of Independence talk to life, liberty, and the pursuit of happiness, and inalienable

rights.

It is hard to have life, liberty, or the pursuit of happiness without water, without clean water to drink. In too many places around our Country, Senator Padilla mentioned a million people out in California without clean drinking water. That is essentially everybody in Delaware. We have about a million people. It is like having the whole State of Delaware, where you have folks who have to have clean drinking water.

In this case, it is in one State out in the west coast, where I used to live when I served in the Navy. But whether it is California, a big State, or Delaware or Vermont, little States, this is an important issue for all of us, and this is not all on the Federal Government. It is not solely a Federal responsibility. This is an all-hands-on-deck deal, and we need the support of State and local governments.

We need the support of the utilities, users themselves need to be paying into the cost of these systems, and together, we will make it better. We will make it better. If it isn't perfect, we need to do better still, so we will keep working at it.

I think that is it. With that, I ask unanimous consent that the staff have authority to make technical and conforming changes to each of the matters approved today.

One last thing, my mother would be disappointed if I didn't

mention Matthew 25, when I was thirsty, did you give me to drink. The Declaration of Independence is enough of a compelling argument that what we are doing here is important and necessary, but my hope is that Matthew 25 will do the job, because we do have a moral obligation. With the legislation authored by Senator Cardin and Senator Wicker, I think we do a better job of looking out on the water side for the least of these in our States and our society.

With that, we are done. I would ask unanimous consent that the staffs have the authority to make technical and conforming changes to each of the matters approved today. Thank you all for your participation in this meeting.

Again, to our majority staff, John Kane, Annie D'Amato, Maggie, Lizzy, on the minority side to Travis, Jess, Adam, and I would say to another Adam over here, and to Mary Frances Repko, majority staff, we are deeply grateful for all your good work. With that, this meeting is adjourned.

[Whereupon, at 10:15 a.m., the meeting was adjourned.]