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U.S. Senate

Date: Tuesday, May 22, 2017

Committee on Environment
and Public Works

Washington, D.C.

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BUSINESS MEETING

Tuesday, May 22, 2018

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 10:05 a.m. in room 406, Dirksen Senate Office Building, the Honorable John Barrasso [chairman of the committee] presiding.

Present: Senators Barrasso, Carper, Inhofe, Capito, Boozman, Wicker, Fischer, Rounds, Ernst, Sullivan, Shelby, Cardin, Whitehouse, Merkley, Gillibrand, Booker, and Markey.

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

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

Today we are going to consider bipartisan water infrastructure and carbon capture innovation legislation, as well as one nomination, two bills to name Federal buildings, and three General Services Administration resolutions.

The first of these bills is S. 2602, the Utilizing Significant Emissions with Innovative Technologies, or the USE IT Act. This bill is called the USE IT Act because it encourages the commercial use of manmade carbon dioxide emissions. The bill supports innovative research and projects that capture carbon dioxide.

My home State of Wyoming is already a leader in supporting carbon utilization research. Just last week, the Integrated Test Center outside Gillette opened its doors to support innovative research on how to use carbon dioxide.

In Congress, we need to support efforts like the Integrated Test Center so America can maintain its leadership in carbon capture and utilization and sequestration technologies. The USE IT Act does that.

The legislation also facilitates permitting for capture projects and carbon dioxide pipelines. Innovation is how

America will be a leader in reducing emissions.

I introduced the USE IT Act with Committee Members Whitehouse and Capito, as well as Senator Heitkamp. The bill is now also cosponsored by Senator Duckworth. Together with Ranking Member Carper, we have introduced a manager's substitute amendment to make the bill stronger.

I encourage Committee members to support this important legislation, so I look forward to working with my colleagues to pass the legislation and get it to the President's desk.

[The text of S. 2602 follows:]

Senator Barrasso. This morning we will also consider S. 2800, America's Water Infrastructure Act of 2018. This is bipartisan legislation I introduced along with Committee Ranking Member Carper, Transportation Infrastructure Subcommittee Chairman Inhofe and Subcommittee Ranking Member Cardin. The bill is also cosponsored by Committee members Capito, Van Hollen, Wicker, Boozman, Whitehouse, and Sullivan.

America's Water Infrastructure Act will grow the Nation's economy, will give State and local leaders increased input in water infrastructure projects, will cut bureaucratic red tape, and will make communities safer from dangerous floods and droughts. President Trump has called for a comprehensive infrastructure initiative. America's Water Infrastructure Act is a significant piece of that initiative.

Last week, during our Committee hearing, R.D. James, Assistant Secretary of the Army for Civil Works, said the bill will fulfill key principles outlined by President Trump. These principles include rebuilding America's water infrastructure by cutting red tape, by approving projects in a timely and effective manner, by giving more local control, by increasing the focus on rural America, and by leveraging Federal dollars. More specifically, the bill gives State and local leaders a significantly increased role in prioritizing projects.

The legislation also reauthorizes the Water Infrastructure

Flexibility Act, or WIFIA. This leverages billions of dollars in non-Federal investment for water infrastructure projects. The bill will grow America's economy and create jobs. It authorizes projects that will increase water storage, deepen nationally significant ports, address aging irrigation systems, and maintain the navigability of our inland waterways. It will also protect communities from dangerous floods.

Today we will vote on a bipartisan manager's substitute amendment to further improve the bill. I have worked closely with Ranking Member Carper to draft this amendment. It will help get water infrastructure projects started faster. The amendment will push the Corps to take just two years to complete its feasibility studies for potential projects. That is in line with goal President Trump has set. The bill allows the Corps to review and, if necessary, initiate new categorical exclusions so projects aren't unnecessarily delayed due to environmental red tape.

The amendment also includes language that helps smaller rural communities leverage WIFIA dollars so that they can complete needed infrastructure projects. The language is a modified version of Senator Boozman's SRF WIN bill, and I would like to thank him for all of his hard work on this important legislation. Thank you, Senator Boozman.

The amendment also includes the Buy America language.

After consulting with Senators Capito and Carper, I have agreed to add this provision. As the bill proceeds through the legislative process, we are going to work to limit this provision's impact on small, disadvantaged, and rural communities.

I want to thank Ranking Member Carper and Senator Inhofe and Senator Cardin, all the members of the Committee and their staffs for their hard work on this bill. I urge all the members to support the important infrastructure legislation.

[The text of S. 2800 follows:]

Senator Barrasso. Additionally, the Committee will be considering the nomination of John Ryder to be a member of the Board of Directors of the Tennessee Valley Authority. The Subcommittee on Clean Air and Nuclear Safety held a nomination hearing on Mr. Ryder in March.

Finally, the Committee will consider S. 2734, a bill naming a Federal building and courthouse in Laredo, Texas; S. 2377, a bill naming a Federal building and courthouse in Dayton, Ohio; and three General Services Administration leases.

[The text of S. 2734, S. 2377, and General Services Administration resolutions follows:]

Senator Barrasso. I would like to now turn to Ranking Member Carper for his statement.

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

Senator Carper. Thanks, Mr. Chairman.

There are a number of items on the agenda for our business meeting today, including several important bipartisan pieces of legislation.

With respect to America's Water Infrastructure Act of 2018, once again, my thanks to you, Mr. Chairman. I also want to extend my thanks to our colleagues, Senator Inhofe, Senator Cardin, your staffs, my own staff for working with us on the important authorizing legislation for the Army Corps of Engineers.

I am proud of the bipartisan work we have done together on this legislation. I hope it will serve as a model for work that we, along with other committees, can do in the future to address our Nation's infrastructure needs even more broadly.

This bill is of great importance to our economy in Delaware, but I know that the First State's reliance on the Corps' work is not unique. Over 99 percent of the U.S. overseas trade volume moves through coastal channels that the Army Corps maintains. Think about that, over 99 percent maintained by the Army Corps of Engineers.

The Corps' inland waterways and locks form a freight network that provides access to international markets through

our ports. They also serve as a critical infrastructure for the U.S. military.

Our bill authorizes investments in this system in multiple ways. Most notably, at the request of Secretary James and of many Senators both on and off our Committee, the bill better positions the Corps to be an active partner with ports, with communities, with States, Tribes, and other stakeholders in growing and expanding our Nation's economy.

I would also like to take a minute or two here to say a few words about the substitute amendment for S. 2602, the Utilizing Significant Emissions with Innovative Technologies Act, or the USE IT Act. I have added my name as a cosponsor of the substitute of which our Chairman is the sponsor, and which Senator Whitehouse has done a huge amount of work. I applaud you both. As I said during the legislative hearing for S. 2602, I appreciate the Chairman's focus on solutions to climate change when it comes to carbon capture, utilization, and sequestration, also known as CCUS.

I have long believed that the wide deployment of CCUS technologies could reduce climate pollution emissions in our Country and abroad, while providing a real win-win for coal communities, for manufacturing, and for our climate. That is why, for over a decade, I have supported and, in some cases, led efforts that spur the development of CCUS without weakening

environmental and public health protection.

At the legislative hearing for this bill, I applauded the underlying efforts of the legislation, but voiced a couple of concerns. I was mainly concerned that the legislation could open the door for weaker environmental protections and unnecessary streamlining measures. Since the hearing, staff from the offices of the Chairman, Senator Whitehouse, and other cosponsors have worked closely with my own staff to try to address those concerns, and I especially want to thank the Chairman's staff for their hard work on this issue.

The substitute that is before us today is a reflection of that hard work and I believe it represents a good compromise. Some of the key changes we are making today include requiring EPA to consult with the Department of Energy on CCUS research to avoid duplication and enhance coordination between our two agencies; requiring a robust report from the Council on Environmental Quality that will provide critical information about the CCUS Federal permitting process for anyone thinking of starting a CCUS project, as well as information about possible regulatory gaps needed for CCUS; and, finally, adding additional environmental safeguards and public notice and comment period for any guidance produced by CEQ regarding the permitting process.

I suspect that the Chairman will probably agree that this

substitute is not a bill either of us would have written on our own; however, if we are going to truly address big issues like climate change, we are going to have to find compromises that can work for both parties. With these changes in the substitute and with assurance from the Chairman that this legislation will not be used as a vehicle to attack the Clean Air Act, I will be voting yes.

I realize that we have some additional important work to do in order to move these two bills across the finish line, but today is a very important first step, and if we continue to work in a bipartisan fashion, I believe we will enact these bills into law this year and our Country will be better for it. So, let's get on with it and, as we do, let me express once again my heartfelt thanks to the members of our staff who have worked hard and constructively to bring us this far today.

[The prepared statement of Senator Carper follows:]

Senator Barrasso. Thank you, Senator Carper.

Senator Cardin, anything you would like to add?

STATEMENT OF THE HONORABLE BENJAMIN L. CARDIN, A UNITED STATES
SENATOR FROM THE STATE OF MARYLAND

Senator Cardin. Thank you, Mr. Chairman. I will be very brief because I think we now have a quorum.

Senator Barrasso. We do.

Senator Cardin. Would the Chairman prefer to vote, then I will make my statement?

Senator Barrasso. Please.

Senator Cardin. I will be very quick, then.

First, thank you for continuing the tradition of our Committee. This is a nonpartisan bill, has the strong support of both Democrats and Republicans in the best tradition of our Committee, moves forward on water projects that are important to all parts of our Country. I particularly want to thank you for the work that we have done in the Chesapeake Bay Watershed. Both Poplar Island and Mid-Bay, which are critically important locations for dredge material, are advanced by this bill. The Anacostia River is advanced in its review.

As we commented earlier, thank you for your leadership on dealing with the small dockside businesses that cater to recreation and tourism economies. The economic impact gives them a better chance to get their projects moving forward.

I am also pleased this is the third WRDA bill in a row that you include updates to our Nation's drinking water, wastewater,

and stormwater infrastructure. I particularly want to acknowledge several bills, much of which is incorporated in here, that were worked on by members of this Committee: S. 1137, the Clean, Safe, Reliable Water Infrastructure bill. Senators Boozman, Inhofe, Duckworth, and others worked with me on this bill to improved increased water efficiency.

The Clean, Safe, Reliable Water Infrastructure Act includes \$225 million to protect the sources of our drinking water and funding to repair and eliminate sewer overflows.

Now, that hit home in Maryland just this past week with what happened in Frederick, Maryland that saw historic rain last week. The rain soaked the region beginning Tuesday night, caused the wastewater treatment plant to take on more water than it could handle. Millions of gallons of untreated water was diverted into Carroll Creek to prevent equipment failure. So, this bill will help alleviate those types of issues in the future.

For those of you who watched the Preakness on Saturday, I think you saw how drenched we have been as a result of the water. This bill will help.

Second, S. 692, the Water Infrastructure Flexibility Act. I worked on that with Senators Fischer and Brown dealing with affordability and integrated planning. Important provisions are included in this bill. The bill also creates a multi-agency

Federal task force to study the problems of funding and financing stormwater. The bill also addresses information concerning onsite wastewater recycling.

Finally, the bill incorporates much of S. 451, the Water Resources Research Amendments, that I worked with Senator Boozman to research increased effectiveness and efficiency of new water treatment facilities.

This is a great bill. I am proud to be associated with it and I strongly support it.

[The prepared statement of Senator Cardin follows:]

Senator Barrasso. Thank you, Senator Cardin.

Senator Inhofe.

Senator Inhofe. Thank you, Mr. Chairman. Since we do have a quorum here, I want to go ahead and get with that, but I will just ask that the statements that I made comparable to the statement of my friend be made a part of the record, so we can go ahead and vote.

Senator Barrasso. Thank you very much, Senator Inhofe.

We will move ahead now. Since we have enough members who have arrived, we want to move to the votes on the items on today's agenda. The Ranking Member and I have agreed to vote on the USE IT Act by voice. The Ranking Member and I have also agreed to vote on the two Federal buildings and courthouse naming bills, the TVA nomination, the three GSA resolutions en bloc by voice.

Members may choose to have their votes recorded for a specific item in that bloc after the voice vote. The record will reflect any member requesting to be recorded on any item on today's agenda as long as he or she does so by the close of business today and it doesn't change the outcome.

I appreciate the comments of all of the members. I would like to call up now the substitute amendment to S. 2602, the Utilizing Significant Emissions with Innovative Technologies Act. This was circulated last Friday. The Ranking Member and I

have agreed that this substitute shall be considered the original text for purpose of amendments. Members have not filed additional amendments to the substitute.

I move to approve the substitute amendment to S. 26 -- Senator Carper. Before we do that, Mr. Chairman, could I just ask unanimous consent to add Senator Heitkamp as a cosponsor of the manager's amendment to S. 2602 in the nature of a substitute?

Senator Barrasso. Without objection.

I now move to approve the substitute amendment to S. 2602 and report S. 2602, as amended, favorably to the Senate.

Is there a second?

Senator Whitehouse. 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. We have approved S. 2602, as amended, which will be reported favorably to the Senate.

Next is en bloc passage of six items. I would like to call up S. 2734, a bill naming a Federal building and the courthouse of Laredo, Texas; S. 2377, a bill naming a Federal building and courthouse in Dayton, Ohio; Presidential Nomination 1542, John

Ryder of Tennessee to be a member of the Board of Directors of the Tennessee Valley Authority; and three General Services Administration resolutions en bloc.

I move to approve and report S. 2734, S. 2377, and Presidential Nomination 1542 favorably to the Senate, and approve three GSA resolutions en bloc.

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. We have approved S. 2734, S. 2377, and Presidential Nomination 1542, which will be reported favorably to the Senate. We have also approved three GSA resolutions.

Next is America's Water Infrastructure Act. Now I would like to call up the substitute amendment to S. 2800, America's Water Infrastructure Act 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 agreed to vote on four amendments en bloc by voice vote. Members may choose to have their votes

recorded for a specific item in that bloc after the voice vote.

So, we have en bloc approval of four amendments. I would like to call up Duckworth No. 1, Sullivan No. 1, Markey No. 1, and Whitehouse No. 3 en bloc.

Anyone like to be heard on any of the amendments in this bloc?

Senator Carper. I would like to make a very, very brief statement, if I could, Mr. Chairman.

This package of amendments represents more areas of consensus that were able to come together in bipartisan fashion in support. I recognize that a number of amendments were filed today and that we will continue to work with Committee members to address their priorities as this process moves forward.

I would just like to echo your point. We will continue to work with Senators Booker and Capito on their wastewater grant proposal, and Senators Markey and Gillibrand on their Section 111 matter. Both of these are key issues that need to be addressed and they have our commitment to continue to work through these amendments as we get to the floor so that these proposals can be included, and I would encourage everyone to support the package nonetheless.

Senator Barrasso. Thank you, Senator Carper.

At this time, I would like to approve Duckworth No. 1, Sullivan No. 1, Markey No. 1, and Whitehouse No. 3 en bloc.

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 Duckworth No. 1, Sullivan No. 1, Markey No. 1, and Whitehouse No. 3 are all agreed to.

Several members have requested to enter into colloquies on matters relating to this bill. We will enter into those colloquies after we have concluded the voting.

Does any Senator seek recognition to offer an amendment that is not related to those colloquies?

[No audible response.]

Senator Barrasso. I see no further members seeking recognition to offer an amendment, so I move to approve the substitute amendment to S. 2800, as amended, and report S. 2800, as amended, favorably to the Senate. We will hold a roll call vote.

Is there a second?

Senator Carper. I second.

Senator Barrasso. The Clerk will call the roll.

The Clerk. Mr. Booker?

Senator Booker. Aye.

The Clerk. Mr. Boozman?

Senator Boozman. Aye.

The Clerk. Mrs. Capito?

Senator Capito. Aye.

The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Carper?

Senator Carper. Aye.

The Clerk. Ms. Duckworth?

Senator Carper. Aye by proxy.

The Clerk. Mrs. Ernst?

Senator Ernst. Aye.

The Clerk. Mrs. Fischer?

Senator Fischer. Aye.

The Clerk. Mrs. Gillibrand?

Senator Gillibrand. Aye.

The Clerk. Mr. Inhofe?

Senator Inhofe. Aye.

The Clerk. Mr. Markey?

Senator Markey. Aye.

The Clerk. Mr. Merkley?

Senator Merkley. Aye.

The Clerk. Mr. Moran?

Senator Barrasso. Aye by proxy.

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 Carper. Aye by proxy.

The Clerk. Mr. Whitehouse?

Senator Whitehouse. Aye.

The Clerk. Mr. Wicker?

Senator Wicker. Aye.

The Clerk. Mr. Chairman?

Senator Barrasso. Aye.

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

Senator Barrasso. The yeas are 21, the nays are 0. We have approved S. 2800, as amended, which will be reported favorably to the Senate. I want to thank each and every one of you.

The voting part of the meeting is finished. I am now happy to recognize members who would like to enter into colloquies,

and I know, Senator Inhofe, you were kind enough to hold back on your opening comments because we did have a quorum and we wanted to make sure that people could vote as they were here, so I want to thank all of you for agreeing to defer the colloquies until after the conclusion of the voting.

Senator Carper, perhaps before we jump to the colloquies, Senator Inhofe, he could make his opening statement.

Senator Carper. That would be fine.

Senator Barrasso. Thank you.

STATEMENT OF THE HONORABLE JAMES M. INHOFE, A UNITED STATES
SENATOR FROM THE STATE OF OKLAHOMA

Senator Inhofe. Thank you, Mr. Chairman and the Ranking Member, Senator Cardin, all of the staffs that got this bill to this point.

In 2014, we had a WRDA bill for the first time in seven years. Initially, we were supposed to have WRDA bills every other year, so we made the commitment at that time that we were going to start having them, so we had it in 2014, 2016, now 2018 we are keeping our word. I appreciate the Chair and the Ranking Member's commitment to continue the cycle. With the House releasing their bill last week and marking up this week, too, we are on track.

So, if you hear that Congress isn't working on an infrastructure bill, remind them that our water resources and our water treatment system are considered infrastructure, very important infrastructure.

Our ports are responsible for 99 percent of our overseas trade, making up a fourth of our economy. Fourteen percent of our domestic freight travels on inland waterways. I might add that one of those inland waterways, which is the most inland warm water port in America, happens to be in my State of Oklahoma.

The America's Water Infrastructure Act provides project

funding authorizations for many critical projects. The programs are also reforming the Corps' budget, cutting red tape, providing more transparency, and increasing local input when it comes to Corps priorities, so I look forward to continuing to work with my colleagues as we ensure all of our infrastructure, the backbone of the economy, is prioritized.

[The prepared statement of Senator Inhofe follows:]

Senator Barrasso. Well, thank you so much, Senator Inhofe. We appreciate your comments and your leadership as the former chairman of the Committee and now as the Chairman of the Subcommittee dealing with this topic.

Senator Inhofe. Thank you.

Senator Barrasso. Thank you so much.

Senator Carper.

Senator Carper. Mr. Chairman, I want to raise an issue regarding Section 1041, a provision related to the benefit to cost ratio, known as BCR. I think the current drafting may have some unintended consequences. I want to work with you and your staff, we want to work with you and your staff to modify the language in this section to make a technical correction that better reflects our intent. Specifically, the provision, as currently drafted, may limit the ability to seek court review of errors in a benefit to cost ratio, and if there are errors in the benefit to cost ratio, then parties should have a process for those errors to be remedied.

Senator Barrasso. Well, I want to thank you, Senator Carper, for raising this issue, which is a concern for all of us. We agree that there should be one BCR on a single project. We both share the concerns, though, that any BCR changes during project construction could cause delays and waste taxpayer dollars. I am going to be happy to work with you to remedy the

language as we move to the Floor.

Senator Rounds, you are recognized.

Senator Rounds. Thank you, Mr. Chairman. I had originally intended to offer an amendment today that would address a significant issue facing my State and others. The Army Corps of Engineers, under a process begun by the previous Administration, is attempting to finalize surplus water rules that could deprive the States of their legal water rights. In addition, the Corps has created unnecessary red tape and requirements for the people of my State to be granted easements for routine infrastructure upgrades.

But in lieu of offering an amendment, Mr. Chairman, I would simply ask that you, if you would, please, commit that you and your staff would continue to work with me on statutory language to address these issues.

Senator Barrasso. Absolutely, Senator Rounds. I look forward to working with you regarding this important issue as we consider a manager's amendment to the Floor, so thank you, Senator Rounds.

Senator Rounds. Thank you, Mr. Chairman.

Senator Barrasso. Thank you.

Senator Markey.

Senator Markey. Thank you, Mr. Chairman. I want to thank you and the Ranking Member for your leadership and commitment to

passing another strong water resources bill in this Congress. As the bill moves to the Floor, I welcome the opportunity to work with this Committee to address another pressing water resource challenge plaguing Massachusetts.

The Town of Sandwich, on Cape Cod, has suffered from coastal erosion over several years, which may be a result of the Federal Cape Cod Canal interrupting the natural flow of sediment, that is, the sand which flows into the channel rather than onto the beach. The town is currently seeking assistance from the Corps to nourish, that is, to put sand on the beach using a special program that was established to mitigate the damage caused by other Federal projects, for example, channels and sea walls.

Under this program, the Corps typically pays for the entire cost of the restoration, and the reason why is simple: if Federal infrastructure is causing harm to our communities, it is the Federal Government's obligation to make those communities whole. Yet, the Corps may require communities to pay half of the cost of maintaining those beaches after they are restored, that is, placing that additional sand on them once the sand has eroded.

That is not the spirit of the law. That is why I filed an amendment requiring the Corps to pay for the full cost of future nourishments. I thank Senator Gillibrand for cosponsoring my

amendment, and I would like to work with you, Mr. Chairman, and the Ranking Member on this pressing issue before we reach the Floor.

Senator Barrasso. Well, thank you, Senator Markey. I do appreciate your interest in addressing the issues of the beneficial use of sediment. As you know, Secretary James raised this very issue in our hearing on America's Water Infrastructure Act just last week, so I believe we need to find a national fix for this issue and I look forward to working with you to address this important issue as we move to develop a manager's amendment for the Floor, so thank you very much, Senator.

Senator Markey. Thank you.

Senator Barrasso. Senator Booker, you are recognized.

Senator Booker. Mr. Chairman, I am really grateful to be recognized, but I am also grateful for you and Senator Carper for putting together this really impressive bipartisan bill. To hear it passed with unanimity is testimony to both of your leadership. I am grateful and I am thankful, really, to all the staffs. My team has been working with folks on both sides of the aisle. I think this is really, unfortunately, a part of my Washington experience that is very little talked about outside of Washington, the kind of work that went into this.

I am really pleased to work with Senator Capito; it has been a great experience working with her staff throughout this

experience, especially on the Water Workforce Development Act I, which was included in this legislation, something I am very proud of, really needed in my State and, I know, others. There is a growing shortage of water workers in the utility sectors. This shortage threatens the safety and efficiency and the management of our drinking water systems and our wastewater systems. The new program is just an important first step to address this issue.

I want to also thank, in his absence, Senator Boozman for his leadership on the SRF WIN Act. I am proud to support this innovative provision that will help States fund bundles of water infrastructure projects that are construction-ready, but often lack the funding to move forward.

I filed three amendments, as you all know, that I did not call up today for a vote, and I was grateful, frankly, for both of my chairmen and ranking members for agreeing to work with me and Senator Capito as these move to the Floor. In particular, I am glad to have recently introduced, along with Senator Capito and Senator Jones, the Residential Decentralization Wastewater Improvement Act. Senator Carper talked to me before this hearing directly, as his staff has already affirmed the willingness and the interest to work with us on this.

I filed this amendment and withdrew it because of the commitment I got from leadership to work with me on this, and I

just want to really make clear my motivations here. I have now traveled now only throughout my State, but throughout the Country, and been anguished to see what is happening to low-income and moderate households who have such difficulty connecting to existing wastewater infrastructure or installing upgrades to septic systems. This is a national problem causing things that should not go on in the wealthiest Nation on the planet Earth.

I have seen firsthand in rural parts of our Country how low-income homes, often in minority areas, that there are upwards of half the populations that are not connected to municipal water systems. I will never forget touring Alabama, Lowndes County, the very famous civil rights county where the marchers from Selma to Montgomery walked through. I was stunned to see that there are so much challenges there with just septic problems.

I found out about this because, on my Senate Foreign Relations Committee, I am the Ranking on the Africa Subcommittee, met with Dr. Peter Hotez, who is the probably top American doctor on neglected tropical diseases, and we wanted to do something about hookworm problems in Africa, and he hands me his book at the beginning of the meeting and I am flipping through the pages, and I was shocked to see that the United States had these problems. An estimated 12 million Americans

who are suffering from tropical diseases like hookworm, and most doctors in this Country don't think exists on this continent. And that drew me down to the Black Belt in the South, where I started seeing the communities that are being affected by this.

It is shameful. It is just shameful that we are not addressing these problems. So, I just want to say I am deeply grateful for this bipartisan effort. I really am thankful to Senator Capito for her leadership and partnership in driving these issues.

There is a moral imperative to deal with these issues. The suffering that is going on in places from my State to others because of the lack of these simple basic connections to wastewater systems and municipal water systems is just something that we can address. We have the power to do this, this is not one of those issues that it is a matter of can we, it is do we have the collective will, and I am grateful to see that will evidenced by my Ranking and my Chairman, as well as other colleagues on this Committee, and I am grateful to you for giving me this time to make some remarks.

Senator Barrasso. Senator Carper.

Senator Carper. Senator Booker and I were able to talk for a couple minutes about this earlier. Our southernmost county is Sussex County. We don't have many counties, but it is the third largest county in America, and most of it is pretty rural.

Raised a lot of soybeans and chickens and all there, but we have several dozen communities that were developed with housing maybe 30, 40 years, and at the time the developer installed wastewater treatment and there was a drinking water system that was supposed to be maintained through fees collected from the residents in those communities. Over time, people moved, folks stopped collecting the fees, and we have situations where the quality of the drinking water is not what it ought to be and where the ability to safely dispose of wastewater is not what it should be.

We have an interesting pilot, a couple of interesting pilots going on in a couple of those communities that use I think a little bit of Federal money, along with involvement of a utility and one or two nonprofits to see if we can't come up with a cost-effective way to meet the moral imperative that you are talking about. So, I am interested in exploring this further and working with you and Senator Capito, and I suspect the Chairman feels the same way. Hopefully, we can have something ready to go by the time this bill comes to the Floor.

Thank you.

Senator Barrasso. Well, I want to thank you, Senator Booker, and I want to thank you, Senator Capito, for raising the issue. The language would greatly expand the Clean Water Act. It is my understanding that this issue possibly could be better

suites in the Farm Bill, and you are trying to include similar language in that bill, but I want to work with you on this issue as we move forward with the legislative process.

I just wanted to give Senator Capito, since you raised her involvement, an opportunity to speak to this or other matters related to the bill.

Senator Capito. Thank you, Mr. Chairman. I thank the Ranking Member. I am delighted that we have come to this point where we are unanimous for the WRDA bill. I am glad that we are updating it in the timeframes that we need to.

I want to thank Senator Booker, as well, for working with us and including in this bill the Water Workforce Improvement Act. A lot of our workers who are tending to our water systems are aging out, and it is not a career that a lot of people are really aspiring to. Although it is a very highly technical career, as well, and we need to make sure that we are addressing the challenges of an aging workforce there, so, thank you, Senator Booker, for that.

Also, I look forward to working with you both on the septic tank issue. Obviously, in rural areas it is of great concern. I am going to be honest with you, Senator Booker, I did not realize the statistics were as high as they are in terms of diseases that are transmitted because of faulty or infected systems, so that, in and of itself, is rather startling.

There is also another portion of this bill that you all included for me and I appreciate that, and these are intractable water systems. These are systems that don't belong to a municipality. Many of them in my State are in the southern part of the State where they were old coal camps that have now been abandoned. There is no data, there is no help for these entities to be able to manage these systems, so any help that we can get. A lot of them are under boil water advisories, which, in and of itself, you think are we still living in a time where we are boiling water? But, yes, we are, and some people are bringing their water in, so working with that is good.

You also included the Buy America requirements that are for funding of the Safe Drinking Water State Revolving Fund, so I appreciate that as well.

I would like to talk about the USE IT Act. Nobody has talked about that; it is sort of overshadowed. But I see Senator Whitehouse there, and he has been a great coconspirator here with us, working together with the leadership of this Committee, because we started with the 45Q tax credit issue for CCUS. We come at it from different angles here. Obviously, I am from a coal State who wants to see the use of coal still have as long a life as possible. I don't want to speak for Senator Whitehouse, but he has come to it for a carbon capture interest.

So, this initiative was kind of difficult because it will

help incorporate different viewpoints of Federal agencies, States, industry, academic, NGOs, to figure out the permitting process for innovative projects; like how are we going to carry the carbon. We don't really have the permitting process in place. This will give us a playbook for those projects. A lot of this that is occurring now in some of the innovation is sort of stumbling in the dark, so I think a good framework, which the USE IT Act will bring.

I would also like to take a moment to thank my staff, because I know our staffs have worked very hard on this. We have a great co-sponsorship of Barrasso, Heitkamp, and Senator Whitehouse, as I mentioned, and I want to thank the Ranking Member and Senator Duckworth for signing on to the manager's amendment.

But I would like, in particular, to thank Travis Cohen, who is my staff person who has done a wonderful job, but, in particular Elizabeth Horner, who is Senior Counsel for EPW Majority on the Council for the Clean Air and Nuclear Safety Subcommittee, which I chair. So, thank you to both of them, and I look forward to us working together to refine this and to hopefully get it through the entire Senate.

Thank you very much.

Senator Carper. I would just add I think you were out of the room when I asked unanimous consent that Senator Heitkamp's

name also be added as a cosponsor to the manager's amendment, so she has joined the team as well.

Senator Capito. Great. Thank you.

Senator Barrasso. Senator Whitehouse.

Senator Whitehouse. Thank you, Chairman.

First, on the USE IT Act, let me say a very big thank you to you and to the Ranking Member for your leadership getting this moving. It has been a pleasure to work with the Chairman, Senator Capito, Senator Heitkamp, and Senator Duckworth on this piece of legislation.

I want to thank the Audubon Society, the Nature Conservancy, the Clean Air Task Force, the Center for Climate and Energy Solutions, and many other groups for their support of this measure.

I understand that there remain some concerns with the permitting section of the bill, but I come from a State that is now providing clean electrons to the grid from offshore wind, the first in the Country, and the reason that we are doing that is because we made a more efficient permitting regime for offshore wind.

I have been involved in other reforms that have involved regulatory efficiency, and I think it is really important that we be able to work together on those issues.

To the extent that regulatory efficiency and regulatory

improvement becomes a stand-in for environmental degradation, please know that I and others will stand watch against that.

The CCUS legislation that we enacted is going to be, I think, empowered by this. It is one thing to take the carbon dioxide out of the air at the plant; it is another thing to be able to get it to where it can find a beneficial use, whether it is to put bubbles into soda or to be used for industrial purposes or for whatever use, and there is not, as Senator Capito said, a very effective existing regime for how you send CO2 pipelines places.

In Rhode Island, we have a lot of algal technologies developing through groups like bioprocessH20 and Ag Corps, and obviously the use and development of algae, which feeds off of carbon dioxide, is one of the many uses that our CCUS bill will support. Brown University has a center for the capture and conversion of CO2, which I want to thank for their work in this area.

And we don't really know yet, but this could be quite a big thing. The National Academies have estimated that direct air capture technology has the potential to remove a billion metric tonnes of CO2 annually, and that could be a very important component of our efforts to address the climate crisis, so I thank all of the bipartisan participants in this effort.

On the WRDA bill, a particular thank you again to Senators

Barrasso, Carper, Inhofe, and Cardin for their work getting this bill together. There are a lot of my priorities that are in this bill, and I appreciate it very much.

And I appreciate very much our Ranking Member's pledge to continue to work to try to balance the Flood and Coastal Storm Damage Reduction Fund, which at this point, despite referring to coastal storm damage right in its title, runs \$37 to \$1 for inland over coastal projects. I have raised that with Mr. James and we are going to continue to work to try to get a little bit more balance there.

A big and final thank you to Senator Boozman for his SRF WIN bill. I have raised the issue before of how WIFIA is simply not useful to Rhode Island because it operates at a scale, and with interest costs, it simply makes it non-competitive. And I think Senator Boozman's amendment, which would open up the WIFIA program to States like mine, is potentially a game-changer for us and very important, so I want to particularly thank him for working to address this concern in a bipartisan way.

And again, Mr. Chairman, thank you.

Senator Barrasso. Well, thank you so much for all of your comments. Everyone here has had a chance and opportunity to speak on all of the pieces before us, so I ask unanimous consent that -- before doing that, though, I will turn to Senator Carper.

Senator Carper. Before Senator Whitehouse wraps up, I just want to thank him and applaud him and his staff, as well as the Chairman and his staff, Senator Capito. You all have done very good work and we appreciate you working with us to I think make a good bill even better.

Sheldon just said that this could be the start of something big, or words to that effect. I think he is right. We need something big, and to the extent that we can actually produce that, hallelujah. That would be great.

Mr. Chairman, I have a statement for the record from Senator Duckworth. I would just ask unanimous consent that it be added, please.

Senator Barrasso. Without objection.

[The referenced information follows:]

Senator Carper. And, Mr. Chairman, I also have several letters of support for the record for America's Water Infrastructure Act. These include the American Society for Civil Engineers, National Park Conservation Association, Great Lakes Commission, American Shore and Beach Preservation Association, National Association of Counties, Audubon, American Rivers, Nature Conservancy, U.S. Conference of Mayors, National League of Cities, and League of Conservation Voters.

I would ask that those letters be submitted for the record.

Senator Barrasso. Without objection.

Senator Carper. Thank you very much.

[The referenced information follows:]

Senator Barrasso. And I have a similar long list of letters for the record and I would be happy to submit them, without objection, and that will be done.

[The referenced information follows:]

Senator Barrasso. I just want to thank all of the members, and a special thanks to the staff, who have worked extremely hard to make sure that we could find common ground, and we have done a wonderful job in doing that, to address the needs of this Nation have, so I ask unanimous consent 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 10:45 a.m. the committee was adjourned.]