

Statement of Senator Thomas R. Carper (DE)
Ranking Member, U.S. Senate Environment and Public Works Committee
Information-Gathering Process on Draft Legislation entitled, “*America’s Water Infrastructure Act of 2020 and The Drinking Water Infrastructure Act of 2020*”
April 22, 2020

Today, Chairman Barrasso, Chairwoman Capito, Chairman Cramer, Ranking Member Cardin, Ranking Member Duckworth and I are releasing two draft pieces of water infrastructure legislation for stakeholder review, comments and feedback. *America’s Water Infrastructure Act of 2020* and *The Drinking Water Infrastructure Act of 2020* are the bipartisan product of months of work from the Senate Environment and Public Works (EPW) Committee, the EPW Transportation and Infrastructure Subcommittee and the EPW Fisheries, Water and Wildlife Subcommittee. I thank my colleagues and their staffs for working in a bipartisan and transparent manner to bring us to this stage of in the Water Resources Development Act (WRDA) process.

Typically, at this stage in the WRDA development process, the committee and subcommittees would hold stakeholder information listening sessions and briefings. Soon thereafter, the committee and subcommittees would hold hearings to receive testimony from both the applicable federal agencies and relevant stakeholders. Unfortunately, due to the ongoing challenges due to the COVID-19 pandemic we are unable to hold in-person listening sessions and briefings and must adapt our process accordingly. Through this information gathering process, our committee hopes to gain critical insights from Members of Congress, stakeholders and the general public so that we can improve these two bipartisan draft bills before taking any legislative action.

Most Americans understand the importance of making improvements and investments in the infrastructure we can see, like our roads, highways, bridges and airports. On the other hand, it is easy to overlook the infrastructure we rarely, if ever, see, like our pipes, shipping channels and flood control structures. But if truth be known, every American relies on this unseen water infrastructure every day. Our nation’s water infrastructure is often the forgotten champion of our economy. It’s essential to our way of life, and it’s in desperate need of improvements and investments.

Our nation’s ports, inland waterways, locks, dams, flood and coastal storm protection, ecosystem restoration and other water infrastructure are critical to generating economic growth, facilitating commerce and trade, and protecting our communities from the extreme weather events that have become all too familiar and all the more destructive. Our drinking water and wastewater systems are key components to the basic building blocks of life and business in America. In the face of the COVID-19 pandemic, for example, we have realized just how important it is to have access to soap and clean water – a simple yet effective way to prevent the spread of disease and protect Americans from this dangerous pandemic.

Both of these bipartisan draft bills would improve and invest in key water infrastructure systems throughout the country through the U.S. Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA).

The Corps' civil works program is a critical component of our nation's economy and part of the backbone of our society. Over 99 percent of U.S. overseas trade moves through waterways that the U.S. Army Corps of Engineers is responsible for maintaining. Our nation's ports are intrinsically tied to our way of life. For example, if ships carrying fruits, vegetables, meat or seafood are unable to reach their destination, prices at the grocery store will rise. If prices at the grocery store rise, families who may already struggle to put food on their tables will have to figure out how to stretch their budgets even further. Improving access to our ports is not just a policy matter for Congress, it could be the difference between a hungry or a healthy child.

This draft bill makes investments in the ports and waterways that keep this country moving, from the Port of Wilmington in my home state of Delaware, to the Port of Mobile, to the Port of New York and New Jersey to the Tulsa Port of Catoosa.

Unfortunately, we currently have a construction backlog of infrastructure investment somewhere in the neighborhood of \$96 billion, according to recent estimates from the Corps. Meanwhile, the agency's annual budget hovers around \$4.6 billion. This bill begins addressing that backlog by authorizing critical investments in local-federal relationships, leveraging existing resources to ensure we get the most "bang for our buck."

The bill also increases local participation, transparency and accountability in the annual budget process. It's our hope that an increase in local participation will allow for a more transparent and long-term look at the Corps' activities. It would also help us to generate a stronger groundswell of support for increased appropriations for the agency's initiatives.

When disaster strikes, the federal government has to step in and help — a large part of the response effort is from the Army Corps of Engineers under the direction of other federal Agencies. Many people do not realize the critical role that the Corps serves in responding to all sorts of emergencies, like the flooding up and down the Missouri river last spring. Even today, the Corps is hard at work helping states combat the novel coronavirus by constructing temporary hospitals in order to provide enough bed spaces for patients to receive treatment. This bill builds on the emergency authorities of the Corps and makes it easier for communities to get longer term assistance, rather than the quick fixes current law only allows the Corps to provide.

These bills also build on the work we did in the American Transportation and Infrastructure Act to fight the ever-growing threat of climate change. Rising sea levels, extreme heat, flooding and storm surges are already having devastating effects on our water infrastructure. Our draft bill authorizes \$10 million for the U.S. Army Corps of Engineers to develop and carry out a plan for the mapping of coastlines that are experiencing rapid changes on a reoccurring basis due to the ever worsening impacts of climate change. In addition, America's Water Infrastructure Act of

2020 requires the Corps to consider the most beneficial use of dredged material, which includes providing sand dunes that protect coastal communities from extreme weather events.

In order to help our most vulnerable communities prepare for the impacts of climate change, both of these draft bills provide a combined authorization of \$80 million for Water Infrastructure Resiliency and Sustainability Grant Programs, which award grants to small and medium-sized communities to increase the resiliency or adaptability of water systems to natural hazards. America's Water Infrastructure Act of 2020 also includes programs aimed at reducing the harmful emissions that exacerbate climate change, authorizing \$75 million in funding for the EPA to reduce air pollution emissions at ports and waste water treatment facilities.

In addition to critical Corps programs, these bills also authorize funding for key programs at the EPA that address major drinking water and wastewater needs across the country. For the first time since 1987, the Drinking Water Infrastructure Act of 2020 reauthorizes the Clean Water State Revolving loan fund and its critical funding up to \$3 billion annually over three years. This state revolving fund provides critical resources to states to fund wastewater infrastructure projects that serve communities across the country.

There is an ongoing drinking water contamination crisis in communities across the country. We need to invest in water infrastructure wisely. This bill makes it clear that we have learned our lessons from crises, like the one we saw in Flint, Michigan. It devotes more resources to the things that are most important, like making sure every parent – no matter what zip code they live in – can be confident that the water coming out of their tap is safe for their children and families.

This draft legislative package also builds on work this Committee has done and continues to do on per- and polyfluoroalkyl substances (PFAS). It provides an annual authorization of \$300 million in grants for addressing emerging contaminants. It does this by increasing the funding available for the \$100 million in annual grants that was enacted in last year's National Defense Authorization Act for removing PFAS from drinking water and also adds a new focus on cleaning up contaminated sites and removing PFAS from groundwater, which many rely upon for drinking water. This provision should matter to every member of Congress; however, it is particularly important to me, given the growing concerns that I have about the ground water contamination around Dover Air Force Base due to the use of these chemicals as a firefighting foam and industrial cleaner over many decades. I am also confident that the final legislation the Committee acts on will include the provisions unanimously adopted last year in the Senate to require EPA to set an enforceable drinking water standard for PFOA and PFOS (two specific PFAS) within two years. I hope to also continue to explore whether bipartisan consensus can be reached to include additional measures to prevent more PFAS contamination from industrial sources.

Finally, these draft bills offer critical assistance to some of our nation's most vulnerable communities. They will help to fortify these communities from the impacts of climate change, while also investing more than a half-billion dollars to provide critical drinking water

infrastructure through the Small and Disadvantaged Communities grant program. America's Water Infrastructure Act of 2020 also offers resources to help lower-income individuals connect their homes to existing wastewater infrastructure, upgrade their septic systems or install new septic systems. On the Corps side, this bill makes several policy changes to level the playing field for Environmental Justice communities to ensure that more of their projects are selected and are able to receive full federal funding.

I want to thank the stakeholders who will engage in this process with us over the next two weeks, particularly the five who will participate in a written question and answer process with us: Niels Hansen with the Public Lands Council; Stephen Sandherr with the Associated General Contractors of America; Dan Coughlin with Sheridan Area Water Supply Joint Powers Board on behalf of the National Rural Water Association; Diane VanDe Hei with the Association of Metropolitan Water Agencies; and, Tony Pratt with the American Shore and Beach Preservation Association.

In an uncertain time like the one in which we now live, and in a Congress that's frequently divided, I am grateful that we have been able to come together to strengthen our nation's water infrastructure and to support the water programs and reforms that are so critical to the American people's way of life. I look forward to receiving comments and feedback on these draft bills, and I look forward to the work ahead of us to make them even stronger. Thank you.