

1 DIVERSIFIED REPORTING SERVICES, INC.

2 RPTS EUELL

3 HIF167180

4

5

6 MARKUP OF:

7 H.R. 3291, THE "ASSISTANCE, QUALITY, AND AFFORDABILITY ACT OF  
8 2021''

9 H.R. 3293, THE "LOW-INCOME WATER CUSTOMER ASSISTANCE PROGRAMS  
10 ACT OF 2021''

11 H.R. 2467, THE "PFAS ACTION ACT OF 2021''

12 WEDNESDAY, JUNE 16, 2021

13 House of Representatives,

14 Subcommittee on Environment and Climate Change,

15 Committee on Energy and Commerce,

16 Washington, D.C.

17

18

19

20 The subcommittee met, pursuant to notice, at 3:00 p.m.,  
21 Via WebEx, Hon. Paul D. Tonko [chairman of the subcommittee]  
22 presiding.

23 Present: Representatives Tonko, DeGette, Schakowsky,  
24 Sarbanes, Clarke, Ruiz, Peters, Dingell, Barragan, McEachin,  
25 Blunt Rochester, Soto, O'Halleran, Pallone, (ex officio);

26 McKinley, Johnson, Mullin, Hudson, Carter, Duncan, Palmer,  
27 Curtis, and Rodgers, (ex officio).

28           Staff Present: Jeff Carroll, Staff Director; Jacqueline  
29 Cohen, Chief Environment Counsel; Waverly Gordon, General  
30 Counsel; Tiffany Guarascio, Deputy Staff Director; Anthony  
31 Gutierrez, Professional Staff Member; Perry Hamilton, Clerk;  
32 Fabrizio Herrera, Staff Assistant; Rick Kessler, Senior  
33 Advisor and Staff Director, Energy and Environment;  
34 Mackenzie Kuhl, Press Assistant; Kaitlyn Peel, Digital  
35 Director; Tim Robinson, Chief Counsel; Chloe Rodriguez,  
36 Clerk; Rebecca Tomilchik, Policy Analyst; Sarah Burke,  
37 Minority Deputy Staff Director; Michael Cameron, Minority  
38 Policy Analyst, CPC, Energy, Environment; Jerry Couri,  
39 Minority Deputy Chief Counsel for Environment; Nate Hodson,  
40 Minority Staff Director; Peter Kielty, Minority General  
41 Counsel; Emily King, Minority Member Services Director; Mary  
42 Martin, Minority Chief Counsel, Energy and Environment;  
43 Michael Taggart, Minority Policy Director; and Everett  
44 Winnick, Minority Director of Information Technology.

45

46           \*Mr. Tonko. The subcommittee will come to order.

47           We are meeting today to consider H.R. 3291, H.R. 3293,  
48 and H.R. 2467. Due to the COVID-19 public health emergency,  
49 today's markup is being held remotely. All members will be  
50 participating via videoconferencing. As part of our markup,  
51 microphones will be set on mute for purposes of eliminating  
52 inadvertent background noise. You will need to unmute your  
53 microphone each time you choose to speak.

54           Additionally, I ask that you use the Raise Hand feature  
55 of the software platform when you wish to be recognized,  
56 including to give an opening statement or to offer an  
57 amendment. After you are recognized to speak, please use the  
58 Lower Hand feature of the software platform so that I know  
59 that you no longer seek recognition.

60           During voice votes you will need to unmute yourself so  
61 that we can hear your response. If you would like to request  
62 a recorded vote, please do so immediately after you respond  
63 to the voice vote. During the recorded vote, you will need  
64 to unmute yourself once your name is called to respond to the  
65 clerk. In responding to the clerk, I ask that instead of  
66 just saying "Aye" or "No," that you respond with a phrase  
67 like, "Paul Tonko from New York votes aye." This will  
68 provide additional time for the voting member to be  
69 identified and made visible on the platform.

70           Amendments and motions should be sent to Chloe Rodriguez

71 and Perry Hamilton, and documents for the record to Rebecca  
72 Tomilchik at the email addresses we have provided to staff.  
73 All documents will be entered into the record at the  
74 conclusion of today's markup.

75 I recognize myself now for five minutes for an opening  
76 statement.

77 Today the subcommittee will hold its first markup of the  
78 117th Congress. The agenda includes three bills addressing  
79 the infrastructure, safety, and affordability of our Nation's  
80 drinking water, as well as legislation to address per- and  
81 polyfluoroalkyl substances, known commonly as PFAS.

82 We know our water systems' needs are immense. The EPA's  
83 2018 Needs Survey estimated that over \$472 billion are  
84 required to maintain our drinking water systems over the next  
85 20 years. And today the Federal share of water  
86 infrastructure spending pales in comparison to our  
87 contributions to roads and bridges spending.

88 We need to increase therefore Federal commitment, which  
89 is what H.R. 3291 would do. H.R. 3291, the AQUA Act, would  
90 reauthorize key drinking water programs, including the  
91 Drinking Water State Revolving Fund, for the next 10 years.  
92 It also establishes a \$45 billion program through the SRF to  
93 replace lead service lines. This is in line with President  
94 Biden's proposed American Jobs Plan. In addition to  
95 investing in our Nation's failing water infrastructure, it

96 would make critical reforms to the Safe Drinking Water Act to  
97 improve EPA's standard-setting process and put the agency to  
98 work on standards for a few troubling emerging contaminants.

99       We also know the financial stress on local governments  
100 and their water customers have only become more acute due to  
101 the COVID-19 pandemic. The AQUA Act authorizes \$4 billion  
102 for an emergency relief program to provide forgiveness for  
103 utility customers facing debts and unpaid fees since March of  
104 2020. This provision was also the subject of our recent  
105 hearing as to H.R. 3292, introduced by Representatives  
106 Dingell and Tlaib, and I thank them for their efforts on this  
107 front.

108       Today we will also consider H.R. 3293, the Low-Income  
109 Water Customer Assistance Programs Act, bipartisan  
110 legislation introduced by Representatives Blunt Rochester and  
111 Katko. Water affordability is becoming a growing challenge  
112 for many American families. And as our water systems  
113 continue to fall into disrepair and have added financial  
114 stresses of leaks and main breaks, these issues will only get  
115 worse.

116       Congress provided short-term relief the recent COVID  
117 packages, but I believe we must look to establish a permanent  
118 program at EPA similar to how the Low-Income Home Energy  
119 Assistance Program helps families with critical heating and  
120 cooling energy costs. I want to commend Representative Blunt

121 Rochester for her work on this legislation, which garnered  
122 significant support and praise from a diverse group of  
123 stakeholders at our legislative hearing last month. I look  
124 forward to working with members to ensure America's most  
125 vulnerable families have affordable access to save water.

126 Finally, the subcommittee will consider H.R. 2467, the  
127 PFAS Action Act. Sadly, many members know how the health and  
128 safety of our constituents have been compromised by dangerous  
129 PFAS chemicals. I have visited the communities and met the  
130 families who are dealing with PFAS exposure and environmental  
131 contamination.

132 The PFAS Action Act takes a much-needed comprehensive  
133 approach to PFAS, including provisions across numerous  
134 statutes within our jurisdiction. Those such as the Safe  
135 Drinking Water Act, Superfund, TSCA, and the Clean Air Act.  
136 As a result, this bill would reduce Americans' exposure to  
137 PFAS through our air, water, and consumer products. It would  
138 increase testing, promote consumer awareness, and ensure  
139 disclosure, treatment, and remediation when PFAS is released  
140 into the environment.

141 The bill would also hold PFAS polluters responsible,  
142 requiring any national drinking water standard to ensure  
143 vulnerable groups, including pregnant women, infants, and  
144 children, are protected, and take other critical steps to  
145 reduce PFAS exposure and expedite cleanups.

146           The PFAS Action Act was subject to a robust committee  
147 process in the 116th Congress. It was comprised of over a  
148 dozen standalone bills, which were subject to a legislative  
149 hearing and a subcommittee markup. And the reported bill  
150 passed the House with bipartisan support in 2020. We then  
151 continued to negotiate with the Senate on many of these  
152 provisions.

153           Despite the change in administration, it is clear  
154 Congress needs to continue to push this issue and ensure  
155 health-protective steps are taken as quickly as possible. I  
156 would to again thank Representatives Dingell and Upton for  
157 their continued leadership on PFAS. I hope this is the year  
158 we get those provisions across the finish line.

159           With that, I look forward to today's markup, and I hope  
160 we can work together to resolve any remaining issues between  
161 now and full committee. I encourage members to support these  
162 three bills, and with that, I yield back.

163           And I now recognize Representative McKinley, our ranking  
164 member of the Subcommittee on Environment and Climate Change,  
165 for five minutes, please, for an opening statement.  
166 Representative McKinley?

167           \*Mr. McKinley. Thank you, Chairman Tonko. And I agree.  
168 Today we are going to be covering three bills in this today,  
169 curiously, only two of which have had a hearing during this  
170 Congress. The AQUA Act will make significant changes to our

171 drinking water laws. I know it is well-intended. But I have  
172 some concerns with this bill.

173 It removes, primarily, the cost-benefit requirement and  
174 the small business system variance from the Safe Drinking  
175 Water Act. That is more down in the weeds. The cost-benefit  
176 analysis is an important tool to evaluate the impacts of our  
177 policy choices when developing drinking water regulations.  
178 Cost-benefit analysis. And the variances allow eligible  
179 systems serving small communities, 3300 people or fewer, like  
180 many in my district, to apply to the EPA to use treatment  
181 technologies that they can actually afford. I intend to  
182 offer an amendment to this bill to ensure these two  
183 provisions are reconsidered to be part of the bill.

184 The subcommittee also will consider the Low-Income Water  
185 Customer Assistance Programs Act of 2021. This legislation  
186 will create a permanent rate assistance program for low  
187 income water customers.

188 And lastly, the subcommittee will be marking up the PFAS  
189 action that you referred to. We haven't had a hearing on  
190 this in two years. Mr. Chairman, nearly a quarter of our  
191 members are new to the committee and unaware of what has  
192 happened, what changes have occurred. The intent of this  
193 legislation is to do away with PFAS, treat it as a hazardous  
194 material. I understand that. That is why I focus on what we  
195 are trying to do here, do away with PFAS and treat it as a



196 hazardous material.

197 But the science in PFAS has evolved since our last  
198 hearing over two years ago, and this is a non-scientific  
199 approach to deal with PFAS. The American Chemistry Council  
200 has stated PFAS is "a large class of different chemicals,  
201 over 9,000, with different properties and characteristics,  
202 and each of them has a different hazard and risk profile."

203 So I don't understand, Mr. Chairman, why we are dealing  
204 with a one-size-fits-all. It is just quintessential  
205 Washington knowing best rather than dealing with the issues  
206 one at a time. And the EPA has made significant progress in  
207 advancing this since the bill passed the House last year. In  
208 fact, the EPA is moving forward with drinking water  
209 regulations, hazardous substance designation under the  
210 Superfund, and toxicity assessments for certain PFAS.

211 The Congress has passed key bipartisan laws, like you  
212 referred to, to address PFAS, like requiring the Defense  
213 Department to stop using PFAS-containing firefighting foams;  
214 and requiring the EPA to mandate that drinking water systems  
215 monitor for certain unregulated PFAS; and, thirdly, requiring  
216 the EPA to restrict new uses of PFAS. Even the Defense  
217 Department is voluntarily cleaning up their contaminated  
218 sites.

219 So Mr. Chairman, as I said earlier, our committee has  
220 yet to have EPA testify about what has taken place over the

221 last two years. So I am asking you as we go forward, will  
222 you commit to working with us and holding a hearing with the  
223 EPA before this is put before the full committee or taken to  
224 the Floor? Can we work together? You talked about that.  
225 Can we do that?

226 \*Mr. Tonko. As we indicated, I think both parties have,  
227 through the course of time, recognized hearings that were  
228 held in the previous Congress and went forward with votes on  
229 the bill. So I would still like to move this in subcommittee  
230 today.

231 \*Mr. McKinley. And I am okay with that, and I will be  
232 supporting you on PFAS. But I want to say, let's make sure  
233 that this is not a one-size-fits-all. So I am asking if we  
234 could have a hearing and learn a little bit more about where  
235 it is because if we are going to -- let's focus on the big  
236 problem, PFAS in water, rather than the PFAS that is used in  
237 electronic equipment and medical equipment. Let's be careful  
238 about how we proceed with it.

239 So all I am asking is before now and when we bring this  
240 before the full committee, that we can have a hearing. That  
241 is all I am asking, is can we try to have a hearing before  
242 this gets to the full committee?

243 \*Mr. Tonko. Well, Representative McKinley, I think -- I  
244 hear where you are coming from. But also, it is pretty well  
245 known that there has been some -- there has been dragging

246 along where we needed to really address PFAS because of its  
247 grave concern to our constituents. And I think dragging it  
248 just didn't help in this situation.

249 \*Mr. McKinley. Well, I see my time is gone. I am still  
250 hoping if we can just have one week or two weeks to have a  
251 hearing, Mr. Chairman. You and I both know that would be  
252 beneficial as we go forward with this because I want to see  
253 where EPA has moved ahead and where research is moving ahead  
254 to addressing the alternative to using PFAS in other uses.  
255 We will talk more about it during the amendment stage.

256 So I look forward to this markup, and I yield back the  
257 balance of my time.

258 \*Mr. Tonko. Thank you, Representative McKinley. The  
259 gentleman yields back.

260 I now recognize Chairman Pallone, chair of the full  
261 committee, for five minutes for an opening statement. And  
262 thank you again, Chairman Pallone, for the help with the  
263 bills before us today, before the subcommittee. You are  
264 recognized for five minutes, please.

265 \*The Chairman. Thank you, Chairman Tonko. Obviously,  
266 as you said, we are marking up three important public health  
267 measures that will address pressing issues in communities  
268 across the nation, and those are crumbling drinking water  
269 infrastructure, lack of access to affordable drinking water,  
270 and PFAS contamination.

271           The first bill, the AQUA Act, H.R. 3291, authorized by  
272 yourself and myself, would provide significant Federal  
273 funding to revitalize our Nation's drinking water  
274 infrastructure and replace lead service lines nationwide.  
275 As part of his American Jobs Plan, the President has called  
276 for an investment of \$111 billion in our Nation's water  
277 infrastructure, and the AQUA Act answers that call. These  
278 investments can create good-paying jobs, protect public  
279 health, and strengthen communities.

280           Drinking water infrastructure has long been an area of  
281 strong bipartisan agreement in this committee. After all,  
282 access to safe Drinking Water is a necessity, but  
283 unfortunately, millions of Americans can't trust the water  
284 coming out of their taps, and that is unacceptable and should  
285 garner bipartisan support for change.

286           Several key components of this bill, including the  
287 extensions of important drinking water programs such as the  
288 State Revolving Fund, water resiliency, school drinking  
289 water, and tribal water programs reflect bipartisan or  
290 Republican proposals. And that is true also when it comes to  
291 the creation of a new program to replace lead service lines.  
292 And I hope that will help produce bipartisan support today.

293           In particular, I hope we can build bipartisan support  
294 for the provisions in the AQUA Act that would strengthen our  
295 drinking water standards and improve the EPA's ability to set

296 those standards. The members of this subcommittee know all  
297 too well that almost all of our drinking water standards were  
298 set before the 1996 amendments to the statute. The ones set  
299 since have all been established under special statutory  
300 provisions, meaning that EPA has not managed to complete the  
301 general standard-setting process under the Safe Drinking  
302 Water Act in 25 years. So I hope we can all agree that is a  
303 problem, and this bill offers a solution. And I look forward  
304 to constructive dialogue on these changes as we move forward.

305         The second bill, H.R. 3293, the Low-Income Water  
306 Customer Assistance Programs, is a bipartisan bill led by  
307 Representatives Lisa Blunt Rochester and Congressman Katko.  
308 It would create permanent assistance programs to help low  
309 income customers pay their drinking water and wastewater  
310 bills. The program will be similar to the Low-Income Home  
311 Energy Assistance Program, known as LIHEAP, which helps low  
312 income customers pay their energy bills.

313         As you know, the COVID-19 pandemic brought attention to  
314 the need for this assistance, but frankly, the need was  
315 before the pandemic and will be there long after the pandemic  
316 ends. And a permanent program will be a safety net for low  
317 income customers and the water systems that serve them. The  
318 bill enjoys broad stakeholder support, and I look forward to  
319 advancing it through the subcommittee today.

320         And the last bill, Chairman Tonko, we will consider is

321 H.R. 2467, the PFAS Action Act. And that was the product of  
322 robust work in this committee and this subcommittee last  
323 Congress. It passed the House last year on a strong  
324 bipartisan basis, and I am pleased that it is being led by  
325 two important members of the committee, Representatives  
326 Dingell and Upton. And I look forward to continuing that  
327 bipartisan support as we move forward and hopefully send it  
328 to the President's desk.

329         And just a little bit on PFAS contamination. It is  
330 being found across the country, and this bill will establish  
331 comprehensive regulations to prevent, remediate, and remove  
332 the contamination. It will also mean safer products, safer  
333 air, and safer drinking water.

334         And again, I want to thank the members of the  
335 subcommittee on both sides of the aisle who have made  
336 protecting drinking water and addressing PFAS contamination  
337 a priority. I look forward to today's markup and to  
338 advancing these bills because they will better protect public  
339 health, revitalize our infrastructure, and create jobs.

340         So thank you again thank you, Mr. Chairman, the ranking  
341 member, and all those that are involved with these three  
342 bills. I don't know if I mentioned Congresswoman Dingell,  
343 but she has been working on this PFAS issue for a long time.  
344 Good to see you, Debbie.

345         I yield back.

346           \*Mr. Tonko. The gentleman yields back. Thank you,  
347 Chairman Pallone.

348           The chair now recognizes Representative Rodgers, the  
349 ranking member of the full committee, for five minutes for an  
350 opening statement. Representative Rodgers, please?

351           \*Mrs. Rodgers. Good morning, Mr. Chairman. Good  
352 morning to all my colleagues.

353           Some of the bills we are marking up today contain  
354 provisions I find appealing. Unfortunately, I cannot support  
355 these bills in their current form.

356           The first bill we are discussing today is H.R. 3291, the  
357 Assistance, Quality, and Affordability Act of 2021. I agree  
358 with most of the parts of Title 1, the Drinking Water Funding  
359 for the Future Act. I believe we must not lose the successes  
360 this committee secured in America's Water Infrastructure Act  
361 of 2018, especially increasing purchasing power and assisting  
362 compliance.

363           Three items, though, make this bill especially hard to  
364 support. First, it authorizes appropriations at levels 400  
365 to 500 percent higher than the most recent appropriated  
366 amount. It also separately includes a new program costing  
367 \$45 billion providing free replacements of privately-owned  
368 lead service lines, including to the wealthiest Americans.

369           Second, it removes requirements from the Safe Drinking  
370 Water Act that control cost and promote the affordability of

371 safe drinking water. By deleting these provisions, States  
372 face unfunded mandates, and water systems will spiral into  
373 debt, chronic noncompliance, or both, likely making it even  
374 more difficult for small and rural water systems.

375 Last, it prohibits the collection of any bills for five  
376 future years for water utilities that accept billing  
377 arrangement payments. This is not the type of precedent we  
378 should set, the Federal Government shutting down responsible  
379 public utilities from collecting the revenues they need to  
380 operate.

381 The second bill under consideration is H.R. 3293,  
382 legislation that creates the first income support program of  
383 any kind at EPA. Two items concern me most about this bill.  
384 First, the drinking water utilities that serve communities of  
385 less than 10,000 people, at least 20 percent of whom are at  
386 or below poverty level, must go through their States to  
387 obtain funding. All other communities, regardless of their  
388 poverty levels, can get their money directly from EPA.

389 Translation: Poorer, rural communities are subjected to more  
390 burdensome hoops than the others, including the urban ones.

391 Second, this bill creates a water payment assistance  
392 program, while also directing EPA to study whether there is a  
393 need for that very same assistance. It seems more of a  
394 logical first step would be to do the study first before we  
395 establish this program. Otherwise, it is throwing away



396 action done after the fact with no accountability.

397         The last bill we are considering today is the PFAS  
398 Action Act, H.R. 2467. PFAS are a class of 9,252 separate,  
399 diverse chemicals, according to EPA's master PFAS list. I  
400 have become familiar with two of the best-known PFAS, PFAS  
401 used in aquatic film-forming foam, AFFF, because this foam  
402 has been the subject of contamination problems at Fairchild  
403 Air Force Base in my district, Airway Heights.

404         While I am sympathetic to arresting PFAS problems, H.R.  
405 2467 goes well beyond thoughtfully addressing just two PFAS  
406 chemicals. Rather than acting based upon rigorous science,  
407 public input, risk-appropriate solutions, I understand this  
408 legislation to transfer the lab coat from EPA scientists to  
409 Members of Congress. It will also mandate that EPA quickly  
410 take thousands of regulatory determinants into its major  
411 laws, it removes the public from the regulatory process, and  
412 it favors stringency over real safety.

413         This committee will never know for sure how this bill  
414 impacts innovation, how it even helps or hurts EPA's existing  
415 work on PFAS, or if it even will drive results for better  
416 public health. This bill could have benefitted from EPA's  
417 testimony on the workability, but no hearing with EPA took  
418 place, not in two years. This is a missed opportunity that I  
419 hope we don't regret.

420         Mr. Chairman, I wish I had more positive conclusions on

421 these bills because I recognize they are well-intended.  
422 Unfortunately, being well-intended doesn't ignore the fact  
423 that there are provisions that could cause adverse effects or  
424 poor outcomes.

425 With that, I yield back. Thank you.

426 \*Mr. Tonko. The gentlelady yields back, and we thank  
427 Representative Rodgers for her statement.

428 Now I ask, do any members seek recognition to make an  
429 opening statement? I see a hand raised by Representative  
430 Barragan, so you are recognized for three minutes, please.

431 \*Ms. Barragan. Thank you, Mr. Chair. Today is about  
432 protecting public health and ensuring clean water is  
433 affordable for all of us. These bills address PFAS  
434 contamination in our water system, replace all lead service  
435 lines in the country, and establish a water bill assistance  
436 programs for low income customers.

437 In the 116th Congress, I co-led an amendment with  
438 Representative Tlaib on the PFAS Infrastructure Grant Program  
439 to ensure communities hit first and worst by pollution are a  
440 priority for funding, not an afterthought. I am glad to see  
441 our amendment for disproportionately exposed communities is  
442 in the PFAS Action Act.

443 Finally, the Low-Income Water Customer Assistance  
444 Programs Act will establish water bill assistance problems  
445 for low income customers. This is meeting an important need

446 in my district, one of the poorest in California. We saw how  
447 important water assistance programs in the pandemic relief  
448 bills were for low income communities and communities of  
449 color during the pandemic.

450 Just as we have energy bill assistance programs for low  
451 income residents, we need water bill assistance to help  
452 ensure no one has their water shut off because they can't  
453 afford to pay. Clean water is a human right, and these  
454 programs will bring our country closer to treating it that  
455 way.

456 Thank you, Mr. Chairman. I yield back.

457 \*Mr. Tonko. The gentlelady yields back.

458 I see that there is a hand raised by Representative  
459 Dingell. Representative Dingell, you are recognized for  
460 three minutes for an opening statement, please.

461 \*Mrs. Dingell. Thank you, Mr. Chairman, and thank you  
462 for holding today's markup on three bills that are really  
463 important that I have been working on for a long time to help  
464 ensure Americans nationwide have access to clean, safe, and  
465 affordable drinking water, and that we protect Americans from  
466 harmful-forever chemicals that are pervasive in too many  
467 places in our modern life.

468 Water is life. It is a fundamental human right, and far  
469 too many Americans in the United States, the wealthiest  
470 Nation in the world, people are having to make a choice

471 between putting food on the table and paying a water bill.  
472 That is real. And when we began this pandemic, doctors, CDC,  
473 public health officials said the most important thing that  
474 you can do is wash your hands. Yet so many people who didn't  
475 have access to doctors or medicine who needed to wash their  
476 hands as a simple public health measure had their water  
477 turned off and they didn't have access to that.

478         And the water shutoffs -- the deaths have gone up and  
479 have accrued during this public health emergency. No one  
480 should have to live without safe, clean, and affordable  
481 access to this water. That includes replacing lead service  
482 lines, removing PFAS from our water system, providing long-  
483 term water debt relief, and not shutting off a family's  
484 water.

485         I believe that clean drinking water is a right, not a  
486 private. The bills we are marking up today, many of which I  
487 am proud to have led with my colleagues, will begin to make a  
488 real difference in the lives of millions of Americans if  
489 enacted. And I have nothing but the greatest of respect for  
490 my colleagues on the other side, but I want to share two  
491 stories.

492         The military isn't addressing the cleanup they need to  
493 do. This was a May 27th article in M Live. It's actually  
494 nearer Fred's district than mine. The headline is, "'They  
495 brought the poison:' Air Force refuses to own PFAS around

496 Oscoda.'" That is a problem.

497           And I want to tell you about a 75- to 80-year-old man  
498 who can't eat fish. He counted on them in the summer. And  
499 he got up and he said, "When are you going to let me eat this  
500 fish? I need them. I need to -- this is what I live on in  
501 the summer.'" And I didn't have the heart to tell him,  
502 probably not in this lifetime.'" We need to address this.  
503 It is impacting people across the country.

504           So I want to thank Chairman Tonko and Chairman Pallone  
505 for your leadership working with all of us, and my colleagues  
506 and friends Rashida Tlaib, Lisa Blunt Rochester, and Fred  
507 Upton, on advancing these important bills that we are  
508 considering in committee today.

509           Thank you, Mr. Chairman, and I yield back.

510           \*Mr. Tonko. The gentlelady yields back. Are there any  
511 Republicans choosing to be recognized for an opening  
512 statement?

513           [No response.]

514           \*Mr. Tonko. Seeing none, we will move to Representative  
515 O'Halleran for an opening statement, sir, for three minutes,  
516 please.

517           \*Mr. O'Halleran. Thank you, Mr. Chairman, Ranking  
518 Member. I would like to thank the chairman and ranking  
519 member for this markup. I am glad to see that the access to  
520 clean drinking water remains a top priority for this

521 committee.

522           As you can imagine, water is very important for families  
523 in Arizona. Maintaining our water supply becomes harder  
524 every year and we feel the effects of climate change. Adding  
525 to these problems are metal hazards that contaminate sources  
526 of water on tribal lands, in rural areas, and in our cities.  
527 For example, the city of Tucson recently announced that the  
528 water treatment plant that has been servicing the area for  
529 27 years will be shut down. It can no longer guarantee the  
530 safety of the drinking water coming from this plant due to  
531 the presence of PFAS.

532           Communities like Tucson have been fighting for years to  
533 clean up PFAS and other harmful chemicals they need to  
534 support their citizens. That is why I support the bipartisan  
535 action plan, and I hope we can once again get this bill  
536 passed with the votes on both sides.

537           This bill will require EPA to regulate and help fund  
538 cleanup efforts by requiring the EPA to create new drinking  
539 water standards for PFAS. We can protect families and ensure  
540 drinking water is safer for all. The bill provides some  
541 financial support for cities like Tucson, which has been  
542 locally funding cleanup projects for years. I would like to  
543 see us do even more to help Tucson.

544           This is a very important topic, and I urge my colleagues  
545 to help keep working in a bipartisan spirit to get this bill

546 to the President's desk.

547 And I have -- I am sorry. I yield back.

548 \*Mr. Tonko. The gentleman yields back. We thank him  
549 for starting with a sore throat.

550 Are there any other members that seek recognition for an  
551 opening statement?

552 [No response.]

553 \*Mr. Tonko. Seeing none, that concludes our opening  
554 statements. Pursuant to committee rules, members' written  
555 opening statements shall be made part of the record. Please  
556 submit written opening statements to the clerk's desk.

557 At this time we will begin bill consideration. The  
558 chair calls up H.R. 3291, the Assistance, Quality, and  
559 Affordability Act of 2021. The clerk will report the title  
560 of the bill, please.

561 \*The Clerk. H.R. 3291, to amend the Safe Drinking Water  
562 Act to provide assistance for States --

563 \*Mr. Tonko. Without objection, the first reading of the  
564 bill will be dispensed with. The bill is now considered as  
565 read. Without objection, the bill is considered as read and  
566 open for amendment at any point.

567 [H.R. 3291 follows:]

568

569 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

570

571           \*Mr. Tonko. Are there any members seeking recognition  
572 to speak on H.R. 3291? Members are reminded to use the Raise  
573 Hand feature to seek recognition, and again, to use the Lower  
574 Hand feature after you have been recognized. Anyone seeking  
575 to speak on H.R. 3291?

576           \*Ms. Blunt Rochester. Mr. Chairman? I have an  
577 amendment at the desk.

578           \*Mr. Tonko. Yes. Well, we are going to do the AINS  
579 Amendment first, which I am going to offer, if we could,  
580 please.

581           \*Ms. Blunt Rochester. Okay. Very good.

582           \*Mr. Tonko. Okay. I now recognize myself to offer an  
583 amendment in the nature of a substitute. The clerk will  
584 report the amendment, please.

585           \*The Clerk. Amendment in the nature of a substitute to  
586 H.R. 3291 offered by Mr. Tonko of New York. Strike all  
587 "after the enacting" clause and insert the following --

588           \*Mr. Tonko. Without objection, the reading of the  
589 amendment will be dispensed with, and I now recognize myself  
590 for five minutes.

591           [The amendment of Mr. Tonko follows:]

592

593 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

594



595           \*Mr. Tonko. This amendment in the nature of a  
596 substitute primarily makes technical and clarifying changes  
597 to the legislation, as introduced. For example, it clarifies  
598 that the \$45 billion authorized for lead service line  
599 replacements shall be awarded as grants. It also clarifies  
600 that the State revolving funds limitations on subsidized  
601 assistance to disadvantaged communities shall not apply to  
602 this funding. In both cases, this was the intention of the  
603 original language. However, the AINS seeks to add further  
604 clarity.

605           The AINS also includes one new section by incorporating  
606 language from Section 2 of H.R. 3238, the Colonia  
607 Infrastructure Improvement Act of 2021, which was introduced  
608 by Congresswoman Escobar and included in our recent  
609 legislative hearing held May 25th. The new Section 107  
610 authorizes \$100 million annually for low income communities  
611 in Texas, California, Arizona, and New Mexico, and increases  
612 the cost share of grants.

613           Otherwise, the AINS retains critical investment in our  
614 Nation's water infrastructure, including reauthorization of  
615 the drinking water SRF as well as reforms to SDWA's standard-  
616 setting process. It also retains Title 3 of the AQUA Act,  
617 which was taken from H.R. 3292, the Water Debt Relief Act of  
618 2021, introduced by Representatives Dingell and Tlaib. This  
619 standalone bill was also the subject of our May 25th

620 legislative hearing.

621 I encourage members to support this amendment, and I  
622 yield back.

623 Are there any other members that choose to speak to the  
624 AINS? Representative Rodgers, I believe, do you want to  
625 speak to the AINS, or is that to offer an amendment?

626 \*Mrs. Rodgers. Yes. Yes, I do. I have an amendment at  
627 the desk.

628 \*Ms. Schakowsky. I want to speak on the AINS.

629 \*Mr. Tonko. Well, wait a minute. I think  
630 Representative Schakowsky wanted speak to the AINS, though,  
631 if we could, please. I am sorry. Representative Schakowsky.

632 \*Ms. Schakowsky. I move to strike the last word.

633 \*Mr. Tonko. The gentlelady is recognized.

634 \*Ms. Schakowsky. We have a little crisis in the State  
635 of Illinois. Lead in drinking water is a really serious  
636 issue across the country, but especially in my home State.  
637 Illinois has more than 680,000 lead service lines, the most  
638 of any State in the Nation, over 400,000 just in Chicago  
639 alone. And I represent a part of that, but I also live in a  
640 suburb that includes the -- has lead in the service lines.

641 This bill authorizes \$45 billion -- I am assuming that  
642 is in the AINS -- in funding to fix this toxic problem. It  
643 is a significant and necessary Federal investment to get lead  
644 service lines out of the ground and finally protect

645 communities from this danger. The problem cannot be  
646 overstated. The EPA estimates that there are more  
647 9.3 million lead service lines nationwide.

648 We absolutely can't leave even one of these service  
649 lines in the ground. Experience teaches us that the harm  
650 will fall disproportionately on environmental justice  
651 communities, mainly poor and communities of color, and it  
652 really falls heavily on children, the effects of lead.

653 H.R. 3291 protects these communities by giving them  
654 priority for funding to replace lead service lines. And so I  
655 am hoping that we will have bipartisan support for this  
656 legislation. Let's not put our communities and our children  
657 at risk.

658 And with that, I yield back.

659 \*Mr. Tonko. The gentlelady yields back.

660 Are there any Republicans that choose to speak to the  
661 AINS?

662 [No response.]

663 \*Mr. Tonko. Seeing none, I will recognize  
664 Representative Dingell, who chooses to speak to the AINS.  
665 And you are allowed to speak for five minutes, please.  
666 Representative Dingell?

667 \*Mrs. Dingell. Thank you, Chairman Tonko, and I move to  
668 strike the last word.

669 I would like to thank you, Chairman Tonko and Chairman

670 Pallone, for your leadership on H.R. 3291, the Assistance,  
671 Quality, and Affordability Act, which includes very important  
672 provisions on improving the Nation's water infrastructure,  
673 drinking water safety, and to too many Americans,  
674 affordability.

675 I am pleased that this bill includes legislation that I  
676 am leading with my colleagues Representative Rashida Tlaib  
677 and Representative Lisa Blunt Rochester, addressing the water  
678 debt crisis, an issue that has just become so much worse  
679 during the COVID-19 pandemic. Our bill, the Water Debt  
680 Relief Act, would meet this problem head-on by establishing a  
681 residential emergency relief program for public water systems  
682 through the EPA.

683 It would specifically authorize \$4 billion in funding  
684 for emergency water debt relief, allowing utilities to  
685 forgive any debt incurred by eligible residential customers,  
686 many in front-line communities since the start of the COVID-  
687 19 pandemic. Those customers who are struggling with water  
688 debt costs can retain access to water service. It is a basic  
689 for every human being, from washing your hands to just  
690 sanitary conditions in the bathroom, let alone eating.

691 We have also written this bill to include some important  
692 conditions to ensure that taps are not turned off on anyone.  
693 To receive funds under this program, a public water system  
694 must agree to:

695           1) Use the funds to forgive all arrearages and fees  
696 related to nonpayment which is incurred by eligible  
697 residential customers or by a consistent percentage;

698           2) Take no action that negatively affects the credit  
699 score of an eligible residential customer or pursue any type  
700 of collection action against an eligible residential customer  
701 for a five-year period;

702           3) And most importantly, public water systems must agree  
703 not to disconnect or interrupt the service of any eligible  
704 residential customer as a result of nonpayment or arrearages  
705 for a five-year period.

706           Water is a human right. Our bill, and the overall bill  
707 that we are marking up, would embody this creed.

708           I want to thank Ian Signewsky of the staff for working  
709 so collaboratively to help us advance this meaningful  
710 provision. And I urge my colleagues to support H.R. 3291,  
711 the AQUA Act.

712           Thank you, Mr. Chairman, and I yield back.

713           \*Mr. Tonko. The gentlelady yields back.

714           Are there any other members seeking recognition? I see  
715 a hand raised with Representative Soto. For what purpose  
716 does the member seek recognition?

717           \*Mr. Soto. To strike the last word, Chairman.

718           \*Mr. Tonko. The member is recognized for five minutes.

719           \*Mr. Soto. Thank you so much, Mr. Chairman.

720           We live in the most prosperous country in the world, yet  
721 our drinking water infrastructure system grade is a C-plus.  
722 We know we can do better than that. The Clean Water Act  
723 makes access to clean water an American right. Yet from  
724 Flint, Michigan to St. Cloud, Florida in my district, we need  
725 greater investments to ensure this right of clean water is  
726 actually a reality for all Americans. And this is why we are  
727 here today, to build back better.

728           President Biden put forward his American Jobs Plan,  
729 which included everything from the PFAS drinking water  
730 protections to investing in small water systems to upgrading  
731 water systems that are aging or polluted, including lead  
732 pipes.

733           And so I am so excited to be here today to see this part  
734 of the American Jobs Plan pass the Assistance, Quality, and  
735 Affordability Act of 2021. We are putting our money where  
736 our mouths are. We are investing in our communities and  
737 making sure that everyone, whether it is in Florida's 9th  
738 Congressional District or across the Nation, has access to  
739 clean water so that we can grow and prosper and create  
740 millions of jobs across America doing that.

741           Thank you, Chairman. I yield back.

742           \*Mr. Tonko. The gentleman yields back.

743           Are there any other members seeking recognition on the  
744 AINS?

745 [No response.]

746 \*Mr. Tonko. If not, we will now move to Representative  
747 Rodgers, delayed to be recognized. For what purpose does the  
748 member seek recognition?

749 \*Mrs. Rodgers. Mr. Chairman. I have an amendment at  
750 the desk.

751 \*Mr. Tonko. Okay. And what is your amendment labeled?

752 \*Mrs. Rodgers. The amendment to H.R. 3291.

753 \*Mr. Tonko. Okay. The clerk shall report the  
754 amendment, please.

755 \*The Clerk. Substitute for the amendment in the nature  
756 of a substitute to H.R. 3291 offered by Mrs. Rodgers of  
757 Washington. Strike --

758 \*Mr. Tonko. Without objection, the reading of the  
759 amendment will be dispensed with, please.

760 [The amendment of Mrs. Rodgers follows:]

761

762 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

763

764           \*Mr. Ruiz. Mr. Chair? Mr. Chair, I reserve a point of  
765 order.

766           \*Mr. Tonko. Mr. Ruiz reserves a point of order.

767           The gentlewoman, Representative Rodgers, is recognized  
768 for five minutes, please.

769           \*Mrs. Rodgers. Thank you, Mr. Chairman. As I said in  
770 my opening statement, clean drinking water is a priority for  
771 all of us. This amendment is focused on the provisions in  
772 the bill on which we agree.

773           This amendment, which includes most of the Drinking  
774 Water Funding for the Future Act that Ranking Member McKinley  
775 and I introduced last month, extends the successful down  
776 payment made in 2018 by the bipartisan America's Water  
777 Infrastructure Act. It promotes drinking water system  
778 compliance and purchasing power, advances innovation in this  
779 sector, and prepares drinking water systems to smartly face  
780 terrorism and resilience challenges.

781           This amendment reauthorizes the Drinking Water Revolving  
782 Loan Fund at \$1.9 million per year for five years. The  
783 Drinking Water Revolving Loan Funding is the main Federal  
784 drinking water funding program. It helps defray the cost of  
785 Federal mandates, but also provides funding for many other  
786 drinking water programs.

787           The authorization in my amendment is \$870 million more  
788 than Congress provided this program in the last annual



789 appropriations. This amendment extends the grants for  
790 assessing risk from terrorism, including cybersecurity and  
791 resilience to natural hazards by community water systems.  
792 This amendment authorizes \$10 million annually for technical  
793 assistance to public water systems for innovative water  
794 technologies. It authorizes \$125 million annually to fund  
795 States implementing and enforcing Safe Drinking Water Act  
796 standards. These grants also assist States, providing  
797 technical assistance to water systems who struggle with  
798 compliance.

799         Because I support evidence-based decisions and using  
800 objective science, this amendment authorizes \$10 million  
801 annually for EPA programs to monitor unregulated drinking  
802 water contaminants. This monitoring will help EPA understand  
803 how widespread these contaminants are in drinking water. It  
804 will also inform whether further Federal action is needed.

805         To aid economically distressed areas with lead pipes,  
806 this amendment authorizes \$60 million annually to help  
807 communities finance activities to reduce the concentration of  
808 lead in their treated drinking water. This program gives  
809 priority to drinking water at day care centers, schools, and  
810 other facilities serving children.

811         This amendment uses an existing lead reduction program  
812 to address replacing lead service lines. Unlike the  
813 amendment in the nature of a substitute, funding would be

814 targeted toward helping those least able to afford repairs to  
815 their private lead service lines.

816         This amendment also authorizes \$5 million annually for  
817 monitoring, testing, and replacement of school drinking water  
818 fountains containing lead components, placing a priority on  
819 funding schools based on economic need. Finally, this  
820 amendment authorizes funding for an EPA grant program to  
821 promote workforce development and career opportunities in the  
822 water utility sector. Grants can be used for onsite  
823 training, apprenticeship programs, and other educational  
824 activities for the sector.

825         The one thing that I wanted my amendment to contain, but  
826 it does not for germaneness reasons, is the extension of the  
827 Water Infrastructure Financing and Innovation Act. This  
828 program should be extended.

829         We are offering this solution because I cannot support  
830 the amendment in the nature of a substitute. We all  
831 recognize the drinking water challenges in this country. I  
832 believe this amendment, like much of what is in Title 1, is  
833 an effective way to address them. The rest of 3291 includes  
834 burdensome regulations, making rural system use unaffordable  
835 technology even if affordable alternatives exist, and  
836 stopping water utilities from collecting delinquent debts for  
837 another five years.

838         Even though they actually would benefit from higher

839 authorizations, all of the major drinking water utilities  
840 oppose the AQUA Act. This bill is just that problematic. I  
841 do understand that some of my colleagues want to spend a lot  
842 more on these programs, but I feel we need more information  
843 before considering duplicative and expensive new programs  
844 that may not drive results.

845 I urge support of this amendment. With that, I yield  
846 back.

847 \*Mr. Tonko. The gentlelady yields back.

848 I move to strike the last word, and recognize myself for  
849 five minutes to speak in opposition to the amendment. I  
850 appreciate Ranking Member Rodgers' acknowledgment that  
851 drinking water is critical infrastructure and that we need to  
852 continue supporting several existing EPA programs.

853 But this substitute represents maintenance of status  
854 quo. It would merely reauthorize programs at existing  
855 funding levels. Now, we know our infrastructure needs are  
856 great and that they indeed are growing. Sadly, the status  
857 quo is simply not good enough.

858 This substitute would also strike the big investment in  
859 lead service line replacement. It would strike the new  
860 investment in PFAS treatment grants. It would leave the  
861 drinking water SRF at current funding levels, falling far  
862 short of what is needed and what our President has called  
863 for. And it would do nothing to strengthen our drinking

864 water standards or address customer debt.

865 We can and should do more. And I am open to talking to  
866 my Republican colleagues on funding levels between now and  
867 full committee. But I simply cannot support the status quo.

868 With that, I urge my colleagues to vote no on this  
869 amendment, and I yield back.

870 I will now recognize anyone that seeks recognition to  
871 speak to the amendment. I see a hand raised. Are there any  
872 Republican hands raised?

873 [No response.]

874 \*Mr. Tonko. I don't see any, so we will go to  
875 Representative Schakowsky. You are recognized.

876 \*Ms. Schakowsky. That might have been up from before.

877 \*Mr. Tonko. Was that up from before? Okay. I am  
878 sorry. Anyone choosing to be recognized here on the  
879 amendment?

880 [No response.]

881 \*Mr. Tonko. So with that, Dr. Ruiz, do you withdraw  
882 your reservation, or insist on the point of order?

883 \*Mr. Ruiz. Mr. Chair, I do withdraw my point of order.

884 \*Mr. Tonko. Okay. If there is no further debate, we  
885 will proceed to a vote on the amendment.

886 All those in favor of the amendment will signify by  
887 saying aye. So please unmute.

888 And those opposed to the amendment, by saying no, will

889 signify by saying no.

890 \*Mrs. Rodgers. Mr. Chairman, I request a recorded vote.

891 \*Mr. Tonko. Okay. A recorded vote is ordered. Those  
892 in favor of the amendment will say aye. Those opposed to the  
893 amendment will say no. The clerk shall call the roll,  
894 please.

895 \*The Clerk. Ms. DeGette.

896 \*Ms. DeGette. No.

897 \*The Clerk. Ms. DeGette votes no.

898 Ms. Schakowsky.

899 \*Ms. Schakowsky. No. Schakowsky votes no.

900 \*The Clerk. Ms. Schakowsky votes no.

901 Mr. Sarbanes.

902 \*Mr. Sarbanes. No. Sarbanes, no.

903 \*The Clerk. Mr. Sarbanes votes no.

904 Ms. Clarke.

905 \*Ms. Clarke. Ms. Clarke of New York votes no.

906 \*The Clerk. Ms. Clarke votes no.

907 Mr. Ruiz.

908 \*Mr. Ruiz. Mr. Ruiz from California votes no.

909 \*The Clerk. Mr. Ruiz votes no.

910 Mr. Peters.

911 \*Mr. Peters. Peters votes no.

912 \*The Clerk. Mr. Peters votes no.

913 Mrs. Dingell.

914 \*Mrs. Dingell. Dingell votes no.  
915 \*The Clerk. Mrs. Dingell votes no.  
916 Ms. Barragan.  
917 \*Ms. Barragan. Barragan votes no.  
918 \*The Clerk. Ms. Barragan votes no.  
919 Mr. McEachin.  
920 \*Mr. McEachin. McEachin votes no.  
921 \*The Clerk. Mr. McEachin votes no.  
922 Ms. Blunt Rochester.  
923 \*Ms. Blunt Rochester. Blunt Rochester of Delaware votes  
924 no.  
925 \*The Clerk. Ms. Blunt Rochester votes no.  
926 Mr. Soto.  
927 \*Mr. Soto. Soto votes no.  
928 \*The Clerk. Mr. Soto votes no.  
929 Mr. O'Halleran.  
930 \*Mr. O'Halleran. O'Halleran votes no.  
931 \*The Clerk. Mr. O'Halleran votes no.  
932 Mr. Pallone.  
933 \*The Chairman. Pallone votes no.  
934 \*The Clerk. Mr. Pallone votes no.  
935 Mr. McKinley.  
936 \*Mr. McKinley. McKinley votes yes.  
937 \*The Clerk. Mr. McKinley votes aye.  
938 Mr. Johnson.

939 [No response.]

940 \*The Clerk. Mr. Mullin.

941 \*Mr. Mullin. Mullin votes yes.

942 \*The Clerk. Mr. Mullin votes aye.

943 Mr. Hudson.

944 \*Mr. Hudson. Aye.

945 \*The Clerk. Mr. Hudson votes aye.

946 Mr. Carter.

947 [No response.]

948 \*The Clerk. Mr. Duncan.

949 [No response.]

950 \*The Clerk. Mr. Palmer.

951 \*Mr. Palmer. Aye.

952 \*The Clerk. Mr. Palmer votes aye.

953 Mr. Curtis.

954 \*Mr. Curtis. Curtis votes aye.

955 \*The Clerk. Mr. Curtis votes aye.

956 Mr. Crenshaw.

957 [No response.]

958 \*The Clerk. Mrs. Rodgers.

959 \*Mrs. Rodgers. Mrs. Rodgers votes aye.

960 \*The Clerk. Mrs. Rodgers votes aye.

961 Chairman Tonko.

962 \*Mr. Tonko. Tonko of New York votes no.

963 \*The Clerk. Mr. Tonko votes no.

964           \*Mr. Johnson. May I ask, Mr. Chairman, how is  
965 Mr. Johnson recorded?  
966           \*The Clerk. Mr. Johnson is not recorded.  
967           \*Mr. Johnson. Mr. Johnson votes aye.  
968           \*Mr. Duncan. Mr. Chairman, how is Mr. Duncan recorded?  
969           \*Mr. Tonko. Mr. Duncan, how do we have him recorded?  
970           \*The Clerk. Mr. Duncan is not recorded.  
971           \*Mr. Duncan. Mr. Duncan votes aye.  
972           \*The Clerk. Mr. Duncan votes aye.  
973           \*Mr. Johnson. Mr. Chairman, was my aye recorded? I  
974 didn't hear a response from the clerk.  
975           \*Mr. Tonko. Yes. Yes, it was.  
976           \*The Clerk. Mr. Johnson votes aye.  
977           \*Mr. Johnson. Thank you.  
978           \*Mr. Tonko. Do any members still need to record their  
979 vote? Mr. Carter, have you voted?  
980           \*Mrs. Rodgers. We are having trouble. Mr. Carter  
981 cannot unmute.  
982           [Pause.]  
983           \*Mr. Tonko. Okay. Mr. Carter, how do you --  
984           \*Mr. Carter. Hey. Carter votes yes.  
985           \*The Clerk. Mr. Carter votes aye.  
986           \*Mr. Tonko. Are there any members still needing to  
987 record their votes?  
988           [No response.]



989           \*Mr. Tonko. If not, does any member wish to change her  
990 or his vote?

991           [No response.]

992           \*Mr. Tonko. If not, would the clerk please report the  
993 tally?

994           \*The Clerk. Mr. Chairman, the ayes are 9 and the nays  
995 are 14.

996           \*Mr. Tonko. So the vote is 9 ayes and 14 noes. The  
997 amendment is not agreed to.

998           Are there further amendments to the amendment in the  
999 nature of a substitute?

1000           \*Mr. McKinley. Chairman, there is another amendment at  
1001 the desk.

1002           \*Mr. Tonko. Representative McKinley has an amendment at  
1003 the desk. Can we have the clerk read the amendment, please.

1004           \*The Clerk. Amendment to the amendment in the nature of  
1005 a substitute to H.R. 3291 offered by Mr. McKinley of West  
1006 Virginia.

1007           \*Mr. Tonko. Without objection, the reading of the  
1008 amendment will be dispensed with.

1009           [The amendment of Mr. McKinley follows:]

1010

1011           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

1012

1013           \*Mr. Ruiz. Mr. Chair?

1014           \*Mr. Tonko. Dr. Ruiz.

1015           \*Mr. Ruiz. I reserve a point of order.

1016           \*Mr. Tonko. A point of order is reserved by  
1017 Representative Ruiz.

1018           The chair now recognizes Representative McKinley to  
1019 speak to his amendment.

1020           \*Mr. McKinley. Thank you, Mr. Chairman. This amendment  
1021 would strike Sections 201 and 205 of the act, which would  
1022 repeal -- in the bill -- repeals the cost-benefit  
1023 requirements and the small system variance in the Safe  
1024 Drinking Water Act.

1025           The cost-benefit analysis is truly an important part of  
1026 any decision-making process, in business or in government,  
1027 and its result could mean something. In the past, it was  
1028 integral when the EPA wanted to adjust the ozone regulation,  
1029 or when the committee passed the Farm Dust bill. Just put it  
1030 in context. We have got to understand what this objective is  
1031 in eliminating the cost-benefit ratio.

1032           Look at what the EPA tried to do on particulate matter  
1033 back in 2012, and there we were trying to reduce the  
1034 particulate matter from 15 micrograms per cubic meter down  
1035 to 12, just a difference of 3 micrograms per cubic meter. I  
1036 don't think many members of the committee had any grasp of  
1037 what that was. So what we tried to do is put it in context

1038 in looking at a cost-benefit analysis.

1039           What we talked about, take the Empire State Building and  
1040 fill the Empire State Building entirely with ping pong balls.  
1041 I think Lisa Blunt Rochester, she is close enough to New York  
1042 City, she knows the Empire State Building -- 88,000 square  
1043 feet, 100 stories into the sky. Fill that with ping pong  
1044 balls, every hall, corridor, elevator, everything. Then open  
1045 the front door and take one ping pong ball -- one ping pong  
1046 ball -- out of the Empire State Building. That is the  
1047 equivalent of 3 micrograms per cubic meter.

1048           And I think once they came to an understanding, the  
1049 impact that was going to have -- because the EPA  
1050 administrator stepped back from the committee when she  
1051 testified: You won't know the difference. But that is the  
1052 cost-benefit ratio that we want to talk about.

1053           We are spending a lot of money -- all the manufacturers  
1054 are going to have to spend -- the utility bills, we are going  
1055 to have to spend a lot of money to accomplish what? Just  
1056 because we can? It doesn't mean we should. And the same  
1057 goes with the drinking water requirement.

1058           The State and local communities have a finite amount of  
1059 resources to address the issues they are facing, and not all  
1060 communities face the problems have the same needs. For  
1061 example, what we are talking about, we shouldn't rob  
1062 communities of their ability to use their own funds.

1063 But that doesn't mean you should -- Mr. Chairman, you  
1064 were just with me in Shinnston, West Virginia, a town of  
1065 2,000. A town of 2,000. This isn't Albany, New York. Let  
1066 them use their variance capabilities to make a change. They  
1067 don't get it automatically; they have to apply for it. And  
1068 it is not permanent; let's allow them to work with it so that  
1069 something that works in Albany may be unaffordable in  
1070 Shinnston, West Virginia.

1071 So give them some flexibility. I don't know why we are  
1072 walking away from this. It has worked for years, the cost-  
1073 benefit ratio and also this variation with it. So I am  
1074 hoping that we can continue this. It is not a permanent  
1075 requirement. It allows us flexibility to address rural  
1076 America as we go forward with that.

1077 So I am asking for support for this, to look after the  
1078 fact that one size doesn't fit all. Let's make sure that we  
1079 understand some of the costs that we are forcing on people  
1080 are unnecessary, so if we could, Mr. Chairman. And then at  
1081 the right time I would request a recorded vote on my  
1082 amendment.

1083 \*Mr. Tonko. The gentleman yields back.

1084 I move to strike the last word to speak in opposition to  
1085 the amendment, and I recognize myself for five minutes.

1086 This amendment would keep in place the standard-setting  
1087 process under the Safe Drinking Water Act that has failed to

1088 work for the last 25 years. This bill aims to empower EPA to  
1089 set much-needed drinking water standards. It aims to ensure  
1090 those standards are health-based. Cost would still be  
1091 considered because it is built into the assessment of what  
1092 standard is feasible.

1093 This amendment, on the other hand, would ensure that  
1094 cost-benefit analysis reigns supreme, and that feasible  
1095 public health protections can be weakened. It would also  
1096 preserve small system variances, a tool EPA has never used  
1097 because it would create two tiers of health protection and  
1098 leave customers of small systems behind.

1099 I don't believe we should tolerate some people having  
1100 less safe water just because they are served by a smaller or  
1101 poorer community. This is simply not right. It is not just.  
1102 I urge my colleagues to oppose this amendment to ensure the  
1103 Safe Drinking Water Act is actually about safety.

1104 With that, I yield back, and recognize anyone that would  
1105 choose to speak to the amendment. Mr. Curtis, you are  
1106 recognized -- for what purpose does the gentleman seek  
1107 recognition?

1108 \*Mr. Curtis. Thank you, Mr. Chairman. I move to strike  
1109 the last word.

1110 \*Mr. Tonko. The gentleman is recognized.

1111 \*Mr. Curtis. Thank you. I agree with the gentleman  
1112 from West Virginia. By eliminating the cost-benefit

1113 requirements, I fear that my colleagues are prioritizing  
1114 regulatory stringency over public health, which forces States  
1115 and local governments to divert funds away from more urgent  
1116 water treatments. And I can give you two very good examples.

1117         Many of you know that I am fond to speak about my time  
1118 as the mayor of Provo. But while I was mayor, we developed a  
1119 problem in a major body of water, where our city and many  
1120 other cities discharging their water into this body of water.  
1121 We were getting algae blooms.

1122         The State concluded that these algae blooms were a  
1123 result of too much phosphorus being discharged into the  
1124 water, and they proposed that a city like Provo spend tens of  
1125 millions of dollars to reduce the amount of phosphorus that  
1126 went into the lake. The problem was, it was all theory.  
1127 Nobody knew exactly what caused the algae blooms, and yet  
1128 there was this intent to move forward because of the  
1129 possibility that it might be from phosphorus.

1130         Well, as a mayor, I knew that that tens of millions of  
1131 dollars would dramatically increase the cost of water. Some  
1132 of the representatives have talked today about the burden of  
1133 these utility bills. That is borne by residents when these  
1134 unrealistic expectations are put in without scientific  
1135 evidence. Tens of millions of dollars may not sound like a  
1136 lot of money here in Washington, D.C., but trust me, to  
1137 ratepayers in a small city like Provo, it is a big deal.

1138 Another quick example is the Clinton EPA in 1993 issued  
1139 a drinking water standard for atrazine. This EPA drinking  
1140 water standard required treatment to below 3 parts per  
1141 billion. A human would have to drink over 3,000 gallons per  
1142 day with 3 parts per billion to equal the dose the EPA found  
1143 to be cancerous in rats.

1144 EPA's risk assessment methodology, which is based on the  
1145 most exposed person, assumed a person would be exposed every  
1146 day for 70 years -- in other words, you would need to drink  
1147 more than 71 standard bathtubs full of water per day for  
1148 70 years -- to have the same risk found in rats. Now, to put  
1149 that in perspective, that would hire 2300 teachers in Ohio at  
1150 a full salary. We can see that tradeoffs are difficult.

1151 Now, finally, I would like to bring attention to the  
1152 concerning provision that would create a condition for  
1153 utilities to receive funds, the five-year prohibition on debt  
1154 collection, interruption in service, or negative reporting to  
1155 credit agencies. Certainly all of us support ensuring that  
1156 low income individuals have access to water.

1157 But a five-year prohibition feels arbitrary. I would  
1158 like to remind members of this committee that many times,  
1159 these water rates are used to actually help people use less  
1160 water. We're in a drought in Utah, the largest drought since  
1161 the 1950s. These water rates are sometimes very effective in  
1162 getting people to use less water.

1163           So certainly I can support measures to relieve low  
1164 income individuals from an inability to pay water. But  
1165 something as arbitrary and as widespread as this may have the  
1166 opposite effect that we would like to have.

1167           Thank you with that, and obviously I support the  
1168 amendment. I yield my time.

1169           \*Mr. Tonko. The gentleman yields back.

1170           Are there any other members that choose to speak to the  
1171 McKinley amendment to the AINS?

1172           \*Mr. Johnson. Mr. Chairman, this is Mr. Johnson. I  
1173 move to strike the last word.

1174           \*Mr. Tonko. The gentleman moves to strike the last  
1175 word. You are recognized, please, for five minutes.

1176           \*Mr. Johnson. Mr. Chairman, I yield my time to my  
1177 colleague, Mr. McKinley.

1178           \*Mr. Tonko. Mr. McKinley, you are recognized.  
1179 Mr. McKinley, I think you are muted.

1180           \*Mr. McKinley. Thank you, my friend from Ohio. I just  
1181 want to counter what you said, Mr. Chairman, that your  
1182 primary opposition to this amendment was that it would set up  
1183 a two-tier system. Quite frankly, this is a quintessential  
1184 reason that people are angry with Washington because they are  
1185 saying Washington knows best. One size fits all.

1186           It is insulting. It is insulting to the people in  
1187 Shinnson, West Virginia, or Farmington, or Vienna, West



1188 Virginia when you say their health officials aren't going to  
1189 take care of their water quality. There are people that are  
1190 living there. They are going to make sure that their water  
1191 quality is good, that it is not going to use the same  
1192 equipment, style, and technique that you use in Albany, New  
1193 York. They care about their people.

1194 And for you to say that this is a two-tier system, they  
1195 are going to get less quality, is insulting to the people of  
1196 rural America with that. And it just continues to show the  
1197 arrogance of Washington, that we know best. There is only  
1198 one way to do it, our way. And that is wrong, and you know  
1199 that, Mr. Chairman. You have been to those little towns.

1200 We have to give them some flexibility. All of us talk  
1201 about that all the time, giving our smaller communities  
1202 flexibility to deal with it. And you are saying no,  
1203 Washington knows best.

1204 I yield back.

1205 \*Mr. Tonko. The gentleman yields back.

1206 Are there any other colleagues that choose to speak to  
1207 the McKinley amendment to the AINS? Seeing none --

1208 \*Mr. Ruiz. Mr. Chair?

1209 \*Mr. Tonko. Mr. Ruiz?

1210 \*Mr. Ruiz. I withdraw my point of order.

1211 \*Mr. Tonko. The gentleman withdraws his point of order.  
1212 Representative McKinley has already asked for a recorded

1213 vote, so we will move to a recorded vote. Those in favor of  
1214 the amendment will say aye. Those opposed to the amendment  
1215 will say no. And the Clerk will please call the roll.

1216 \*The Clerk. Ms. DeGette.

1217 \*Ms. DeGette. No.

1218 \*The Clerk. Ms. DeGette votes no.

1219 Ms. Schakowsky.

1220 \*Ms. Schakowsky. Schakowsky votes no.

1221 \*The Clerk. Ms. Schakowsky votes no.

1222 Mr. Sarbanes.

1223 \*Mr. Sarbanes. No. Sarbanes, no.

1224 \*The Clerk. Sarbanes votes no.

1225 Ms. Clarke.

1226 \*Ms. Clarke. Ms. Clarke of New York votes no.

1227 \*The Clerk. Ms. Clarke votes no.

1228 Mr. Ruiz.

1229 \*Mr. Ruiz. Ruiz votes no.

1230 \*The Clerk. Mr. Ruiz votes no.

1231 Mr. Peters.

1232 \*Mr. Peters. Peters votes no.

1233 \*The Clerk. Mr. Peters votes no.

1234 Mrs. Dingell.

1235 \*Mrs. Dingell. Dingell votes no.

1236 \*The Clerk. Mrs. Dingell votes no.

1237 Ms. Barragan.

1238 \*Ms. Barragan. Barragan votes no.  
1239 \*The Clerk. Ms. Barragan votes no.  
1240 Mr. McEachin.  
1241 \*Mr. McEachin. McEachin votes no.  
1242 \*The Clerk. Mr. McEachin votes no.  
1243 Ms. Blunt Rochester.  
1244 \*Ms. Blunt Rochester. Blunt Rochester of Delaware votes  
1245 no.  
1246 \*The Clerk. Ms. Blunt Rochester votes no.  
1247 Mr. Soto.  
1248 \*Mr. Soto. Soto votes no.  
1249 \*The Clerk. Mr. Soto votes no.  
1250 Mr. O'Halleran.  
1251 [No response.]  
1252 \*The Clerk. Mr. Pallone.  
1253 \*Mr. O'Halleran. O'Halleran votes no.  
1254 \*The Clerk. Mr. O'Halleran votes no.  
1255 Mr. Pallone.  
1256 \*The Chairman. Pallone votes no.  
1257 \*The Clerk. Mr. Pallone votes no.  
1258 Mr. McKinley.  
1259 \*Mr. McKinley. McKinley votes aye.  
1260 \*The Clerk. Mr. McKinley votes aye.  
1261 Mr. Johnson.  
1262 \*Mr. Johnson. Mr. Johnson votes aye.

1263 \*The Clerk. Mr. Johnson votes aye.  
1264 Mr. Mullin.  
1265 \*Mr. Mullin. Mr. Mullin votes aye.  
1266 \*The Clerk. Mr. Mullin votes aye.  
1267 Mr. Hudson.  
1268 \*Mr. Hudson. Hudson votes aye.  
1269 \*The Clerk. Mr. Hudson votes aye.  
1270 Mr. Carter.  
1271 \*Mr. Carter. Carter votes no.  
1272 \*The Clerk. Mr. Carter votes no.  
1273 Mr. Duncan.  
1274 \*Mr. Duncan. Duncan votes aye.  
1275 \*The Clerk. Mr. Duncan votes aye.  
1276 Mr. Palmer.  
1277 \*Mr. Palmer. Aye.  
1278 \*The Clerk. Mr. Palmer votes aye.  
1279 Mr. Curtis.  
1280 [No response.]  
1281 \*The Clerk. Mr. Crenshaw.  
1282 [No response.]  
1283 \*The Clerk. Mrs. Rodgers.  
1284 \*Mrs. Rodgers. Mrs. Rodgers votes aye.  
1285 \*The Clerk. Mrs. Rodgers votes aye.  
1286 Chairman Tonko.  
1287 \*Mr. Tonko. Tonko of New York votes no.

1288 \*The Clerk. Mr. Tonko votes no.

1289 \*Mr. Tonko. Madam Clerk, who is not recorded?

1290 \*The Clerk. Mr. Curtis and Mr. Crenshaw are not  
1291 recorded.

1292 \*Mr. Tonko. Mr. Curtis? Mr. Crenshaw?

1293 [No response.]

1294 \*Mr. Tonko. Do any members still need to record their  
1295 vote?

1296 [No response.]

1297 \*Mr. Tonko. If not, does any member wish to change his  
1298 or her vote?

1299 [No response.]

1300 \*Mr. Tonko. If not, the clerk will please report the  
1301 tally.

1302 \*The Clerk. On that vote, Mr. Chairman, the yeas were  
1303 8 and the nays were 14.

1304 \*Mr. Tonko. The vote is 8 ayes and 14 noes. The  
1305 amendment is not agreed to.

1306 \*Mr. McKinley. Mr. Chairman?

1307 \*Mr. Tonko. Yes, Mr. McKinley?

1308 \*Mr. McKinley. Mr. Chairman, before we go to -- if I  
1309 could, given that you see the complexity of this, can you  
1310 give us some kind of update on when we are going to be  
1311 meeting in person so that we don't have to go through this  
1312 charade of virtual conversations and the interruptions we

1313 have had of people who have not been voted? They wanted to  
1314 vote, but they are not here. When do you see us coming back  
1315 into full committee?

1316 \*Mr. Tonko. Let me call upon Chairman Pallone because I  
1317 believe he has been in communication with Representative  
1318 Rodgers. So Representative Pallone?

1319 \*The Chairman. Thank you, Chairman Tonko. So as you  
1320 know, last week during the full committee markup, a number of  
1321 you -- a number of the Republicans asked about that. And on  
1322 Friday, the attending physician issued new guidance, saying  
1323 that when we are on the floor or in committee, those who are  
1324 vaccinated would no longer have to wear masks or socially  
1325 distance.

1326 So we have been -- the last couple days, the ranking  
1327 member and I, Ranking Member Rodgers and I, staff have been  
1328 meeting. And we are going to be -- the two of us are going  
1329 to actually meet later today. We definitely are going to  
1330 move to hybrid, and it could be as early as next week. But  
1331 we haven't decided exactly yet -- maybe we will know by the  
1332 end of the day -- because the practical thing of moving to  
1333 hybrid is -- we may have to test it first.

1334 But the idea would be that when I say hybrid, that you  
1335 could decide what you want to do, if you want to be in the  
1336 committee room as a normal committee meets, or you could be  
1337 in your office in the district. Because remember, we still

1338 have committee weeks.

1339 But we'll have more to report hopefully by the end of  
1340 the day or in the next day or so. But we are definitely  
1341 moving to hybrid. And more details will follow after myself  
1342 and Cathy get together.

1343 \*Mr. McKinley. Thank you.

1344 \*The Chairman. I yield back, Mr. Chairman. I think  
1345 Paul is muted.

1346 \*Mr. Tonko. We thank Chairman Pallone for the update.  
1347 Are there now further amendments to the amendment in the  
1348 nature of a substitute?

1349 \*Ms. Clarke. Mr. Chairman?

1350 \*Mr. Tonko. Representative Clarke.

1351 \*Ms. Clarke. I have an amendment --

1352 \*Mr. Tonko. For what purpose do you seek recognition?

1353 \*Ms. Clarke. Mr. Chairman, I have an amendment at the  
1354 desk.

1355 \*Mr. Tonko. And what is your amendment labeled?

1356 \*Ms. Clarke. It is labeled Clarke 01.

1357 \*Mr. Tonko. And will the clerk please report the  
1358 amendment?

1359 \*The Clerk. Amendment to the amendment in the nature of  
1360 a substitute to H.R. 3291 offered by Ms. Clarke of New York.

1361 \*Mr. Tonko. Without objection, the reading of the  
1362 amendment will be dispensed with.

1363 [The amendment of Ms. Clarke follows:]

1364

1365 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

1366



1367           \*Ms. Clarke. I thank you, Mr. Chairman. Let me also  
1368 thank you for your leadership and ensuring that our Nation's  
1369 drinking water is safe and affordable for all communities.

1370           My amendment builds upon H.R. 3291 by adding another  
1371 important tool to the EPA toolbox that will help keep our  
1372 children safe from harmful effects of lead contamination in  
1373 their drinking water. When it comes to health and well-being  
1374 of our children, there is simply no safe level of lead in  
1375 their drinking water.

1376           Even at low levels, lead can cause serious and permanent  
1377 damage to the developing brains and nervous systems of young  
1378 children, causing harmful effects from learning disabilities  
1379 to impaired blood cell function. This issue is particularly  
1380 pronounced in black children, who across the United States  
1381 are almost three times more likely to have highly elevated  
1382 levels of lead in their bloodstream. And yet our Nation's  
1383 schools, which should be safe havens for children, are often  
1384 the primary pathway by which our children are exposed to lead  
1385 contamination in their drinking water. It is therefore  
1386 essential that we make every effort to remove lead toxins  
1387 from drinking water in our Nation's schools.

1388           My home State of New York has been a leader in this  
1389 endeavor. In 2016, New York became the first State in the  
1390 Nation to require all public schools to address lead in their  
1391 drinking water with levels above 15 parts per billion. This

1392 was a major first step. But as I mentioned during our  
1393 subcommittee's drinking water hearing back in May. more  
1394 action is still needed.

1395 Well, I am proud to report that the New York State  
1396 legislature passed a bill just last week that will lower the  
1397 action level for schools all the way down to 5 parts per  
1398 billion, and other States are following New York's example.  
1399 With this lower threshold, schools will act more quickly to  
1400 address the unsafe levels of lead in their drinking water.  
1401 Now it is up to Congress to provide the funding for drinking  
1402 water improvements that will allow our Nation's schools to  
1403 protect their students.

1404 To do this, my amendment establishes a new program at  
1405 EPA that will support the installation of filtered water  
1406 fountains and refill stations at schools and child care  
1407 programs across the Nation. These water stations will take  
1408 advantage of the latest filtration technology capable of  
1409 removing lead from drinking water.

1410 My amendment also prioritizes the underfunded and  
1411 disadvantaged schools that need this assistance the most,  
1412 ensuring that communities who have suffered  
1413 disproportionately from contaminated drinking water are  
1414 put at the front of the line for this much-needed upgrade.

1415 Lead contamination in school drinking water is  
1416 frequently the result of plumbing products within the school

1417 building itself that leach lead. Older drinking water  
1418 fountains can also be sources of contamination. No matter  
1419 where the source of lead contamination may be, filtered water  
1420 stations will ensure that our children are drinking clean  
1421 water.

1422         They are a cost-effective solution that will keep  
1423 children safe, and I urge my colleagues to help ensure our  
1424 schools and child care programs have the support they need to  
1425 install filtered water stations. The health and well-being  
1426 of our children depend on us taking bold steps right now to  
1427 eliminate lead contamination in drinking water.

1428         In closing, I would like to once again thank Chairman  
1429 Tonko for his leadership, your leadership, on this matter and  
1430 our subcommittee, and with this legislation before us today.

1431         With that, Mr. Chairman, I yield back.

1432         \*Mr. Tonko. The gentlelady yields back.

1433         Are there any of our Republican colleagues that chooses  
1434 to speak to the Clarke amendment?

1435         [No response.]

1436         \*Mr. Tonko. Seeing none, I will move to strike the last  
1437 word to speak in support of the amendment, and I recognize  
1438 myself for five minutes.

1439         There is no safe level of lead, and sadly, children  
1440 often have exposure risk at their schools and their child  
1441 care centers. Lead in school drinking water is a serious

1442 public health issue and a serious environmental justice  
1443 issue. I do thank Congresswoman Clarke for offering this  
1444 amendment, an important amendment which would add an  
1445 important new tool to the fight to prevent childhood lead  
1446 exposures.

1447         Filtration stations offer immediate protection from lead  
1448 throughout the distribution system, even in solder and school  
1449 plumbing fixtures. Installing these filtration stations can  
1450 be a short-term fix while our cities and our water systems do  
1451 the hard work of replacing our lead service lines. So I  
1452 support this amendment, and I urge my colleagues to do the  
1453 same.

1454         Are there any other colleagues choosing to speak to the  
1455 Clarke amendment?

1456         \*Mr. Duncan. Mr. Chairman?

1457         \*Mr. Tonko. Mr. Duncan, you are recognized for -- why  
1458 do you choose to be recognized?

1459         \*Mr. Duncan. I move to strike the last word.

1460         \*Mr. Tonko. The gentleman is recognized for five  
1461 minutes, please, to speak on this amendment.

1462         \*Mr. Duncan. Thank you. This amendment authorizes  
1463 \$500 million over 10 years for schools and day cares to  
1464 install and maintain water filtration system. \$500 million.  
1465 Like some of the other programs in the Safe Drinking Water  
1466 Act, the focus on aiding schools and day care centers with

1467 drinking water plumbing, this amendment actually makes no  
1468 connection to trying to solve a lead or other contaminant  
1469 problem.

1470 In fact, the underlying bill already exists and extends  
1471 funding for programs for the voluntary lead testing grant  
1472 program in schools and day care centers, as well as the  
1473 drinking water fountain replacement program for water  
1474 fountains containing lead.

1475 This program is well-meaning, but it is doing something  
1476 that school districts and local communities and States should  
1477 already be doing. This program not only pays for  
1478 installation of these water filtration systems, it also pays  
1479 to have them regularly serviced. That is just more cost for  
1480 the American taxpayer.

1481 At some point the schools and day care centers need to  
1482 take ownership of and care for these systems. In fact, the  
1483 direct payment to schools covers Safe Drinking Water Act  
1484 compliance costs for water testing if the school receiving it  
1485 is actually in a public water system.

1486 I think this amendment is unnecessary. I think most of  
1487 the points are already covered. It does nothing to solve the  
1488 lead problem, and I urge my colleagues to oppose this  
1489 amendment.

1490 With that, I yield back.

1491 \*Mr. Tonko. The gentleman yields back.

1492 Representative Schakowsky, do you choose to be  
1493 recognized?

1494 \*Ms. Schakowsky. I do.

1495 \*Mr. Tonko. For what purpose does the member seek  
1496 recognition?

1497 \*Ms. Schakowsky. To strike the last word.

1498 \*Mr. Tonko. The member is recognized for five minutes,  
1499 please.

1500 \*Ms. Schakowsky. So I would like to thank  
1501 Representative Clarke for this amendment. As I said earlier,  
1502 the State of Illinois has the most -- the greatest problem  
1503 with lead in the water of any other State. In fact, lead was  
1504 actually required to be used in water systems in Chicago  
1505 until 1986. I don't even want to go into it, but it is  
1506 scandalous that that was the case.

1507 But it was. And so should the day care centers, should  
1508 the schools, and should the children be left to -- oh, well,  
1509 they ought to pay for it themselves. There is just so much  
1510 lead in the water systems in Chicago that it makes total  
1511 sense to say at least at school and at these day care centers  
1512 that we make a special effort because as the congresswoman  
1513 pointed out, this can cause -- or I think it was -- maybe it  
1514 was Debbie Dingell as well, who said that this can cause  
1515 irreparable -- irreparable -- harm to children who are  
1516 exposed to lead where there is no safe level.

1517           So come on. Let's make those places safe for all of our  
1518 children rather than saying, yeah, they should. All the day  
1519 care centers ought to take care of it themselves. That is  
1520 pretty harsh because there is a lot of money involved in  
1521 making sure that it happens, and this requires a national  
1522 response, as in this amendment.

1523           So I urge a yes vote, and I yield back.

1524           \*Ms. Clarke. Will the gentlelady yield?

1525           \*Ms. Schakowsky. Yes, I would.

1526           \*Ms. Clarke. Thank you, Ms. Schakowsky. And let me  
1527 just say to our colleagues, we are talking about \$50 million  
1528 per year for a decade. That is only \$1 million per State.  
1529 So, I mean, if we can't put our children's health, well-  
1530 being, the developmental growth in the forefront for a  
1531 million dollars a year, what are we saying here? What is our  
1532 role in really protecting the most vulnerable in our society?

1533           With that, I yield back to the gentlelady, and just  
1534 wanted to put it into context because I think oftentimes our  
1535 colleagues take things to the extremes. And all we are  
1536 talking about is a million dollars a year for 10 years for 50  
1537 States. And we may need to expand it to the territories.

1538           So having said that, I yield back to the gentlelady from  
1539 Illinois, and I thank her for yielding some time.

1540           \*Ms. Schakowsky. Well, and I thank you for that  
1541 clarification. And with that, I yield back my time.

1542           \*Mr. Tonko. The gentlelady yields back.

1543           Is there any other member choosing to speak to the  
1544 Clarke amendment? Seeing none, if there is no further  
1545 debate, we will proceed now on the amendment.

1546           All those in favor of the amendment will unmute and  
1547 signify by saying aye.

1548           All those opposed will signify by saying no.

1549           In the opinion of the chair, the ayes have it. The  
1550 amendment is agreed to.

1551           And are there any further amendments to the amendment in  
1552 the nature of a substitute?

1553           [No response.]

1554           \*Mr. Tonko. Seeing none, if there is no further  
1555 discussion on amendments, we will now proceed to a vote on  
1556 the amendment in the nature of a substitute.

1557           All those in favor of the amendment in the nature of a  
1558 substitute to H.R. 3291, as amended, will signify by saying  
1559 aye.

1560           All those opposed will signify by saying no.

1561           In the opinion of the chair, the ayes have it. And we  
1562 will now move to addressing 3291.

1563           The question now occurs on favorably forwarding  
1564 H.R. 3291, as amended, to the full committee.

1565           All those in favor of forwarding H.R. 3291, as amended,  
1566 to the full committee will signify by saying aye.



1567 All those opposed will signify by saying no. In the  
1568 opinion of the chair, the ayes have it, and the --

1569 \*Mrs. Dingell. Mr. Chairman, may I ask for a recorded  
1570 vote, please?

1571 \*Mr. Tonko. A recorded vote is ordered. Those in favor  
1572 of forwarding H.R. 3291, as amended, to the full committee  
1573 will say aye. Those opposed will say no. The clerk shall  
1574 call the roll, please.

1575 \*The Clerk. Ms. DeGette.

1576 \*Ms. DeGette. Degette votes aye.

1577 \*The Clerk. Ms. DeGette votes aye.

1578 Ms. Schakowsky.

1579 \*Ms. Schakowsky. Schakowsky votes aye.

1580 \*The Clerk. Ms. Schakowsky votes aye.

1581 Mr. Sarbanes.

1582 \*Mr. Sarbanes. Sarbanes votes aye.

1583 \*The Clerk. Mr. Sarbanes votes aye.

1584 Ms. Clarke.

1585 \*Ms. Clarke. Clarke from New York votes aye.

1586 \*The Clerk. Ms. Clarke votes aye.

1587 Mr. Ruiz.

1588 \*Mr. Ruiz. Ruiz from California votes aye.

1589 \*The Clerk. Mr. Ruiz votes aye.

1590 Mr. Peters.

1591 \*Mr. Peters. Peters votes aye.

1592 \*The Clerk. Mr. Peters votes aye.  
1593 Mrs. Dingell.  
1594 \*Mrs. Dingell. Dingell votes aye.  
1595 \*The Clerk. Mrs. Dingell votes aye.  
1596 Ms. Barragan.  
1597 \*Ms. Barragan. Barragan votes aye.  
1598 \*The Clerk. Ms. Barragan votes aye.  
1599 Mr. McEachin.  
1600 \*Mr. McEachin. Mr. McEachin of the Old Dominion votes  
1601 aye.  
1602 \*The Clerk. Mr. McEachin votes aye.  
1603 Ms. Blunt Rochester.  
1604 \*Ms. Blunt Rochester. Blunt Rochester of the first  
1605 State, Delaware, votes aye.  
1606 \*The Clerk. Ms. Blunt Rochester votes aye.  
1607 Mr. Soto.  
1608 \*Mr. Soto. Soto of the Sunshine State votes aye.  
1609 \*The Clerk. Mr. Soto votes aye.  
1610 Mr. O'Halleran.  
1611 \*Mr. O'Halleran. O'Halleran votes aye.  
1612 \*The Clerk. Mr. O'Halleran votes aye.  
1613 Mr. Pallone.  
1614 \*The Chairman. Pallone from the Garden State votes aye.  
1615 \*The Clerk. Mr. Pallone votes aye.  
1616 Mr. McKinley.

1617 \*Mr. McKinley. McKinley votes no.  
1618 \*The Clerk. Mr. McKinley votes no.  
1619 Mr. Johnson.  
1620 \*Mr. Johnson. Mr. Johnson votes no.  
1621 \*The Clerk. Mr. Johnson votes no.  
1622 Mr. Mullin.  
1623 \*Mr. Mullin. Mullin votes no.  
1624 \*The Clerk. Mr. Mullin votes no.  
1625 Mr. Hudson.  
1626 \*Mr. Hudson. Hudson votes no.  
1627 \*The Clerk. Mr. Hudson votes no.  
1628 Mr. Carter.  
1629 [No response.]  
1630 \*The Clerk. Mr. Duncan.  
1631 \*Mr. Duncan. Mr. Duncan votes no.  
1632 \*The Clerk. Mr. Duncan votes no.  
1633 Mr. Palmer.  
1634 \*Mr. Palmer. Palmer votes no.  
1635 \*The Clerk. Mr. Palmer votes no.  
1636 Mr. Curtis.  
1637 \*Mr. Curtis. Curtis votes no.  
1638 \*The Clerk. Mr. Curtis votes no.  
1639 Mr. Crenshaw.  
1640 [No response.]  
1641 \*The Clerk. Mrs. Rodgers.

1642 \*Mrs. Rodgers. Mrs. Rodgers from the Evergreen State  
1643 votes no.

1644 \*The Clerk. Mrs. Rodgers votes no.  
1645 Chairman Tonko.

1646 \*Mr. Tonko. Chairman Tonko from the Empire State votes  
1647 aye.

1648 \*The Clerk. Mr. Tonko votes aye.

1649 \*Mr. Tonko. Okay. Madam Clerk, who is not recorded?

1650 \*The Clerk. Mr. Carter and Mr. Crenshaw.

1651 \*Mr. Tonko. Mr. Carter?

1652 \*Mrs. Rodgers. Do you see Mr. Carter? Looks like he  
1653 can't unmute again.

1654 \*Mr. Tonko. We will give him a minute.

1655 \*Ms. Clarke. Mr. Chairman, he has not connected his  
1656 audio. If you look at the icons at the bottom of the screen,  
1657 it indicates when members have connected successfully with  
1658 the WebEx. Mr. Carter has not enabled his audio, and that  
1659 is why. There is a function that needs to be hit on his  
1660 computer.

1661 \*Mr. Ruiz. That was the best IT support I have --

1662 \*Mr. Tonko. Okay. So we still have Mr. Carter and  
1663 Mr. Crenshaw. Right?

1664 \*Mrs. Rodgers. Okay, Buddy, pick up your phone. And he  
1665 can say "Aye," and you can hear it on my phone. Right?

1666 \*Mr. Tonko. Right.

1667 \*Mrs. Rodgers. Buddy, pick up your phone.

1668 \*Mr. Carter. Cathy, can I vote no through you?

1669 \*Mrs. Rodgers. Can you hear him?

1670 \*Mr. Tonko. Yes, I can. Representative Carter, how do  
1671 you vote?

1672 \*Mr. Carter. No. Carter votes no.

1673 \*The Clerk. Mr. Carter votes no.

1674 \*Mr. Tonko. Okay. Does any member still need to record  
1675 their vote?

1676 [No response.]

1677 \*Mr. Tonko. If not, does any member wish to change her  
1678 or his vote?

1679 [No response.]

1680 \*Mr. Tonko. If not, the clerk will report the tally,  
1681 please.

1682 \*The Clerk. On that vote, Mr. Chairman, the yeas were  
1683 14 and the nays were 9.

1684 \*Mr. Tonko. Okay. The vote is 14 ayes and 9 noes.  
1685 H.R. 3291, as amended, is now forwarded to the full  
1686 committee.

1687 We will now move to consider H.R. 3293. The chair calls  
1688 up H.R. 3293, the Low-Income Water Customer Assistance  
1689 Programs Act of 2021. The clerk will report the title of the  
1690 bill, please.

1691 \*The Clerk. H.R. 3293, to amend the Safe Drinking Water

1692 Act and the Federal Water Pollution Control Act to establish  
1693 programs to assist low income households in maintaining  
1694 access to drinking water and wastewater services, and for  
1695 other purposes. In the House of Representatives --

1696 \*Mr. Tonko. Without objection, the first reading of the  
1697 bill will be dispensed with. The bill is now considered as  
1698 read.

1699 [H.R. 3293 follows:]

1700

1701 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

1702

1703           \*Mr. Tonko. Are there any members seeking recognition  
1704 to speak on H.R. 3293? Members are again reminded to use the  
1705 Raise Hand feature to seek recognition, and then I ask that  
1706 you use the Lower Hand feature after you've been recognized.  
1707 Anyone choosing to be recognized on H.R. 3293?

1708           \*Mr. Duncan. Mr. Chairman, I have an amendment at the  
1709 desk.

1710           \*Mr. Tonko. Well, we were going to recognize people to  
1711 speak to the bill first. So we will --

1712           \*Mr. Duncan. Absolutely no.

1713           \*Mr. Tonko. Okay. Thank you. Representative Blunt  
1714 Rochester, you choose to be recognized for what reason?

1715           \*Ms. Blunt Rochester. Are we going to the AINS first,  
1716 or I can ask --

1717           \*Mr. Tonko. No. We're going to speak to the bill  
1718 first, please.

1719           \*Ms. Blunt Rochester. Okay. I will reserve until the  
1720 AINS.

1721           \*Mr. Tonko. Okay. Anyone choosing to speak to 3293?  
1722 Representative Dingell, you are recognized -- for what reason  
1723 do you seek recognition?

1724           \*Mrs. Dingell. Mr. Chairman, I move to strike the last  
1725 word.

1726           \*Mr. Tonko. The member is recognized for five minutes,  
1727 please.

1728            \*Mrs. Dingell. Mr. Chairman, all across this Nation  
1729 there has been a growing strain on households to cover the  
1730 cost of water bills for far too long. And as I have  
1731 mentioned here today previously, the COVID-19 pandemic has  
1732 only made this problem more challenging and dire.

1733            I would like to commend my colleagues Lisa Blunt  
1734 Rochester and Representative John Katko for their leadership  
1735 on this important bipartisan bill that would establish a  
1736 permanent water assistance program through the EPA for low  
1737 income households to access affordable drinking water and  
1738 wastewater services.

1739            This is a common-sense bill that would make a real  
1740 difference in the health and the well-being of millions of  
1741 families across this country. I am pleased and honored to be  
1742 an original co-lead, and I am a very strong supporter of this  
1743 effort.

1744            For many decades now, we have had a similar program for  
1745 energy, the LIHEAP program, and that has proven to be an  
1746 effective Federal assistance program, helping managing costs  
1747 associated with home energy bills, energy crises,  
1748 weatherization, and energy-related minor home repairs.

1749            Water is even more basic to human life. We can and must  
1750 do something as vital as sustaining life to ensure people  
1751 have access to clean water. And housing this program under  
1752 EPA, that has the experience and the expertise with water



1753 systems, will help ensure a smooth implementation. And you  
1754 better believe I asked a lot of questions, as Lisa would tell  
1755 me, as to where was the right place to do this.

1756         Additionally, the effects of unpaid bills also impair a  
1757 water system's ability to maintain and improve its delivery  
1758 system and infrastructure. So this is a win for our water  
1759 utilities as well. The National Association of Clean Water  
1760 Agencies and the Association of Metropolitan Water Agencies  
1761 have both applauded this important bill.

1762         I urge all of my colleagues, Republicans and Democrats,  
1763 to support this critical bill and advance it favorably to the  
1764 committee. Water is a human right that nobody should be  
1765 denied.

1766         Thank you, and I yield back the balance of my time, Mr.  
1767 Chairman.

1768         \*Mr. Tonko. The gentlelady yields back.

1769         Are there any other members choosing to speak to  
1770 H.R. 3293 before we go to the AINS? Representative  
1771 Schakowsky, do you --

1772         \*Ms. Schakowsky. Yes. I would like to go. Am I  
1773 unmuted? Yes. I would like to strike the last word.

1774         \*Mr. Tonko. The gentlelady is recognized for five  
1775 minutes, please.

1776         \*Ms. Schakowsky. Earlier I heard Congressman Soto  
1777 acknowledge, and it is always important to do so, that this

1778 is the richest country in the world. And what we are talking  
1779 about is access for every family, regardless of income or  
1780 community, to be able to access safe, affordable drinking  
1781 water.

1782       Every family in America under this bill would be helped  
1783 because it creates a permanent program at the Environmental  
1784 Protection Agency to provide rate assistance to low income  
1785 water customers. It will ensure that all families have  
1786 access to affordable drinking water and sanitary services by  
1787 helping those who need it the most.

1788       These are fundamental rights, I believe -- access to  
1789 clean and safe water, and affordable. So relief is badly  
1790 needed by households facing water debt and shutoffs. So  
1791 let's move this bill forward and provide the relief that is  
1792 so urgently needed.

1793       And with that, I yield back.

1794       \*Mr. Tonko. The gentlelady yields back.

1795       Are there any other members choosing to speak to  
1796 H.R. 3293 before we move to the AINS?

1797       [No response.]

1798       \*Mr. Tonko. Seeing none, I now recognize Representative  
1799 Blunt Rochester to offer an amendment in the nature of a  
1800 substitute. The clerk will report the amendment, please.

1801       \*The Clerk. Amendment in the nature of a substitute to  
1802 H.R. 3293 offered by Ms. Blunt Rochester of Delaware.

1803           \*Mr. Tonko. Without objection, the reading of the  
1804 amendment will be dispensed with.

1805           [The amendment of Ms. Blunt Rochester follows:]

1806

1807           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

1808

1809           \*Mr. Tonko. I now recognize Representative Blunt  
1810 Rochester for five minutes, please.

1811           \*Ms. Blunt Rochester. Thank you so much, Mr. Chairman,  
1812 and thank you so much for your leadership on this issue and  
1813 many issues that affect our planet.

1814           The amendment in the nature of a substitute makes  
1815 conforming and clarifying changes, and adds authorization  
1816 levels for both the drinking water and wastewater programs.  
1817 Our country's water affordability crisis began long before  
1818 the COVID-19 pandemic. Deferred infrastructure maintenance  
1819 and the growing cost of clean water have led to rapidly  
1820 rising water bills, and the ongoing pandemic has only  
1821 exacerbated this.

1822           More and more families are struggling to pay their  
1823 utility bills, particularly households in our low income  
1824 communities and communities of color. Clean drinking water  
1825 is a fundamental right and is essential to public health.  
1826 Every person in this country, regardless of race, income, or  
1827 zip code deserves the right to clean, reliable, and safe  
1828 drinking water and sanitation services.

1829           The Low-Income Water Customer Assistance Programs Act  
1830 would establish a permanent program at EPA to help utility  
1831 companies assist low income households with their drinking  
1832 water and wastewater bills. It will provide much-needed  
1833 relief to our low income households, and would help ensure

1834 that all Americans have access to clean, safe, affordable  
1835 water.

1836 It would also help communities make the crucial upgrades  
1837 to our aging drinking water and wastewater infrastructure.  
1838 The Environmental Protection Agency estimates that  
1839 maintaining and upgrades the Nation's drinking water and  
1840 wastewater systems will cost more than \$750 billion over the  
1841 next 20 years. These upgrades are necessary to deliver clean  
1842 and safe water to all Americans, and to make the ongoing  
1843 resiliency challenge of climate change a reality.

1844 Impact: That is the word that I have used with my team  
1845 this year, that our goal is to make the greatest impact on  
1846 the greatest number of people in this country as we serve  
1847 them. That is why I was proud to partner with Representative  
1848 McKinley to ensure that Americans had those direct payments  
1849 when they needed them the most.

1850 I am also so proud to have introduced this bipartisan  
1851 legislation with my Republican colleague from New York,  
1852 Representative John Katko, and overwhelmed by the support  
1853 from Representative Debbie Dingell, who has been a champion  
1854 in this space, along with Rashida Tlaib from Michigan.

1855 To me, this is a pivotal moment for us, to not only  
1856 demonstrate that we can have a major impact and help our  
1857 communities, but also provide hope to Americans to show that  
1858 we can work together in a bipartisan way.

1859 I urge my colleagues to join me in supporting this  
1860 amendment, and I thank you, Mr. Chairman. And I yield back.

1861 \*Mr. Tonko. The gentlelady yields back.

1862 Are there any other members choosing to speak to the  
1863 amendment in the nature of a substitute?

1864 \*Mr. Duncan. Mr. Chairman, I have an amendment at the  
1865 desk to the AINS.

1866 \*Mr. Tonko. Okay. Let's make certain that no one wants  
1867 to speak to Representative Blunt Rochester's amendment.

1868 If not, Mr. Duncan, for what purpose do you seek  
1869 recognition?

1870 \*Mr. Duncan. I have an amendment at the desk to the  
1871 AINS. It is number 3293-SC01.

1872 \*Mr. Tonko. The clerk will report the amendment,  
1873 please.

1874 \*The Clerk. Amendment to the amendment in the nature of  
1875 a substitute to H.R. 3293 offered by Mr. Duncan of South  
1876 Carolina.

1877 \*Mr. Tonko. Without objection, the reading of the  
1878 object will be dispensed with.

1879 [The amendment of Mr. Duncan follows:]

1880

1881 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

1882

1883           \*Mr. Ruiz. Mr. Chair, I reserve a point of order.

1884           \*Mr. Tonko. Representative Ruiz reserves a point of  
1885 order.

1886           Mr. Duncan, you are recognized for five minutes to speak  
1887 to your amendment.

1888           \*Mr. Duncan. Thank you, Mr. Chairman. And before I  
1889 speak on the amendment, let me just say that all the  
1890 technical difficulties that we are experiencing this morning  
1891 and this afternoon now show very clearly that we need to be  
1892 back in this committee room. You need to be sitting at the  
1893 chair, and we need to have full committee hearings in person.

1894           When 435 Members of Congress, less the proxy voters, can  
1895 be on the House of Representatives floor for hours at a time  
1896 during a vote process, why can't we be right here in this  
1897 committee room so we don't have to deal with the technical  
1898 difficulties of Buddy Carter trying to get on, and Ms. Clarke  
1899 trying to educate him on the technical aspects of virtual  
1900 hearings? It just points to the fact that we need to be  
1901 right here in person. I am not going to belabor the point any  
1902 more, but I ask Chairman Pallone to get with it, and let's  
1903 get back in person.

1904           So having said that, let me just say I oppose the  
1905 introduction of this version of H.R. 3293, the Low-Income  
1906 Water Customer Assistance Program, for a couple of reasons.  
1907 First, this legislation creates a permanent new income

1908 support program at the EPA. A permanent new program. This  
1909 will be the first aid program of its kind, ever, at the EPA.  
1910 As we learned from Dr. McLean at the subcommittee hearing,  
1911 EPA does not have the in-house experience or the  
1912 infrastructure in place to carry out this program.

1913         Second, this legislation creates a two-tiered system for  
1914 smaller, likely rural, poorer drinking water systems, and  
1915 everyone else. Drinking water utilities serving  
1916 municipalities with less than 10,000 people and up, poverty  
1917 rate of 20 percent or more, must go through their State to  
1918 obtain funding. In contrast, any larger drinking or  
1919 wastewater system can get its money directly from the EPA,  
1920 regardless of the poverty rate or its service territory.

1921         The third thing is, what they provide under this  
1922 legislation is meant to be additive to anything that already  
1923 exists. This seems odd if this new program is supposed to be  
1924 the main water rate deferral program unless it is trying to  
1925 preempt something that otherwise would limit it.

1926         Now, finally and most importantly, I guess, this bill  
1927 requires a national needs assessment while at the same time  
1928 it instructs the EPA to study the water customer  
1929 affordability problem to figure out what it is, how big it  
1930 is, and the best ways to solve it. It seems kind of  
1931 backwards to me.

1932         I believe the most logical first step to take is to



1933 study this first rather than do so after the fact. So my  
1934 amendment would do that. It strikes the billing offset  
1935 program for drinking water and wastewater, and it puts the  
1936 focus on figuring out the size and scope of the problem  
1937 before we try to solve the problem, as well as it comes up  
1938 with the best way to attack it before we authorize, what,  
1939 \$8 billion to fund this? Eight billion dollars to fund this?

1940 In addition, I have the Government Accountability Office  
1941 carry out this study to ensure an experienced neutral party  
1942 is both investigating as well as making a recommendation. I  
1943 know the underlying bill has the EPA doing this, but I  
1944 believe we cannot forget that the EPA would not just be  
1945 building this program from scratch, but they would also be  
1946 operating for the first time, and they have already said they  
1947 don't have the personnel or the logistics to do it.

1948 So I recognize the intent of the bill is well-meaning,  
1949 But I question whether this is the best way to handle this  
1950 matter, to set it up before we do the study and realize how  
1951 big the problem may or may not be. Billions of dollars in  
1952 this kind of aid have already been handed out by someone  
1953 other than after EPA, and if EPA is going to be given a  
1954 program like this, there needs to be greater consideration of  
1955 what its execution even looks like.

1956 So I believe that my amendment is the right way to  
1957 approach this subject, and I would urge that my colleagues

1958 consider that. Having said all that, I am going to ask that  
1959 this amendment be withdrawn and let's move on because I have  
1960 made the points, that we are spending \$8 billion to solve a  
1961 problem that we don't even know if the problem exists, or how  
1962 big or small it might be.

1963 And with that, Mr. Chairman, I yield back.

1964 \*Mr. Tonko. The gentleman yields back, and the  
1965 gentleman has withdrawn his amendment.

1966 Are there any other members seeking recognition to speak  
1967 on the amendment -- or to offer an amendment to the AINS?

1968 \*Mrs. Rodgers. Mr. Chairman?

1969 \*Mr. Ruiz. Mr. Chair, I -- go ahead. Never mind.

1970 \*Mr. Tonko. Okay. Anyone looking to offer another  
1971 amendment?

1972 \*Mrs. Rodgers. Mr. Chairman?

1973 \*Mr. Tonko. Okay. Representative Rodgers? Was that  
1974 you or --

1975 \*Mrs. Rodgers. I move to strike the last word. But is  
1976 it a Democrat turn?

1977 \*Mr. Tonko. No. You can be recognized for five  
1978 minutes, please.

1979 \*Mrs. Rodgers. I want to remind the members on this  
1980 committee that Congress has already spent \$4 billion on  
1981 drinking water rate assistance. Four billion dollars. These  
1982 amounts were for temporary programs, \$500 million in the

1983 omnibus, \$3.5 billion in reconciliation. This bill makes it  
1984 a separate, permanent program at EPA, and it will spend twice  
1985 that amount. That is a lot of money.

1986 I wrote to OMB -- I have the letter right here -- wrote  
1987 OMB the first week of February to find out what happened to  
1988 all this money. Four weeks later, no response. I asked  
1989 Administrator Regan at our EPA budget hearing what happened  
1990 to that money. No response then, and nothing six weeks  
1991 later.

1992 We need to know what this money -- how this money has  
1993 been spent in the short term. We need to know. We need to  
1994 know how was the \$4 billion spent before we start considering  
1995 long-term programs. This seems like another reason to oppose  
1996 the current legislation, and I urge the members to vote no.

1997 And I yield back.

1998 \*Mr. Tonko. The gentlelady yields back.

1999 Are there any other members choosing to offer an  
2000 amendment to the amendment in the nature of a substitute?

2001 [No response.]

2002 \*Mr. Tonko. If not, we will now move to vote in regard  
2003 to the amendment in the nature of a substitute.

2004 All those in favor of the amendment in the nature of a  
2005 substitute to H.R. 3293 will signify by saying aye.

2006 All those opposed will signify by saying no.

2007 In the opinion of the chair, the ayes have it. We will

2008 now move to --

2009 \*Mrs. Rodgers. Oh, Mr. Chairman?

2010 \*Mr. Tonko. Yes, Representative Rodgers?

2011 \*Mrs. Rodgers. I ask for a recorded vote -- no, no.

2012 Mistake.

2013 \*Mr. Tonko. Okay. So now we will move to --

2014 \*Mrs. Rodgers. Forget I said that.

2015 \*Mr. Tonko. Now we will move to a vote on 3293,

2016 forwarding H.R. 3293 to the full committee. The question now

2017 is on favorably forwarding H.R. 3292, as amended, to the full

2018 committee.

2019 All in favor of forwarding H.R. 3293, as amended, to the

2020 full committee will signify by saying aye.

2021 All those opposed will signify by saying no.

2022 In the opinion of the chair, the ayes have it and 3293

2023 is now voted on favorably and is forwarded, as amended, to

2024 the full committee.

2025 We will now call up H.R. 2467, the PFAS Action Act of

2026 2021. The clerk will report the bill, please.

2027 \*The Clerk. H.R. 2467, to require the administrator of

2028 the Environmental Protection Agency to designate per- and

2029 polyfluoroalkyl substances as hazardous substances under the

2030 Comprehensive Environmental --

2031 \*Mr. Tonko. Without objection, the first reading of the

2032 bill will be dispensed with.

2033           The bill is now considered as read.

2034           [H.R. 2647 follows:]

2035

2036   \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

2037

2038 Mr. Tonko. Are there any amendments that are being  
2039 presented by any of our colleagues?

2040 [No response.]

2041 Are there any members, first, who seek recognition to  
2042 speak on H.R. 2467? Representative Dingell, do you choose to  
2043 speak on 2467?

2044 \*Mrs. Dingell. Yes.

2045 \*Mr. Tonko. The representative is recognized for five  
2046 minutes, please.

2047 \*Mrs. Dingell. Thank you, Chairman Tonko. I move to  
2048 strike the last word.

2049 \*Mr. Tonko. The gentlelady is recognized.

2050 \*Mrs. Dingell. Thank you. Forever chemicals known as  
2051 PFAS are harmful manmade chemicals that have so far been  
2052 found in the drinking water of more than 2,000 communities  
2053 across almost every State in the country. PFAS chemicals are  
2054 persistent, bio-accumulative, and toxic. These chemicals  
2055 have been linked to harmful human effects, including cancer,  
2056 representative, and development-harmed and weakened immune  
2057 systems.

2058 These harmful chemicals didn't exist on this earth prior  
2059 to World War II. They were birthed as a byproduct of the  
2060 Manhattan Project. And now nearly every American has some  
2061 level of PFAS coursing through their blood after generations  
2062 of use to create our modern society.

2063 EPA has consistently failed to act clearly and swiftly,  
2064 and to do so, so we have no choice. Congress is needed. It  
2065 has to act on this PFAS crisis before promises, promises,  
2066 promises, promises, but nobody delivers. And people are  
2067 getting sick and dying. Enacting the PFAS Action Act would  
2068 be the first major comprehensive and consequential action we  
2069 can and should take.

2070 H.R. 2467, the PFAS Action Act, is a landmark bipartisan  
2071 package that I am proud to lead with my colleague from across  
2072 the aisle and my good friend, Michigan's Fred Upton, who has  
2073 had a community in his district totally poisoned where they  
2074 couldn't drink their water. He will talk about that, I  
2075 suspect.

2076 As many of you know, Michigan has been hit hard by PFAS  
2077 contamination. The Michigan PFAS Action Response team has so  
2078 far identified 162 sites across the State with PFAS  
2079 contamination. But you know what? We are only one of the  
2080 few States that has actually been looking for PFAS and  
2081 spending time, and then establishing the necessary policies  
2082 to protect human health and the environment in the absence of  
2083 strong Federal leadership.

2084 I think you would all be stunned by where PFAS is in  
2085 your communities. This is truly a national crisis, and other  
2086 States will find similar contamination because when you are  
2087 dealing with a forever-lasting substance, it is only a matter

2088 of time. According to the Environmental Working Group, over  
2089 200 million Americans -- 200 million -- are drinking  
2090 contaminated water, and 328 military sites across the United  
2091 States have identified PFAS contamination.

2092 The legislation before us today is a meaningful bill  
2093 that would represent a strong Federal response, and is a  
2094 product of good bipartisan work out of this committee. After  
2095 we had voted for this on the floor, it passed with 247 to  
2096 159, including 24 Republicans supporting the package.

2097 Today we are considering an identical version that  
2098 warrants strong, continued bipartisan support from every  
2099 member of this committee. The PFAS Action Act would protect  
2100 our air, our land, our water from this contamination. It  
2101 would require the EPA to establish a national drinking water  
2102 standard for the most notorious chemicals, PFOA and PFAS,  
2103 within two years that would protect public health, including  
2104 the health of vulnerable sub-populations.

2105 It designates PFOA and PFAS chemicals as hazardous  
2106 substances within one year, and requires EPA to determine  
2107 whether to list other PFAS within five years. It designates  
2108 PFOA and PFAS as hazardous air pollutants under the Clean Air  
2109 Act. It requires EPA to place discharge limits on industrial  
2110 releases of PFAS, and provides \$200 million annually for  
2111 wastewater treatment. It prohibits the unsafe incineration  
2112 of PFAS waste, and places a moratorium on the introduction of



2113 new PFAS into commerce. It requires comprehensive PFAS  
2114 health testing. And finally, it creates a voluntary label  
2115 for PFAS in cookware. How many of us are cooking and use  
2116 Teflon pans?

2117 So I would like to commend Fred Upton for his leadership  
2118 in partnering with me on this, and once again, my many thanks  
2119 to Chairmen Pallone and Tonko, as well as to the committee  
2120 staff, for working with us to craft this landmark bill. This  
2121 bill is urgently needed to protect human health and  
2122 environment. I urge all my colleagues to support this bill.

2123 Thank you, Mr. Chair, and I yield back my one second.

2124 \*Mr. Tonko. The gentlelady yields back her one second.

2125 Is there any other member seeking recognition to speak  
2126 on H.R. 2467? Representative McKinley, you want to speak on  
2127 the bill?

2128 \*Mr. McKinley. Yes. Strike the last word.

2129 \*Mr. Tonko. The gentleman is recognized for five  
2130 minutes, please.

2131 \*Mr. McKinley. Mr. Chairman, if PFAS is in drinking  
2132 water, and we know it is -- I just saw a report that  
2133 47 bottled waters that we sell in America contain levels that  
2134 are higher than the standard -- that is wrong. It is just  
2135 wrong, and I will walk miles with Congressmen Dingell and  
2136 Upton and all to ban that as it relates to drinking water.

2137 But I am concerned this bill is treating all PFAS

2138 chemicals as a hazardous material, all of them, all treated  
2139 the same. And using this one-size-fits-all approach is  
2140 dangerous for us. Protecting our drinking water is clearly -  
2141 - there should be absolutely no concern that is what our  
2142 number one priority should be.

2143 But we need to be thinking about, if we prohibit PFAS  
2144 because it is a hazardous material, it would prevent us and  
2145 our manufacturers across the country to using it in their  
2146 products, including it -- in aerospace, the alternative  
2147 energy, semiconductors, in healthcare. If I could just read  
2148 from this publication, it just says, like in aerospace:

2149 "PFASs are used in ultra-high-frequency wire and cable  
2150 installation, fly-by-wire controls in aircraft communication.  
2151 In alternative energies, it enables "lithium batteries, fuel  
2152 cells, and solar panels. In semiconductors, it creates an  
2153 ultra-pure manufacturing environment necessary for  
2154 microelectronics. And in healthcare, PFAS serves as a high  
2155 dielectric insulator for defibrillators, pacemakers, CRTs,  
2156 and MRIs.''

2157 So I just want us to slow down just a little bit and not  
2158 let our emotion get hold of us on this. We don't have an  
2159 alternative. These products are used to better our lives.  
2160 It is in our cell phones. I can go on and on with this. So  
2161 be careful when we start banning something across the board  
2162 what impact it is going to have on us.

2163           And I think we also, Mr. Chairman, should consider what  
2164 are we going to do about importing products? Because we may  
2165 ban it here, which on water, I will agree with you. But if  
2166 we ban this as a hazardous material, what happens to all the  
2167 products that we are importing into America? The fish, other  
2168 food products, vegetables, nuts -- anything that comes in  
2169 plastic materials has a PFAS material in it coming from  
2170 overseas.

2171           So the idea of, we are going to clean up our back yard,  
2172 but yet we are going to import these products in and we are  
2173 still going to continue to contaminate the American public  
2174 with it. So I think if we can, I want to go with  
2175 Congresswoman Dingell and focus, if we could, on water. That  
2176 is where we should be going. I don't see the idea of banning  
2177 all these products because, Mr. Chairman, we don't have an  
2178 alternative. No one -- the scientists have not yet finished  
2179 the alternatives for the insulation of our wire, our  
2180 defibrillators, our MRIs. We have got to have this material.

2181           So I am hoping, as we advance this to the full  
2182 committee, that we will look at ways that we can work on this  
2183 because remember, we have not had a hearing on this in two  
2184 years. People need to us, what is taking place? What are  
2185 the impacts on this? What is it going to do for our  
2186 healthcare by virtue of banning this product when we are  
2187 using it for defibrillators and on and on?

2188           So please, Mr. Chairman, let's take our time. I ask you  
2189 again, let's have a hearing so that we can have some  
2190 additional information. It may only be one week. So don't  
2191 try to tell me that this is going to delay the project. For  
2192 one week? That is all we are asking for. Let's have someone  
2193 come in from the EPA and tell us about what are the  
2194 ramifications of this because we have made advances with  
2195 this.

2196           So again, I am going to ask, be careful. If as long as,  
2197 with Mrs. Dingell, if it has to do with water, I will walk  
2198 every mile with every one of you on that. But when it  
2199 relates to these other products, we don't have an  
2200 alternative, and we are going to cause manufacturers and  
2201 other consumers to have problems because they are going to  
2202 continue to use it, and no one has still answered my question  
2203 about what happens when we import these products from  
2204 overseas? They are still going to be made with PFAS, and  
2205 aren't we still going to be exposed?

2206           So I yield back.

2207           \*Mr. Tonko. The gentleman yields back.

2208           Are there any Democratic members seeking recognition to  
2209 speak on H.R. 2467?

2210           [No response.]

2211           \*Mr. Tonko. Seeing none, I will recognize  
2212 Representative Rodgers for five minutes to speak to

2213 H.R. 2467.

2214 \*Mrs. Rodgers. Thank you, Mr. Chairman. I move to  
2215 strike the last word.

2216 \*Mr. Tonko. The gentlelady is recognized for five  
2217 minutes.

2218 \*Mrs. Rodgers. I oppose the PFAS Action Act, and I urge  
2219 my colleagues to do the same. And I don't do this lightly.  
2220 Charles Air Force Base in Airway Heights, Washington has its  
2221 own PFAS contamination issues. I very much want us to get a  
2222 handle on the PFAS contamination problem in this country.

2223 I want us to proceed based upon science. Lawful public  
2224 input, not hidden top-down decisions, and actions appropriate  
2225 to the risk posed, not the exclusion of them. PFAS are not  
2226 one, two, or even 30 chemicals. Just the other day EPA's  
2227 master list of PFAS contained 9,252 different PFAS chemicals.  
2228 And while EPA is closing its PFAS knowledge deficit every  
2229 day, EPA is expert on just a small percentage of all PFAS.

2230 I know the PFAS Action Act is well-intended, but I am  
2231 concerned that the mandates in the PFAS Action Act will  
2232 frustrate existing PFAS plans that are supposed to be  
2233 science-based. Also, the bill will memorialize policy  
2234 choices with long-range implications and overwhelm EPA's  
2235 existing resources to tackle environmental and public health  
2236 challenges. In short, EPA will become the Environmental PFAS  
2237 Agency.

2238           The PFAS Action Act is not measured. It shows little  
2239 regard for objective science, risk assessment, transparency,  
2240 and public comment. It requires EPA, without any requirement  
2241 for scientific basis, to regulate certain PFAS under the  
2242 Clean Air Act and the Comprehensive Environmental Response  
2243 Compensation and Liability Act. And for a place like Airway  
2244 Heights in my district, which has already taken steps to  
2245 mitigate PFAS contamination, a Superfund designation could be  
2246 devastating for the local economy and development.

2247           It also requires EPA to make regulatory determinations  
2248 within five years on 9,250 PFAS chemicals under those same  
2249 laws and without public participation. It uses an  
2250 unattainable standard to ban incarceration of any PFAS-  
2251 containing material, and requires any persons disposing of  
2252 these materials to store them as if they were hazardous  
2253 waste. It removes EPA's scientific review and bans  
2254 commercialization of safer PFAS. It requires testing of all  
2255 9,252 PFAS.

2256           In short, the PFAS Action Act would replace EPA's  
2257 scientific judgment with Congress's political judgment, put  
2258 EPA on unrealistic timelines, remove the use of proposed  
2259 rules and public deliberation, overrun existing domestic  
2260 laboratory capacity to focus on any other scientific matter,  
2261 and clog our Nation's remaining landfill capacity. Even more  
2262 importantly, in some ways this bill would overwhelm EPA's

2263 ability to look at any other issue EPA might consider a  
2264 higher public health priority. It is not good policy or  
2265 government.

2266 I ask my colleagues to instead consider the progress EPA  
2267 has been making without this bill. For example, earlier this  
2268 year EPA announced an advanced notice of proposed rulemaking,  
2269 aiming at designated PFOA, PFAS, and other PFAS chemicals as  
2270 [audio break] substances.

2271 Additionally, the agency made a final [audio break] to  
2272 issue national, primary, and routine water regulations for  
2273 PFOA and PFAS. They have 21 more months to propose a  
2274 science-based, maximum contaminant-level goal and an  
2275 enforceable drinking water regulation.

2276 Numerous other PFAS laws have been enacted and  
2277 regulatory actions taken, even in the last two years. Some  
2278 of those laws and actions have happened in larger legislative  
2279 packages and during the executive transition, but it doesn't  
2280 mean it didn't happen. Indeed, in opposing the PFAS Action  
2281 Act, the American Chemistry Council, many of whose members  
2282 are directly impacted by this issue, outlined all the work  
2283 currently taking place on PFAS.

2284 For all those reasons, I urge opposition to the PFAS  
2285 Action Act. And Chairman, I ask that the June 15th letter  
2286 from ACC to you and Ranking Member McKinley be entered into  
2287 the record.

2288           With that, I yield back.

2289           \*Mr. Tonko. So ordered. Without objection, so ordered.

2290           [The letter from the American Chemistry Council  
2291 follows:]

2292

2293           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

2294



2295           \*Mr. Tonko. For what purpose does Chairman Pallone seek  
2296 recognition? Chairman, your hand raise is raised on the  
2297 screen. Do you seek recognition?

2298           [No response.]

2299           \*Mr. Tonko. If not, are there any Democratic members  
2300 still seeking recognition to speak on H.R. 2467? If not, for  
2301 what purpose does Representative Johnson seek recognition?

2302           \*Mr. Johnson. Mr. Chairman, I move to strike the last  
2303 word.

2304           \*Mr. Tonko. The gentleman is recognized for five  
2305 minutes, please.

2306           \*Mr. Johnson. Thank you, Mr. Chairman. My statement  
2307 will attempt to reset the landscape on these important PFAS  
2308 issues. But I want to take a moment and set the stage for  
2309 the points that I want to make.

2310           Mr. Chairman, we have worked well together in the past  
2311 in a relationship based on mutual respect, and I certainly  
2312 hope that we can get back to that point in the near future.  
2313 But I feel I would not be doing my job of being a voice for  
2314 my constituents if I did not express my disappointment with  
2315 the partisan manner in which this subcommittee is being run,  
2316 from the chair's unprecedented interruption of minority  
2317 members when they aren't asking the questions that fit with  
2318 the majority's agenda, to the reluctance of the majority to  
2319 follow the science in CDC's guidance in order to return to a

2320 full and open in-person committee process, to today's example  
2321 of holding a markup before the subcommittee has done its due  
2322 diligence to examine the facts surrounding an issue and take  
2323 to my knowledge from agencies and associated industry  
2324 stakeholders.

2325 I am surprised today that this subcommittee, with  
2326 jurisdiction over the EPA is forcing us to vote on this  
2327 legislation, which in its current form and on many different  
2328 levels actually undermines the EPA's processes and totally  
2329 casts aside the ongoing scientific research on this broad set  
2330 of thousands of chemicals.

2331 First let me be clear: As other members have voiced  
2332 this today, dangerous chemicals have no place in our drinking  
2333 water, and those who recklessly release them should be held  
2334 accountable. But the fact of the matter is, right now,  
2335 whether we like it or not, PFAS chemicals have thousands of  
2336 uses in our daily lives.

2337 Examples include clothing, cell phones, food packaging,  
2338 medical devices, and you wouldn't believe it, but I am told  
2339 it is even used in personal protective equipment like masks.  
2340 You got that right. The surgical masks that we have all been  
2341 wearing to mitigate the spread of COVID-19 uses these  
2342 chemicals.

2343 That is why, as members of this subcommittee, we have  
2344 to take extra care to get this policy-making right. So

2345 Mr. Chairman, perhaps we could have had a PFAS hearing in the  
2346 subcommittee first. Perhaps we could have invited an EPA  
2347 representative to talk in detail about what the agency is  
2348 currently doing on PFAS before we have a vote on this massive  
2349 legislation that is almost certain to result in major  
2350 unintended consequences. I mean, isn't this vote at the very  
2351 least premature?

2352 In fact, this legislation is actually so far-reaching  
2353 that one provision mandates that the EPA promptly initiate  
2354 regulatory determinations on over 9,000 of these chemicals  
2355 with no extra resources to accomplish the tasks. Keep in  
2356 mind it has taken two years to make determinations on just  
2357 two of them. This defies both logic and reason.

2358 If enacted, the bill would actually overwhelm the EPA to  
2359 the point it would not be able to fulfill any of its other  
2360 responsibilities. Wouldn't it have been wise to bring the  
2361 EPA in here to discuss this with them directly first?

2362 Thankfully, however, it is encouraging that as we debate this  
2363 specific bill, the EPA, along with other Federal agencies,  
2364 the military, Congress, and even the States, have been  
2365 working on this issue for a while now. The list is  
2366 exhaustive.

2367 But I do want to remind my colleagues here that many of  
2368 us have supported plenty of bipartisan progress on these  
2369 issues in the past -- for example, in the 2020 and 2021

2370 NDAA's, there were numerous important PFAS provisions,  
2371 including requiring the Department of Defense to work to  
2372 clean up and reduce exposure to these chemicals, phase out  
2373 PFAS-laden firefighting foam, and improve monitoring of  
2374 ground water and drinking water.

2375         Additionally, while it would have been helpful for the  
2376 EPA to testify here in much greater detail, I do want to  
2377 point out a couple of examples to show they are already  
2378 working on it. Even without the top-down mandate set out in  
2379 this legislation, the EPA made a final determination to issue  
2380 primary drinking water regulations under the Safe Drinking  
2381 Water Act. and also released interim guidance designed to  
2382 protect the public by outlining the current science on  
2383 techniques to dispose of these materials safely.

2384         With all of that said, the bottom line here is that just  
2385 because the PFAS Action Act is a law does not mean action  
2386 hasn't been or is not being taken on PFAS. Let me repeat  
2387 that. It does not mean that action has not, is not, or will  
2388 not be taken. It is important that our constituents know  
2389 this.

2390         So Mr. Chairman, I agree with my colleagues that it is  
2391 an important issue, and I have faith that this committee will  
2392 address this issue. But we should be holding hearings,  
2393 legislative hearings, here in the 117th Congress rather than  
2394 jumping to conclusions about legislative remedies that may

2395 have serious unintended consequences.

2396 And with that, I yield back.

2397 \*Mr. Tonko. The gentleman yields back.

2398 Chairman Pallone, I believe your hand is raised. For  
2399 what purpose do you seek recognition?

2400 \*The Chairman. Mr. Chairman?

2401 \*Mr. Tonko. Yes. Chairman Pallone. For what purpose  
2402 do you seek recognition?

2403 \*The Chairman. Strike the last word on the underlying  
2404 bill.

2405 \*Mr. Tonko. The gentleman is recognized for five  
2406 minutes, please.

2407 \*The Chairman. Thank you, Mr. Chairman. I guess I am a  
2408 little shocked by the nature -- not only the amount of  
2409 opposition but also the strident nature of the opposition on  
2410 this bill. I mean, this is a bipartisan bill. Mr. Upton of  
2411 Michigan is a sponsor, has been involved with this issue for  
2412 many years.

2413 We have had so many hearings in regular order on this  
2414 bill, I don't know -- I can't imagine what that we are  
2415 discussing today hasn't already been reviewed. I was at most  
2416 of those hearings, and I remember all these issues coming up  
2417 that are being mentioned.

2418 And I also get the impression that all the emphasis on  
2419 the Republican side is on the fact that we have such a great

2420 need for PFAS, and it is so important. Okay, maybe you care  
2421 a little bit about the negative impact, but most of the  
2422 emphasis is on the fact that we need to use this stuff.

2423         And I just have to remind everybody that this is an  
2424 urgent threat to public health. Every day that goes by  
2425 without us taking some action means more and more  
2426 contaminants. More people's health is negatively impacted.  
2427 These are toxic, persistent elements that are being found in  
2428 the environment across the country. These chemicals have  
2429 been linked with adverse health effects including cancer,  
2430 immune system effects, infertility, impaired child  
2431 development, high cholesterol, thyroid disease.

2432         In my home State of New Jersey, there have been over 500  
2433 detections of PFAS in drinking water and ground water  
2434 sources. I mean, for us not to take action -- and I know  
2435 some of you are saying you want to, but you want to delay  
2436 it -- I just think it is unacceptable to say that we don't  
2437 deal with this now.

2438         The EPA is hard at work trying to address the threat of  
2439 PFAS chemicals under several environmental laws, but the  
2440 agency is playing catch-up after years of inaction under the  
2441 Trump administration. And again, Congress can help by  
2442 providing clear instructions and needed resources, and that  
2443 is what this bill does.

2444         It requires EPA to immediately designate two PFAS

2445 chemicals as hazardous substances under Superfund, the two  
2446 most studied of the PFAS chemicals. EPA has committed to  
2447 make this designation in their action plan last year, but has  
2448 failed to fulfill this promise. The legislation requires  
2449 that over a five-year period, EPA will review all other PFAS  
2450 chemicals and decide whether to list them under Superfund.

2451 During those five years, the bill requires comprehensive  
2452 health testing of all PFAS chemicals, and this is a really  
2453 important point. You may hear my colleagues talk about the  
2454 need to make decisions based on science. This bill generates  
2455 that science. The two chemicals that will be regulated up  
2456 front because we already have the science on them.

2457 And other PFAS that will be regulated, if over the next  
2458 five years the science concludes they are hazardous, then  
2459 they will be listed as well. And the bill does include a  
2460 moratorium on any new PFAS during the same five-year period,  
2461 and that provides the EPA with the time it needs to ensure it  
2462 has enough science to really evaluate the new PFAS.

2463 So it has a drinking water standard that will cover a  
2464 number of chemicals. Importantly, the drinking water  
2465 standards will have to protect public health, including the  
2466 health of vulnerable populations such as pregnant women,  
2467 infants and children. And because treating drinking  
2468 water to remove PFAS is expensive, the bill includes grants  
2469 for water utilities.

2470           There is also a voluntary PFAS-free label for cookware,  
2471 which may be expanded through amendments to include  
2472 additional categories of consumer products. And this allows  
2473 consumers to take steps to protect themselves from exposure  
2474 to PFAS. I always think that the right to know is very  
2475 important, so this incorporates the right to know. And then  
2476 it requires guidance for first responders to help them  
2477 minimize their exposure to PFAS chemicals, and that is  
2478 important because PFAS is commonly found in firefighting  
2479 foams.

2480           This bill is a compromise. It reflects negotiations and  
2481 amendments from both sides of the aisle. One of those  
2482 changes made a narrow liability exemption for airports to use  
2483 PFAS foam. But what I just don't understand is that many on  
2484 the other side are making statements as if we have never  
2485 negotiated this, we have never dealt with this. That is not  
2486 true. We have been negotiating this for a long time.

2487           But we can't just sit back and let all this exposure and  
2488 all these health problems to continue unabated, and I know  
2489 that you don't really want to do that. But that, I think,  
2490 would be the consequences of inaction. So I urge support for  
2491 this bill now. There should not be any delay.

2492           Thank you, Mr. Chairman.

2493           \*Mr. Tonko. The gentleman yields back.

2494           For what purpose does Representative Hudson seek



2495 recognition?

2496           \*Mr. Hudson. I move to strike the last word,  
2497 Mr. Chairman.

2498           \*Mr. Tonko. The gentleman is recognized for five  
2499 minutes, please.

2500           \*Mr. Hudson. Thank you, and I want to begin by thanking  
2501 all my colleagues who have worked tirelessly to address the  
2502 PFAS contamination in water systems across the United States.  
2503 Like many of you here today, my district is no stranger to  
2504 these forever chemicals. For years, my constituents and  
2505 neighboring communities in North Carolina have dealt with  
2506 contamination from the PFAS chemical GenX.

2507           GenX has been discharged for decades into the air as  
2508 well as the waters of the Cape Fear River, a common source of  
2509 drinking water for a large swath of Eastern North Carolina.  
2510 These chemicals are known to cause health complications, and  
2511 people in our community deserve answers.

2512           In 2019 I had the EPA come to Fayetteville for a public  
2513 forum to hear directly from our community. I also invited  
2514 Administrator Regan, who at the time was the secretary of the  
2515 North Carolina Department of Environmental Quality, and I was  
2516 pleased he was able to attend.

2517           Hundreds of people attended, and many shared their  
2518 concerns with potential links between GenX and serious health  
2519 problems. Several of the people who testified that day were

2520 concerned about family members and neighbors who have  
2521 contracted cancer, and were concerned it might be connected  
2522 to GenX. The problem is, we just don't know.

2523 To put it simply, my constituents are scared, and they  
2524 are frustrated because this has been an ongoing issue and  
2525 they don't have enough information. I have demanded the EPA  
2526 provide us with a toxicology report on GenX, and I am still  
2527 waiting. This is about getting answers for our community.  
2528 This is about making sure my constituents are protected and  
2529 the water we are drinking is safe.

2530 When I helped over all the Toxic Substance Control Act,  
2531 I wanted to ensure that we hold companies accountable on  
2532 PFAS. I was disappointed last year when the EPA denied a  
2533 petition under the TSCA to require human health and  
2534 environmental testing on 54 PFAS substances linked to the  
2535 Cape Fear River and other water systems in Fayetteville,  
2536 North Carolina.

2537 Until I know the science behind GenX so I know exactly  
2538 what safe levels and unsafe levels of exposure are, and until  
2539 we can adequately clean up the exposure we have had in North  
2540 Carolina, I am not going to be satisfied. These families and  
2541 families everywhere deserve to know the streams, rivers, and  
2542 lakes where we get our drinking water, take our kids, are  
2543 safe.

2544 I want to echo the sentiment expressed by Ranking Member

2545 McKinley when he asks our Democrat colleagues to work with us  
2546 on solutions based on solid scientific data. If we are  
2547 serious about these proposals becoming law, they need a full  
2548 and fair airing with the complete legislative history and  
2549 record.

2550         And so I am disappointed, Mr. Chairman, as other of my  
2551 colleagues have expressed, that we didn't have a hearing on  
2552 this bill. I hear the chairman of the full committee address  
2553 this issue. We did have hearings two years ago. But with a  
2554 new administration, with new members of this subcommittee,  
2555 and a new EPA administrator who understands this issue very  
2556 well, I believe we would have benefitted had we held a  
2557 legislative hearing to address the many provisions in this  
2558 bill, as well as to hear directly from the administrator what  
2559 his approach will be and to see if it will be different from  
2560 the previous administration.

2561         In fact, I think there might have been changes that we  
2562 would want to make to this legislation to improve it based on  
2563 the information we could gain by having a hearing and by  
2564 hearing directly from the administrator. I know we all want  
2565 to make sure our water is clean and safe. However, we need  
2566 to be cautious of the policy pendulum swinging so far that it  
2567 ends up hurting the communities we are trying to help.

2568         And so, Mr. Chairman, I appreciate the opportunity we  
2569 have had to work together on this. I hope that we can

2570 continue to work together to perfect this process and  
2571 continue to pressure the EPA to deliver the scientific data  
2572 that our communities need so that we can feel safe and secure  
2573 about our drinking water.

2574 So thank you, and with that, I yield back.

2575 \*Mr. Tonko. The gentleman yields back.

2576 And I will recognize myself for five minutes in order to  
2577 strike the last word and respond to Representative McKinley's  
2578 request that action on this bill should be delayed to hold a  
2579 legislative hearing. And I certainly appreciate the  
2580 representative's agreement that PFAS is a problem, especially  
2581 for drinking water.

2582 But I do not believe we should delay action on this bill  
2583 because communities impacted by PFAS contamination have  
2584 already waited far too long for help. I mean, I have  
2585 visited. I have talked with people in Hoosick Falls near my  
2586 district, who have been tremendously impacted by this. The  
2587 community is very much up in arms. High school students  
2588 helped forums calling for help. They do not want to be  
2589 impacted by this contamination.

2590 This bill does not offer a one-size-fits-all solution  
2591 for PFAS. It requires EPA to identify relevant sub-classes  
2592 of PFAS and tailor testing requirements for each sub-class.  
2593 Regulatory decisions for those PFAS will then be based on  
2594 those data. It is exactly expected that the type of science-

2595 based case-by-case approach the ranking member is calling for  
2596 will in fact be the outcome. In fact, the approach was  
2597 drafted with input from our Republican colleagues, so the  
2598 bill is bipartisan.

2599 I would also like to remind my Republican colleagues  
2600 that just last week, they supported committee action on  
2601 cybersecurity bills that had previously passed the House  
2602 without a new legislative hearing. They had been aired  
2603 before a hearing earlier on. I welcomed that support and  
2604 thought it was appropriate because there is no need to spend  
2605 this committee's time holding repetitive legislative hearings  
2606 on bills that have already received extensive processes.

2607 So I see no reason why this bill should be held to a  
2608 different standard than the bipartisan bills we moved last  
2609 week. Again, we have been visited by representatives from  
2610 EPA during this given session of Congress, and these concerns  
2611 could have been stressed and aired at that time also.

2612 So let's move forward. Many, many communities in this  
2613 country, many constituents of ours, are impacted by the  
2614 exposure to PFAS. Let's respond in a sound public health  
2615 way. I know earlier someone mentioned the Department of  
2616 Defense. Well, they are not to be relied upon to determine  
2617 what is best in terms of public health policy. That rests  
2618 with us as a subcommittee and a committee.

2619 With that, I yield back.

2620 I now ask for what purpose does Representative Palmer,  
2621 seek recognition? Representative Palmer, for what purpose do  
2622 you seek recognition?

2623 \*Mr. Palmer. I move to strike the last word.

2624 \*Mr. Tonko. The gentleman is recognized for five  
2625 minutes, please.

2626 \*Mr. Palmer. I understand the importance this  
2627 legislation, but I also understand that we need to get it  
2628 right. Previous to working at a think tank, I worked for two  
2629 international engineering companies, and kind of the joke  
2630 there was, there is never time to do it right but there is  
2631 always time to do it over.

2632 I think we should avoid that with this legislation. And  
2633 I just want to point out that last year that was a study that  
2634 came out of the Swiss Federal Institute of Technology in  
2635 Zurich on this very topic, on the use of PFAS. And this is  
2636 used to coat wind turbine blades. It is used on solar energy  
2637 collectors. It is used in photovoltaic cells. It is used in  
2638 hand sanitizer. It is used in a whole host of women's  
2639 cosmetic products and other personal products that all people  
2640 use.

2641 And I understand my Democrat colleagues' desire to move  
2642 this out. But I do think it is in our best interests to slow  
2643 this down, to have a hearing. I would even support bringing  
2644 in the researchers of the -- remote from the Swiss Institute

2645 of Technology to discuss this. The use of these products is  
2646 so broad. And to my colleagues who have raised concerns  
2647 about the health aspects of this, I think this deserves a  
2648 more in-depth discussion of this committee.

2649 Mr. Chairman, are you listening? You are muted. I know  
2650 you are distracted, and I don't want to repeat what I said.  
2651 But the pervasive use of PFAS in all sorts of products, I  
2652 think, justify us having a hearing on this. I don't see any  
2653 harm in delaying this in order to have this hearing. I don't  
2654 think it will change the outcome of the passage of the  
2655 legislation. But I do think it is in the best interests of  
2656 the people we represent that we have this hearing.

2657 And with that, I will yield back. Thank you for your  
2658 attention.

2659 \*Mr. Tonko. The gentleman yields back.

2660 Are there any other members seeking recognition to speak  
2661 on H.R. 2467?

2662 [No response.]

2663 \*Mr. Tonko. Seeing none, are there any members choosing  
2664 to offer an amendment to 2467?

2665 [No response.]

2666 \*Mr. Tonko. Seeing none, then our move is to forward  
2667 the -- to seek a vote on forwarding H.R. 2467 to the full  
2668 committee.

2669 The question now occurs on favorably forwarding

2670 H.R. 2467 to the full committee. All those in favor of  
2671 forwarding the bill --

2672 \*Mrs. Rodgers. Mr. Chairman?

2673 \*Mr. Tonko. Representative Rodgers?

2674 \*Mrs. Rodgers. I understand Mr. Carter would like to  
2675 speak.

2676 \*Mr. Tonko. I am sorry.

2677 \*Mr. Carter. I am here. Hello?

2678 \*Mr. Tonko. Okay. Representative Carter, for what  
2679 purpose do you seek recognition?

2680 \*Mr. Carter. Mr. Chairman, I ask to be recognized to  
2681 strike the requisite number of words to speak in opposition  
2682 to the bill.

2683 \*Mr. Tonko. The member is recognized for five minutes.

2684 \*Mr. Carter. Thank you, Mr. Chairman. First of all, I  
2685 ask for unanimous consent to insert into the record a letter  
2686 from organizations representing drinking water utilities from  
2687 across the country who would be most affected by these bills.  
2688 In it they detail their strong concerns with the legislation  
2689 we are considering today.

2690 \*Mr. Tonko. Mr. Carter, we will deal with any items  
2691 looking to be included in the record at the end of our  
2692 dealing with the measures before us.

2693 \*Mr. Carter. Okay. First of all, I want to welcome all  
2694 those who are new to this issue, and I know that at least



2695 some of my colleagues are new to it. It has been said before  
2696 but it bears repeating: PFAS is a class of chemicals  
2697 numbering more than 9,252 different chemicals that have been  
2698 acknowledged by EPA.

2699 All PFAS are not alike and, as my colleagues have  
2700 explained, EPA is making gains in knowing more about members  
2701 of this class. However, EPA still has a ways to go.  
2702 Unfortunately, the legislation before us is a de facto ban on  
2703 PFAS.

2704 What it is is a de facto ban because it prevents newer  
2705 PFAS or safer uses from starting in the United States, and it  
2706 makes EPA regulate the manufacturing use and disposal of  
2707 existing PFAS in every conceivable manner. And it makes  
2708 existing PFAS extremely expensive to clean up. This is  
2709 Congress, using the marketplace to punish a class of  
2710 substances based upon the data for a few of these chemicals  
2711 showing concerning signs but not a causal link.

2712 So what are these PFAS that are being banned? Well,  
2713 under the definition in this legislation, they include  
2714 medical devices and drugs that the Federal Food and Drug  
2715 Administration scientists and professionals cleared as safe  
2716 for use in lifesaving items. The next time you are in a  
2717 hospital, look around and think about what it would look like  
2718 if we couldn't use these things, whether in a pandemic or as  
2719 part of normal living.

2720 Surgical gowns and drapes use PFAS for their  
2721 contamination-resistant properties. Implantable medical  
2722 devices like vascular grafts, which can replace damaged  
2723 vessels. Stent grafts used to repair cardiac issues such as  
2724 aortic aneurysms or holes in the cardiac septum. Heart  
2725 patches that are used for cardiac reconstruction when it is  
2726 critical to minimize issues associated with tissue  
2727 attachment. Guide wire for laparoscopy and inhaler canister  
2728 coatings. In fact, there is a good chance that the mask many  
2729 of us wore over the last year and a half to protect ourselves  
2730 and others from COVID-19 contained PFAS. Are my colleagues  
2731 across the aisle now proposing we end the use of masks  
2732 because many of them contain this chemical?

2733 The important use of PFAS doesn't stop with medicine and  
2734 health. Kevlar, the material that has helped protect and  
2735 save countless members of our military and law enforcement  
2736 agencies, also contains PFAS.

2737 My friends across the aisle have placed an emphasis on  
2738 pursuing green and carbon-free energy sources. However,  
2739 according to the American Chemistry Council, PFAS are  
2740 important parts of lithium batteries, fuel cells, and solar  
2741 panels, all of which are key to achieving their emission  
2742 reduction goals.

2743 Further, most green technology depends on  
2744 semiconductors, which also use PFAS. The President has

2745 pushed widespread adoption of electric vehicles, which use  
2746 more semiconductors than traditional cars. We already face a  
2747 global shortage of semiconductors because of COVID shutdowns  
2748 that have affected the production of everything from personal  
2749 electronic devices to cars. Imagine how this legislation  
2750 could make that issue much worse and last farther into the  
2751 future than we thought.

2752 I could continue on for much longer on the many  
2753 important uses of PFAS that are in our modern society, but I  
2754 believe I have made my point. I hope I can continue to work  
2755 with my friends on both sides of the aisle in keeping people  
2756 safe, but I don't want to see these potential impacts arise  
2757 that would negatively affect Americans. We must keep all of  
2758 this in mind as we advance legislation that addresses PFAS.

2759 Thank you, Mr. Chair, and I yield back.

2760 \*Mr. Tonko. The representative yields back.

2761 Are there any members seeking recognition to speak on  
2762 H.R. 2467?

2763 [No response.]

2764 \*Mr. Tonko. Seeing none, are there any members choosing  
2765 to amend H.R. 2467?

2766 [No response.]

2767 \*Mr. Tonko. Seeing none, the question now occurs on  
2768 favorably forwarding H.R. 2467 to the full committee.

2769 All those in favor of forwarding H.R. 2467 to the full

2770 committee will signify by saying aye.

2771 All those opposed will signify by saying no.

2772 In the opinion of the chair, the ayes have it, and --

2773 \*Mrs. Dingell. Mr. Chairman, can I ask for a recorded  
2774 vote?

2775 \*Mr. Tonko. Representative Dingell is asking for a  
2776 recorded vote. So we will call upon the clerk to call the  
2777 roll.

2778 Before we start, the vote is in regard to forwarding  
2779 H.R. 2467 to the full committee. All those in favor will say  
2780 aye. All those opposed shall say no. And Clerk, if you  
2781 will, please, call the roll.

2782 \*The Clerk. Ms. DeGette.

2783 \*Ms. DeGette. First of all, can we ask the members to  
2784 please mute their microphones since we are voting, unless  
2785 they are voting? And DeGette votes aye.

2786 \*The Clerk. Ms. DeGette votes aye.

2787 Ms. Schakowsky.

2788 \*Ms. Schakowsky. Schakowsky votes aye.

2789 \*The Clerk. Ms. Schakowsky votes aye.

2790 Mr. Sarbanes.

2791 \*Mr. Sarbanes. Sarbanes votes aye.

2792 \*The Clerk. Mr. Sarbanes votes aye.

2793 Ms. Clarke.

2794 \*Ms. Clarke. Ms. Clarke of the Empire State votes aye.

2795           \*The Clerk. Ms. Clarke votes aye.  
2796           Mr. Ruiz.  
2797           \*Mr. Ruiz. Ruiz from the Golden State, California votes  
2798 aye.  
2799           \*The Clerk. Mr. Ruiz votes aye.  
2800           Mr. Peters.  
2801           \*Mr. Peters. Peters votes aye.  
2802           \*The Clerk. Mr. Peters votes aye.  
2803           Mrs. Dingell.  
2804           \*Mrs. Dingell. Mrs. Dingell from the Great Lakes State  
2805 votes aye.  
2806           \*The Clerk. Mrs. Dingell votes aye.  
2807           Ms. Barragan.  
2808           \*Ms. Barragan. Barragan votes aye.  
2809           \*The Clerk. Ms. Barragan votes aye.  
2810           Mr. McEachin.  
2811           \*Mr. McEachin. Mr. McEachin of the Old Dominion votes  
2812 aye.  
2813           \*The Clerk. Mr. McEachin votes aye.  
2814           Ms. Blunt Rochester.  
2815           \*Ms. Blunt Rochester. Ms. Blunt Rochester of Delaware  
2816 votes aye.  
2817           \*The Clerk. Ms. Blunt Rochester votes aye.  
2818           Mr. Soto.  
2819           [No response.]

2820 \*The Clerk. Mr. O'Halleran.  
2821 \*Mr. O'Halleran. O'Halleran votes aye.  
2822 \*The Clerk. Mr. O'Halleran votes aye.  
2823 Mr. Pallone.  
2824 \*The Chairman. Pallone of New Jersey votes aye.  
2825 \*The Clerk. Mr. Pallone votes aye.  
2826 Mr. McKinley.  
2827 \*Mr. McKinley. Mr. McKinley votes aye, with the hope of  
2828 a hearing before the full committee.  
2829 \*The Clerk. Mr. McKinley votes aye.  
2830 Mr. Johnson.  
2831 \*Mr. Johnson. Mr. Johnson votes no.  
2832 \*The Clerk. Mr. Johnson votes no.  
2833 Mr. Mullin.  
2834 \*Mr. Mullin. Mullin votes no.  
2835 \*The Clerk. Mr. Mullin votes no.  
2836 Mr. Hudson.  
2837 \*Mr. Hudson. Hudson votes aye.  
2838 \*The Clerk. Mr. Hudson votes aye.  
2839 Mr. Carter.  
2840 \*Mr. Carter. Mr. Carter votes no.  
2841 \*The Clerk. Mr. Carter votes no.  
2842 Mr. Duncan.  
2843 \*Mr. Duncan. Mr. Duncan of South Carolina votes no.  
2844 \*The Clerk. Mr. Duncan votes no.

2845 Mr. Palmer.

2846 \*Mr. Palmer. Palmer votes no.

2847 \*The Clerk. Mr. Palmer votes no.

2848 Mr. Curtis.

2849 \*Mr. Curtis. Curtis votes no.

2850 \*The Clerk. Mr. Curtis votes no.

2851 Mr. Crenshaw.

2852 [No response.]

2853 \*The Clerk. Mrs. Rodgers.

2854 \*Mrs. Rodgers. Mrs. Rodgers votes no.

2855 \*The Clerk. Mrs. Rodgers votes no.

2856 Chairman Tonko.

2857 \*Mr. Tonko. Mr. Tonko of New York votes aye.

2858 \*The Clerk. Chairman Tonko votes aye.

2859 \*Mr. Tonko. Madam Clerk, who has not been recorded?

2860 \*Mr. Soto. Madam Clerk, how am I recorded? Rep. Soto.

2861 \*The Clerk. Mr. Soto is not recorded.

2862 \*Mr. Soto. Soto votes aye.

2863 \*The Clerk. Mr. Soto votes aye.

2864 \*Mr. Tonko. Madam Clerk, who else is not recorded?

2865 \*The Clerk. Mr. Crenshaw is not recorded.

2866 \*Mr. Tonko. Mr. Crenshaw?

2867 [No response.]

2868 \*Mr. Tonko. Do any members still need to record their

2869 vote?

2870 [No response.]

2871 \*Mr. Tonko. Does any member wish to change her or his  
2872 vote?

2873 [No response.]

2874 \*Mr. Tonko. If not, Madam Clerk, please report the  
2875 tally.

2876 \*The Clerk. On that vote, Mr. Chairman, the yeas were  
2877 16 and the nays were 7.

2878 \*Mr. Tonko. The vote is 16 ayes, 7 noes. The measure,  
2879 2467, is forwarded to the full committee.

2880 With that, without objection, the staff is authorized  
2881 to make technical and conforming changes to the bills,  
2882 consistent with the actions taken by the subcommittee today.  
2883 I recognize unanimous consent to enter the following  
2884 documents into the record:

2885 A letter from the Association of Metropolitan Water  
2886 Agencies and the National Association of Clean Water Agencies  
2887 in support of H.R. 3293, Water Customer Assistance Programs  
2888 Act of 2021.

2889 A letter from the Metropolitan Water District of  
2890 Southern California in support of H.R. 3293.

2891 A letter from the American Chemistry Council, a letter  
2892 from the American Water Works Association, the Association of  
2893 Metropolitan Water Agencies, the National Association of  
2894 Water Companies, and the National Rural Water Association.



2895           Without objection -- anyone object? Without objection,  
2896 so ordered.

2897           [The documents listed by Chairman Tonko follow:]

2898

2899 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

2900

2901           \*Mr. Tonko. And that, I believe, concludes the business  
2902 of the day, and the subcommittee now stands adjourned.

2903           [Whereupon, at 1:12 p.m., the subcommittee was  
2904 adjourned.]