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U.S. Senate

Date: Wednesday, January 12, 2022

Committee on Environment
and Public Works

Washington, D.C.

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BUSINESS MEETING

Wednesday, January 12, 2022

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee, met, pursuant to notice, at 2:49 p.m., in room 106, Dirksen Senate Office Building, the Honorable Thomas R. Carper [chairman of the committee] presiding.

Present: Senators Carper, Capito, Cardin, Sanders, Whitehouse, Merkley, Markey, Duckworth, Stabenow, Kelly, Padilla, Inhofe, and Boozman.

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

Senator Carper. Good afternoon, everyone. I am pleased to call this business meeting to order.

I am pleased to welcome everyone back as we get started with another busy year, hopefully a productive year on our committee with plenty of important work behind us. I am proud of what we have accomplished and plenty of work ahead of us.

This afternoon, we begin by voting on a couple of nominations. After discussions with our friends on the Republican side, I will not be calling up one of the nominations that have been noticed. That is the nomination of David Uhlmann today.

This morning, one of my colleagues informed me that she is still waiting on an outstanding information request that had been made of EPA, information that she needs in order to consider whether she can support the nomination. The requested information has nothing to do with the qualifications or the conduct of the nominee. Nor is it related to the position the nominee would serve in once confirmed. There is no correlation there.

But I promised that my staff and I would work with the EPA to try to ensure, the best we can, that this information is

provided promptly, so that Mr. Uhlmann's nomination can be considered in an upcoming business meeting as soon as possible.

As I think you know, Senator Capito and I always try to work with our committee colleagues to address needs for information and I have committed to doing so in this case as well. However, the EPA and other agencies we oversee need qualified nominees, as you know, to fill the key positions. We have a responsibility as well to ensure that those positions are filled.

We will now consider the nomination of Christopher Frey. I asked Christopher, how do we remember to call you "Frey" and not "Fry." He said, the band, there is a band called The Frey. If you just call me after the band, we will keep it straight.

Christopher Frey has been nominated to be the Assistant Administrator for Research and Development of the Environmental Protection Agency, and Martha Williams to be Director of the U.S. Fish and Wildlife Service.t

Since the adjournment of the first session of the 117th Congress, President Biden has re-nominated these two individuals to the same positions they were nominated for in the previous session. Just last month, this committee favorably reported the nomination of Mr. Frey, and I am hopeful we will do so again this afternoon.

We will also be voting on Ms. Williams' nomination. This is

the first time I believe we will be considering her nomination. So I would like to say a few brief words about her if I could.

As we heard during her nomination hearing in November, Ms. Williams has a proven track record of bringing people together to solve complicated conservation challenges. That is why her nomination enjoys broad stakeholder support including from environmental organizations, and sportsmen and women alike, including I think both Senators from Montana.

She is ready to roll up her sleeves and get the job done, should she be confirmed. I plan to vote yes on her nomination. I would urge our colleagues to do the same.

In addition to voting on these two nominations, we will also consider 18 GSA resolutions. When we have completed our votes, we will immediately move on to today's hearing on the Water Resources Development Act. I am looking forward to that. I want to thank everyone for your input to help us get to this day.

With that, let me turn to turn to Senator Capito for any comments she would like to make. After that, we will recognize other members in order of seniority until we have a quorum and then we will be voting.

Senator Capito?

[The prepared statement of Senator Carper follows:]

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

Senator Capito. Thank you, Mr. Chairman. Good afternoon and thank you for calling the business meeting today. Welcome to the committee for our first meeting of the year.

It is an understatement to say we accomplished a lot in our last year together. I look forward to many more ways that we can work together in 2022.

Today, we are gathered to consider a number of GSA resolutions, as you mentioned, and a nominee I am pleased to support, Martha Williams, to serve as Director of the U.S. Fish and Wildlife. In my discussions with her, Ms. Williams would agree to preserve opportunities for hunting, fishing and other outdoor pursuits important to many West Virginians and across this Country.

She has very much shown a willingness to work with Congress. She has provided detailed responses in my letter asking how the Fish and Wildlife Service would use its American Rescue Plan funds and also provided substantive, thoughtful responses to the questions I submitted for the record following her hearing. I thank her for that. Equally important, her staff has been responsive to mine when my staff has had policy questions or requests for additional information.

Ms. Williams and I will not agree on everything, but she has shown she takes her responsibility to be accountable to Congress very seriously and I commend her for that.

Those same principles of transparency and accountability guide my decision to vote no on the nominee for U.S. Environmental Protection Agency, as we are considering him today, Dr. Chris Frey, as I did the last time his nomination came up.

My basis for opposition remains unchanged. It is not really what Chris Frey, how he testified or what direction I think he might go. It is really the fact that the EPA simply will not be transparent about its plans to pursue policies that could raise already surging energy prices for workers in West Virginia and across the Country and make America, I believe, less competitive.

Almost a year ago when the committee considered EPA Administrator Michael Regan's nomination, I feared that he would be walking into an Administration where he wouldn't be able to call the shots, where unaccountable climate czars, including Gina McCarthy, would set the agenda. Unfortunately, that prediction has played out exactly as I had thought.

Just last week, McCarthy stated to the New York Times about how she had spent the last year "overseeing a whole-of-government effort to put our country on a path to tackle the climate crisis."

President Biden has not even bothered to nominate someone to lead EPA's Office of Air and Radiation. That is the EPA office that is in charge of climate issues. No incoming Administration has waited this long to send up a nominee for this critical position. The previous record was 260 days set by former President Clinton. Instead, Ms. McCarthy is directing climate policy shielded from the public eye with no accountability to Congress or really to the American people.

Last April, Administrator Regan appeared before this very committee and promised to provide me and our committee with the EPA analysis developed to support the U.S. nationally determined contribution, the NDC. In that new NDC, the agreement that was under the Paris agreement, President Biden pledged to reduce U.S. greenhouse gas emissions 50 to 52 percent from 2005 levels to 2030. Now, nine months later, Administrator Regan still has not provided us with the analysis.

Senator Inhofe also requested information shortly after that hearing. In August, EPA staff responded to him in a letter on behalf of the White House admitting an analysis existed but claiming that Gina McCarthy and her office ultimately call the shots on the NDC.

So in September, Senator Inhofe and I, along with House Energy and Commerce chairs Cathy McMorris Rodgers and David

McKinley of West Virginia asked the White House for more information. No response. Now it is 2022 and we still have no information about how the NDC, which is supposed to guide all of the Administration's climate policies, how it was calculated. This stonewalling by EPA and the White House is just unacceptable.

We know the analysis has been done, so why hasn't it been shared with us? Well, here are two possibilities. Either it shows they cannot meet their goals at all, or it shows that meeting the NDC would be politically and economically devastating through aggressive, top-down regulations across all aspects of American lives.

While EPA and the White House have kept any information about development of the target in the shadows, outside groups have tried to crunch the numbers. In December, the New York Times reported that current policies would only get our Country halfway there. Analysis shows that even the now stalled tax and spending spree known as Build Back Better may not fully close the gap despite its proponents' promises.

We know the bill would further raise prices, kill jobs in States across the Country, and lead to more wasted taxpayer dollars without meeting pie-in-the-sky climate goals. Even so, hiding the analysis in the shadows is not fair. The American

people deserve to know the supposed benefits, and especially the outside costs of what the Administration has committed to internationally, what that will mean to their lives, and how the Administration plans to fundamentally alter our economy to achieve those goals.

With that in mind, unless my outstanding oversight requests are fully responded to, I cannot support advancing this EPA nomination.

Thank you.

[The prepared statement of Senator Capito follows:]

Senator Carper. As tempted as I am respond, I am not going to do that at this point in time.

I think Senator Sanders has joined us now. I believe, Mary Francis, that is 13. So that puts us in position. I just want to say thank you so much for coming. Thank you for being punctual.

I would like to call up Presidential Nomination 1557, that of Martha Williams of Montana to be Director of the United States Fish and Wildlife Service. I move to approve and report the nomination favorably to the Senate. Is there a second?

Senator Cardin. Second.

Senator Carper. It has been moved and seconded. The Clerk will please call the roll.

The Clerk. Mr. Boozman?

Senator Boozman. No.

The Clerk. Mrs. Capito?

Senator Capito. Aye.

The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Cramer?

Senator Capito. No.

The Clerk. Ms. Duckworth?

Senator Duckworth. Aye.

The Clerk. Ms. Ernst?

Senator Capito. Yes, by proxy.

The Clerk. Mr. Graham?

Senator Capito. Yes, by proxy.

The Clerk. Mr. Inhofe?

Senator Inhofe. Aye.

The Clerk. Mr. Kelly?

Senator Kelly. Aye.

The Clerk. Ms. Lummis?

Senator Capito. No, by proxy.

The Clerk. Mr. Markey?

Senator Markey. Aye.

The Clerk. Mr. Merkley?

Senator Merkley. Aye.

The Clerk. Mr. Padilla?

Senator Padilla. Aye.

The Clerk. Mr. Sanders?

Senator Sanders. Aye.

The Clerk. Mr. Shelby?

Senator Capito. Aye, by proxy.

The Clerk. Ms. Stabenow?

Senator Stabenow. Aye.

The Clerk. Mr. Sullivan?

Senator Capito. No, by proxy.

The Clerk. Mr. Whitehouse?

Senator Whitehouse. Aye.

The Clerk. Mr. Wicker?

Senator Capito. Aye, by proxy.

The Clerk. Mr. Chairman?

Senator Carper. Aye.

The Clerk. Mr. Chairman, the yeas are 16, the nays are 4.

Senator Carper. Thank you very much.

Next let me call up the Presidential Nomination 1562, that of Henry Christopher Frey of North Carolina to be Assistant Administrator of Research and Development of the Environmental Protection Agency. I move to approve and report the nomination favorably to the Senate. Is there a second?

Senator Cardin. Second.

Senator Carper. It has been moved and seconded. The Clerk will call the roll, please.

The Clerk. Mr. Boozman?

Senator Boozman. No.

The Clerk. Mrs. Capito?

Senator Capito. No.

The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Cramer?

Senator Cramer. Aye.

The Clerk. Ms. Duckworth?

Senator Duckworth. Aye.

The Clerk. Ms. Ernst?

Senator Capito. No, by proxy.

The Clerk. Mr. Graham?

Senator Capito. No, by proxy.

The Clerk. Mr. Inhofe?

Senator Inhofe. No.

The Clerk. Mr. Kelly?

Senator Kelly. Aye.

The Clerk. Ms. Lummis?

Senator Capito. No, by proxy.

The Clerk. Mr. Markey?

Senator Markey. Aye.

The Clerk. Mr. Merkley?

Senator Merkley. Aye.

The Clerk. Mr. Padilla?

Senator Padilla. Aye.

The Clerk. Mr. Sanders?

Senator Sanders. Aye.

The Clerk. Mr. Shelby?

Senator Capito. No, by proxy.

The Clerk. Ms. Stabenow?

Senator Stabenow. Aye.

The Clerk. Mr. Sullivan?

Senator Capito. No, by proxy.

The Clerk. Mr. Whitehouse?

Senator Whitehouse. Aye.

The Clerk. Mr. Wicker?

Senator Capito. No, by proxy.

The Clerk. Mr. Chairman?

Senator Carper. Aye.

The Clerk. Mr. Chairman, the yeas are 11, the nays are 9.

Senator Carper. Very good. Thank you, colleagues.

Lastly, I want to call up 18 GSA Resolutions to consider en bloc by voice vote. For the record, the Chair observes that a quorum is present in the room. Given the presence of a quorum, I move to approve and report these matters favorably to the Senate. Is there a second?

Senator Inhofe. Second.

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

[Chorus of ayes.]

Senator Carper. All opposed say nay.

[No audible response.]

Senator Carper. In the opinion of the Chair, the ayes have it. The measures are approved and favorably reported.

The business meeting portion of today's committee meeting is concluded. I want to thank everyone for attending and being so prompt. Let us now turn to today's hearing.

Thank you all.

[Whereupon, at 3:02 p.m., the committee proceeded to other business.]