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U.S. Senate

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Committee on Environment
and Public Works

Washington, D.C.

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BUSINESS MEETING

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Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 9:47 a.m. in room 406, Dirksen Senate Office Building, the Honorable Thomas R. Carper [chairman of the committee] presiding.

Present: Senators Carper, Capito, Cardin, Merkley, Markey, Stabenow, Kelly, Padilla, Lummis, Boozman, Ricketts.

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

Senator Carper. Good morning, everybody. I am pleased to call this business meeting to order, and thank everybody for joining us.

Today we are going to be voting on several different matters. One of those is S. 2195, the Diesel Emissions Reduction Act, or DERA reauthorization thereof that Senator Capito and I are leading again.

The next item is S. 2395, which is the Wildlife Innovation Longevity Driver Reauthorization Act, affectionately known by former Chairman John Barrasso, who always used to call this piece of legislation WILD thing.

[Laughter.]

Senator Carper. So in his honor, WILD thing here this morning. The third vote will be on S. 1381, the Coastal Habitat Conservation Act of 2023. We will do individual voice votes on those.

Then we have a bill to designate, S. 1278, a bill to designate the Federal building located at 985 Michigan Avenue in Detroit, Michigan, as the Rosa Parks Federal Building. We will do also combining with that bill 16 resolutions to approve General Services Administration prospectuses. Those GSA prospectuses and the Rosa Parks naming bill will be done

together, jointly, by unanimous consent.

Before we vote, I want to take a moment or two if I can to highlight a couple of the bills. One is the Diesel Emission Reduction Act, and the second is the WILD Act. Since its implementation in 2005, the Diesel Emission Reduction Act has been one of our Nation's most cost-effective tools for reducing harmful diesel emissions by incentivizing people to replace or retrofit their older diesel engines with American-made, clean vehicle technology. DERA creates good-paying domestic manufacturing jobs, while protecting public health and our environment at the same time.

Bipartisan legislation before us today would reauthorize the DERA program for another five years, ensuring that it continues to provide economic, health and environmental benefits. I would like to thank our Ranking Member, Senator Capito, very much for your support and leadership in working toward reauthorizing what I think most of us and maybe all of us believe is a commonsense clean air program.

This morning we will also vote on legislation to reauthorize the WILD Act, as I mentioned earlier. The WILD Act enables the U.S. Fish and Wildlife Service to promote voluntary conservation here at home while also ensuring that the United States remains a global leader in protecting some of our world's most beloved species. The WILD Act would reauthorize the

Partners for Fish and Wildlife Program, which helps landowners restore habitat in all 50 States and the territories. This legislation would also reauthorize the Multinational Species Conservation Fund, helping to ensure that elephants, rhinos, great apes, tigers, and turtles continue to thrive in the wild for generations to come.

Again, I want to thank our Ranking Member, Senator Capito, for joining me in this bipartisan conservation effort.

In addition to these bills I just discussed, I am pleased to support Senator Cardin's and Senator Graham's Coastal Habitat Conservation Act of 2023. This legislation to rename the Federal Building in Detroit after civil rights leader Rosa Parks as well as GSA Resolutions before us. I will vote yes on each of these matters, and I would urge my colleagues to join us in doing the same.

With that in mind, let me recognize Senator Capito, Ranking Member, for any remarks that she would like to make. Welcome. Thank you, Senator Capito.

[The prepared statement of Senator Carper follows:]

Senator Capito. Thank you, Mr. Chairman. I think we have critical mass here to proceed with the markup, so I will hold my statement until after we do the votes, if that suits you.

Senator Carper. All right, thank you ma'am.

I think we have a quorum, and I understand Senator Cardin would also like to make a couple of brief remarks on his bill that we are considering here today. Senator Cardin?

Senator Cardin. It is good legislation.

[Laughter.]

Senator Carper. Could you be more brief?

Senator Cardin. I would ask consent if I could be made a cosponsor of the DERA bill.

Senator Carper. All right. I understand we have a voting quorum present. So let's get started. First, I want to call up S. 2195, the Diesel Emissions Reduction Act of 2023. Does any Senator wish to offer an amendment to this legislation? Senator Cardin would like to be listed as a cosponsor. Anyone else who would like to be listed as a cosponsor, just let us know at the end of this markup. We would be happy to do that.

I think Senator Markey is expected to offer to withdraw amendments. Do you want to do that now or later?

Senator Markey. If I can be recognized for one minute, then I will withdraw.

I thank you, Mr. Chairman. I am speaking on Markey

Amendment No. 1, and I am grateful for the partnership that comes together to create programs like the Diesel Emissions Reduction Act. This is a win for air quality across America.

However, I am also concerned that we are missing a critical opportunity to support family-sustaining, good-paying union jobs right here in America. Clean technologies and clean air can and must go hand in hand with strong labor protections and good union jobs. With Federal investments at the scale of \$100 million, we have a duty to ensure that this public money is spent in a way that supports workers without undercutting our economy that will keep our air clean and get us where we need to go, not just now but for the future.

In the decade between 2008 and 2018, DERA replaced enough old, dirty engines to prevent half a million tons of NOx emissions, 17,000 tons of soot emissions, 5.3 million tons of CO2 emissions. The workers building these technologies are actually saving lives and they deserve strong labor protections for their work.

I am submitting this amendment as an urgent call to ensure our investments in zero emissions technology benefit American union workers. While I am not calling for a vote on this amendment at this time, I intend to work with the committee to build support for strong implementation standards for the Diesel Emissions Reduction Act.

With that, Mr. Chairman, I thank you and I ask unanimous consent to withdraw the amendment.

Senator Carper. Without objection. Thank you very, very much.

I now move that the committee report S. 2195, the Diesel Emissions Reduction Act of 2023 favorably. Is there a second?

Senator Capito. Second.

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

[Chorus of ayes.]

Senator Carper. All those opposed, say nay.

[No audible response.]

Senator Carper. In the opinion of the Chair, the ayes have it. The legislation is favorably reported. I note for the record that a quorum of the committee is present.

Now we are going to consider S. 2395, the WILD Reauthorization Act. No Senators have filed, as far as I can tell, no Senators have filed amendments, I think that is correct, to this legislation, so we will just report it by voice. I move that the committee favorably report S. 2395, the WILD Reauthorization Act. Is there a second?

Senator Capito. Second.

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

[Chorus of ayes.]

Senator Carper. Opposed, say nay.

[No audible response.]

Senator Carper. In the opinion of the Chair, the ayes have it, the legislation is favorably reported. I note for the record that a quorum of the committee is present.

Next, I want to call up S. 1381, the Coastal Habitat Conservation Act of 2023. No Senators have filed amendments to this legislation. We will just report it by voice. I move that the committee favorably report S. 1381, the Coastal Habitat Conservation Act of 2023. Is there a second?

Senator Capito. 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 legislation is favorably reported. I note for the record that a quorum of the committee is present.

Finally, I want to call up S. 1278, a bill to designate the Federal building located at 985 Michigan Avenue in Detroit, Michigan as the Rosa Parks Federal Building, and for other purposes, along with 16 Resolutions relating to the General

Services Administration. So this would be the naming of the Federal building after Rosa Parks, and also the passage of 16 Resolutions relating to GSA.

I know we have a Senator from Michigan who was instrumental in this, so we thank you for that.

As committee members know, we routinely approve GSA prospectuses by committee resolution. The resolutions we consider are for GSA leases throughout our Country. Members have had the opportunity to review these documents. I believe both the resolutions and the Federal building naming bill are noncontroversial.

Therefore, without objection, we will consider S. 1278 and the 16 GSA resolutions en bloc and by voice vote. I move to report these items favorably. Is there a second?

Senator Capito. Second.

Senator Carper. 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 legislation and the resolutions are favorably reported. I note for the record that a quorum of this committee is present.

That concludes the committee's votes as part of today's

business meeting. I thank everyone for their participation.
Thank you especially to our Ranking Member.

I now will recognize any member who would like to speak on
any matters.

Senator Cardin. I ask unanimous consent to put a statement
into the record.

Senator Carper. Please, go right ahead. Without
objection.

[The referenced information follows:]

Senator Carper. Senator Capito?

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

Senator Capito. Mr. Chairman, I am going to briefly talk about the bills that we just passed. I am very happy that DERA has been moved and unanimously approved. Obviously, it helps us replace old equipment with modern, low-emission technologies. You were the original cosponsor of this bill in 2005, and I am glad we can continue this good work.

The WILD bill, or the WILD thing bill, I am proud to cosponsor with you also, Chairman Carper, and also the 1381, the Coastal Habitat Conservation Act, which I thought we passed last year, but I guess we got it kind of close. Hopefully we will have better luck in the full Senate.

Anyway, the WILD Act extends a number of important programs to promote conservation and the coastal habitat obviously codifies the existing Fish and Wildlife Coastal program. It is important that programs that are already receiving appropriations, like the coastal program, are properly authorized by this committee. This bill of Senator Cardin and Senator Graham does just that.

We did just consider the Rosa Parks renaming, which I am very much in support of. I would like to speak a little bit about the 16 GSA Resolutions to address the needs for the Department of Veterans Affairs, the EPA, and NOAA. I allowed

these resolutions to be considered, but I want to make it abundantly clear that the status quo of Federal property management by GSA is very unacceptable.

Recently, the GAO reviewed the utilization of 24 Federal headquarters buildings in the D.C. area. Of the 24 reviewed, 17 used an average of 25 percent or less of their building's capacity. That sounds like a colossal waste of money to me. These buildings cost billions of taxpayer dollars to operate and maintain, regardless of their usage.

So I look forward to working with GSA to closely examine the needs of our Federal agencies and provide them with adequate space while removing any excess or waste in our Federal buildings portfolio.

As I have said many times, Mr. Chairman, this committee has a long track record of bipartisan legislation and success with the American people. I want to thank you for your partnership and collaboration.

[The prepared statement of Senator Capito follows:]

Senator Carper. Would you just repeat what you said about vacancy?

Senator Capito. Yes. The GAO study showed that they reviewed 24 Federal headquarter buildings I believe in the D.C. area. Of the 24 reviewed, 17 of those agencies used an estimated average of 25 or less usage of their building's capacity. That is not the number of people in, that is how much of the actual building they are using. I think we need to take a good, hard look at this, maybe into the fall.

Senator Carper. As a senior member of the Homeland Security Governmental Affairs Committee, we work very closely with GAO, Gene Dodaro, the Comptroller General. This is something that I will be interested in talking with him about, and his team, and invite you to join us.

Senator Capito. Thank you.

Senator Carper. You bet.

I understand that Senator Markey has something to add.

STATEMENT OF THE HONORABLE EDWARD J. MARKEY, A UNITED STATES
SENATOR FROM THE STATE OF MASSACHUSETTS

Senator Markey. Thank you, Mr. Chairman.

I would say, Mr. Chairman, over the next year I would really appreciate it, I think all the committee members would, as well, just to let us know which building in Lincoln, Delaware you want named as the Carper Building.

[Laughter.]

Senator Markey. I think I can get you the votes for that. But you have to pick the exact piece of real estate.

Senator Carper. When I was elected to statewide office 14 times. I am told that is more than anybody in Delaware history. The only thing named after me in Delaware is a combined water-sewer overflow under the City of Wilmington. So we are going to see if we can do better.

[Laughter.]

Senator Carper. My wife wants to name Dover Air Force Base after me, but I am a Navy guy, so that probably doesn't work, either.

[Laughter.]

Senator Carper. Thank you for the thought.

Senator Markey. Let's figure out what that is going to look like before the end of next year.

I wish to be recognized today on the General Services

Administration Resolutions. While I voted to approve these time-sensitive prospectuses, I am deeply alarmed that the GSA is failing to address urgent safety issues and ongoing infrastructure deficiencies at the John F. Kennedy Federal Building in Boston. I have two dozen staff and interns in my office on the ninth floor on the second tower of the building. I know my partner, Senator Warren, has about the same number in the other tower in the structure.

The JFK Building also houses offices in the U.S. Citizenship and Immigration Services, the Department of Veterans Affairs, the Department of Labor, the Social Security Administration, and the Department of Health and Human Services, not to mention the GSA staff themselves.

More than 2,000 staff work in the JFK Building in Boston every single day. Thousands of others come to the building for citizenship ceremonies, for visa appointments, for taxpayer assistance, veterans benefits, passport assistance. There are people accessing basic services, participating in our democracy and working to have their voices heard.

Here is what those people have experienced recently. This month, two people were stuck in an elevator for over an hour, requiring the labor of Boston Fire Department to rescue them from being trapped in a blind elevator shaft. That follows multiple occasions where my staff, my constituents and other

visitors have been trapped and even dropped in elevators. This has happened to my own staff in the JFK Building. When the elevators aren't delivering occupants to the wrong floor, the elevators will open their doors but won't move if you hit a button for another floor.

The overhead lights in my office automatically turn off at 5:55 p.m. on weekdays and remain off over the entire weekend, with no way for staff to override or keep lights on in their office if they are staying late. That is the same for the air conditioning and the heating in the building, which also cannot be controlled.

On April 13th and April 14th, it was 90 degrees in Boston. The heat was on full blast in the entire JFK Building, with no ability to adjust the temperature.

Respectfully, let's not ask what the JFK Building can do for us, but what we can do for the JFK Building.

[Laughter.]

Senator Markey. That would be my hope, that we can work that through in our committee. No one's first experience of American citizenship should come with terrifying experiences on an elevator. No one who has served their country and then comes in for their health benefits should have to contend with asbestos in the walls. No one who is working day in and day out in support of the American people should have to work in the

dark and without climate control because their office is falling apart.

I will be following up with the GSA with a detailed list of questions regarding the status of the improvement, repairs, and upgrades to the JFK Building. Until I receive satisfactory answers to these questions, I will have concerns and hesitations about moving other Resolutions for the GSA.

I thank the Chairman for his and his staff's willingness, and the minority staff's willingness to engage with me on this important issue. I look forward to resolving these concerns.

[The prepared statement of Senator Markey follows:]

Senator Carper. Thank you. I thank you so much for that always interesting commentary. I don't know who writes your material, Eddie, but it is really good.

[Laughter.]

Senator Carper. All right, we are still on our business meeting. I think before we close out of it, I want to again thank our members who have joined us today for voting on these important bills. I want to thank our staffs, who have really done a lot of work to make this a smooth and easy business meeting to go through.

For some final housekeeping, I want to ask unanimous consent to submit for the record letters of support for the legislation our committee approved today.

[The referenced information follows:]

Senator Carper. I also ask unanimous consent that our staff have the authority to make technical and conforming changes to the GSA Resolutions approved today. Is there any objection?

Hearing none, I want to thank everyone for your participation. With that, the business meeting portion of our day is adjourned.

[Whereupon, at 10:06 a.m., the committee proceeded to other business.]