



BUSINESS MEETING

Tuesday, November 29, 2022

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee, met, pursuant to notice, at 10:01 a.m. in room 406, 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, Lummis, Boozman, Ernst.

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

Senator Carper. Good morning. I am pleased to call this business meeting to order.

Madam Colleague, wing-woman extraordinaire, this lady had a birthday this past week, and you can't tell. She looks just as good as ever. We hope you had a great birthday and a wonderful Thanksgiving.

I hope everybody had a great Thanksgiving. Sheldon, how are you? Nice to see you, buddy. I hope everyone had a wonderful Thanksgiving. Bernie, good morning.

This morning, we are voting on several nominees for leadership positions at the Tennessee Valley Authority, the Environmental Protection Agency, the Federal Highway Administration, and the Southwest Border Regional Commission, as well as 18 General Service Administration resolutions.

Before we vote, let me say a couple of words about some of the nominees that we are considering today.

First, we will vote on Beth Prichard Geer, one of President Biden's nominees to serve on the Tennessee Valley Authority Board of Directors. As a native Tennessean, Ms. Geer has seen firsthand how economic development driven by TVA has lifted rural communities in her home State. Her years of public service, along with her experience working closely with

developers of renewable energy, will be great assets to TVA's Board of Directors.

Next, we are going to vote on Joe Goffman, the President's nominee to be the Assistant Administrator for the Office of Air and Radiation at EPA. Throughout his time working on this committee and in EPA, Mr. Goffman has demonstrated a clear commitment to following the law in a way that provides cleaner air and a safer climate for all while also providing predictability and certainty for industry. Should he be confirmed, I have no doubt Mr. Goffman will work closely with members of this committee as EPA implements the historic climate investments in the Inflation Reduction Act.

Third, we are going to be voting on Shailen Bhatt to be the Administrator of the Federal Highway Administration. Mr. Bhatt, as I think many members on this committee know, brings with him an almost perfect resume for this position. In addition to his leading both the Departments of Transportation in Colorado and in Delaware, Mr. Bhatt also has substantial previous experience in the Federal Highway Administration, along with involvement in the private sector and work at nonprofit transportation advocacy organizations.

I am confident that Mr. Bhatt will bring the same level of outstanding leadership to the Federal Highway Administration that he has demonstrated throughout his career. I think

everybody on this committee knows how important that nomination is. I am encouraged that we will get him confirmed.

Fourth, we will vote on Eduardo Sanchez to be the Federal Co-chair of the Southwest Border Regional Commission.

Last, we will vote on 18 GSA Resolutions. I will vote yes to advance each of these qualified nominees this morning, and urge my colleagues to do the same. Finally, I want to acknowledge that this may be our last business meeting for the year.

At the end of the year, two of our colleagues on this committee will be retiring from the Senate after long and storied careers. I have had the privilege to serve with both of them in the Senate and in the House of Representatives before that. I knew Richard Shelby when he was a Democrat, and a pretty good one.

[Laughter.]

Senator Carper. He has just continued to be a great Senator. We are going to miss him and all that he brings.

Jim, I am privileged to speak, I not only served with him on this committee, but he and I join together in his hideaway with a bunch of our colleagues, Democrat and Republican, for bible study with the Senate Chaplain just about every Thursday. Jim, we are going to miss you in more ways than one.

Richard Shelby will be retiring after 36 years as a member

of the United States Senate. In the days to come, we will speak more about Senator Shelby's service to the Senate and to the people of Alabama. I want to take this opportunity to thank both Senator Shelby for his work on this committee and for our friendship over the last three, four decades, actually.

Also retiring, as I said, is Senator Jim Inhofe, whom I first came to know when we served in the House of Representatives over three decades ago. Longtime member and two-time chairman of this committee. Was it two times? Once wasn't enough. Not many people have done that, and Chairman of the Armed Services Committee, right? Yes, that is quite a resume.

Jim has been a great colleague to many of us, and we are going to miss his humor and his hard work. In the Navy, when people are ready to weigh anchor and sail off into the sunset, we like to say, "fair winds and following seas," so today I say those words both to Jim Inhofe and to Richard Shelby.

With that, I want to recognize our Ranking Member, Senator Capito, for any opening remarks that she may have. Senator Capito, you are recognized.

[The prepared statement of Senator Carper follows:]

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

Senator Capito. Thank you, Mr. Chairman, and thank everybody for being here. Welcome back after the Thanksgiving holiday. I am grateful for our ongoing partnership. I think we have done a lot, as we end this first year together, and I look forward to doing much more next year.

As the Chairman said, we are considering four nominations, as well as 18 GSA Resolutions.

I think at this point, everybody knows where I stand on the nomination of Joe Goffman as the Assistant Administrator for Air and Radiation at the EPA. Both throughout his previous service in the Obama Administration and during the 22 months he has been at EPA in the Biden Administration in a non-Senate-confirmed role, he has made his leadership style and policy views clear. He has worked to develop regulations that harm our energy sector, will raise prices on American families and businesses, and are based on overreaching, illegal interpretations of the Clean Air Act, as found by the Supreme Court.

As I said in our July committee business meeting, Joe Goffman continues to implement policies designed to force closures of baseload power plants through a suite of policies. Shortly after the Supreme Court's ruling against his own Clean Power Plan in *West Virginia v. EPA*, Mr. Goffman told the New

York Times, "This case does not really take anything off of the menu we have been focused on." The fact that one of the most significant Supreme Court Rulings in environmental law and rebukes of EPA authority did not change his regulatory plans affirmed why I strongly oppose his nomination.

Today I am also voting against one of the other four nominees, Beth Geer, to serve as the member of the Tennessee Valley Authority Board, based on her tweet of our colleague who is coming in, Senator Joni Ernst.

By contrast, I will be voting today to support the GSA resolutions, as well as the two nominations we are considering. I am supporting the nomination of Shailen Bhatt to serve as the Administrator of the FHA. The committee worked hard to develop bipartisan surface transportation legislation that serves as the foundation of the IIJA that was signed into law last year.

President Biden waited a long time, too long, that is another repeating story you have heard me say in committee meetings, to nominate a leader for this agency, especially when the authorities and funding responsibilities provided to the FHWA as part of the IIJA.

This agency needs a Senate-confirmed leader. I have expressed by dissatisfaction and opposition to a number of the decisions that the FHWA has taken without a Senate-confirmed leader. Because of that, I asked Mr. Bhatt some pointed



questions about how he planned to implement the IIJA. The FHWA must faithfully execute the laws and preserve those flexibilities provided in the law for States to use funding to best meet the needs of their citizens.

For some States, like West Virginia or Wyoming, that may mean new capacity on our roads. For other States, it may mean a focus on electric vehicle infrastructure. Mr. Bhatt told me that he would commit to implementing IIJA as we enacted it.

When it comes to the State's ability to move funds between formula programs, he committed to follow the law again and to upholding the States' ability to transport apportioned funding consistent with Section 126 of Title 23. He knows this well, being as the Chairman said, a State Administrator himself.

He also committed to implementing all the highway-related project delivery and streamlining positions in the IIJA, including the One Federal Decision policy, as expeditiously as possible. I am supporting Mr. Bhatt's nomination today because of those commitments and his record of getting things done, and projects that he has built as a past leader from multiple State Departments of Transportation.

I also will be supporting Juan Sanchez, who is a nominee for the Southwest Border Regional Commission. If confirmed, he will be the first-ever Federal Co-chair of that commission, and I congratulate him on his nomination.

If I could take just a few minutes to say goodbye to our former Chair and beloved friend, Jim Inhofe, and Senator Shelby. I have known Jim a long time. I first met him when I was from the House side, and we were negotiating one of the highway bills. He was working with Senator Boxer in a way that was just magnificent to watch and resulted in really good results.

He has been six-year chairman, six-year ranking member, and he is one of our most productive leaders. We all know, as I mentioned before, the partnership that he had with former colleague, Barbara Boxer, that allowed for the passage of many things like SAFETEA-LU, MAP-21, and the FAST Act. He and Senator Boxer put Congress on the right track in terms of passing water resource infrastructure bills in two-year cycles, hopefully, we are going to get that done at the end of this year, and reestablishing the committee's important role in overseeing the Army Corps of Engineers Civil Works Program.

As chair, he led efforts to enact TSCA reform long in the making, one of the most significant updates to a major environmental statute in over two decades. He chaired this committee when I first came to the Senate, and he deserves immense credit for the tone and the bipartisanship that we have been able to see, as the Chairman and I have worked together.

We bid you a fond farewell. You will be missed, not just for your effectiveness. On your committee in your advocacy role

for our military personnel and our national security, hopefully get another win under your belt before you leave here in December. We are very pleased that the people of Oklahoma will welcome you home, Kay, and your children and grandchildren will welcome you home. I hope you don't get into their stuff too much, because that is what happens when you go home. I wish you many, many years of happiness on your retirement. It is well-deserved.

Senator Shelby has championed Alabama's infrastructure for many years. He is the chairman, also, of another committee I am on, Appropriations, where he has been instrumental in infrastructure legislation. Work on the Appalachian Development Highway System, important to Alabama, but also important to West Virginia. He has had quite a run leading three committees, Banking Committee, Rules Committee, and the Appropriations Committee. He has vast experience and is a tremendous asset. His success, again, is something that we should all take lessons from.

We will miss Senator Shelby, and I wish him and his wife, Annette, a great retirement, as well.

Thank you for letting me go a little over, Mr. Chair.

[The prepared statement of Senator Capito follows:]

Senator Carper. No, no, no, that is great. Thanks for all those words on behalf of all of us.

In proceeding, we are going to recognize Senator Sanders for a couple of minutes, and then, following that, Senator Ernst will be recognized. I think we probably have a quorum right now, or very close to it. We are very close to it. When we do, we will go ahead and roll through our agenda for today.

Let me yield to Senator Sanders first. Thank you.

STATEMENT OF THE HONORABLE BERNIE SANDERS, A UNITED STATES  
SENATOR FROM THE STATE OF VERMONT

Senator Sanders. Thank you very much, Mr. Chairman, for holding this important markup, and for your leadership on this committee.

Today, we will be considering the nominations of well-qualified individuals to serve in the EPA, the Tennessee Valley Authority, the Federal Highway Administration, and the Southwest Border Regional Commission. We will also be considering the adoption of GSA leases, including \$18 million for much-needed repairs at a Federal building in Saint Albans, Vermont.

Let me very briefly discuss my concerns about one of the nominees up for consideration, Joe Goffman, who has been nominated to lead the EPA's Office of Air and Radiation. I have nothing against Mr. Goffman, and I hope and expect that he will do a very good job in the position that he has been nominated for.

What I am concerned about is the implementation of a provision that I worked on with Chairman Carper that was included in the Inflation Reduction Act to provide the EPA with \$7 billion in Federal funding for zero emissions technology. The legislative intent of this program is to make it more affordable for low-income and working-class homeowners to install solar on their rooftops and save money on their

electricity bills. By the way, when we do that, we create hundreds of thousands of good-paying jobs.

If this program is implemented properly, it will provide solar to more than two million families in the United States over the next two years and catalyze up to ten million residential solar installations over the next ten years.

Unfortunately, since President Biden signed the Inflation Reduction Act in August, I have been unable to get a firm commitment in writing from the EPA to implement this program consistent with the clear legislative intent. The \$7 billion program was not put into the Inflation Reduction Act for nuclear, electric vehicle charging stations, or any other type of energy. It was included in this bill primarily to expand residential solar and reduce the energy bills of millions of low-income and middle-class families.

Let me be clear: I will be voting for Mr. Goffman in this committee, but I will not support his nomination on the Senate Floor until I receive a commitment from the EPA in writing that it will implement this program primarily to expand residential solar throughout this Country.

I want to thank Chairman Carper for his leadership on this issue. I look forward to our continued work together to expand residential solar, lower the cost of electricity for consumers, and combat the existential threat of climate change.

Thank you very much.

[The prepared statement of Senator Sanders follows:]

Senator Carper. Thank you, Senator. Senator Sanders, I am pleased to be able to work with you and your team in order to reach such a commitment and support a solar project for low-income and disadvantaged communities.

Full disclosure, I got out of the Navy in 1973 and moved to Delaware and got an MBA. The last course I took in my two-year program at the University of Delaware was a course where we had to develop a manufacturing process on paper of a particular product. I chose solar energy, solar panels, all those years ago. I am not a newbie on this. This is one that is important to me, and we will continue to work with you and others.

Let me yield now, if I could, to Senator Ernst. Joni?



STATEMENT OF THE HONORABLE JONI ERNST, A UNITED STATES SENATOR  
FROM THE STATE OF IOWA

Senator Ernst. Yes, thank you, Mr. Chairman. Thanks to you and the Ranking Member for the discussion today.

I am speaking in opposition to Ms. Beth Geer to be a member of the Board of Directors of the Tennessee Valley Authority. In her written testimony before this committee, Ms. Geer had stated she believed she should be confirmed to serve the Tennessee Valley Authority because of her ability to "build relationships and work together." That doesn't match with her recent past, when she called either my GOP response to the State of the Union Address, or just me, hideous.

Ms. Geer and I had a brief discussion about this when she appeared before our committee earlier this year. While her comment was only one single word, it said much more about her character. I do not believe Ms. Geer is fit to serve as a Senate-appointed position in which the nominee herself pointed to the value of unity and civility.

Additionally, Ms. Geer has made concerning anti-fossil fuel statements in a time when the Biden Administration's anti-energy policy has increased costs for all Americans. The nominee has not shown efforts to work in good faith to support an all-of-the-above energy approach, like we do in Iowa, and which is critical to supporting those dependent on the Tennessee Valley

Authority.

For these reasons, Mr. Chair, I am opposing Ms. Geer's nomination. Thank you for your time.

[The prepared statement of Senator Ernst follows:]

Senator Carper. Thank you, Senator Ernst.

We are going to go ahead and vote. I think Senator Stabenow has some comments that she would like to make at the end of the vote, and there may be one or two others, as well.

Senator Inhofe, if you would like to speak and talk a little bit and defend yourself in the face of all this criticism, bipartisan criticism, you will be given that opportunity.

[Laughter.]

Senator Carper. First, I am going to call up Presidential Nomination 1593, Beth Prichard Geer of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority.

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.

The Clerk. Mr. Boozman?

Senator Boozman. No.

The Clerk. Ms. Capito?

Senator Capito. No.

The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Cramer?

Senator Capito. No, by proxy.

The Clerk. Ms. Duckworth?

Senator Duckworth. Aye.

The Clerk. Ms. Ernst?

Senator Ernst. No.

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. Yes, by proxy.

The Clerk. Mr. Chairman?

Senator Carper. Aye.

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

Senator Carper. Eleven to nine. The nomination is favorably reported.

Next, I call up Presidential Nomination 1832, for Joseph Goffman of Pennsylvania to be an Assistant Administrator for the Office of Air and Radiation 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. Thank you. The clerk will call the roll.

The Clerk. Mr. Boozman?

Senator Boozman. No.

The Clerk. Ms. Capito?

Senator Capito. No.

The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Cramer?

Senator Capito. No, by proxy.

The Clerk. Ms. Duckworth?

Senator Duckworth. Aye.

The Clerk. Ms. Ernst?

Senator Ernst. No.

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 ten, the nays are ten.

Senator Carper. So, the yeas are ten and the nays are ten. In that case, the nomination is not reported as this time.

Now, I call up Presidential Nomination 2401, Shailen P. Bhatt of Michigan, to be Administrator of the Federal Highway Administration, Presidential Nomination 2450, Juan Eduardo Sanchez of Texas, to be Federal Co-Chairman of the Southwest Border Regional Commission, and 18 resolutions relating to the General Services Administration.

As members of this committee know, we routinely approve GSA

prospectuses by committee resolution. The resolutions we consider today are for GSA leases throughout our Country. Members have had the opportunity to review these documents, and I believe them to be noncontroversial. Therefore, we consider the nominations of Mr. Bhatt and Mr. Sanchez and 18 GSA Resolutions en bloc and by voice vote.

I would just say, before we vote, to Senator Inhofe, we were talking before we started the markup today. There are a number of people that he and I served with that are being honored in these resolutions, by being named after buildings and any number of other things, so this has kind of a special meaning for us, I think.

I move to report these items favorably. Is there a second?

Senator Cardin. 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. The ayes have it. In the opinion of the chair, the ayes have it. The nominations and resolutions are approved.

I note, for the record, that a quorum of the committee is present. That concludes the committee's votes as part of the



business meeting today. I thank all members for their participation.

I will now recognize members who would like to speak on any of the filed amendments or the items we have voted on today. I appreciate everybody being here. I really want to thank our staff. This goes easily, this goes smoothly, but only because of the great work that our staff is doing. We thank you for that.

Senator Stabenow. Mr. Chairman?

Senator Carper. Yes, Senator Stabenow?

Senator Stabenow. Thank you, Mr. Chairman. I know Senator Inhofe is just leaving now. I did want to just wish him well.

Senator Carper. Could you hold, just for a second? I would ask our colleagues to depart quietly. Okay, go ahead.

Senator Stabenow. Thank you, Mr. Chairman.

I just wanted, before Senator Inhofe left, to say thank you to him. We had an opportunity, we worked on many things together when he was Chairman. When there was the lead crisis in Flint and the need to respond to that, I will forever be grateful for the partnership and work with you and your staff to address what was a serious issue. I know it helped lead to a larger water fund that has helped communities across the Country.

I just wanted to thank you in particular, in a moment of

crisis, for working with us to be able to address it. Thank you.

Mr. Chairman, I did also want to just say thank you to the committee for moving forward Shailen Bhatt, who is a highly qualified nominee to be the next Administrator of the Federal Highway Administration.

Senator Carper. I have never heard of him.

[Laughter.]

Senator Carper. He was our Secretary in Delaware for a number of years, and did a great job.

Senator Stabenow. I know. He is also a proud resident of Troy, Michigan, so we claim him now, Mr. Chairman.

I just wanted to say we are very proud of him. I am so appreciative of the President moving his nomination forward. I look forward to partnering with him and Secretary Buttigieg and with you, and of course, all of us on the committee to deploy historic resources provided through the Infrastructure Investment and Jobs Act.

I thank the committee again for supporting his nomination.

Senator Carper. Let me just take this opportunity to thank you for your extraordinary leadership of the Ag Committee. Most people don't think of Delaware as a big Ag State, but it is maybe the number one and number two component in our economy.

Senator Stabenow. I think you have a few chickens.

Senator Carper. We have 300 hundred chickens for every person, last time I checked. We raise a whole lot of soybeans, corn, and a bunch of other things, as well. Thank you for that.

Senator Stabenow. Thank you.

Senator Carper. Thank you, also, for your support of the Bipartisan Infrastructure Bill and of the Inflation Reduction Act. Both are critical.

We have authorized so much money to invest in our Nation's infrastructure, roads, highways, bridges, water, drinking water, water sanitation, flood control, all kinds of stuff. We want to make sure, especially on the roads, highways, and bridges side that that work gets done. We are already doing, as you know, oversight to make sure the intent is followed through.

We need Shailen in place. This puts us one step close to get the kind of leadership that we need. It has been vacant too long, but thank you.

Senator Stabenow. Mr. Chairman, I would just say, it is wonderful working on a committee that works so well together in a bipartisan way and gets things done all the time. We pride ourselves, Senator Boozman and I, of trying to do the same thing on the Agricultural Committee, but it is just such a pleasure to be on this committee. With your leadership, we put our heads down and work and get things done.

Senator Carper. You know what, it takes two to tango. My

dance partner on this committee, as you know, is just an extraordinary talent, a real pleasure. Two kids from West Virginia that have the privilege of running and leading this committee.

Senator Stabenow. That is dangerous.

Senator Carper. That is scary, but I think we are doing okay so far.

Senator Stabenow. Thank you.

Senator Carper. Thank you so much.

I think that might be it. I have a short statement I need to close with. Is there anything else? Okay.

Again, I want to thank everybody on staffs, to my right and to my left, that have worked to make this happen and make it look, I hope, to most observers pretty smooth. We have gotten a lot done in a very short while.

For a little bit of housekeeping before we adjourn, I want to ask unanimous consent to submit for the record letters of support for the nominations our committee approved today. I also ask unanimous consent that the staff have authority to make technical and conforming changes to GSA resolutions approved today.

Again, I thank everyone for your participation. That is the unanimous consent request that I would make. I would just note to everybody, I am the only member here, so the only person

who could object to my own unanimous consent request would be me. I am not going to object.

[The referenced information follows:]

Senator Carper. With that, I think we are ready to adjourn. I am going to tap the gavel to do that. I hope everybody had a great Thanksgiving. We look forward to spending the next several weeks together, and hopefully getting as much done as a body as we have done in the last several years. Thank you all. We are adjourned.

[Whereupon, at 10:28 a.m., the business meeting was concluded.]