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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

Tuesday, March 12, 2024

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 10:06 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, Kelly, Padilla, Fetterman, Lummis, Ricketts, Boozman.

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

Senator Carper. Good morning, everybody. I call this business meeting to order. Welcome, one and all. We thank you for joining us today.

We will be voting today, as you know, on three pieces of legislation. The first is the Economic Development Reauthorization Act of 2024. The second is the America's Conservation Enhancement Reauthorization Act of 2024, also known as the ACE Act, and the Legacy Mine Cleanup Act of 2024.

Before we do that though, let me just take a moment to briefly discuss these bills, and then we will hear from Senator Capito as well.

The first bill we will consider is the Economic Development Reauthorization Act of 2024. Senator Capito, Senator Kelly, Senator Cramer, and I introduced this bipartisan legislation last week to reauthorize and update the laws that govern the U.S. Economic Development Agency, or EDA, as it is commonly known, as well as our Federal and our regional commissions, which help support our States in their economic development efforts.

This bill would reauthorize the EDA for the first time in nearly 20 years, before some of you were born in this audience, 20 years. In that time, we have witnessed technological advances

that have transformed the way that we live, we work, the way we travel. We have also seen significant changes in manufacturing and energy production and in the products that we use on a daily basis. Businesses are experiencing new challenges and opportunities, such as how to operate more sustainably.

By reauthorizing this agency, we have the opportunity to modernize the EDA for today's challenges, improve its ability to foster economic growth and build resilient supply chains. Specifically, the Economic Development Reauthorization Act makes key reforms to update EDA's core programs. It authorizes activities to support workforce development, disaster assistance, broadband deployment, and renewable energy, among other activities.

Why is this important? I want to paraphrase one of my favorite, probably one of all of our favorite Presidents, Abraham Lincoln. He used to be asked, what is the role of government? He would say that the role of government is to do for the people what they cannot do for themselves. That is what we are up to today.

Some communities across our Country don't have the resources and support that they need to thrive in the 21st century. Over the past two decades, some factory towns have seen their last plant close and are seeking to attract new industries. Some

cities are looking to reinvent themselves to compete on a global scale. The EDA plays a central role in helping communities turn economic adversity into opportunity.

Next, we will consider the America's Conservation Enhancement Reauthorization Act of 2024, also known as the ACE Act. Several members of our committee joined Senator Capito and me in introducing this bipartisan legislation last month. It would reauthorize important habitat and wildlife conservation efforts throughout our Country.

Wildlife conservation is, as you know, a shared responsibility between the Federal Government, State government, and many stakeholders, including hunters, anglers, wildlife watchers. The ACE Act reauthorizes programs that bring these stakeholders together, including the North American Wetlands Conservation Act Grants Program, the National Fish and Wildlife Federation, and the Chesapeake Bay Program. It also addresses the threats of emerging wildlife diseases, like chronic wasting disease, protects livestock from predators, and combats invasive species.

Finally, we will consider the Legacy Mines Cleanup Act of 2024, introduced by Senator Kelly and Senator Lummis. This bill would codify in law the EPA's Office of Mountains, Deserts, and Plains, which was established in 2020. The EPA's Office of

Mountains, Deserts, and Plains serves as a western land-focused office to address issues particular to those regions, including the cleanup of abandoned hard-rock mines.

Specifically, the Office provides oversight for Federal hard-rock mine cleanup sites west of the Mississippi River, serves as a central contact for other Federal agencies or States or Tribes with responsibility for these sites, and develops management approaches to address legacy pollution.

With that, let me stop and recognize the Ranking Member, Senator Capito, for any opening remarks that she has. I might just say, I say oftentimes in this committee, bipartisan solutions are lasting solutions. We have a great partnership here, and it goes across party lines. I just want to thank everybody for working hard and as a team to get us to this point today. Thank you.

Senator Capito.

[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, Senator Carper, and thanks for holding the business meeting, but also thanks for the good hard work.

I want to thank you and your staff for working diligently with me and my staff on these bipartisan bills, and we have been talking about this one for a while, so very pleased we are at this point, that we could partner on S. 3891, The Economic Development Reauthorization Act of 2024.

I am especially pleased that I have seven of my Regional Planning and Development Council folks here from West Virginia, so why don't you guys stand up so we can give you a little round of applause?

[Applause.]

Senator Capito. You might recall Shane Whitehair, here with us today, was one of our witnesses when we began looking into the reauthorization of this. Thank you all for coming.

As we know, the EDA is tasked with facilitating economic development and creating jobs in distressed communities across the Country, extremely important in our State. With EDA programs, they receive annual appropriations from Congress. It has been since 2008 since we have reauthorized this. It expired

then.

The legislation reauthorizes these programs at fiscally responsible levels for the Fiscal Years 2025 to 2029. It reasserts Congressional direction over EDA funding decisions, enhances our oversight of the agency, preserves locally driven economic development decisions and ensures that funding from EDA is accessible to distressed communities. It also codifies and authorizes dedicated funding for EDA's assistance to Coal Communities Program, which was one of my top programs for the legislation.

This program ensures that communities in my home State of West Virginia and also Pennsylvania as well which were decimated by the downturn of the coal industry have the resources they need to recover and grow. It also reauthorizes the regional commissions that were expiring or have already expired.

It expands the type of activities that those commissions can carry out in their communities and modernizes their administrative requirements. This legislation incorporates policy priorities for every member of this committee, as well as input from stakeholders provided at hearings, including Mr. Whitehair, who came from West Virginia.

I am pleased to cosponsor this bill with Chairman Carper, Senator Kelly, and Senator Cramer.



Today, we also will be considering S. 3791, the America's Conservation Enhancement Reauthorization Act. The ACE Act helps conserve wildlife and wildlife habitat. Specifically, it reauthorizes the North American Wetlands Conservation Act, the National Fish and Wildlife Foundation Establishment Act, as the Chairman mentioned, and the Chesapeake Bay Program.

The Chesapeake Bay Program supports conservation and habitat restoration efforts in the Chesapeake Bay, which will help to boost West Virginia and many of the members of this committee's outdoor recreation industry, especially in my eastern panhandle. The legislation also protects livestock from predators and combats invasive species.

I was pleased to cosponsor this bill with Chairman Carper and many of our colleagues on the committee.

Lastly, we will consider S. 3858, the Legacy Mine Cleanup Act of 2024, as the Chairman mentioned, a bipartisan bill by Senator Kelly and Senator Lummis. This bill will codify the EPA agency office that coordinates cleanup of legacy mining sites on tribal land, some of which provided uranium to support our Nation's national security throughout the Cold War.

The Federal Government shares a responsibility in remediating these old sites. Just last week, the EPA added an abandoned uranium mine site located on Navajo Nation to the

Superfund National Priorities List.

I look forward to continuing to collaborate on this issue while we work to get our bipartisan nuclear energy bill, the ADVANCE Act, signed into law. I urge my colleagues to support all of these three bipartisan bills. Thank you.

[The prepared statement of Senator Capito follows:]

Senator Carper. From your lips to God's ears.

I would just say to our visitors from West Virginia, this is the only committee in the Senate where the Senior Democrat and the Senior Republican are West Virginia natives. It seems to work pretty well here. We want to try it in some other committees.

I believe we have a quorum present. Thank you everybody for coming and being so punctual. Before we begin, I would ask Senators to hold comments on bills and amendments until after the voting is completed, if you would, please.

First, I want to call up S. 3891, the Economic Development Reauthorization Act of 2024 and an amendment in the nature of a substitute to this legislation, Carper-Capito Number One. The amendment in the nature of a substitute makes several technical changes agreed to on a bipartisan basis.

As the Ranking Member and I have agreed, I ask unanimous consent to use this amendment in the nature of a substitute as the base text for the purpose of this business meeting. Is there objection?

Hearing no objection, the committee will now use Carper-Capito Amendment in the nature of substitute as the base text for the purposes of the committee's action on the Economic Development Reauthorization Act of 2024.

[The text of S. 3891 and Carper-Capito Amendment No. One in the nature of a substitute follows:]

Senator Carper. Now, I would like to ask unanimous consent to call up Cardin Amendment Number One as modified. This amendment includes updating economic development plans to align with other State, regional or local plans as an eligible types of administrative expense under Section 203 of the Public Works and Economic Development Act of 1965.

[The text of Cardin Amendment Number One follows:]

Senator Carper. Does anyone wish to speak on the Cardin Amendment? Senator Cardin.

Senator Cardin. Let me thank the Chair and Ranking Member. This will coordinate planning under the EDA grants, and I thank you for working with us to modify this amendment so it could be accepted, and I would ask for its approval.

Senator Carper. Thanks so much. Thanks for your work on this, you and your team.

Any other Senators who would like to comment on the Cardin Amendment?

Seeing no further speakers, the question is on approving the amendment. If there are no objections, we will proceed to a voice vote. All in favor, say aye.

[Chorus of ayes.]

Senator Carper. All opposed, say nay.

[No audible response.]

Senator Carper. The ayes have it. The amendments is adopted.

Now, I would like to ask unanimous consent to call up the Merkley Amendment Number Two, as modified. The amendment modifies a GAO study in the base bill and has also been agreed to on a bipartisan basis.

[The text of Merkley Amendment Number two follows:]

Senator Carper. Does anyone wish to speak on Senator Merkley's amendment? Senator Merkley.

Senator Merkley. Thank you, Mr. Chairman. This is aimed at getting recommendations for improving the timely disbursement of grants. Everyone who has found that organizations in their State have gotten EDA grants and then they are not timely disbursed knows that this has been an issue, so we need to find some solutions.

Senator Carper. Thank you for a solution.

Are there other speakers on the amendment from Senator Merkley? Anyone else?

Seeing or hearing no further speakers, the question is on approving his amendment. If there are no objections, we will proceed to a voice vote. All in favor, say aye.

[Chorus of ayes.]

Senator Carper. Opposed, nay.

[One audible nay.]

Senator Carper. We have one nay. In the opinion of the Chair, the ayes have it, though. The amendment is adopted.

Does any other Senator wish to offer any additional amendments to this legislation? In that case, I think we can proceed to a vote on reporting the bill.

If there are no further amendments, I move that the

committee report favorably S. 3891, the Economic Development Reauthorization Act of 2024, with amendments in the nature of a substitute. 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. This legislation is favorably reported. I note, for the record, that a quorum of the committee is present.

We will now consider S. 3791, the ACE Act. First, I call up an amendment in the nature of a substitute to this legislation, Carper-Capito Number One. The amendment in the nature of a substitute makes several technical changes agreed to on a bipartisan basis.

[The text of S. 3791 and Carper-Capito Amendment Number One in the nature of a substitute follows:]



Senator Carper. As the Ranking Member and I have agreed, I ask unanimous consent to use this amendment in the nature of a substitute as the base text for the purpose of the business meeting.

Is there objection? Hearing none, the committee will now use the Carper-Capito Amendment in the nature of a substitute as the base text for the purpose of the committee's action on the ACE Act.

Further, as no amendments were filed, I now move that the committee favorably report S. 3791, the ACE Act, with an amendment in the nature of a substitute. All in favor, please say aye.

[Chorus of ayes.]

Senator Carper. Opposed, 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, we turn to S. 3858, the Legacy Mine Cleanup Act of 2024.

[The text of S. 3858 follows:]

Senator Carper. Does any Senator wish to offer an amendment to this legislation? Is Senator Sullivan here?

Senator Capito. I call up Senator Sullivan's amendment.

Senator Carper. Okay, sure. Senator Sullivan's amendment has been called up by Senator Capito. Would you like to speak on it?

Senator Capito. I think it is a great amendment.

[Laughter.]

Senator Lummis. Mr. Chairman?

Senator Carper. Effusive in her praise.

Go ahead, Senator Lummis.

Senator Lummis. The amendment includes the Alaska Native Corporation in the coordination and consultations that are provided in this bill. I think it is a good amendment.

Senator Kelly, do you agree?

Senator Kelly. Yes.

Senator Lummis. This is a very worthwhile amendment. I support it.

Senator Carper. I think, on behalf of Senator Sullivan, I need to call up the Sullivan Amendment Number One to make a technical correction with respect to Alaska Native Corporations. This amendment corrects the definition in the bill, and has also been agreed to on a bipartisan basis.

[The text of Sullivan Amendment No. One follows:]

Senator Carper. Any Senator wish to speak on Senator Sullivan's amendment that is being offered on his behalf? Anyone else wish to speak on that amendment?

Okay. Hearing none, no more speakers on the amendment. Seeing there are no more further speakers to raise questions on improving the amendment, if there are no objections, we will proceed to a voice vote.

Are there any objections? Hearing none, 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 amendment is adopted.

As there were no additional amendments filed, I move that the committee favorably report S. 3858, the Legacy Mine Cleanup Act. 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.

That concludes the committee's votes for the business meeting today.

Before we adjourn, I just want to say to our visitors from West Virginia and others who might be watching, this is democracy. This is the way it is supposed to work.

The staffs that are gathered behind us on either side work for weeks, months, to help make this day and this markup possible. I just want to express on behalf of all of our Senators, all the members, our thanks to our staff for the great work that you have done.

With that, I will now recognize members who would like to speak on any of the amendments filed or items that we voted on today. Ben?

Senator Cardin. Mr. Chairman, firstly, I want to thank you and Senator Capito for the manner in which you have considered these bills. All three are extremely important. The reauthorization of EDA is something that we needed to get done, and I thank you for that.

I want to talk about the American Conservation Enhancement Act because it includes reauthorizations of major programs in regards to the Chesapeake Bay, and I want to thank you for that. The Chesapeake Bay Program itself is reauthorized at \$100 million annually, and I thank you for that. It shows our continued

commitment, which we have seen in a bipartisan way for this program, which is a model program in our Country.

The Federal participation is part of a local initiative program that has been very successful in dealing with the Chesapeake Bay, but there is a lot more work that needs to be done, and this reauthorization bill provides the predictability going forward, and I thank you for that.

I also want to thank you for including the Chesapeake Watershed Investment for Landscape Defense, the WILD Act, which is authorized at \$15 million a year. I appreciate that. It is the reauthorization of a program that has been very, very important under Fish and Wildlife, and of course, the Chesapeake Bay Gateway and Water Trails Network is also reauthorized under this program.

I just really want to thank you on behalf of the Bay States, which include Delaware and West Virginia, for the continued commitment to the Chesapeake Bay.

Senator Carper. Thank you, Senator Cardin, and for your leadership on this front, and many others, for that matter. Senator Capito, anything else that you would like to ask? Senator Lummis, please.

Senator Lummis. Well, I just had a question. In one of the amendments, there was a provision for the black vulture and

permits and Farm Bureau. I am just curious about what that is about.

Senator Capito. My knowledge of that is that that is a concern that was brought to us from Senator Mullin, as predatory birds are attacking young livestock. The provision that is in there is to give them more flexibility to be able to address this issue that is critical to him and probably others in the Midwest States.

Senator Lummis. Thank you, Madam Chairman.

This time of year, we are lambing in the west. You will find baby lambs hanging from trees, dead baby lambs, because the raptors will pick them up and take them up in the trees and eat them. It is tough lambing in the west, so thank you for that.

Senator Carper. Any other speakers?

Senator Kelly. Mr. Chairman?

Senator Carper. Senator Kelly, please.

Senator Kelly. Thank you, Mr. Chairman. I want to take a moment to thank you and Senator Capito for all the hard work that went into this markup. I am pleased that one of the bipartisan bills that just passed this committee was my Legacy Mine Cleanup Act, which I introduced with Senator Lummis.

Our bipartisan bill takes another steps forward to cleaning up abandoned and inactive mines throughout the Western United

States by permanently authorizing the EPA's Office of Mountains, Deserts, and Plains.

Mr. Chairman, there are more than 100,000 abandoned hard-rock mines in the Western U.S. These abandoned mines can often create health and safety risks for nearby communities, but often the Federal bureaucracy gets in the way of cleaning them up.

For example, there are more than 500 abandoned uranium mines on the Navajo Nation, but very few mines have been cleaned up to date. This bipartisan legislation seeks to change that by authorization an office at EPA specifically focused on these problems, like abandoned mines.

This office would create a priority cleanup list of abandoned mines in the Western U.S., support research and development to find new ways to clean up abandoned mines and provide more assistance specifically to tribal communities.

I am thankful to my colleagues for joining me in supporting this legislation, which takes one more step towards cutting through the red tape and addressing an important issue to communities in Arizona and throughout the west.

I am also glad that our committee overwhelmingly passed the Economic Development Reauthorization Act. As Chair of the Transportation Infrastructure Subcommittee, it was a privilege to work with Senator Carper, Capito, and Cramer to negotiate this



legislation that reauthorizes the EDA for the first time in more than a decade.

In working on this legislation, my priorities were making sure that Arizona's rural and tribal communities got the assistance they needed to boost their economies and that we equipped EDA with the tools it needs to support industries of the future.

I am particularly pleased that this includes my bipartisan bill, the ONSHORE Act, which establishes a new site development program at EDA to help communities across the Country develop shovel-ready sites. This will help communities in every corner of our Country grow their economies and attract new investments from semiconductor manufacturing, critical mineral processing, biotech investments, and more.

Equally important, our bill authorizes a new workforce training program to help communities train workers for these advanced manufacturing jobs of the future. I am also glad that EDA, the reauthorization bill, includes key provisions from legislation I introduced with Senator Cortez Masto called the Invest in Our Communities Act. This includes a proposal to create an Office of Tribal Economic Development, and our proposal to allow EDA to invest in projects that support travel, tourism, or outdoor recreation industries.

I am also pleased that this bill permanently authorizes the Assistance to Coals Community Program.

Lastly, I am pleased that we expand and authorize the Southwest Border Regional Commission, which supports communities in Arizona and throughout the Southwestern United States.

Mr. Chairman and Ranking Member Capito, thank you so much for all the hard work that went into this.

Senator Carper. You have accomplished a lot, you and your team. We are happy to help move that along.

Any other members of our committee who would like to speak on a filed amendment or on any other item that we have discussed today? Senator Lummis? No? Madam Chair?

Senator Capito. We are good.

Senator Carper. Okay. With that, in closing, again, I want to thank everyone, particularly our staffs on both sides, majority and minority, and the staffs of each of the members of this committee. I have, I think, three unanimous consent agreements.

First, I ask unanimous consent for members to submit their statements for the record on the legislation we have considered today, without objection.

Second, I would like to ask unanimous consent to submit for the record a number of letters of support for the legislation our

committee has approved today, without objection.

[The referenced information follows:]

Senator Carper. I would also ask unanimous consent that the staff have authority to make technical and conforming changes in the legislation approved today, without objection.

I feel especially good about reauthorizing the Economic Development Administration for the first time in 20 years and to make real improvements to that, and we can feel good about all of the items that we have taken up on today's agenda, but I feel especially encouraged by that.

Sometimes people, and I go home almost every night to Delaware and talk to people on the train, coming and going, and people sometimes will say, why don't you guys ever work together? Can't you find anything, any way to work together? I just wish all those people, those doubting Thomases, had the opportunity to be in this room and be a part of this markup today. I think they would be encouraged by the state of our democracy.

Any more comments? Senator Capito, my thanks to you and your team, and our team as well. Thanks everybody. With that, we are adjourned.

[Whereupon, at 10:36 a.m., the business meeting was concluded.]

S. 3891, A bill to amend the Public Works and Economic Development Act of 1965 to update and expand Federal economic development investment in the economic recovery, resiliency, and competitiveness of communities, regions, and States across the United States, and for other purposes.

- S. 3791, A bill to reauthorize the America's Conservation Enhancement Act, and for other purposes.
- S. 3858, A bill to establish within the Office of Land and Emergency Management of the Environmental Protection Agency the Office of Mountains, Deserts, and Plains, and for other purposes.