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U.S. Senate Date: Wednesday, November 20, 2024

Committee on Environment
and Public Works

Washington, D.C.

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BUSINESS MEETING

Wednesday, November 20, 2024

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 9:50 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, Stabenow, Kelly, Padilla, Fetterman, Mullin, Ricketts, Boozman.

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

Senator Carper. Good morning, everyone. I am pleased to call this meeting to order this morning. I want to thank those who are already here, some of whom have changed their schedules dramatically to be here. Thank you so much. Others will be joining us shortly.

Today, as you may recall, we will be considering a nominee for the Nuclear Regulatory Commission, a nominee for the Great Lakes Authority, and a number of committee resolutions approving General Services Administration prospectuses.

Before we do that, though, I want to take a moment to briefly discuss each of these items. First, we are going to consider the nomination of Matthew Marzano to serve as a Member of the Nuclear Regulatory Commission. Matt understands the importance of deploying more safe and clean nuclear power. He has demonstrated his commitment to maintaining the public's trust and confidence in the Nuclear Regulatory Commission's work. He has extensive technical expertise gained over the course of a decade in the nuclear industry.

Matt worked tirelessly with us, I think on both sides of the aisle, actually, with the Minority staff as well, in order to move the ADVANCE Act through the Senate and on to the President's desk which was signed into law a month or two ago.

No other commissioner has the unique and credible and valuable set of credentials that Matt possesses. I strongly believe that he would be and will be, if confirmed, a tremendous asset to the Nuclear Regulatory Commission as it implements this critical bipartisan law which we all voted for.

I believe, as do many of us here, that we are at a crucial moment for the Nuclear Regulatory Commission and the future of nuclear energy. The Nuclear Regulatory Commission is most effective and efficient when it has a full slate of commissioners to carry out its mission and provide certainty to the industry.

With all of this in mind, I am pleased to support Matt's nomination. I urge all of our colleagues to do the same.

Second, the committee is considering the nomination of Matthew Kaplan to be the Federal Co-Chair of the Great Lakes Authority. The Great Lakes Authority will promote economic development, domestic manufacturing, and job creation while restoring and protecting the Great Lakes. It will provide grant funding to clean and review projects as well as water and broadband infrastructure projects.

In March of this year, Congress appropriated funding for the Great Lakes Authority for the first time. Mr. Kaplan will be responsible for standing up this brand-new regional commission. I believe he is up for the challenge.

Finally, we will consider a number of resolutions to approve General Services Administration prospectuses throughout our Country. It is our committee's responsibility to approve these prospectuses before Congress can approve funds for these projects. Members have had the opportunity to review these documents and I believe the resolutions are non-controversial.

With that, I am pleased to recognize the Ranking Member, Senator Capito, for any remarks that she has this morning.

[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, Chairman Carper, for holding this hearing, and thanks for the witnesses that are coming before us today. I am pleased that the business meeting on October 11th marked the 50th anniversary of the signing of the Energy Reorganization Act of 1974, and this landmark law was a turning a point in how our Nation approached nuclear safety issues.

Establishing the NRC, Congress preserved the Atomic Energy Commission's basic structure: five commissioners sharing equal responsibility to oversee the civilian use of nuclear power and radioactive materials. This five-member commission structure has served this Country well. Each member contributes through their diverse background and experience. Previous nominees to serve as NRC commissioners have had exemplary careers leading large organizations in the legal field, deep policy backgrounds, or impressive scientific and technical credentials, each diverse perspective making the value of the commission greater than the sum of each member.

The commissioners are responsible for leading the organization, making regulatory decisions, and setting policy. Given the crossroads that the NRC is facing and the nuclear industry and Congress' clear interest in changing the agency's

culture from the status quo, it is imperative that we take into consideration the breadth and depth of this nominee's background.

I believe that the White House has sort of exaggerated Mr. Marzano's experience in the nuclear energy industry, although I do recognize his training and time working at a power plant. As I stated as his confirmation hearing, demonstrating a capacity to follow procedures is fundamentally different than a commissioner's role in setting policy, promulgating regulations, and adjudicating significant legal issues.

We must consider the totality of Mr. Marzano's background and depth of his experience, particularly at this moment of tremendous importance.

The overwhelming passage of the ADVANCE Act was a clear message from Congress that the NRC, with the leadership, support and direction of commission can and should do better to enable the safe use of nuclear technologies. Despite this clear direction, Chair Hanson has stated that he views the ADVANCE Act as an endorsement of the work that the agency is already doing, communicating his position to the staff, the NRC licensees and applicants, and to Congress, that the status quo is acceptable.

And it appears that the NRC staff has followed the commissioner's lead. The NRC staff's recommendation to update the agency's mission statement as the ADVANCE Act requires the

commission to do rationalized really doing just the bare minimum to comply with the law. Those recommendations missed the mark, and I expect the entire commission will unanimously support a more ambitious mission statement than the lackluster staff paper. The ADVANCE Act was not an endorsement of the status quo.

After considering Mr. Marzano's responses to my questions for the record, I do not have confidence that he has the necessary background and experience to be that agent of change at the commission, or to set the commission up for the agency's next 50 years as Congress just envisioned in the ADVANCE Act. So I will be voting no on Mr. Marzano's nomination.

As Congress continues to consider the candidates for this vacancy, the commission must continue to work efficiently.

As the Chairman mentioned, we have 53 resolutions, GSA resolutions before us. I ask my colleagues to support these. There is one in there for West Virginia, a prospectus for repairs and alterations to the IRS Enterprise Computing Center in Martinsburg, West Virginia. The approval of this prospectus will allow for much-needed improvements to the roofing system and other upgrades necessary for the building's continued operations. We certainly do not want anybody's tax return to get lost or missed or changed because we have not modernized our IRS computing system.

I also will be supporting Matthew Kaplan to be the Federal Co-Chairperson of the Great Lakes Authority. I have heard very positive feedback on him.

So thank you, and I yield back to the Chair.

[The prepared statement of Senator Capito follows:]

Senator Carper. Senator Capito, thank you for those words. Thanks for working with us, you and your team, working with us and getting us ready for what is going to be a busy and a full day.

I believe we have a voting quorum present. As we proceed, I would ask Senators to please hold your statements until after the voting is completed.

I now call up Presidential Nomination 1694 for Matthew Kaplan of Maryland to be Federal Co-Chairman of the Great Lakes Authority. I vote to approve and report the nomination favorably to the Senate. 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 nominee is favorably reported. I note for the record that a quorum of the committee is present.

I call up no and move to approve en bloc the 53 committee resolutions for the prospectuses listed in the notice for this business meeting. 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. These resolutions are approved.

Senator Padilla, thank you for joining us today. You are recognized for your remarks, please.

Senator Padilla. Thank you, Mr. Chair, colleagues. I just want to take a moment to register some disappointment that my bipartisan, bicameral Wildlife Corridors bill with Senators Hoeven and Congressman Zinke were not included in today's markup, despite the overwhelming support from the wildlife conservation community and the sportsmen's and hunting groups in a number of States.

It was almost exactly a year ago that we held a subcommittee hearing to receive testimony from wildlife experts on the challenges and solutions to facilitating wildlife migration. We heard overwhelming support for codifying a Trump-era secretarial order on wildlife movement, which is what my bill would effectively do.

Together, we worked with private landowners, State wildlife agencies and sportsmen's groups and crafted a bill that would build off the success of that secretarial order and further encourage voluntary efforts -- let me emphasize voluntary efforts -- to support wildlife movement, particularly for big game species. Earlier this year, Representative Zinke, who sponsored the companion bill in the House, and issued the secretarial order when he was Interior Secretary during the

Trump Administration provided compelling testimony for the bill during a House Natural Resources Committee hearing, where it received bipartisan praise.

This bill remains a high priority for prominent sportsmen's and wildlife groups, such as Back Country Hunters and Anglers, the Boone and Crockett Club, the Congressional Sportsmen's Foundation, and the Theodore Roosevelt Conservation Partnership, as well as the Association of Fish and Wildlife Agencies, which represents our State wildlife agencies.

I have tried to negotiate in good faith and to be very accommodating to my colleagues on the other side of the dais. I have to say, though, Mr. Chairman, it was a little frustrating that we couldn't get a final yes and a final agreement on language.

So I raise this in hopes that in the coming weeks we can continue our efforts across the aisle. I ask that my colleagues across the aisle continue to work with me in good faith to advance this common sense bipartisan bill. There is still time.

[The prepared statement of Senator Padilla follows:]

Senator Carper. Thank you, Senator Padilla. Thank you very much for those comments.

Senator Cardin, you are recognized, please.

Senator Cardin. Thank you, Mr. Chairman. As you were approving the nominee on the Great Lakes, it just reminds me of the work of this committee, and being so proud to be on this committee. You and I are in our last couple of weeks on the Environment and Public Works Committee.

Senator Carper. I don't know about you, Ben, but almost every day, even on the train coming down today, people say, how do you like being retired?

[Laughter.]

Senator Carper. I say, well, if you want to know the truth, I am not. And if you looked at my schedule today, you would say, well, he should be paid overtime. It is a very full day, as my colleagues know.

Senator Cardin. Right. I don't think we envisioned, when we made our announcements that we were not seeking re-election, that we would have such a busy end to our term.

Senator Carper. Do you find that people are just being incredibly kind to you?

Senator Cardin. Yes, people who have never voted for me tell me that they like me.

Senator Carper. If I had known people were going to be

this nice to me, I would have quit a lot sooner.

[Laughter.]

Senator Cardin. I don't know if I agree with that statement. But I just really wanted to compliment our Chair and Ranking Member. It is helpful to have the Chair and Ranking Member in the Chesapeake Bay watershed. I just marvel at the way we have been able to work together in a bipartisan manner in this committee.

I know there are days we have some differences, but by and large we have worked as a team. I think about the Water Resources Development Act, I think about so many bills that have moved through this committee that are now the law of the land that have benefitted all our States in a way that is consistent with the mission of this committee.

So I just really wanted to take a moment, if I might, to thank Senator Carper and Senator Capito. You have continued the great tradition of this committee.

I sought to get on this committee my first year in the United States Senate. It is a committee I asked to serve on. It is a committee that I have been very proud to be a part of. So I can name a lot of different aspects that we have been able to move forward, and I think the legacy of this committee is tremendous.

It has been an honor to serve on this committee.

Congratulations to our two leaders.

[The prepared statement of Senator Cardin follows:]

Senator Carper. Thank you for those kind words. It is an honor to be here. We sit next to each other on two committees, and he is my neighbor right across the Bay. What an honor. Thank you, Ben.

Senator Markey. Mr. Chairman?

Senator Carper. My friend from Massachusetts.

Senator Markey. Thank you, Mr. Chairman.

Mr. Chairman, you and I met 42 years ago.

Senator Carper. We were in kindergarten, I think.

[Laughter.]

Senator Markey. You were a young man, a freshman Congressman. At that point I was in my fourth term in Congress, 42 years ago. I always felt that he was one of the most talented young people that I had ever met in politics.

I invited then-young Congressman Tom Carper to go with me on a Congressional delegation that I had organized down to Nicaragua and El Salvador. I was also taking with me Ted Sorensen, who had been the advisor for President Kennedy during the Cuban Missile Crisis, and Stansfield Turner, who had been Jimmy Carter's head of the CIA, who had been his expert, President Carter's expert on Cuba and Latin American affairs as well.

It was at the height of the battle between the Sandinistas and the Somocistas in Nicaragua. It was also at a point where

the war in El Salvador was at a peak. We were unfortunately financing the generals, who were in control of the death squads in El Salvador.

So it was helpful for me, because I had Ted Sorensen and Stansfield Turner with me to give me their insights, but also to be talking to President Duarte in El Salvador and unbelievably, still true, new President Ortega. He had just taken over in Nicaragua.

These two leaders, along with Tom Carper, were just so helpful at having a meaningful Congressional delegation going to that region, which was troubled. To a certain extent, we still see the results of those wars in the migration patterns and even in the governmental structures in those countries.

But that is where my friendship with Senator Carper began, and my admiration for him is undiminished over the years, including the passage of historic legislation under his leadership of this committee, which is going to make a mark on our Country for decades to come.

So I thank you, Mr. Chairman, for your great leadership and for your friendship over all of these years.

[The prepared statement of Senator Markey follows:]

Senator Carper. Thank you. And I would just say, the people say, what do you most remember from those, I remember riding in the CIA helicopters into contra camps right along the border with Nicaragua and El Salvador. It was a very, very tender moment for our Country and that part of the world.

One of the reasons, and there is a connection here with what we are talking about here today, we need a full complement on the Nuclear Regulatory Commission. We need for the NRC to be able to do their job, continue to do their job, especially with a focus on safety.

I was a Navy midshipman, spent a lot of years in the Navy, so has Senator Kelly. I believe that nuclear energy is not the whole answer, but it is a big part of the answer. If we are serious about addressing climate change and global warming, nuclear has to be a part of it. It has to be safe. It has to be safe. If we screw it up, if we mess it up, then heaven help us with respect to actually addressing climate change.

If we want to make sure that the folks from Honduras and Nicaragua those countries who want to stay there where they can actually raise crops and not have to worry about the weather and drought, there is actually a connection here.

Senator Kelly, please.

Senator Kelly. Mr. Chairman, thank you. I certainly want to associate myself with the remarks of Senator Markey and thank

you for your service. I don't know if you remember when we first met or what the circumstances were. I do. For some reason, this young Congresswoman from Arizona, after being elected, decided to strike up a friendship with you. My wife Gabby looked at you as a mentor in the Senate.

Senator Carper. More like a grandfather.

[Laughter.]

Senator Kelly. Yes, grandfather, a grandfather in the Senate for her. She has always been incredibly fond of you. Then for me to have the opportunity to serve on this committee under your leadership for the last three and a half years has been a great experience for me. But also because of your career, and especially the Navy part. We both had the opportunity to serve our Country in the U.S. Navy, the finest fighting force on earth, even ahead of the other ones here in the U.S., in my opinion.

To have this opportunity to serve with you has been a great honor for me, and I want to thank you for your service to this Country.

[The prepared statement of Senator Kelly follows:]

Senator Carper. Thank you, and give Gabby our best, please. Thank you very much.

With that, I think we are ready. I want to call up Presidential Nomination No. 1987 for Matthew James Marzano of Illinois to be a Member of the Nuclear Regulatory Commission for a term of five years, expiring on June 30th, 2028. I move to approve and report the nomination favorably to the Senate. Is there a second?

Senator Cardin. Second.

Senator Carper. The Clerk will call the roll.

The Clerk. Mr. Boozman?

Senator Capito. No by proxy.

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. Mr. Fetterman?

Senator Fetterman. Aye.

The Clerk. Mr. Graham?

Senator Capito. No by proxy.

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. Mullin?

Senator Capito. No by proxy.

The Clerk. Mr. Padilla?

Senator Padilla. Aye.

The Clerk. Mr. Ricketts?

Senator Ricketts. No.

The Clerk. Mr. Sanders?

Senator Sanders. Aye.

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. Sir, the ayes are 10, the nays are 9.

Senator Carper. The nominee is favorably reported. I want to thank everyone for being here. I especially want to thank Senator Fetterman for changing his schedule, and thank you so much to everybody else. And Senator Capito, you didn't have to be this cooperative. Thank you so much for being the wonderful colleague and partner that you have been for all these years.

With that, that concludes the committee's votes for the business meeting today. I want to thank everyone for your participation.

I will now recognize members who would like to speak on any other items on which we have voted or are about to vote today. Let me recognize again Senator Padilla. Thank you.

Senator Padilla. Thank you, Mr. Chair.

I just want to briefly join the chorus of our colleagues. I promise to be brief. But I do want to join the chorus of our colleagues in thanking you for your service, for your leadership of this committee, and for your outreach to me when I first arrived in the Senate. You were not just one of the first members, but one of the first chairs of a committee I was appointed to serve on to reach out and say, how can I help you, how can we work together.

I have always appreciated that. You reminded me of the impact that one of my predecessors, Senator Boxer, had on this

very committee which she chaired once upon a time and was Ranking Member for a few years, the importance of California's voice on this committee. I thought I was the only one that you would share an occasional story of your time in the Navy with, your trips with your thumbs sticking out across America, your first visit with some of your friends here to Washington, D.C. when they went out to meet women and you came to visit the Capitol and witness some of the committee proceedings. I thought those were exclusively shared with me, but clearly, you have enjoyed sharing some of that history and those experiences with those who also appreciate you.

Every time you come to California, which you still do on a regular basis, your appreciation for my State, which has helped me advocate for some of the California issues with you, and with our colleagues here in committee. But among the things I am most appreciative of is how well you always welcomed and greeted my kids when they came to the Capitol. I shared with you some of the pictures from over the years, of your shaking their hands. You made a big impression oni them, and for that I will always be grateful.

Thank you, Mr. Chair.

Senator Carper. When you talk to your kids later today or this weekend, please convey our thanks to them and your wife for sharing you with all of us.

Senator Padilla. I appreciate that.

Senator Carper. Barbara Boxer has said to me more than a few times that you are the most worthy successor to her, and she is right.

Okay. Senator Capito, anything else?

Senator Capito. No.

Senator Carper. In closing, I want to thank our members for being here with all of us today. For some final housekeeping, I have three unanimous consent requests. First, I ask unanimous consent for members to submit their statements for the record on the items that we have considered today. Without objection.

Second, I ask unanimous consent to submit for the record a number of letters of support for the nominee and resolution our committee approved today. Without objection, so ordered.

[The referenced information follows:]

Senator Carper. I also ask unanimous consent that the staff have authority to make technical and conforming changes to the resolutions approved today. Without objection, so ordered.

I want to thank everyone for your participation. Senator Capito, I especially thank you for your kindness and cooperation.

With that, the business meeting is adjourned.

[Whereupon, at 10:15 a.m., the committee proceeded to other business.]