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U.S. Senate Date: Wednesday, December 1, 2021

Committee on Environment
and Public Works

Washington, D.C.

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BUSINESS MEETING

Wednesday, December 1, 2021

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, Duckworth, Stabenow, Kelly, Padilla, Lummis, Boozman, Ernst.

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

Senator Carper. Good morning, everybody. Nice to see you all. Thanks for joining us.

This morning, as you know, we have a busy morning. Senator Capito and I will be in and out, and I appreciate Ben's willingness to hold the gavel when we are away.

I call this business meeting to order this morning. Once we have a quorum, the committee will vote on five nominations. Four of the nominations are to the Environmental Protection Agency. They are Amanda Howe to be Assistant Administrator for Mission Support, Carton Waterhouse to be Assistant Administrator of Land and Emergency Management, and David Uhlmann to be Assistant Administrator of Enforcement and Compliance Assurance, and Christopher Frey to be Assistant Administrator for Research and Development.

Senator Capito and I have agreed, I believe, to consider Ms. Howe's nomination by voice vote. Does that sound good?

Senator Capito. That is correct.

Senator Carper. Great. The remaining EPA nominations will be recorded votes by roll call. We will also vote by voice on the nomination of Jennifer Clyburn Reed to be the Federal Co-Chairperson of the Southeast Crescent Regional Commission.

We will also be voting on three bills to rename federal facilities in West Virginia, Tennessee, and Florida, along with the four GSA Resolutions. The committee will vote on all these items en bloc by voice.

When we have completed our votes, we will immediately move on to this morning's oversight hearing on Nuclear Regulatory Commission, and after that take a nap. Like the rest of you, I have had a full day already. No, we won't take naps.

Then we will move on to the oversight portion with respect to the Nuclear Regulatory Commission. We are happy to see our commissioners joining us today.

The nominees we will vote on in a couple of minutes are all, I believe, outstanding nominees. Each is fully qualified to lead critically important offices within the Environmental Protection Agency and the Southeast Crescent Regional Commission. I am very impressed with the competence and passion that each of these nominees brings with them.

That is also why I am pleased to say that I will be voting yes on each of these nominees. I urge our colleagues to do the same.

With that, let me turn to Senator Capito for any comments she might like to make. Senator Capito?

[The prepared statement of Senator Carper follows:]

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

Senator Capito. Thank you, Mr. Chairman, and thanks for calling this business meeting today.

I am delighted that one of the items that we will be considering today is a bill to name the Federal Building and Courthouse in Wheeling, West Virginia after Judge Frederick Stamp. He was appointed to be a U.S. Judge by President George H.W. Bush in 1990, and Judge Stamp's life of exceptional service has made an indelible mark on West Virginia's legal community and education system. He is a wonderful community member as is his entire family.

So I am very pleased that that will be indelibly imprinted on the courthouse in Wheeling, West Virginia.

I am also glad that among the GSA items that the committee will consider is a resolution approving repairs and alterations to the U.S. Post Office and Courthouse Building in Clarksburg, West Virginia. My lats visit there showed that this project will ensure that the building meetings the long term needs also for security while maintaining its historic integrity. It needs a lot of help; I can tell you that.

We have a number of nominees, as you said, that we are voting on today. I look forward to supporting Dr. Jennifer

Clyburn Reed to lead the Southeast Crescent Regional Commission and Ms. Amanda Howe to lead the Office of Mission Support at EPA.

However I appreciate the willingness to serve, I cannot support the other three EPA nominees under consideration. Coming from an energy producing State, where many operations are subject to EPA regulations, I remain troubled by Dr. Carlton Waterhouse's views on the energy sector and capitalism more generally, based on his responses. I am not assured that he can approach his job from an unbiased perspective, especially when addressing the energy sector.

The overarching issue affecting my position on all of today's nominees, especially Mr. David Uhlmann and Dr. Chris Frey is the lack of timely responsiveness from EPA and the rest of the Administration on critical oversight issues. I have had numerous conversations with the Administrator on this.

Since April, I have asked EPA and the White House several times how the new Nationally Determined Contribution, or NDC, under the Paris Agreement was calculated. I am still waiting for that information on how it was developed. I know it is there; it is just that they won't disclose it.

In October, the Rhodium Group released a report that found meeting the U.S. pledge would demand steep emissions reductions from industries essential to our economy. The report claimed

around 40 percent of the Administration's goal may be achieved by targeting the power sector alone. That is an attack that could not come at a worse time, as inflation, fanned by the previous reconciliation package, drives up the cost of energy and ultimately other household goods.

The U.S. Energy Information Administration has already warned Americans to expect higher heating bills this winter with surging natural gas prices in the U.S. and in Europe. Meanwhile, the Administration is plowing forward to pursue legislation and regulation on the power sector and the oil and gas industry.

We are seeing this already through the reckless tax and spending spree that President Biden wants to move through reconciliation. This ill-conceived effort contains a wide variety of harmful policies, including a new fee on methane, which is in reality a natural gas tax.

This natural gas tax would raise fuel prices and disproportionately impact low-income households across the Country, yet another significant financial impact on everyday Americans. And it comes even as EPA and the White House have just recently announced an aggressive new rule on methane from energy production.

I remain ever hopeful, as I always am, that the Administration will change its posture, but at least come forward

with the information that we have very specifically required and asked for, so that we can have the transparency that all these nominees promise but once they achieve their offices, we find hasn't come forward as quickly and as transparently as we had hoped.

Thank you for bringing us together today, Mr. Chairman, and I yield back.

[The prepared statement of Senator Capito follows:]

Senator Carper. Thank you so much.

Do we have a quorum? Are we ready to vote? No? Okay.

Point of clarification. One of the nominees, the judge, I think his last name is Stamp?

Senator Capito. That is correct.

Senator Carper. I mentioned this to Senator Capito, I said, it is ironic that a judge named Stamp, they are naming a federal building after him. I said, it is too bad we can't name a post office after him. And what did you tell me?

Senator Capito. In reality, the post office is in the building.

Senator Carper. How cool is that.

Senator Capito. We try to do it well in West Virginia.

[Laughter.]

Senator Carper. All right.

Who else would like to be recognized? Anybody else while we are waiting for a quorum?

[Pause.]

Senator Carper. I thank our colleagues for your patience. We have reached out to the offices of those Senators who are not yet in attendance. Hopefully, they will be here soon.

[Pause.]

Senator Carper. To our colleagues, we are waiting for one

more member, Sheldon is enroute. Then we will get going.

[Pause.]

Senator Carper. All right, I think we are ready. Senator Whitehouse, welcome, glad to see you.

I want to call up Presidential Nomination 722, Carlton Waterhouse of Virginia to be Assistant Administrator of Land and Emergency Management 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. The Clerk will call the roll.

The Clerk. Mr. Boozman?

Senator Boozman. No.

The Clerk. Mrs. Capito?

Senator Capito. No.

The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Cramer?

Senator 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 Capito. No by proxy.

The Clerk. Mr. Kelly?

Senator Kelly. Aye.

The Clerk. Ms. Lummis?

Senator Lummis. No.

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. Yes.

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. Carper votes aye.

The Clerk. Mr. Chairman, the yeas are 10, the nays are 10.

Senator Carper. Thanks very much.

Let me now call up the Presidential Nomination number 731, David Uhlmann of Michigan to be Assistant Administrator of Enforcement and Compliance Assurance of the Environmental Protection Agency. I move to approve and report the nomination favorably to the Senate. Is there a second?

Senator Cardin. Second.

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

The Clerk. Mr. Boozman?

Senator Boozman. No.

The Clerk. Mrs. Capito?

Senator Capito. No.

The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Cramer?

Senator 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 Capito. No by proxy.

The Clerk. Mr. Kelly?

Senator Kelly. Aye.

The Clerk. Ms. Lummis? 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. Carper votes aye.

The Clerk. Mr. Chairman, the yeas are 10, the nays are 9.

Senator Carper. Thank you.

Now I would like to call up Presidential Nomination number 1224, Henry Christopher Frey of North Carolina to be Assistant Administrator of Research and Development of the Environmental Protection Agency. I move to approve and report the nomination favorably to the Senate. Is there a second?

Senator Cardin. Second.

Senator Carper. Thank you. The Clerk will call the roll.

The Clerk. Mr. Boozman?

Senator Boozman. No.

The Clerk. Mrs. Capito?

Senator Capito. No.

The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Cramer?

Senator Capito. Yes, 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 Capito. No by proxy.

The Clerk. Mr. Kelly?

Senator Kelly. Aye.

The Clerk. Ms. Lummis?

Senator Lummis. No.

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. Carper votes aye.

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

Senator Carper. Thank you.

I now would like to call up two Presidential Nominations to consider en bloc along with the remaining business for today. First, I call up Presidential Nomination number 1224, Jennifer Clyburn Reed of South Carolina to be Federal Co-Chair of the Southeast Crescent Regional Commission. Second, I call up Presidential Nomination 731, Amanda Howe of Virginia to be Assistant Administrator for Mission Support of the Environmental Protection Agency.

Finally, I would like to call up H.R. 4660 to designate the Federal Building and U.S. Courthouse located at 1125 Chapline Street in Wheeling, West Virginia, as the Frederick P. Stamp, Jr.

Federal Building and U.S. Courthouse. Also calling up for consideration H.R. 390 to redesignate the federal building located at 167 North Main Street in Memphis, Tennessee as the Odell Horton Federal Building. Also S. 2938, to designate the federal building located at 111 North Adams Street in Tallahassee, Florida, as the Joseph Woodrow Hatchett United States Courthouse and Federal Building, in addition to four GSA Resolutions.

We will now consider these two nominations, along with H.R. 4660, H.R. 390, S. 2938, and GSA Resolutions en bloc by voice vote. I move to approve and report these matters favorably to the Senate. Is there a second?

Senator Cardin. Second.

Senator Carper. Thank you. 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 appear to have it. The ayes have it, and the measures and nominations are favorably reported.

For the record, the chair observes that a quorum is present in the room, and now we can turn to today's hearing. I want to thank everybody for coming here, adjusting your schedules to be

here so we could do our job, report these nominations and bills out. Thanks so much.

[Whereupon, at 10:07 a.m., the committee proceeded to other business.]