

# BUSINESS MEETING

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## MEETING

OF THE

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

### UNITED STATES SENATE

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

—————  
FEBRUARY 9, 2021  
—————

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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

THOMAS R. CARPER, Delaware, *Chairman*

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BERNARD SANDERS, Vermont

SHELDON WHITEHOUSE, Rhode Island

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LINDSEY O. GRAHAM, South Carolina

MARY FRANCES REPKO, *Democratic Staff Director*

ADAM TOMLINSON, *Republican Staff Director*

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## **BUSINESS MEETING**

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**TUESDAY, FEBRUARY 9, 2021**

U.S. SENATE,  
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,  
*Washington, DC.*

The Committee met, pursuant to notice, at 10:03 a.m. in room 106, Dirksen Senate Office Building, Hon. Thomas R. Carper (Chairman of the Committee) presiding.

Present: Senators Carper, Capito, Cardin, Sanders, Whitehouse, Merkley, Markey, Duckworth, Stabenow, Kelly, Padilla, Inhofe, Cramer, Lummis, Boozman, Wicker, and Ernst.

### **OPENING STATEMENT OF HON. THOMAS R. CARPER, U.S. SENATOR FROM THE STATE OF DELAWARE**

Senator CARPER. I call this business meeting to order.

Welcome, one and all. I want to thank our staffs for your work in helping to bring us to this day. I want to thank Michael Regan for his willingness to serve in this capacity and for his family's willingness to share him with all of us.

Today we will be considering his nomination to serve as Administrator of the EPA. We will also be considering today our Committee's funding resolution and Committee rules, which we have worked out with Senator Capito and her staff.

Thank you very much.

Before we get started, I just want to begin by welcoming, they are not all here, but I am going to go ahead and welcome each of the new members of our Committee. Those new members include Senator Lindsey Graham of South Carolina, Senator Mark Kelly of Arizona, Senator Cynthia Lummis of Wyoming, Senator Alex Padilla of California, and Senator Debbie Stabenow of Michigan. We welcome one and all.

Debbie and I came to the Senate together in 2001. Michigan State, Ohio State, you would think we would be on different wavelengths, but we have been partners on a lot of stuff.

I have enjoyed working with you and your leadership over in Ag, and we welcome you here today to this Committee.

Senator Capito and I have agreed that we will begin voting promptly at 10:15 or as soon as we have established a quorum. At that time, we will hit the pause button with respect to members' statements and proceed straight to the items on our agenda. I will be happy to recognize any member who still wishes to speak after the voting concludes.

Now, let's turn to the business at hand. I want to begin by saying a few words about Michael Regan. As I noted during our hearing

last week, I believe he is the right person to lead the EPA during this critical time in our Nation's history. He is a man of deep faith who believes, as we all do, that we have a moral obligation to be good stewards of this planet on which we live together.

I believe that Michael Regan is someone who can help unite us in common purpose. That is what he did in North Carolina. As an honest and thoughtful public servant, he brought people together to find solutions to some of the Tarheel State's most pressing environmental challenges. I believe he is fully capable of doing that again as EPA Administrator, working with all of us to address climate change and protect our air, our water, our natural resources, while helping to create good paying jobs for the American people and strengthening our economy. He is going to make sure that all of our communities and neighbors can be part of that progress.

I also want to speak briefly about the other two items on our agenda, the Committee's funding resolution as well as the rules that govern our Committee's conduct. The Senate has only experience an evenly divided Senate three times before in our history, one in 1881, again in 1953, and again when Senator Stabenow and I were rookies in the Senate in 2001.

Our Committee's funding resolution and rules reflect the equal representation of the parties on EPW, are consistent with Senate Resolution 27, as agreed to by Senators Schumer and McConnell.

I want to personally thank Senator Capito, along with the members of the Committee's minority staff, for working with the members of the majority staff and with me to reach a reasonable agreement in a very timely manner.

For the new members who have joined us, we have a history on this Committee of working across the aisle. So I am not surprised that we are able to reach agreement on the rules and on the Committee's funding that is consistent with our 2001 precedent so early in this Congress.

As we have done in the past, we will revisit our rules and budget, should a balance of power shift later on in the Senate.

Let me also take a moment to share with our members this morning that we are taking important action today with respect to our Subcommittees, at least the naming of our Subcommittees. We are renaming two of them, as most of you know.

We are adding the word "climate" back into Clean Air, Climate, and Nuclear Safety Subcommittee. We are also adding the words "chemical safety and environmental justice" to our Superfund Subcommittee name, which will become the Subcommittee on Chemical Safety, Waste Management, Environmental Justice, and Regulatory Oversight.

These changes are an important reflection of the direction our Committee will take in 2021 as we work together to address some of the biggest challenges of our day. Those challenges include finding real solutions to climate change and to create and protect good paying jobs. They also include ensuring that we keep the Golden Rule in mind when we develop new laws or modify existing ones, so that all communities, and that includes communities of color and low income communities, along with the rural and urban communities, receive just and equal treatment under the law that we craft.

With that said, let me now recognize our Ranking Member, Senator Capito, for any comments that she might wish to make this morning.

I also want to say, I think we set a record a week or so ago when we had a hearing. We actually had to, in the course of the hearing, John Barrasso started off as the Chair, he handed it off to Shelley, and about 20 minutes before the end of our hearing, the Senate adopted an organizing resolution to make me the Committee Chair. I think that call that a troika, or something like that.

[Laughter.]

Senator CARPER. You did a great job, and I am delighted to be sitting next to you. Thank you.

**OPENING STATEMENT OF HON. SHELLEY MOORE CAPITO,  
U.S. SENATOR FROM THE STATE OF WEST VIRGINIA**

Senator CAPITO. Thank you, Mr. Chairman. Thank you, Senator Carper. Thank you for my hour and a half of fame as the Chair of this Committee. I enjoyed it; I must admit.

But congratulations to you on your new role. I know you will be great. We have already had a great relationship anyway. But I think that it bodes well for the future of the Committee. We have talked more than several times, and we will continue that, obviously, every week, and hopefully more frequently than that.

I also join you in welcoming our five new members. I am very grateful to have Senator Stabenow, Senator Kelly, and Senator Padilla, who I actually haven't met yet, so I have to get down there and get to know you a lot better. But welcome.

Then on the Republican side, Senator Graham, who is not here, who is very interested in looking at issues particularly pertaining to nuclear energy and the State highway system and ports. He has expressed that interest.

Also my former House colleague, Senator Cynthia Lummis, who will be filling the shoes of Senator Barrasso on this Committee. Her great work at the Natural Resources Committee in the House is very, very much appreciated, and her wealth of knowledge. So I look forward to seeing how we move forward.

So now on to today's business. I am going to flip the way I am speaking, just to make it interesting, I hope. The Committee rules and budget we will adopt today give us the opportunity to operate in a balanced and a bipartisan way. We really didn't have any problems that I was made aware of in terms of trying to figure out the best way to develop the rules that are informed by precedent.

Mr. Chairman, I thank you and your staff, your very able staff, for working, and mine as well, we have a split Committee, as you noted. The last time we had that split, as you noted as well, was in 2001.

Consistent with 2001, both parties will have an equal number of non-Federal witnesses at each hearing. Chairman Carper and I will evenly balance the interests of the two parties in setting hearing topics and markup agendas.

The rules will likely need to be revisited, and Senator Carper said this in his statement, but we are saying it twice for emphasis, when we cease to have an equally divided Senate, just as the Committee did in July 2001, once the 50-50 split ended.

Today we also consider our Committee's proposed budget, which includes a modest increase from last Congress for COLAs, oversight activities, and to pay our Committee interns, which I think most of us in our personal offices are already doing that.

I am happy to know that we are going to be doing that here in the Committee. It makes a whole lot of sense, and I think it spreads the opportunity to a lot more people. It represents a reasonable request that will provide the resources we need to do the Committee's important work.

I support adoption of the Committee rules and of the Committee budget.

Finally, we are also here to consider Michael Regan's nomination to be the Administrator at the Environmental Protection Agency. I appreciate the several conversations that I have had with Secretary Regan. He has been very open and forthright in reaching out, I think, to all of us. I particularly am grateful for that.

As Senators Burr and Tillis noted in their introduction, Secretary Regan has been an accessible regulator to the people of North Carolina. That deserves praise.

As an individual, he is absolutely the type of person that I would like to see leading a Federal agency.

Here is the "but." But unfortunately, officials in place at the White House and at the EPA have already set the agenda before he even achieves the office. These decisions were made before Mr. Regan, who should be, who will be the Senate confirmed probably leader on environmental policy, even before he had his nomination hearing, staff was already in place, busy implementing what I feel are misguided and unthoughtful executive orders.

It is unclear whether Secretary Regan, if confirmed, would have any authority or had the authority to stop the regulatory march toward the Green New Deal. Gina McCarthy, EPA Administrator during President Obama's administration, is at the White House with an all encompassing role as the climate czar. Janet McCabe, who led efforts to establish the illegal Clean Power Plan, has been nominated to be the Deputy EPA Administrator.

It is unclear whether Secretary Regan wants to set out on a different policy course from McCarthy and McCabe that they took during the Obama administration.

I appreciate the commitments that he made to visit West Virginia, and we all joked that it sounds like he might be visiting the entire country and other energy producing States. I embrace that. We were basically ignored in the past Administrations.

But on key policies, he has not committed to a different course. He did not rule out a return to the Clean Power Plan or something like it. Secretary Regan would not say whether EPA would again claim overreaching authority to force States to shift electricity generation sources.

Secretary Regan also did not commit to preserve the Navigable Waters Protection Rule. He could not rule out a return to the Obama administration's 2015 WOTUS Rule or something like it. Without clear commitments to oppose some policies that would economically devastate my State, I cannot support him.

I can tell you that he is a good man, as our Chairman said, a good family man, really an inspiration, I think, for many young people, and a great public servant.

I hope that if confirmed he will stand up to those who work to implement policies that leave behind working families and energy producing States like mine. I cannot understate the hurt they have felt during the Obama administration's EPA policies.

At an August 2016 Energy and National Resources Committee field hearing in Morgantown, West Virginia, WVU economist Dr. John Deskins testified. His quote: "The deep decline in coal production in recent years has had a devastating effect on our State's economy." He told us in the final year of the Obama administration that the loss of energy jobs had created a great depression in six southern West Virginia counties, and one of those may be the county in which you were born.

Treasury Secretary Janet Yellen, in her recent confirmation hearing, referenced "the permanent scarring that is associated with job loss and unemployment that can harm the economy over the longer term." We cannot return to a third term of the Obama administration policies at the EPA that will lead to job loss, economic harm, and more permanent scarring.

Based on my strong opposition to that policy agenda and the staff that is already in place, I will vote no on Secretary Regan's nomination and confirmation today. I encourage the President not to box his future nominees into a predetermined policy agenda that has already been determined by staff that he has put in place.

With that, I yield back to you, Mr. Chairman.

Senator CARPER. Thank you, Madam.

Senator INHOFE. Mr. Chairman.

Senator CARPER. Yes, please, go ahead.

Senator INHOFE. A point of inquiry here. We are going to be voting, I assume, you have changed the agenda, so it is going to be the first thing we are going to do, is going to be voting on Mr. Regan.

Can I make one statement?

Senator CARPER. Yes, please.

Senator INHOFE. I think the world of Michael Regan, and I was going to make a statement, although Senator Capito made exactly the statement I was going to make. The problem I have is the agenda that he will be following, and I know that he will be doing this, is contrary to the things that we believe in Oklahoma.

So while he is unquestionably a qualified individual, I think the world of him as an individual, I will be voting against him for that reason.

I have been trying to reach him since 9:30 this morning to tell him that and was not able to do that.

Thank you, Mr. Chairman.

Senator CARPER. Thanks very much.

It is 10:15 now. I just want to say something if I can. We talk a lot about doing things for our planet, addressing climate change, clean air, clean water, and doing so in ways that create economic opportunity. I just want you to know, Senator Capito and I have already begun conversation, along with Senator Manchin, about ac-

tually doing something real, particularly for West Virginia, one of the hardest hit States, including my native State, for job creation.

It is very sad; you go there to see what has happened to the economy, in the communities in which my sister and I were born and raised.

It turns out, Charlie Dent, many of you know Charlie Dent, Congressman from Pennsylvania, Charlie Dent is now in charge of the Aspen Institute, the congressional arm. I talked to him yesterday after having talked to Senator Capito about the possibility of Aspen Institute hosting maybe a 2 day workshop at the University of West Virginia in Morgantown early this spring that focuses on what kinds of jobs can be created for the people whose jobs have been displaced, who have lost their jobs, what can we be doing to make sure that they have good jobs to go to, and to really get started on this right out of the starting gate. I wanted to share that with all of you.

OK. We are going to go ahead and do the vote. If others would like to be recognized and speak once we have completed the vote, I will be happy to recognize you.

Thank you all for coming. We are going to have a good time together in the next couple of years, and we are going to get a heck of a lot done. Thank you all.

I would like to call up Presidential Nomination 78-16, Michael Regan of North Carolina to be Administrator 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. I hear a second.

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 CRAMER. Aye.

The CLERK. Ms. Duckworth.

Senator DUCKWORTH. Aye.

The CLERK. Ms. Ernst.

Senator ERNST. No.

The CLERK. Mr. Graham.

Senator CAPITO. Aye by proxy.

The CLERK. Mr. Inhofe.

Senator INHOFE. No.

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. Nay by proxy.

The CLERK. Ms. Stabenow.

Senator STABENOW. Aye.

The CLERK. Mr. Sullivan.

Senator CAPITO. Aye by proxy.

The CLERK. Mr. Whitehouse.

Senator WHITEHOUSE. Aye.

The CLERK. Mr. Wicker.

Senator WICKER. Aye.

The CLERK. Mr. Chairman.

Senator CARPER. Aye.

The CLERK. Mr. Chairman, the yeas are 14, the nays are 6.

Senator CARPER. We have approved by a margin of 14 to 6 the nomination of Michael Regan to be Administrator of the Environmental Protection Agency, which will be reported to the full Senate.

And I now move to approve the Committee budget resolution, and the Committee rules en bloc.

Is there a second?

Senator CAPITO. Second.

Senator CARPER. It has been seconded.

All in favor say aye.

[Chorus of ayes.]

Senator CARPER. In the opinion of the Chair, the ayes have it. We have approved the Committee's budget resolution and the Committee rules, which will be reported favorably to the Senate.

The voting portion of this meeting is concluded, and I am now happy to recognize any member who wishes to make a statement on the nomination of Michael Regan or the Committee resolutions that we have just approved.

Thank you all for joining us this morning.

Would anyone like to be recognized?

Senator WHITEHOUSE. Mr. Chairman.

Senator CARPER. Yes, please, Senator Whitehouse.

Senator WHITEHOUSE. I hadn't planned to say anything but when I heard the comments this morning, I just want to emphasize that if you are talking about permanent scarring, what we are doing to this planet with carbon emissions portends permanent scarring of our oceans, permanent scarring of the fisheries that Rhode Islanders depend on, permanent scarring of our very coastline. We are looking at having to redraw the map of Rhode Island because we are blocked in Congress from handling this problem.

The permanent scarring of our atmosphere has been chronicled in a recent, really good, actually, article in the Atlantic Magazine, going back through the geologic and anthropologic record of what it was like on this planet when we were hitting the benchmarks we are either at or will hit for carbon dioxide concentration in the years ahead.

If you want to talk about economic harm, read Freddie Mac's report about coastal property value crash. That is not a green organization. Read, what it is now, 40 central banks, all of whom have warned of systemic harm which is global economic harm from carbon harm and related misinvestment.

The Fed, even under the Trump administration, a couple of the local Feds wrote similar reports. The warnings of economic harm, really grievous economic harm, are loud and clear.

If you want to know what it feels like to not be listened to, try being a Democrat in the Trump administration.

So I feel the pain on the other side, and we will try, I promise you, to do a much better job of listening to you and solving local economic pain than the Trump administration and you did for the past 4 years to us.

Senator CAPITO. Mr. Chairman.

Senator CARPER. Senator Capito.

Senator CAPITO. Yes, I think I appreciate the comments from my friend, Senator Whitehouse. I think if you look what we did during the Trump administration on our 45Q where we worked together, where we found an environment and an economic win in terms of CCUS for coal, I think those are examples of where you are creating jobs and getting an environmental outcome at the same time.

I know that you are familiar with my home State of West Virginia, because we have talked about that. I think that the permanent scarring of poverty, drug abuse, joblessness, depression, hopelessness, cannot be forgotten as it was during the—I think I have a good leg to stand on in this, because I live there, have seen it.

Senator WHITEHOUSE. I appreciate that.

Senator CAPITO. We have not recovered from it.

So we are not in denial here. We are not saying, don't move forward with things of cleaning the air and cleaning the water and helping your particular State, which understandably right at the tip there is going to feel it first and the hardest, as our friends in Alaska, Senators Murkowski and Sullivan talk about quite passionately.

So let's work together on this. Let's not—I will make a deal with you. I will make a deal with you. If I erase one painful comment from the Obama administration, you can erase one painful comment from the Trump administration, and we will be on at least a little more united in what I think we do have shared goals. So thank you.

Senator WHITEHOUSE. I appreciate that. I look forward to working with the Ranking Member on this. I know her sincerity, and we get along personally well.

I appreciate all of those things. Let's just work to support each other's concerns.

Senator CAPITO. Yes.

Senator CARPER. We are going to need a lot of erasers.

Anyone else? Any of our new members?

Senator KELLY. Yes, Mr. Chairman.

Senator CARPER. Senator Kelly.

Senator KELLY. Thank you. I am glad to be joining the Committee. I look forward to working with you, Ranking Member Cap-

ito, and the rest of my colleagues on the Committee in the coming months and years.

Arizona is a State defined by its natural beauty. Protecting the environment is critical to our economy and to our way of life. Arizonans are counting on Congress to pass a long term Surface Transportation Bill to protect our scarce water resources and support investments in good paying, renewable energy jobs of the future. I am eager to work on all of these issues as a member of the Environment and Public Works Committee.

I also want to say a brief word about Michael Regan, whose nomination I supported just now. After listening to his testimony before the Committee last week, and reviewing his responses to questions that I submitted for the record, I believe Mr. Regan is well qualified and will make decisions in a transparent manner, based on the science and in accordance with the law and the mission of the EPA. I look forward to working with Mr. Regan to ensure that EPA regulations take into account Arizona's unique climate and geography.

Too often, EPA regulations have taken a one size fits all approach, which doesn't work for the State of Arizona. From defining dry washes and riverbeds as navigable waters to attempting to regulate naturally occurring dust storms as particulate pollution, Arizonans understand the effects of a poorly targeted environmental regulation.

Yet the past few years have demonstrated that an absent EPA can create just as much confusion and place vulnerable communities at risk. That is why I appreciate Mr. Regan's willingness to work with me to clean up the more than 500 abandoned uranium mines on the Navajo Nation, and help improve water and wastewater infrastructure in Arizona's border communities.

There is a lot of work to be done to responsibly protect Arizona's environment. I look forward to working with Mr. Regan to do just that.

Thank you, Mr. Chairman, and I yield back.

Senator CARPER. Thank you, Senator Kelly. We are delighted you are on this Committee. You can never have too many Navy guys on a committee to focus on issues like these. Welcome aboard.

Senator KELLY. Thank you.

Senator CARPER. Senator Capito, anything else?

Senator CAPITO. No.

Senator CARPER. All right. If there is no one else who would like to make a comment at this time, I would ask unanimous consent that the staff have authority to make technical and conforming changes to each of the matters approved today.

I want to thank everyone for their participation in our business meeting. I especially want to thank the Ranking Member, Senator Capito, and her staff, and our staff, for helping make this possible.

This meeting is adjourned. Thank you.

[Whereupon, at 10:27 a.m., the meeting was adjourned.]

[The referenced legislation follows:]

**NOMINATION REFERENCE AND REPORT**

**PN78-16**

AS IN EXECUTIVE SESSION,  
SENATE OF THE UNITED STATES,  
January 20, 2021.

*Ordered*, That the following nomination be referred to the Committee on Environment and Public Works:

Michael Stanley Regan, of North Carolina, to be Administrator of the Environmental Protection Agency, vice Andrew Wheeler.

~~Jan~~ February 9, 2021.  
(Date)

Reported by Mr./Mrs./Ms.

Thomas R. Carper  
(Signature)

with the recommendation that the nomination be confirmed.

The nominee has agreed to respond to requests to appear and testify before any duly constituted committee of the Senate.

*Thomas R. Carper*

117TH CONGRESS  
1ST SESSION

**S. RES. 49**

Authorizing expenditures by the Committee on Environment and Public Works.

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IN THE SENATE OF THE UNITED STATES

Mr. CARPER, from the Committee on Environment and Public Works, reported the following original resolution; which was

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**RESOLUTION**

Authorizing expenditures by the Committee on Environment and Public Works.

- 1       *Resolved,*
- 2   **SECTION 1. GENERAL AUTHORITY.**
- 3       In carrying out its powers, duties, and functions
- 4 under the Standing Rules of the Senate, in accordance
- 5 with its jurisdiction under rule XXV of the Standing Rules
- 6 of the Senate, including holding hearings, reporting such
- 7 hearings, and making investigations as authorized by
- 8 paragraphs 1 and 8 of rule XXVI of the Standing Rules
- 9 of the Senate, the Committee on Environment and Public
- 10 Works (in this resolution referred to as the "committee")

1 is authorized from March 1, 2021 through February 28,  
2 2023, in its discretion, to—

3 (1) make expenditures from the contingent fund  
4 of the Senate;

5 (2) employ personnel; and

6 (3) with the prior consent of the Government  
7 department or agency concerned and the Committee  
8 on Rules and Administration, use on a reimbursable  
9 or nonreimbursable basis the services of personnel of  
10 any such department or agency.

11 **SEC. 2. EXPENSES.**

12 (a) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30,**  
13 **2021.**—The expenses of the committee for the period  
14 March 1, 2021 through September 30, 2021 under this  
15 resolution shall not exceed \$3,310,821, of which amount—

16 (1) not to exceed \$4,666 may be expended for  
17 the procurement of the services of individual consult-  
18 ants, or organizations thereof (as authorized by sec-  
19 tion 202(i) of the Legislative Reorganization Act of  
20 1946 (2 U.S.C. 4301(i))); and

21 (2) not to exceed \$1,166 may be expended for  
22 the training of the professional staff of the com-  
23 mittee (under procedures specified by section 202(j)  
24 of that Act).

## 3

## 1 (b) EXPENSES FOR FISCAL YEAR 2022 PERIOD.—

2 The expenses of the committee for the period October 1,  
3 2021 through September 30, 2022 under this resolution  
4 shall not exceed \$5,675,695, of which amount—

5 (1) not to exceed \$8,000 may be expended for  
6 the procurement of the services of individual consult-  
7 ants, or organizations thereof (as authorized by sec-  
8 tion 202(i) of the Legislative Reorganization Act of  
9 1946 (2 U.S.C. 4301(i)); and

10 (2) not to exceed \$2,000 may be expended for  
11 the training of the professional staff of the com-  
12 mittee (under procedures specified by section 202(j)  
13 of that Act).

14 (c) EXPENSES FOR PERIOD ENDING FEBRUARY 28,  
15 2023.—The expenses of the committee for the period Oc-  
16 tober 1, 2022 through February 28, 2023 under this reso-  
17 lution shall not exceed \$2,364,874, of which amount—

18 (1) not to exceed \$3,334 may be expended for  
19 the procurement of the services of individual consult-  
20 ants, or organizations thereof (as authorized by sec-  
21 tion 202(i) of the Legislative Reorganization Act of  
22 1946 (2 U.S.C. 4301(i)); and

23 (2) not to exceed \$834 may be expended for the  
24 training of the professional staff of the committee

1 (under procedures specified by section 202(j) of that  
2 Act).

3 **SEC. 3. EXPENSES AND AGENCY CONTRIBUTIONS.**

4 (a) **EXPENSES OF THE COMMITTEE.—**

5 (1) **IN GENERAL.**—Except as provided in para-  
6 graph (2), expenses of the committee under this res-  
7 olution shall be paid from the contingent fund of the  
8 Senate upon vouchers approved by the chairman of  
9 the committee.

10 (2) **VOUCHERS NOT REQUIRED.**—Vouchers shall  
11 not be required for—

12 (A) the disbursement of salaries of employ-  
13 ees paid at an annual rate;

14 (B) the payment of telecommunications  
15 provided by the Office of the Sergeant at Arms  
16 and Doorkeeper;

17 (C) the payment of stationery supplies pur-  
18 chased through the Keeper of the Stationery;

19 (D) payments to the Postmaster of the  
20 Senate;

21 (E) the payment of metered charges on  
22 copying equipment provided by the Office of the  
23 Sergeant at Arms and Doorkeeper;

24 (F) the payment of Senate Recording and  
25 Photographic Services; or

1                   (G) the payment of franked and mass mail  
2                   costs by the Sergeant at Arms and Doorkeeper.

3           (b) AGENCY CONTRIBUTIONS.—There are authorized  
4 to be paid from the appropriations account for “Expenses  
5 of Inquiries and Investigations” of the Senate such sums  
6 as may be necessary for agency contributions related to  
7 the compensation of employees of the committee—

8           (1) for the period March 1, 2021 through Sep-  
9           tember 30, 2021;

10           (2) for the period October 1, 2021 through Sep-  
11           tember 30, 2022; and

12           (3) for the period October 1, 2022 through  
13           February 28, 2023.

## **Rules of Procedure**

### **RULE 1. COMMITTEE MEETINGS IN GENERAL**

(a) Regular Meeting Days: For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 a.m. If there is no business before the committee, the regular meeting shall be omitted.

(b) Additional Meetings: The chair may call additional meetings, after consulting with the ranking minority member. Subcommittee chairs may call meetings, with the concurrence of the chair, after consulting with the ranking minority members of the subcommittee and the committee.

(c) Presiding Officer:

(1) The chair shall preside at all meetings of the committee. If the chair is not present, the ranking member shall preside. If neither the chair nor the ranking member is present, the responsibility for presiding shall alternate between the parties, beginning with the chair's party and based on seniority.

(2) Subcommittee chairs shall preside at all meetings of their subcommittees. If the subcommittee chair is not present, the ranking majority member of the subcommittee shall preside.

(3) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) Open Meetings: Meetings of the committee and subcommittees, including hearings and business meetings, are open to the public. A portion of a meeting may be closed to the public if the committee determines by roll call vote of a majority of the members present that the matters to be discussed or the testimony to be taken-

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI.

(e) Broadcasting:

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

### **RULE 2. QUORUMS**

(a) Business Meetings: At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving a committee resolution, six members of the committee, at least three of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).

(b) Subcommittee Meetings: At subcommittee business meetings, a majority of the subcommittee members, at least one of whom is a member of the minority party, constitutes a quorum for conducting business.

(c) Continuing Quorum: Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) Reporting: No measure or matter may be reported to the Senate by the committee unless a majority of committee members cast votes in person.

(e) Hearings: One member constitutes a quorum for conducting a hearing.

### **RULE 3. HEARINGS**

(a) Announcements: Before the committee or a subcommittee holds a hearing, the chair of the committee or subcommittee shall, after consultation with the ranking member, make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chair of the committee or subcommittee, with the concurrence of the ranking minority member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least twenty-four hours in advance of the hearing. The chair and the ranking member shall seek to attain an equal balance of the two parties when selecting subjects for and scheduling hearings.

(b) Statements of Witnesses:

(1) A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness' testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

(2) Any witness planning to use at a hearing any exhibit such as a chart, graph, diagram, photo, map, slide, or model must submit one identical copy of the exhibit (or representation of the exhibit in the case of a model) and 100 copies reduced to letter or legal paper size at least 48 hours before the hearing. Any exhibit described above that is not provided to the committee at least 48 hours prior to the hearing cannot be used for purpose of presenting testimony to the committee and will not be included in the hearing record.

(3) The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

(4) For any hearing, both the chair and the ranking member are entitled to an equal number of non-federal government witnesses.

(5) Notwithstanding a request that a document be embargoed, any document that is to be discussed at a hearing, including, but not limited to, those produced by the General Accounting Office, Congressional Budget Office, Congressional Research Service, a

Federal agency, an Inspector General, or a nongovernmental entity, shall be provided to all members of the committee at least 72 hours before the hearing.

#### **RULE 4. BUSINESS MEETINGS: NOTICE AND FILING REQUIREMENTS**

(a) Notice: The chair of the committee or the subcommittee shall, after consultation with the ranking member of the committee or the subcommittee, provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting. If the 72 hours falls over a weekend, all materials will be provided by close of business on Friday. The chair and the ranking member shall seek to attain an equal balance of the interests of the two parties when setting the agenda of business meetings.

(b) Amendments: First-degree amendments must be filed with the chair of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chair shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) Modifications: The chair of the committee or the subcommittee may modify the notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

#### **RULE 5. BUSINESS MEETINGS: VOTING**

(a) Proxy Voting:

(1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

(2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

(3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) Subsequent Voting: Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so that same business day and their vote does not change the outcome.

(c) Public Announcement:

(1) Whenever the committee conducts a rollcall vote, the chair shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

(2) Whenever the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

#### **RULE 6. SUBCOMMITTEES**

(a) Regularly Established Subcommittees: The committee has four subcommittees: Transportation and Infrastructure; Clean Air, Climate and Nuclear Safety; Chemical Safety, Waste Management, Environmental Justice and Regulatory Oversight; and Fisheries, Water, and Wildlife.

(b) Membership: The committee chair, after consulting with the ranking minority member, shall select members of the subcommittees.

## **RULE 7. STATUTORY RESPONSIBILITIES AND OTHER MATTERS**

(a) Environmental Impact Statements: No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) Project Approvals:

(1) Whenever the committee authorizes a project under Public Law 89-298, the Rivers and Harbors Act of 1965; Public Law 83-566, the Watershed Protection and Flood Prevention Act; or Public Law 86-249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) Building Prospectuses:

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted.

A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the General Services Administration and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) Naming Public Facilities: The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States,

former Members of Congress over 70 years of age, former Justices of the United States Supreme Court over 70 years of age, or Federal judges who are fully retired and over 75 years of age or have taken senior status and are over 75 years of age.

**RULE 8. AMENDING THE RULES**

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.