

BUSINESS MEETING

MEETING

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

UNITED STATES SENATE

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

SEPTEMBER 29, 2022

Printed for the use of the Committee on Environment and Public Works



Available via the World Wide Web: <http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

THOMAS R. CARPER, Delaware, *Chairman*

BENJAMIN L. CARDIN, Maryland

BERNARD SANDERS, Vermont

SHELDON WHITEHOUSE, Rhode Island

JEFF MERKLEY, Oregon

EDWARD J. MARKEY, Massachusetts

TAMMY DUCKWORTH, Illinois

DEBBIE STABENOW, Michigan

MARK KELLY, Arizona

ALEX PADILLA, California

SHELLEY MOORE CAPITO, West Virginia,

Ranking Member

JAMES M. INHOFE, Oklahoma

KEVIN CRAMER, North Dakota

CYNTHIA M. LUMMIS, Wyoming

RICHARD SHELBY, Alabama

JOHN BOOZMAN, Arkansas

ROGER WICKER, Mississippi

DAN SULLIVAN, Alaska

JONI ERNST, Iowa

LINDSEY O. GRAHAM, South Carolina

MARY FRANCES REPKO, *Democratic Staff Director*

ADAM TOMLINSON, *Republican Staff Director*

C O N T E N T S

	Page
SEPTEMBER 29, 2022	
OPENING STATEMENTS	
Carper, Hon. Thomas R., U.S. Senator from the State of Delaware	1
PROPOSED LEGISLATION	
Presidential Nomination of Michelle L. Moore	3
Presidential Nomination of Robert P. Klien	4
Presidential Nomination of William J. Renick	5
Presidential Nomination of Adam Wade White	6
Presidential Nomination of Joe H. Ritch	7
GSA Committee Resolution, 300 North Los Angeles Federal Building	8
GSA Committee Resolution, Edward A. Garmatz U.S. District Courthouse Baltimore, Maryland	9
GSA Committee Resolution, U.S. Federal Building and Courthouse Selma Alabama	10
GSA Committee Resolution, United States Patent and Trademark Office, Alexandria, Virginia	11
GSA Committee Resolution, William Colmer Federal Building and U.S. Court- house Hattiesburg, Mississippi	13
Signed Resolutions	14-23
Tennessee Valley Authority Nominees	24

BUSINESS MEETING

WEDNESDAY, SEPTEMBER 29, 2022

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

The committee, met, pursuant to notice, at 12 p.m., in room S-216, The President's Room, United States Capitol Building, Hon. Thomas R. Carper (chairman of the committee) presiding.

Present: Senators Carper, Capito, Cardin, Whitehouse, Merkley, Markey, Stabenow, Kelly, Padilla, Lummis, Shelby, Boozman, Wicker, Sullivan, Ernst.

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

Senator CARPER. Good afternoon, everyone. I call this business meeting to order.

I see that there is a voting quorum present, so let's begin.

I call up: Presidential Nomination 1558, L. Michelle Moore, of Georgia, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2026; Presidential Nomination 1560, Robert P. Klein, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2026; Presidential Nomination 2218, William J. Renick, of Mississippi, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2027; Presidential Nomination 2219, Adam Wade White, of Kentucky, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2027; Presidential Nomination 2426, Joe H. Ritch, of Alabama, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2025; and, five resolutions relating to the General Services Administration, en bloc.

With a quorum present, I move to approve and report the nominations and resolutions favorably to the Senate. Is there a second?

[Motion seconded.]

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. The nominations and five resolutions are approved and favorably reported to the Senate.

The business meeting is adjourned.

[Whereupon, at 12:30 p.m., the business meeting was adjourned.]

[The referenced nominations follow:]

The White House, EPW
PN1558

JAN - 4 2022

*To the
Senate of the United States.*

I nominate L. Michelle Moore, of Georgia, to

be a Member of the Board of Directors of the Tennessee Valley
Authority for a term expiring May 18, 2026, vice James R.
Thompson III.

JOSEPH R. BIDEN JR.

The White House,

EPW
PN 1560

JAN - 4 2022

*To the
Senate of the United States.*

I nominate Robert P. Klein, of Tennessee, to

be a Member of the Board of Directors of the Tennessee Valley
Authority for a term expiring May 18, 2026, vice John L. Ryder,
term expired.

JOSEPH R. BIDEN JR.

The White House,

EPW
PW2218

JUN -7 2022

*To the
Senate of the United States.*

I nominate William J. Renick, of Mississippi,

to be a Member of the Board of Directors of the Tennessee
Valley Authority for a term expiring May 18, 2027, vice Jeffrey
Smith, term expired.

JOSEPH R. BIDEN JR.

The White House,

EPW
DN2219

JUN - 7 2022

*To the
Senate of the United States.*

I nominate Adam Wade White, of Kentucky, to

be a Member of the Board of Directors of the Tennessee Valley
Authority for a term expiring May 18, 2027, vice A. D. Frazier,
term expired.

JOSEPH R. BIDEN JR.

The White House,

EPW
PN 2426

JUL 28 2022

*To the
Senate of the United States.*

I nominate Joe H. Ritch, of Alabama, to be

a Member of the Board of Directors of the Tennessee Valley

Authority for a term expiring May 18, 2025, vice Richard Capel

Howorth, term expired.

JOSEPH R. BIDEN JR.

COMMITTEE RESOLUTION

**ALTERATION
300 NORTH LOS ANGELES STREET FEDERAL BUILDING
LOS ANGELES, CA
PCA-0150-LA22**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alteration of the cooling tower subframes and the cooling towers replacement for the Federal building located at 300 North Los Angeles Street, Los Angeles, CA at an estimated design cost of \$352,000, estimated construction cost of \$7,339,000, and estimated management and inspection cost of \$351,000, for a total cost of \$8,042,000, a prospectus for which is attached hereto and included in this resolution, is approved.

Provided, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: September 28, 2022

COMMITTEE RESOLUTION

**EDWARD A. GARMATZ UNITED STATES DISTRICT COURTHOUSE
BALTIMORE, MD
PROJECT SURVEY**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to 40 U.S.C. § 3316 (b), the Administrator of the General Services shall investigate the feasibility of constructing a new facility in Baltimore City to replace the Edward A. Garmatz United States District Courthouse to provide for the long-term space, safety, and security needs of the courts to be housed in such facility, to achieve substantial energy efficiency and environmental performance improvements over the existing courthouse facility, and to support the economic conditions of the neighborhoods surrounding the new facility; and shall submit a report to Congress within 90 days.

Chairman

Ranking Member

Adopted: September 28, 2022

COMMITTEE RESOLUTION

**ALTERATION
U.S. FEDERAL BUILDING AND COURTHOUSE
SELMA, AL
PAL-0055-SE22**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alteration for the U.S. Federal Building and Courthouse located at 908 Alabama Avenue in Selma, AL at an estimated design cost of \$354,000, estimated construction cost of \$3,655,000, and estimated management and inspection cost of \$191,000, for a total cost of \$4,200,000, a prospectus for which is attached hereto and included in this resolution, is approved.

Provided, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: September 28, 2022

COMMITTEE RESOLUTION
LEASE
UNITED STATES PATENT AND TRADEMARK OFFICE
ALEXANDRIA, VA
PVA-02-WA23

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of up to 2,387,000 rentable square feet, including 25 official parking spaces, for the United States Patent and Trademark Office (USPTO), currently housed at 600 Dulany Street, Alexandria VA, and 2800 Randolph Square, Arlington, VA, at a proposed annual cost of \$84,452,060 for a lease term of up to 5 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of the General Services Administration shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, the Administrator may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if the lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of this lease, the lease shall be void, except for the foregoing

limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance the Administrator shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: September 28, 2022

COMMITTEE RESOLUTION

**ALTERATION
WILLIAM M. COLMER FEDERAL BUILDING AND U.S. COURTHOUSE
HATTIESBURG, MS
PMS-0072-HA22**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alteration for the William M. Colmer Federal Building and U.S. Courthouse located at 701 North Main Street in Hattiesburg, MS at an estimated design cost of \$2,146,000, estimated construction cost of \$23,531,000, and estimated management and inspection cost of \$1,323,000, for a total cost of \$27,000,000, a prospectus for which is attached hereto and included in this resolution, is approved.

Provided, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: September 28, 2022

COMMITTEE RESOLUTION
LEASE
UNITED STATES PATENT AND TRADEMARK OFFICE
ALEXANDRIA, VA
PVA-02-WA23

RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of up to 2,387,000 rentable square feet, including 25 official parking spaces, for the United States Patent and Trademark Office (USPTO), currently housed at 600 Dulany Street, Alexandria VA, and 2800 Randolph Square, Arlington, VA, at a proposed annual cost of \$84,452,060 for a lease term of up to 5 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of the General Services Administration shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, the Administrator may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if the lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of this lease, the lease shall be void, except for the foregoing

limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance the Administrator shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.


Chairman


Ranking Member

COMMITTEE RESOLUTION

EDWARD A. GARMATZ UNITED STATES DISTRICT COURTHOUSE
BALTIMORE, MD
PROJECT SURVEY

RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE

that pursuant to 40 U.S.C. § 3316 (b), the Administrator of the General Services shall investigate the feasibility of constructing a new facility in Baltimore City to replace the Edward A. Garmatz United States District Courthouse to provide for the long-term space, safety, and security needs of the courts to be housed in such facility, to achieve substantial energy efficiency and environmental performance improvements over the existing courthouse facility, and to support the economic conditions of the neighborhoods surrounding the new facility; and shall submit a report to Congress within 90 days.


Chairman


Ranking Member

Adopted: September 29, 2022

COMMITTEE RESOLUTION

ALTERATION
U.S. FEDERAL BUILDING AND COURTHOUSE
SELMA, AL
PAL-0055-SE22

RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alteration for the U.S. Federal Building and Courthouse located at 908 Alabama Avenue in Selma, AL at an estimated design cost of \$354,000, estimated construction cost of \$3,655,000, and estimated management and inspection cost of \$191,000, for a total cost of \$4,200,000, a prospectus for which is attached hereto and included in this resolution, is approved.

Provided, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.


Chairman


Ranking Member

Adopted: September 29, 2022

COMMITTEE RESOLUTION

ALTERATION
300 NORTH LOS ANGELES STREET FEDERAL BUILDING
LOS ANGELES, CA
PCA-0150-LA22

RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alteration of the cooling tower subframes and the cooling towers replacement for the Federal building located at 300 North Los Angeles Street, Los Angeles, CA at an estimated design cost of \$352,000, estimated construction cost of \$7,339,000, and estimated management and inspection cost of \$351,000, for a total cost of \$8,042,000, a prospectus for which is attached hereto and included in this resolution, is approved.

Provided, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.


Chairman


Ranking Member

Adopted: September 29, 2022

COMMITTEE RESOLUTION

ALTERATION
WILLIAM M. COLMER FEDERAL BUILDING AND U.S. COURTHOUSE
HATTIESBURG, MS
PMS-0072-HA22

RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alteration for the William M. Colmer Federal Building and U.S. Courthouse located at 701 North Main Street in Hattiesburg, MS at an estimated design cost of \$2,146,000, estimated construction cost of \$23,531,000, and estimated management and inspection cost of \$1,323,000, for a total cost of \$27,000,000, a prospectus for which is attached hereto and included in this resolution, is approved.

Provided, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.


Chairman


Ranking Member

Adopted: September 29, 2022

NOMINATION REFERENCE AND REPORT

PN2426

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
July 28, 2022.

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

Joe H. Ritch, of Alabama, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2025, vice Richard Capel Howorth, term expired.

September 29, 2022.
(Date)

Reported by Mr. Carper

Tom 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.

NOMINATION REFERENCE AND REPORT

PN2218

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 7, 2022.

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

William J. Renick, of Mississippi, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2027, vice Jeffrey Smith, term expired.

September 29, 2022.
(Date)

Reported by Mr. Carper

Tom 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.

NOMINATION REFERENCE AND REPORT

PN2219

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 7, 2022.

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

Adam Wade White, of Kentucky, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2027, vice A. D. Frazier, term expired.

September 29, 2022.
(Date)

Reported by Mr. Carper

Tom 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.

NOMINATION REFERENCE AND REPORT

PN1560

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
January 4, 2022.

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

Robert P. Klein, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2026, vice John L. Ryder, term expired.

September 29, 2022.
(Date)

Reported by Mr. Carper

Tom 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.

NOMINATION REFERENCE AND REPORT

PN1558

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
January 4, 2022.

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

L. Michelle Moore, of Georgia, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2026, vice James R. Thompson III.

September 29, 2022.
(Date)

Reported by Mr. Carper

Tom 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.