

BUSINESS MEETING

MEETING
BEFORE THE
COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE
ONE HUNDRED FOURTEENTH CONGRESS
FIRST SESSION

—————
JANUARY 21, 2015
—————

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



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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED FOURTEENTH CONGRESS
FIRST SESSION

JAMES M. INHOFE, Oklahoma, *Chairman*

DAVID VITTER, Louisiana	BARBARA BOXER, California
JOHN BARRASSO, Wyoming	THOMAS R. CARPER, Delaware
SHELLEY MOORE CAPITO, West Virginia	BENJAMIN L. CARDIN, Maryland
MIKE CRAPO, Idaho	BERNARD SANDERS, Vermont
JOHN BOOZMAN, Arkansas	SHELDON WHITEHOUSE, Rhode Island
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DEB FISCHER, Nebraska	CORY A. BOOKER, New Jersey
MIKE ROUNDS, South Dakota	EDWARD J. MARKEY, Massachusetts
DAN SULLIVAN, Alaska	

RYAN JACKSON, *Majority Staff Director*
BETTINA POIRIER, *Democratic Staff Director*

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BUSINESS MEETING

WEDNESDAY, JANUARY 21, 2015

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

Committee on Environment and Public Works Washington, DC.
The full committee met, pursuant to notice, at 10:30 a.m. in room
406, Dirksen Senate Building, Hon. James Inhofe (chairman of the
full committee) presiding.



Testimony at U.S. Senate Subcommittee on Clean Air and Nuclear Safety hearing, “Examining the Threats Posed by Climate Change.”

July 29, 2014

Carl Hedde, Head of Risk Accumulation, Munich Re America

Introduction

Good afternoon and thank you for inviting me to testify. I am Carl Hedde, Head of the Risk Accumulation Department at Munich Reinsurance America, Inc. Founded in 1917, Munich Reinsurance America, Inc. is one of the largest reinsurers in the United States. We have earned the A+ (Superior) financial strength rating from A.M. Best Company, and have over 1,000 employees serving our clients from our Princeton, New Jersey campus and regional offices throughout the United States. Our parent company, Munich Re, is one of the world's leading reinsurers, taking on global risks of every type and complexity for insurance companies and large corporations. In addition to my role with the Munich Re Group, I serve on the Board of Directors of the Institute for Business and Home Safety (IBHS), and am the immediate past chairman of the IBHS Board.

One significant component of our business is providing catastrophe risk insurance to our clients. Due to our history of insuring natural catastrophes (Nat Cats), Munich Re was one of the first companies in the industry to recognize the impact that weather-related events and a changing climate could have on its business model and customers.

To address this, the company formed a GEO Risks research unit 40 years ago. The department's goal is to assess scientific research around weather and geophysical events, contribute to scientific discussions with our own research, and feed scientific findings into our business model, where applicable. The GEO Risks group also studies the impact of catastrophic events through a thorough analysis of historical loss patterns. This work helps us to better understand and incorporate this knowledge into our underwriting decisions.

The insurance industry relies heavily on historical loss information to make business decisions. However, the use of historical data assumes that the risk we see today is the same as it was in the past. This is not always the case. If a clear, verifiable trend is identified in relation to a certain risk, the trend must be taken into account in the models for them to yield meaningful risk estimates.

One area where we do see an upward trend is in regard to losses from weather catastrophes, which, over time, have increased in both frequency and severity. In the U.S., socioeconomic changes have played a substantial role in this increase, but do not explain the entirety of the changes. It is likely that changes in climate, whether from natural variability or due to man's influence, are also playing a role in these trends.

Present: Senators Inhofe, Boxer, Barrasso, Capito, Crapo, Rounds, Sullivan, Wicker, Boozman, Whitehouse, Carper, Merkley, Booker, Merkley.

Senator BOXER. Ladies and gentlemen of the committee, see this gavel? The last time it got transferred was 8 years ago and I had to fight Senator Inhofe for it. This time, I have to say, you and I are friends.

Senator INHOFE. Of course.

Senator BOXER. And if I was going to hand this gavel over to anyone, I am very happy that it is you.

So I am going to hand that gavel to you, and when you recognize me I have some gifts for you, too.

[Laughter.]

Senator INHOFE. Oh, good. Well, let's do this. Let's start by bringing us to order. We will be in order. I will just go ahead and recognize you for your special awards.

Senator BOXER. For the gift-giving, OK.

Senator INHOFE. By the way, I remember the statement that she said that got everyone's attention was that elections have consequences, and I have the gavel.

Senator BOXER. That is right.

Senator INHOFE. Now, I have a picture of that that she presented to me, and it looks like you are just about to hit me with it.

[Laughter.]

Senator BOXER. Well, I have no intention of doing that. But I am glad you reminded everyone that I gleefully said when I got that gavel, elections have consequences. I was gleeful, today I am not so gleeful. But elections have consequences.

So my first gift is this tee-shirt that says, Elections Have Consequences.

[Laughter.]

Senator INHOFE. That is great.

Senator BOXER. That is my first gift.

Now, Jim, I think everybody knows that we work well together. Everybody knows that we work well together on highways, infrastructure, and on a few other things. A few. But I wanted to say how much I look forward to working with you on the highway bill. Here is something for your grandkids.

This truck symbolizes the jobs that we will create when we work successfully, 3 million. And 600,000 construction workers are still out of work since the recession. This is for you for your grandkids.

And now we get a little more controversial. This is a very clean car. It is a Prius. And I don't know that it is your favorite model, but as we build our roads, we want to make sure we don't dirty the air.

Senator INHOFE. And that is why I am using CNG in my car.

Senator BOXER. Oh, all right. I am so proud of you.

Senator INHOFE. Which is now in Oklahoma more expensive than regular gasoline, did you know that, Neil? It is.

Senator BOXER. Well, this last gift is the most controversial gift. And it is for your grandkids, and it is a bicycle. And it is a reminder, when we take up the highway bill, to remember that 35 million Americans do use bicycles, a lot of them for work. I know

it is a controversial issue, but I think your grandkids would enjoy this.

And Jim, I mean it when I say, handing this gavel over to you, I am sad I am doing it, but I am so happy for you.

Senator INHOFE. That is good, that is good.

[Applause.]

Senator INHOFE. There you go, thank you.

All right. We do have some things that we always do, and that is we have to at some point have to have 11 people here to pass our resolutions. So if staff would remind me when the 11th one shows up, I would appreciate it and we will go ahead and get that done.

We have some great new members on this committee. I look over and see my friend on the Democrat side. We have a lot of issues where we are working together, so we are looking forward to that. We have three of the new members of the U.S. Senate, Senator Rounds, Senator Sullivan and Senator Capito. They are all very interested in this committee. They made a special request to be on this committee. It is going to be joyful to get their input and the background they have. Senator Sullivan had experiences with many of the things that we deal with on this committee up in Alaska. So we will be doing that.

So let me do this. A couple of things we will be doing is, the early bird rule, we have done that in the past. We have deviated from that in the past. We are going to be adhering to that.

We also, I am going to make an effort, and I would like to have all of you think about this between now and the meeting of the 28th, a week from today when we have our highway meeting. We have Secretary Fox who is going to be here. And Secretary Ridley, I am not sure whether you are planning to be there for that one or not, but there will be a lot of people here.

So I have felt that our opening statements, with as large as this committee is, uses up all of our time. In that particular committee hearing, we are going to have a bunch of Governors here, at least two that I know of, one from Connecticut is on a short term. So we are going to maybe talk about this between now and then. In the Senate Armed Services Committee, we have the ranking member and the chairman with opening statements and not the rest of them. So we are going to consider that.

For today's purpose, I know that we are going to both have opening statements, Senator Boxer and myself. And we will open it up for hopefully fairly short opening statements from the other members.

But right now I think we have 11 here, is that correct? So if it is all right, I am going to go ahead and skip over to the two things that we have to do today in conjunction with business. One is to call up the EPW Committee Resolution which funds the committee through February 2017 in three financial periods. Those financial periods are between March and September, then October to October, then October to February. Not that that is significant, but this is the way we have divided it up before. Everyone already has this, and I would ask that we would approve that report.

[The text of the resolution follows:]

114TH CONGRESS
1ST SESSION

S. RES. _____

Authorizing expenditures by the Committee on Environment and Public Works.

IN THE SENATE OF THE UNITED STATES

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

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, 2015 through February 28,
2 2017, 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 2015.—The expenses of the committee for the period
14 March 1, 2015 through September 30, 2015 under this
15 resolution shall not exceed \$3,060,871, of which amount—

16 (1) not to exceed \$4,666.67 may be expended
17 for the procurement of the services of individual con-
18 sultants, or organizations thereof (as authorized by
19 section 202(i) of the Legislative Reorganization Act
20 of 1946 (2 U.S.C. 4301(i)); and

21 (2) not to exceed \$1,166.67 may be expended
22 for the training of the professional staff of the com-
23 mittee (under procedures specified by section 202(j)
24 of that Act).

1 (b) EXPENSES FOR FISCAL YEAR 2016 PERIOD.—

2 The expenses of the committee for the period October 1,
3 2015 through September 30, 2016 under this section shall
4 not exceed \$5,247,208, 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 2017.—The expenses of the committee for the period Oc-
16 tober 1, 2016 through February 28, 2017 under this sec-
17 tion shall not exceed \$2,186,337, of which amount—

18 (1) not to exceed \$3,333.33, may be expended
19 for the procurement of the services of individual con-
20 sultants, or organizations thereof (as authorized by
21 section 202(i) of the Legislative Reorganization Act
22 of 1946 (2 U.S.C. 4301(i)); and

23 (2) not to exceed \$833.33, may be expended for
24 the training of the professional staff of the com-

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

3 **SEC. 3. REPORTING LEGISLATION.**

4 The committee shall report its findings, together with
5 such recommendations for legislation as it deems advis-
6 able, to the Senate at the earliest practicable date, but
7 not later than February 28, 2017.

8 **SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.**

9 (a) EXPENSES OF THE COMMITTEE.—

10 (1) IN GENERAL.—Except as provided in para-
11 graph (2), expenses of the committee under this res-
12 olution shall be paid from the contingent fund of the
13 Senate upon vouchers approved by the chairman of
14 the committee.

15 (2) VOUCHERS NOT REQUIRED.—Vouchers shall
16 not be required for—

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

19 (B) the payment of telecommunications
20 provided by the Office of the Sergeant at Arms
21 and Doorkeeper;

22 (C) the payment of stationery supplies pur-
23 chased through the Keeper of the Stationery;

24 (D) payments to the Postmaster of the
25 Senate;

1 (E) the payment of metered charges on
2 copying equipment provided by the Office of the
3 Sergeant at Arms and Doorkeeper;

4 (F) the payment of Senate Recording and
5 Photographic Services; or

6 (G) the payment of franked and mass mail
7 costs by the Sergeant at Arms and Doorkeeper,
8 United States Senate.

9 (b) AGENCY CONTRIBUTIONS.—There are authorized
10 to be paid from the appropriations account for “Expenses
11 of Inquiries and Investigations” of the Senate such sums
12 as may be necessary for agency contributions related to
13 the compensation of employees of the committee—

14 (1) for the period March 1, 2015 through Sep-
15 tember 30, 2015;

16 (2) for the period October 1, 2015 through Sep-
17 tember 30, 2016; and

18 (3) for the period October 1, 2016 through
19 February 28, 2017.

Senator INHOFE. All in favor say aye.

[Chorus of ayes.]

Senator INHOFE. Opposed, no.

[No audible response.]

Senator INHOFE. The ayes have it and it is adopted.

The second one is the first Inhofe amendment, and that is the amendment to the committee rules, that is Amendment No. 1. This amendment is a technical change to Rule 2(a) concerning quorums. In previous Congresses, the committee had 18 members and a quorum was one-third. In this Congress, we have 20 members, so the amendment simply updates the rule to require 7 members to meet. I would ask for that approval.

[The text of the amendment by Senator Inhofe follows:]

Inhofe Rule Amendments

Inhofe Amendment #1 to Committee Rules to update quorum requirements

Page 3, Rule 2(a), strike “BUSINESS MEETINGS: At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving a committee resolution, one third of the members of the committee, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).” and insert “BUSINESS MEETINGS: At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving a committee resolution, seven members of the committee, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).”

Inhofe Amendment #2 to Committee Rules on subcommittees

Page 4, Rule 6(a), strike “REGULARLY ESTABLISHED SUBCOMMITTEES: The committee has six subcommittees: Transportation and Infrastructure; Clean Air and Nuclear Safety; Superfund Toxics and Environmental Health; Water and Wildlife; Green Jobs and the New Economy; and Oversight” and insert “REGULARLY ESTABLISHED SUBCOMMITTEES: The committee has four subcommittees: Transportation and Infrastructure; Clean Air and Nuclear Safety; Superfund, Waste Management, and Regulatory Oversight; and Fisheries, Water, and Wildlife.”

Senator BOXER. Second.

Senator INHOFE. All in favor, say aye.

[Chorus of ayes.]

Senator INHOFE. Opposed, no.

[No audible response.]

Senator INHOFE. The ayes have it and we have adopted that.

The third one doesn't require a change but it is what we want to do, this is more in the way of an announcement. We are going to go back to the way we were 8 years ago when I chaired this committee. We have four subcommittees. Then we increased it to five when we lost our majority on the Republican side. Now we are going to go back to four. Originally served, we had these same four committees.

Those subcommittees will be Transportation and Infrastructure, and that will be chaired by Senator Vitter. The second one is Clean Air and Nuclear Safety. That will be chaired by Senator Capito. The third is Waste Management and Regulation Oversight. That will be chaired by Senator Rounds. And the last one is Fisheries, Wildlife and Water, chaired by Senator Sullivan.

The interesting thing here is that three of the four subcommittees are chaired by people who are brand new, the newly elected ones. So we will get great new input and also great new talent.

With that, let me just go ahead do an opening statement.

Senator BOXER. Mr. Chairman, before you move to that, we had gone over colloquy. Would this be the appropriate time to do it?

Senator INHOFE. Sure. Am I a part of this colloquy?

Senator BOXER. A big part. You keep saying, "That's correct."

[Laughter.]

Senator BOXER. And I may change what I ask you.

[Laughter.]

Senator BOXER. I am sure you have seen this.

Senator INHOFE. OK, that is fine.

Senator BOXER. I also want to thank the new members for choosing this committee. I am excited to be working with you. Really, we do have, in this committee, the opportunity to work across party lines on some things. On other things, we will go toe to toe and it won't be happy. It won't be happy for you.

Senator INHOFE. I believe Senator Booker is the first, you just got on this committee?

Senator BOXER. No, he was here.

Senator INHOFE. Do you have any new members on your side?

Senator BOXER. No.

Senator INHOFE. They have all been there before, OK.

Senator BOXER. That is right.

Senator INHOFE. Good.

Senator BOXER. So let me just again welcome the new members.

Mr. Chairman, it is my understanding that in keeping with the practice of the committee, you and the subcommittee chairmen will make every effort to consult with me and the subcommittee ranking members prior to announcing a committee or subcommittee hearing and prior to setting the agenda for a committee or subcommittee meeting.

Senator INHOFE. That is correct.

Senator BOXER. And further, Mr. Chairman, it is my understanding that in keeping with our committee practice, you and the subcommittee chairmen will make every effort to provide me and the subcommittee ranking member opportunity for topic and schedule consultation at least 2 weeks prior to any hearing.

Senator INHOFE. That is correct.

Senator BOXER. And again in keeping with our practice, the chairman and ranking members will strive to attain a balance of interests of the majority and minority in selecting the witnesses for hearings.

Senator INHOFE. Yes, we will make that effort.

Senator BOXER. All right.

Senator INHOFE. I would like to ask for a motion to approve the rules as amended.

Senator BOXER. So moved.

Senator INHOFE. Second?

Senator ROUNDS. Seconded.

Senator INHOFE. All those in favor, say aye.

[Chorus of ayes.]

Senator INHOFE. Opposed, no.

[No audible response.]

Senator INHOFE. The ayes have it.

[The Senate Committee Print, Rules Adopted February 14, 2013 follows.]

113th Congress } 1st Session }	COMMITTEE PRINT	{ S. PRT 113-5
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RULES
OF THE
COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE



ADOPTED FEBRUARY 14, 2013

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Senate Committee on Environment and Public Works

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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED THIRTEENTH CONGRESS, FIRST SESSION

BARBARA BOXER, California, *Chairman*

MAX BAUCUS, Montana	DAVID VITTER, Louisiana
THOMAS R. CARPER, Delaware	JAMES M. INHOFE, Oklahoma
FRANK R. LAUTENBERG, New Jersey	JOHN BARRASSO, Wyoming
BENJAMIN L. CARDIN, Maryland	JEFF SESSIONS, Alabama
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JEFF MERKLEY, Oregon	DEB FISCHER, Nebraska
KIRSTEN GILLIBRAND, New York	

BETTINA POIRIER, *Majority Staff Director and Chief Counsel*

ZAK BAIG, *Republican Staff Director*

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Jurisdiction

Rule XXV, Standing Rules of the Senate

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(h)(1) Committee on Environment and Public Works, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Air pollution.
2. Construction and maintenance of highways.
3. Environmental aspects of Outer Continental Shelf lands.
4. Environmental effects of toxic substances, other than pesticides.
5. Environmental policy.
6. Environmental research and development.
7. Fisheries and wildlife.
8. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.
9. Noise pollution.
10. Nonmilitary environmental regulation and control of nuclear energy.
11. Ocean dumping.
12. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.
13. Public works, bridges, and dams.
14. Regional economic development.
15. Solid waste disposal and recycling.
16. Water pollution.
17. Water resources.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and report thereon from time to time.

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 majority member shall preside.

(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, one third of the members of the committee, at least two 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 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.

(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) 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 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.

(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 six subcommittees: Transportation and Infrastructure; Clean Air and Nuclear Safety; Superfund, Toxics and Environmental Health; Water and Wildlife; Green Jobs and the New Economy; and Oversight.

(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.

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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.

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**OPENING STATEMENT OF HON. JAMES INHOFE,
U.S. SENATOR FROM THE STATE OF OKLAHOMA**

Senator INHOFE. Well, first of all, we have already welcomed the new members. Senator Boxer and I have a long history of working together, particularly in the areas that she mentioned on highways. That is going to be our thing coming right out of the chute, the first thing we do.

In fact, our first hearing will be a week from today, the 28th. And it will be a hearing on highways. We are going to have Secretary Fox, which has been a good appointment. I have enjoyed working with him. He is going to be here with, I believe four Governors. So we will look forward to that. That is going to be a very significant one.

It is one of the things we have to do. We have had some great progress that we have made. We had a lot of objection on the Republican side last time we had our 27-month bill that we had. That was a problem. And I had a hard time explaining to some of the Republicans that the conservative position is to pass a highway reauthorization bill. Because the only alternative to that is to have short-term extensions. And as Secretary Ridley will say, it costs us about 30 percent off the top in order to have those short-terms, and you can't get any reforms. The reforms that we had in the bill, the 27-month bill, I was very appreciative of Senator Boxer in going along with some of the streamlining aspects that really were very favorable. So that is what we are going to be doing.

On water, the oversight is going to be started as early as February 4th, when this committee will hold a joint hearing with the House Transportation and Infrastructure Committee on the EPA's Waters of the United States proposed rule. This is very significant. Probably this is singled out by the farmers, through their organizations like the Farmers Union and the National Farm Bureau, as being the most significant thing to farmers. I have talked to each of our new members about this. They all are fully aware of the problems there.

On climate, another top priority we will be conducting rigorous oversight of the EPA regulations. I strongly believe the President's misguided agenda on climate change has led to an onslaught of new regulations that is endangering the future of job creation, energy independence and reliability of the power grid. We will be talking about that today and I understand we are going to have some amendments today.

As we approach the oversight of the President's climate action bill, it is important for the committee to note that the Nation's gross, since 1970, this is significant, nobody ever talks about this, the Nation's gross domestic product has increased by 234 percent. The miles Americans have traveled has increased by 168 percent. The population has increased by 54 percent. This is all since 1970.

And also since 1970, according to the EPA, emissions from pollutants such as SO_x and NO_x and PM have decreased by 68 percent. So think about the success of that. I can remember when the amendments, back in 1989, I guess it was, they were the amendments, and Senator Boxer and I were both original co-sponsors of the amendments to the Clean Air Act that has been so successful. So that was a good start.

So despite this success, they are talking about the significant greenhouse gas regulation package scheduled for this summer. As proposed, EPA's regulations would raise energy prices, destroy jobs and impose billions of dollars in costs.

I always go back to the statement that we had when the first designee or the first nomination that the President made, President Obama, was to the EPA, Lisa Jackson. I recall sitting right here in this room with her as a witness and saying, Madam Administrator, if we were to pass some of the cap and trade bills that we are talking about today, or the regulations that would bring us cap and trade, would this have a reduction in overall CO₂ emissions. She said, no, it wouldn't, because this isn't where the problem is. The problem is in China, it is in India, it is in Mexico. And you could carry that argument out further and say if we reduce them here, and our jobs are chased offshore, you could have the result of increasing, not decreasing, CO₂ emissions.

The Wall Street Journal in June called the proposal when it came out, just came out from the Administration, "a huge indirect tax and wealth redistribution scheme that the EPA is imposing by fiat will profoundly touch every American."

NERA agrees, by the way, you quote them quote often. In its October analysis, it is a non-partisan economic analysis firm, it projects that the costs to comply with EPA's plan would be \$479 billion. We know of course that that is one of the main reasons, that was the wake-up call back in 2002, when everyone kind of thought, well, global warming must be real, therefore everyone thought that was the fast ticket to the White House, to introduce a bill for cap and trade, until they found out what the cost was going to be.

At that time, it was the Charles Rivers Associates, MIT, the Wharton School and others that came out with cost ranges as to what it would cost for cap and trade. The range was always between \$300 billion and \$400 billion a year. That is when people started looking at the science and realizing there was another side to it.

So NAAQS, we are going to be talking about NAAQS right now with the proposal, of those NAAQS that will have the effect of placing over 600 counties in non-attainment. Everyone of my 77 counties in Oklahoma would be out of attainment. The TSCA, we know we have been working on that for quite a while and we will be working on that bill. Endangered species, finally, for the first time in a long while we will place a focus on needed oversight for implementation of the Endangered Species Act.

So that, along with nuclear, we are going to be very busy on this committee.

In closing, I want to briefly review and get into the record the three guiding principles this committee will follow when conducting oversight and reporting legislation from this committee. These are the same ones that we put in in 2003 when I became chairman of this committee 12 years ago this day. No. 1 is, does the proposal make the bureaucracy more efficient, effective and accountable? No. 2, is the proposal fiscally responsible, based on sound science, and do we know the true benefits and costs to American con-

sumers? And No. 3, finally, how does the proposal affect property owners, local communities and taxpayers?

So those are what the guiding principles will be as we have had in the past.

Senator BOXER.

**OPENING STATEMENT OF HON. BARBARA BOXER,
U.S. SENATOR FROM THE STATE OF CALIFORNIA**

Senator BOXER. Thank you so much, Mr. Chairman.

I really appreciate your proving the point that clean air regulation works. You lauded the Clean Air Act Amendments of 1990. It is important to go back and look at the record, the polluters predicted a disaster. But George Herbert Walker Bush signed those, and we have had huge growth since then. And in the 1970's that you mentioned, Richard Nixon signed it.

So cleaning up the environment in the past has always been a bipartisan effort. Let's face facts: it has changed. The very things that you are saying about the disaster of the climate change plan of the President, they echo those words of the polluters back then. And I have to say, we did get 56 votes when all is said and done for our cap and trade, but it did fail. And I know you were glad, because you do believe it would be terrible for America.

I disagree strongly, because I come from a State that has an incredible climate change program. And we are thriving. And our budgets are balanced. And everybody is excited to partake. When the polluters came in, the oil companies, and tried to overturn the cap and trade system, the voters said, no, we like it, we like clean air, it is important.

I want to point out, we will continue to argue about this and I am so respectful of your views, and I ask that you be respectful of mine. Ninety-eight percent of the scientists are now saying the following. We now face a choice between an unpleasant planet, unpleasant planet, and an uninhabitable planet. And I will tell you, we won't be around in 56 years unless there is a miracle. And it is going to be our great grandkids, our grandkids.

I just want the record to show that sitting back and saying, we are not going to do anything on this because, a, it is a hoax, which makes no sense to me, and b, it is going to cost us jobs, which makes no sense to me, given the record of environmental regulation, I just think it is sad to be on that side of the coin. We will continue to push on this side. Now, that is the controversy.

On the infrastructure, Mr. Chairman, there is very little distance between us. We may argue around the edges, and that is fine, we will compromise on those things. But I am going to work with you as hard as I can, because as you know, I announced that I won't be running in 2016. What I want to do is have a legacy of working with you on infrastructure. I think we can bring everybody together on this committee and in the Senate. So I am going to work my heart out with you on that.

I want to put up a cautionary note here. Your wonderful people are here from your State to celebrate with you today. And they know that this uncertainty that we are facing with the Highway Trust Fund is dangerous for our businesses and dangerous for our workers. I am very concerned that the whole Trust Fund expires

in three and a half months or so. We know how long it takes to get one of these bills done. You and I had agreed on the last bill, Senator Vitter did as well, Senator Carper, all of us working together. So we have a place to start.

And I want to urge you, and I think it is, all the things that you outlined are very important issues, I have no problem with that. I think it is going to be exciting, some of the issues that you are bringing up. Not necessarily uncontroversial but important that we do them. But nothing could be more important. Do you know there are still 600,000 construction workers that haven't been working since the great recession? That is down from 2 million.

So we have done well here in what we have done on the Highway Bill. I am a little bit concerned about the House, every time I try to see where they are coming from. That is why I so value Senator Capito being here, because she knows how to work with the House people, because she just came from there. I am a little concerned that they don't sense that urgency and that they are looking for more and more of these short-term extensions. The only way for us to take a stand against that philosophy is to pass a bill here.

So I would urge you to take the bill that we passed out of here the last time, make some changes. I will work with you on it, others will. And let's get going, because really, we all care about jobs, both sides of the aisle. There is no disagreement.

And I think on this committee we all know we want a bill. So whereas everything else you talked about is a bit more controversial, the infrastructure is not. I am excited to work with you on that highway bill.

And again, Mr. Chairman, congratulations, and I really look forward to our ongoing work together.

Senator INHOFE. Let me just respond to one thing. And I am not going to make a habit of this, but let me allay your fears about the House. Because after we had that bill vote in the Senate, that day I went over and requested an audience with the T&I Republicans, 33 of them. I explained to them the same thing I just said here, what the conservative position was. Every one of the 33 voted for it. So I think the House is going to be very cooperative.

Senator BOXER. I hope so.

Senator INHOFE. OK, we are going to follow the early bird rule. The first one to show up, who will be No. 1, is Senator Capito.

Senator CAPITO. Mr. Chairman and Ranking Member, it is wonderful to be on the committee, and an honor to serve. I have no real opening statement, except I am very appreciative of the areas that we are going to be looking at. Obviously there are heavy impacts, different impacts in a State like mine, such as West Virginia and California. I am very thrilled to be chairing the subcommittee as well, I appreciate that.

Just as a mote of interest, I am not the only native West Virginian on the committee. My compatriot, Senator Carper, was born in West Virginia.

Senator CARPER. Haven't been there since Saturday.

[Laughter.]

Senator CAPITO. Yes, your aunt, I think you told me you were going to your aunt's funeral. So with that, I would just say thank

you very much, I think it is going to be a great couple of years and I appreciate the opportunity to serve. Thank you.

Senator INHOFE. Thank you.

Senator Booker.

Senator BOOKER. Three things. One, I want to congratulate Senator Inhofe, with your gavel. I really look forward to working with you. I am glad that we have some history already working together, and I think there is so much space, as you said, for bipartisan agreement. There is urgency for it.

No. 2, I want to say to Senator Boxer, my heart aches, not just about the passing of the gavel, but more importantly about your announcement that this will be your last 2 years in the U.S. Senate. I will savor every single day I get a chance to serve with you.

Then finally, I want to say to Senator Inhofe, I think it is really, really good that you are eliminating opening statements.

[Laughter.]

Senator INHOFE. Thank you very much.

Senator Rounds.

Senator ROUNDS. Thank you, Mr. Chairman. I would simply say, brevity is critical and I will yield my time.

Senator INHOFE. Good. We appreciate that.

Senator Carper.

Senator CARPER. Thanks, Mr. Chairman. Congratulations on assuming the leadership of this committee again. I look forward to working with you. The four of us served together in the House a few years ago, and it is great to be able to serve with each of you again in these roles.

I am happy to welcome our new Senator from West Virginia. I was driving to West Virginia on the way to the funeral Saturday, Shelley, and it was just a beautiful, sunshiny day. Abundant sunshine, blue skies. We were driving through West Virginia, and it says Wild and Wonderful. I think, boy, what a glorious place. Happy to be here, happy to be home with my family.

To all the new members, welcome. We are happy for you to join us.

The message for me coming out of the election was that folks in our States want us to work together, they want us to make progress on real issues and they want us to strengthen the economic recovery. As both Senator Inhofe and Senator Boxer have said, one of the best ways to strengthen the economic recovery is to come to agreement on a robust, fulsome transportation investment program for our Nation.

And as Democrats, a lot of times we think about other people who could be working to build roads, highways, bridges, transit systems. As Barbara said, 600,000 or 700,000 is a lot of people who would love to be back working. There real benefit, though, from us coming to agreement not only on the authorization but also on the funding for the bill, which I will be working on as a member of the Finance Committee with a number of you, but the real payoff comes from our ability to just in time economy, to be able to move goods and products throughout our Country, throughout our Nation and to export markets as well. That is one of the reasons why we get the real GDP growth from transportation investment. So I am anxious to work with you on that.

One of my takeaways from the President last night is there are a bunch of areas where we actually have some agreement, a bunch of areas where we have some agreement. What Mike Enzi likes to say, he has this 80–20 rule. He says, we agree on 80 percent of the stuff, we disagree on 20 percent of the stuff. Let's focus on the 80 percent that we agree on and we will come back to the other 20 percent some other time.

Not everybody agreed with George Herbert Walker Bush some 20 years ago, over 20 years ago, when he was President. He came up with this idea of a cap and trade system to address the emissions of sulfur dioxide. Cap and trade, since I first heard about it, I thought, well, what is this?

But actually he pushed it hard, and I ended up thinking, maybe that makes sense, we ought to try it. And there were people who said, this will create havoc in the economy, this will never work. And it turned out, we ended up meeting our reduction goals in sulfur dioxide in half the time, half the time it was for gas and at about less than half the cost.

So let's keep that in mind. Sometimes we might want to be dismissive of new ideas. That is just an old idea that actually worked pretty well not that long ago.

Thank you.

Senator INHOFE. Good. Any other comments?

We are adjourned.

[Whereupon, at 10:58 a.m., the meeting was adjourned.]

[Additional material submitted for the record follows.]

Colloquy between Chairman Inhofe
And Senator Boxer
January 21, 2015

Senator Boxer: Mr. Chairman, it is my understanding that in keeping with the practice of the Committee, you and the Subcommittee Chairmen will make every effort to consult with me and the Subcommittee Ranking Members prior to announcing a Committee or Subcommittee hearing, and prior to setting the agenda for a Committee or Subcommittee business meeting.

Senator Inhofe: That is correct.

Senator Boxer: And further Mr. Chairman, it is my understanding that in keeping with our Committee practice, you and the Subcommittee Chairmen will make every effort to provide me and the Subcommittee Ranking Members opportunity for topic and schedule consultation at least two weeks prior to any hearing.

Senator Inhofe: That is correct.

Senator Boxer: Again, in keeping with our practice, the Chairmen and Ranking Members will strive to attain a balance of interests of the majority and minority in selecting the witnesses for hearings.

Senator Inhofe: Yes we will make that effort.