



## BUSINESS MEETING

Wednesday, September 25, 2019

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 9:19 a.m. in room 406, Dirksen Senate Office Building, the Honorable John Barrasso [chairman of the committee] presiding.

Present: Senators Barrasso, Carper, Inhofe, Capito, Cramer, Braun, Rounds, Sullivan, Boozman, Wicker, Shelby, Ernst, Cardin, Whitehouse, Merkley, Gillibrand, Van Hollen.

STATEMENT OF THE HONORABLE JOHN BARRASSO, A UNITED STATES  
SENATOR FROM THE STATE OF WYOMING

Senator Barrasso. Good morning. I call this hearing to order.

Today we are going to consider two nominees, two bills, and eight General Services Administration resolutions. Senator Carper and I have agreed that we will begin voting at 9:30. At that time, I will call up the items on the agenda. We won't debate the items on the agenda while we are voting. Instead, we will begin debating the items on the agenda before we begin voting, and I will be happy to recognize any member who still wishes to speak after voting concludes.

We will consider two nominations: Aurelia Skipwith to be Director of the United States Fish and Wildlife Service; and Katherine Lemos to be a Member and the Chairperson of the Chemical Safety and Hazard Investigation Board.

The full committee held a hearing on both nominees earlier this month. Ms. Skipwith's nomination to be Director of the Fish and Wildlife Services has received bipartisan praise from more than 80 groups and individuals, including the Association of Fish and Wildlife Agencies, the Union Sportsmen's Alliance, the Boone and Crockett Club's Conservation Policy Committee, U.S. Chamber of Commerce, American Farm Bureau Federation, Presidents of Howard and Purdue Universities, President and CEO

of the Martin Luther King, Jr., National Memorial, and a coalition of 28 sportsmen and conservation groups.

Senator Carper and I have agreed that we will begin voting, as I have described. We also had Congressman William Lacy Clay, who represents Missouri's First Congressional District, based in St. Louis, he was here to deliver a resounding endorsement of Ms. Skipwith when he introduced her at the nomination hearing. Congressman Clay testified to state the facts plainly: "Ms. Skipwith is one of the most talented, hardest-working and driven persons I have ever known." He noted, "If confirmed, Aurelia Skipwith will become the first African American to head the U.S. Fish and Wildlife Service. This is a historical nomination."

Dr. Lemos' nomination to be Member and Chairperson of the Chemical Safety and Hazard Investigation Board has been endorsed by the former Executive Director and current Deputy Executive Director of the Federal Aviation Administration's Accident Investigation and Prevention office, and Mark Chapman, a Boeing 787 pilot, who is a former chair of several aviation safety committees on the Airline Pilots Association. Professor Meshkati, an engineer and aviation safety professor at the University of Southern California, who has worked with the Chemical Safety and Hazard Investigation Board since its inception, and wrote of Dr. Lemos, "I strongly believe that Dr. Lemos is an embodiment of professional excellence in accident

investigation, whose impeccable technical credentials and leadership experience are an invaluable asset to the U.S. Chemical Safety Board.”

Confirming Dr. Lemos is a priority. In December of this year, the Chemical Safety Board will be down to one member. We called upon the Administration to fill both the current and future vacancies at the agency. We cannot allow the agency to lose its quorum.

Today we will also consider two bills, S. 2260, Senator Sullivan’s and Senate Whitehouse’s Save Our Seas 2.0: Improving Domestic Infrastructure to Prevent Marine Debris Act, with a substitute amendment, and S. 2099, Senator Cramer’s White Horse Hill National Game Preserve Designation Area.

The Save Our Seas Act addresses the important issue of plastic pollution in our oceans. The bill supports increased scientific research to better understand and address the root causes of plastic pollution both here in the United States and around the world. It improves our waste management systems, particularly with regard to recycling infrastructure.

The White Horse Hill National Game Preserve Designation Act redesignates Sullys Hill National Game Preserve as the White Horse Hill National Game Preserve. Administered by the U.S. Fish and Wildlife Service, the preserve is within the Spirit Lake Indian Reservation near Devil’s Lake, North Dakota. The

Spirit Lake Tribe has requested the preserve be renamed White Horse Hill, which is its traditional Dakota name.

Lastly, we will also consider eight resolutions to approve prospectuses providing for GSA leases. I urge my colleagues to support passage of each of the nominees, bills, and resolutions we are considering today. I would now like to turn to Ranking Member Carper.

[The prepared statement of Senator Barrasso follows:]

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

Senator Carper. Thanks, Mr. Chairman. Good morning,  
everyone.

As the Chairman said, on the agenda that we have before us  
today, two nominees, two pieces of legislation and eight General  
Services Administration lease prospectuses, including two  
prospectuses for Veterans Administration facilities.

The two nominations being considered by the committee today  
are Ms. Aurelia Skipwith and Dr. Katherine Lemos. Ms. Skipwith  
has been nominated to lead the U.S. Fish and Wildlife Service,  
an important agency responsible for enforcing federal wildlife  
laws, and managing our Nation's treasured wildlife resources.

On August 29th, nearly two weeks before the nomination  
hearing, I sent Ms. Skipwith a letter, asking her to provide  
answers concerning the nature of her activities on behalf of one  
longtime employer, long with an explanation of the extent to  
which she has tried to avoid potential conflicts of interest  
since assuming her current responsibilities at the Department of  
Interior.

Less than 24 hours before our hearing, I still had not  
received a response. I then met personally with Ms. Skipwith on  
September 10th, and implored her to respond to my letter. Just  
hours before our nomination hearing, I finally did receive a

response that, regrettably, was incomplete.

As I promised repeatedly during her nomination hearing on September 11th, I subsequently provided Ms. Skipwith with another opportunity to shed light on her disclosures, this time, through her responses to questions in plain English, for the hearing record. Yet again, she failed to be completely forthright in her responses.

In fact, in one of her responses, Ms. Skipwith actually suggested that I file a Freedom of Information Act request to obtain the information I was seeking, such as calendar records that would help paint a picture of the meetings she has taken since she joined the Department of Interior. Asking a Senator to FOIA for information that Ms. Skipwith can easily provide is a disappointing departure from how nominees typically handle such requests from lawmakers.

I regret to say that in the case of Ms. Skipwith, unfortunately, my willingness to give her some benefit of the doubt really has not been reciprocated by a serious effort on her part to be fully responsive to a number of questions. This situation does not instill, at least to me, and a number of our colleagues, confidence in her nomination.

If nominees before this committee do not choose to respond to legitimate and reasonable questions from any members of this committee during the confirmation process, it doesn't offer much

in the way of assurance that they will prove to be more responsive after being confirmed. Even historical nominees have an obligation to fully respond to reasonable and appropriate questions that are asked of them by members of this committee during the nomination process.

Given these concerns, I am unable to support her nomination today. Having said that, if Ms. Skipwith is willing and able to fully produce the records that I have requested, as well as to engage with our members on other questions that were not completely answered, it would demonstrate to me that she recognizes the importance of Congressional oversight, and I would strongly consider supporting her nomination on the Senate Floor.

That leads me to the nomination of Dr. Katherine Lemos to serve on the Chemical Safety and Hazard Investigation Board, an important, independent federal agency that is charged with investigating industrial chemical accidents.

As with Ms. Skipwith, a number of our colleagues in the minority initially shared serious concerns with the Lemos nomination. In this case, several questions arose during the confirmation with respect to her views on climate change and its effect on the safety of chemical facilities; and in turn, to her ability to be an objective, independent safety investigator.

In the case of Dr. Lemos, however, the nominee clarified

her responses in the questions for the hearing record and did assuage the concerns of the minority. Because she clarified her responses and did so in a timely manner, we are pleased to join our Republican colleagues in moving forward her nomination today.

In addition to considering these two nominations, we are also set to consider the Save Our Seas Act 2.0. As co-chair of the Senate Recycling Caucus, along with our colleague John Boozman, I appreciate and applaud the bipartisan leadership of Senators Whitehouse and Sullivan to improve recycling and address widespread and worsening problems in marine debris in Planet Earth.

As some of our colleagues know, prior to the markup, concerns were raised about one provision of the bill, a study on incineration, which has been removed from the substitute that we will vote on today. In recent days, however, we have heard from several other critics of this legislation that suggests we may have some additional work to do on this legislation. I am committed to that effort before the measure is considered by the full Senate.

Let me add one last brief comment before closing. That is just to say that I am happy that our committee is set to move legislation today that will change the name of Sullys Hill National Game Preserve in North Dakota to its Dakota name, the

White Horse Hill National Game Preserve. This action by our committee will help to ensure that the Spirit Lake Tribe's story of the white stallion will be ingrained in our Nation's history for years to come. Quite simply, this is the right thing to do, and I want to thank Senator Cramer for his work.

With that, Mr. Chairman, I look forward to our business meeting. Thank you, along with our colleagues, members of our staffs for all the work that has been done to make it possible for what I hope will be a productive and brief meeting. Thanks a lot.

[The prepared statement of Senator Carper follows:]

Senator Barrasso. Thank you very much, Senator Carper. We do have enough members who have arrived. I want to move to the votes on the items on today's agenda. The Ranking Member and I have agreed to bring up one nominee for a separate vote, and then the Ranking Member has requested that this nominee receive a roll call vote. The Ranking Member and I have agreed to vote on the one nominee, two bills and eight General Services Administration resolutions en bloc by voice. Members may choose to have their votes recorded for specific items in that bloc vote, and then there will be plenty of time after the voting for our members to speak on the various issues.

So we will move at this point to the en bloc passage of the items other than Aurelia Skipwith, and that will be the roll call vote in a few seconds. Senators Sullivan and Whitehouse have revised the text of the substitute amendment to S. 2260 to reflect necessary modifications. The Ranking Member and I have agreed that the text of the revised Sullivan-Whitehouse substitute amendment to S. 2260, which was sent to all offices yesterday, replaces the text that was circulated with the notice last Friday.

I would now like to call up Presidential Nomination 887, Katherine Lemos of California, to be a Member of the Chemical Safety and Hazard Investigation Board; President Nomination 971, Katherine Lemos, again of California, to be Chairperson of the

Chemical Safety and Hazard Investigation Board; the revised Sullivan-Whitehouse Substitute Amendment to S. 2260, the Save Our Seas 2.0: Improving Domestic Infrastructure to prevent Marine Debris Act; S. 2099, the White Horse Hill National Game Preserve Designation Act; and eight General Services Administration Resolutions en bloc.

So I move to approve and report Presidential Nomination 887, Presidential Nomination 971, and S. 2099, approve the revised Sullivan-Whitehouse substitute amendment to S. 2260, and report S. 2260 as amended, and approve eight GSA Resolutions en bloc. Is there a second?

Senator Carper. Second.

Senator Barrasso. All those in favor, please say aye.

[Chorus of ayes.]

Senator Barrasso. All those opposed, no.

[No audible response.]

Senator Barrasso. In the opinion of the Chair, the ayes have it. We have approved Presidential Nomination 887, Presidential Nomination 971, S. 2099, S. 2260 as amended, which will be reported favorably to the Senate. We have also approved eight GSA Resolutions.

Senator Carper?

Senator Carper. I don't know if this is the appropriate time. I would like to be recorded no on the Skipwith

nomination. Are we going to do a roll call?

Senator Barrasso. We are going to do a roll call. We are waiting for one member to arrive, and we will do a roll call, as you requested. We had agreed to, as we are waiting for the final member, Senator Cramer, would you like to make any comments at this point on the White Horse Hill?

Senator Cramer. I would. First of all, thank you, Mr. Chairman, and thank you, Ranking Member Carper, for not only bringing this up, but for your support of it.

As the Chairman said, Sullys Hill is a national game preserve that is located wholly within the Spirit Lake Nation near Devil's Lake, North Dakota. This bill simply changes the game preserve's name from Sullys Hill to the English translation of its traditional Dakota name, White Horse Hill. I introduced the bill at the request of the tribal leaders, but it has the full support of the Governor and the State of North Dakota, and certainly of the tourism industry throughout the State and the local governments.

I think it is important to note that in 1931, the game preserve was named after General Alfred Sully. Unfortunately, Sully gained his recognition and his notoriety as someone who committed several massacres against Native Americans. The most notable massacre was on September 3rd of 1863, in the Dakota territory as reprisal for the Dakota conflict of 1862. His

troops destroyed a village of some 500 tipis, killing several hundred Indians. Many of the victims, descendants of the victims of that massacre, live on this very reservation where this hill is named after this general.

So with the issues that our Federal Government faces, changing the name of this preserve in North Dakota can seem like a small thing. But I assure you, it is no small thing to the people of the Spirit Lake Nation.

It has taken us 85 years to correct this mistake. I am sorry that it has taken so long, but I am grateful that we are correcting it now, and I hope that I can count on everyone's support. Thank you.

Senator Barrasso. Well, thank you very much, Senator Cramer. I know Senator Whitehouse, as well as Senator Sullivan, would like to comment on their piece of legislation as we are waiting for Senator Capito. I call on you, Senator Sullivan.

Senator Sullivan. Thank you, Mr. Chairman. I want to thank you and the Ranking Member for your work on this. I certainly want to thank my friend and colleague, Senator Whitehouse, for his leadership on this issue. This issue is addressing of ocean pollution and ocean plastics. We had a bill last year that the President signed called the Save Our Seas Act. This is the Save Our Seas Act 2.0.

I just want to mention, this committee has a real tradition

of getting big things done, whether it is the Highway Bill or the TSCA legislation. I am certainly hopeful that this is another example of really important legislation that we are going to be able to move here.

The good news on this legislation is this is an environmental issue that is actually solvable. The estimates are that 10 rivers in Asia constitute almost 70 percent of all the ocean plastic pollution in the world, in all the oceans. So we can actually address this. We are doing it in a bipartisan manner, and this is a comprehensive bill. It has jurisdiction in Commerce here, and in the Foreign Relations Committee.

I want to thank the cosponsors of the Save Our Seas 2.0 legislation, who are EPW members, because there many: Senators Whitehouse, Booker, Carper, Van Hollen, Merkley, Cardin. I want to encourage all my colleagues to join us because we think this is going to move the President in support of this, his administration in support of this.

All the ocean and environmental groups are in support of this. Industry is in support of this. We have stakeholders who are going to hopefully make this move and get it done and it will really have an impact on cleaning up our oceans, which I think everybody here wants to do, whether you are a State like mine with a lot of coastline, or you are a State like Indiana that doesn't have any, but you still care.

Senator Barrasso. Lake Michigan.

Senator Sullivan. Oh, Lake Michigan, sorry.

[Laughter.]

Senator Sullivan. Well, it is not an ocean, last time I checked, but it is a big body of water. Sorry. Who else?

Senator Rounds -- you know what I mean.

[Laughter.]

Senator Sullivan. So hopefully we can get this done soon. Again, I want to thank the Chairman and Senator Carper, in particular, on working hard on this, and of course, Senator Whitehouse. Thank you.

Senator Barrasso. Senator Whitehouse.

Senator Whitehouse. Thank you, Chairman.

Let me join my friend, Dan Sullivan, in thanking both you and the Ranking Member for helping us work our way through to this day, where we have passed this bill by unanimous consent, effectively, by voice vote here in the committee.

Another section of the bill is in the Foreign Relations Committee for a vote today. We expect it is going to clear that, as well.

That gives us a lot of momentum to move forward. As Dan has pointed out, this is a very important issue. I just got back from the Save the Bay Run ocean cleanup in Rhode Island over the weekend. We do it with trash bags. Dan's State is on

the Pacific, so they have a different scale to their problem. When we had our first hearing, his Alaska witnesses talked about having to clean up the shores with dumpsters and front-end loaders, and by the ton per mile rather than by the trash bags.

So this is an area where I think we can get a lot of good work done. There is a very clear focus, there are five Asian nations that have lousy upland waste management that causes the majority of this ocean plastic to be dumped into the Pacific. There are ten rivers around the world, most in Asia, that flow most of this out to sea.

So we have a lot of enthusiasm from the Administration, with the President, Secretary Pompeo, Trade Representative Lighthizer, all having made very strong public statements. So I think it is important to keep our momentum going, and I hope we can move quickly to a very positive vote, perhaps even a voice vote, unanimous consent on the Senate Floor to move this along.

We have similar progress in the House, great bipartisanship in the House as well. So I think this is kind of a happy moment for the committee to be in strong agreement on strong environmental legislation that will hit an important problem for our planet. Thank you.

Let me also thank the former chairman, Senator Inhofe, who played such an important role in helping us get the original Save Our Seas Act into unanimous consent on the Senate Floor as

well. That is really what helped launch it. I was not expecting somebody from a square State to be so enthusiastic, and I appreciate it.

[Laughter.]

Senator Inhofe. It's not a square State

Senator Barrasso. Wyoming's the square State.

Senator Whitehouse. Okay, you two are going to debate about who's square, okay.

Senator Inhofe. I will share your comments with the people of the panhandle of Oklahoma.

[Laughter.]

Senator Barrasso. At this happy moment, I would like to call up the Presidential nomination 964, Aurelia Skipwith of Indiana to be Director of the U.S. Fish and Wildlife Service. I move to approve and report the nomination favorably to the Senate. Is there a second?

Senator Inhofe. Second.

Senator Barrasso. The Clerk will call the roll.

Senator Cardin. Mr. Chairman, before you call the roll, I will speak for one moment, if I might. I believe we do need a confirmed leader for this agency.

I am disappointed that the information requested by the Ranking Member has not been provided. I think the request of the Ranking Member is extremely reasonable. I hope that that

information will be made available before the nomination is brought to the Floor. For the reasons that the Ranking Member said, I am not prepared today to support the nominee.

Senator Barrasso. All right. The Clerk will call the roll.

Senator Van Hollen. Mr. Chairman?

Senator Barrasso. Senator Van Hollen.

Senator Van Hollen. Senator Cardin and I have talked about this. Obviously, we have a strong interest in protecting the Chesapeake Bay, and all of us have an interest in environmental issues and fish and wildlife. For the same reasons that Senator Cardin indicated, I will be voting no here in this committee.

Senator Barrasso. The Clerk will call the roll.

The Clerk. Senator Booker?

Senator Cardin. No, by proxy.

The Clerk. Mr. Boozman?

Senator Boozman. Yes.

The Clerk. Mr. Braun?

Senator Braun. Yes.

The Clerk. Mrs. Capito?

Senator Capito. Yes.

The Clerk. Mr. Cardin?

Senator Cardin. No.

The Clerk. Mr. Carper?

Senator Carper. No.

The Clerk. Mr. Cramer?

Senator Cramer. Yes.

The Clerk. Ms. Duckworth?

Senator Carper. No, by proxy.

The Clerk. Ms. Ernst?

Senator Ernst. Yes.

The Clerk. Mrs. Gillibrand?

Senator Gillibrand. No.

The Clerk. Mr. Inhofe?

Senator Inhofe. Aye.

The Clerk. Mr. Markey?

Senator Carper. No, by proxy.

The Clerk. Mr. Merkley?

Senator Merkley. No.

The Clerk. Mr. Rounds?

Senator Rounds. Aye.

The Clerk. Mr. Sanders?

Senator Carper. No, by proxy.

The Clerk. Mr. Shelby?

Mr. Shelby. Aye.

The Clerk. Mr. Sullivan.

Senator Sullivan. Aye.

The Clerk. Mr. Van Hollen?

Senator Van Hollen. No.

The Clerk. Mr. Whitehouse?

Senator Carper. No, by proxy.

The Clerk. Mr. Wicker?

Senator Wicker. Aye.

The Clerk. Mr. Chairman?

Senator Barrasso. Aye. The Clerk will report.

The Clerk. Mr. Chairman, the ayes are 11 and the nays are 10.

Senator Barrasso. The ayes are 11, the nays are 10, we have approved Nomination 964, which will be favorably reported to the United States Senate.

Senator Carper. I have a unanimous consent request. I ask unanimous consent that we enter into the record a statement from Golden Gate Salmon Association, opposing Ms. Skipwith's nomination, as well as other letters and materials.

Senator Barrasso. Without objection.

[The referenced material follows:]

Senator Barrasso. I have a number of letters of recommendation, over 80 stakeholders who have signed letters in support of Ms. Skipwith's nomination to serve as the Director. I ask unanimous consent to enter these endorsements into the record as well.

[The referenced information follows:]

Senator Barrasso. With that, the voting part of the business meeting has finished. I appreciate the comments by Senator Cramer as well as Senator Sullivan and Senator Whitehouse. Are there any other members who would like to be recognized?

If not, I ask unanimous consent that the staff have the authority to make technical and conforming changes to each of the matters approved today. With that, the business meeting is concluded.

[Whereupon, at 9:42 a.m., the hearing was concluded.]