

Table of Contents

U.S. Senate Date: Wednesday, September 11, 2019

Committee on Environment
and Public Works Washington, D.C.

STATEMENT OF: PAGE:

THE HONORABLE JOHN BARRASSO, A UNITED STATES
SENATOR FROM THE STATE OF WYOMING 3

THE HONORABLE THOMAS R. CARPER, A UNITED STATES
SENATOR FROM THE STATE OF DELAWARE 7

THE HONORABLE WILLIAM LACY CLAY, UNITED STATES HOUSE OF
REPRESENTATIVES, STATE OF MISSOURI 14

AURELIA SKIPWITH, NOMINEE TO BE DIRECTOR, FISH AND
WILDLIFE SERVICE 20

KATHERINE LEMOS, NOMINEE TO BE CHAIRPERSON AND MEMBER,
CHEMICAL SAFETY AND HAZARD BOARD 26

HEARING ON THE NOMINATIONS OF AURELIA SKIPWITH TO BE DIRECTOR OF
THE U.S. FISH AND WILDLIFE SERVICE AND KATHERINE LEMOS TO BE
MEMBER AND CHAIRPERSON OF THE CHEMICAL SAFETY AND HAZARD
INVESTIGATION BOARD

Wednesday, September 11, 2019

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 10:13 a.m. in room 406, Dirksen Senate Office Building, the Honorable John Barrasso [chairman of the committee] presiding.

Present: Senators Barrasso, Carper, Cramer, Braun, Rounds, Sullivan, Boozman, Ernst, Cardin, Whitehouse, 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 will consider the nominations of Aurelia Skipwith to be the Director of the U.S. Fish and Wildlife Service and Katherine Lemos to be a Member and the Chairperson of the Chemical Safety and Hazard Investigation Board.

Ms. Skipwith has served as the Department of Interior's Deputy Assistant Secretary for Fish, Wildlife, and Parks for the past two years. In this role, she has helped to oversee both the U.S. Fish and Wildlife Service and the National Park Service.

In her new role as the Director of the U.S. Fish and Wildlife Service, Ms. Skipwith will work closely with the Assistant Secretary for Fish, Wildlife, and Parks, Rob Wallace, who this committee and the full Senate recently confirmed by voice vote. Ms. Skipwith will be in charge of managing fish and wildlife for the American public. That includes combatting invasive species, recovering endangered species, protecting migratory birds, restoring fisheries, and conserving and enhancing wildlife habitat.

She earned a degree in biology from Howard University, molecular genetics from Purdue University, and a law degree from

the University of Kentucky. More than 80 groups and individuals have written in support of Ms. Skipwith's nomination. Scott Vance, the CEO and executive director of the Union Sportsmen's Alliance, whose members include the Nation's most prominent unions, has written: "We believe it is vitally important that the next director of the Fish and Wildlife Service not only possess strong leadership skills and the ability to form public and private partnerships, but also the education and critical decision making skills required to enact policies based on scientific principles free from political and bureaucratic interference. Ms. Skipwith meets," as he says, "and surpasses these qualifications and we urge you to approve her nomination."

Dan Ashe, who was the former director of the U.S. Fish and Wildlife Service under President Obama and now president and CEO of the Association of Zoos and Aquariums, noted: "In a field where diversity is sorely needed, it is encouraging to see a woman and person of color nominated to this important and prominent leadership position."

Confirming Ms. Skipwith is important to the work of this committee. We have jurisdiction over fish and wildlife policy, including the U.S. Fish and Wildlife Service.

Earlier this year, Congress enacted the WILD ACT, Wildlife Innovation and Longevity Driver Act, to combat invasive species, prevent wildlife poaching and trafficking, to promote wildlife

conservation, and to protect endangered species. I look forward to working with Ms. Skipwith to implement the WILD Act.

The committee also has oversight over the Endangered Species Act. I have worked with the Western Governors Association, with State fish and wildlife agencies, with conservation organizations, with ranchers, with farmers, and energy producers, to update the Act so that it works better for species and for people. I look forward to working with Ms. Skipwith on modernizing this important law.

President Trump has also nominated Katherine Lemos to serve as Member and Chairperson of the Chemical Safety and Hazard Investigation Board. Dr. Lemos has substantial experience in the fields of incident investigation, accident reconstruction, safety engineering, and human factors.

She has demonstrated strong leadership in these areas at the National Transportation Safety Board, at the Federal Aviation Administration, at Northrop Grumman, and in academia. Her knowledge and background make her a strong candidate to lead the Chemical Safety Board in its mission to investigate industrial chemical accidents.

The former executive director and current deputy executive director of the Federal Aviation Administration's Accident Investigation and Prevention Office has written in support of Dr. Lemos' nomination: "As a consummate safety professional with

the ability to adapt and apply her knowledge across domains, her tenacity, and her leadership skills in engaging and drawing every resource, Katherine is the ideal candidate for this role.”

Getting her confirmed is a priority. In December of this year, the Chemical Safety Board will be down to one member. I have called on the administration to fill both current and future vacancies at the agencies, and I do so again today. We cannot allow the agency to lose its quorum.

I look forward to hearing both of our nominees' testimony. I will now turn to Ranking Member Carper for his statement.

[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. Welcome, one and all. I am especially happy to see Congressman Clay with us this day. Thank you so much for coming. We know you are busy. Once you have finished your introduction, if you would like to spend the next three hours with us, that would be great. If you decide you want to go back to work, we will understand that, too.

[Laughter.]

Senator Carper. I had a chance to meet the family members for both of our nominees, and it is a real pleasure to meet spouses and fiancés and mothers and aunts and even some sisters in the house. We are glad you all could make it.

Was your father Bill Clay? Okay, I served with your dad, and it was a real honor, and I know he is very proud of you, very proud of you.

Dr. Lemos, you pronounce your name Lemos, not Lemos, right? Lemos?

Ms. Lemos. Yes.

Senator Carper. Okay, like in lemon.

Ms. Lemos. Yes, sir.

Senator Carper. Dr. Lemos has been nominated to serve on the Chemical Safety and Hazard Investigation Board, an

independent federal agency that's charged with investigating industrial chemical accidents. The board has investigated everything from the BP oil spill to fatal refinery accidents to chemical explosions caused by flooding during, I think it was Hurricane Harvey. Regrettably, though, President Trump has not treated this important agency with the respect that its mission deserves. In fact, the President's budget proposals have repeatedly called for the board's elimination.

Moreover, Dr. Lemos is the first nominee to the board we have seen during this administration, if I'm not mistaken. While I am encouraged that Dr. Lemos appears to be a well-qualified nominee, it is my hope that she can assure the committee of her strong commitment to both the Board's mission and to its budget.

I also hope to learn more about the Trump Administration's support for additional board nominations or renominations since the terms of its current board members will all expire in the next year or so.

I want to say just as a side note, we face a situation where this President, this Administration has not been a real supporter for another agency called the Economic Development Administration, that we think, most of us, Democrats and Republicans think, serves a vital role. But they nominated somebody to head the agency who actually is a former

Congressman, he is a doctor, but he is a former Congressman. And he had as a Congressman voted repeatedly to de-fund the Economic Development Administration. And then this President nominated him to head that agency. And we have a situation here where this Administration has also called for basically de-funding the panel, the commission that you would be nominated to lead. And Dr. Fleming's changed his mind, since he has been confirmed to head up EDA. He thinks it is a good organization and he is trying to make it better.

I think one of the things for you is that we need to hear from you your strong commitment to actually not just keeping this entity alive but also to actually make it stronger and better. So we are going to be looking to you for that.

I want to just set that aside and said to, with regard to Ms. Aurelia Skipwith has been nominated, as we know, to lead the U.S. Fish and Wildlife Service, our Nation's oldest federal conservation agency. The Service is responsible for enforcing wildlife protection laws, restoring habitat and assisting foreign governments with international conservation efforts.

In Delaware, the First State, we take great pride in our two national wildlife refuges, as we spoke about yesterday, which are home to threatened and endangered species, including the piping plovers, the red knot, and others. These two migratory birds attract literally thousands, maybe tens of

thousands, of visitors to our State every year. They come from all over the world. The national wildlife refuges are not just a source of pride for Delawareans, they are a source of economic prosperity and I think pride for our Nation.

Unfortunately, over the last couple of years, the U.S. Fish and Wildlife Service has taken actions that jeopardize our Nation's wildlife, despite widespread opposition. The Administration recently finalized regulations that will dramatically alter implementation of the Endangered Species Act, one of our Nation's most popular and most revered environmental laws. These regulations could undermine the Service that is supposed to both underpin and drive species protection decisions.

In 2017, this Administration also adopted an unprecedented legal opinion relative to the Migratory Bird Treaty, a stance that every former top Department of Interior official since President Nixon's Administration, both Republican and Democrat alike, has vehemently opposed. Now, the Department in which Ms. Skipwith currently serves is pursuing regulations to codify this controversial bird Migratory Treaty Act opinion.

Meanwhile, the Trump Administration has also been rushing down what many Americans regard as a misguided path to develop our Nation's public lands, particularly in the Arctic National Wildlife Refuge, and in core sage grouse habitat, at the expense

of a thorough public process, transparency, and science.

Ms. Skipwith, as our committee considers your nomination, I hope you will clearly convey a willingness to revisit some of these troubling policy decisions.

Let me end with this. Thank you so much for visiting with me yesterday, both of you, thank you for visiting with me, Dr. Lemos, a couple of weeks ago. Almost two weeks ago, on August 29th, I sent Ms. Skipwith a letter, we talked about this yesterday, asking her to provide answers about her interests with former employers and the extent to which she's tried to avoid potential conflicts of interest.

And again, we met yesterday, I appreciate that. I told her, I told you how disappointed I was that less than 24 hours before your confirmation hearing, I still had not received a response to the letter that I had sent almost two weeks ago. We had that conversation yesterday. Last night, just hours before the hearing, we finally received a response. I am told the response is incomplete. That is just not acceptable.

I sincerely hope that it is not an indication of how you would respond to future legitimate from members of this Congress, be they Democrat or Republican or Independent, should you be confirmed. Part of our responsibility on this committee, on the Environment and Public Works Committee, is to conduct oversight over the Executive Branch of our Government, and that

includes the U.S. Fish and Wildlife Service. We need your cooperation in order for us to meet our responsibilities under the Constitution. Should you be confirmed, I hope we will have it.

Thank you again for joining us today. We look forward to hearing from both of you for your testimonies, and right now, we look forward to hearing from our friend Lacy Clay. Welcome.

[The prepared statement of Senator Carper follows:]

Senator Barrasso. Thank you very much, Senator Carper. You are absolutely right, we are grateful to be joined today by Congressman William Lacy Clay, who will introduce, in a second, Ms. Skipwith. Congressman Clay represents Missouri's First Congressional District, based in St. Louis. You will note, if you Google L-A-C-Y, it immediately goes to Lacy Clay. It doesn't go to Carper, it doesn't go to Barrasso, like I said, it goes right to Lacy Clay.

[Laughter.]

Senator Barrasso. So that is quite a distinction. We want to thank you for taking the time to be here today, to join us. Please proceed.

STATEMENT OF THE HONORABLE WILLIAM LACY CLAY, UNITED STATES
HOUSE OF REPRESENTATIVES, STATE OF MISSOURI

Mr. Clay. Thank you, Mr. Chairman and Ranking Member Carper. Thank you for allowing me to come before you today. And as an aside, Senator Carper, yes, I did succeed my father, Bill Clay, 18 years ago. He and my mom live happily in Senator Cardin's great State of Maryland.

Senator Carper. Please give him my best.

Mr. Clay. I will.

Senator Carper. Tell him I said the apple didn't fall too far from the tree.

[Laughter.]

Mr. Clay. This morning, I have the honor to present to for your consideration a remarkable American woman, who has been nominated to serve as the new Director of the U.S. Fish and Wildlife Service, my highly talented constituent, Ms. Aurelia Skipwith. Welcome, Aurelia, to you and your family who are here with us today.

To state the facts plainly, Ms. Skipwith is one of the most talented, hardest working and driven persons that I have ever known. Allow me to share with you a bit of information about her. Ms. Skipwith grew up in Indianapolis, Indiana, and first attended Morehead State University in Kentucky. While there, she was awarded a full scholarship to attend Howard University,

one of our Nation's top historically black universities, where she graduated with a bachelor's degree in science. As you aware, that science degree satisfies the requirement for appointment to this vital position in the Administration.

Ms. Skipwith went on to attend Purdue University, where she earned a master's degree in animal sciences, with an emphasis on molecular genetics. In 2005, she became my constituent when she and her family moved to St. Louis, where her family still resides. I first met Ms. Skipwith in 2008, while she was employed as a scientist at Monsanto, which is now Bayer.

While employed at Monsanto, Ms. Skipwith excelled. She was awarded the Montana Sustainable Pledge award for her groundbreaking crop research. Ms. Skipwith was also recognized by the Missouri State legislature as a global leader in advancing sustainable agriculture.

Ms. Skipwith also won the Monsanto Global RGGI award for her extensive work to help feed the world by developing a new soybean that contained less saturated fatty acids. After eight years in St. Louis, she moved to the University of Kentucky's College of Law, and became the President of the International Law Society and was the Vice President of the ONE Campaign, which focuses on fighting poverty and preventable diseases in Africa.

She and I reconnected again in D.C. Over the last several

years, I have worked closely with her on important issues, and I can tell you that she cares. She listens, and she works hard for the American people.

Ms. Skipwith has some tremendous value at the Department of Interior. Most recently, she was designated by the Secretary of the Interior to represent the Administration at a truly historic moment in St. Louis, the induction of the historic Shelley House as the first unit in Missouri to be included on the new African American Civil Rights Network. The African American Civil Rights Network is an important new National Park Service asset established by legislation that I authored in the U.S. House.

For those of you who may not know the history, the Shelley House was at the center of the landmark 1948 U.S. Supreme Court decision, *Shelley v. Kraemer*, which outlawed restrictive housing covenants across this Country. This case stood for the principle that equal protection under the law applied to housing and included the rights to acquire, enjoy, own, and dispose of property. The Shelley case was a heartening signal for African Americans in St. Louis and across the Country that positive social change could be achieved through law and the courts.

Ms. Skipwith worked closely with my staff and other members of the Congressional Black Caucus, preservationists and civil rights advocates, to make the African American Civil Rights Network a reality. She took a personal interest and advocated

for the network, knowing its impact on future generations and the importance of all aspects of the American experience being told.

I think that it is fitting that Ms. Skipwith was chosen to represent the Administration on that historic occasion because her nomination that you are considering today offers the U.S. Senate another historic opportunity for progress and equality. If confirmed, Aurelia Skipwith would become the first African American to head the U.S. Fish and Wildlife Service. This is a historical nomination.

Ms. Skipwith is what we call in our community a true success story. We encourage our little black girls to take the road less traveled and embrace science, technology, engineering, and math, a field that is male dominated. Ms. Skipwith embraced the challenge and found tremendous success. I am proud to be with her and her family today and providing today's introduction, as she is the embodiment of what we instruct our children to do and be: educated, hard-working, excelling in their designated profession, and contributing good to the world.

I, along with the citizens of Missouri's First Congressional District, am proud to present one of our own. I respectfully request your favorable consideration and confirmation for this exceptional nominee, improving public service. I thank the committee for your gracious time this

morning.

[The prepared statement of Mr. Clay follows:]

Senator Barrasso. Well, thank you so very much, Congressman Clay, for this wonderful introduction of an incredible nominee. We know you have pressing responsibilities and duties in the House. You are welcome to stay as long as you like. We are grateful for the time you have to spend here.

Mr. Clay. I am sure Speaker Pelosi is looking for me.

[Laughter.]

Mr. Clay. Thank you so much.

Senator Barrasso. Thank you.

Now I would like to welcome our nominees to come forward and take your seats. We have joining us Aurelia Skipwith, who is the nominee to be Director of the U.S. Fish and Wildlife Service, and Katherine Lemos, who is the nominee to be the Member and Chairperson of the Chemical Safety and Hazard Investigation Board.

I want to remind both of you that your full written testimony will be made a part of the record. We look forward to hearing that testimony. We like to start, if we may, with an introduction of the family with each of the nominees. With that, we will go first to Ms. Skipwith and then to her testimony, and then to Dr. Lemos to introduce her family and her testimony.

Ms. Skipwith, please proceed.

STATEMENT OF AURELIA SKIPWITH, NOMINEE TO BE DIRECTOR, FISH AND WILDLIFE SERVICE

Ms. Skipwith. Thank you very much, Chairman. It is an honor to be here today and I am so excited that my family is here, so I will quickly do an introduction.

I have my Aunt Sally, who came from Columbus, Mississippi. Next to her is my mom, Lily Skipwith.

Senator Carper. Could I ask, just raise your hand as you are introduced, please.

Ms. Skipwith. My sister, Angel Waray, from St. Louis, Missouri. My Aunt Kathy from Sugarland, Texas. My Aunt Vonda Kay from Sugarland. Ms. Altamese Thompson from Indianapolis, and then I have my Aunt Brenda and Uncle Eugene from Columbus, Mississippi. And then in the back, I have my fiancé, Leo Giacometto.

Senator Carper. Would your mother raise her hand again, your mom?

Senator Barrasso. Mom's in the right, there.

Senator Carper. Thank you. I said earlier when we were talking to the nominee's family, I said I will be watching your mother to see if her lips move when her daughter speaks.

[Laughter.]

Senator Barrasso. Please proceed with your testimony.

Ms. Skipwith. Chairman Barrasso, Ranking Member Carper and

members of the committee, it is an honor to be here today as President Trump's nominee to be Director of the U.S. Fish and Wildlife Service. I am deeply appreciative of Secretary Bernhardt's confidence in me. Today, I am requesting your support for my nomination.

I want to acknowledge my mother. She has always been my cheerleader. My fiancé, my sister my aunts and uncle, and the dear friends that have come here today to show their support. I want to thank Congressman Lacy Clay, who was my Congressman for many years, for that introduction. It means a lot to me, because I still call Missouri home, and I still have properties there today.

My mother picked cotton on her way to college to become one of the first Black women to graduate from THE W in Columbus, Mississippi. Today, she continues to work as a public-school teacher in Indianapolis. And my father, who right out of high school, during the Vietnam War, joined the Navy and retired as Army Master Sargent with 34 years of service.

My respect for the outdoors and wildlife began at an early age. My summers were spent in Mississippi where I helped my grandpa on the hog farm, in his garden, and with the hunting dogs. I began my college in Kentucky at Morehead State, where I studied animal science. But it was my time at Howard University that exposed me to biological research, and that spurred my

intrigue to discover and testing new technologies, to challenge the status quo, and to bring forth new innovative technologies to better our world. That desire continued as I earned my master's degree in Molecular Biology and Genetics from Purdue University.

In the private sector, I led teams to develop new crops to improve productivity for farmers, environmentalists and consumers around the world. I love biology and science, and I learned a lot from being in the lab and being in the field. However, I grew to recognize that one may have the best intentions and the best available science, but without fair and balanced regulations and laws, one's future can be stifled. I saw those stifling effects first-hand when managing a project to develop new corn to address the drought in Africa. I knew what I needed to do. I went to the University of Kentucky to pursue my law degree.

After graduating, I was the legal advisor for an all-natural animal nutrition company, responsible for the research, development, and the approval of their first all-natural pesticide. I understand the necessary balance of natural resources among various user groups and that conservation is at the core of it all. That is what led me here today.

As Deputy Assistant Secretary for Fish, Wildlife, and Parks, I have had the pleasure to work with the Service's finest

professionals. That, with my past, has prepared me well to lead the Fish and Wildlife Service. I view the 567 refuges within the Service as our Nation's crown jewels. They are stopovers in flyway zones, home to endangered species, and they are places where people can hunt, fish, and recreate.

The Service and I are committed to align the Endangered Species Act with the letter of the law, providing transparency and consistency in actions from the public and from our federal partners. More than 60 percent of the lands in the United States are privately owned, both inland and coastal. It is a priority of mine to work with the private landowners and States, so that lands stay productive for all the species and for the people that own them. By bridging the gap with workable solutions, as well as leveraging the expertise of others, we can accomplish so much more.

This is truly an exciting time to lead the path forward. I will continue to have my open-door policy, to hear all sides in order to make an informed decision. That decision will be based on the best available science, within the realm of the law, all intertwined with common sense.

My mom taught me that it didn't matter where you started from, but it mattered where you were headed. She made sure that my education was a big part of that, and instilled in me to go further after what I believed was right. And my father taught

me about service to our Country and implanted structure and accountability. With these teachings at the forefront of my mind, I sit here today, a product of the American Dream.

I truly feel honored and humbled by this experience. And the same time, it is motivating for me to seek the responsibility and tradition of excellence that this role, as Director of the U.S. Fish and Wildlife, demands. I am committed to give my all. Thank you.

[The prepared statement of Ms. Skipwith follows:]

Senator Barrasso. Well, thank you so very much for that testimony. I will tell you, your mom was taking copious notes, and then she stopped and looked up with great pride and did that for a while, then she wiped a tear from her eye. Thank you for your wonderful testimony.

Ms. Skipwith. Thank you.

Senator Barrasso. Dr. Lemos, it is now your turn. Would you like to introduce your family and then proceed with your testimony?

STATEMENT OF KATHERINE LEMOS, NOMINEE TO BE CHAIRPERSON AND
MEMBER, CHEMICAL SAFETY AND HAZARD BOARD

Ms. Lemos. This is Carlos Lemos, my husband, who came all the way from California with myself. My father, John Curtis and my mother, Laura Curtis. They came from Florida. And I am thankful to say, many good friends who support me behind, who have been supportive through all the many endeavors in my life.

Senator Barrasso. Welcome to all of you, and please proceed.

Ms. Lemos. Thank you, Chairman Barrasso, Senator Carper, and distinguished members of this Committee. It is an honor to appear before you today as the President's nominee to be Chairman and Member of the Chemical Safety and Hazard Investigation Board. I am grateful to President Trump for the confidence he has placed in me to lead the CSB through a time of transition and change.

Mr. Chairman, the chemical industry is vital to our economy and to our national well-being. Maintaining integrity in our chemical production, process, handling and storage is therefore essential to the health of our Nation.

The CSB's mandate is to investigate accidental chemical releases at fixed facilities that result in a fatality, a serious injury or substantial property damage. Through the course of investigations and conducting preventive research, the

CSB makes recommendations for improvement to a range of stakeholders to reduce the likelihood of any future incident.

I am here today before you for three reasons. I am a safety professional deeply committed to the well-being of people and of our environment. I believe the CSB has a critical role to play in these safety outcomes, and because my experience and objectives are in strong alignment with those required to lead the CSB.

Prioritizing safety was a part of my childhood, and leading this commitment was my father, behind me, a military pilot for the Air Force and Air National Guard, and then a commercial airline pilot for 35 years. When I started flight lessons at the age of 14, he required, he mandated, that I subscribe to and read and discuss with him the NTSB Monthly Reporter, where they provided incidents and accidents, lessons learned, and what went wrong.

Senator Barrasso. It was at the age of 14 he made you do this?

Ms. Lemos. That is when I started flight lessons.

Senator Carper. Did any of your classmates in school also read that publication?

[Laughter.]

Ms. Lemos. In my career, I have been privileged to work as a safety leader across stakeholder domains and communities, that

provides me with an enterprise-level perspective of safety. As an academic, I studied new technology and decision-making in high-risk and in complex environments. I taught on the topics of accident investigation, human factors engineering, and safety management systems.

As a career government employee for the NTSB, I first served as an accident investigator on the front lines of aviation safety. I also served as a Special Assistant to the Vice Chairman of the Board, supporting review and critical decisions on investigations and recommendations across transportation modes. So on our launch to a pipeline explosion in Mississippi, that was instrumental to my appreciating and understanding the similarities across domains in terms of accident investigation, human factors, safety and risk management, and the long-lasting impact of catastrophic events. They go across domains.

As a career government employee for the FAA, I served as the regulator in analyzing, developing, and implementing policy, as well as monitoring the outcomes. That provided me a unique experience in visualizing and quantifying the entire life cycle of events, from research to design, prototype testing, engineering, manufacturing, and on to implementation and sustainment.

Now in industry, I am an executive charged with balancing

competing pressures for multiple programs, developing and delivering the quality products and systems that perform as promised, on schedule, within budget, but above all, safely. Taken together, my combined experiences across the safety landscape allows me to be effective at promoting and ensuring the balance needed and brought by each stakeholder.

Mr. Chairman, if confirmed, I look forward to working with you to enable and empower the CSB to fulfill its mission to prevent chemical accidents and maintain the trust and confidence in the public we serve. If confirmed, I commit to leading the agency by example, to holding myself accountable, as well as each employee, to you and the American public, in delivering objective, thorough, actionable, timely investigative reports to protect workers and our communities.

If confirmed, I pledge to work in a collaborative manner with board members, staff, stakeholders and this committee to enhance the safety culture of the entire chemical industry.

Thank you for your time and consideration, and I look forward to answering your questions.

[The prepared statement of Ms. Lemos follows:]

Senator Barrasso. Thank you very much for your testimony as well. Your father looked on with great pride, and was shaking his head up and down with a big smile the whole time.

Throughout this hearing, and with questions for the record, the committee members are now going to have an opportunity to more about the commitment of both of you to public service, and to the great Nation that we have. So I am going to ask that throughout this hearing, you please try to respond to the questions today, and then some members who may not be able to be here or stay through the whole hearing may ask questions in writing. We do have a series of votes that are going to start in about 20 minutes, so there may be members coming and going, just so you will notice, if you see people leaving, that they are going to vote and then come back if necessary.

So I have to ask the following questions that we ask of all nominees on behalf of the committee. Do you agree, if confirmed, to appear before this committee or designated members of the committee and other appropriate committees of the Congress, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities?

Ms. Skipwith. Yes.

Ms. Lemos. Absolutely, yes.

Senator Barrasso. Do you agree to ensure that testimony,

briefings, documents, and electronic and other forms of information are provided to this committee and its staff and other appropriate committees in a timely manner?

Ms. Skipwith. Yes.

Ms. Lemos. Yes.

Senator Barrasso. Do you know of any matters which you may or may not have already disclosed that might place you in any conflict of interest if you are confirmed?

Ms. Lemos. No.

Ms. Skipwith. No, I do not.

Senator Barrasso. Okay. So now I am going to begin with a round of questions, and then we will go back and forth between different members of the committee.

Let me start with Ms. Skipwith, if I could start with you. This committee has led the enactment of something called the WILD Act, which stands for Wildlife Innovation and Longevity Driver Act. The WILD Act established the Theodore Roosevelt Genius Prize. These are prizes, it is a series of cash prizes to be awarded each year for technological innovation in wildlife conservation and in the management of invasive species.

I believe that technology and technological innovation can solve some of our most challenging wildlife problems. That seems to be the reason that you went on to get that master's degree in the first place.

Ms. Skipwith. Exactly.

Senator Barrasso. So whether it is addressing the threat of invasive species, combatting wildlife trafficking. So if confirmed as Director of the U.S. Fish and Wildlife, will you commit to prioritizing implementation of the Theodor Roosevelt Genius Prizes in order to stimulate technological innovation in both wildlife conservation and in invasive species management?

Ms. Skipwith. Senator, if confirmed, I look forward to working with you and office to prioritize the implementation. What I will also add to that is, I commend the committee for the passage of the WILD Act and the implementation is a priority at the Department. Already, Secretary Bernhardt has issued a secretarial order in order to facilitate a timely implementation.

Senator Barrasso. Good. Dr. Lemos, this committee strongly supports the mission of the Chemical Safety Board. Would you share with us your commitment to this agency and its values? Additionally, would you commit to filling the five-year term, if confirmed?

Ms. Lemos. Thank you, Senator. Yes, I am fully to the mission of the Chemical Safety Board, as in promoting and driving chemical safety change. The reason that I am interested and that I am here today is because I know that I can make a difference, and I am committed to making that difference and

providing the stable and consistent leadership that is requested of me and needed by this agency.

If confirmed, I intend to serve the entire, full, five-year commitment.

Senator Barrasso. Thank you.

Ms. Skipwith, Wyoming is no stranger to the challenges that States face when courts intervene in conservation decisions. Despite Fish and Wildlife Service's best efforts, both this Administration and the Obama Administration, and the Bush Administration, it took years to de-list the gray wolf in Wyoming and to return it to State management following a full recovery of the species. As you know, the courts have now forced the grizzly bear to be relisted in spite of the efforts of Fish and Wildlife.

In your opinion, does it hurt State and local recovery efforts if courts prevent or delay the de-listing of species that Fish and Wildlife clearly says are recovered?

Ms. Skipwith. Senator, thank you very much for that question. The science shows that the grizzly bear and the gray wolves are biologically recovered. To reach that status, it employs working with States, working with private landowners and other organizations to reach that goal. That is truly a success of the Endangered Species Act.

Knowing that those species are still on the list, that ends

up directing resources to work on that instead of focusing on imperiled species that really need recovery efforts.

Senator Barrasso. So when the courts intervene, to overdo what you have done, what the agency has done, that is detrimental to recovery of other species as well as to the States where those species are?

Ms. Skipwith. Yes, Mr. Chairman, it does.

Senator Barrasso. Dr. Lemos, the Chemical Safety Board is an independent federal agency charged with investigating industrial chemical accidents. Please explain how your past work at the National Transportation Safety Board, the Federal Aviation Administration, you talked about your license at age 14, and the journal that you were reading to look into those sorts of things that had to do with aviation, but how is your past work there as well as your past work in academia and the private sector going to help you succeed as chair here, if confirmed?

Ms. Lemos. Thank you, Senator. Three things. First and foremost, I have the leadership skills to move this agency forward. If confirmed, this will be essential to my success as chair. Over the years, I have demonstrated success as a leader in managing people, large programs, initiatives; but especially those that required significant change management, restructuring and bringing together diverse groups of stakeholders.

Equally important, I have the subject matter expertise that is employed and used by the Chemical Safety Board, and I say safety transcends domains. That specific expertise, again, is in accident investigation and reconstruction, and human factors engineering, and in safety management and risk assessments.

For example, at the NTSB, I was, in 2005, you might recall, the Southwest Midway accident which overran the runway in wintery conditions, led to the fatality, unfortunately, of a young child. So I have hands-on experience with this type of work, and the process is the same.

Finally, if confirmed, my broader understanding of how the safety community works together to be accountable to Congress and the American people will help me to succeed as chair.

Senator Barrasso. Senator Carper.

Senator Carper. In my conversations with both of you, and your testimony today, Ms. Skipwith, you have mentioned that you feel you should be guided by science. I think it is fair to say that both of you feel that way. My first question, I am going to ask a lot of yes or no questions. I am going to start off with a yes or no question.

It is the same question for both of you. Do you agree with the world's leading scientists, including those within the Department of Interior and the Environmental Protection Agency who have concluded that climate change is real and is caused

primarily by humans? Do you agree with that? I am just looking for a yes or no, and if you can't say yes or no, I will be very disappointed.

Ms. Lemos. Thank you, Senator.

Senator Carper. And I am not looking for a "thank you, Senator." I am looking for a yes or no. And it is a simple question. Do you agree that climate change is real and is caused primarily, not entirely, but primarily by humans? Just yes or no.

Ms. Lemos. I can tell you yes to the first part.

Senator Carper. That is it, thank you.

Ms. Skipwith, your turn.

Ms. Skipwith. Yes, I believe in climate change, and humans have an impact.

Senator Carper. Thank you.

Ms. Skipwith, let's talk about the letter that I sent to you two weeks ago. One of our jobs, as I said earlier, we are an oversight committee. We do oversight over, among others, the Environmental Protection Agency, Fish and Wildlife Service. For us to do our jobs, occasionally we are going to be making inquiries. Sometimes we do it in hearings. Sometimes we do it in phone calls, sometimes we do it in letters. It is important for us to receive timely responses.

I remember a letter that I sent to the pervious Secretary

of the Department of the Interior like a year ago; I never got a response. I think that is just unconscionable. I would never do that if I were in a position like that.

Talk to us, and I am going to ask for the record, ask unanimous consent, Mr. Chairman, to submit for the record the letter I sent to you two weeks ago, and what I deem to be an incomplete response. We had talked about this yesterday. Would you just say a few words and then we will move on to the next question?

Ms. Skipwith. Yes, Senator, thank you very much for your time yesterday. I appreciate the candid conversation that we had.

I did provide a response in light of that conversation, and look forward to providing that remainder.

Senator Carper. I don't mean to be rude, but can you just commit to me today that I will have a full and complete response within a week from today? Is that reasonable?

Ms. Skipwith. I will have to work with the Department of the Interior to do a deeper dive.

Senator Carper. On what I am looking for, can you commit to respond within a week? You have had two weeks already.

Ms. Skipwith. So I did respond to those, to the questions.

Senator Carper. I think those who are going to look at the record are going to say that was not a complete response.

Ms. Skipwith. And I will, I am working with the Department to provide the remainder, knowing that how much time that letter was, it will take a deeper dive to work with the Department to provide an appropriate response.

Senator Carper. Let me just impart, if I could, a sense of urgency. I don't ask of people, I don't send an inquiry and ask for a response in two or three days. I don't do that. I will give you a couple of weeks and I will ask you to do your best to, within a week from today, to give me a complete response. Thank you.

Senator Barrasso. Without objection, your letter will be made part of the record.

[The referenced information follows:]

Senator Carper. Thanks so much, Mr. Chairman.

Dr. Lemos, President Trump has repeatedly tried to eliminate the Chemical Safety and Hazard Investigation Board. Can you commit to supporting and defending both the board's mission and at the least, its current budget?

Ms. Lemos. Thank you, Senator. Yes.

Senator Carper. I was going to ask some questions about the Migratory Bird Act, but I think one of our colleagues from Maryland is going to do that.

Ms. Skipwith, if I could, the Department of Interior does not always give the Fish and Wildlife Service a seat at the table in discussions about how the Department should manage federal lands, even when those management decisions impact habitat for imperiled species. For example, Politico ran a story, I think it was in July, two months ago, it was entitled "How Science Got Trampled in the Rush to Drill in the Arctic." The article describes in detail how fish and wildlife experts have recently been excluded from decision making with respect to oil and gas leasing in the Arctic National Wildlife Refuge.

I would ask unanimous consent, if I could, Mr. Chairman, that that article be submitted for the record.

Senator Barrasso. Without objection.

[The referenced information follows:]

Senator Carper. Thank you.

Ms. Skipwith, you were working at the Department when this occurred. I would just ask, why didn't you ensure that the Fish and Wildlife Service experts were part of the process? I would just ask that you commit to us today to ensuring that in the future, the Service is included in important Department of Interior conversations about leasing and energy development in ecologically sensitive areas that are home to imperiled species.

Ms. Skipwith. Senator, I am a biologist and I am a scientist. I believe in following the law. And that requires that the best available science, along with the law, is used in making decisions. So I will work with you and your office ensuring that the professionals are used in decision making processes.

Senator Carper. Good. Thank you.

Let me ask you a question. Well, I am about out of time. Real quickly. No, I am not going to ask the next question. I want to make sure I have time for my colleagues to ask their questions. So I will stop right there. We will have some more questions for the record. Thank you.

Senator Barrasso. Senator Cardin.

Senator Cardin. Thank you, Mr. Chairman. I thank both of our nominees for their willingness to serve and we thank their families, because this is a family effort. So we thank you for

your willingness.

Ms. Skipwith, I want to start with you. The U.S. Fish and Wildlife is critically important to the State of Maryland and our region, Delaware, the Chesapeake Bay. Sixty percent of the members of the panel right now are in the Chesapeake Bay region. The Chesapeake Bay office in Annapolis, for the U.S. Fish and Wildlife is a critical part of the compact reached between six States and the District of Columbia.

Are you familiar with the Chesapeake Bay program?

Ms. Skipwith. A little bit, Senator.

Senator Cardin. I would just urge you to understand the important role that the U.S. Fish and Wildlife plays there. You already mentioned the issues in regard to the Endangered Species Act on science as it relates to the gray wolf and the grizzly. The Chairman asked you questions about the court decisions, which at times I have disagreed with. The court is trying to interpret the laws that Congress has passed. And sometimes we don't do what we should be doing here in Congress, leaving ambiguity to our courts.

You said that science dictated your views on that, and I appreciate that. That is what I am looking for. At times, we have to make tough decisions. We don't always base all of our decisions on science, but we must have from the U.S. Fish and Wildlife the science information in order to make those

judgments. At times, there will be political considerations.

Are you prepared to shield yourself from the politics so that we get from U.S. Fish and Wildlife the best information based solely on the science?

Ms. Skipwith. Senator, when it comes to making listing determinations and looking, it is based on what is the best available science, and it is also operating within the law. So if confirmed, I will continue that path of using the best available science and operating within the law.

Senator Cardin. And will you commit to us that you will always be judged in providing information to this committee and to the members of Congress on science based upon what the science indicates and not based upon political considerations?

Ms. Skipwith. Senator, thank you very much for that question. And it is about looking at the science and still making sure that it is within the realm and the responsibilities of the Fish and Wildlife Service.

Senator Cardin. If you are, through the political structure, coming from either the White House or above, there is a direction that they want to go, but science indicates a contrary position, are you prepared to say that you will at least advise us as to what science tells is the right decision in that regard?

Ms. Skipwith. Senator, one of the things, and if

confirmed, would be my responsibility, is to look at the science to make my decisions and to make my recommendations based on that.

Senator Cardin. I am not sure that completely responds to my question. I will ask that again for the record, and it would be helpful to know that you are prepared to speak out on behalf of science, which you have indicated is your passion, recognizing that we will make the political decisions and there will be political considerations. But we expect U.S. Fish and Wildlife to call it the way science indicates. I am not --

Ms. Skipwith. I can commit to that, Senator, yes.

Senator Cardin. I appreciate that.

Ms. Lemos, I want to tell you, the work that you do is critically important. We had an episode in Baltimore of 2017 with a chemical release that required people to shutter in place for several hours. My question is basically, you don't have any ability to enforce your recommendations. You make recommendations, but you can't enforce your recommendations. So you can't issue penalties, you can't issue regulations.

How do you go about making sure that your recommendations are carried out?

Ms. Lemos. Thank you, Senator. I agree, the role of the accident investigation board, whether it be in transportation or chemicals, is to make sure that you are writing recommendations

that are relevant, you gain stakeholders buy-in, you work with all the different parties. But when it comes to ensuring, if you are speaking about regulations, or recommendations in general, that is a process you work with Congress. The agencies are held accountable, or any of the folks that we write recommendations to. We have a system of following up on those recommendations, how many are closed, how many closed or open are acceptable. So that is the method by which we can account for that.

But when it comes to having an authoritative arm, no, we are not the authority. We are not writing the regulations, or we are not actually enacting the changes by which people have to adhere to.

Senator Cardin. I want to ask you one more question, if I might. In response to Senator Carper, you indicated you believe that climate change is real, but you qualified that not human behavior is a major factor toward climate change. Do you want to explain that? You don't have to say yes or no, but explain to me why you believe the emissions of carbon that we have done is not accelerating the climate problems.

Ms. Lemos. Thank you, Senator, for giving me the opportunity to explain. I am fully aware that as humans, we contribute to the climate change in many ways. The degree to which climate science, or climate is changing, I am not a

climate scientist. I am a social scientist, and I am a strong supporter of science. I read more and more every day on this topic.

But in terms of making a conclusive statement about the degree to which the human contribution is influencing it, I will leave that to the people who are the climate scientists. That is my perspective.

Senator Cardin. I would just point out then, when you look at the climate scientists -- I will leave it at that. I am a little bit confused by that answer, but I respect the fact that neither you nor I are climate scientists. Thank you.

Senator Barrasso. Thank you, Senator Cardin.

Just to point out, Wyoming Stock Growers Association has written regarding Ms. Skipwith that, "It is important that the next Director of the U.S. Fish and Wildlife Service not only possess strong leadership skills, but also the education and experience required to enact policies based on scientific principles, free from political and bureaucratic interference, and Ms. Skipwith meets and surpasses these qualifications."

Without objection, that will be submitted for the record.

[The referenced information follows:]

Senator Barrasso. Senator Whitehouse.

Senator Whitehouse. Thank you, Chairman.

Ms. Skipwith, you are not a prolific campaign donor, political campaign donor.

Ms. Skipwith. Senator, no, I am not.

Senator Whitehouse. You were appointed for this position on July 17th of this year.

Ms. Skipwith. Yes, Senator, that is correct.

Senator Whitehouse. Two days later, on July 19th, you reported a \$5,600 campaign contribution to Donald Trump for President. You had to report all your donations in a ten-year period. That is the only one. It occurred two days after your appointment.

Can you explain the circumstances of that, and specifically any and all contacts or conversations you had with anybody from the Trump Administration or the Trump campaign related to that contribution?

Senator Barrasso. Could I point out to the Senator, she was nominated actually in the previous Senate as well, prior to this?

Senator Whitehouse. The record will make that very clear. But this statement says her nomination date was July 17th, and it was.

Ms. Skipwith. That is correct, Senator. I made a

contribution to the Administration and support what this Administration is doing.

However, as stated, I was nominated in the prior Congress, and I was nominated before that contribution.

Senator Whitehouse. And to the part of my question that asked about any contacts between you and the Administration or the Trump campaign regarding contributions?

Ms. Skipwith. There is no contact except for --

Senator Whitehouse. Nobody asked, nobody suggested? Nobody pointed out that you had not contributed? You just spontaneously made that contribution on July 19th?

Ms. Skipwith. I did.

Senator Whitehouse. Fair enough.

Do you understand that the rot runs pretty deep in the Trump Administration when it comes to environmental and public health protections and regulatory agencies, that they are quite often handed over to the industries that they ought to be regulating? And mind you, EPA has effectively become a captured tool of the fossil fuel industry and is no longer doing its job to protect the public.

You have worked many years for Monsanto. Can you give us assurances here that as Director, you will be the Director for the people of the United States and all of their interests, and not the Director for Monsanto or for other polluting or

extracting interests?

Ms. Skipwith. So, Senator, I have been at the Department for over two and a half years. When I first came on board, I worked very closely with our ethics office, and to this day, I still work closely with the ethics office to ensure that there are no conflicts of interest. And in my role today, I am working for the American people. And if confirmed as Director, I will continue to work for the American people.

Senator Whitehouse. In that case, I wish you well.

Senator Barrasso. Senator Sullivan.

Senator Sullivan. Thank you, Mr. Chairman, and Ms. Skipwith, thank you, and our other nominee, for your desire to serve your Country. It is not always easy. I appreciate your willingness to do that, and appreciate your families' willingness and support to be here. These are always, these are positions that sometimes can be challenging, and we need good people.

So I want to thank both of you, because it is not easy. Even going through this Senate confirmation, my good friend, Senator Whitehouse, as always, has probing questions. I appreciate, I think we all appreciate your direct answers. I was going to try to counter some of those, but I don't think there is a need.

So I am going to start with something that actually he and

I are working on quite a lot, you and I talked about it together yesterday in a meeting in my office, this issue of oceans and cleaning up our oceans. Senator Whitehouse and I have legislation that passed last year, the President was very supportive, called the Save Our Seas Act. That is all about ocean debris. And now we have legislation called the Save Our Seas Act 2.0 that the Trump Administration has been supportive of.

So to the extent you can, I would like to get your commitment, again, your not fully having jurisdiction over the oceans, but you do have some. And to the extent you can, can you commit to work with this committee, with me, with the Chairman, with Senator Whitehouse, on this important issue of not just our legislation, Save Our Seas 2.0, but working to clean up and maintain healthy oceans for America and the world?

Ms. Skipwith. Senator, it was a pleasure to meet with you yesterday and to discuss this very important topic. I commend you and Senator Whitehouse for introducing that, and looking forward to working with the both of you and the rest of this committee to move it forward.

Senator Sullivan. Great. I believe we are going to have a markup on that legislation, Mr. Chairman, in a couple of weeks. We look forward to moving it forward to get it in front of the Trump Administration.

Senator Whitehouse. I hope we have a date.

Senator Sullivan. I think we have a date from the Ranking and Chairman, so thank you, gentlemen. Good. We look forward to working with you on that.

I want to talk a little bit about my State, which unfortunately some of my colleagues like to talk about my State as well. I always encourage them to stay focused on their States. They have a lot to do with their own States. My State is the great State of Alaska, which always seems to get a lot of attention in this committee.

And it should, because it is a great State. But we are a unique State. The U.S. Supreme Court just came out with a very big opinion about four or five months ago called *Sturgeon v. Frost*. It was an interpretation of the Alaska National Interest Lands Conservation Act, what we refer to in Alaska as ANILCA, a nine to zero opinion written by Justice Kagan. Huge for my State, that essentially says, not essentially, it did say, Alaska is unique, Alaska is different, and the Congress has stated that many times in ANILCA, and in other federal statutes.

This is important, because we have a different striking of the balance between conservation and environmental issues and the need to actually develop our economy, which unfortunately, a lot of people in this building don't remember, that is something that is important in Alaska.

Can you commit to me and working with me and this committee to looking at ways in which, given the Sturgeon v. Frost, a nine to zero Justice Kagan opinion looking at new regulations to reset the way in which federal agencies like the Fish and Wildlife Service look at Alaska lands under ANILCA, with a new regulatory package or another way in which to implement that very, very important Supreme Court case, which essentially said federal agencies, Democrat and Republican federal agencies, have been treating Alaska wrongly under the law, and Alaska is unique under ANILCA, and there needs to be a reset.

This is Justice Kagan saying this. Can you commit to work with me on this issue, Ms. Skipwith?

Ms. Skipwith. Senator, I am familiar with that case, and I commit to working with you and your office to figure out a path forward and looking at what regulations to align with what the court cases says.

Senator Sullivan. Great. Thank you very much.

Let me ask one final question. It is again a bit of a unique Alaska issue, particularly in southeast Alaska. We have a growing problem with the sea otter population, which has essentially exploded. And in many ways, harms the interests of the communities in southeast Alaska, particularly our fishermen. This is a problem that has been in the works for years.

We need to coordinate federal agencies, State agencies, key

stakeholders in Alaska, on a way in which to address this growing problem. Can I get your commitment to work with me and the federal agencies to get to Alaska soon, but also to work with us on convening other federal agencies to help us with this growing problem that is negatively impacting many, many different stakeholder groups in Alaska?

Ms. Skipwith. Senator, I commit to that. I have heard from you as well as from others about the impacts of the overpopulation of the sea otters, and I look forward to working with you on that, if confirmed.

Senator Sullivan. Thank you. I again want to thank both of you. I look forward to strongly supporting both of your nominations in this committee and on the Floor of the Senate. Thank you.

Senator Barrasso. Thank you very much, Senator Sullivan.

Before turning to Senator Van Hollen, we are in the middle of a vote, and Senator Carper has gone. I have gone, Senator Cramer will be acting in the chair capacity until we return.

Senator Van Hollen.

Senator Van Hollen. Thank you. Thank you, Mr. Chairman, and thank both of you for your testimony.

Ms. Lemos, I hadn't planned to ask you about this, but I think your answers require it. Neither you nor I are medical doctors, right?

Ms. Lemos. Correct.

Senator Van Hollen. But we would both agree that it has been established that smoking cigarettes increases the chances of lung cancer, right?

Ms. Lemos. Yes.

Senator Van Hollen. And your testimony is that you would support the views of the scientific community with respect to conclusions on climate change, right?

Ms. Lemos. Yes.

Senator Van Hollen. And isn't it the case that the overwhelming majority of scientists believe that human activity is the primary cause of climate change?

Ms. Lemos. The majority of that which I have read, yes.

Senator Van Hollen. Okay. And I hope you will clarify this for the record, because there is a great concern right now that individuals like you, whose primary job is going to be to get to the bottom of facts and apply the science are going to fear the politics when we want people focused on the science. So I hope you will clarify all of that in your written responses.

So, Ms. Skipwith, thank you for your interest in serving. As Senator Cardin mentioned, we have a great interest in Maryland and in the other Bay States in protecting the Chesapeake Bay. The Fish and Wildlife Service is a big part of

that. We have two wildlife refuges in Maryland, Blackwater and Elk Neck. We are going to be looking forward to working with you. We have a bipartisan legislative proposal with Senator Shelley Moore Capito, Senator Cardin and myself, to authorize more Fish and Wildlife grants to help protect the Bay. And I just look for your commitment, if you get through the nomination process, to work with us on that.

Ms. Skipwith. Yes, you have my commitment. I also want to say, thank you very much. Last year, there was the National Urban Wildlife Refuge Day. You sent over a citation with Katherine Provost.

Senator Van Hollen. Yes.

Ms. Skipwith. It was absolutely wonderful to get that recognition. That is something that we are doing across the Country, is really recognizing that engaging with those audiences that are those nontraditional audiences, that is the way to ensure that that conservation stewardship lasts beyond just this generation.

So your support really means a lot. We look forward to doing that again this year.

Senator Van Hollen. Thank you. I was pleased, I got good feedback from after that meeting.

So let me ask you about the Migratory Bird Treaty Act. Because as you indicated in your testimony, one of your missions

is to protect the flyways and migratory birds. You agree that the Migratory Bird Treaty Act is an important part of that strategy, right?

Ms. Skipwith. I do believe, yes.

Senator Van Hollen. Okay. So when we had the Deepwater Horizon oil spill, the damages under that Act required BP and others to pay \$100 million in damages because of the mass killing of migratory birds that was caused by that oil spill.

But the Department of Interior has since changed their legal interpretation of the damages provisions. When I asked Secretary Zinke about this, when he was still the Secretary, he denied that the Department of Interior's reinterpretation of the damage provisions of the MBTA meant that oil companies would no longer be liable for damages for mass killings of birds from oil spills.

That is not correct, is it? In other words, the reinterpretation does mean that oil companies will no longer be liable for the mass killing of migratory birds through oil spills. Isn't that a fact?

Ms. Skipwith. So, Senator, with the Solicitor's opinion that came out for the MBTA, it deals with the incidental take of migratory birds. So there are other laws.

Senator Van Hollen. No, I'm asking you, we just want to get the facts. I am talking about this treaty, right? Under

this treaty, isn't it a fact that the Department of Interior's reinterpretation means that we will no longer be able to collect damages against oil companies for the mass killing of migratory birds caused by oil spills? Yes or no.

Ms. Skipwith. It is about the intentional versus incidental take of migratory birds.

Senator Van Hollen. So, intentional, right? So what you are saying is that unless BP intentionally created an oil spill with the purpose of killing migratory birds, then we wouldn't be able to collect damages? Right?

Ms. Skipwith. Then there would be, there would be recourse.

Senator Van Hollen. So the question is, why. Do you support this reinterpretation, or do you want to work with us to modify it? Because it seems a ridiculous result, that you have an important damage provision of that Act, you, meaning the Department of Interior.

Ms. Skipwith. So, Senator, when looking at that characterization that you just gave, the Department went back, looked at what is the intent of the law, what is the history of the law, and they're looking at what are the different case laws that came out of it. And there is a lot of ambiguity in that.

So when looking at what is the opinion that was written for the Department to follow, if confirmed, it would be following

that Solicitor's opinion, in which we know that there are other laws, such as the Endangered Species Act, there is also the Bald and Golden Protection Act for others ways for --

Senator Van Hollen. Right, but you might have a mass killing of birds that are not necessarily and endangered species, then you're not going to be able to collect damages under the Endangered Species Act, right? So that is why this was an important tool.

Anyway, I will follow up. At least you answered the question in a straightforward manner, which is that what the Department of Interior did has made it impossible to collect damages in the kind of scenario we saw under the Deepwater Horizon oil spill. I think that that is a huge mistake.

Thank you, Mr. Chairman.

Senator Cramer. [Presiding] Senator Gillibrand, you are welcome to five minutes.

Senator Gillibrand. Ms. Skipwith, the U.S. Fish and Wildlife Service is one of the National Resource Trustees for the Hudson River. As you may be aware, the EPA recently finalized the certificate of completion for General Electric's dredging of PCBs from the Hudson River.

The Fish and Wildlife Service has been on record raising concerns about the continued ecological threat posed by PCBs remaining in the river, and has called for additional

remediation to remove more of the remaining PCBs from the Hudson. This is a view shared by the State of New York, and there are real legitimate concerns that GE's dredging thus far has failed to accomplish the goal of protecting public health and the environment.

Do you support the EPA's decision to issue a certificate of completion for the Hudson River dredging?

Ms. Skipwith. So, Senator, thank you very much for that question. That was a decision that was made by EPA. The Fish and Wildlife Service does serve as an advisor on that committee. So knowing that their role as a trustee would then be to work on the remediation to figure out, to return the vegetation, returning the natural, to much of the natural state as possible. And so we would look forward to continuing to work with EPA and also with the citizens and organizations within New York.

Senator Gillibrand. Were you consulted by the EPA before they made the decision?

Ms. Skipwith. So, I was in meetings involving EPA on this matter.

Senator Gillibrand. And do you think, as the new Director, you will have the capacity to influence further decision making?

Ms. Skipwith. Senator, I believe that if Director, I would look at the science and I would provide my recommendation as an advisor to EPA.

Senator Gillibrand. And do you have, at this moment, any ideas about what recommendations or what you could do to actually focus on the ongoing ecological impacts of PCBs that are remaining in the river?

Ms. Skipwith. Senator, I would have to get briefed on the status of where things are at in order to appropriately address that question.

Senator Gillibrand. Once you get your sea legs and you have had the opportunity to review the issues, will you write a letter to my office about ways that you intend to pursue making sure that there's ecological stability in the Hudson River?

Ms. Skipwith. Senator, I commit to doing that.

Senator Gillibrand. Thank you. Lyme disease, as the Department of Health and Human Services Tick-Borne Disease Working Group reported last year, tick-borne diseases are a serious public health threat. Lyme disease infects nearly half a million Americans each year, and the range of the ticks that carry the bacteria that cause Lyme has been expanding.

Humans and pets can acquire Lyme anywhere they come into contact with deer ticks, working, enjoying the yard, camping, hunting, hiking or otherwise being outdoors. Nationally, the cases involving Lyme disease and tick-borne illnesses have led to an estimated \$1.3 billion in direct medical costs each year.

If confirmed, will you prioritize any effort that the Fish

and Wildlife Services can take to coordinate with local communities and other agencies to address Lyme disease in deer and other wildlife populations?

Ms. Skipwith. Senator, I am not very familiar with this topic, so would look forward, if confirmed, to get up to speed. And then working with other federal agencies and other State agencies to work on this issue.

Senator Gillibrand. Thank you. Last, well, not last, next. Pesticides. The preponderance of scientific evidence clearly demonstrates that neonic pesticides have negative impacts on non-target species, including bees and birds. I was therefore disappointed by the Fish and Wildlife Service's decision in August, 2018, to reverse an Obama era ban on the use of neonics and genetically modified organisms in the National Wildlife Refuge System.

Our refuges are established for the primary purpose of protecting wildlife. So this decision appears to benefit agro-chemical companies over the species that you have a responsibility to protect. Given your decade of prior work experience at Monsanto, I am concerned about reports that you were actively involved in making this decision.

Will you please explain what role you played in this reversal and why you did not recuse yourself to prevent a conflict of interest as required by ethical guidelines you

signed regarding conflicts of interest with former employers?

Ms. Skipwith. Senator, I was not involved in the decision making for this process. And also, I have worked closely with our ethics department to ensure that there are no conflicts of interest in any matters that I am involved in.

Senator Gillibrand. Will you commit to working with Congress to make sure that we can work on getting neonic pesticides out of the refuges that you are asked to protect?

Ms. Skipwith. So, Senator, pesticides is one and so are GMOs, are a way for the Service, in order to meet its wildlife forged goals. So it actually provides an advantage for our wildlife. And knowing that that is just one of the tools in the tool box in order for the Fish and Wildlife Service to meet its goals would have that as a recommendation for the Fish and Wildlife Service, and right now, as it stands, it is a case by case basis for our refuge manager to decide if it is compatible to use GMOs or pesticides in that refuge.

Senator Gillibrand. Okay. Thank you, Mr. Chairman.

Senator Cramer. Thank you, Senator Gillibrand.

I guess I will recognize myself now for five minutes. First of all, thank you both for your willingness to serve and for being here. Thank you for your willingness to sit through this.

We are, as Chairman Barrasso said, in the middle of a vote

series, so people will come and go. I will do my best to fill the time in the meantime.

Ms. Skipwith, first of all, thank you for coming by my office yesterday. When Secretary Bernhardt was going through this process, and of course Deputy Secretary Wallace as well, or Assistant Secretary Wallace as well, they came by. I think in the case of Secretary Bernhardt, he had to come by twice, as a matter of fact, to talk about North Dakota-specific issues.

I just want to home in on one in particular that we covered, which is, of course, Fish and Wildlife Service waterfall production areas, which in the State of North Dakota, North Dakota is in that flyway. We are a prairie pothole region. As I often like to say, South Dakota is a sod buster State; we are a swamp buster State. We have a lot of water, a lot of wetlands that have been stewarded very well by the landowners long before there were laws and incentives attached to it.

The waterfall production areas created a concern at home, a very serious concern. Not the WPAs themselves, but rather, the enforcement of them in recent years, and maybe even the last couple of decades, because it has become what was once a cooperative, collaborative, community conservation program, it has become a contentious one, mostly over what I call pretty heavy handed enforcement, a sense of government superiority over

the private landowner. And I have heard it not from a few, not from several, not even from dozens, but hundreds of landowners that have expressed concerns about the enforcement of that important program. The status quo is just not acceptable.

When Secretary Bernhardt and I met, we covered basically three issues, three action items. I want to restate them for you. One would be a request to review and update the guidance, specifically guidance to provide greater clarity and consistency in the enforcement of these rules. I think the lack of consistency is one of the problems. I think the aggressiveness of it is probably another one, but at least provide some consistency.

Then to establish an effective appeals process for landowners if they disagree with the determinations by the Service. One of the things we have seen many times is that if a landowner disagrees with a determination and their only appeal process is right back to the same people that disappointed them the first time, the second time, the third time until they are out of money, and we really feel like we need to establish a more effective appeals process.

Then third, to finish updated modern easement maps. I don't know if you have ever looked at them, but some of the maps I have looked at to first determine the easements are a circle in the middle of a section of land, and today the section of

land is a wetland. And there is no real evidence, historical evidence, to support oftentimes the Service's position.

So, now, I know this, by the way, you missed an opportunity to answer the easiest question I have heard since I have been here when Senator Sullivan asked if you would commit to coming to Alaska. Now, I would have said yes, right away, I will be right there, can we go this weekend? But anyway, I would love to have your commitment that you would come to North Dakota, meet with my farmers, my landowners, as well as the other conservation community, and work on this stuff and iron it out to greater satisfaction than so far.

Ms. Skipwith. Senator --

Senator Carper. Could I just make a quick point?

[Laughter.]

Senator Carper. There is a tradition, and sort of a protocol that folks are visiting when confirmed, they come by the order in which the State entered the Union and when they ratified the Constitution. I wanted to mention that.

[Laughter.]

Senator Cramer. Senator Sullivan prefers alphabetically.

[Laughter.]

Senator Cramer. But as for me, we are in the middle. We appreciate that. And your commitment to work really hard on these issues, because it really is contentious, and I want

cooperation, because I think conservation works better when everybody is working together. Is that fair?

Ms. Skipwith. Yes, that is very fair. And thank you very much for your time and very candid conversation. I know the Fish and Wildlife Service is working very hard on the maps, and looking into an appropriate appeal process to make sure that there is due process.

I commit to coming out to North Dakota to look at this.

Senator Cramer. And on to Alaska.

[Laughter.]

Ms. Skipwith. And Alaska. Because one of the things I have learned, too, as being in my current role, and something that is a priority for me, if confirmed, is understanding what is going on in the field and on the ground. It makes a difference when talking to a lot of the stakeholders.

And one of the things is that 60 percent of the land here in the U.S. is privately owned. In order for the U.S. Fish and Wildlife Service to meet its mission, it is about collaboration with private landowners, with States, with State agencies and other federal agencies as well. So that is a huge priority for me.

Senator Cramer. Thank you. Thank you both, and I have adequately fulfilled my time and the leadership has returned. So I will go and vote second.

Ms. Skipwith. Thank you.

Senator Barrasso. [Presiding] Thanks, Senator Cramer. We appreciate your role in chairing the committee in our absence.

Senator Carper has returned. I know you had a couple of additional questions that you would like to ask before we adjourn to go back for the second vote.

Senator Carper. Thank you, Mr. Chairman.

I would ask if I could, Mr. Chairman, for unanimous consent to enter into the record a letter from wildlife protection organizations who are not supporting Ms. Skipwith's nomination, as well as a letter from former Department of Interior career staff.

Senator Barrasso. Without objection.

[The referenced information follows:]

Senator Carper. How does your faith guide you as you would approach serving in this capacity?

Ms. Skipwith. My faith? My faith has guided me from an early age, and that was instilled in me from --

Senator Carper. With respect to this job.

Ms. Skipwith. With this job?

Senator Carper. Fish and Wildlife Service. How would it guide you?

Ms. Skipwith. My conscience?

Senator Carper. Your faith.

Ms. Skipwith. My faith. It is about knowing that the decisions that I make, that's how I base them on including my background and education and science and on law. So I ask every day for God's guidance, because it is a huge role. There is a lot that goes into it. And it is working with the great people of the Service to ensure that that mission is complete, and that includes having faith to get that done.

Senator Carper. Sometimes we talk on our committee about this amazing planet that God has given us, and that we have a moral responsibility to protect the people and the plants and the animals that are here. Few agencies in the Federal Government really have touched that responsibility and hold that responsibility more than the Fish and Wildlife Service.

I would just say to you as a person of faith talking to a

person of faith that you will be guided by that as well.

Ms. Skipwith. Yes, sir.

Senator Carper. Our Country, again, for you, Ms. Skipwith, if I could, our country's modern conversation movement stands on the shoulders of many influential scientists who have over the past, I guess, 150 years, shaped America's most important conservation laws, agencies and principles. Would you take a second and tell us which conservation-focused scientist has been most influential in your career and how has their work influenced your approach to fisheries and wildlife management?

Ms. Skipwith. So, thank you very much for that.

Senator Carper. You are welcome.

[Laughter.]

Ms. Skipwith. I will say, one of the things is, looking at President Teddy Roosevelt, and it really goes to the essence of --

Senator Carper. I served with him.

[Laughter.]

Senator Barrasso. I thought it was Franklin Delano Roosevelt that you served with.

[Laughter.]

Senator Carper. I get confused.

Ms. Skipwith. And knowing that that is really the basis and the essence of the generation, the mission for the Fish and

Wildlife Service. And it goes back to a lot of what other leaders within the conservation community look back to in order to guide their steps. So that is what I would say is one of the leading people that I would look to.

Senator Carper. I was asking, my question was scientists. I asked you to share with us what conservation-focused scientist has been most influential in your career and how has the work of that scientist influenced your approach to fisheries and wildlife, fisheries management.

Ms. Skipwith. So I would say offhand, looking at, I would say Rob Frazier, who is a leading scientist, in order to change technology that dealt with how do you ensure that there is a balance in the environment as well as making sure that there is productivity for the people that are on the ground generating crops as well. A lot of that, what I have learned in my time in the science realm, is that theories can be applied to many different industries as well.

Senator Carper. Thank you.

Dr. Lemos, after the unprecedented historic flooding during Hurricane Harvey, which caused chemical explosions, as you will recall, in Texas, at an Arkema facility, the Chemical Safety and Hazard Investigation Board issued a report calling the industry to better understand and prepare for the safety hazards caused by more frequent and severe weather events. Do you agree that

industry must do more to prepare chemical facilities for the risks posed by climate change?

Ms. Lemos. Thank you, Senator.

Senator Carper. You are welcome.

Ms. Lemos. I believe I am familiar with these recommendations and the report. I understand the significant risk that is posed by changing sea levels, rising sea levels, and it has certainly impacted, and I believe it is important, and I support that recommendation for all relevant plants to do the same, and facilities.

Senator Carper. Thank you. One last quick question. Ms. Skipwith, if confirmed as Director of Fish and Wildlife Service, would you commit to protecting career staff at Fish and Wildlife Service and bolster their expertise instead of suppressing them?

Ms. Skipwith. Senator, I commit to working, I commit to that, yes.

Senator Carper. Thank you. That is a good answer. Thank you.

Senator Barrasso. Well, thank you, Senator Carper. Thank you to both of you.

Before closing, I want to ask unanimous consent to enter into the record several letters of support for the nomination of Katherine Lemos to be Member and Chairperson of the Chemical Safety and Hazard Investigation Board.

Senator Carper. I object. Not really.

[Laughter.]

[The referenced information follows:]

Senator Barrasso. And over 80 stakeholders who have signed letters of support for Ms. Skipwith's nomination to serve as Director, U.S. Fish and Wildlife Service. I ask unanimous consent to enter these endorsements into the record. And if there is an objection, I will read each of the names individually, personally, and the letters.

Senator Carper. In that case, I do not object.

[The referenced information follows:]

Senator Barrasso. If there are no more questions for today, members may submit, as we have talked about before, follow-up questions for the record. They will do that by 4:00 p.m. on Friday, September, 13th, so two days from now. And we should ask that you both respond to the questions by 4:00 p.m. on Thursday, September the 19th.

I want to thank and congratulate both of the nominees. Thank you for your testimony today.

With that, this hearing is adjourned.

[Whereupon, at 11:38 a.m., the hearing was adjourned.]