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

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HEARING ON THE NOMINATIONS OF MARY BRIDGET NEUMAYR TO BE A
MEMBER OF THE COUNCIL ON ENVIRONMENTAL QUALITY AND JOHN C.
FLEMING TO BE ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC
DEVELOPMENT

THURSDAY, JULY 19, 2018

U.S. SENATE

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 10:05 a.m. in
room 406, Dirksen Senate Building, the Honorable John Barrasso
[chairman of the committee] presiding.

Present: Senators Barrasso, Inhofe, Capito, Boozman,
Wicker, Fischer, Rounds, Ernst, Sullivan, Carper, Cardin,
Whitehouse, Gillibrand, Booker, Markey, and Van Hollen.

Senator Barrasso. Before we begin today's hearing, I want to announce that the Acting EPA Administrator, Andrew Wheeler, will come to testify before this committee on August 1. When I spoke with Acting Administrator Wheeler, he told me our committee was first on his list so I am very pleased, Ranking Member, to inform you and everyone here that we will be hearing from him very soon.

Senator Carper. I am Tom Carper and I approve this message.

Senator Barrasso. The hearing on August 1 will be an opportunity to learn about the work being done by the agency to protect America's environment and allow our Nation's economy to grow.

I call this hearing to order.

I know the House is going to be voting in the next few minutes, so we will go a little bit out of order. I am going to call on Representative Upton to make an introduction and then I will give my opening statement after that. I will go to Senator Cassidy as well because I know he has additional responsibilities.

STATEMENT OF THE HONORABLE FRED UPTON, A UNITED STATES
REPRESENTATIVE FROM THE STATE OF MICHIGAN

Mr. Upton. Thank you, Mr. Chairman.

I really appreciate that. We are going to have votes shortly.

I see my tennis partner, Senator Capito, and I always give her a little jab when we are playing. I say where is my phone book? I always thought you had a phone book over here in the Senate.

I am delighted to be here. I am here on a special mission, one I know both sides of the aisle will appreciate.

I have the distinct honor and great pleasure to introduce a really wonderful and distinguished individual, Mary Neumayr, who is sitting right behind me, for consideration of her nomination for the Council on Environmental Quality.

I met her back in 2009 just after she joined the Minority staff of the Energy and Commerce Committee. I later, of course, chaired that committee. At the time, I was working with Ed Markey on what became known as the American Isotopes Protection Act, which we both co-sponsored and lead.

She worked across the aisle with the Majority counterpart, Jeff Baran, now a commissioner of the NRC, to help us successfully move the bill through the committee. We passed it on the House floor 400-17 and it became law two years later.

Mary's thoughtful advice helped us write a law that navigated the challenging issues of non-proliferation and public health, ensuring the effective and economical delivery of medical imaging services upon which we know tens of thousands of folks rely daily here in the U.S.

Her grasp of the legal and public health issues and her appreciation of the driving need to prioritize the interests of people who ultimately would benefit from the law demonstrated the qualities that served the committee well throughout my six years as Chair and I know will serve the Country well should she be confirmed.

Her exemplary service as a committee counsel, her humble and perceptive demeanor, and her sharp mind certainly reflect the experience of a 20-year legal and government career. The roots of her qualities reflect her loving and vibrant family, which is why this room is so full, and her faith and thoughtful education.

A native of California, she was raised in a family that loved learning, activity outdoors, sports and most importantly, service to others.

After college and law school in California, she practiced for many years at prestigious firms in New York and San Francisco before joining the Department of Justice in 2003.

CEQ performs a critical mission for ensuring the protection

of the environment and the pursuit of various policies for the American public. From the testimony of her friends and coworkers over these years, and from my own experience, I know she has demonstrated that she is more than well qualified to serve in the role as Chair of the CEQ.

She has not only proven her abilities as the Chief of Staff and effectively the highest ranking official at CEQ over the last year, she has also proven her qualifications and dedication in public service throughout her several posts in government.

Both Chairman Walden and I have urged you to take into account our direct knowledge of her capabilities as I am positive other members who know her on both sides of the aisle share our view given their experience and with her eight years as Senior Counsel and then Deputy Chief Counsel for Energy and Environment on the Energy and Commerce Committee.

We all benefitted from her knowledge. It ought to be a slam dunk.

I yield back the balance of my time. Thank you for your time today.

[The prepared statement of Mr. Upton follows:]

Senator Barrasso. Thank you, Representative Upton. We appreciate your taking time to join us. I know you have to get back to the House so you are excused. We appreciate having you here.

Mr. Upton. Thank you.

Senator Barrasso. Senator Cassidy, if it is convenient for you, I would like to invite you to use this time to introduce Dr. Fleming.

STATEMENT OF THE HONORABLE BILL CASSIDY, A UNITED STATES SENATOR
FROM THE STATE OF LOUISIANA

Senator Cassidy. Thank you for your consideration.

Chairman Barrasso, Ranking Member Carper, and members of the committee, I thank you for the opportunity to introduce my friend and our former congressional colleague, John Fleming.

John has been nominated by the President to serve as the Assistant Secretary of Commerce for Economic Development at the Department of Commerce. John, congratulations. I also recognize your wife, Cindy, who is a wonderful person.

To my Senate colleagues, know that John has dedicated his life to service. After completing under graduate and medical studies at the University of Mississippi, John enlisted in the Navy joining the Medical Corps.

Following military service, John served others as a family practitioner in Minden, Louisiana. He is also a small business owner. He employs over 500 fellow Americans in his various small businesses.

In 2008, John was elected to represent Louisiana's Fourth Congressional District, serving four terms. While in Congress, John worked to diversify north and central Louisiana's economy and workforce towards a technology-driven, knowledge-based economy.

He coordinated cooperative efforts across government,

industry and educational institutions resulting in development of the National Cyber Research Park, home to high tech professionals employed by cyber-related companies, government and institutions of higher education.

He helped develop a comprehensive K-12 cyber curriculum focused on growing the next generation workforce which now benefits nearly 3 million students across the United States. He has also helped veterans re-enter civilian life by working to create opportunities to develop skills in various cyber-related career fields.

Since leaving Congress, John has served as the Deputy Assistant Secretary of Health IT Reform at the Department of Health and Human Services. He has now been asked to serve in a new capacity at the Commerce Department.

His accomplishments combined with his background as a policymaker, business leader, and member of the military make him an excellent choice to help lead the Administration's economic development efforts. I am proud to support him and thank the committee for the opportunity to introduce my fellow Louisianan.

[The prepared statement of Senator Cassidy follows:]

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

Senator Barrasso. Thank you so much, Senator Cassidy. I know you have another commitment at this time, so you are excused. I appreciate your being here to share your wonderful thoughts and recommendations for Dr. Fleming.

Today, we will consider the nominations of Mary Bridget Neumayr to be a member of the Council on Environmental Quality, or the CEQ, and John C. Fleming to be Assistant Secretary of Commerce for Economic Development.

Both nominees are well qualified and will bring a wealth of experience and expertise to these critical roles. I applaud President Trump's nomination of these accomplished and devoted public servants.

The President has nominated Mary Neumayr to be a member of the Council on Environmental Quality. Upon Senate confirmation, President Trump intends to designate her as chairman of the Council.

Congress established CEQ under the National Environmental Policy Act, or NEPA. It is part of the Executive Office of the President. The Council is responsible for overseeing federal agencies which implement NEPA. CEQ also develops and recommends environmental policies to the President.

Ms. Neumayr is uniquely qualified to serve as Chairman of

the CEQ. She currently serves as the Council's Chief of Staff and has already demonstrated leadership in this capacity. She has an extensive background in environmental law.

She previously served as Deputy Chief Counsel of Energy and Environment on the House Energy and Commerce Committee. She has also served as the Deputy General Counsel for Environment and Nuclear Programs at the Department of Energy. She served as Counsel to the Assistant Attorney General for the Environment and Natural Resources Division at the Department of Justice. Prior to her government service, Ms. Neumayr practiced law in the private sector for 14 years.

Earlier this month, a bipartisan group of eight former General Counsels at the Department of Energy and Assistant Attorneys General at the Department of Justice wrote a letter praising Ms. Neumayr's nomination. This group includes three members of the Obama Administration and one member of the Clinton Administration. Their bipartisan letter states that, "Mary Neumayr is highly qualified to serve as CEQ's Chair. Through her service on Capitol Hill, at the U.S. Department of Energy, the U.S. Department of Justice, and most recently as Chief of Staff at CEQ, she has developed and has exhibited the knowledge and skills to be a highly successful CEQ Chairman.

Moreover, and equally as important, she treats all people and all stakeholders with dignity and respect, and her integrity

is absolutely above reproach.”

President Trump has also nominated Dr. John Fleming to be Assistant Secretary of Commerce for Economic Development. The Assistant Secretary serves as the Administrator of the Economic Development Administration, the EDA.

EDA provides development assistance to economically distressed portions of the Country. Dr. Fleming is well qualified for this role. Not only is he a former member of Congress, a military veteran, and a physician, he is also a successful businessman and entrepreneur.

In this capacity, Dr. Fleming has helped launch several companies which today employ over 500 people in Louisiana.

Dr. Fleming’s nomination has drawn praise from Don Pierson, Secretary of Louisiana Economic Development, who states, “Dr. Fleming has been instrumental in the development and execution of projects, which have taken root in northwest Louisiana and spread across the United States.

“Dr. Fleming recognized our regional economy was too heavily reliant on oil and gas, agriculture and gaming. As a result, Dr. Fleming set a path towards pivoting our economy and associated workforce to a technology-driven, knowledge-based economy.

“His experience in public policy, business and his military background serve as the right attributes for leading economic

development efforts.”

I look forward to hearing from both Ms. Neumayr and Dr. Fleming as the committee considers their nominations.

I will now turn to Ranking Member Carper for his statement.

[The prepared statement of Senator Barrasso follows:]

STATEMENT OF THE HONORABLE TOM CARPER, A UNITED STATES SENATOR
FROM THE STATE OF DELAWARE

Senator Carper. Thank you, Mr. Chairman.

Good morning, one and all. Welcome to our nominees, your friends and families. I hope when you address us you will introduce not all of them, there are a lot of them here, but at least some of them. If you do, that will be great.

We have two nominees before us who have been nominated to serve in what I believe, and I think I speak for most of us here, are two very important roles.

I want to say to Mary Neumayr, thank you for spending some time with my staff and me this month. You have been nominated to lead the Council on Environmental Quality which we lovingly call CEQ.

CEQ has a vital role in coordinating the efforts of a number of federal agencies on cross-cutting and important environmental issues. I mentioned this to my colleagues before and I mentioned it to you, Ms. Neumayr.

Russell Peterson, who had been a top leader in the DuPont Company, a top leader who later became Governor of Delaware, later became head of CEQ under Presidents Nixon and Ford Administrations, later became one of my mentors when I moved to government at the tender age of 26 coming out of the Navy.

He sort of took me under his wing, a Republican Governor,

former Governor and a young Democrat. I will always be grateful to him. I called him Governor, and I once said to him, Governor, tell me what the CEQ is all about.

He said some people talk about it almost like an offensive coordinator like on a football team to try to get people on the offense to work together to see who can score some touchdowns. He said, I think of it more as an orchestra leader. You don't play the instruments but you actually direct and try to get everyone to work in harmony together.

I think that is a pretty good analogy. We need some harmony here in this place. Maybe you can help with some of that.

In the last Administration, CEQ led federal efforts to strengthen our resilience to extreme weather, reduce our emissions of climate change inducing gases, and reform our broken chemical safety laws. The CEQ Chair also plays a critical role in protecting the environment through implementation of the National Environmental Policy Act, or NEPA, which helps Federal agencies make good decisions for our Nation.

Under Ms. Neumayr's acting leadership for the last year or so, CEQ has signaled an intent to make significant revisions to the way NEPA operates. While we should always look for opportunities to improve processes, I like to say if it is not

perfect make it better, but we must also be careful not to throw the baby out with the bathwater by undermining critical protections for our communities, the environment and our health.

The nominee to carry on this important work at CEQ must be someone who can build alliances, work with Congress, and determine a path forward that strengthens our economy, while protecting our health and environment.

As I told Ms. Neumayr when we met in my office earlier this month, I am always looking for commonsense solutions that are good for our environment and our economy. I love win-win situations. I think we have a bunch of them here that I will talk a little about but a bunch of them we can actually talk about, we can actually deliver on.

A good example of a commonsense solution is fuel economy and greenhouse gas tailpipe standards for cars and SUVs. The Department of Transportation and the Environmental Protection Administration have the opportunity to create one of those "win-win" situations where automakers and California, and for a lot of States, could both support a deal that provides some near-term flexibility for the auto industry in exchange for longer-term standards, more rigorous fuel efficiency standards beyond 2025, while helping California, and States around the Country, meet their climate goals.

However, a draft of these rules obtained by my office

earlier this year shows that the Trump Administration is looking to, in some ways, snatch defeat from the jaws of victory instead of working in an appropriate way to achieve consensus. CEQ can and should help to coordinate a true effort to govern on an environmental issue that does not need to be a polarizing one.

Another example of a commonsense solution is adopting the recent changes to the Montreal Protocol that phase down HFCs, hydrofluorocarbons, a substance used to help cool our homes, our vehicles, and our food. Supporting the phase-down of HFCs allows U.S. companies to capture a large portion of the projected \$1 trillion global market, which is out there and a prize to be seized, which is expected to create some 33,000 jobs in this Country in less than a decade.

The phase down is also a critical action to address the effects of climate change. It is a win-win. U.S. business leaders have told me that if we walk away from this policy now, we will cede our global leadership to countries like China. There is a clear win-win opportunity for businesses and the environment in this instance. This Administration just needs to act and CEQ can help make that happen. Seize the day, carpe diem. In Delaware, we say Carper diem but here it is carpe diem. They are the only two words of Latin I know.

Our other witness this morning, John Fleming, joined by Cindy, has been nominated to serve as Assistant Secretary for

the Economic Development Administration at the Department of Commerce. From one Navy guy to another, welcome.

As many of our colleagues on this committee know, EDA provides critical infrastructure and economic assistance funding to communities across America. However, the Trump Administration has sought to eliminate EDA and similar economic development programs.

In addition, the nominee himself has voted twice, and we will talk about this later, as a member of Congress to eliminate funding for EDA. That requires some further discussion. I am sure we will have that here today.

I hope that our nominee can shed some light on those previous votes and what those positions mean today looking to the future. Further, I hope that he has changed his position on those votes and, if confirmed, will protect and advocate for EDA programs and funding that provide much needed assistance to many communities throughout the United States.

My home State of Delaware, not unlike the other States represented here, has been a real beneficiary of some of the EDA funding. We want to make sure we continue to have that kind of cooperation. It has been a great partnership and we value that.

Thanks very much, Mr. Chairman. Thanks to our nominees and to your friends and families who are here. I look forward to the hearing.

Thank you.

[The prepared statement of Senator Carper follows:]

Senator Barrasso. Thank you, Senator Carper.

I would now invite the nominees to please come to the table for testimony. We have both Mary Neumayr, nominated to be a member of the Council on Environmental Quality and John Fleming, nominated to be Assistant Secretary of Commerce for Economic Development.

I would like to remind each of you that your full written testimony will be made a part of the record. I would ask that you try to keep your comments to five minutes so that we will have more time for questioning.

We will start with Ms. Neumayr. I would invite you to first introduce any members of your family and then proceed with your testimony.

STATEMENT OF MARY BRIDGET NEUMAYR, NOMINATED TO BE A MEMBER OF
THE COUNCIL ON ENVIRONMENTAL QUALITY

Ms. Neumayr. Thank you, Chairman Barrasso.

I would like to introduce two members of my family. My youngest sister, Ann Braden, is here visiting from Greensboro, North Carolina. My two nieces, Evelyn and Madeline, are here. Evelyn is almost eight and Madeline is almost five. This is their first visit to the Senate.

Senator Barrasso. Is that Madeline behind you with the red bow in her hair? Evelyn has a red bow in her hair too. They are looking very sharp. Welcome. We are glad you are here.

Senator Carper. Who is your favorite aunt?

Ms. Neumayr. That is a tough question. They have a few of them.

Senator Barrasso. Please proceed at your convenience.

Ms. Neumayr. Chairman Barrasso, Ranking Member Carper, and members of the committee, thank you for the opportunity to appear before you today as the nominee for the position of member, and if confirmed, Chairman of the Council on Environmental Quality. I am honored that the President has nominated me for this position.

I want to thank Chairman Upton for his kind introduction. I also want to thank my parents, family, friends and current and former colleagues, for all of their support. Finally, I want to

thank all of the members of this committee and their staff who took the time to meet with me prior to this hearing.

By way of background, I am a native of California, was born in the San Francisco Bay Area and grew up in the suburbs of Los Angeles. I am the oldest of seven children, and growing up spent most of my free time outdoors, including playing tennis, swimming and other activities.

What I looked forward to the most, however, were family road trips during the summers. On these trips, we visited nearly every State and saw many of our Nation's most spectacular national parks, rivers, mountain ranges, and coastlines. These trips gave me a deep appreciation of the great beauty and diversity of our Country.

I am extremely grateful to be considered for this position. Over the past 15 years, I have had the privilege of working in a variety of roles in the Executive and Legislative branches on matters involving energy and environmental law and policy. In those roles, I have had the opportunity to collaborate and work closely with dedicated career officials from numerous Federal agencies and departments, as well as with members and congressional staff on both sides of the aisle.

Since March of 2017, I have served as the Chief of Staff of CEQ. In this role, I have had the pleasure of working with the agency's approximately 30 lawyers, professional staff and

detailees.

In my current position, I supervise CEQ's operations and activities, including its core responsibility of overseeing the implementation of the National Environmental Policy Act by federal agencies. I also supervise the Office of Federal Sustainability which supports energy and environmental performance across the Federal Government.

The National Environmental Policy Act, which established CEQ in 1970, was the first major environmental law in the United States, and is often called the Magna Carta of federal environmental laws. The Act states that it is the policy of the Federal Government to create and maintain the conditions under which man and nature can exist in "productive harmony" for the benefit of present and future generations of Americans.

If confirmed, I commit to working every day to advance this policy for communities across the Country and to promote effective environmental protection.

Under the leadership of President Trump, we have a unique opportunity to improve the government-wide implementation of NEPA, and to make government processes and decision-making under this and related statutes more timely, efficient and effective for the American people.

I believe that timely and efficient processes for environmental reviews and related permitting decisions under

NEPA are critical to growing our economy, creating jobs and achieving environmental protection. This includes projects to modernize our Nation's infrastructure as well as environmental restoration and other environmentally beneficial projects.

If confirmed, my highest priority will be to advance the practical, efficient and effective implementation of NEPA, as well as our Nation's other environmental laws, and to promote environmental protection consistent with congressional directives. To this end, last August President Trump issued Executive Order 13807 which directs federal agencies to conduct more timely, coordinated and efficient environmental reviews and permitting processes for major infrastructure projects.

Under this order, CEQ has worked with the Office of Management and Budget and federal agencies to put in place a framework to implement a "One Federal Decision" policy. In addition, CEQ is currently undertaking other actions, including review of its NEPA regulations and guidance, in order to enhance and modernize the federal environmental review and authorization process under NEPA and related statutes.

Mr. Chairman, Ranking Member Carper, and members of the committee, thank you again for the opportunity to appear before you. I would be happy to answer any questions, and I look forward to working with this committee, as well as your colleagues in both the Senate and the House, should I have the

honor of being confirmed.

[The prepared statement of Ms. Neumayr follows:]

Senator Barrasso. Thank you so much for your testimony, Ms. Neumayr. We will have some questions in a few moments.

I would like to turn now to Dr. Fleming. I would invite you to introduce your family and then please proceed with your testimony.

STATEMENT OF JOHN C. FLEMING, NOMINATED TO BE ASSISTANT
SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT, DEPARTMENT OF
COMMERCE

Dr. Fleming. Thank you, Mr. Chairman.

First of all, to my immediate back is my wife, Cindy Fleming. We just celebrated our 40th anniversary. We have four adult children and three grandchildren.

To her left is Katie Posey, who is the wife of Congressman Posey. To her left is Debbie Meadows, the wife of Congressman Meadows. Then we have Elaine Petty who is the wife of Assistant Secretary for Water and Science, Tim Petty.

To my right is Ross Ranson who helped me through the process today and behind them is career and political staff from the Department of Commerce.

Senator Barrasso. Welcome all. Thank you.

Dr. Fleming. Good morning, Chairman Barrasso, Ranking Member Carper, and distinguished members of the U.S. Committee on Environment and Public Works.

It is indeed an honor to appear before my former congressional colleagues. I thank you for inviting me here today. I also would like to thank President Trump, Secretary Ross, and Acting Deputy Secretary Kelley, and the career and political staff here today, and many others, for their assistance and the opportunity to serve as the Assistant

Secretary for Economic Development in the Department of Commerce, if confirmed.

I am very excited about this opportunity because it allows me to use my broad and deep background as an entrepreneur, military veteran, physician, and former U.S. Congressman to serve again the American people.

The mission of the Economic Development Administration, EDA, is to support the recovery of economies across America, including the U.S. territories. This agency helps economically distressed communities move past their previously failed economic circumstances.

Even strong economic ecosystems sometimes suffer devastation from natural disaster events such as hurricanes, floods, and forest fires. I am acutely aware of this as my own State of Louisiana, after more than a decade, is still recovering from hurricane Katrina. Just drive down a few key streets in downtown New Orleans and you will see the ongoing regeneration of our infrastructure destroyed by hurricane Katrina.

The EDA helps Americans face economic challenges, and I am no stranger to those challenges, having had a few myself. If I may, I would like to mention a couple.

At age 11, growing up in a working-class home and influenced by my nurse grandmother, I began to have a dream of

being a doctor one day. My grandmother convinced me that in America you can achieve whatever you want with hard work. I believed her. However, in the pursuit of my dream, I found obstacles.

My mother became disabled when I was 5, and my father died suddenly just before I graduated from high school leaving a college education in doubt. Nonetheless, by working part-time and with the help of government loan programs, I achieved my goal of becoming a physician while caring for a family back home.

It was not an easy pathway. I loved my work in medicine. I spent the first six years as a U.S. Navy medical officer. Upon finishing my military tenure, I set up a private medical practice in a small town in Louisiana where my wife and I raised four children.

Along the way, I became interested in another quintessential American dream: becoming a small business entrepreneur. In partnership with my brother, I began to open various retail franchised businesses that grew to over 500 employed positions that remain in existence even today.

Again, there were challenges. I had to acquire capital. I had to develop management systems. I had to implement leadership accountability and many other things required for developing a successful suite of businesses. I also experienced

business reversals just like any business owner.

I believe my grandmother's sage advice is still true today, through hard work, you can achieve whatever you want. It is through my own personal experiences that I appreciate the EDA's mission to assist distressed communities in overcoming the economic challenges they may face.

It is my belief with my background outlined here today, coupled with my strong conviction about the great virtue of our American economic model, that I am distinctly qualified to lead the EDA in its extremely important mission.

I intend to help any American who may benefit and qualify from our assistance, regardless of their location or socioeconomic background. It would be a great honor, should I be confirmed, to continue public service by utilizing all that I have learned and experienced as a former military officer, a physician, an entrepreneur, and a four-term congressman.

I will endeavor to assist communities across the Country which have suffered economic hardship, helping these communities create jobs for millions of Americans. I pledge to you to work very closely with Congress with full transparency.

Thank you, again, for allowing me to appear before you. I look forward to answering your questions.

[The prepared statement of Dr. Fleming follows:]

Senator Barrasso. Thank you both of you. Congratulations to both of you.

Throughout this hearing and with questions for the record, the committee members will have an opportunity to learn more about your commitment to public service of our great Nation. I would ask throughout this hearing that you please respond to the questions today and those for the record.

With that said, I have the following questions to ask that we ask all nominees on behalf of the committee. I will ask each of you to respond individually.

Do you agree, if confirmed, to appear before this committee or designated members of this committee and other appropriate committees of the Congress and provide information subject to appropriate and necessary security protections with respect to your responsibilities?

Ms. Neumayr. Yes.

Dr. Fleming. Yes, Mr. Chairman.

Senator Barrasso. Do you agree to ensure that testimony, briefings, documents in electronic and other forms of communication of information are provided to this committee and its staff and other appropriate committees in a timely manner?

Ms. Neumayr. Yes.

Dr. Fleming. Yes, Mr. Chairman.

Senator Barrasso. Do you know of any matters which you may

or may not have disclosed that might place you in any conflict of interest if you are confirmed?

Ms. Neumayr. I am not aware of such matters.

Dr. Fleming. No, sir.

Senator Barrasso. Ms. Neumayr, let me start.

As I mentioned earlier, you have a very impressive career in public service and environmental law. You have held positions at the Department of Justice, the Department of Energy, the House of Representatives and you have also served as the CEQ's Chief of Staff since March of last year.

How has your experience prepared you for the critically important job of advising the President on environmental policy?

Ms. Neumayr. Thank you, Mr. Chairman.

As you said, over the past 15 years, I have had the privilege of working in a variety of positions in the Executive and Legislative branches on energy and environmental policy matters. This has given me an opportunity to work on a very broad range of issues with a large number of federal agencies.

It has also given me the opportunity, while working as a congressional staffer, to see the important role Congress plays in conducting oversight and developing legislative proposals. It has also given me the opportunity to see how important it is to work on a bipartisan basis, when we can, to try to address very challenging and difficult issues relating to some of these

matters.

I believe, based on this experience, it will help to inform me going forward, should I be confirmed. I would look forward, should I be confirmed, to working with this body as I carry out my duties.

Senator Barrasso. Thank you.

Dr. Fleming, one of the things brought up earlier by Senator Carper was that during your career in Congress, you voted to eliminate the Economic Development Administration. I was going to give you an opportunity to help us understand why you now want to lead this agency?

Dr. Fleming. Mr. Chairman and Ranking Member, thank you so much for that question.

When I ran for Congress in 2008 and was elected in 2009, I made a campaign promise to go to Washington to cut spending and to reduce deficits. In fidelity to that commitment and promise, I did what I could to do that.

There are a lot of things we look at in terms of streamlining and hopefully reducing the cost of government and taking the burden off taxpayers. However, going forward, I have very much become appreciative of the great work that EDA does and of its many accomplishments.

What really attracts me as an entrepreneur myself is the ability to leverage private sector dollars to draw in

entrepreneurs, innovators, to risk their capital on behalf of the American people creating jobs, goods and services.

As I said, the more I learn about EDA, the more impressed I am with the work it does. Again, what agency in the Federal Government can claim it gets a 15 to 1 leveraging of non-federal dollars?

Thank you.

Senator Barrasso. I note that the President's fiscal year budgets for 2018 and 2019 propose eliminating the agency and its assistance programs. Yet, in terms of Congress, in fiscal year 2018, Congress funded the Economic Development Administration at \$39 million and provided I think about \$263 million for its assistance programs. Congress has appropriated an additional \$600 million in emergency funding for the agency's assistance programs.

If confirmed, can you share with us your plans for the agency?

Dr. Fleming. Thank you, Mr. Chairman.

Yes, in fact, the checks are going out the door as we speak, ramping up rapidly in the third and fourth quarters. I certainly want to make sure that is speedily done but also with good stewardship to the taxpayers.

That is quite a job the EDA has coming forward, as you said, \$600 million, but it is for a great cause. It is for

relief. 2017 was a very difficult year. We had hurricanes, forest fires and so forth and the help is coming. I certainly want to make that as efficient and proficient as possible, although the EDA currently is doing a great job as well.

Senator Barrasso. Ms. Neumayr, CEQ has not updated its regulations under NEPA, the National Environmental Policy Act, for decades. Last month, CEQ issued "An advance notice of proposed rulemaking" requesting public comment on potential revisions to these regulations.

Can you explain to us and help us understand what has promoted CEQ to update its NEPA regulations and discuss how permitting delays and spiraling project costs have led to the CEQ's proposal?

Ms. Neumayr. Yes. Last August, President Trump issued an Executive Order which addressed environmental reviews and authorization decisions for major infrastructure projects. As part of that Executive Order, he directed the CEQ to review its regulations and guidance to determine whether there were ways to modernize and make the NEPA process more efficient, timely, and predictable.

We went forward with an advanced notice of proposed rulemaking to solicit comment on whether there might be potential updates or clarifications to the regulations that would be appropriate. As you said, they have not been reviewed

for over 40 years.

Senator Barrasso. Senator Carper.

Senator Carper. Ms. Neumayr, I want to ask you a question to start off about the philosophy you would bring to CEQ as its Chair. Would you say that it would be your primary responsibility as the CEQ Chair to help prevent or eliminate the damage to our environment? Would you say that is your primary responsibility?

Ms. Neumayr. Yes, I would say to advance environmental protection.

Senator Carper. In your view, what are the most important elements of the NEPA process and what changes do you envision proposing to the CEQ NEPA regulations?

Ms. Neumayr. The NEPA process is intended to ensure that decision-makers are informed of potential environmental impacts, significant major federal actions that may affect the quality of the environment. The NEPA process is also intended to ensure the public has an understanding of the decision-making process as well and may participate in that process.

As we discussed, the NEPA regulations were issued in 1978. They have been revised only once in one very limited respect. We have solicited public comment on whether there are potential updates or clarifications that may be appropriate, given the passage of time.

CEQ, over the years, has issued a number of guidance documents relating to implementation. Questions relating to the implementation of NEPA have also been the subject of extensive litigation. We want to see if there are some commonsense revisions that may facilitate more efficient implementation of NEPA without compromising environmental protection.

Senator Carper. Thank you.

I mentioned win-win situations in my opening statement. One of them relates to the auto industry and emissions from the auto industry from cars, trucks and vans on our roads. A primary source of air pollution is our vehicles. It is one we have made some progress towards addressing. I think we all agree we need to make a whole lot more.

The President met in the White House about two months ago with leaders of the auto industry, domestic and some from outside the Country. I think EPA was represented by Scott Pruitt. I think the Department of Transportation was represented its Secretary and Deputy Secretary. Were you at that meeting?

Ms. Neumayr. No, I was not.

Senator Carper. I heard this from any number of people who were there that the auto industry as one said to the President, Mr. President, if you want to help us, you will do this and support this policy with respect to CAFÉ standards, fuel

efficiency standards and tailpipe standards.

You will give us support of policies for some near term flexibility in the fuel efficiency standards, near term flexibility. In return for that, we will shoot for a higher target going forward after 2030.

The auto industry said to the President, we don't want California to be thrown a curve along with ten other States that support their position. We want California and these other States at the table.

They said to the President, we want certainty and predictability with respect to these standards. We are going to be building cars for markets all over the world, not just here in the U.S. We do not need to build two versions of the same model for the domestic market and frankly, we don't need to do the same thing for markets outside of the U.S.

So far in my conversations with Andrew Wheeler and Bill Wherum, they basically said in so many words, we want a 50-State solution that actually is good for the environment, the economy, these companies and it is a win-win.

Your views, please? You are going to be in a key position to try to make something like this happen.

Ms. Neumayr. As you discussed, this is a matter primarily being addressed by EPA and DOT rather than CEQ but as you say, there is a rulemaking process underway. We do support one

national standard. We think that it is important to seek such an approach.

There is an ongoing rulemaking process. As a component of the White House or as the Executive Office of the President, CEQ is participating in that process. We expect there will be a proposal that will be put out for public comment. It will be important to receive comment and inform any future actions based on that comment.

Senator Carper. I understand it is likely that proposal will not be a 50-State solution. Is it going to be a proposal that will invite further litigation, uncertainty, and lack of predictability? This industry is an important industry.

I would just urge, if you are confirmed and I think there is chance you will be, you could come right out of the starting block. You could, I think, be a force for commonsense and good public policy in any number of ways. I hope you will do that.

My time has expired. May I have a chance to ask one follow-up question? I just want to come back and ask Dr. Fleming, again the question asked by our Chairman.

There is an old saying in Delaware, people may not believe what you say but they will believe what you do. Again, two times, as I understand it, you voted to defund EDA, the entity you have been nominated to lead. The Administration has now proposed, I think a couple of times for two fiscal years, to

defund EDA.

In a State where EDA actually does some really good work, I am sure the same is true in other States, the question I am going to be asking you is you have to make people believe if you are confirmed with this position, with the Administration trying to get rid of this program and you having voted twice to defund, I want to make sure it is still going to be around to do the good work they are doing.

My time has expired. We will come back and talk about it.

Dr. Fleming. Yes, sir.

Senator Barrasso. Senator Ernst.

Senator Ernst. Thank you, Mr. Chairman.

Thank you to our nominees for being here today. I would like to start with you, Ms. Neumayr.

The renewable fuels standard is critical to America's farmers. This has been in the headlines as of late. It is an issue that is very important to me, a number of my colleagues and, of course, our rural communities.

In 2016 and 2017, we learned that the EPA, under former Administrator Scott Pruitt's leadership, granted 48 small refinery hardship exemptions of the 53 petitions that had been submitted to the agency.

These waivers effectively reduced the 2016 and 2017 renewable volume obligations by a combined 2.25 billion gallons

of biofuels which has significantly weakened the demand for biofuels, has put thousands of our jobs in jeopardy, and truly undermined congressional intent of the law.

Do you believe the RFS should be implemented in a manner consistent with the original intent of Congress, and, if confirmed, would you support the spirit and the letter of the law?

Ms. Neumayr. Yes, Senator. I know this is a very important issue and an issue that has been the topic of discussion among senior Administration officials and this body. It is a standard that is implemented by the EPA in consultation with USDA and the Department of Energy.

I can commit, if confirmed, I will seek to support its implementation consistent with the letter and intent of the law.

Senator Ernst. What role do you believe the Council for Environmental Quality should play in the EPA's administration of the Clean Air Act, specifically the RFS?

Ms. Neumayr. This is a statutory program, a program that is administered by the EPA, but CEQ, I believe, can play a supporting role in seeking to support both EPA and the agencies with which it consults as they implement the statute.

Senator Ernst. We would certainly encourage you to do that. If you are confirmed, will you be engaging with the biofuels industry, agricultural communities and governing

agencies, as you stated, on any issues related to the RFS, meaning all stakeholders?

Ms. Neumayr. Yes, I anticipate that we would be. I do think it is important that all stakeholders are heard from and that we act on full information.

Senator Ernst. I appreciate that. I think input needs to come from all stakeholders in order to make an educated decision on these issues.

As you know, E15 is a federally-approved blend of 15 percent ethanol and 85 percent regular gasoline. Fuel retailers across the Country want to offer E15 year round. These retailers have invested millions of dollars in infrastructure to help make this possible.

However, we do have an outdated Reid Vapor Pressure regulation which is blocking them from offering E15 during the summer months, which would be June 1 through September 15. The year-round sale of higher ethanol blends like E15 would provide benefits not only to farmers but also to consumers and our environment.

Earlier this year, President Trump called the restriction "unnecessary and ridiculous." He committed to fixing it by expanding the RVP waiver to higher ethanol blends. If confirmed, will you support the President's stand and commitment to E15?

Ms. Neumayr. As I said earlier, I understand there have been discussions between senior officials, including the President and members of this body, on aspects of the program, including this issue.

I have not participated in those discussions but, if confirmed, I commit that I will seek to support implementation of the law consistent with Congress' directives and the President's commitments.

Senator Ernst. Absolutely and I appreciate that the President has reaffirmed many times over that he is committed to E15 and would like to see that year round. He fully supports our farmers and the RFS. We want to make sure we are upholding that commitment to the law and to the President as well.

Thank you very much.

Senator Barrasso. Thank you, Senator Ernst.

Senator Cardin.

Senator Cardin. Thank you, Mr. Chairman.

I want to thank both of our nominees for your public service and your willingness to continue public service.

This committee has a reputation of working together in a bipartisan way to accomplish both economic development and growth through infrastructure and economic development programs, and in protecting our environment.

Sometimes that is difficult in the environment we work in,

but we look at your two positions as critically important to working with us to achieve the objective of a safe and clean environment and economic growth in areas that have real challenges for economic growth.

I want to start with the question Senator Carper set out because, Dr. Fleming, you and I have had a chance to talk about this. I just want to make sure I reiterate this for the record.

I enjoyed our conversation. Your background is very impressive. Your own personal life story is very impressive.

We talked this week about the challenges in areas such as rural America and our urban cities not having the same attractions for jobs and economic growth that other communities have. In the rural parts of my State, it is challenging to get companies to locate there. It is a wonderful community but they need to have the attractions so businesses will be able to have confidence to come to those communities and that there is a future.

Senator Carper mentioned your voting history in the House of Representatives. Congress has been very bipartisan in making sure the EDA Program remains and is funded. We would like to get on the record your understanding of what you would do, if confirmed, to carry out the responsibilities of the EDA Program?

Dr. Fleming. Senator, thank you for that question.

You are right that in public disclosure of the President's

budget, I think last year and this year, the plan is to down scope EDA, no question about that. The story does not end there. A later release of the President's reorganization plan actually stands up the Bureau of Economic Growth which actually pulls in the authorities and capabilities of EDA and similar economic development programs from HUD, Agriculture and other things.

This Administration, like every Administration, is having to make difficult decisions about spending. I think the focus is on consolidation, realignment and efficiency. I believe if you look at that, you will actually see given the proper funding, there will be a continuation of, if not all of the authorities, but these are two publicly-disclosed documents.

Senator Cardin. I want to try to hone in on two different scenarios.

Dr. Fleming. Yes.

Senator Cardin. One, Congress rejects that and provides the funding for the EDA Program, as we did in this last budget. In your position as the Administrator, what would you do?

Dr. Fleming. My position is to salute, carry out and execute on everything that is provided to me as goals and commitments. Senator, I had a say in the funding of these departments. I no longer have a say. That is really up to you and the President.

Whatever you scope EDA is the level I will act on. I will spend the dollars for the American people in the most efficient way with stewardship. I will make sure these programs are as effective as they can possibly be.

Senator Cardin. The second part is as every Administration tries to reorganize, we get a little bit nervous about that because sometimes reorganization means elimination. Will you commit to this committee that you will fight for having at least the same effective tools to assist underserved communities, such as rural America and our urban centers, that the EDA currently provides, that you will fight to maintain that federal ability?

Dr. Fleming. Senator, I really enjoyed our visit the other day. As I mentioned to you, I come from a rural area. My congressional district is very rural. We have areas that are very underserved when it comes to broadband and other things.

Absolutely, I am committed to that. EDA has a fantastic history. As I mentioned before, two to one dollars go to rural areas and commitments in that way. I will continue and strengthen that commitment.

Senator Cardin. Thank you.

Ms. Neumayr, all you have to do is say you will do everything for the Chesapeake Bay and you and I are going to get along fine.

Ms. Neumayr. I know the Chesapeake Bay is very important,

Senator. I know that we have many federal agencies engaged. I look forward to supporting them as they work on restoration protection efforts pursuant to the agreement and all of the related documents that have been issued and are being implemented now.

Senator Cardin. Fortunately, we get two bites at every one round. With Senator Van Hollen here we get two bites today.

Thank you very much, Mr. Chairman.

Senator Barrasso. Thank you, Senator Cardin.

Senator Fischer.

Senator Fischer. Thank you, Mr. Chairman.

Thank you, Ms. Neumayr for your testimony.

I appreciate you meeting with me to discuss your priorities to serve on the Council of Environmental Policy. In our meeting, we discussed that my constituents want certainty and consistency for the entire federal permitting process.

As I am sure you have heard many times throughout your career, inconsistency and uncertainty lead to frustrations, project delays and increased costs that come at the expense of hardworking families and taxpayers.

For example, a street widening project in Omaha that would alleviate congestion in a high density area began in 2008. It was estimated to initially cost \$14.5 million. Due to these burdensome federal regulations and permitting process, this

project is now going to cost Omaha taxpayers \$146 million.

Ms. Neumayr, taxpayer money is evaporating under the current permitting process. I commend the President for the actions he has taken to streamline the process, specifically, this Administration's commitment to complete all environmental reviews and federal authorizations for important infrastructure projects in two years.

Should you be confirmed, what role will the CEQ play to advise the President in collaboration with federal agencies on promoting policies that ensure stakeholders have a clear road map before the federal review process while still protecting our environment?

Ms. Neumayr. Thank you, and thank you for the opportunity to meet with you last week.

CEQ's core responsibility really is with respect to overseeing the implementation of NEPA across federal agencies. We have been working very closely with agencies already to implement the One Federal Decision policy which sets forth the goal of an average of two years for completion of an environmental review, starting with the Notice of Intent and completing with the issuance of the Record of Decision.

CEQ has worked with federal agencies to develop a memorandum of understanding involving all the key agencies, setting forth what roles and responsibilities they will play as

they approach some of these large infrastructure projects.

In particular, it outlines a process whereby the lead agency will develop a single schedule, a joint schedule. The agencies will develop a single environmental impact statement and a single rod. They will do so in a very coordinated way so that we can ensure there is good communication, good planning early in the process, and that issues are resolved in a timely way, so deadlines are not missed, so we can achieve the important goals of protecting the environment; but also having an efficient process so stakeholders can act and finance these projects and receive decisions in a very timely manner which is important from the standpoint of costs and environmental protection. Because many of these projects are important for protection of the environment.

Senator Fischer. Exactly. I appreciate that you are thinking ahead to that because it is extremely important that our States and local stakeholders have a clear set of guidelines and a clear understanding of what is expected in this permitting process, if we are going to see it be streamlined so that we can save taxpayer money.

An important provision to streamline that infrastructure permitting process is the State assumption of NEPA authority for projects under the Federal Highway Administration, known as NEPA assignment.

Congress has endorsed this policy twice, first under SAFETEA-LU and later under MAP-21. NEPA assignment will speed up project permitting while maintaining our environmental standards

I was pleased to see earlier this week that the Federal Highway Administration has issued that proposed Memorandum of Understanding with the Nebraska Department of Transportation. I think that is extremely important.

Do you agree the Federal Highway Administration's NEPA assignment authority has improved the permitting process in States that have implemented it?

Ms. Neumayr. Yes. This is an area in which I believe CEQ has been involved for a period of time. Yes, we believe it is important and something that can help to facilitate timely completion of the process.

Senator Fischer. Do you think it is important to have those MOUs be expanded in order to have States have more control and input over projects within their borders?

Ms. Neumayr. Yes, I very much agree that those are valuable with respect to these matters.

Senator Fischer. Thank you very much.

Thank you, Mr. Chairman.

Senator Barrasso. Thank you, Senator Fischer.

Senator Whitehouse.

Senator Whitehouse. Thank you, Mr. Chairman.

Welcome, Ms. Neumayr. I am glad you are here. I have a couple of fairly quick questions.

First, do you understand and appreciate the consequences of climate change and carbon pollution on our oceans and coasts, including warming, deoxygenation, sea level rise and ocean acidification?

Ms. Neumayr. Yes, I understand these are important issues, particularly to coastal communities.

Senator Whitehouse. Your Ocean Policy Executive Order "recognizes and supports federal participation in regional ocean partnerships." We have a very robust regional ocean partnership in New England. Do you pledge to support its continued efforts and provide federal support for it?

Ms. Neumayr. Yes, we do.

Senator Whitehouse. You also have recognized, in that Executive Order, the importance of ocean data and monitoring, a priority for the bipartisan Senate Oceans Caucus. Will you work with Senator Murkowski and me on bipartisan legislation being drafted right now within the Oceans Caucus to help make sure we provide a strong ocean data monitoring piece of legislation?

Ms. Neumayr. I am not familiar with that legislation.

Senator Whitehouse. I am asking you if you will work with us?

Ms. Neumayr. Yes, we will work with you. One of the priorities of the Executive Order is to expand access to federal data.

Senator Whitehouse. Finally, we have, with Senator Sullivan leading on the Republican side, with important support from Senator Inhofe from a State that does not have a coast, passed a very important marine plastic waste legislation.

I would like to propose to you that there are big wins to be had in this area and that it is very bipartisan. The bill passed the Senate by unanimous consent. I believe it just cleared the House committee in a voice vote.

There are significant opportunities. CEQ has the chance to engage with the trade and outward-looking elements of the Administration because a lot of the plastic waste originates in foreign countries from terrible waste disposal practices.

I would ask your interest in helping us work with the Administration on those issues abroad.

Ms. Neumayr. Yes. I think this is an important issue. I think this is an issue we would like to work closely with you on going forward.

Senator Whitehouse. For the record, Mr. Chairman, I would like to ask unanimous consent to put into the record of these proceedings the American Chemistry Council announcement of its retaining of Cal Dooley, who we worked very well with

particularly on the TSCA bill, which over and over and over and over and over states the importance to the American Chemistry Council of dealing with the plastic waste and plastic debris problem and pledges Cal's support. He calls it "an imperative and an issue of personal as well as professional interest." I think there is a real opportunity for us to do more in this space.

Senator Barrasso. Without objection.

[The referenced information follows:]

Senator Whitehouse. Dr. Fleming, in Rhode Island, we have a very good working relationship with the regional EDA office based in Philadelphia. I would appreciate it if that not be disrupted in any particular way. We are happy with the way the organization operates and the attention we get, even though we are getting it from Philadelphia.

Do you have any plans to disrupt them?

Dr. Fleming. Senator, I have absolutely no plans to disrupt that or any other district office.

Senator Whitehouse. A lot of our work with EDA has revolved around either disaster recovery, particularly along the coast and along flooded riversides and involves some of the projections, concerns and things we are already seeing having to do with climate change, sea level rise, ocean acidification, and all of that.

When Rhode Island comes before you and bases requests for EDA funding on science that is out there projecting sea level rise, heightened storm surges, ocean acidification, species shifts and other ocean consequences of climate change, how will your past record on these issues influence your willingness to accept our requests?

Dr. Fleming. Senator, as we mentioned in our meeting, and thank you so much for having me for that meeting, probably no State has been more devastated and affected by the coastline

issues of hurricanes and so forth than Louisiana, my home State.

In fact, Louisiana is losing I believe, I am not absolutely certain about this, but something in the area of an acre a day of coastline.

Senator Whitehouse. Yes. Your Governor has declared your whole coastline in a state of emergency, I believe.

Dr. Fleming. Exactly. As we are being affected the most and as someone who does come from a science background, not from climate science, of course, but from medicine, it is my feeling to always follow the science and listen to what the scientists tell us.

Senator Whitehouse. We need not fear that the science supporting some of our applications will be deprecated by you in the review process?

Dr. Fleming. Absolutely, Senator. You should not fear that at all. We are going to go where the scientists lead us with the best of technology and research. We will go that route.

Senator Whitehouse. Thank you.

Thank you, Mr. Chairman.

Senator Barrasso. Thank you, Senator Whitehouse.

Senator Capito.

Senator Capito. Thank you, Mr. Chairman.

Thank both of you for being before us and for your

willingness to serve. It is nice to see you again, Dr. Fleming, after having the joy of serving with you on the House side. I have deep respect for you. Thank you for your visit.

I am going to kind of go down the same path as we went through in my office. The EDA has been increasing its presence in West Virginia. We have our own State director now at my insistence when I entered the Senate when I felt West Virginia was falling a bit behind.

I have a list here of the projects EDA has worked with, 2,100 jobs over the last three years but also some of the dollars are specific to what is called the power grants which are directed at not just communities that have fallen on hard times but by virtue of the extremely devastating downturn of the coal industry over the last several years.

What is your feeling on the power grants? I would hope these would still be a set aside for the economic devastation we still see, to get people retrained and back on their feet. I would like a commitment that the power grants, at least with an emphasis on those distressed areas in Appalachia, would still be a focus of EDA under your stewardship.

Dr. Fleming. Senator, it was great becoming reacquainted with you once again, from the House days.

Yes, you have my total commitment on that. Again, West Virginia, like Louisiana, has got to diversify its economy away

from the traditional lines of economic support. I am happy to support that and other programs that may assist.

Senator Capito. One of the areas in which I think you and I have common ground is the lack of deployment of rural broadband where EDA can really be a real jump start in this area working with the private sector and some of the State municipalities.

Again, upon your confirmation, I would like to invite you and have one of your first visits be to our State of West Virginia to see some of the innovative things we are doing and how EDA can help us move forward in that direction.

Dr. Fleming. I would love to visit your beautiful State. I think you are absolutely on point with that. Even in rural areas across America, when you have fiber broadband, you can set up a factory or any type of company and do worldwide interactions economically.

That is something that brings a lot to the table and I think will help renew economies across America and rural areas but it is fundamental to have broadband in order to do that.

Senator Capito. It absolutely is.

In a repetitive fashion, I expressed my concerns to you with the President's budget. I expressed to you concerns of your past votes in the House. Is there anything besides a firm commitment that you are now going to go in the direction of the

Congress where the Congress sets the funding level?

There is passion behind everything. If you are not really passionate about something, I would imagine an Administrator could find ways to be less helpful. If you could give me an affirmative statement here, maybe flesh it out a bit more, I would feel better.

Dr. Fleming. Thank you for the opportunity to do this, Senator.

Again, I come from a private sector background. I am a strong believer in the private sector driving the economy. Where else, what other agency in the Federal Government leverages and attracts capital from the private sector more than the Economic Development Administration?

Again, as I mentioned earlier, we are talking about a 15 to 1 ratio of return on investment of federal dollars against non-federal dollars. To me, that is totally consistent with my core beliefs now and in the past. I am committed to making that even more successful in the future.

Senator Capito. I appreciate that. Thank you.

Ms. Neumayr, I think you are a fantastic candidate for this. The one thing I would say was the Congressman from Michigan that introduced you, I don't know about that guy. I am, of course, joking about my friend, Fred Upton.

Let me ask you a question, a basic question. I am putting

myself in the Chesapeake Bay Caucus as well, because West Virginia is very influenced by that as well since we have the head waters of the Chesapeake Bay in our State.

Over the years of my service, it seems that environmental regulations or balancing the environment and the economy, depending on the philosophy of the President or maybe the director, things kind of go up and the answer received is, well, it is being considered by CEQ.

In some cases, it seems like a wasteland of shelving certain projects or maybe expediting other projects. How can you help me with the affirmative yes-no equation, which I think helps for investment, helps for States and local entities to be able to plan, rather than just using CEQ in some ways as a holding pattern? That is just the way it struck me in the past.

Ms. Neumayr. CEQ does have a convening role where there are issues, particularly involving multiple agencies. CEQ frequently plays that role. I think it is an important role. However, it is important also that we do reach decisions, make determinations and move forward. I think that is a priority for this Administration with respect to matters involving the implementation of NEPA and other statutes as well.

Senator Capito. Thank you. I would just say, yes and no, people can accept yes or no. It is this maybe la la land that I think really harms the ability to move projects or ditch them if

they are not going to work.

Ms. Neumayr. It is important to reach a decision.

Senator Capito. Thank you.

Senator Barrasso. Thank you, Senator Capito.

Senator Booker.

Senator Booker. Thank you very much, Mr. Chairman.

As I have delved into the data, I have been really surprised since being a United States Senator over the last four-plus years, the compelling data that shows that low income communities in America, particularly indigenous communities where Native Americans are and communities of color, are much more likely to live in seriously challenging environmental conditions and hazards.

I learned this first as a mayor where I was sort of shocked to discover how toxic the soil is in the City of Newark from years of industrial use. Our Passaic River was stolen by past generations who poured industrial wastes into the river, which is now a Superfund site.

I found it was not just Newark. You can go around the Country and see there are a thousand jurisdictions where the children have higher blood lead levels than Flint, Michigan. I have traveled through the South and seen industrial waste from pig farming in Duplin County to the highlands of Alabama where I was stunned to see the kind of toxic dumping that has gone on,

people who have been on this land since slavery and it is now stolen from them.

I have seen a place literally called Cancer Alley in Louisiana between Baton Rouge and New Orleans, again, a low income community, where the particulate matter is so much higher. I sat in a painful church gathering where community member after community member came up and told me how many people had died in their families due to cancer because of all the chemical companies aligned there.

What you are up for confirmation for, in many ways, has got to be to protect the most vulnerable communities where cancer rates, respiratory diseases, lead poisoning is really targeting communities that are often the most vulnerable.

CEQ plays a pivotal role in this and having someone with compassion, empathy and an understanding of the urgency is key. Recognizing the importance of the procedures under NEPA for identifying and addressing environmental justice concerns, President Clinton's CEQ issued Guidance 97 entitled The Environmental Justice Guidance Under the Environmental Policy Act, which it seems you are aware of.

To me, it is so critical, so unfair. You know this. You don't even need to have lead poisoning; if you have elevated blood lead levels, it addles the brain and undermines the executive function. It could lead to more criminal activity in

so many of these communities. This is just some of the heavy metals that are present.

I guess what I am looking for today is some solace and a commitment that you are going to keep this environmental justice, not just guidance, but really urgency, to see what I have seen around this Country just by dealing with this issue.

Will you commit to take no action that really undermines implementation of such guidance?

Ms. Neumayr. Yes, Senator. CEQ did issue guidance in 1997 pursuant to the Executive Order. CEQ continues to participate in an interagency working group that is lead by EPA that addresses implementation of the 1994 Executive Order.

I do believe all people, including those in low income and minority communities, should live in a safe and healthy environment. My commitment would be to make addressing environmental concerns in those communities a priority.

Senator Booker. I am really grateful. I am hoping that my office and yours can work together because the things I have seen, now traveling around the Country, have just been simply stunning to me and the sense that there is no one fighting for them, no one looking out for them as their families suffer not only economic losses, again, common stolen from them, but also struggle with the health impact it is having on folks and the disadvantages they have for children and elderly in particular.

The second thing I want to cover with you as quickly as I can in the minute I have left is the Gateway Project in my region. I am a mayor who seared away economic, seared away in many ways partisanship for me. For me it has always been fix stuff, get stuff done, get out of the way of the private sector that the gentleman was talking about. I was all for how do you create economic growth. But just a balance sheet analysis, a dollar invested in infrastructure in the United States produces about two dollars.

In the greater New York metropolitan region, I am sorry, Senator, but I like to call it the greater Newark Metropolitan region, a dollar invested in infrastructure in our region produces three to four dollars in private sector economic development.

I had such struggles when I was Mayor in my development efforts with our State environmental agencies, bureaucracy, and red tape. I was really pleased that we got a commitment from the Department of Transportation and others that they would complete the environmental impact statement rapidly. One of the key things stopping us from getting this done is a report from government bureaucracy.

For me, searing away partisanship, I was thrilled to hear that the Trump Administration wanted to cut red tape, wanted to get projects done, but I have been sort of frustrated that we

are not getting responsiveness from the Administration to some of the things necessary to create that economic development growth in the Newark metropolitan region and that small City of New York that sits in our shadow.

The program submitted the EIS report in February 2018 in what was poised to be a remarkable example of NEPA working at its best, including stakeholders' perspectives and ensuring project moves, to me seemed to be, and I do not mean to be cynical, a political maneuver now. That EIS has still not finalized this report, blowing well past the 24 month goal which is costing taxpayers millions and millions of dollars because of this bureaucratic sclerotic moment and threatening safety.

You said one of your key tasks at CEQ will be to ensure "more timely and efficient environmental reviews for major infrastructure projects." In your opinion, help me out here. Dispel my cynicism.

Is the treatment of the Hudson River Tunnel EIS consistent with the Administration's goal of reducing review times? Will you keep my staff abreast of driving this forward so we can show people the Administration's rhetoric lines up with their actions?

Ms. Neumayr. I, myself, have not been personally engaged on that matter but I can commit that I will work with you and your staff. As we have said, it is very important that we

complete these reviews in a timely manner.

Senator Booker. Thank you very much.

I apologize to the Chairman and my colleagues for going over my time. Thank you.

Senator Barrasso. Thank you, Senator Booker.

Senator Van Hollen.

Senator Van Hollen. Thank you, Mr. Chairman.

Welcome to both of you.

First, I do want to associate myself with Senator Booker's remarks regarding the disproportionate impact and fallout of pollution and negative health events on low income communities. I look forward to working with him.

Senator Cardin raised the issue of the Chesapeake Bay, Ms. Neumayr. One of the big issues in the Bay, of course, is climate change. We have rising sea levels and a number of islands in the Bay are projected to disappear in the coming years.

If you talk to the superintendent of the Naval Academy in Annapolis, he already talks about the negative impact of flash flooding on their operations there in Annapolis.

The first question is a very straight forward question which is, do you believe in the scientific consensus that climate change is real and that its primary driver is human-based generation of carbon emissions?

Ms. Neumayr. I agree that the climate is changing and that human activity has a role.

Senator Van Hollen. One of the things the courts have found is that as part of NEPA reviews, we should consider the impact of carbon emissions and climate change. The Center for Biological Diversity v. The National Highway Traffic Safety Administration court case in 2008 determined "The impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis that NEPA requires agencies to conduct."

My question is this. Last spring, President Trump revoked CEQ's guidance to agencies on how to incorporate climate change into federal environmental reviews. Yet, you have court decisions saying this is going to be an important element they are going to look at.

My question to you is how has the withdrawal of that guidance impacted NEPA reviews, given the uncertainty now in the courts?

Ms. Neumayr. As you said, last spring, the President issued an Executive Order which directed CEQ to withdraw the climate guidance that had been issued in August 2016. CEQ did withdraw that guidance for further consideration and we have not made any decisions with regard to further action.

However, as I mentioned earlier, CEQ has issued an Advance

Notice of Proposed Rulemaking inviting comment on whether there are potential updates or clarifications to our regulations. I expect we will receive comment on issues related to greenhouse gases, climate change and their consideration in the NEPA analysis.

Senator Van Hollen. I guess my question is this. Do you agree if that is not considered as part of the NEPA review process and guidance pursuant to the President's decision to eliminate that, that will make any NEPA analysis more vulnerable to attacks in the court?

Ms. Neumayr. Under NEPA, agencies are required to review the potential environmental consequences of major federal actions that may significantly affect the quality of the environment.

In that process, agencies have discretion as to the effects they will consider and the degree or how they consider those effects. That is the general direction under NEPA. Under the NEPA framework, agencies have discretion with respect to different projects.

Senator Van Hollen. I am just trying to interpret what you are saying more clearly. Are you saying agencies will still have the capacity to take into account the impact of climate change when they do their own NEPA analysis?

Ms. Neumayr. Agencies should use their experience and

expertise as they conduct these analyses and identify the effects.

Senator Van Hollen. Dr. Fleming, it is good to see you. It was good to serve with you in the House.

When we met, I told you EDA plays a really important economic development role in the State of Maryland. I told you I was going to ask you this question. Not only did the Trump Administration zero this out, but I also serve on the Appropriations Committee and we asked Secretary Ross about the budget which proposes to eliminate EDA. His response has been it is a good organization but this is the budget I have been handed.

You, as a House member, voted at least twice for budgets that would eliminate funding for the EDA. My question is, how can you be a strong leader for an administration that you voted to eliminate?

Dr. Fleming. Thank you for that question, Senator. Again, it was a pleasure seeing you once again and meeting with you after our days in the House together.

As I mentioned earlier, I was elected in 2008 to be a good steward of our budget, to try to reduce federal spending. I did what I could in order to do that.

Going forward, I have developed a great appreciation for the work EDA does. In fact, more than any agency, it is

consistent with, I guess, my values, that what agency in the Federal Government attracts private and non-federal dollars anymore than EDA for the creation of jobs, goods and services?

The downsizing of the budget is not the end of the story here because a later document released by the White House actually stands up the Bureau of Economic Growth which takes in all the functions of EDA and other economic development functions from HUD as well as Agriculture and others.

I think what the document suggests is a streamlining and efficiency that is so important and necessary in government, which I support as someone who wants to keep a careful eye on our budget.

I commit this to you. At the end of the day, it is up to you, as a Senator, the Senate and the House, working with the White House, to right size government, particularly EDA. I will faithfully execute whatever level of funding and authorities you provide.

Senator Van Hollen. I appreciate that. I think you made a very good case in your testimony today for the benefit to taxpayers of investment in EDA. The issue, as I said, is having voted to eliminate it, how can you be a strong leader but I look forward to continuing our conversation.

Dr. Fleming. Thank you.

Senator Barrasso. Thank you, Senator Van Hollen.

I would like to invite Senator Markey to engage in questioning at this time.

Senator Markey. Thank you, Mr. Chairman, very much.

Ms. Neumayr, President Trump has conducted a full blown assault on facts throughout his Administration but he has been most erratic when it comes to questions of science and environmental protection.

Since the Council on Environmental Quality coordinates the National Environmental Policy Act, the environmental review process, I would like to get some clarification from you on some basic statistics.

Across all agencies, what is the average length of time it takes to complete an environmental impact statement?

Ms. Neumayr. Senator, we have been analyzing environmental impact statements going back to 2010. The average time across all agencies is approximately four and a half years from the time of notice of intent to preparing an environmental impact statement to the issuance of a record of decision.

This does not include the time that may have been taken to prepare the application.

Senator Markey. It is approximately 4.6 years. That is the average, so you are correct.

In a press conference last year, President Trump said he has heard "many, many stories where it takes 20 to 25 years just

to get approvals to start construction of a fairly routine highway." This is Donald Trump still speaking, "and that one agency alone can stall a project for many, many years, even decades."

Is that example, a 20 to 25 year-long review, reflective of the average time it takes to finish an environmental impact statement?

Ms. Neumayr. Well, as I said, the average time is four and a half years, but, within that, it can span a decade or more. There are some that have exceeded 20 years, I believe.

Senator Markey. Right, but the average is 4.6 years?

Ms. Neumayr. For transportation projects, it may be higher than that.

Senator Markey. I think at the end of the day, the 4.6 years is the average. We know it is a little bit over or a little bit under, but it is not 20 to 25 years. The President just uses that as a way of stigmatizing the efforts to have real environmental reviews working within a historical framework.

From my perspective, I just think our policy should be based upon expertise and not upon exaggeration. I am afraid increasingly that is where the President is taking our debate.

What percentage of projects at the Department of Energy required an environmental impact statement or environmental assessment since 2010? Do you know?

Ms. Neumayr. I do not have that information. I could follow up.

Senator Markey. The answer is about two percent, two percent according to a review conducted by the CEQ staff of 2010 to 2016 data, two percent. That seems to be the trend across federal agencies.

According to the Federal Highway Administration, around 90 percent of their projects do not have to go through any review at all. Ninety percent of the transportation projects do not have to go through any review at all.

Here is another fact. The National Environmental Policy Act is the Magna Carta of environmental policy. Despite NEPA's importance and the long record that shows how important this law is, President Trump just continues to insist on telling exaggerated stories about NEPA.

He might as well be describing an imaginary decades of delay on the construction of the Yellow Brick Road. There was no environmental impact statement for that and there is no environmental impact statement for 90 percent of the projects in our Country.

I am deeply concerned that at the same time as President Trump is making these exaggerated statements that CEQ has begun the process of rewriting nearly every aspect of the National Environmental Protection Act regulations for the first time in

decades. We cannot live in a land of make believe while making new rules. We need a CEQ Chair who can see through the fiction to get to the facts.

The National Environmental Policy Act provides the framework by which the public can speak out against projects that could harm public health and environment. Ms. Neumayr, will you commit to performing public outreach so that communities on the ground know how and when they can use NEPA to make themselves and their concerns heard by the government?

Ms. Neumayr. Yes, we think public engagement is very important. I would say since I arrived at CEQ, one of the things we have done to improve public engagement and to ensure it is to move our system to the regulations.gov system so that as we solicit public comment on things like the Advance Notice that we issued, those public comments will be available and accessible to the public as well as all of CEQ's prior actions as well, regulatory actions that have been published in the Federal Register.

Senator Markey. You can do two things. One is to update the Citizens Guide to the National Environmental Policy Act which explains how everyone can use NEPA to have their voices heard and participate in environmental reviews which have not been touched in over a decade.

Second is to meaningfully include the public in the CEQ's

current push to rewrite the implementing regulations for NEPA which could completely alter this landmark environmental law.

Ms. Neumayr, would you commit to holding at least one public field hearing per EPA region on this rulemaking so that the public can be involved in the rewrite of this fundamental, constitutional Magna Carta environmental law?

Ms. Neumayr. We have issued an Advance Notice of Proposed Rulemaking. It is not a regulatory proposal. We have not made the decision to move forward with a proposed rule but should we make that decision, I will commit that we will consider all of our options with respect to public engagement.

Senator Markey. You will have a hearing in all of the regions of the EPA?

Ms. Neumayr. We will consider all of our options. We think public engagement is very important.

Senator Markey. It is a huge moment, honestly, as you consider the rewrite. I just urge you to have this process happen in the sunlight and not in the shadow of President Trump's tall tales about NEPA. That is going to be your challenge. We will be putting more pressure on you as each day goes by to make sure the public hears what is going on. I wish you would make a firmer commitment in terms of public input.

Senator Barrasso. Thank you, Senator Markey.

Before turning to Senator Carper, I want to submit for the

record an article from the E&E News entitled, Even Some Greens Like Trump's Pick for CEQ. The article explains that "Ms. Neumayr is known for preparation, possession of a sharp legal mind and establishing balance. This has earned her praise across the political spectrum."

The article goes on to quote John Walke, Director of the Federal Clean Air, Climate and Energy Program at the Natural Resources Defense Council, the NRDC. He says, Ms. Neumayr, "is a good selection for the Administration to oversee CEQ." Mr. Walke goes on to say, "I think she will do her job well."

I ask unanimous consent to enter this in the record. Without objection, it is submitted.

[The referenced information follows:]

Senator Barrasso. Senator Carper.

Senator Carper. Thank you, Mr. Chairman.

Are your nieces still here?

Senator Barrasso. Yes, they are.

Senator Carper. Is one still here?

Ms. Neumayr. They are both here.

Senator Carper. Ladies, how is it going? Good. Is she doing okay? All right, fair enough.

I could only say I would never have brought my sons or my nephews to a hearing like this. It is rather extraordinary that they are still here and hanging in. We applaud them.

Senator Markey raises an important issue for all of us. I hope you will take to heart what he said because he is not just speaking for himself.

A couple of our colleagues, Senators Whitehouse and Van Hollen, talked a bit about resiliency with respect to climate change reality. I am glad to hear that you acknowledge that it is real and that, we, as human beings, have a fair amount to do with it.

Making our communities more resilient to the new climate reality can save lives and can save billions of dollars. It can be a real win-win. President Obama agreed which is why he implemented policies that increased U.S. climate preparedness and resiliency.

President Trump has revoked or weakened those efforts. I have called on the President to change course in that regard.

Let me ask what is CEQ doing today to help our communities become more resilient? You have had a year or so, actually more than a year. What is CEQ doing today, what have you been doing in the last couple months or last year to help make our communities more resilient?

Ms. Neumayr. We have been working with the federal agencies, as I described earlier, to help develop and put in place an approach for important infrastructure projects that will help to provide a more efficient and coordinated process for the Federal Government in making decisions.

These projects include not just transportation projects, modernization projects, energy projects or other projects, but also include environmental restoration projects and environmentally beneficial projects.

We have been working to put in place a more efficient and coordinated approach for the federal agencies going forward so that we will be able to move forward with new, modern and resilient infrastructure and that we will be able to reach permitting decisions in a timely fashion.

We think the development of strong and resilient infrastructure is very important and is a priority.

Senator Carper. Thank you.

Mr. Chairman, I have one more question. Before I do, I want to ask unanimous consent to clarify for the record. This is in response to your answer to Senator Markey about transportation review times.

I want to ask unanimous consent to clarify for the record information from the Federal Highway website of estimated time required to complete the NEPA process. It indicates the median time to complete a highway environmental impact statement is 3.6 years, which is actually lower than the federal agency-wide average. I would ask unanimous consent to submit that.

Senator Barrasso. Without objection.

Senator Carper. I just showed the Chairman a quote that I could not remember who said it but I thought it was a quote that was relevant for our hearing today. The quote is from a former leader at Notre Dame, a fellow named James Frick. He said, "Don't tell me where your priorities are; show me where you spend your money and I'll tell you what your priorities are." I think that is pretty good.

We have come back again and again and again to funding for EDA. I asked my staff during this hearing, Dr. Fleming, to go back and look at this current Administration's budget proposals for some of these regional commissions focused on economic growth and development.

There is one called Denali for Alaska, one called Delta you

are familiar with, there is another for our northern borders, and CDBG as well and EDA. Those are five of the entities that would be under the Administration's reorganization plan that would help create what I think is called the Bureau of Economic Growth.

Dr. Fleming. Yes.

Senator Carper. Here is an interesting thing. While the Administration has proposed to combine these five entities into this new Bureau of Economic Growth, for Denali last year or this year, zero funding; for Delta, zero funding both years; for northern borders, zero funding for both years; for CDBG, zero funding for both years; for EDA, zero funding for both years. That is why we are so concerned.

It is all well and good to move the deck chairs around but at the end of the day, if we don't have any money, we cannot do much with it. That is why we are concerned.

Dr. Fleming. Yes, sir.

Senator Carper. It is important that, if you believe in your heart, as you testified here today, that you not just hide your candle under a bushel but that you are vocal and strong in supporting this.

The last thing I would say to the spouses who have joined your wife here today, it is nice to see all of you. Debbie, thank you for sharing your husband with us most days. Give him

my best.

I would say to your wife, I could just barely see her lips move when you spoke. We are just about done.

Thanks, Mr. Chairman.

Senator Barrasso. Thank you very much, Senator Carper.

If there are no more questions for today, members may submit follow-up questions for the record by noon on Monday, July 23. The nominees should respond to those questions by 5:00 p.m. on Friday, July 27.

I want to thank both nominees and congratulate you on your nominations by President Trump.

This hearing is adjourned.

[Whereupon, at 11:44 a.m., the committee was adjourned.]