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BARANWAL, McNAMEE AND VELA NOMINATIONS

HEARING

BEFORE THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

TO

CONSIDER THE NOMINATIONS OF RITA BARANWAL TO BE AN ASSISTANT SECRETARY OF ENERGY (NUCLEAR ENERGY), BERNARD L. McNAMEE TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION, AND RAYMOND DAVID VELA TO BE DIRECTOR OF THE NATIONAL PARK SERVICE

NOVEMBER 15, 2018

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BARANWAL, McNAMEE AND VELA NOMINATIONS

THURSDAY, NOVEMBER 15, 2018

U.S. SENATE,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The Committee met, pursuant to notice, at 10:04 a.m. in Room SD–366, Dirksen Senate Office Building, Hon. Lisa Murkowski, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. LISA MURKOWSKI, U.S. SENATOR FROM ALASKA

The CHAIRMAN. Good morning. The Committee will come to order.

I am told that our Ranking Member is making her way through the slush. Recognizing that we have a full hearing today, we will proceed without her and hopefully she will be here shortly.

Before I begin, either with my opening or certainly before moving to our nominees this morning, I would just like to recognize that within this Committee we have oversight of the Forest Service, those federal agencies that are involved with fighting our wildfires across the country, and we recognize the incredible damage, the loss of life, just the true tragedy in California at this time. I would just ask members to stop for one very short moment and recognize those whose lives have been lost, those who are in danger as they are working to protect our people and our properties and pause for one moment for those that are dealing with the current tragedy in California.

[A moment of silence.]

Thank you.

We are back this morning after our several-week recess for the mid-term elections. We don't exactly know how long the lame duck session will last, but there is still plenty of work to do in this 115th Congress, particularly when it comes to nominations.

Our Committee has spent a significant amount of time processing nominations in this Congress, and we are here today to consider three more: Dr. Rita Baranwal to be the Assistant Secretary of Energy for Nuclear Energy, Mr. Bernard McNamee to be a Commissioner on the Federal Energy Regulatory Commission and Mr. Raymond David Vela to be Director of the National Park Service.

I first want to speak to Dr. Baranwal. The position she has been nominated for is tasked with overseeing our nation's nuclear innovation and ensuring the long-term viability of our domestic nuclear industry. Should she be confirmed, she will have the opportunity

to help shape the future of nuclear energy—not just here in the United States, but globally as well.

She currently serves as the Director of the Gateway Accelerated Innovation in Nuclear program, known as "GAIN," at the Idaho National Lab (INL). I am certainly interested to know how her work has positioned her to reassert the United States as a world leader in advanced nuclear technology, which is one of my key priorities.

Mr. McNamee is back before the Committee. He has been here three times now, although this will be his first time as a nominee. He previously appeared in a policy capacity for the Department of Energy, and I am sure that he will face a number of questions about the Administration's efforts to provide economic relief to struggling coal and nuclear plants.

As we discussed when we met before the recess, the Federal Energy Regulatory Commission (FERC) is an independent agency and must continue to function as such. The Commission's orders are never contingent on the Department of Energy's policy decisions, and in the meeting that I had with Mr. McNamee, I stressed the importance of maintaining FERC's autonomy and commitment to taking an independent role at FERC.

So I will note, when it comes to Mr. McNamee's nomination here, this is not the first time that we have had a nominee with policy experience at the federal and state levels. In fact, in this Congress alone, as we sought to establish a full quorum at FERC, we have confirmed two former Senate staff to the Commission: Neil Chatterjee, who previously served as the Majority Leader's Energy Policy Advisor, and Rich Glick, a former Senior Counsel for Senator Cantwell here on the Committee.

Our final nominee this morning, Mr. Vela, has been nominated to be the Director of the National Park Service. He would oversee some our greatest national treasures. In order to ensure that our parks are here for future generations, we must balance our ability to enjoy and explore them with our responsibility to keep and maintain them. If he is confirmed, he will be responsible for leading the way in finding that balance. It is also expected that he would take on a wide range of issues facing the Park Service, from sexual harassment to the deferred maintenance backlog. I think it is significant to note that he would be the first Hispanic American confirmed to this position.

I would like to thank all those who have been nominated for their willingness to serve our country.

If members have additional questions after the hearing concludes today for the record, we will close that out at the end of the business hours today.

If these nominees prove qualified and have the requisite support, my plan is to report them to the full Senate shortly after Thanksgiving. I hope they can be confirmed, along with the seven nominees that we already have pending on the calendar, before we adjourn for the year.

I really do not want to see all the good effort that this Committee has put into advancing these nominees fall by the wayside. We need to do that, but also these agencies need these folks in place. They need to have the leadership teams. I also recognize that these

nominees have basically put their lives on hold during this process, so they deserve some certainty as well. I would ask that you all work with me to clear the nominations in Energy's jurisdiction before the end of the year.

I will now turn to Senator Cantwell. After she has concluded her opening remarks, Senator Risch has asked to introduce Dr. Baranwal. Senator Cruz is with us this morning. We welcome you to the Committee. He will be here to introduce Mr. Vela, excuse me, Mr. McNamee. Senator Cornyn will be with us in just a moment to introduce Mr. Vela.

Senator Cantwell.

STATEMENT OF HON. MARIA CANTWELL, U.S. SENATOR FROM WASHINGTON

Senator CANTWELL. Thank you, Madam Chair.

I join you in extending a warm welcome to all the nominees and to their families. This hearing brings together three very different offices in keeping with this Committee's broad jurisdiction. Each of these face its own set of challenges.

The National Park Service has been without a confirmed director for nearly two years. I am very pleased that the President has finally nominated someone for this important position. I am especially pleased that he has nominated someone who has come up through the Park Service ranks. Mr. Vela has been a park ranger, a park superintendent, and he should understand the problems that face our parks firsthand.

For too long we have underfunded our parks, and the resources we have devoted to maintaining and staffing our parks have not kept pace with park visitation. So I am counting on Mr. Vela to understand the importance of our parks to the American people and to our economy. I am counting on him, if confirmed, to be an effective spokesperson and advocate for our park system.

If Mr. Vela's job is to preserve our parks and historic sites, Dr. Baranwal's will be to contend for the future. Whether one is for or against nuclear power, there is no question that nuclear power has played a very important role in our energy security for the past half a century or more.

As the current generation of nuclear power plants come to the end of its useful life, we will need to develop the next generation of nuclear technologies. The next generation must be safer and more proliferation-resistant and more economically competitive than today's nuclear power plants.

At the same time, we must develop the workforce we will need to design, build and operate these plants. And we need to find ways to work constructively with other nations where these plants will be built to ensure that these technologies are used safely for peaceful purposes. Here again, I am pleased that we have a nominee with experience in this field.

The one statutory qualification for appointment to the Federal Energy Regulatory Commission is that the nominee be specially qualified to assess fairly the needs and concerns of all interests affected by the federal energy policy. Today I will be listening for assurances that Mr. McNamee meets that test.

Like many of our colleagues here, I have been troubled by this Administration's persistent efforts to try to interfere with our electricity markets in order to subsidize high-cost coal generation at the expense of our ratepayers. Whether fairly or not, Mr. McNamee's name has been associated with those efforts, so I look forward to hearing from him this morning on these views and on this important matter. I will be interested in hearing how he will reconcile previous involvement in Secretary Perry's efforts in the need to be impartial for the matters that FERC will address.

I will also be interested in hearing how Mr. McNamee's views on FERC obligations to ensure that electricity rates are just and reasonable and markets are competitive and how he thinks the Commission can do that if subsidies for uncompetitive coal are somehow mandated.

So again, Madam Chair, thank you so much.

I do want to say my condolences to Dr. Baranwal for your loss of your father earlier this week. Our thoughts and prayers are with you and your family and thank you for being here today and continuing with your efforts in the nomination of your post.

The CHAIRMAN. Thank you, Senator Cantwell.

We will now turn to introductions.

Senator Risch has asked to go very briefly to introduce Dr. Baranwal as he has to rush out of here. Then we will turn to you, Senator Cruz, and hopefully by that time, Senator Cornyn will join us.

STATEMENT OF HON. JAMES E. RISCH,
U.S. SENATOR FROM IDAHO

Senator RISCH. Well, thank you very much, Madam Chairman.

It is my distinct privilege and honor this morning to introduce Dr. Rita Baranwal. As is noted, we all join in expressing our condolences. You are soldiering on here with us and we understand that these are circumstances you wish things were different—but our condolences, the Senate Family's condolences.

She has been nominated to be Assistant Secretary for Nuclear Energy at the Department of Energy.

I am also pleased to recognize Rita's family. Is Peter here? There's Peter, okay, and her two children Sanjay and Amiya. What a pretty name, Amiya, that is. Thank you so much for joining us.

My home state, Idaho, is fortunate to host the Idaho National Laboratory. It is our nation's flagship nuclear energy laboratory, the birthplace of nuclear energy in America and, indeed, in the world. The INL has a rich history dating from the dawn of commercial nuclear power and the launching of the nuclear navy, and this work continues today.

The INL is the leading partner with the Department of Energy's Gateway for Accelerated Innovation in Nuclear, also known as GAIN. That initiative is currently headed by Dr. Baranwal as its Director. As Director of the GAIN initiative, Dr. Baranwal is hoping to bridge the gap between innovators in the private sector and the world class research capabilities of our national laboratories, thereby accelerating new, innovative nuclear energy technologies toward market readiness.

Prior to leading the GAIN initiative, Dr. Baranwal spent more than 20 years working in the nuclear industry, including nearly a decade at Westinghouse in their Nuclear Fuel Division. Dr. Baranwal encountered the nuclear industry working for the Bettis Atomic Power Laboratory after completing graduate school. While developing advanced nuclear fuel for the U.S. Navy, Dr. Baranwal discovered and appreciated the nuclear energy initiatives in America today. At Westinghouse, Dr. Baranwal led numerous R&D programs including examining nuclear fuel and fuel rods. Dr. Baranwal received her Master's and Doctorate in Material Science and Engineering from the University of Michigan and her Bachelor's in the same discipline from Massachusetts Institute of Technology (MIT).

In light of her extensive qualifications, I look forward to working with this Committee to bring her nomination to the Senate floor as soon as possible. Rita, we all look forward to hearing your testimony today.

Thank you, Madam Chairman.

The CHAIRMAN. Thank you, Senator Risch.

Senator Cruz, we welcome you before the Committee and are pleased that you are able to provide introductions this morning.

STATEMENT OF HON. TED CRUZ,
U.S. SENATOR FROM TEXAS

Senator CRUZ. Thank you, Madam Chairman. Thank you, members of the Committee.

It's a pleasure to join you this morning and I'm particularly happy to have the opportunity to introduce to you, Bernie McNamee. He has been nominated, as you know, by the President to be a Commissioner on the Federal Energy Regulatory Commission and I think he'll prove to be an excellent addition to the FERC.

Bernie joined my Senate staff as an Energy Advisor and as a Counsel in July 2013 which, I think, was just weeks after we had moved out of the basement office they put us in as Freshman Senators. So his timing was impeccable to arrive to actually get an office where there was room for him. Bernie's intellect and his work ethic soon led for him to be promoted to becoming the Senior Domestic Policy Advisor in the office and that was a position he held until he moved back to Texas in December 2014.

While he was working in our office, his work was critical in developing legislation I introduced, the American Energy Renaissance Act, which was designed to be a comprehensive bill focusing on unleashing the great energy resources of this nation and helping spur our economy and create jobs.

Bernie's policy advice was particularly useful because it was also informed by his practical experience of having been an energy lawyer before. Before he joined my staff, he was a partner with a major law firm of McGuireWoods in Richmond, Virginia, where he represented electric and natural gas utilities before state public utility commissions.

Bernie has been recognized by Virginia Business Magazine as, "One of the legal elite for legislative, regulatory and administrative law" in the years 2008 and 2012, and he has been named one of

the Best Lawyers in America for Energy Law by Woodward White Incorporated from 2010 to 2013.

Bernie's approach was consistently thoughtful, and he would examine issues from all angles. One aspect of his character that I always appreciated was his concern for the younger members of the staff. He was always willing to help guide and mentor them and take time to help them think through complicated and challenging issues.

In addition to having worked in the United States Senate, Bernie served in leadership positions for four attorneys general in two different states, in Virginia and Texas. And in addition, he was a policy advisor to a Virginia governor.

Bernie currently works at the U.S. Department of Energy where his positions have included Deputy General Counsel for Energy Policy and Executive Director of the Office of Policy and he currently serves as a Senior Advisor in the Office of Science.

Finally, I'll say Bernie is just fundamentally a good guy. He's someone who, when you work with him, he thinks carefully, he thinks diligently, he's smart, he's principled, he's earnest. He cares about these policy issues. He cares about understanding them. He cares about hearing from different stakeholders and understanding how a particular policy issue is going to impact all of the stakeholders.

And he's got a good heart. He values public service. He has had a lucrative career in private practice, and yet he has demonstrated being a repeated recidivist, leaving that career to go back to public service over and over and over again. And it's because he genuinely cares about helping implement policy that will benefit the American people.

I would note in the opening remarks there was reference made to consumers and consumers wanting low prices in energy. And I will say Bernie is someone who appreciates, and appreciates passionately, the importance of competition for lowering prices and for benefiting consumers.

And so, I'm pleased to tell you, from my experience working alongside him, that I have every confidence that Bernie will make an exceptional commissioner at FERC and I encourage this Committee to confirm him.

The CHAIRMAN. Senator Cruz, thank you very much. I appreciate you being here this morning and providing that very generous introduction.

Senator Cornyn has not yet joined us——

Senator KING. We don't get a chance to cross-examine Senator Cruz?

[Laughter.]

The CHAIRMAN. We would love to have that opportunity, Senator King.

[Laughter.]

The CHAIRMAN. We would like to invite up each of the nominees at this time, and we will proceed with swearing you each in. If Senator Cornyn has not joined us at that time he may have an opportunity to provide his comments from the dais later. But in the interest of time and our opportunity to have sufficient opportunity to ask and answer questions, we will proceed.

The rules of the Committee which apply to all nominees require that they be sworn in in connection with their testimony. So I would ask you each to raise your right hand.

Do you solemnly swear that the testimony you are about to give to the Senate Committee on Energy and Natural Resources shall be the truth, the whole truth and nothing but the truth?

[All nominees respond, I do.]

You may go ahead and be seated.

Before you begin your statements, I will ask you three questions addressed to each nominee who appears before this Committee.

The first, will you be able to appear before this Committee and other Congressional committees to represent departmental positions and respond to issues of concern to the Congress?

[All nominees respond, yes.]

Are you aware of any personal holdings, investments or interests that could constitute a conflict or create an appearance of such a conflict should you be confirmed and assume the office to which you have been nominated by the President?

[All nominees respond, no.]

Are you involved or do you have any assets held in blind trusts?

[All nominees respond, no.]

Okay, with that, let us pause one moment as we invite Senator Cornyn to come forward.

[Laughter.]

Senator Cornyn, if you want to join us just at the dais here, that might be easier and your timing is impeccable this morning.

Senator CORNYN. [Off mic]

The CHAIRMAN. We appreciate the fact that you have come this morning. We just concluded the introductions of Dr. Baranwal and an introduction of Mr. McNamee and all three witnesses have now been sworn in and we welcome your introduction of Mr. Vela.

STATEMENT OF HON. JOHN CORNYN, U.S. SENATOR FROM TEXAS

Senator CORNYN. Thank you very much, Madam Chairman and Ranking Member Cantwell.

It is a pleasure to be here on this historic occasion—and I will speak more to that in just a moment—to introduce my fellow Texan, David Vela, to be the next Director of the National Park Service, and thanks for giving me an opportunity to say a few words.

David grew up in Wharton, Texas, which, for those of you who are familiar with our geography know that's about 60 miles southwest of Houston, and he realized the importance of our national parks at a young age.

Those who have spent some time in Texas know that it is home to 14 areas managed by the National Park Service, including the Guadalupe Mountains and Big Ben National Park, famous for its 1,500-foot cliffs.

In pursuit of his passion, David became an Aggie, went to Texas A&M where he received a Bachelor of Science degree in Recreation and Parks. Now, after having served more than 28 years in the National Park Service, David understands, more than most, the im-

portance of protecting and maintaining our natural resources for generations to come.

David began his service with the National Park Service in my hometown of San Antonio with the San Antonio Missions National Historic Park. Since then he has held numerous postings with the Park Service across the country, including Director of the Southeast Region, notably governing the Everglades in Florida and scenic trails through the Appalachian Mountains.

Currently, David serves as the Superintendent of Grand Teton National Park in Wyoming and the John D. Rockefeller Junior Memorial Parkway. His understanding of the inner workings of the Park Service make him uniquely qualified to oversee our park system. I have no doubt, based not only on what I have learned about David, but from what his friends and colleagues have told me, that he is the right person for this important job.

He also—and this is the historic part—in addition to his tremendous qualifications, he is the first Latino ever to be nominated for the Director of the National Park Service. His extensive expertise and dedication to public service have prepared him to confront the many challenges and there are many challenges confronting our National Park Service.

So thank you for giving me a chance to say a few words on his behalf and introduce him here today. And I hope all of you will vote by acclimation for his nomination.

Thank you so much.

The CHAIRMAN. Thank you, Senator Cornyn. We appreciate that you have taken time out of your schedule to be here before the Committee and present Mr. Vela to the Committee.

We appreciate that.

With that, let us begin with opening statements.

I ask that you try to keep your statements around five minutes. Your full statements will be included as part of the Committee record. We certainly invite you to introduce your family members.

Dr. Baranwal, I know that Senator Risch has introduced yours, but again, please take that time because we know that you cannot do the job that the President has nominated you to do unless you have the full support of those friends, those families that back you up.

So, Dr. Baranwal, welcome to the Committee and please proceed.

STATEMENT OF DR. RITA BARANWAL, NOMINATED TO BE AN ASSISTANT SECRETARY OF ENERGY (NUCLEAR ENERGY)

Dr. BARANWAL. Good morning Chairman Murkowski and Ranking Member Cantwell and members and staff of the Committee. It is truly my honor to appear before you today as President Trump's nominee for Assistant Secretary for Nuclear Energy at the United States Department of Energy.

I would like to begin my statement by expressing my gratitude to the President and to Secretary Rick Perry for this nomination. I am truly humbled by the confidence that they have placed in me.

I've had the honor of collaborating with numerous talented individuals throughout my career as a materials engineer and as a leader in the nuclear industry. There are many colleagues, friends and family members whose mentorship and faith in my abilities

have contributed to my career path to make my sitting before you today possible.

I want to especially thank and recognize my husband, Peter, for his relentless support and understanding. He is here today with our children, Sanjay and Amiya, who are missing school for this real-life civics lesson.

Madam Chairman, with your approval, I'd like to reintroduce them to the Committee.

The CHAIRMAN. Welcome——

Dr. BARANWAL. I would also like to thank my sister, Seema, who has always been my cheerleader in my pursuit of a career in an industry that hasn't been typical for women or for Indian-Americans.

And lastly, I wouldn't be here without the support and love of my parents, Krishna and Arti, excuse me, who immigrated to America before I was born. They raised me to appreciate diverse cultures and to be diligent and inquisitive. They taught me, when faced with an issue, to focus on the "what and the why?" first, and then to worry about the "how?" That is a lesson that has served me very well throughout my life.

Chairman Murkowski and members of the Committee, as I seek your approval for appointment to this office, I would like to share a few thoughts about my background and experiences that I believe would qualify me for this position.

I graduated from Massachusetts Institute of Technology with a degree in Materials Science and Engineering. Upon winning a National Physical Science Consortium Fellowship, I went on to the University of Michigan to earn my Master's and Doctorate in the same discipline. There, I developed nanopowders, before "nano" was even a buzzword.

My first job after graduate school was my introduction to the nuclear industry. I leveraged my thesis work to develop advanced nuclear fuel for the United States Navy's nuclear fleet while working at Bettis Atomic Power Laboratory.

During this time, I had the good fortune of visiting Newport News Shipyard while the USS Ronald Reagan was being constructed. And as I stood in the cavity of the reactor compartment, looking several stories up, the impact of my work overwhelmed me. I realized that the material that I was researching could soon be used to propel this enormous aircraft carrier. That moment was absolutely pivotal to my career. It was then that I truly appreciated the magnitude of the energy density that nuclear power provides and the role that it plays in enhancing our nation's national security.

While nuclear energy reliably produces 20 percent of our electricity, and is a clean, secure baseload source, it also powers ships and submarines to defend U.S. interests around the world.

I have spent more than 20 years in the nuclear industry, including nearly a decade at Westinghouse in the Nuclear Fuel Division, leading numerous research and development programs and fostering relationships with dozens of utility customers. That experience led me to my current role as Director of GAIN, the Gateway for Accelerated Innovation in Nuclear, a DOE initiative.

In this role, I created private-public partnerships to help advance advanced nuclear technology developers and help them commercialize their technologies faster and more cost-effectively by leveraging the capabilities of the United States National Laboratory complex. Since 2016, GAIN has positively impacted 112 companies.

Advanced nuclear technologies provide an opportunity for the United States to meet future electricity demands while benefiting our economy, environment and national security. The United States invented nuclear technologies for peaceful uses and we are the world's largest producer, accounting for more than 30 percent of worldwide generation of nuclear electricity.

The U.S. remains in a position of strength, but that future is not guaranteed. Thanks to my experiences, I also have a deep appreciation of the challenges and the needs of this sector.

Today, America is in the midst of a period of incredible energy progress, and the nuclear sector enjoys bipartisan support as demonstrated by the recently enacted Nuclear Energy Innovation Capabilities Act, NEICA.

Should I be confirmed, I will draw upon my previous public and private sector experiences in the nuclear energy industry to execute the Office's mission of advancing nuclear power to meet the nation's energy, environmental and national security needs.

Chairman Murkowski, Ranking Member Cantwell, members of the Committee, thank you again for this opportunity to appear before you as the President's nominee to be Assistant Secretary for Nuclear Energy at the Department of Energy. I commit to working with the Committee and to be responsive to requests to testify, meet with Committee members and share information.

Thank you very much for your time today. I look forward to answering your questions as you consider my nomination.

[The prepared statement of Dr. Baranwal follows:]

Statement of
Dr. Rita Baranwal

Nominee to be
Assistant Secretary for Nuclear Energy
U.S. Department of Energy

Before the
Committee on Energy and Natural Resources
United States Senate
November 15, 2018

Good morning Chairman Murkowski, Ranking Member Cantwell, and Members and staff of the Committee. It is my honor to appear before you today as President Trump's nominee for Assistant Secretary for Nuclear Energy at the United States Department of Energy.
I would like to begin my statement by expressing my gratitude to President Trump and Secretary Rick Perry for this nomination. I am humbled by the confidence that they have placed in me with this nomination.

I have had the honor of collaborating with numerous talented individuals throughout my career as a materials engineer and a leader in the nuclear industry. There are many colleagues, friends and family members whose mentorship and faith in my abilities have contributed to my career path to make my sitting before you today possible.

I want to especially thank and recognize my husband Peter for his relentless support and understanding. He is here today with our children Sanjay and Amiya, who are missing school for this real-life civics lesson. Madam Chairman with your approval, I'd like to introduce Sanjay and Amiya, as well as Peter to the committee. I would also like to thank my sister Seema, who has always been my cheerleader in my pursuit of a career in an industry that hasn't been typical for women or Indian-Americans. Lastly, I wouldn't be here without the support and love of my parents, Krishna and Arti, who immigrated to America before I was born. They raised me to appreciate diverse cultures and to be diligent and inquisitive. They taught me, when faced with an issue, to focus on the "what and why?" first, and then to worry about the "how?" That lesson has served me very well throughout my life.

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soon be used to propel an aircraft carrier like this. That moment was pivotal to my career; it was then that I truly appreciated the magnitude of the energy density that nuclear power provides and the role it plays enhancing U.S. national security. While nuclear energy reliably produces nearly 20 percent of our electricity, and is a clean, secure baseload source, it also powers ships and submarines to defend U.S. interests around the world.

I have spent more than 20 years in the nuclear industry, including nearly a decade at Westinghouse in the Nuclear Fuel division, leading numerous R&D programs and fostering relationships with dozens of utility customers. That experience led me to my current role as director of GAIN, the Gateway for Accelerated Innovation in Nuclear, a DOE initiative. In this role, I created private-public partnerships to help advanced nuclear technology developers commercialize their technologies faster and more cost-effectively by leveraging the capabilities in the U.S. National Laboratory complex. Since 2016, GAIN has positively impacted 112 companies.

Advanced nuclear energy technologies provide an opportunity for the U.S. to meet future electricity demands while benefiting our economy, environment, and national security. The United States invented nuclear energy technologies for peaceful uses, and we are the world's largest producer, accounting for more than 30 percent of worldwide generation of nuclear electricity. The U.S. remains in a position of strength, but the future is not guaranteed. Thanks to my experiences, I also have a deep appreciation of the challenges and the needs of this sector.

Today, America is in the midst of a period of incredible energy progress, and the nuclear energy sector enjoys bipartisan support as demonstrated by the recently enacted Nuclear Energy Innovation Capabilities Act (NEICA). Should I be confirmed, I will draw upon my previous public and private sector experience in the nuclear energy industry to execute the Office's mission of advancing nuclear power to meet the nation's energy, environmental, and national security needs.

Chairman Murkowski, Ranking Member Cantwell, Members of the Committee, thank you again for this opportunity to appear before you as the President's nominee to be Assistant Secretary for Nuclear Energy at the Department of Energy. I commit to working with the Committee and to be responsive to requests to testify, meet with Committee Members, and share information. Thank you for your time today. I look forward to answering your questions as you consider my nomination.

The CHAIRMAN. Thank you, Dr. Baranwal. Thank you for outlining your very extensive background within the nuclear sector. I appreciate that expertise, and know that we all express our condolences for your personal loss.

Mr. McNamee, welcome to the Committee.

STATEMENT OF BERNARD L. MCNAMEE, NOMINATED TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION

Mr. MCNAMEE. Thank you, Madam Chairman——

[Protester interrupts.]

The CHAIRMAN. The Committee will come to order.

[Protester continues.]

Mr. McNamee, if you will proceed.

Mr. MCNAMEE. Chairman Murkowski, Ranking Member Cantwell and members of the Committee, thank you for giving me another opportunity to appear before all of you.

I also want to say thank you to Senator Cruz for that kind introduction that he gave to me.

I also want to say before beginning my formal remarks, I would like to introduce my family. My wife, who is my dearest friend, my son, of whom I'm so proud. Not here are my mother and father, sorry, who have supported me with unconditional love and support. Also, my sister who is also my dear friend.

I also want to say thank you to the President for having nominated me to this position and to Secretary Perry and all of my colleagues at the Department of Energy who have just supported me with their friendship and have always been kind to me.

These are exciting times to be in the energy sector. We are in the midst of the great American Energy Renaissance, one that has created and is supporting millions of good-paying jobs for American workers. It has lowered energy costs for families and for businesses and has broken America's dependence on foreign energy supplies. We have also seen the development of new technologies and grid innovations, and they are transforming the way we generate and use electricity.

As an independent agency, FERC plays a vital role in the United States energy sector by implementing Congressional policy to help ensure that Americans have access to abundant and affordable energy, things I know that are very important to this Committee.

FERC's regulation of the wholesale electric markets and bulk power system, the interstate gas pipelines, oil pipelines, help ensure that rates are just, reasonable and not unduly discriminatory.

FERC facilitates the building of new energy infrastructure by permitting LNG facilities, gas pipelines and licensing non-federal hydro facilities. It protects the grid through reliability standards. And importantly, FERC oversaw the development of competitive electricity markets, which has been one of the great economic success stories of this country. In short, FERC plays a vital role, along with the states and the private industry, in powering America. If confirmed, I would be committed to seeing that this success continues.

To that end, I think that markets are the best way to allocate resources and set prices and, if confirmed, I'm committed to continuing FERC's independence in its decision-making.

There are also challenges. In particular, there is a growing recognition that the energy grid and energy supply chains are vulnerable to physical and cyberattacks. I know these are issues also important to the Committee. I know that they're also, through these issues, that there's going to take a lot of work from different agencies and different people. And I pledge to work, not only with my fellow commissioners but with the other agencies and this Committee and Congress as a whole, to try and figure out how are we going to address these.

As FERC confronts so many issues involving the electric grid, the pipelines and ratemaking, I believe my experience as a lawyer and a policy advisor will help me assist FERC in its mission and its duties.

As an energy lawyer for almost nine years at McGuireWoods in Richmond, Virginia, I represented various energy clients in electric and natural gas issues. My cases included construction of solar facilities in Virginia, a 1,300-megawatt natural gas combined-cycle facility, conversion of three coal plants to natural gas, approval of renewable portfolio standards, integrated resource planning, rate cases and energy efficiency programs. I've not only just talked about fuel diversity, I've also worked on "all-of-the-above" and, in short, the work I've done has helped make these issues a reality and I know these are things that are important for the nation.

In addition to my experience as a lawyer, I've also had the honor of working as a policy issues, energy policy issues at the Department of Energy, in Congress when I was working for Senator Cruz and also at a think tank at the Texas Public Policy Foundation.

I also understand the important perspective of the states in our federal energy system, especially on energy issues, through my roles with four state attorney generals and in representing the electric and natural gas utilities before state public utility commissions.

If confirmed, I commit that I will be a fair, objective and impartial arbiter in the cases and issues that would confront me as a Commissioner. My decisions will be based on the laws and the fact, not politics.

And I don't just say this just because I'm trying to get your vote, it's something I believe because I think that the rule of law depends on the fact that people who are in the position of making decisions, that they listen and they hear what people say and they consider it.

I've been so fortunate in my career as a lawyer to be before independent tribunals where people may have been appointed by legislators, they may have been a Republican or Democrat, but I knew they listened. They paid attention to the issues and they were able to separate out what their past lives were and they were going to make the decisions based on what the law was and what the facts were. And I pledge to you, I will do my best to do the same.

FERC has a central role in ensuring that America has the energy necessary to continue its future prosperity. And, should I be con-

firmed, I look forward to doing my part to help FERC in its mission on behalf of the American people.

Once again, I am honored and humbled to have been nominated for this position and I hope to gain your support, and I look forward to your questions.

Thank you.

[The prepared statement of Mr. McNamee follows:]

Opening Statement
Bernard L. McNamee
Nominee for FERC
Committee on Energy and Natural Resources
United States Senate
November 15, 2018

Chairman Murkowski. Ranking Member Cantwell. Members of the Committee. Thank you for providing me an opportunity to appear before you today. Before beginning my formal remarks, I would like to thank President Trump for the great honor of nominating me. I also want to thank Secretary Perry and all of my colleagues at the Department of Energy for their friendship and support.

Most importantly, I want to thank my family. My wife—my dearest friend. My son—of whom I am so proud. My parents—who have provided me with unconditional love and support. And my sister—who has been a dear friend.

These are exciting times in the energy sector.

We are in the midst of the great American Energy Renaissance that has created and is supporting millions of good paying jobs for American workers; has lowered energy costs for families and businesses; and has broken America's dependence on foreign energy supplies. We have also seen the development of new technologies and grid innovations that are transforming the way we generate and use electricity.

As an independent agency, FERC plays a vital role in the United States energy sector by implementing Congressional policy to help ensure that all Americans have access to abundant and affordable energy. FERC's regulation of the wholesale electric markets and bulk power system, interstate gas pipelines, and oil pipelines helps ensure that rates are just, reasonable, and not unduly discriminatory. FERC facilitates the responsible building of our energy infrastructure by permitting LNG facilities, gas pipelines, and licensing non-federal hydro facilities. It protects the grid through reliability standards. Importantly, FERC oversaw the development of competitive electricity markets, which has been one of the great American economic success stories.

In short, FERC plays a vital role, along with the states and private industry, in powering America. If confirmed, I would be committed to seeing this success continue. To that end, I think that markets are the best way to allocate resources and set prices and, if confirmed, I am committed to continuing FERC's independence in its decision-making.

There are also challenges. In particular, there is a growing recognition that the electric grid and energy supply chains are vulnerable to cyber and physical attacks. I know that this issue is important to the members of this committee and, should I

be confirmed, I will work with the other Commissioners, the states, the private sector, and Congress to make our energy systems more secure.

As FERC confronts so many issues involving the electric grid, pipelines, and ratemaking, I believe my experience as a lawyer and policy advisor will allow me to assist FERC in its mission and duties.

As an energy lawyer for almost nine years with McGuireWoods LLP in Richmond, Virginia, I represented various energy clients concerning electric and natural gas issues. Those cases included applications to construct utility-scale solar facilities in Virginia, a 1,300 MW natural gas combined cycle generating facility, conversion of three coal plants to use biomass, approval of renewable portfolio standards, integrated resource planning, rate cases, and energy efficiency programs. I have not just talked about fuel diversity and "all of the above" energy policies; I have worked to help make them a reality.

In addition to my experience as an energy lawyer, I also had the honor of working as a policy advisor on energy issues, including positions at the U.S. Department of Energy, in Congress when I worked for Senator Ted Cruz, and the Texas Public Policy Foundation. I also understand the important perspective of the states in our federal system, including energy issues, through my roles in state Attorneys General offices and in representing electric and natural gas utilities before state public utility commissions.

If confirmed, I commit that I will be a fair, objective, and impartial arbiter in the cases and issues that would confront me as a Commissioner. My decisions will be based on the law and the facts; not politics. In my view, such impartiality helps sustain the rule of law by ensuring that all those who come before a government tribunal have confidence that their positions will be heard and thoughtfully considered.

FERC has a central role in ensuring America has the energy necessary to power a future of prosperity; and, should I be confirmed, I look forward to doing my part to help FERC in its mission on behalf of the American people.

Once again, I am honored and humbled to have been nominated for this position and hope to gain your support.

Thank you and I look forward to answering your questions.

The CHAIRMAN. Thank you, Mr. McNamee, we appreciate that.

Let's now turn to Mr. Vela.

Welcome to the Committee.

STATEMENT OF RAYMOND DAVID VELA, NOMINATED TO BE DIRECTOR OF THE NATIONAL PARK SERVICE

Mr. VELA. Thank you, Chairman Murkowski, Ranking Member Cantwell and distinguished members of the Committee. I'm honored to have half of Texas behind me and members from Jackson Hole.

My wife, Melissa, our daughter, Christina, our son, Anthony, daughter-in-law, Amelia, and Uncle Paul, Aunt Jenny, Cousin Bianca and dear friends——

[Laughter.]

The CHAIRMAN. Wow, that is impressive.

Mr. VELA. ——from Texas and Jackson Hole. I'm deeply humbled that they're here today and thank you for that opportunity to recognize them.

I am also deeply humbled and honored to be before you today as President Trump's nominee to serve as the 19th Director of the National Park Service. I want to thank Secretary Zinke for his confidence and support in me for this position.

In addition, I greatly value and appreciate the introduction from the distinguished Senator from Texas, Senator John Cornyn.

As the oldest grandchild of a sharecropper, my journey through the National Park Service began on a trip to Yellowstone National Park while a young teenager from our rural home in Wharton, Texas. My parents decided one day to take a trip with my younger brother Michael, sister Judy and I, and it proved to be a journey of a lifetime.

My dad, Raymond, who is a proud Navy veteran, and my mother, Mercedes, who are watching these proceedings today from Texas, raised their three children with a strong foundation and appreciation of faith, family and country.

On that first-ever trip to Yellowstone, we stopped at Grand Teton National Park. Our eyes could not fully absorb all that we were seeing: iconic landscapes, wildlife and the first-ever sighting of a National Park Ranger. The image of that National Park Ranger truly caught my eye, and I began to think of how special it must be to work in a national park. Upon arriving home from Yellowstone, I devoured every article that our assistant high school librarian, Ms. Betty Bergstrom, could find.

After graduating from Texas A&M University with a Bachelor of Science Degree in Recreation and Parks, my journey as a permanent employee of the National Park Service was finally realized when I became a permanent employee at San Antonio Missions National Historical Park.

Accompanying me through this entire journey is my kindergarten classmate, high school sweetheart, and bride of over 38 years, Melissa. I'm truly blessed that Melissa said "yes" and supported our many moves across this great country. We raised two children in the national parks, Christina and Anthony, who like their parents, are also graduates of Texas A&M University. We're so proud of our children as Christina works in the field of education while Anthony

serves as a Chief Ranger in one of our park units in Florida. Anthony met his wife Amelia while they were working in Grand Teton National Park, and Amelia is also a National Park Service employee. Melissa and I are so blessed to have six grandchildren. They are with us here today, ranging in ages from 11 years to 9 months. We are also pleased to have members of our family, friends, and colleagues who are also here today.

Over the course of nearly 29 years in the National Park Service, I have held nearly every leadership position in the agency. From serving as a frontline ranger, supervisory park ranger, superintendent at four different park units, regional director of 66 units in the southeastern United States and the Caribbean to associate director in headquarters. Today, I serve as Superintendent of the very national park that changed my life.

As a result of these experiences, I've had the honor of working with a very passionate and dedicated workforce, the pride of the National Park Service. I'm so very proud of our permanent, seasonal and volunteer workforce. Yet, we as an agency have fallen short in treating them with the dignity and respect that they truly deserve. The scourge of sexual and workplace harassment in society and in the National Park Service must stop. Great strides have been made within the agency, but there's more to be done. If confirmed, I will continue to hold people and processes accountable to ensure that we achieve our workplace and workforce interests.

Since his confirmation, Secretary Zinke has been discussing and tackling the Department's deferred maintenance backlog, as it has been one of his top priorities. The National Park Service has the largest share at $11.6 billion.

I applaud the Administration and the Congress in pursuing a funding and mitigation strategy designed to address the network of roads, restrooms, water treatment systems, housing and visitor centers that are aging and exceeding capacity. Many of these facilities have a direct impact on the visitor experience and, should this bill pass and should I be confirmed, I look forward to rebuilding our national treasures so they remain the envy of the world.

As we embark upon a second century of service, we must make ourselves relevant to current and future generations while building a diverse population of conservation stewards and workforce. From tackling the effects of climate change to addressing the visitor experience, future generations will be impacted by the decisions and actions that we take today. With this in mind, I would like to acknowledge the students and faculty of Wharton County Junior College and Texas A&M University who are watching this hearing today.

As the first Latino in the over 102-year history of the National Park Service to be nominated as Director, I am reminded of the lessons taught to me by a sharecropper: be humble, maintain a strong moral and ethical compass and pursue causes greater than myself.

Chairman Murkowski, Ranking Member Cantwell, and distinguished members of the Committee, if confirmed, I eagerly look forward to working with you in protecting what has been called "America's Best Idea," our nation's national parks.

It is my pleasure to answer any questions that you may have.

[The prepared statement of Mr. Vela follows:]

Statement of Raymond David Vela
Nominee for the Position of Director, National Park Service,
Department of the Interior
Before the Committee on Energy & Natural Resources
United States Senate
November 15, 2018

Chairman Murkowski, Ranking Member Cantwell, and distinguished members of the Committee, I am deeply humbled and honored to be before you today as President Trump's nominee to serve as the 19th Director of the National Park Service.

I want to thank Secretary Zinke for his confidence and support in me for this position. In addition, I greatly value and appreciate the introduction from the distinguished Senator from Texas, Senator John Cornyn.

As the oldest grandchild of a sharecropper, my journey through the National Park Service began on a trip to Yellowstone National Park while a young teenager from our rural home in Wharton, Texas. My parents decided one day to take a trip with my younger brother Michael, sister Judy and I, and it proved to be a journey of a lifetime.

My dad Raymond who is a proud Navy veteran, and my mother Mercedes, raised their three children with a strong foundation and appreciation of faith, family, and country. On that first ever trip to Yellowstone, we stopped at Grand Teton National Park. Our eyes could not fully absorb all that we were seeing - iconic landscapes, wildlife, and the first ever sighting of a National Park Ranger.

The image of that National Park Ranger truly caught my eye, and I began to think about how special it must be to work in a national park. Upon arriving home from Yellowstone, I devoured every article that our assistant high school librarian, Mrs. Betty Bergstrom, could find.

After graduating from Texas A&M University with a Bachelor of Science Degree in Recreation and Parks, my journey as a permanent employee of the National Park Service was finally realized when I became a permanent employee at San Antonio Missions National Historical Park.

Accompanying me through this entire journey is my kindergarten classmate, high school sweetheart, and bride of over 38 years, Melissa. I am truly blessed that Melissa said "yes" and supported our many moves across this great country. We raised two children in the national parks, Christina and Anthony, who like their parents, are also graduates of Texas A&M University.

We are so very proud of our children as Christina works in the field of education while Anthony serves as a Chief Ranger in one of our park units in Florida. Anthony met his wife Amelia while they were working in Grand Teton National Park, and Amelia is also a National Park Service employee.

Melissa and I are also blessed to have six grandchildren ranging in ages from eleven years to nine months. We are also pleased to have members of our family, friends, and colleagues who are with us here today.

Over the course of nearly 29 years in the National Park Service, I have held nearly every leadership position in the agency. From serving as a front line ranger, supervisory park ranger, superintendent at four different park units, regional director of 66 units in the southeastern United States and the Caribbean to associate director in headquarters. Today, I serve as a Superintendent of the very national park that changed my life.

As a result of these experiences, I have had the honor of working with a very passionate and dedicated workforce - the pride of the National Park Service. I am so very proud of our permanent, seasonal, and volunteer workforce. Yet, we as an agency have fallen short in treating them with the dignity and respect that they truly deserve.

The scourge of sexual and workplace harassment in society and in the National Park Service must stop! Great strides have been made within the agency, but there's more to be done. If confirmed, I will continue to hold people and processes accountable to ensure that we achieve our workplace and workforce interests.

Since his confirmation, Secretary Zinke has been discussing and tackling the Department's deferred maintenance backlog, as it has been one of his top priorities. The National Park Service has the largest share at $11.6 billion dollars.

I applaud the Administration and the Congress in pursuing a funding and mitigation strategy designed to address the network of roads, restrooms, water treatment systems, housing, and visitor centers that are aging and exceeding capacity. Many of these aging facilities have a direct impact on the visitor experience. Should this bill pass, and should I be confirmed, I look forward to rebuilding our national treasures so they remain the envy of the world.

As we embark upon a second century of service, we must make ourselves relevant to current and future generations while building a diverse population of conservation stewards and workforce. From tackling the effects of climate change to addressing the visitor experience, future generations will be impacted by the decisions and actions that we make today. With this in mind, I would like to acknowledge the students and faculty of Wharton County Junior College and Texas A&M University who are watching this hearing today.

As the first Latino in the over 102 year history of the National Park Service to be nominated Director, I am reminded of the lessons taught to me by a sharecropper – be humble, maintain a strong moral and ethical compass, and pursue causes greater than myself.

Chairman Murkowski, Ranking Member Cantwell, and distinguished members of the Committee, if confirmed, I eagerly look forward to working with you in protecting what has been called "America's Best Idea" - our nation's national parks. It is my pleasure to answer any questions that you may have.

The CHAIRMAN. Thank you, Mr. Vela, and thank you to your family. You truly have a family history of service to our national parks and that is most appreciated. We welcome all of you. We welcome all of the families.

We have many members here today, so we will move quickly into questions.

Mr. McNamee, let me begin with you and ask the question that I have been asked repeatedly since your name came forward in nomination. You have been supported by many, but your nomination has also been criticized by some due to your previous position as DOE's Director of the Office of Policy and your purported involvement in the Administration's effort to subsidize coal and nuclear power plants. I would like to give you the opportunity to respond to that and also ask the question as to whether or not you believe that your prior policy work will unduly influence your decision-making as a Commissioner at the FERC.

Mr. MCNAMEE. Thank you, Chairman.

I think I can, I know I can honestly say that I will be an independent arbiter if the issues come before me at FERC. I think it's important to look at the law and the facts and then make those decisions based on that.

So I mentioned in my introduction, I've had the benefit of being before Commissioners at the state level and knowing that they always listened. They looked at the facts, the law, and they made the hard decision but the most important thing is they listened and they thought. And sometimes you won, sometimes you lost, but you were always confident that they were paying attention and that was very important.

And as you mentioned, the concern out there is when I was part of the Department of Energy's, the Deputy General Counsel for the Department, my role was working on the Section 403 NOPR that was proposed by Secretary Perry to FERC. That was a proposed rulemaking in order to address what he perceived as the problems and challenges of the retirements of a number of "fuel-secure resources."

That proposal went over to FERC, and FERC considered it and FERC made a decision. They decided that the proposal, as set forth, that a combination—that the record wasn't sufficient and that it did not meet their standards for being able to act under Section 205 or 206. And what they did is they rejected the proposal. But what they also did is that they also opened up a new docket in order to consider the issues that were proposed in there and it's currently open.

So my role was primarily as the lawyer and as I've talked throughout in my introduction, I've had a number of roles as a lawyer and I've been fortunate enough to represent and to work on a number of important issues in the energy issue.

The CHAIRMAN. I appreciate that response.

Mr. Vela, let me ask you. We had an opportunity yesterday to discuss some of the workforce issues, the workplace issues and what the Park Service has encountered over a period of years and this is, unfortunately, a long-term pattern of sexual harassment and a hostile work environment. This has been substantiated in numerous IG reports.

This is really a dark cloud over our National Park Service. You clearly are proud of the men and women that you work with, that you have an opportunity to supervise, but you are going to be in that position where you have an opportunity to change the culture within the National Park Service—and I think we both agree that the culture must be changed.

You mentioned accountability in your opening statement, but if you can, detail to the Committee what you view this long-term plan to fundamentally change the culture within the National Park Service when it comes to the workplace and workforce issues.

Mr. VELA. Absolutely, Chair Murkowski, and thank you for your time yesterday. I enjoyed our visit.

We have a responsibility and an obligation to make sure that all of our employees—permanent, seasonal, volunteer—have a workplace that treats them with the dignity and respect that they deserve. And I, if confirmed, would look forward to carrying out some further developments that the agency has been able to put into place that provide additional assets, if you will, to help us to address that.

I think we're in a better place now to know what has taken place throughout the service. We have better reporting requirements. We have survey instruments. We've added additional subject matter expertise to help guide individuals who are making allegations through the process. We have more defined processes.

But the thing that I want to make sure, if confirmed, is that we have accountability, accountability throughout the entire chain of command. It starts with the Director. The Director sets the tone. He or she sets the dynamics, if you will, to ensure that we do get that accountability.

So I would look forward, Chairman Murkowski, if confirmed, to again, take what has been done to a higher level but to make sure that we have accountability throughout the process.

The CHAIRMAN. Thank you. We would look forward to working with you to achieve just that.

Senator Cantwell.

Senator CANTWELL. Thank you, Madam Chair. There is almost not enough time to ask these three important nominees questions, but I will try to go quickly. So if you could help me with short answers, that would be great.

I am going to start with you, Mr. Vela. In 2016 you were Superintendent of the Grand Teton and acquired 640 acres of state land within the park for the State of Wyoming and part of that was with the Land and Water Conservation Fund (LWCF). In your view, is the Land and Water Conservation Fund a good use of federal dollars, and do you oppose zeroing out federal LWCF funding?

Mr. VELA. Land acquisition over the course of its existence and then through LWCF has benefited directly, and Grand Teton, Senator, was one of those benefactors.

We were also able to, with the parcel in question that you're talking about, were able to also provide philanthropic support which helped to achieve our interest in acquiring that very significant property.

So over the course of LWCF, land acquisition has played and has benefited and played a very important role in helping the Park Service to achieve its interests.

Senator CANTWELL. So you think we should fund it?

Mr. VELA. The President has included it, supports it in his budget and has called for its reauthorization.

Senator CANTWELL. Thank you.

Mr. VELA. Thank you.

Senator CANTWELL. Mr. McNamee—and I would like more opportunity, Mr. Vela, so hopefully you and I will have a chance to meet personally.

Mr. VELA. It would be my pleasure.

Senator CANTWELL. Thank you.

Mr. McNamee, on the FERC's decision to turn down the resilient pricing proposal by the Secretary, did they do the right thing?

Mr. MCNAMEE. I think that clearly the Commission acted within its authority. And I think what the Commission did is they recognized that resiliency was an issue that deserved further study, and that's my understanding in their order of why they opened up a new docket on the issue.

Senator CANTWELL. Do you think that you can meet the standards of just and reasonable rates if, in fact, that proposal went through and you actually raised prices on individuals? Would that be within just and reasonable rates?

Mr. MCNAMEE. I believe that FERC's examination of the issue is still outstanding.

The issue, I think, needs to be, and what they're looking at is, what are the attributes necessary for resilience? And as FERC has done on a number of issues is, they've recognized that there's issues of price formation, there were determinations about some attributes weren't being allowed to compete and that wasn't just and reasonable, such as fuel storage.

So I think FERC does its job of looking at what are the right attributes that are needed for the grid, and they do a good job of taking a hard look at the issues and trying to make those decisions.

Senator CANTWELL. So you think there could be a scenario under which resiliency or shortage of supply would make you believe that you should move forward on a proposal to mandate coal or nuclear power?

Mr. MCNAMEE. I would not go that far. I think that's something that would have to be based on the facts presented before them and the laws that are there.

I know that NERC has made observations about the importance of essential reliability services, fuel assurance and generation and that those are issues that I know that FERC is supposedly considering as part of its resiliency docket.

Senator CANTWELL. I think it would be helpful if you could supply to the Committee information about what role you played in the actual formation of this proposal and details about that, but we can write some specific questions and get those to you. If you can answer those that would be very, very helpful about your previous role in this matter.

Dr. Baranwal, I wanted to ask you specifically, the Pacific Northwest National Lab, one of our labs, is in the nuclear fuel cycle.

Some very important work on material recovery and waste form development is being carried out there to improve our understanding of the nuclear fuel cycles and advanced reactor design, but also to enhance our waste characterization process and capabilities at Hanford. Are you familiar with this program?

Dr. BARANWAL. I'm not familiar with that exact program, but I am familiar, more so, with the advanced reactor work and the advanced materials development work that is being done at Pacific Northwest. I've been there a few times for visits to talk with the staff that are working in those areas.

Senator CANTWELL. Can you take a look at that specific program and give me some feedback on whether you think it should remain a priority within our system?

Dr. BARANWAL. I can do that.

Senator CANTWELL. Thank you.

Thank you, Madam Chair.

The CHAIRMAN. Thank you, Senator Cantwell.

Senator Alexander.

Senator ALEXANDER. Thank you, Madam Chair.

I have the same request Senator Cantwell had—five minutes of short answers would be helpful.

I would like to observe to begin with, Dr. Baranwal, that for the fourth consecutive year the Congress has appropriated a record level of funding for the Office of Science which supports the national laboratories, including nuclear power, and I think that goes unnoticed by many people.

Mr. Vela, let me go to you. On the Portman-Warner legislation, which Senator King and I also strongly support, if it doesn't succeed, how are you going to deal with the deferred maintenance backlog of $11+ billion?

Mr. VELA. Well, thank you, Senator, for your support of the bill and of national parks.

We have to find a way to appropriately address aging infrastructure.

Senator ALEXANDER. Yes, but it is four times your annual appropriation—I mean, that amount of money is four times your annual appropriation, right?

Mr. VELA. Yes, sir.

Senator ALEXANDER. And your annual appropriation is used for salaries and other purposes?

Mr. VELA. Absolutely, other operations.

Senator ALEXANDER. How much of your annual appropriation goes to, roughly, to maintenance, deferred maintenance?

Mr. VELA. I can't give you the specifics. I'd be happy to——

Senator ALEXANDER. Well, like at the Grand Teton, what would it be—10, 5, 15?

Mr. VELA. I can share with you that my maintenance backlog alone in Grand Teton is around $190 million.

Senator ALEXANDER. Yes.

Mr. VELA. Our built asset is around $1.3–$1.5 billion with probably close to five million visitors which will be another record-breaking year.

Senator ALEXANDER. Yes.

Mr. VELA. So what we will continue to do, Senator, is assess all means necessary, possible, to include philanthropic support to help us to address our most critical needs.

Senator ALEXANDER. To be a little bit parochial, the Smokies, the Great Smokies, has about $220 million of maintenance——

Mr. VELA. Right.

Senator ALEXANDER. ——and twice as many visitors a year——

Mr. VELA. Yes, sir.

Senator ALEXANDER. ——and the same sort of challenges.

Senator Portman is a former budget director but the way all of this is constructed, I want to go back over—the maintenance backlog at the National Park is not really debt in the way we, I mean, it really is debt in the way we think about it.

Mr. VELA. Right.

Senator ALEXANDER. It is not—and the money that we would propose to use to pay the debt is real money—I mean, it is not like other mandatory funding, sometimes we say, well, we will borrow money so that we can pay social security. We will borrow money so that we can pay Medicare. In this case, we are taking real money, right, from our revenues from energy drilling on public lands and using it to, in effect, pay down debt. Is that right?

Mr. VELA. It's my understanding, sir, on interior lands, interior properties.

Senator ALEXANDER. Yes. And the program is only authorized for five years, so it is not forever.

Mr. VELA. Right.

Senator ALEXANDER. The other thing I would like to ask you to confirm, if you agree that this is correct: there are other important programs that the Federal Government has, such as the Land and Water Conservation Fund and the Reclamation Fund, and payments to states and other smaller funds, but under the Portman-Warner legislation those accounts would be paid first, if I am characterizing it correctly. Now some still have to be appropriated.

Mr. VELA. Right.

Senator ALEXANDER. But the money would go to those accounts before it would go to the National Park maintenance backlog. Am I correct in that sense?

Mr. VELA. That would be my understanding.

Senator ALEXANDER. Yes. Let me move to Ms. Baranwal.

I noticed I still have five minutes left. I appreciate the generosity of the Chairman on this.

[Laughter.]

This is very generous.

[Laughter.]

The CHAIRMAN. I am sorry, Senator Alexander.

Senator ALEXANDER. Chairman.

But Ms. Baranwal——

The CHAIRMAN. The Senator's time truly has expired.

[Laughter.]

Senator ALEXANDER. Oh, has it? Oh, it did?

The CHAIRMAN. But it was a good line of questioning so we allowed the continuation.

Senator ALEXANDER. Okay, it kept saying five minutes here. But I accept the ruling of the distinguished Chairman.

Thank you, Mr. Vela.

[Laughter.]

Senator HEINRICH. Mr. McNamee, in a hearing here in June I asked each of the FERC Commissioners who were here if there is currently an emergency requiring subsidies of coal and nuclear plants and none of the Commissioners indicated that there was a reliability emergency.

So I wanted to ask you, not in terms of representing the Secretary or representing the President, but do you believe that there is an urgent threat to the resilience and reliability of the power grid that would justify FERC to intervene in the bulk power markets?

Mr. MCNAMEE. In terms of the issue of an emergency, that power, I think, is you're referring to in our conversation during that hearing with, Senator, Section 202c of the Federal Power Act. The Secretary currently has not issued a 202c, and I have no reason to second guess his determination about whether or not there is an emergency currently. And it does not appear at this point on a general nationwide basis that there's an emergency.

Senator HEINRICH. So that would be a no?

Mr. MCNAMEE. It's a no——

Senator HEINRICH. A qualified no.

Mr. MCNAMEE. ——only a no that I don't have access to all the information the Secretary does.

Senator HEINRICH. When you testified here in July you cited the President's directive to Secretary Perry to prepare immediate steps to stop the loss of so-called "fuel-secure power resources" to prevent impending retirements from impacting the resilience of the power grid and what, I believe, you referenced in terms of the President's view as the crisis on the grid. What is the status today of the response to the President's directive of June 1 to Secretary Perry?

Mr. MCNAMEE. My understanding is that it's in the inner governmental process. I've not been involved in that process for the past few months.

Senator HEINRICH. What was your previous role in preparing that response up to the time that you were no longer involved?

Mr. MCNAMEE. In terms of—I think you're referring to the leaked memo. I was not at the Department of Energy when the memo was drafted or leaked and when I returned to the Department, I looked at the memo and was trying to understand what the issues were, what the law was, but came to no final conclusions.

Senator HEINRICH. That was your only involvement then?

Mr. MCNAMEE. That's correct, sir.

Senator HEINRICH. Okay.

What legal authority does FERC have to pick and choose generation technologies and fuels for retail power supplies?

Mr. MCNAMEE. I don't believe that FERC's role is to pick and choose resources. I think one of the great success stories has been the development of the wholesale markets. I think consumers have benefited. I think that FERC and the RTOs and the ISOs are constantly working to make sure that the markets function properly and they're constantly looking at, you know, new resources and how to better make the markets function, you know, that's why,

you know, some of them develop capacity markets, why there are special reliability, you know, essential reliability services.

But I think that FERC's role is really—their goal is to make sure that the markets function properly and that's really through just and reasonable rates and making sure it's not unduly discriminatory.

Senator HEINRICH. In February, FERC finalized a rule on energy storage participation in the wholesale markets. What is your view of the Commission's approach there, to reducing barriers and to allowing storage to compete on a level playing field with those other resources in competitive markets?

Mr. MCNAMEE. I think that storage is going to be one of the game changers that's going to take place on the grid. Once there is access to truly affordable utility scale storage, you're going to really see a transformation of the grid and, to be honest, it's kind of what makes me excited about this job is there's two really great things that are happening: one, there's the transition which is always a time of challenge and danger; and then there's how do we get to the next place? And it's not for FERC to choose, but it's to make sure that the markets work so that those opportunities are there.

In terms of the specific rule that FERC has proposed, I believe it's under pending review, you know, they made the final issue and I think there's been pending rehearing, so I don't want to comment on the specific rule itself.

Senator HEINRICH. I understand.

FERC also has a pending rule on participation of aggregated distributed energy resources in wholesale markets. I would not ask you to comment specifically on the rule itself but would love your views on whether or not you support the full participation of aggregated distributed resources in competitive wholesale markets.

Mr. MCNAMEE. The issue of distributed energy resources is one that, I think, that the grid is generally moving toward. I know there's complicated issues between depending on whether they're basically at the distribution level, whether they're behind the meter, how they're going to interact with the wholesale markets and there's a variety of issues where the states and the Federal Government through FERC is going to have to work it through.

I don't think FERC specifically should be picking and choosing, but it should be, they should look at it just like any other resources, just like fuel, and they should give, you know, they should look at what are the opportunities and how do things work, but I think——

Senator HEINRICH. Just treat it like all the other resources.

Mr. MCNAMEE. It needs, it's a little bit more complicated than saying here's something that just bids in because of those complications at the state level with the distribution system and I don't want to prejudge, kind of, what the challenges are because I don't know.

But I do know that it is somewhere that distributed energy resources are clearly something that are taking place on the grid and that customers are looking for them.

Senator HEINRICH. Okay, thank you.

The CHAIRMAN. Thank you, Senator Heinrich.

Senator Capito.

Senator CAPITO. Thank you, Madam Chair, and thank all of you for your service to our country and future service.

Mr. Vela, I would like to ask you—thank you, first of all, for coming to my office at the end of September to talk about National Park Service priorities in the State of West Virginia. As you recall, we discussed the interests of my constituents in re-designating the New River Gorge National River as a national park while ensuring the preservation of existing hunting and fishing, rights that are enshrined in the federal statute as it stands right now for the national river. Since that time, I have introduced legislation to do just that.

So I, first of all, would like to ask you, after your confirmation, to pledge to me two things. Number one, that you will continue to work with me on helping us as West Virginians to work toward a re-designation of that area. We had a great meeting at home on this, and there is a lot of enthusiasm. So that is my first ask.

Mr. VELA. I would look forward to doing that, if confirmed, Senator.

And thank you also for your time and the meeting that we had as well.

Senator CAPITO. And then a visit after you——

Mr. VELA. Yes, ma'am.

Senator CAPITO. Yes. We will do the bridge walk. We will go over the bridge.

[Laughter.]

Mr. VELA. I look forward to it.

Senator CAPITO. I hope you are not afraid of heights because it is a little—it is a wonderful thing.

Mr. VELA. Awesome.

Senator CAPITO. But the path forward maybe, we have some ideas on whether we should do a national park feasibility study——

Mr. VELA. Okay.

Senator CAPITO. ——because we may end up looking at, as you described to me, a preserve-park combination bill where we can meet the questions of all folks involved. So I look forward to working with you on this issue.

Mr. VELA. Likewise, Senator. Thank you.

Senator CAPITO. Thank you.

In July we passed, unanimously, S. 1573, the American Discovery Trail Act. This is a bipartisan Act that I worked with Senator Coons on which would give us signage on the American Discovery Trail in our national parks. I think there has been some issues with getting that signage put up. It is a source of concern I wanted to just call to your attention.

Mr. VELA. Thank you.

Senator CAPITO. Thank you.

Dr. Baranwal, thank you for your visit as well. I am very proud of your accomplishments in an industry that does not have many women, and I look forward to you serving at the DOE.

I would like to ask—we passed legislation in this Committee, it was enacted in our Omnibus, directing the DOE to support moonshot R&D goals in the nuclear space. You have been in this space

for quite some years. What does that mean to you? And what are some examples of the things—we talked about some of the innovations that we did with smaller and more advanced nuclear. Is that one of the considerations you would put forward?

Dr. BARANWAL. Yes, thank you for the question, Senator. And it was a pleasure to meet with you the other day.

Yeah, so a lot of the work that we have done in the nuclear industry one might consider a moonshot a lofty type of goal to strive toward. And certainly the smaller reactors, also known as microreactors, that many companies are working on to develop could be considered one of those.

The beauty of that is that we're starting to see the application of a lot of innovative technologies from outside of the nuclear industry and leveraging that to benefit our industry, to help those types of moonshot goals, to make that goal become much more of a reality.

Senator CAPITO. Part of our discussion was talking about the mining industry——

Dr. BARANWAL. Yes.

Senator CAPITO. ——and you mentioned to me that some mining interests are, sort of, looking at some of these smaller reactors too, since mining, in and of itself, is so energy-intensive to use nuclear energy, maybe, as the power source to move forward. Could you talk about that a little bit?

Dr. BARANWAL. Absolutely.

So at some meetings that I've been in over the past few months, I've been speaking to folks that are in the mining industry, talking about how energy-intensive that industry is and talking about the application of these smaller reactors to help fuel, if you will, that industry so that as mining equipment is moved around and operations are mobile, some of these reactors are certainly looking at that type of application and would lend themselves to that type of application.

Senator CAPITO. Sounds like an interesting conversation and something worth looking into.

Mr. McNamee, we had a hearing in EPW about cooperative federalism and the way the states and the Federal Government are reacting, particularly in the natural gas space. I would like to ask you, I know that you have a history of working for the states and for advocating for a robust tenth amendment. Can you briefly describe your views on these issues and how do you achieve the right balance between, if you can solve this problem, states' rights, and national interests?

Mr. MCNAMEE. I think that's a tension that's built into our constitution, the tension between the states and the Federal Government. And I think that Congress, in its wisdom, decided when they were passing things like the Clean Water Act and other things to encourage cooperative federalism to ensure that the states' views on certain issues are heard and that there's also federal policy on it.

And I think that those are things that have to be worked out on a case-by-case basis because I think it's important that the interests of the states are considered. I know that there is federal policy in particular projects. And I think what's important is that you

look at what the facts are on the ground and that you have information and that those decisions are based on that. And I know there's many different agencies that have to work together. I know that members of this Committee have tried to streamline the way those decisions are made, especially at the federal level.

Senator CAPITO. Thank you.

The CHAIRMAN. Thank you, Senator Capito.

Senator Wyden.

Senator WYDEN. Thank you very much, Madam Chair.

Mr. McNamee, you played a key role in developing the legal underpinning of a Trump energy bailout that was so flawed every member of the Federal Energy Regulatory Commission rejected it.

I have been Chairman of this Committee and I haven't really seen anything quite like that and I think I know why. It would have benefited a handful of companies, most of them in the northeast, while jacking up ratepayers' costs billions of dollars.

Now the President wants to put you on the Commission that rejected the plan you wrote. It looks to me, and I want to get your response to this—this is not like having the fox guard the chicken coop; this is like putting the fox inside the chicken coop.

So my question to you is, tell the Committee why you should be trusted to do anything differently than you did earlier if you become Commissioner?

Mr. MCNAMEE. As to the issue, I think, ultimately, is whether I'd be an independent arbiter, to be able to look at the facts and the law, make an independent choice. I have no doubt that I can do that and that it won't be influenced by politics. I understand the difference between my role as a lawyer, when I worked on the Secretary's proposal under Section 403 of the DOE Organization Act, and what the role of FERC is.

Now I also recognize that FERC rejected the proposed remedy but I also recognize that they unanimously agreed that it was an issue that needed to be looked into further. So I can't comment on each specifically further about what the end result of that would be because there's so many facts. I think there's been hundreds of comments filed and thousands of pages.

And I think that FERC has a tradition of making decisions, not based on whether they're Republican or Democrat, though they may by nominated as such, but making it based on working together and trying to figure out what's the right thing to do. And my pledge to you is that I will work in that fashion.

Senator WYDEN. So you wrote this plan. Government lawyers deal with policy all the time. I believe you ought to recuse yourself if you are chosen for this position on matters that deal with the specifics of what got such a resoundingly negative response earlier. I mean, the combination of helping a handful of companies while jacking up rates billions of dollars, that is pretty bad stuff. I am going to want to talk to you if you get confirmed, but I believe you ought to recuse yourself given your role in the initial proposal.

Now let me turn, if I could, to you for a moment, Mr. Vela. As you know, Secretary Zinke has been subject to a jaw-dropping array of federal investigations raising very substantial ethical concerns about what has gone on at the Interior Department. Suffice it to say, we have seen a pattern of other officials involved in this.

It is kind of like when you listen to all this, somebody just lost the ethical compass.

What I would like to have you tell the Committee is, if you are appointed Director of the National Park Service, what specifically would you go in there and change in order to deal with this spree of unethical behavior that we are reading about in the news media pretty much constantly?

Mr. VELA. Thank you, Senator, for that question.

Over my nearly 35 years of public service, sir, at the state and federal level, I have been guided, as I mentioned in my opening remarks by the guidance of my grandfather and my parents about pursuing moral and ethical objectives and interests.

I think as a leader, as a Senior Executive in the Federal Government, sir, I think it starts with the individual. And, if confirmed, setting the example of the Director, as Director, setting the bar as to what is not acceptable. I think we achieve that through training, further training. I think we do that through accountability. But it starts at the top and, if confirmed, I will provide that leadership.

Senator WYDEN. I will just tell you, respectfully, sir, I asked specifically what you would change and all the words that you just offered me are certainly ones that I would agree with. I think virtually anybody would. It still does not tell me what specifically you would do to change these ethical practices that are so destructive to this important agency.

My time is up. I am going to hold the record open to get an answer to what you would specifically change. But I will not be able to support your appointment unless there are specifics given about what you would change because we cannot allow this to go on any longer.

Thank you, Madam Chair.

The CHAIRMAN. Thank you, Senator Wyden.

I had mentioned at the outset that if members have additional questions or are seeking additional responses, we would like to try to get them by close of business today.

Let's go to Senator Daines.

Senator DAINES. Thank you, Chair Murkowski and Ranking Member Cantwell, for prioritizing today's hearing on three exceptional nominees, all very important to both our public lands and our nation's energy security.

As the Chair of this Committee's Subcommittee on National Parks, I am going to start with Mr. Vela. You have all heard from others on this Committee that our national parks make us uniquely American. Europe has their castles and their good food. America, we have our national parks. We have our public lands. That is why I believe it is imperative we take care of them and the workforce that supports them.

Mr. Vela, you spent some time at department headquarters on the workforce department with direct oversight over employee matters. You have also worked your way up through the Park Service over 29 distinguished years. Recent findings of sexual misconduct in the workplace and other issues with the workplace environment in our national parks are completely unacceptable.

While we all love to play in our national parks, we must also make them a great place to work. Workforce environment starts at

the top, and I know Secretary Zinke has taken this issue head-on at the Department and its policies have been updated. We all want a zero-tolerance policy, and Park Service employees need to feel safe and enjoy waking up and going to work every day.

The question is, what have you learned from your time at the Department on ways to improve the employee work environment, and how will you be carrying forward some of these policy changes moving forward? I understand you addressed this earlier. You talked about how it needs to start with accountability. Culture change starts at the top. I completely agree, as somebody who has managed business organizations for 28 years and now, in public service, it really starts at the top. The tone and tenor at the top matters and that is where it starts.

Mr. VELA. Well said, Senator, and thank you for that.

What I've learned, and even in the serving as Associate Director of the Workforce, was that we need to do a better job of learning what was taking place out in the field because at that time we didn't have accurate or sufficient reporting processes and protocols so that the leadership in Washington had a sense for what was happening at a park; we do now—better reporting, better transparency.

But I'm not certain that we're quite there yet on the accountability. And so, what I've learned, Senator, is we've come a long way in a short period of time and I give the agency credit. But every leader in the organization has to own this, you know. And I want to focus more on the performance evaluation process because during the mid-year and at the end of a given year, we have a chance to reflect on what you did as a leader. And if you didn't own the culture and if you didn't mitigate appropriately and change the dynamics, you will pay a price. And I have experience in dealing with that. So I think, on the accountability piece, that there's more that we can do. We know how to go about doing that and, if confirmed, I look forward to achieving that.

Senator DAINES. Thank you.

You know, you—having led some of our most visited national parks, the Grand Teton, you are Regional Director for the Southeast—you have seen firsthand the challenges visitation brings and the record visitation levels, the challenges it brings regarding Park Service infrastructure.

You spoke earlier about the importance of enacting Senate bill 3172 with Senator Alexander. We are very proud of that bill. Talk about a great example of working with Senator Portman,——

Mr. VELA. Absolutely.

Senator DAINES. ——Senator Alexander, working as Republicans with Senator King, Senator Warner. I chair that Subcommittee. This is, it is great chemistry. We actually work together, egos set aside, and are solving a really important problem and we need to get this bill passed.

Mr. VELA. Right.

Senator DAINES. So we are pushing hard until we get this through in the lame duck.

In fact, I was just down in Gardiner. I got to meet Cam Sholly there, our new Superintendent.

Mr. VELA. Awesome.

Senator DAINES. It is named after Cory Gardner.

[Laughter.]

Senator GARDNER. It is a great town.

Senator DAINES. It is a great town, Cory, but I get Cam Sholly, who actually was a Gardiner kid. He went to school down there, once upon a time, and now he has come back as Superintendent of Yellowstone National Park. We are really glad to have him on board.

Mr. VELA. Thank you.

Senator DAINES. But we talked about these record levels of visitation and what is going on and the stress it is putting on our infrastructure.

We are working in Congress to address some of the deferred maintenance backlog, and Senator King said it well—he says, "deferred maintenance is debt, and we've got to address this."

In the interim, what are some ways to improve Park Service infrastructure that can be done now in anticipation of getting this bill passed?

Mr. VELA. Well, I want to thank all the members of the Committee for your support and your love of national parks. It's important that we recognize that.

And I think that what we have to do is to really explore everything that's in the realm of possibility. How can we leverage further internal capacity, philanthropic capacity, gateway community capacity, to come together to help address these issues which are critical?

Visitation in the national parks is now, through the system, is well over 330 million visitors and growing. So we have an obligation and responsibility to access what's in the realm of possibility today and with the bill's passage, into the future because it's extremely important as it deals directly with the visitor experience as you clearly articulated.

Senator DAINES. Thank you.

Mr. VELA. Thank you, sir.

The CHAIRMAN. Thank you.

Thank you. Senator King is deferring to Senator Cortez Masto. Is that correct? Okay, thank you.

Senator Cortez Masto.

Senator CORTEZ MASTO. Thank you very much and thank you to my colleague, I appreciate it.

Welcome, congratulations to all of you.

Let me start, I know I have five minutes so I am just going to jump right into this.

Dr. Baranwal, thank you so much for meeting with me yesterday. As you know, the DOE Office of Nuclear Energy has a prominent role in managing the Yucca Mountain licensing proceedings and the storage programs and will also provide Yucca-related information for future budget requests. Have you ever been to Yucca Mountain?

Dr. BARANWAL. I have not, Senator.

Senator CORTEZ MASTO. And have you, based on your previous experience or in your preparation for this position, formed an opinion about the safety of storing spent nuclear fuel and high-level radioactive waste at Yucca Mountain?

Dr. BARANWAL. My expertise has always been in the middle of the fuel cycle, so I'm not very well versed at the early stages such as the mining nor am I very well versed on the back end on the used fuel and waste side of things, so——

Senator CORTEZ MASTO. No, that would be a no.

Dr. BARANWAL. No.

Senator CORTEZ MASTO. Thank you, I appreciate that.

How much does science factor into your decision-making?

Dr. BARANWAL. It's weighed very heavily. I'm a scientist, and I look at the evidence.

Senator CORTEZ MASTO. And how much consideration should be given to concerns of the local community in your work?

Dr. BARANWAL. I think the concerns of localities and states and tribes should, those voices absolutely should be heard.

Senator CORTEZ MASTO. Okay.

And if a community does not provide their consent, what should take precedence, the community's concerns or consent or what the DOE and the Administration decides they think should be done?

Dr. BARANWAL. I think when it comes to that type of decision, again, the voices should be heard, but I would work with what Congress decides and passes as law and would follow that.

Senator CORTEZ MASTO. Okay.

My understanding is you have not yet had the opportunity to read the Blue Ribbon Commission's report on the storage of spent nuclear fuel and high-level radioactive waste at Yucca Mountain. Is that correct?

Dr. BARANWAL. That is correct.

Senator CORTEZ MASTO. And is it your intention to explore this and take a look at what is happening there at Yucca Mountain as you move into this position, if you are appointed?

Dr. BARANWAL. If I am confirmed, yes.

Senator CORTEZ MASTO. Can I get a commitment that if you do get confirmed, you will come out to Yucca Mountain and you will listen to both sides, look at the science and let the science decide, really, what should happen there and not a political decision that was made years ago that negates the safety and the health of the people that live there and the safety and the national security interests of this country?

Dr. BARANWAL. Should I be confirmed I very much look forward to visiting Yucca Mountain.

Senator CORTEZ MASTO. Thank you. I appreciate that.

Mr. McNamee, I am going to jump back to some questions that were asked of you with respect to the grid resiliency pricing proposal.

Would you recuse yourself if this were to come before FERC again and you are nominated on any issue relating to the grid resiliency proposal?

Mr. MCNAMEE. I understand that the docket in which that proposal was offered has been closed and I need to consult with ethics counsel about whether or not I could further participate in the issues.

Senator CORTEZ MASTO. Why do you need to, I mean, you were involved in the proposal drafting, correct?

Mr. MCNAMEE. Well, in terms of the specific proposal, clearly that specific proposal was proposed and I would not be able to be involved in that but that docket has been closed. The issuance of resilience, generally, are constantly coming before FERC and so I'd need to consult with ethics counsel to understand what I could or could not participate in.

Senator CORTEZ MASTO. So just for my clarification, if it comes back in a manner like it was proposed to you, specifically, the grid resiliency proposal to provide support for failing coal and nuclear plants, you would recuse yourself?

Mr. MCNAMEE. I don't know if anything is going to be proposed, will be proposed or what format, so I can't say what I would or wouldn't——

Senator CORTEZ MASTO. I don't know whether it is going to be proposed either. I am just saying if it comes before you, would you recuse yourself?

Mr. MCNAMEE. Well, I commit I will talk with ethics counsel to find out if I need to recuse myself.

Senator CORTEZ MASTO. Okay.

You are an attorney, correct?

Mr. MCNAMEE. That's correct.

Aren't you, under the rules of professional responsibility, supposed to recuse yourself on issues or areas where you have worked on previously as an attorney?

Mr. MCNAMEE. That's one of the reasons I'd want to talk to ethics counsel because there's also additional rules that you have to follow in relation to rules that Congress——

Senator CORTEZ MASTO. But as an attorney, that is what you are required to do under the rules of professional responsibility.

Mr. MCNAMEE. It deals with specific matters and specific parties.

Senator CORTEZ MASTO. Okay, thank you.

Mr. Vela, thank you also for taking the time to meet with me. I appreciate it.

There is one question that I have for you and I know there was, I think, on August 7th the National Park Service issued a proposed rulemaking that would revise the Park Service's protest permitting process regarding demonstrations at the National Mall Memorial Parks and the President's Park in DC. Were you involved in the crafting of this rule at all?

Mr. VELA. No, Senator.

Senator CORTEZ MASTO. Okay.

And yes or no, do you believe that citizens should be charged a fee for holding peaceful protests in our nation's capital?

Mr. VELA. There is a process where that is provided to cover some of those costs, but Senator if confirmed, I'd like to learn more about what was proposed, the rationale, but also to assess the substantive comments that have been received through the public comment period. I would look forward to doing that, if confirmed.

Senator CORTEZ MASTO. Thank you.

Mr. VELA. Yes, ma'am.

Senator CORTEZ MASTO. I appreciate that.

I notice my time is up. Thank you so much.

The CHAIRMAN. Thank you.

Senator Portman.

Senator PORTMAN. Thank you, Madam Chair.

This is going to be a lightning round here because, although I have enjoyed being here this morning, I now have a hard stop at 11:30, so I am going to run off for another meeting.

First, Mr. Vela, you know how strongly I feel about our parks and trying to deal with this deferred maintenance backlog. I am also, as you know, very pleased that you are willing to step up. I think it is great. You have the experience, the background as a career Park Service employee, and I think you have responsibly handled some big superintendent jobs, including your current one. Quick question.

Mr. VELA. Yes, sir.

Senator PORTMAN. Are you fully on board with the Restore Our Parks Act and will you help us get it done?

Mr. VELA. I am, sir, and thank you for your support on the bill.

Senator PORTMAN. One of the things that I run into as I talk to my colleagues about it—and Senator Alexander did a terrific job talking about it, Senator King is going to talk about it in a minute, I know Senator Daines did a great job talking about it—we have unbelievable support here on this Committee and then, of course, Senator Warner off the Committee. But one of the things I am hearing from my colleagues is, is there really a good accounting of what the deferred maintenance needs are, and are there good accountings of what is most urgent?

Do you believe that that already exists, number one? I know it does in Ohio because I spent some time with our parks there, as you know, our great parks in Ohio. But do you believe that is true nationally and, if not, are you willing, if confirmed, to be sure that we have an accurate accounting?

Mr. VELA. Absolutely, Senator. I think we have an obligation and responsibility to ensure full transparency and accountability.

Senator PORTMAN. Excellent.

Fees—there is a proposal to increase some fees by 2020. As you know, I am also the author of the Centennial Act and we are putting a little money against deferred maintenance, about $120 million over the next five years, roughly.

Mr. VELA. Right.

Senator PORTMAN. Not enough. And that comes from $1.00 public money matched by $1.00 private sector money. We have exceeded that match, as has the National Park Foundation and their match, which we also have as a part of our legislation from two years ago.

But fees always come up among some of my more fiscally conservative colleagues. Why can't we increase the fees——

Mr. VELA. Right.

Senator PORTMAN. ——to be able to pay for some of this deferred maintenance? Again, we are already doing some of that and you already have a proposal to increase some fees by 2020.

There are a bunch of national parks that charge no fees at all. There are other parks, like your current park, Teton, Yellowstone, Yosemite, some of the great parks that do charge a fee, but the fee is a lot less than, let's say, taking your kids to a movie.

Mr. VELA. Right.

Senator PORTMAN. What do you think about fees?

Mr. VELA. I think fees play a role, and I think that what we need to do as we tackle the challenges and interests of a second century of managing our nation's most special places that we need to take a hard look at all options.

But at the same time and in the same breath, need to make sure that who may we be excluding from the process, who don't have the ability to pay additional fees. So I think those interests are equally compelling and equally important.

Senator PORTMAN. You talked about your experience going to the parks for the first time and your folks probably view that as a very cost-effective vacation, which it is for a lot of families in America. But I do think this is an issue that is going to come up in the context of our Restore Our Parks Act, and I think we need to be able to address it responsibly.

Mr. VELA. Right.

Senator PORTMAN. Again, you do have a fee schedule update and the question is whether there should be, perhaps, some more units to come under that, in my view.

Again, thank you for your support of this. We have to get this deferred maintenance backlog, almost $12 billion, handled. It is the right thing to do from a fiscal responsibility point of view. There is a compounding effect of this when you don't fix the roof, the dry wall, as happens in Ohio, then it becomes moldy. You have a huge cost that could have been avoided had you just taken care of the deferred maintenance backlog.

Mr. VELA. Well said, Senator. Thank you.

Senator PORTMAN. Quickly, for Dr. Baranwal, the American Centrifuge Project in Ohio was discontinued in 2015. This is at the Piketon Plant. As you know, the Portsmouth Gaseous Diffusion Plant in Piketon, Ohio, is now being cleaned up and the Obama Administration chose to stop the future project which is a new centrifuge technology in 2015. Big mistake, in my view, big mistake. We now have no ability to have a domestically-owned American source of enriched uranium. Have you looked into this yet and what do you think about it?

Dr. BARANWAL. I have not had the opportunity yet, Senator, to look into that project. What I am aware of is that the companies that are developing new technologies and advanced reactors will have a need for what's called high-assay, low-enriched uranium and it would be good to have a domestic source of that fuel supply.

Senator PORTMAN. Well, I am glad to hear you say that. I hope you will come out to Piketon.

Would you commit to coming out and taking a look at the ACP facility that is now standing vacant that can provide, immediately, the ability for us to get back into the enriched uranium business?

Dr. BARANWAL. If I am confirmed, I look forward to a visit.

Senator PORTMAN. Great, thank you very much. We cannot rely just on Chinese, Russian and French product. We need to have our own, and I am glad you agree with that.

Thank you, Madam Chair.

The CHAIRMAN. Thank you, Senator Portman.

So it is Senator Smith's turn but, in the just continuing cooperation by colleagues on the other side here, she is going to defer to Senator Manchin. Is that correct?

Senator MANCHIN. That is what we do best on this side.

[Laughter.]

The CHAIRMAN. It is excellent. We love it.

[Laughter.]

Go ahead, Senator Manchin.

Thank you, Senator Smith.

Senator MANCHIN. Thank you, all three of you, for putting your name up to represent our great country. I appreciate that.

Mr. Vela, we have had a chance of getting to know each other and I really appreciate it very much. I think you are an excellent selection.

Mr. VELA. Thank you, sir.

Senator MANCHIN. With that being said, I noticed—I am one of the co-chairmen of the Sportsmen's Caucus, Congressional Sportsmen Caucus, and hunting is something I take very passionately.

I agree with my colleague, Senator Capito, on a national park designation for the New River Gorge National River, but I have concerns. I have concerns about the hunting. I do not see where we have ever allowed access to hunting in the culture that we have in the National Park System.

And we were looking at a compromise—a national park preserve. Denali has a national park preserve. You have, in Grand Teton, your national park, limited elk reduction, but so many shells, so many shots—that is not how we hunt.

Mr. VELA. Right.

Senator MANCHIN. When we go, we go.

[Laughter.]

Mr. VELA. Excellent.

Senator MANCHIN. I think you got me, right? You know where I am coming from.

Mr. VELA. Yes, sir.

Senator MANCHIN. What is your recommendation? How do we best navigate this? We want the people to come enjoy our beautiful State of West Virginia.

Senator KING. He even shoots pieces of legislation.

[Laughter.]

Senator MANCHIN. When I can't find the elk, legislation is not safe.

Senator SMITH. Madam Chair, I would like to reclaim my time here.

[Laughter.]

Senator MANCHIN. So if you could just give me some advice and comments.

Mr. VELA. Yes, sir, Senator. It's good seeing you again.

I think that, first of all, I do believe in if the tradition, those traditional uses are being done, hunting in a national park, it's part of enabling legislation. It's something that we support.

But if confirmed, sir, I would be very interested in having further conversations, specifically in addressing your interest.

Senator MANCHIN. The reason I am saying that is I know the passion in my state and the culture in my state, and if that is limited or taken away, we do not need to get into this because we all want the same thing. We want a national park identification.

Mr. VELA. Right.

Senator MANCHIN. But also preserving——

Mr. VELA. Absolutely.

Senator MANCHIN. ——our traditional rights.

So if you can help us navigate, and Senator Capito and myself work very well together.

Mr. VELA. Right.

Senator MANCHIN. We can maybe make this happen without getting people all worked up.

Mr. VELA. It would be my pleasure, sir.

Senator MANCHIN. And if I can, to Mr. McNamee.

First of all, I am probably the only one on my side here who appreciates where you are coming from, and I understand that. And let me explain to my colleagues.

Basically, in the PJM system, 88,000 megawatts we produce and that is, you know, our quadrant. Of that, 56 percent comes from coal and nuclear. So we are concerned about reliability in my quadrant. Other parts of the country are a little different and I respect that. I want to work with them and we are moving also, but we just cannot get there.

That was the reason we have asked for the Defense Authorization Act on that to protect the reliability on that. I appreciate that and I would think that you would be able to look at that as far as the delivery of how power goes to different households in different parts of the country and make your decisions based on the need that we have and what we are dealing with.

In West Virginia, our prices have gone from $0.06 to $0.08 per kilowatt-hour. We are up to $0.1139 and we are still depending on coal 90 percent. It is being driven by all the regulations. It has driven a lot of the coal-fired plants out of operation. We are in a conundrum here, and we are trying to work through that. I would hope that you would continue to look at the areas that have the need of reliability in that manner, sir.

Do you think—I mean, basically, you have answered it before—I know there is not a problem. I appreciate your position, that is what I am trying to say.

Mr. MCNAMEE. Thank you, Senator.

Clearly, the challenge is that the people of West Virginia have had both from an employment side and in terms of electric prices are substantial and I know that you have been very forceful in trying to make sure that your constituents and the people that rely on you for support are heard.

Senator MANCHIN. Let me just say, if I can finish up, Dr Baranwal, thank you so much for your expertise you bring to this. I continue to have serious concerns with some of our civil nuclear cooperative agreements with other countries, in particular, China, as you know.

There has been media reports as recent as last month that China is stealing nuclear-related technology from American firms and using it for purposes such as powering its submarines and other military uses. In October, the Department of Energy updated the U.S. policy framework on civil nuclear cooperation with China.

What are your thoughts? Last year we exported $170 million in nuclear exports to China which has a large and expanding economy for nuclear exports. What are your thoughts on the updated frame-

work on that since they are using it not for the intent that we are sharing?

Dr. BARANWAL. So my experience has been with numerous United States companies and the role that I have in my current position as Director of GAIN is to help the United States come back to the number one position in nuclear technology leadership.

And I'm not deeply familiar with the recent policy that has been put forth, but at a very high level I understand that companies from China who are wanting to import our technology will be reviewed on a case-by-case basis, very specifically. And I, again, from a high-level understanding of this new policy——

Senator MANCHIN. [Off mic]

Dr. BARANWAL. ——and if that is indeed the case, I am in agreement with the policy to review each company that's requesting that, requesting our technology on a case-by-case basis.

Senator MANCHIN. Thank you very much. Thank you all.

Dr. BARANWAL. Thank you.

The CHAIRMAN. Senator Barrasso.

Senator BARRASSO. Well, thank you very much, Madam Chairman.

Good morning, welcome to all of you and congratulations to all of you.

Superintendent Vela, good to see you again. Nice to visit with you earlier this morning and yesterday afternoon. Welcome. I had a chance to speak with you previously as well about the need to keep the Moose Wilson Road open, accessible and safe for local residents and park visitors. I know you are very familiar with the situation. You know Yellowstone and Grand Teton National Parks already face significant transportation issues, so I think the park must effectively address existing and emerging challenges. All parks do.

But to me, in terms of what is going on in Wyoming, include ensuring the safety of cyclists, pedestrians, as well as wildlife. It is my understanding that the park is proceeding with paving a portion of that road next year. I think that fails to resolve other critical issues raised by the local community.

I would just ask, if confirmed, would you work more closely with the local community to address all the safety and accessibility needs of the gateway community now rather than in an additional process several years down the line?

Mr. VELA. Absolutely, Senator.

And I want to thank you for the support you've given to me as Superintendent over the past five years. It is greatly valued and appreciated and the guidance on conversations just as you've articulated.

Senator BARRASSO. I want to talk about some of the additional needs of the Park Service. It is no secret that the National Park Service faces billions of dollars in deferred maintenance, a significant portion of which is roads.

I will commend you, because we talked about the numbers in Wyoming in deferred maintenance when you were a superintendent of Grand Teton National Park.

Mr. VELA. Right.

Senator BARRASSO. Deferred maintenance actually went down because of the good job you were able to do with making sure that the resources were used more effectively, as well as help from some outside groups wanting to participate.

Mr. VELA. Thank you.

Senator BARRASSO. Currently, the National Park Service is tasked with managing—hard to think of this as the National Park Service—but the George Washington (GW) Parkway and the Baltimore-Washington Parkway. Both have become major community and commuter highways. Their function, to me, as units of the Park Service, has really fundamentally changed over time. It is not, I think, what most of us think of as the National Park Service.

Mr. VELA. Right.

Senator BARRASSO. In June, the Department of the Interior and the State of Maryland signed a general agreement to explore potential management alternatives for this Baltimore-Washington Parkway. Would you urge the Secretary to undertake a similar effort to evaluate future management alternatives for the GW Parkway as, again, a part of an effort to improve resource management for the Park Service as needed?

Mr. VELA. Yes, sir, if confirmed, and having been the former superintendent of the George Washington Memorial Parkway, I would look forward to having conversations on those and related matters.

Senator BARRASSO. Mr. McNamee, if I could, you know, Wyoming leads the nation in coal production. Coal mining supports thousands of excellent jobs throughout the state and provides a major source of revenue at the local and state level. Coal-fired generation has steeply declined in recent years due, in large part, to the Obama Administration's anti-coal agenda but also competition with renewable energy subsidies as well as low natural gas prices.

Coal is a critical component of the electric grid reliability. The coal-fired power plants can store the fuel onsite. They can use this dependable fuel 24/7 in terms of baseload energy generation. For these reasons, I believe coal must remain an integral part of our baseload fuel supply. Could you talk for a bit about the importance of coal within a diversified fuel mix?

Mr. MCNAMEE. Currently, coal provides about 26 percent of the electric generation in this country. So clearly, it currently provides a significant portion.

I also understand in communities like yours and Senator Manchin's that coal is not only just about the electricity it provides, but it's also about the jobs that are important to your constituents.

I think in terms of the future of coal, I think what FERC's role is going to be is making sure that the markets perform and that they're able to form in an open and clear manner.

I think the fundamental thing of markets and what FERC is primarily responsible for is ensuring that a good market sets prices and allows the market to set the prices and allocate resources.

Senator BARRASSO. Thank you.

Thank you, Madam Chairman.

The CHAIRMAN. Thank you, Senator Barrasso.

I don't know, it is a toss-up now. Who wants to go?

Senator Smith, I think you have deferred a couple of times.

Senator SMITH. Thank you very much, Madam Chair, and to my colleagues and thanks to the three of you here today for presenting yourselves and for your willingness to serve. I greatly appreciate that and also to your families.

I am going to just try to touch on a few issues that my colleagues have also touched on. I would like to start with Mr. McNamee.

Mr. McNamee, in an Earth Day editorial this year, you highlighted the role that fossil fuels have played in improving human life and our food supply, and I agree with you on that. But you also went on to say that some suggest that we can replace fossil fuels with renewable resources to meet our needs, but they have never explained how.

As I am grappling with your ability to be a neutral arbiter of the facts and this very important role at FERC, can you just explain for me how you would do that given what appears to me to be a bias?

Mr. MCNAMEE. I think that as you also note in that article that I also made the observation that renewables are something that, of course, we should consider. In fact, in my career I worked as a lawyer to help get three utility scale solar facilities built in Virginia, also worked on renewable portfolio standards for utilities both in Virginia and North Carolina.

So I understand the important role that renewables can play in our electric mix. And, in fact, currently, you know, currently fossil fuels are providing 62 percent of the electric power generation, but that doesn't mean that you don't have renewables and that there aren't opportunities for renewables to grow.

I think the primary thing for FERC is to make sure that they're not picking and choosing what the resources should be but ensuring that the markets are able to function so resources can compete and that the market decides what's the right resource. And I think that's really, primarily, what FERC's role should be.

Senator SMITH. I was just looking at a leading model of electric sector in Minnesota which shows that the lowest cost mix of sources in my state could be over 90 percent renewables. This is an issue of great importance to me and to my state and I would just observe that though we talk about the free market picking and choosing, we also have all sorts of incentives, tax incentives and others, that favor one source over another. So this remains, I will just say it remains a source of concern for me.

Mr. Vela, I am so happy to have a chance to meet you and I so appreciate the experience, the decades of experience that you bring to our most precious places that we share together and especially your role as a ranger and a supervisor. I think that this experience is going to be a huge asset as you grapple with, as you talked about and some of my colleagues have as well, some of the cultural issues in the national parks.

I appreciate the comments that you have made so far. In my experience managing a large and highly decentralized organization, the real challenge is figuring out how to get the leadership that you need in all of those independent and far-flung organizations to change.

Mr. VELA. Right.

Senator SMITH. Could you just tell us a little bit about what you have observed about how to change the leadership to get the cultural change you need?

Mr. VELA. Well, thank you for those comments, Senator. I really appreciate them.

I've held nearly every leadership position in the Park Service, and I've learned a lot as a result of that. I think for me, and if confirmed as the next director, is setting the example, setting the expectations and ensuring that we get the outcomes that we're looking for. For example, that we're addressing the deferred maintenance. It was asked previously, do we have a game plan? We will develop—but we can also draw upon previous experiences.

The other issue is how do we effectively address the visitor experience?

And for me, another very pressing issue is how do we build the next generation of conservation stewards and workforce?

Senator SMITH. And make that a more diverse group of individuals.

Mr. VELA. Absolutely, Senator, absolutely, to widen and increase that tent.

What starts at the top? It starts with leadership and ensuring that everyone understands those interests and that there's accountability in achieving, that there's milestones and there are consequences, frankly, if those outcomes aren't achieved.

For me, that's a leadership model that has worked for me over nearly 35 years, and I will look forward to implementing as director, if confirmed.

Senator SMITH. Thank you, thank you very much.

Madam Chair, I have a couple of questions for Dr. Baranwal, but I will submit those for the record in the interest of time.

I appreciate you being here very much.

The CHAIRMAN. Thank you, Senator Smith, I appreciate that.

Senator Cassidy.

Senator CASSIDY. Folks, I will ask you to answer quickly just because I have limited time. Thank you.

Mr. McNamee, following former Chairman McIntyre's confirmation to FERC, he initiated a review of the Commission's 1999 policy statement on the certification of natural gas infrastructure. My colleague sent the FERC a letter last month asking the Commission, "do no harm" to their approval process. What are your thoughts on the current policy statement? Do you believe it is efficient? If not, what areas do you think FERC should review?

Mr. MCNAMEE. I think the importance of building out our energy infrastructure is very important which, I think, is part of the reason that Congress passed the Natural Gas Act.

And obviously, with the nonconventional revolution, what Senator Cruz has called the American Energy Renaissance Act, it's really transformed America and been a game changer in terms of our access to energy, not just being able to, for our own consumption, but changing how we use it throughout the world.

And in terms of the specific policy statement, I know that that is currently under review. So I don't think it would be appropriate to prejudge what various parties may have and may think about what that policy statement should ultimately be.

Senator CASSIDY. I accept that.

Any other thoughts as to how the FERC regulatory review process could be, if you will, updated for the LNG operating facilities?

Mr. MCNAMEE. The one thing that's a perennial problem within government is the frustration over how permitting takes places whether it's, you know, whether it's for LNG facilities, whether it's throughout government. And it's something, I know, that Congress has grappled with, things such as the FAST-41 and the President's One Federal Decision.

I know that, in terms of the LNG facilities, that FERC recently signed an MOU with the pipeline safety group over at the Department of Transportation in order to try and facilitate and make things move more quickly.

And I think what's important is trying to make sure that you have the resources and the staff and that you're prioritizing what needs to be done. And in my past experiences, in both the attorneys general offices, in particular, I understand that you've got to make priorities.

And so, I'd need to look into specifics, but I do understand that making sure that projects aren't delayed for——

Senator CASSIDY. Well, let me ask you this because one thing we have heard is that FERC has had challenges in attracting and retaining professionals. Somebody who is a great reviewer may get hired away far more. That suggested, either we could third-party it, subcontract or if somehow have some other mechanism. Any thoughts on that?

Mr. MCNAMEE. I think one of the blessings of the American Energy Renaissance Act is that there's a lot of projects, and there's a lot of good-paying jobs.

I think that, to your point, we need to look at all options and to see how we can make sure that projects aren't delayed because there isn't sufficient staff. And if I'm fortunate enough to be confirmed, I will look into——

Senator CASSIDY. You smiled when I said that, suggesting to me that you actually know that to be an issue, the retention and the hiring of——

Mr. MCNAMEE. I think that it's an issue throughout not just government, but you're seeing it now in the private sector too which I guess that the good news in all that is that wages are rising.

Senator CASSIDY. And the great Trump economy is fantastic, huh? You don't' have to comment on that.

[Laughter.]

Mr. MCNAMEE. I'm non-political.

Senator CASSIDY. I think it seems self-evident.

In July, Senator Cornyn and I wrote a letter to FERC expressing our concerns with the March 15, 2018 decision to disallow master limited partnerships from taking an income tax allowance in their rate calculations. It is a subject of litigation, I understand that, but I want to take this opportunity to reiterate my hope that FERC provide clarification, at a minimum, if not reevaluate this decision altogether. I will follow up with a question for the record in more detail.

Mr. Vela, a critical question. In two weeks, LSU plays Texas A&M.

[Laughter.]

Senator CASSIDY. Whom will you support?

[Laughter.]

Mr. VELA. Very good question, sir.

[Laughter.]

Today, it's LSU.

[Laughter.]

Senator CASSIDY. Oh my gosh, I am all for it——

[Laughter.]

——although I will doubt his veracity.

Listen, going back to fees and how do we support? When Secretary Zinke was here he said something I did not know, that if there's a whole van full of folks and one is a veteran, then the whole van full gets the benefit of the veteran being a veteran—no one pays a park admission fee because the veteran does not pay. Now I am all for veterans getting their access, but it does seem if you have a bus or a van full of folks and only one is a veteran, it is the veteran who should get the benefit, not the whole van full. Any thoughts on that?

Mr. VELA. Well, I think what we're clearly doing here, Senator, is clearly honoring the service by that veteran.

Senator CASSIDY. Which we should.

Mr. VELA. Absolutely, which you agree and support. I think when you go—when an individual goes through a national park and pays the entrance fee, it's for all the occupants in that vehicle as well. So not everyone has to pay. So it's somewhat comparable and it's just another means of recognizing the service of——

Senator CASSIDY. I will say that my colleagues have supported this taking revenue from the outer continental shelf to support the parks. I disagree with it, because it is not free money. They are making it out as if it does not have to be offset elsewhere in the budget. It absolutely has to be offset elsewhere in the budget——

Mr. VELA. Correct.

Senator CASSIDY. ——and it is not true that it is free money. So I will just make that statement. If we are going to find the revenue someplace, it does seem that we need to look at what is an equitable distribution and how do we truly honor people.

I am over time. I yield back. I appreciate it.

Thank you.

The CHAIRMAN. Thank you, Senator Cassidy.

Senator King.

Senator KING. Thank you, Madam Chair.

Mr. McNamee, I am surprised you did not give a direct answer to Senator Cortez Masto. The United States Code says any judge, justice or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

It goes on to say where he has served in government employment and in such capacity, participated as counsel, advisor or material witness considering the proceeding or express an opinion concerning the merits of the particular case in controversy, he should disqualify himself.

I don't understand any argument where you would have to consult any counsel anywhere on Earth to understand that you have

a conflict of interest when it comes to this issue of the price, the so-called grid resiliency pricing rule, or any version thereof. Will you recuse yourself if that issue comes before the Commission and you are a member?

Mr. MCNAMEE. I believe that the statute that you read talks about a specific proceeding, and I'd want to talk with counsel or——

Senator KING. It goes on to say, or express an opinion, concerning the merits of the particular case or controversy. You have clearly expressed opinions on the merits of this issue repeatedly and, in fact, before this Committee.

Mr. MCNAMEE. I believe that the issue is, what is the specific issue that would come before FERC and whether it's the same issue or not.

Senator KING. So you, at this point, refuse to commit to recuse yourself if this issue comes back before the Commission?

Mr. MCNAMEE. I commit that I will consult with ethics counsel to make sure that I comply not only with the statute but also with the bar ethics rules.

Senator KING. I am surprised and disappointed that you feel you have to consult with counsel on something that is so clear.

You, before being nominated and when you wrote your article about fossil fuels, were employed by something called the Texas Public Policy Foundation. You mentioned it in your testimony. Who funds that organization?

Mr. MCNAMEE. I think there's a variety of funders.

Senator KING. Do you know any specifics?

Mr. MCNAMEE. The—I think there are some oil and gas producers in Midland, Texas. Midland and Odessa, I believe, are supporters. I know that there are supporters in Houston and I think there's a supporter, a natural gas compressor company in Ohio, but that's subject to check.

Senator KING. Have the Koch brothers, directly or indirectly, been substantial supporters of that foundation?

Mr. MCNAMEE. I've read that in the paper. I do not know that from personal knowledge.

Senator KING. Thank you.

You talked about the transition and what we can do, and I think the short answer to your question in your article, "Some suggest we can replace fossil fuels with renewable resources, but they never say how." The short answer to that is storage. Are you a supporter of the development of additional storage capacity and would you support that policy as a member of FERC?

Mr. MCNAMEE. The current rule on storage is currently, I believe there's a rehearing pending, so I don't want to state specifically on that proposal but clearly storage is an important thing for the transformation of the grid. I think that's really the thing that's going to unlock the use of renewables because then you're not going to have to worry about the time of day and whether those resources are available and you'll be able to dispatch the storage when it's needed.

Senator KING. I agree. I think that is the answer to your question that you stated in your article for exactly the same reason that you just stated.

Dr. Baranwal, short answer. Is the development of a financially-feasible nuclear power plant, next generation, is that possible? Do you see that in the foreseeable future?

Dr. BARANWAL. I do, and I know companies are working on that.

Senator KING. And is that one of the priorities of your office that you are going to be undertaking?

Dr. BARANWAL. If I am confirmed, that will be one of my priorities, to support the advanced reactor community, yes.

Senator KING. And give me an estimated timeframe. Are we talking 5 years, 10 years, 50 years? I mean, this has been a long time coming.

Dr. BARANWAL. So there are some developers who are looking to deploy their concepts within less than five years. Others are looking at a 2025 to 2030 timeframe. So it's all of the above, Senator.

Senator KING. Alright, thank you.

Mr. Vela, you are taking over a very important agency and I—this is ground that we have already plowed, but I take it that you are supportive of the Restore Our Parks Act, which is bipartisan legislation reported out by this Committee?

Mr. VELA. Absolutely, Senator.

Senator KING. And if that is enacted, you will see that it is implemented properly across the country?

Mr. VELA. Sir, if confirmed, we will make sure that we have full transparency and accountability in achieving the outcomes of the bill.

Senator KING. I do have a suggestion for how to allocate, as between the parks, that it be done alphabetically.

[Laughter.]

That would start with Acadia.

Mr. VELA. With Acadia?

The CHAIRMAN. By state, though, by state.

Mr. VELA. Or Alaska. There you go.

[Laughter.]

Senator KING. Thank you.

Mr. VELA. Yes, sir, thank you, Senator.

Senator KING. Thank you, Madam Chair.

The CHAIRMAN. Thank you, Senator King.

Senator KING. Denali would be fairly high on the list.

The CHAIRMAN. It would be, it would be.

[Laughter.]

While Senator Hoeven gets himself settled here, let me just ask a couple of quick questions of you, Mr. Vela, and these are pretty parochial. I am seeking your commitment this afternoon to work with us on a few very Alaska-specific projects.

We have the Noatak road. I am sure you have been briefed on this. I was out in Noatak, which is out in the Northwest Arctic Borough, less than a month ago and we had great conversations about how, as a village, they face extraordinarily high fuel costs. The only way to get fuel in is to fly it in. We would have an opportunity to reduce fuel costs considerably if there were an opportunity to cross the Cape Krusenstern National Monument. The folks there in the village of Noatak, working with others, have been trying to address this. I just ask for your commitment to help continue this process

of engagement, recognizing that this is a considerable issue to not only that community, but to others in the region.

Mr. VELA. Chair Murkowski, if confirmed, it would be my pleasure. I clearly value that your great state is clearly unique with ANILCA and just these types of issues and interests, and I would look forward to learning more about them and spending more time with you accordingly.

The CHAIRMAN. Well, I am sure that you would receive a welcome invitation——

Mr. VELA. Thank you.

The CHAIRMAN. ——to go up to Noatak and to so many of the others.

Another small community that I would like you to visit is Gustavus. That is down in the southeast. It is a community that has also been faced with very high energy costs but they have a beautiful natural solution right there with their small hydro.

They are working to complete a hydro intertie project. It has been painfully, painfully, painfully slow to get the National Park Service to agree to come off of their diesel-powered generator and tie into the small hydro that is there that would benefit folks within the community as well as the park.

So, again, I would ask for your commitment to be engaged with this project and working with the local community to ensure that the project's goals are met.

Mr. VELA. Yes, ma'am. It would be my pleasure.

The CHAIRMAN. Great. We have a whole bunch of others.

Let me turn to Senator Hoeven right now.

Senator HOEVEN. Thank you, Madam Chairman.

Mr. Vela, thanks for coming by and meeting with me the other day. I appreciate it very much and look forward to working with you.

As you know, we are working on a Theodore Roosevelt Library in Theodore Roosevelt National Park in my state. I would ask for your commitment to help us in that effort and also ask a little bit about how you might approach it?

Mr. VELA. Thank you, Senator.

And I'm aware that the Secretary is also committed in this initiative. I have a little experience as a superintendent working with presidential libraries and, if confirmed, I hope to bring that to the table. But I think the most important thing is to continue to listen to all the stakeholders and develop a path forward, a proactive game plan that helps to achieve those interests.

Senator HOEVEN. But you are committed to the project?

Mr. VELA. Yes, sir.

Senator HOEVEN. Okay, great.

And then the Restore Our Parks Act, which you know we are working hard to move to provide for the deferred maintenance in our park, $12 billion for our parks, more than $50 million in my state. Talk to me about how you might help advance that and utilize those dollars for the parks.

Mr. VELA. Well, I think one of the good things, Senator, is that in our facilities management system, our facility managers and superintendents have helped to develop priorities, critical infrastructure needs. So what I would be looking at, if confirmed as Director,

is to assess what they are, where they are, and what would be, what are appropriate outcomes by way of timelines but, again, getting back to the accountability and transparency piece.

Senator HOEVEN. And you were the supervisor at the Grand Teton National Park?

Mr. VELA. Superintendent, yes, sir.

Senator HOEVEN. Superintendent, and we have had like, five million visits a year there.

Mr. VELA. Yes, sir.

Senator HOEVEN. We also want to plumb your great thoughts and understand how we are going to get Theodore Roosevelt National Park——

[Laughter.]

Mr. VELA. ——move that to North Dakota.

Senator HOEVEN. ——to five million visits a year we are looking for.

Mr. VELA. Yes, sir, okay.

Senator HOEVEN. Thank you.

Mr. VELA. Yes, sir.

Senator HOEVEN. Mr. McNamee, baseload is crucially, vitally important to this country. It really is a national security issue. So I am a true believer in all-of-the-above energy development. We want to continue to bring all sources of energy online and produce more energy and be energy self-sufficient, be able to export energy, all those things.

But how do we make sure that baseload has access to transmission which is so difficult, as you know, to build and develop? Given some of the priorities the renewable sources have and so forth, how do we make sure that our baseload has reasonable access to transmission and so that we maintain sufficient baseload for national security purposes?

Mr. MCNAMEE. Well, obviously it's important to recognize, you know, the current fuel mix is about 62 percent fossil fuels, about half of that is natural gas, half of that is coal. Of course, then we have nuclear and renewables filling the rest.

And all those resources are currently being used to power the grid and sometimes in different parts of the region, in your part of the country, it's a little bit different than others. And the issue of transmission is an issue that's widespread, not just for baseload but also, I know, renewables are concerned about it. I know Congress has tried to address some of it by providing some incentive funding for transmission lines.

Having worked on transmission applications at the state level, I understand some of the complications that go on with that. And I think that ultimately, you know, transmission lines are ultimately sited and those decisions are made—for electric transmission lines—are made by the state, but FERC has a role in terms of how it implements the incentive funding that goes on, particularly incentive funding that Congress provided it.

Senator HOEVEN. Okay, let me put it this way. Do you think we need baseload power and transmission to move around the country?

Mr. MCNAMEE. I think that the electricity mix is changing. I think that baseload, what has been termed baseload, obviously, has

been changed. I think that the existing resources such as coal and fossil fuel are currently very important and they currently run the grid.

Senator HOEVEN. Is that a yes?

Mr. MCNAMEE. They are currently very important but the issue, I don't want to play games with you with it and that's, I think, important is that baseload is——

Senator HOEVEN. Well, I am just looking for yes or no whether you think we need baseload.

Mr. MCNAMEE. I think that the challenge with baseload is that baseload and baseload generation have started to converge as to what they mean and that's the challenge.

Senator HOEVEN. So that is, you are not going with a yes or no here, right?

Mr. MCNAMEE. I'm—instead of going yes or no, I'm trying to be truthful in saying I understand that there are challenges in the divergence of how baseload power, the baseload which is, you know, what's basically needed to power the grid and then how you have the, basically, the load curve and how as the markets have developed as renewables have come in and others that where you used to have a coal plant that would run 85, 90 percent capacity factors, they're not doing that anymore. You may have nuclear plants that are still running at 92 percent capacity factors.

I don't want to waste your time, but I'm not saying yes or no because if I'm fortunate to be confirmed to FERC, understand that there's these complications that they need to consider.

Senator HOEVEN. Madam Chairman, can I beg your indulgence for one more question?

The CHAIRMAN. Yes.

Senator HOEVEN. Dr. Baranwal, in regard to security for things like nuclear, storage, nuclear plants and so forth, what role do you see for unmanned aviation? We are doing a lot in our state with UAS, unmanned aviation, border security, and all kinds of different applications—commercial, military, agriculture, industrial, energy. Do you see a role that, in terms of security, for some of our nuclear sites and other energy sites that UAS can play?

Dr. BARANWAL. So I do have a little bit of experience with UAVs, unmanned aerial vehicles, and their application to the nuclear industry. It is more so for inspections of new plants, however, but I do know that other utilities have been using it for inspections outside of their facilities and would anticipate that they can also be used for the security applications that you're suggesting. I'm not terribly familiar with that specific application, but it seems like it could be possible.

Senator HOEVEN. Thank you.

Thank you, Madam Chair.

The CHAIRMAN. Thank you, Senator.

Dr. Baranwal, let me ask you a question. It was raised by Senator Capito some time ago when she was speaking about the potential for small modular reactors in mining industry.

We have some interest in remote areas of my state in better understanding the application of microreactors and the potential that they might be able to deliver.

We are a state where we figure we are on everybody's radar for oil and, certainly, natural gas, but we are also a significant leader when it comes to renewable energy resources. And people do not necessarily think about Alaska as a potential prospect for the small or the microreactor.

But yet, in many applications I think they make a lot of sense, trying to move our small, remote areas off of diesel generation. So it is not just within say, for instance, the mining sector, but also the prospect and the possibility for our military bases and installations that are also often very remote.

Can you share with the Committee what you believe the greatest challenges are with regards to market adoption of microreactors, and then also how the Office of Nuclear Energy can work with the Department of Defense in integrating the potential for microreactors, small reactors, to meet our national security needs?

Dr. BARANWAL. Sure, yes. Thank you, Chairman.

I am very excited about the prospect of application of microreactors to support especially remote communities both in the Arctic type of areas as well as desert communities and military bases, regardless of the community.

I think at the moment some of the biggest challenges are not necessarily technical, they're around perception and policy. And so, I think in collaboration and working with the Nuclear Regulatory Commission around regulation, and then working with all of you as Congress to work around policy will help address some of those challenges.

The perception piece, I think, is—the onus is on everybody in the nuclear industry to help alleviate some of the perception issues.

And with respect to your question about working with DoD, if I am confirmed, I absolutely will work with you and your staff to work with the DoD and understand what the needs are and what the relationship needs to be to ensure that we can possibly deploy microreactors for the applications that you mentioned.

The CHAIRMAN. I think we have such opportunity in this space and when we look to our responsibility, our obligation, to do what we can from a policy perspective to reduce emissions in this country, to move toward cleaner sources of energy, nuclear just has to be part of this discussion. And I agree with your comment about the perception and how we deal with that. I know, in working with my colleague from California, Senator Feinstein, and Senator Alexander, as the Chairman and Ranking on the Appropriations Committee for Energy and Water, and working with Senator Cantwell here as authorizers, we have to deal with waste issues, that must be addressed.

But again, I think we are, we have such an opportunity within the nuclear space. I have introduced legislation recently that, again, I hope will help push us out with that, not only with the technologies but with the workforce and ensuring that the United States is a leader in this space. So I look forward to working with you in that role as well.

I want to thank each of you. You have given the Committee a good amount of your time this morning. I thank your families and your friends for being here to support you. That means a lot.

I think you saw good participation from the Committee here. We all agree that there are far more questions that we could have asked each of you.

I appreciate your commitment, Mr. Vela, to really focus on some of the workforce issues that have been raised here today. We want to make sure that within our agencies, all of our federal agencies, that morale is good, that people are proud of where they work, that they go to work without fear of intimidation or harassment of any kind, without fear of any level of discrimination and making sure that we have that appropriate culture built-in is absolutely key and critical. And you are right, it does start at the top. So I thank you for your commitment to focus and to work on that.

Mr. VELA. Thank you, ma'am.

The CHAIRMAN. Mr. McNamee, you have heard very clearly, we expect the Federal Energy Regulatory Commission to be that independent, unbiased entity and to act in a manner that, again, you are not picking the winners and losers, you are not tipping the scales based on political perspective, but that you truly are evaluating these considerations that are so important. The issue of resilience within our electric grid, our energy sector, this is key. This is timely. This is an imperative. But again, knowing that we have a Commission that is fair, impartial and unbiased, that independent arbiter is what we need and what we expect.

Dr. Baranwal, I am very impressed by the credentials that you have shared with us, your background, your life, your role model which is really very important and very encouraging. And I appreciate the passion with which you approach not only this position that you have been nominated for but to your work prior to this time.

With that, again, I will remind colleagues that if they have additional questions, we would like to get them in by close of business so that we can start moving forward.

As I mentioned, it is my intention to try to move you all through the process as expeditiously as possible. Who knows what happens in lame duck? But we will be prepared.

I thank you for the time that you have given us and thank you for your willingness to serve.

With that, the Committee stands adjourned.

[Whereupon, at 12:17 p.m. the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED

U.S. Senate Committee on Energy and Natural Resources
November 15, 2018 Hearing: Pending Nominations
Questions for the Record Submitted to Dr. Rita Baranwal

Questions from Ranking Member Maria Cantwell

Questions: The Pacific Northwest National Laboratory is one of the Department of Energy's lead laboratories for the Office of Nuclear Energy's Material Recovery and Waste Form Development program. The purpose of this program is to develop advanced fuel cycle separation and waste management technologies that will improve fuel cycle performance and lead to a more sustainable fuel cycle, with less processing, waste generation, and potential for diversion. This work is crucial not only to improve our understanding of closed nuclear fuel cycles for advanced reactor designs but also to enhance our waste characterization and processing capabilities at Hanford. Unfortunately, funding for this program was cut by about a third in fiscal year 2019.

- Do you think that the Material Recovery and Waste Form Development program should remain a priority?

Answer: Yes, the Material Recovery and Waste Form Development program should remain a priority for the Office of Nuclear Energy.

- If confirmed, will you work with me to ensure that it remains a priority?

Answer: Yes, if I am confirmed, I will work to ensure that the Material Recovery and Waste Form Development program remains a priority for the Office of Nuclear Energy.

Question from Senator Bernard Sanders

Question: Will you commit to opposing any nuclear power technologies research that could lead to an increase in nuclear fuel waste, yes or no?

Answer: If I am confirmed, I will commit to understanding new nuclear power technology research and what, if any, reasons that could lead to an increase in nuclear fuel waste.

Questions from Senator Martin Heinrich

Question 1: I understand the domestic nuclear power industry may require a source of high-assay low-enriched uranium (HALEU) to support existing research reactors and development of advanced commercial reactors. As you may know, the URENCO USA plant in Eunice, New Mexico, currently provides commercial enrichment capabilities within the U.S. If you are confirmed, will you assure that the Office of Nuclear Energy fully considers URENCO USA as an option for providing HALEU for the commercial nuclear power industry?

Answer: I am aware of the interest in supporting advanced reactor development and of the need for high-assay low enriched uranium (HALEU) for many of these reactor designs. Yes, if I am confirmed, the Office of Nuclear Energy will fully consider URENCO USA as an option when the Department considers policies related to HALEU supply for the commercial nuclear power industry.

Question 2: In a recent GAO study of the Department's capacity to enrich uranium, including HALEU, there were a number of recommendations that centered on the lack of understanding of the real costs of a government-deployed or supported enrichment capacity. If you are confirmed, will you commit to assuring the GAO's recommendations are fully being addressed before the Department provides additional federal funding for development of any new enrichment capacity?

Answer: If confirmed, I will review the GAO report, *NNSA Should Clarify Long-Term Uranium Enrichment Mission Needs and Improve Technology Cost Estimates* (GAO-18-126), to understand and consider the recommendations that were presented to the Department as it relates to development of any new enrichment capability.

Question 3: I am concerned the Department may be planning to provide additional funding to Centrus for HALEU development on a sole-source basis without any consideration of allowing the existing domestic commercial enrichment industry an opportunity to meet industry's need for HALEU. Do you agree DOE should consider the risk and cost to the taxpayer of producing HALEU from existing domestic sources, such as URENCO USA, before awarding a sole-source contract to Centrus?

Answer: I agree that risks and costs to the taxpayer should be considered for all contracts awarded by the Office of Nuclear Energy.

Questions from Senator Mazie K. Hirono

Questions: As part of my responsibility as a member of the Senate Committee on Energy and Natural Resources and to ensure the fitness of nominees for an appointed position, I am asking nominees to answer the following two questions:

a. Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature?

Answer: No.

b. Have you ever faced discipline, or entered into a settlement related to this kind of conduct?

Answer: No.

Question from Senator Lamar Alexander

Question: China is investing heavily in nuclear power, including advanced reactors. Most nuclear reactor construction is happening in China – China is currently building about 15 nuclear reactors while here in the United States we only have two nuclear reactors under construction.

If we do not cooperate with China on civilian advanced nuclear reactors, how will it impact the future of advanced nuclear reactors in the United States?

Answer: It is my understanding that through the new licensing policy framework, the United States took a balanced view of protecting national security and the economic viability of the U.S. commercial nuclear enterprise, while recognizing the potential short-term impacts to the United States nuclear industry and other areas of nuclear cooperation.

If confirmed, I will utilize the full resources of the Office of Nuclear Energy to learn more about this issue and understand what, if any, impacts are posed to the domestic advanced reactor community.

Question from Senator Angus S. King, Jr.

Question: Two proposed private consolidated interim storage facilities in the Southeast are now in the NRC license review process and according to both could be approved and ready to receive spent nuclear fuel in the early 2020's. What is your view of the role of consolidated interim storage in an integrated waste management program, especially as it relates to spent fuel stored at shutdown reactor sites such as Maine Yankee?

Answer: My experience is with new types of nuclear fuel and advanced reactor designs. My research has not focused on the back end of the fuel cycle, which includes disposal of spent nuclear fuel (SNF). However, I am aware that SNF is stored by many utilities at shutdown reactor sites all over the country, such as Maine Yankee. If confirmed, I would utilize the resources of the Office of Nuclear Energy to study all of the options for the disposal of SNF.

Questions from Senator Catherine Cortez Masto

Question 1: When President Trump visited my home state of Nevada on October 20, he indicated a shift in his Administration's policy pertaining to the storage of nuclear waste at Southern Nevada's Yucca Mountain. Specifically, President Trump said, "I think you should do things where people want them, so I would be very inclined to be against it. We will be looking at it very seriously over the next few weeks, and I agree with the people of Nevada." However, Secretary Perry said a few days later that the White House still supports Yucca Mountain's construction.

A. Now that President Trump says that he agrees with the majority of Nevadans on Yucca Mountain, what specifically is DOE now doing in regards to this matter?

Answer: As you know, I am a scientist at the Idaho National Laboratory (INL), and in this capacity I am cognizant of research and development (R&D) in advanced nuclear technology. Since I am not yet a part of the Department of Energy, I have no detailed knowledge of the Department's plans regarding Yucca Mountain. If confirmed, I would have the resources of the DOE to gain in depth knowledge on the issue.

B. Does the Department have plans to revisit this issue?

Answer: I am not aware of the Department's plans on this issue.

C. What will you do, if confirmed, in your capacity as the head of the Office of Nuclear Energy to reassess this issue?

Answer: My expertise is on researching new types of nuclear fuel. My research has not focused on the back end of the fuel cycle which includes disposal of used nuclear fuel and high-level radioactive waste (HLW). However, if confirmed, I would utilize the resources of the Office of Nuclear Energy to study all of the options for the disposal of used nuclear fuel and HLW.

Question 2: In your role as the Secretary of Energy's primary nuclear policy advisor, would you recommend that the Secretary accept the framework established by the Blue Ribbon Commission?

Answer: I have not studied the recommendations of the Blue Ribbon Commission (BRC) report, but it is my understanding that the BRC report focused on the back end of the fuel cycle, and not on new types of nuclear energy research and development. If confirmed, I would study the BRC report and provide advice to the Secretary at that time.

Question 3: Would you oppose any proposals for consideration of an interim storage facility for Spent Nuclear Fuel or High Level Waste in Nevada, at Yucca Mountain, the NNSS, or any other site in the state?

Answer: I am not an expert on spent fuel storage or disposal. I have not studied the Nuclear Waste Policy Act, which I understand provides the framework for the storage and disposal of spent nuclear fuel and high-level radioactive waste. If confirmed, I would utilize the resources of the Department of Energy to determine which options are available and which are precluded.

Question 4: Would you oppose any proposals for defense waste-only storage or disposal in Nevada, at Yucca Mountain, NNSS, or any other site in the state?

Answer: I am not an expert on used fuel storage or disposal, regardless of whether the waste is of commercial or defense origin. Again, I have not studied the Nuclear Waste Policy Act which I understand provides the framework for the storage and disposal of used nuclear fuel and high-level radioactive waste. If confirmed, I would utilize the resources of the Department of Energy to determine which options are available and which are precluded.

Questions from Senator Rob Portman

Question 1: Dr. Baranwal, do you agree that having a domestic capability to enrich uranium should be a priority for the United States, and is a national security concern?

Answer: I fully agree that we should have a U.S. capability to enrich uranium.

Question 2: If confirmed, will you commit to being personally involved and engaged in the Department's re-evaluation of the previous Administration's decision to end domestic enrichment capabilities?

The workforce at Piketon is highly skilled and the site is equipped with top notch infrastructure. DOE, and in particular the Office of Nuclear Energy, should be very well aware of these special characteristics because the office held – and currently still holds – the lease on the ACP building. These things together make the site well positioned to meet the critical need of domestic enrichment capability.

Answer: If confirmed, I commit to being personally involved and engaged in discussions related to U.S. uranium enrichment policies.

Question 3: If confirmed, will you commit to visiting the Piketon site to see firsthand the top notch infrastructure and potential to restart enrichment capabilities?

Answer: If confirmed, I will commit to visiting the Piketon site.

Questions from Senator Tina Smith

Question 1: In your testimony, you mentioned the importance of nuclear power as a clean source of energy. In the United States, nuclear power is currently the largest provider of low-carbon electricity. The Union of Concerned Scientists recently released a report that highlights the problem of early retirement of unprofitable nuclear plants being replaced by natural gas or coal plants, leading to an increase in emissions. We need to drastically reduce overall greenhouse gas emissions if we are to avoid the most devastating effects of climate change. It is clear that we need to increase our sources of low-carbon electricity, not abandon them.

What role do you think the existing nuclear fleet has to play in the clean energy transition? Do policy solutions need to be explored to prevent early retirement of nuclear plants? If so, what specifically?

What role do advanced nuclear reactors have to play in reducing emissions? What challenges need to be addressed to ensure success in this sector?

Answer: The U.S. is the world's leader in emissions reductions. Our existing fleet of nuclear power plants, which accounts for almost 60% of our nation's emissions-free electricity, plays a crucial role in ensuring this positive trend continues. If our nation wants to continue reducing emissions, our existing nuclear power fleet must continue operating, while we work to increase nuclear power's overall contribution with increased generation coming from advanced nuclear reactors.

The Department is currently researching technical solutions to improve the economics of nuclear power plants, but it will take several years before we realize the benefits of these solutions. Many utilities do not have the luxury of waiting for these solutions. Therefore, we have seen successful policy solutions take place at the state level to value the clean energy benefits of nuclear energy. Federal solutions have also been discussed to ensure that critical attributes are valued, ensuring that critical electricity generators are properly compensated for the benefits they provide. While I cannot provide specific solutions, I will say that the benefits provided by nuclear power justify actions taken to ensure the fleet remains operational, not only for the clean energy benefits, but also for our national security, energy security, and economic prosperity.

Advanced nuclear reactor technologies hold great promise for the future. Many advanced reactor concepts will be able to produce emissions-free electricity around the clock and can also be utilized to produce energy for non-electric applications, including industrial and chemical processes, desalination, and hydrogen production. Integrated nuclear-renewable energy systems will effectively provide emissions-free electricity to the grid, while also increasing the flexibility of nuclear energy to provide energy for non-electric applications. These hybrid systems will play a major role in addressing our clean energy needs by: 1) further decarbonizing our electricity sector, 2) providing the emissions-free energy to decarbonize the industrial sector and 3) providing the clean baseload electricity or hydrogen needed to decarbonize the transportation sector. However, to realize this potential future, we need to develop and demonstrate cost-competitive nuclear technologies and also have policies and markets that appropriately value the many benefits provided by nuclear energy.

If confirmed, I will do everything in my power to support the continued operation of our existing fleet and accelerate the development and deployment of advanced reactor technologies.

Question 2: Sixty-five of the 99 current US nuclear reactors—including both reactors in Minnesota—are pressurized nuclear reactors (PNRs) that rely on Lithium-7 to control the pH level in the coolant water. If the pH level is too high or too low, significant risks arise, including cracking of the reactor and higher radiation dose rates for workers. The only suppliers of Lithium-7 to the US nuclear energy sector are Russia and China, creating a risk for domestic energy producers in the events of a Lithium-7 supply shortage or international disputes with one or both of these countries.

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Considering the risks associated with shortages that could arise from an overreliance on Lithium-7 from Russia and China, is the Department of Energy concerned about the future availability of Lithium-7 for US nuclear energy suppliers? If so, how would you, as the Assistant Secretary for Nuclear Energy, explore options for mitigating these potential risks?

Answer: Lithium-7 (^{7}Li) plays an important part of the safe, economical operation of the United States fleet of commercial nuclear reactors, and also that of many of our nation's allies. It is important that a reliable supply of ^{7}Li remains available for commercial nuclear utilities. I understand that this issue has been recognized by the Department of Energy and activities in this area are underway. If confirmed, I will work with Department staff to continue this important area of work.

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Answers to Questions for the Record Submitted to Mr. Bernard L. McNamee

Questions from Chairman Lisa Murkowski

Question 1: In addition to regulating electricity markets and natural gas pipelines, FERC also issues licenses to construct and operate hydropower projects. The delays associated with hydropower permitting are staggering. Approvals for issuing new licenses or relicensing existing dams can take over a decade and cost tens of millions of dollars. We've received testimony in this Committee that obtaining a hydro license renewal routinely exceeds $20 million per license, with some proceedings topping $50 million. These costs and delays are due to a number of factors, including lack of coordination among the FERC and the resource agencies, and redundant reviews at the federal and state level.

- How can the hydropower licensing process be improved?

Answer: I recognize the importance of hydropower as part of the nation's energy mix, and that it is important that the licensing process be as efficient and cost-effective as possible. FERC's Report on the Pilot Two-Year Hydroelectric Licensing Process submitted to Congress in May 2017 stated that multiple federal and state authorizations are needed before FERC can act on a license application, and delays in receiving these authorizations delay FERC action. I note that, pursuant to the America's Water Infrastructure Act of 2018, FERC recently announced that it will soon be convening an Interagency Task Force to assist in establishing expedited processes for issuing licenses for qualifying hydropower facilities at existing non-powered dams and for closed-loop pumped storage projects. These expedited processes are intended to help ensure a final decision by FERC on an application for a license within two years after receipt of a completed application. If confirmed, I commit to exploring with my colleagues ways in which FERC can streamline its processes and encourage other federal and state agencies with federal statutory authorities to improve timeliness.

Question 2: Earlier this year, FERC announced that it would conduct a review of its regulations under the Public Utility Regulatory Policies Act (PURPA) of 1978. PURPA was enacted 40 years ago to reduce our dependence on foreign oil for power generation by encouraging the development of renewable energy technologies. Today, renewable energy is widespread, and many stakeholders believe that the PURPA regulations are outdated and add unnecessary costs to customer utility bills.

- What, if any, changes do you believe need to be made to FERC's PURPA regulations?

- Many PURPA plants are paid what is called an "avoided cost" rate for power that is set by state regulators. Do you believe that all power plants, including PURPA plants, should be paid competitively-determined rates for power?

- Is now the time for the Commission to address avoided cost pricing, abuse of the "one-mile" rule, or the ability of utilities to waive the mandatory purchase obligation when they do not need additional power?

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Answer: Though I am generally familiar with PURPA issues, I have not studied what changes to FERC's regulations may be appropriate in light of changing circumstances since PURPA's enactment in 1978. My understanding is that many in the industry believe that FERC's one-mile rule and the PURPA pricing provisions are matters that may be ripe for reconsideration, among other matters. I also understand that there have been complaints from all sides—electric utilities, qualifying facilities, and the states—concerning the current implementation of PURPA. I understand that FERC has instituted a re-examination of its regulations, and, if confirmed, I look forward to reviewing the issues related to PURPA implementation with my colleagues.

Questions from Ranking Member Maria Cantwell

Question 1: What role did you play in formulating or promoting the Grid Reliability and Resilience Pricing Rule that Secretary Perry proposed to the Commission last year?

Answer: During the development and filing of Secretary Perry's Notice of Proposed Rulemaking for the Grid Reliability and Resilience Pricing Rule (submitted to FERC pursuant to Section 403 of the Department of Energy Organization Act), I served as the lawyer for the Department of Energy (DOE) in my position as the Deputy General Counsel for Energy Policy at DOE. After DOE submitted its proposal to FERC, I also represented DOE in explaining the purpose of the proposal, including at a National Association of Regulatory Utility Commissioners (NARUC) meeting in November 2017 and by responding to questions from members of the Senate Energy and Natural Resources Committee during hearings held on October 3, 2017, and July 19, 2018.

Question 2: What role, if any, did you play in formulating or promoting Secretary Perry's plan to use his emergency and national security authorities under the Federal Power and Defense Production Acts to favor coal and nuclear power plants?

Answer: I was not involved in the drafting of the draft memorandum leaked to the press on or about June 1, 2018 that purported to be a proposal to use emergency and national security authorities under the Federal Power and Defense Production Acts to support generation resources on the electric grid. I was not an employee at the Department of Energy or the federal government at the time it was apparently drafted or leaked. When I returned to DOE as an employee (Executive Director of the Office of Policy), I reviewed the draft memorandum and began researching and trying to work through the substantive issues, as well as examining the statutes and legal justifications contained in the proposal. I stopped work on the draft memorandum in August 2018.

Question 3: What role, if any, have you played in supporting or promoting Secretary Perry's plan since leaving the Department of Energy's Office of General Counsel, either at the Texas Public Policy Foundation or in the Department of Energy's Office of Policy?

Answer: In regard to the Section 403 Notice of Proposed Rulemaking for the Grid Reliability and Resilience Pricing Rule (Section 403 NOPR), I do not recall making any public statements

of support or promoting the proposal while at the Texas Public Policy Foundation (but I do recall talking about the benefits of coal and nuclear to the grid). When I returned to DOE as Executive Director of the Office of Policy, I testified about the proposal before the Senate Energy and Natural Resources Committee during a hearing held on July 19, 2018. I may have discussed the Section 403 NOPR (or grid reliability and resilience) in some other contexts, but I do not recall making any public comments (other than my July 19, 2018 committee testimony) after my return to DOE in my role as Executive Director of the Office of Policy.

In regard to the "leaked memo" regarding the use of emergency powers under the Federal Power Act the Defense Production Act, I was not aware of it while at the Texas Public Policy Foundation and therefore did not comment on it. After I returned to DOE as Executive Director of the Office of Policy on June 6, 2018, I testified about the proposal before the Senate Energy and Natural Resources Committee during a hearing July 19, 2018. I may have discussed resilience issues in some other contexts, but I do not recall making any other public comments (other than my July 19, 2018 committee testimony) about the "leaked memo" after my return to DOE.

Question 4: The Federal Power Act requires FERC to ensure electric rates are just and reasonable. FERC fulfills that obligation by relying on market competition, on the theory that a market-based rate is a just and reasonable one. How can FERC ensure rates are just and reasonable if the Secretary of Energy uses his emergency and national security authorities to require regional transmission organizations and independent system operators to dispatch the high-cost coal and nuclear generation in preference to lower cost alternatives?

Answer: FERC has an obligation to examine any proposal that comes before it under its statutory mandates, including the requirement that rates be just, reasonable, and not unduly discriminatory. As an independent agency, any decisions FERC makes should be based on the law and facts presented to it.

Question 5: Since you have served as counsel and adviser in the Department of Energy on the grid resiliency order and have publicly expressed opinions on the merits of the proposed Defense Production Act and Federal Power Act emergency orders, your participation in any Commission proceedings related to these matters in the future may raise questions about your impartiality on these matters. Will you commit to consult with the Commission's designated ethics officer to determine if your participation in any such proceedings would warrant your recusal under the Commission's impartiality rules?

Answer: Yes, I commit to consult with FERC's Designated Agency Ethics Official to determine if my participation in any matters related to Secretary Perry's Notice of Proposed Rulemaking for the Grid Reliability and Resilience Pricing Rule would warrant my recusal under FERC's rules and any relevant statutes. Likewise, I commit to consult with FERC's Designated Agency Ethics Official to determine if my participation in any matters related to the Defense Production Act and Federal Power Act emergency orders referenced in the "leaked memo" would warrant my recusal under FERC's rules and any relevant statutes.

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Question 6: The Commission has been called "the guardian of the public interest." The purpose of the two principal laws it is charged with administering, the Federal Power Act and the Natural Gas Act, is to protect consumers from excessive rates and charges, not to promote the private interests of the utilities and energy producers. The courts have said that this role does not permit FERC "to act as an umpire blandly calling balls and strikes." Instead, "the public must receive active and affirmative protection at the hands of the Commission."

a. Are you committed to that mission?

b. If confirmed, will you place protection of consumers from excessive rates and charges ahead of the business interests of utilities and energy producers?

Answer: I am committed to FERC's mission under the Federal Power Act (FPA) and the Natural Gas Act to ensure that rates for jurisdictional services are just and reasonable and not unduly discriminatory or preferential. Just and reasonable rates should both protect customers and offer service providers fair compensation for the services provided. If I am confirmed, I commit to working with my colleagues to fulfill this mission to ensure just and reasonable rates under the law.

Question 7: The Supreme Court has said that FERC must be "non-partisan" and that it must "act with impartiality." It went on to say that FERC "is charged with the enforcement of no policy except the policy of the law. Its duties are neither political nor executive, but predominately quasi-judicial and quasi-legislative." E & E News, on the other hand, said that if you were confirmed you "would be the most overtly political person to serve on FERC in decades."

a. How do you respond to that? Is it a fair characterization?

Answer: The article is not an accurate or fair characterization of me and it is not an accurate or fair characterization of how I will perform my duties if I am confirmed to serve as a FERC Commissioner. I commit that, if confirmed, I will perform my duties as a FERC Commissioner independently from any outside influence, private or governmental. As I stated at my confirmation hearing, I also commit that, if confirmed, I will be a fair, objective, and impartial arbiter in the cases and issues that would confront me as a Commissioner. My decisions will be based on the law and the facts; not politics. In my view, such impartiality helps sustain the rule of law by ensuring that all those who come before a government tribunal have confidence that their positions will be heard and thoughtfully considered.

b. Given this characterization, what will you do to combat any appearance of your actions being "overtly political"?

Answer: As noted, I commit to deciding each matter on the merits as guided by the record that is developed in each proceeding and applicable case law.

c. If confirmed, will your actions be governed by the law and the public interest rather than the policies of the Administration?

Answer: Please see my responses to (a) and (b) above.

d. How will you ensure that?

Answer: Please see my responses to (a) and (b) above.

Question 8: The Energy Policy Act of 2005 authorized FERC, acting through the North American Electric Reliability Corporation, to develop and enforce mandatory reliability standards, including cybersecurity standards, for the electric grid. The Aviation and Transportation Act of 2001 authorized the Transportation Security Administration to issue "such regulations as are necessary" to protect natural gas pipelines. TSA has chosen to rely on voluntary industry guidelines to protect natural gas pipelines from cyberattacks.

a. Do you think that having mandatory standards for the bulk power system, but *only* voluntary guidelines for pipelines provides the security the country demands?

Answer: I believe that as a nation we must be vigilant about the security of our electric grid and natural gas pipelines, particularly in light of the growing threats from cyber attacks. I believe that critical energy infrastructure, including gas pipelines, should be protected by appropriate means. It is my understanding that the Transportation Security Administration (TSA) has the authority to establish mandatory cybersecurity regulations for natural gas pipelines. Thus, I consider it more appropriate for Congress and the TSA to address the adequacy of TSA's natural gas pipeline cybersecurity program. However, if confirmed, I commit to working with my colleagues to explore this important issue.

b. In your view, what are FERC's authorities and responsibilities when it comes to cybersecurity of energy infrastructure, including gas pipelines?

Answer: FERC relies on mandatory Reliability Standards, voluntary best practices, and information-sharing to address cybersecurity threats to the bulk-power system.

FERC has the authority and responsibility to approve and enforce mandatory Reliability Standards developed by the North American Electric Reliability Corporation (NERC). FERC can also direct NERC to develop new or modified Reliability Standards. The current FERC-approved Critical Infrastructure Protection Reliability Standards address cybersecurity threats.

I understand that FERC, with its federal partners, conducts analyses and outreach to share threat information and conducts voluntary on-site network assessments to identify and apply best practices for cybersecurity. As an example, FERC and TSA staff developed a joint,

voluntary assessment program to conduct in-depth cybersecurity assessments of natural gas pipeline entities.

Question 9: PURPA plays an important role in ensuring free market competition. There has been some discussion of FERC revising its implementing rules for PURPA.

a. What is your view about the importance of competition and market access for independent power producers?

b. Are you aware that many states refuse to implement PURPA by, for example, not offering long-term fixed-price contracts?

c. What would you do as FERC Commissioner to remedy the failure of states to implement PURPA so that market access is provided and competition can flourish?

d. In fully regulated markets with no wholesale energy competition, should PURPA allow for new, cheaper, privately financed generation sources to displace existing, inefficient, rate-based generation sources when there are clear benefits to ratepayers?

Answer: In general, competition and market access are important principles for all types of resources, including independent power producers. I understand that there have been complaints from all sides—electric utilities, qualifying facilities, and the states—concerning the current implementation of PURPA. Although I have not studied these matters in depth, I understand that FERC has instituted a re-examination of its regulations, and, if confirmed, I look forward to reviewing the issues related to PURPA implementation with my colleagues.

Question 10: The National Renewable Energy Laboratory has found that renewable electricity generation from technologies that are commercially available today, in combination with a more flexible electric system, can reliably supply 80% of total U.S. electricity generation in 2050. And we've seen how these resources protect the grid during periods of high stress. For example, during the 2014 Polar Vortex, wind, and demand response helped to keep the lights on, while there were a record number of gas and coal plants outages. Do you agree that renewable energy and demand side resources play an important role in reliably meeting our power needs?

Answer: Renewable energy resources, including wind, solar, biomasss, and hydroelectric, and demand side resources, along with natural gas, coal, and nuclear resources, all play important roles in supporting a reliable grid to meet our nation's power needs.

Question 11: Do you believe that renewable energy and energy efficiency can serve America's national security and economic interests every bit as much as fossil fuels, and if not, why not?

Answer: When effectively integrated, all resources can enhance the functioning of the grid, and have the potential to contribute to our economic growth and national security.

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Question 12: As levels of wind and solar energy resources expand, how important will regional coordination and more efficient dispatch be in ensuring that these and other variable energy resources are cost-effectively integrated into the power grid? What can FERC do to facilitate this integration?

Answer: Regional coordination and efficient dispatch can enable the cost-effective and reliable integration of all resources into the electric grid. For instance, by taking advantage of a pool of geographically diverse resources, regional coordination helps balance power supplies, maintain grid reliability, and reduce costs for customers.

I believe FERC has a role in developing market rules that support the integration of all types of resources, including renewable energy resources, in a cost-effective and reliable manner. If confirmed, I look forward to working with my colleagues to monitor and review opportunities to ensure cost-effective integration of all resources, including renewable energy resources.

Question 13: Do you support market-based and technology-neutral means to procure any grid services needed to ensure that the grid is able to withstand or recover from major disruptive events?

Answer: I think that markets generally are the best way to allocate resources and set prices and markets are an appropriate mechanism for procuring services that the electric grid needs, regardless of technology type.

Question 14: As an employee for the Texas Public Policy Foundation, you wrote in an op-ed in The Hill earlier this year: "Some suggest that we can replace fossil fuels with renewable resources to meet our needs, but they never explain how . . . we need to be honest about whether renewables can displace other energy resources in providing for our energy needs." Do you still believe that renewables cannot displace existing fossil fuel resources and question whether "renewable resources [can] meet our needs"?

Answer: I recognize that each state or region of the country may have unique circumstances and opportunities that influence how it meets its energy needs. Nationwide, renewable energy resources play a significant role in supplying U.S. electric generation, as well as other resources. According to EIA 2017 data, approximately 17 percent of U.S. electric generation comes from renewables (hydro 7.4 percent, wind 6.3 percent, biomass 1.6 percent, solar 1.3 percent, and geothermal 0.4 percent); 62.9 percent from fossil fuels (coal 29.9 percent, natural gas 32.1 percent, and petroleum 0.5 percent); and 20 percent from nuclear. My understanding is that one of the fundamental technical pieces needed for renewables to be a substitute for all fossil fuels in electric generation for the entire nation (each state may be different) is the availability of utility scale storage to power the grid and provide essential reliability services when renewable resources are not available to generate electricity. I understand significant investments are being made to develop such storage technology.

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Questions from Senator Ron Wyden

Question 1: In September 2018, FERC filed its notice of schedule for the Jordan Cove Liquefied Natural Gas Project, stating that the agency anticipates issuing a final order for the Project no later than November 2019. This filing is not an approval of the Project, and while the Commission evaluates the merits of the Project, it is critical that the review is conducted independently and without influence from the White House. However, after an April 2017 meeting with Jordan Cove officials, a Trump official commented that approving a pipeline in the Northwest is one of the Administration's priorities.

a. Do you think it is appropriate for the White House to throw its support behind a project that FERC has yet to make a formal determination about?

Answer: FERC is an independent agency. FERC's role is to ensure that its decision-making is based on the record developed for a proceeding and applicable legal precedent. If I am confirmed, that is the approach I will follow.

b. Do you commit to ensuring that neither your decision nor that of the Commission in matters related to Jordan Cove is influenced in any way by the White House or any other ex parte communication?

Answer: As I stated at my confirmation hearing, if confirmed, I commit that I will be a fair, objective, and impartial arbiter in the cases and issues that would confront me as a Commissioner. My decisions will be based on the law and the facts, not politics. In my view, such impartiality helps sustain the rule of law by ensuring that all those who come before a government tribunal have confidence that their positions will be heard and thoughtfully considered.

Question 2: Energy storage is one of the most rapidly growing energy technologies, and it can provide multiple benefits to increasing grid resiliency. I would like to see you commit to removing unfair barriers to energy storage--and other emerging technologies, like distributed energy resources (DERs) --in the wholesale electricity markets.

a. Do you agree FERC should be promoting technology-neutral competitive markets?

b. More specifically, do you think energy storage assets--and DERs--should be able to compete in wholesale electricity markets?

Answer: As a general matter, I agree that the competitive wholesale electric markets should offer a level playing field for all types of technology to compete to provide services. I also recognize the significant potential of storage as a resource for the electric grid. Earlier this year, FERC issued a final rule – Order No. 841 – addressing barriers to the participation of electric storage resources in competitive wholesale electric markets; however, I understand that there is a rehearing pending on this matter, so it would be inappropriate for me to be more specific about my views. Additionally, in Order No. 841, the Commission did not take

final action with regard to the participation of distributed energy resource aggregations in those markets, but held an April 2018 technical conference on the issue to gather more information for the record. If confirmed, I look forward to reviewing the comments that FERC received on participation of distributed energy resource aggregations in those markets.

Question 3: Given your involvement in DOE's coal and nuclear proposed rule requiring the use of coal and nuclear plants to maintain electric reliability which was subsequently considered and rejected by FERC, will you recuse yourself from all matters that come before FERC relating to the establishment or adjudication of rates and subsidies specific to coal and nuclear plants for reliability?

Answer: The proposed rule that DOE submitted to FERC in the fall of 2017 sought to address resilience of the bulk-power system in a very specific manner, and FERC terminated its proceeding on that specific proposal earlier this year. I commit that prior to making a determination about whether a recusal is necessary in any given proceeding, I will consult with FERC's Designated Agency Ethics Official.

Questions from Senator Bernard Sanders

Question 1: In September 2017, DOE Secretary Perry proposed the Grid Resiliency Pricing Rule to prop up coal and nuclear power plants, falsely arguing that these fuel sources are more secure and reliable than other types of energy resources. In January 2018, FERC unanimously rejected the proposed rule. In June 2018, the Trump Administration announced a new proposed rule to use Section 202(c) of the Federal Power Act to bail out uneconomic coal and nuclear plants.

You previously worked on this proposed rule as DOE's Deputy General Counsel for Energy Policy, and defended the proposal in a Senate hearing earlier this year as DOE's Office of Policy head. Please describe the specific role you played at DOE in developing these proposals and provide the committee with all written documents and correspondence you had with FERC commissioners and employees, as well as with individuals outside the federal government, while working on either proposal.

Have you ever spoken with Murray Energy CEO Robert Murray or any representatives of Murray Energy about either of these proposed rules? If so, please identify each communication and include the date, time, participants, and topics discussed.

Answer: During the development and filing of Secretary Perry's Notice of Proposed Rulemaking for the Grid Reliability and Resilience Pricing Rule (submitted to FERC pursuant to Section 403 of the Department of Energy Organization Act), I served as the lawyer for the Department of Energy (DOE) in my position as the Deputy General Counsel for Energy Policy at DOE. After DOE submitted its proposal to FERC, I also represented DOE in explaining the purpose of the proposal, including a NARUC meeting in November 2017 and responding to

questions from members of the Senate Energy and Natural Resources Committee during hearings held on October 3, 2017, and July 19, 2018.

I was not involved in the drafting of the draft memorandum leaked to the press on or about June 1, 2018, that purported to be a proposal to use emergency and national security authorities under the Federal Power and Defense Production Acts to support generation resources on the electric grid. I was not an employee at the Department of Energy or the federal government at the time it was apparently drafted or leaked. When I returned as an employee to DOE (Executive Director of the Office of Policy), I reviewed the draft memorandum and began researching and trying to work through the substantive issues, as well as examining the statutes and legal justifications contained in the proposal. I stopped work on the draft memorandum in August 2018.

As to providing any potential written documents or correspondence I may have had with FERC commissioners and employees or individuals outside the federal government while working on either proposal, in my current position as a Senior Advisor in the Office of Science, I am not the custodian of such potential records.

I have not spoken with Murray Energy CEO Robert Murray about the Notice of Proposed Rulemaking for the Grid Reliability and Resilience Pricing Rule or a proposal to use emergency and national security authorities under the Federal Power and Defense Production Acts to support generation resources on the electric grid. To my knowledge or recollection, I have not spoken to any representatives of Murray Energy about either of those proposals.

Question 2: Federal law requires any judge, justice, or magistrate judge who has "expressed an opinion concerning the merits of a particular case or controversy" to recuse themselves from matters before the commission. Will you commit to recusing yourself according to the law?

If not, what further clarification from ethics counsel would you seek that would allow you to violate U.S. law by participating?

Answer: I commit that prior to making a determination about whether a recusal is necessary in any given proceeding, I will consult with FERC's Designated Agency Ethics Official.

Question 3: You have worked for, or collaborated with, a number of organizations, such as the Texas Public Policy Foundation, which has funding ties to the Koch Brothers, ExxonMobil, Donors Trust, and other front groups for the fossil fuel industry. Please provide a full list of groups that supported your work or donated to the Texas Public Policy Foundation during your tenure there.

Will you recuse yourself from particular matters involving these former funders?

Answer: The Texas Public Policy Foundation is organized as a 501(c)(3) non-profit, non-partisan research institute and does not disclose its donors. I commit that prior to making a

determination about whether a recusal is necessary in any given proceeding, I will consult with FERC's Designated Agency Ethics Official.

Question 4: You have spent the vast majority of your professional career advocating that fossil fuels are superior to other resources like solar and wind, regardless of their impact on the environment or price signals from the market.

During this hearing, you stated that "the role of FERC is not to pick and choose [energy sources], but [to] allow the market to choose."

Market designs affect the practical outcomes of the fuels that are eventually used. For example, market design preferences for onsite fuel and baseload generation have the effect of giving overall market preference to resources like coal, natural gas, nuclear and oil.

As you know, FERC unanimously rejected the proposed Grid Resiliency Pricing Rule because it would have given unfair preference to coal and nuclear resources in the market. Will you now commit to rejecting any proposed rule or market design, such as the proposed Grid Resiliency Pricing Rule, that favors coal and nuclear resources in the market?

Answer: A majority of my career in the energy sector has been representing electric and gas utilities on a variety of matters. I practiced energy law for almost nine years total as a partner and senior counsel with McGuireWoods LLP, in Richmond, Virginia. The matters I worked on included:

- Approval of three utility-scale solar electric generating facilities in Virginia.
- Approval of the conversion of three older coal electric plants to biomass in Virginia.
- Approval of renewable portfolio standards (RPS) plans for a major electric utility.
- Approval of energy efficiency and conservation plans for electric and natural gas utilities.
- Approval of a 1358 MW natural gas combined cycle electric generating facility in Virginia.
- Approval of various electric transmission lines.
- Approval of rate cases and fuel cases for electric and natural gas utilities.
- Approval for an independent generator to acquire a co-generation facility.
- Approval of integrated resource plans (IRP) for electric utility that included natural gas, coal, nuclear, and renewables.

It would be inappropriate for me to prejudge how I would vote on any specific proposal that may come before the Commission in the future. However, as I am committed to continuing FERC's independence and, should I be confirmed, I will be an independent arbiter, making my decisions based on the law and facts, and not politics.

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Question 5: The capacity market in New England has struggled to keep costs low for consumers and accommodate state public policy objectives like regulating pollution emissions, resource diversity, and jobs). When you think about FERC's mission to ensure just and reasonable rates in these markets, to what extent will you focus on what these factors mean for consumers?

Answer: The effect on consumers is an important factor in FERC's assessment of whether any wholesale rate is just and reasonable. I also respect the regulatory role that states play given their jurisdiction over, among other things, generation facilities. If I am confirmed, I will carefully consider these factors when evaluating Commission-jurisdictional rates, including those related to the New England markets.

Question 6: On August 9th, 2018, Politico reported that support for coal and nuclear plant bailouts, similar to the bailout proposed in the DOE's proposed Grid Resiliency Pricing Rule, was a key litmus test for the FERC Commissioner position to which you were eventually nominated. Were you asked by anyone connected to, or representing, the White House, DOE, or FERC to support the Grid Resiliency Pricing Rule prior to being nominated to this position?

Answer: No.

Question 7: A Sierra Club Freedom of Information Act lawsuit has uncovered emails which prove that DOE officials appointed by President Trump used selective data and outright lies in the 2017 DOE report on the '"bomb cyclone" snow event in New England to suggest that certain coal plants were more valuable than other energy sources.

Did you participate in any research or writing connected to this report?

Answer: If you are referring to the "Reliability and the Oncoming Wave of Retiring Baseload Units, Volume I: The Critical Role of Thermal Units During Extreme Weather Events" issued by the National Energy Technology Laboratory on March 13, 2018, I was not employed at DOE at the time it was issued. I did not research or write the report. However, before I left my position as Deputy General Counsel for Energy Policy at DOE in early February 2018, I received updates about the generation resources that were called on during the "bomb cyclone" in the winter of 2017/2018.

Do you agree with the report's conclusion that ratepayers should subsidize certain mid-Atlantic coal plants at the expense of other energy resources?

Answer: I do not recall reading the report and therefore am unable to address the report's conclusion.

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Questions from Senator Mike Lee

Question 1: What can FERC do to improve coordination between cooperating agencies during the NEPA process for permitting pipelines?

Answer: I think it is very important for government to be as efficient as possible when examining infrastructure projects. Unnecessary bureaucratic delays, particularly through a lack of interagency coordination, increase costs and undermine the confidence of all stakeholders in the process. It is my understanding that FERC has a pre-filing process designed to encourage interagency coordination before an application is filed through early invitations for agencies to cooperate in the environmental review process; opportunities to review draft application materials; and participation in interagency meetings. I also understand that FERC continues to implement the Fixing America's Surface Transportation Act (FAST-41) and is working to employ the provisions of the memorandum of understanding on One Federal Decision. Both of these efforts contain goals of improving interagency coordination for the permitting of energy infrastructure. If confirmed, I will work with my colleagues at the Commission and other agencies, where appropriate, to ensure that there is interagency coordination, while also fulfilling FERC's obligations under NEPA.

Question 2: If confirmed, what would you do at FERC to ensure the thorough and timely processing of pipeline and other infrastructure applications?

Answer: In April 2018, FERC initiated a review of its Certificate Policy Statement for the natural gas pipeline review processes through the issuance of a Notice of Inquiry. Through this review, FERC sought stakeholder input on, among other issues, how FERC may improve the efficiency of the certificate review process. In addition, I note that, pursuant to the America's Water Infrastructure Act of 2018, FERC recently announced it will soon be convening an Interagency Task Force to assist in establishing expedited processes for issuing licenses for qualifying hydropower facilities at existing non-powered dams and for closed-loop pumped storage projects. If confirmed, I will work with my colleagues, as well as with other federal and state agencies and affected stakeholders, to evaluate process improvements to ensure that infrastructure projects are processed in a thorough and timely manner, consistent with applicable law.

Questions from Senator Joe Manchin III

Question 1: I am very proud to say that West Virginia is home to one of the most efficient coal-fired power plants in North America – the Longview power plant in Maidsville. This plant is a 700 megawatt plant that can power over 500,000 homes continuously. It has a best-in-class heat rate of 8,760 btu per kilowatt hour. It uses an advanced supercritical boiler, a low cost fuel (coal) and other project efficiencies to produce a low cost of dispatch and its pollution control systems result in much lower emissions including of CO2. It cost $2 billion to build – one of the largest private investments in West Virginia's history. In 2017, Secretary Perry visited the plant with me. If you are confirmed to this role on FERC, I'd like for you and the other

commissioners to join me for a tour as well. Can you commit to work with me to get this on your calendar?

Answer: Yes. Should I be confirmed, I look forward to the opportunity to visit West Virginia and the Longview power plant in Maidsville, in particular.

Question 2: I think it's fair to say that everyone knows West Virginia as an energy-exporting state. Our state's coal miners helped power this nation through war and into prosperity in the second half of the last century. But, we are an all-of-the-above energy state, and I think it's important to note that we have some critical hydropower resources. While hydro in West Virginia is small, it is also growing. The Glen Ferris project on the Kanawha River powers about 4,500 households. The Hawks Nest project is a 102 megawatt plant on the New River. Furthermore, President Trump signed my bill into law earlier this fall which helps provide certainty to the Jennings-Randolph dam – a vital hydro project being developed in West Virginia. You and I discussed hydro in our meeting back in October and I appreciate your enthusiasm for what we are trying to do in West Virginia to expand our hydro resources responsibly. What else can FERC can do to improve and expedite the relicensing of these renewable energy projects?

Answer: I enjoyed our discussion and appreciated your informing me about the thoughtful efforts West Virginia is making to expand its hydro resources. Pursuant to the America's Water Infrastructure Act of 2018, FERC recently announced that it will soon be convening an Interagency Task Force to assist in establishing expedited processes for issuing licenses for qualifying hydropower facilities at existing non-powered dams and for closed-loop pumped storage projects. These expedited processes are intended to help ensure a final decision by FERC on an application for a license within two years after receipt of a completed application. Although the Water Infrastructure Act only applies to facilities meeting certain criteria, the information generated by the Interagency Task Force could inform ways to improve the licensing process on a broader scale. If confirmed, I will work with my colleagues, as well as with other federal and state agencies and affected stakeholders, where appropriate, to explore ways of improving the timeliness and efficiency of relicensing hydropower projects.

Question 3: As you know PJM is a regional grid operator that oversees 13 states – including West Virginia - and the District of Columbia. It serves about 65 million customers and is the traffic cop for nearly 89,000 megawatts of generation capacity. Over 20,000 megawatts of the power capacity in PJM is coal-fired and over 29,000 megawatts is nuclear power – both of which provide essential reliability services to our grid. On November 1st, PJM announced the results of a fuel supply analysis or "stress test" it completed.

One of the major conclusions PJM reached is that: "While there is no imminent threat, fuel security is an important component of ensuring reliability – especially if multiple risks come to fruition. The findings underscore the importance of PJM exploring proactive measures to value fuel security attributes, and PJM believes this is best done through competitive wholesale markets." Have you reviewed the PJM report?

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Answer: Yes.

Question 4: Do you agree with the idea that competitive wholesale markets are the best way to ensure fuel supply?

Answer: I think competitive markets are generally the best way to allocate resources and set prices.

Question 5: Do you believe that, as things stand today, the markets fairly compensate all fuel types?

Answer: As the electric grid evolves with changing supply portfolios, consumption patterns, and demand side resources, I believe that it is important to continue to examine developing needs of the grid to ensure reliability and just and reasonable rates. I also believe that market mechanisms are an appropriate way to compensate resources. This does not mean that all resources must receive identical payments in the market, as resources have different capabilities and provide different services, but all resources should have the opportunity to be compensated for the services that they are capable of providing to meet system needs.

Questions from Senator Steve Daines

Question 1: Montana is blessed with abundant natural resources – coal, natural gas, hydropower, wind and solar – that keep the lights on for families across the Northwest. In your role as FERC Commissioner, you will have the responsibility to make decisions that keep our grid secure and resilient. Towards that goal, a diverse energy system – comprised of coal, hydropower, and other sources – make for a more resilient grid. Do you agree that the United States needs a diverse energy system and will you commit to recognizing the value of diverse energy sources, including the importance of baseload generation, when you make your decisions?

Answer: I believe there is great benefit to an "all-of-the-above" strategy for satisfying our nation's energy needs. As the electric grid evolves with changing supply portfolios and consumption patterns, I believe that it is important to continue to examine developing needs of the grid to ensure reliability and just and reasonable rates, and to provide appropriate price signals so that all resources have the opportunity to be compensated for the services that they are capable of providing to meet system needs.

Question 2: Another important role of FERC for Montana is the approval of interstate pipelines. In many rural Montana communities, pipelines bring in most of the local tax revenue needed for schools and other public services. One exciting project we are seeing happen in Montana right now is the Elk Creek Pipeline, which would inject $1.4 billion in local economies, over $12 million in payroll in Montana alone. As FERC considers policies governing this important aspect of our energy system, certainty and efficiency is of utmost importance. What are your

views on the pipeline certification process NOI initiated by FERC earlier this year and the certification process in general?

Answer: I recognize the importance of energy infrastructure projects, such as interstate pipelines, to local communities and the national economy as a whole. I understand FERC's natural gas pipeline certification policy statement has been in place since 1999, and that given changes in the markets, it makes sense to reevaluate that policy. If confirmed, I look forward to reviewing the record in the NOI proceeding and working with my colleagues to ensure that FERC's pipeline certification process is as efficient and effective as possible.

Question 3: As Montana is an energy exporter at this point, much of our energy production relies on interstate energy infrastructure—specifically pipelines, rail lines, and export terminals. FERC serves as the lead agency for environmental review and permitting of interstate natural gas pipelines in particular. Other agencies are to follow FERC permit review schedule. Unfortunately, not all agencies adhere to it, with one recent example being some state agencies acting under section 401 of the Clean Water Act. I am a sponsor of S. 3303, the *Water Quality Certification Improvement Act,* to help clarify the purpose of Section 401 and protect states' ability to certify water quality but prohibit them for hijacking the process for issues outside of Congressional intent. We have seen similar actions under this authority by Washington State Department of Ecology blocking a coal export terminal important to my state. How would you ensure that FERC's role as lead agency is enforced across the spectrum of permitting agencies at the federal and state level?

Answer: I think it is very important for government to be as efficient as possible when examining infrastructure projects. Unnecessary bureaucratic delays, particularly through a lack of interagency coordination, increase costs and undermine the confidence of all stakeholders in the process. If confirmed, I will work with my colleagues, as well as with other federal and state agencies and affected stakeholders, to process infrastructure applications in a timely manner consistent with law. It is my understanding that under statutes such as the Clean Water Act, other federal and state agencies have jurisdiction to issue required federal authorizations and in setting their schedule.

Questions from Senator Martin Heinrich

Question 1: The electric utility sector is the only critical infrastructure that has mandatory and enforceable standards for physical and cybersecurity. Given the current role of natural gas in power generation, what are your thoughts on the adequacy of current measures to protect interstate gas pipelines used for power generation?

Answer: I believe that as a nation we must be vigilant about the security of our electric grid and natural gas pipelines. I believe that critical energy infrastructure, including natural gas pipelines that support the bulk-power system, should be protected by appropriate means. It is my understanding that the Transportation Security Administration (TSA) has the authority to establish mandatory cybersecurity regulations for natural gas pipelines. I also understand that

the TSA has issued physical security guidelines for natural gas pipelines. Thus, I consider it more appropriate for Congress and the TSA to address the adequacy of TSA's natural gas pipeline cybersecurity and physical security programs. However, if confirmed, I commit to working with my colleagues to explore this important issue.

Question 2: Investment in new power transmission lines can also help improve grid reliability and resilience. What are your thoughts on the commission's current approach to encouraging investment in transmission capacity to improve reliability in bulk-power markets?

Answer: I agree that investment in transmission infrastructure is an important component to supporting and improving grid reliability and resilience. Over the past decade or more, FERC has taken multiple steps, including issuing rulemakings on transmission planning and incentives for investment in transmission infrastructure, to ensure that there is adequate transmission infrastructure in place and that there is open access to transmission service. My understanding is that Chairman Chatterjee recently announced an initiative to consider both the return on equity for transmission investment and FERC's transmission incentives policy, two issues that may affect transmission investment. If confirmed, I look forward to working with my colleagues at FERC to consider these and other important issues related to the development of transmission infrastructure.

Question 3: Do you think the commission's Order 1000 has been effective in supporting regional planning and encouraging investment in new transmission?

Answer: Issued in 2011, Order No. 1000 significantly changed the process through which certain transmission facilities are planned. Order No. 1000 has supported regional planning and encouraged investment in new transmission by, among other things, implementing regional transmission planning and interregional coordination processes, and removing barriers to investment in new transmission facilities on the part of nonincumbent transmission developers. I understand, however, that FERC has an open proceeding to examine further a range of issues related to Order No. 1000. To date, this proceeding has involved a technical conference and an invitation for public comment, establishing a record for FERC's consideration. If confirmed, I look forward to working with my colleagues to consider whether there are refinements to Order No. 1000 that would better support effective regional transmission planning and encourage needed investment in transmission infrastructure.

Question 4: Do you agree that carbon emissions from fossil fuels are contributing to climate change?

Answer: Clearly, the burning of fossil fuels emits carbon dioxide. I think that the climate is changing and that carbon dioxide is a greenhouse gas that impacts the Earth's climate.

Question 5: In your view, does FERC properly consider greenhouse gas emissions in its decisions related to LNG facilities and gas pipelines?

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Answer: I understand that there has been discussion at FERC as to how to address greenhouse gas emissions in proceedings involving LNG terminals and natural gas pipelines. If I am confirmed, I commit to carefully studying this issue and acting in accordance with the law.

Question 6: Do you believe it is appropriate under the Federal Power Act to accommodate public policy requirements established by state or federal laws or regulations within the competitive structure of organized wholesale power markets?

Answer: I understand the important perspective of the states in our federal system, and I respect states' authority to make resource decisions and certain public policy choices that are within their jurisdiction. FERC held a technical conference regarding the interaction between state initiatives and FERC-jurisdictional wholesale electricity markets in May 2017 and has subsequently addressed the issue in multiple, ongoing proceedings. If I am confirmed, I look forward to discussing this issue further with my colleagues.

Questions from Senator Mazie K. Hirono

Question 1: As part of my responsibility as a member of the Senate Committee on Energy and Natural Resources and to ensure the fitness of nominees for an appointed position, I am asking nominees to answer the following two questions:

a. Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature?

Answer: No.

b. Have you ever faced discipline, or entered into a settlement related to this kind of conduct?

Answer: No.

Question 2: In 2015, after the Supreme Court decided the case of *Obergefell v. Hodges* on the question of same-sex marriage, Texas Attorney General Ken Paxton, for whom you served as Chief of Staff, issued an advisory opinion recommending that county clerks who object to gay marriage can refuse to issue marriage licenses to same-sex couples. This raises concerns that ideology will guide your policymaking, rather than faithful interpretation of the law and analysis of the facts.

Please explain you role in Attorney General Paxton's issuance of the advisory opinion in *Obergefell*, and explain how you will address issues that arise that challenge your ideological views as a member of the FERC.

Answer: If you are referring to the June 28, 2015 advisory opinion addressed to the Lt. Governor of Texas from the Attorney General of Texas, in that advisory opinion the Attorney

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General of Texas made clear that the U.S. Supreme Court's decision in *Obergefell v. Hodges* provided the Constitutional right of same-sex couples to marry in Texas. This position was also confirmed through a filing by the Office of the Attorney General of Texas in the U.S. Court of Appeals for the Fifth Circuit on June 30, 2015. The advisory opinion was issued in response to questions asked by the Lt. Governor about potential accommodations for officials exercising their sincerely held religious beliefs. The Attorney General responded in his official capacity. The advisory opinion cites the *Obergefell* majority opinion's discussion about the liberty rights of those who oppose same-sex marriage for religious reasons. It also identifies that if a religious accommodation of an official results in same-sex couples not receiving marriage licenses that other couples are receiving, then this may result in a constitutional violation. I served as the Chief of Staff in the Office of the Attorney General of Texas at that time.

I am committed to continuing FERC's independence and, should I be confirmed, I will be an independent arbiter, making my decisions based on the law and facts, and not politics.

Question 3: Hawaii has set the goal of replacing imported fossil fuels with 100% renewable energy by 2045. As an employee for the Texas Public Policy Foundation, you wrote in an op-ed in *The Hill* earlier this year: "Some suggest that we can replace fossil fuels with renewable resources to meet our needs, but they never explain how . . . we need to be honest about whether renewables can displace other energy resources in providing for our energy needs."

Do you still believe that renewables cannot displace existing fossil fuel resources? Do you still have questions as to how "renewable resources [can] meet our needs"?

Answer: I recognize that each state or region of the country may have unique circumstances and opportunities that influence how it meets its energy needs. Nationwide, renewable energy resources play a significant role in supplying U.S. electric generation, as well as other resources. According to EIA 2017 data, approximately 17 percent of U.S. electric generation comes from renewables (hydro 7.4 percent, wind 6.3 percent, biomass 1.6 percent, solar 1.3 percent, and geothermal 0.4 percent); 62.9 percent from fossil fuels (coal 29.9 percent, natural gas 32.1 percent, and petroleum 0.5 percent); and 20 percent from nuclear. My understanding is that one of the fundamental technical pieces needed for renewables to be a substitute for all fossil fuels in electric generation for the entire nation (each state may be different) is the availability of utility scale storage to power the grid and provide essential reliability services when renewable resources are not available to generate electricity. I understand significant investments are being made to develop such storage technology.

Questions from Senator John Hoeven

Question 1: You mentioned in the hearing challenges faced by baseload sources due to the onset of renewable energy sources; however, baseload power has proven to be a reliable source in the event of natural disasters as it has the ability to cycle up and down on demand. Can you speak to the need for transmission infrastructure for baseload power in this country? If confirmed, will you support expanding reasonable access to transmission for baseload sources?

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Answer: I support FERC's efforts to encourage adequate transmission infrastructure for transmission of electricity for all types of resources, including those capable of operating as baseload resources. I also support FERC's open access transmission policies, which provide resources access to the electric grid. If confirmed, I look forward to working with my colleagues on matters involving FERC's important responsibilities related to the development, operation, and reliability of the transmission system.

Question 2: FERC has proposed rules to enable aggregations of distributed energy resources on local distribution grids to participate in wholesale electric markets. If FERC moves forward with this proposal, would you support recognizing the right of state and local regulatory authorities to decide whether aggregations of distributed energy resources may participate in wholesale markets, similar to the right they have with respect to aggregations of demand response resources?

Answer: I recognize that there are complicated issues to work through with regard to distributed energy resource aggregations on the distribution system participating in wholesale electricity markets. My understanding is that FERC has developed a substantial record on these issues through a Notice of Proposed Rulemaking and technical conference. If confirmed, I commit to considering carefully that record and making a reasoned decision about the role that state and local regulatory authorities should have in determining whether and how distributed energy resource aggregations participate in wholesale markets.

Question 3: Earlier this year, I reintroduced the North American Energy Infrastructure Act, which would streamline the review of energy infrastructure projects across the United States border with Canada and Mexico. This legislation would also effectively eliminate the Presidential Permit requirement for cross-border pipelines and transfer that authority from the U.S. Department of State to FERC. If confirmed, would you commit to an expeditious review of these cross-border energy projects that are so critical to our country's energy resiliency and infrastructure?

Answer: Yes, if confirmed, I will work with my colleagues to ensure that all infrastructure proposals, including cross-border energy projects, are reviewed in an expeditious manner.

Questions from Senator Catherine Cortez Masto

Question: In 2013, one of Nevada's rural electric cooperatives, Valley Electric Association, became the first utility not physically located in California to become part of the California Independent System Operator (Cal-ISO), and it is the only utility in Nevada that is part of California's energy grid. It specifically supports California renewable energy

Its service territory receives more solar radiance than anywhere else in the country. So, this part of Nevada is an especially attractive location for clean energy where it supports California's

steadily growing renewable energy demand, principally through the state's renewable portfolio standard.

Valley has encountered a situation where larger scale renewable projects outside their service territory are seeking to connect to their low-voltage transmission system, driving network upgrades that would have a real impact on the utility bills of Valley's customers and my constituents, yet the generation and upgrades are not specifically needed by Valley.
As you likely know, the rules which underpin access to transmission systems and long-term planning are regulated by FERC. Nevada and California want to work together to foster regional collaboration on clean energy, but we need a partner at FERC who understands and is paying attention to these types of unique needs and circumstances.

Do you have any experience working on these types of issues? Should you be confirmed, can I have your commitment that you will look into this situation?

Answer: I do not have specific experience with the issue you describe. Should I be confirmed, I would be happy to look into this issue as appropriate.

Questions from Senator Rob Portman

Question 1: As a FERC Commissioner, how will you improve the federal permitting process for major infrastructure projects—particularly the covered projects on the dashboard?
FERC is one of the key member agencies of the Federal Permitting Improvement Steering Council, which was created by Title 41 of the FAST Act in 2015, which I authored. FAST-41 and the Council are designed to increase communication between agencies at the front end of projects and to ensure a smoother, more efficient permitting process. These major projects can take a decade or more to permit right now, which is just unacceptable. For example, FERC recently took 10 years to grant licenses for the R.C. Byrd hydropower project in Ohio, and it now is still in the permitting process with other agencies.

Answer: I think it is very important for government to be as efficient as possible when examining infrastructure projects. Unnecessary bureaucratic delays, particularly through a lack of interagency coordination, increase costs and undermine the confidence of all stakeholders in the process. I understand that FERC issued a Notice of Inquiry in April 2018 to initiate a review of its Certificate Policy Statement for the natural gas pipeline review processes, including major infrastructure projects subject to FAST-41 or the memorandum of understanding (MOU) implementing One Federal Decision. If confirmed, I will work with my colleagues at the Commission and other agencies, where appropriate, to explore and implement steps that would further improve the permitting process.

As to the matter of improving the timeliness of hydropower licensing, pursuant to the America's Water Infrastructure Act of 2018, FERC recently announced that it will soon be convening an Interagency Task Force to assist in establishing expedited processes for issuing licenses for qualifying hydropower facilities at existing non-powered dams and for closed-loop pumped

storage projects. These expedited processes are intended to help ensure a final decision by FERC on an application for a license within two years after receipt of a completed application. Although the Water Infrastructure Act only applies to facilities meeting certain criteria, the information generated by the Interagency Task Force could inform ways to improve the licensing process on a broader scale. Should I be confirmed, I would work with my colleagues at the Commission and other agencies, where appropriate, to explore ways of improving the timeliness and efficiency of licensing all jurisdictional hydropower projects.

Question 2: How would you improve communication and planning at the front-end between agencies?

Answer: FERC has a pre-filing process designed to encourage communication and planning among agencies and project sponsors before an application is filed. In addition, FERC's April 2018 Notice of Inquiry on the Certificate Policy Statement sought stakeholder input on whether FERC should consider changes to the pre-filing process and how to ensure the most effective participation of stakeholders and agencies. The Notice of Inquiry also sought recommendations on how FERC can work more efficiently and effectively with other agencies that have a role in the review process. If confirmed, I look forward to working with my colleagues, as well as with other federal and state agencies and affected stakeholders, where appropriate, to evaluate recommendations to improve communication and planning between agencies.

Question 3: I know you're not at FERC yet, but do you have any other ideas about how the federal permitting process can be improved? Are there any authorities you think you need from Congress to improve that process?

Answer: If confirmed, I look forward to first reviewing how FAST-41, the MOU implementing One Federal Decision, the ongoing review of the Commission's Certificate Policy Statement, and the hydropower rulemaking pursuant to the America's Water Infrastructure Act of 2018 are improving the permitting process for energy infrastructure. I also commit to working with my colleagues, as well as with other federal and state agencies and affected stakeholders, where appropriate, to implement feasible measures to further improve the process.

Question 4: Do I have your commitment to work with the Council to ensure that all required timelines and other information are posted on the online dashboard in a timely manner?

Answer: Yes.

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Supplemental Questions from Ranking Member Maria Cantwell

Mr. McNamee, I was troubled to see reference to statements by you in February 2018 about renewables and fossil fuels that suggest a strong bias in favor of fossil fuels and a strong bias against renewable energy. I am concerned that these biases will make it difficult both for you to be the impartial arbiter that you have committed to be, and for the American public to have confidence that you will be an impartial arbiter who relies on the "law and facts" as you have stated in your testimony to the Committee on Energy and Natural Resources.

Question 1: First, I would like to verify the accuracy of quotes from you related to renewable energy. Specifically, is this an accurate quote from you? **"Renewables, when they come on and off, it screws up the whole the physics of the grid. So when people want to talk about science, they ought to talk about the physics of the grid and know what real science is, and that is how do you keep the lights on? And it is with fossil fuels and nuclear."**

Answer: The quoted text appears to be an accurate transcription from a longer presentation.

- If yes, can you explain exactly what you mean when you claim that renewable energy "screws up the whole physics of the grid." Can you point to a peer-reviewed scientific study that supports your claim?

Answer: The North American Electric Reliability Corporation (NERC) in its "Synopsis of NERC Reliability Assessments: The Changing Resource Mix and Impacts of Conventional Generation Retirements" issued May 9, 2017 ("NERC Synopsis") identifies some of the challenges renewables place on the operation of the electric grid. Among the observations in the NERC Synopsis:

> Voltage control, frequency support, and ramping capability are essential to maintaining BPS [bulk power system] reliability. Through this transition, policy makers and stakeholders must recognize the need to maintain these essential reliability services. It is also necessary to assure resilience measures, such as maintaining fuel diversity and new technologies that work with, not against, the BPS. (NERC Synopsis at 1.)
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> . . .
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> Large unanticipated voltage or frequency deviations during a disturbance can lead to uncontrolled, cascading instability. With no mass, moving parts, or inertia, increasing amounts of inverter-based resources (such as solar photovoltaic) present new risks to reliability, such as managing faster

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> fault-clearing times, reduced oscillation dampening, and unexpected inverter action. (NERC Synopsis at 2.)

The "duck curve" represents additional observations about the challenges intermittent renewables can have on the electric grid. The National Renewable Energy Laboratory (NREL) published: "Ten Years of Analyzing the Duck Chart: How an NREL Discovery in 2008 Is Helping Enable More Solar on the Grid Today", February 26, 2018 summarized the challenges of intermittent renewables to the grid, while also saying it was working on solutions:

> Since its discovery, the duck curve has become an emblem of the challenges faced by power system operators when integrating variable renewables on the grid. It highlights concerns that the conventional power system will be unable to accommodate the ramp rate and range needed to fully utilize solar energy. On days characterized by the duck shape—in particular, during sunny spring afternoons when demand is low and solar generation is high—system operators could actually have to turn off, or curtail, some of the solar power, because conventional plants can't be stopped and started quickly enough to accommodate it. That could mean higher costs—and ultimately limit PV's environmental benefits.

- Does this statement from you in February 2018 represent your view of renewable energy and its contribution to the grid?

Answer: I recognize that nationwide renewable energy resources play a significant role in supplying U.S. electric generation, as well as other resources. According to EIA 2017 data, approximately 17 percent of U.S. electric generation comes from renewables (hydro 7.4 percent, wind 6.3 percent, biomass 1.6 percent, solar 1.3 percent, and geothermal 0.4 percent.) Recognizing the challenges that intermittent renewables place on the grid is the first step to developing solutions. My understanding is that one of the fundamental technical pieces needed for renewables to be a substitute for all fossil fuels in electric generation for the entire nation (each state may be different) is the availability of utility scale storage to power the grid and provide essential reliability services when renewable resources are not available to generate electricity. I understand significant investments are being made to develop such storage technology. I also recognize that fossil fuels and nuclear provide significant power to the electric grid. According to EIA 2017 data, approximately 62.9 percent of electric generation comes from fossil fuels and 20 percent comes from nuclear.

- If so, how do you reconcile that view with your views stated to this Committee in QFRs submitted on November 21, 2018? Specifically, I refer to your answers to Questions 10 and 11.

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Answer: I see no contradiction in observing that renewable resources place challenges on the grid and my answers to the Committee in QFRs submitted on November 21, 2018 to questions 10 and 11 from Ranking Member Cantwell. In response to question 10, I answered:

> Renewable energy resources, including wind, solar, biomasss, and hydroelectric, and demand side resources, along with natural gas, coal, and nuclear resources, all play important roles in supporting a reliable grid to meet our nation's power needs.

And in response to question 11, I answered:

> When effectively integrated, all resources can enhance the functioning of the grid, and have the potential to contribute to our economic growth and national security.

These answers show that I recognize the value of all resources to operating the electric grid while also recognizing that resources may have different operating characteristics that may be necessary to support the electric grid during different situations. In addition, my understanding is that one of the fundamental technical pieces needed for renewables to be a substitute for all fossil fuels in electric generation for the entire nation (each state may be different) is the availability of utility scale storage to power the grid and provide essential reliability services when renewable resources are not available to generate electricity. Currently, those services are often provided by other resources, such as fossil fuels, nuclear and hydro (depending on where located). As a general matter, I think competitive wholesale electric markets should offer a level playing field for all types of technologies and resources to compete to provide services to the grid and not be biased for or against any particular resource.

Question 2: Second, I would like to verify the accuracy of quotes from you related to fossil fuels. Specifically, is this an accurate quote from you? **"... fossil fuels are not something dirty, something we have to move and get away from, but understand that they are key to our prosperity, our way of life and also to a clean environment."**

- If yes, how can the American people have confidence in your ability to be an impartial arbiter of decisions facing the commission given this demonstrable bias in your approach to fuel sources?

Answer: The quoted text is not completely accurate. The phrase "our way of life" should read "quality of life" and the entire quote is from a longer presentation.

The quote (as corrected) acknowledges that fossil fuels have played, and continue to play, a significant role in providing abundant and affordable energy to the people of the United States and the world. According to EIA 2017 data, approximately 80 percent of all U.S.

energy consumption (i.e., transportation, industrial, commercial, and electricity generation, etc.) comes from fossil fuels. In terms of electric generation, according to EIA 2017 data, approximately 62.9 percent comes from fossil fuels. Acknowledging these facts does not mean that we should not recognize that renewable energy resources also play a significant role in supplying U.S. electric generation (approximately 17 percent of U.S. electric generation).

As a general matter, I think competitive wholesale electric markets should offer a level playing field for all types of resources and technologies to compete to provide services to the grid and not be biased for or against any particular resource. Should I be confirmed to FERC, I will be not be biased for or against any resources or technologies; I will be an independent arbiter, making my decisions based on the law and facts.

Question 3: Finally, I would like to verify the accuracy of quotes from you related to environmental groups. Specifically, is this an accurate quote from you? **"The green movement is always talking about more government control because it's the constant battle between liberty and tyranny," he said. "It's about people who want to say I know what's better for you."**

- If yes, how can environmental groups possibly expect a fair shake from you as a FERC commissioner given that you equated these groups and their values with those of tyrants?

Answer: The quoted text appears to be an accurate transcription from a longer presentation. I understand the difference between being an advocate and an independent arbiter. If confirmed, I commit that I will be an independent arbiter, making my decisions based on the law and facts, not politics.

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Questions from Chairman Lisa Murkowski

Question 1: As you are aware, the Park Service Centennial Act was enacted into law nearly two years ago. The law required regulations to be promulgated as soon as practicable after enactment to implement Title VII of the Act regarding the Visitor Experience Improvements Authority, which provides for the use of commercial services contracts.

- Will you commit, if confirmed, to getting those regulations promulgated within 90 days of your confirmation? As you know, this program sunsets after seven years from enactment, so we only have about five years to go.

Response: I understand that the National Park Service is in the process of finalizing the proposed rule to implement the Act and intends to issue a proposed rule concurrent with the first commercial visitor services contract solicitation in January 2019. This parallel approach will provide the NPS the opportunity to use the experience gained through an actual contracting process under this authority to better inform the content of the regulation.

- The Centennial Act also amends the 1998 Concessions law, to give the Secretary the authority to propose amendments to the applicable terms of an existing concessions contract to provide new and additional services where he or she deems necessary. If confirmed, can you outline how you might use this authority to provide new or additional services at park units?

Response: As visitor expectations and tourism trends have changed, parks and concessioners have identified opportunities to provide new services to visitors under existing contracts. Examples include bicycle rentals, campsite set-up services, wifi, and night tours. If confirmed, I plan to use the Centennial Act's concession authority to respond to those ideas and expand the services that we are able to provide our visitors.

Question 2: As you are aware, this Committee recently reported S. 3172, the bipartisan Restore Our Parks legislation. This legislation, if enacted, would address about half of the nearly $12 billion in deferred maintenance we have at our national parks.

- What steps would you take, as Director, to ensure that the deferred maintenance backlog never again creeps up to nearly $12 billion?

Response: To ensure that the deferred maintenance backlog does not grow, if confirmed, I will look to the strategic use of all available resources to maintain parks' infrastructure. I will ensure that we have an investment strategy to ensure funding of the highest priority needs and that there are clear expectations to maintain park assets through a proactive and strengthened cyclic maintenance program. Throughout my time in the NPS, I have seen the value and effectiveness of partnerships and philanthropy. Should I be confirmed, I look forward to looking for appropriate ways to utilize the public in management and maintenance efforts.

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- Can you explain how, as Director, you would encourage the NPS to utilize cyclic maintenance and other accounts to prevent ongoing increases in deferred maintenance over time?

Response: If confirmed, I will ensure that we build a viable cyclic maintenance program in order to meet the asset life cycle maintenance requirements of the agency. I will communicate directly to the park managers how critical their active involvement is in ensuring priority assets receive timely investment of funds and staff time. As a superintendent and regional director, I saw how critical it was to make efficient use of cyclic and other facility funds at the park level. In addition, I witnessed how that investment of time, funding and the attention of leadership can ensure our assets can meet their design life, perform efficiently and provided a solid return on investment of taxpayer funds.

- Are there administrative steps, such as including real time tracking of assets, or electronic filing of work orders, that you can implement that would work to eliminate deferred maintenance in individual assets or park units that you feel would be helpful to the NPS?

Response: I have seen the large burden on parks due to the high data collection requirements to support the NPS asset management systems. We should make improvements to our system that include real time tracking of assets and the filing and closing work orders with greater efficiency. If confirmed, I will expect our Washington and regional offices to be responsive to the needs of the field by focusing on streamlining business processes to reduce the park workload.

Question 3: Can you please outline your position on mining operations within units of the National Park Service? How would you apply this position specifically to National Preserves in Alaska which are governed under the Alaska National Interest Lands Conservation Act (ANILCA)? If confirmed, how will you work to ensure a fair permitting process and to provide access to valid existing claims in Alaska parks and preserves?

Response: If confirmed, I will work to ensure compliance in a fair and timely manner for valid existing claims in National Park System units in Alaska with the Alaska National Interest Lands Conservation Act (ANILCA). I commit to upholding ANILCA 1110(b) which grants claimants the right of adequate and feasible access to their lands. I would ensure that the National Park Service follows Title 36 CFR Part 9 (Subpart A) which applies to mining activities on federal patented and unpatented mining claims in Alaska and throughout the National Park System.

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Questions from Ranking Member Maria Cantwell

Question 1: Franklin Roosevelt said that "there is nothing so American as our national parks.... The fundamental idea behind the parks is that the country belongs to the people...." Equally fundamental to the American people are freedom of speech and "the right of the people peaceably to assemble, and to petition the Government for a redress of grievances," which are guaranteed by the First Amendment to the Constitution. Nowhere in this country are those rights more effectively exercised than on the National Mall.

In August, the Park Service proposed a very disturbing rule to restrict the public's First Amendment right to demonstrate on the National Mall, at the Memorial Parks, and in the President's Park around the White House. The proposal would close a large part of the White House sidewalk, limit spontaneous demonstrations, and even charge fees for demonstrations. If adopted, the proposed rule would infringe rights protected by the First Amendment and violate court orders protecting those rights on park lands in the Nation's Capital.

- What role, if any, did you play any role in developing this proposal?
- Will you commit to review this proposal and either amend it to preserve and protect the public's First Amendment rights or withdraw it completely?

Response: I agree that the First Amendment is a bedrock American value. As I stated at my hearing, I did not play any role in the development of this proposal. If confirmed, I commit to learning more about this proposal and objectively reviewing its rationale and the comments received.

Question 2: In 2017, the National Park Service received over 330 million visitors, just slightly lower than the all-time record visitation level from the previous year. Yet despite the heavy visitation, the Trump Administration's budget proposed to cut National Park Service staffing by 1,835 FTE's, which would represent a 10% reduction in staffing levels. The Administration had made a similar proposal to reduce NPS staffing levels the year before.

- In your view, is the National Park Service overstaffed?
- What is your view on the staffing cuts that the Administration has proposed in each of its first two budget submissions?

Response: Throughout my nearly 30 years in the National Park Service, I have seen firsthand the competency and efficiency of our workforce. If confirmed, we will continue to maximize all appropriate hiring authorities in order to address the increase in park visitation, protect park resources, and promote a safe and enjoyable visitor experience.

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Questions from Senator Ron Wyden

Question 1: National Park properties provide Americans with many opportunities to exercise their freedoms. Americans have a fundamental right to peacefully assemble and exercise their First Amendment right to free speech on National Park property. Without any justification to address security, the Parks Service has proposed closing most of the White House sidewalk to demonstrators, place strict restrictions on signs, banners, and structures, enacting limitations on the right to engage in spontaneous demonstrations, sanction long delays in granting demonstration permits, and even charge large fees for the right to demonstrate.

Congress funds the National Park Service to manage public lands for the benefit of all Americans including demonstrators, tourists and hikers. If appointed Director of the National Parks Service, will you commit to protect the First Amendment rights of free speech and assembly on all National Parks property?

Response: I agree that the First Amendment is a bedrock American value. As I stated at my hearing, I did not play any role in the development of this proposal. If confirmed, I commit to learning more about this proposal, objectively reviewing its rationale and comments received.

Question 2: Mr. Vela, Oregon's Crater Lake National Park is a treasured destination for many visitors. However, the park is plagued by a critical infrastructure problem found in many of the country's 60 national parks. At Crater Lake, maintenance to repair vital roads, steep trails and bathrooms is lacking and delayed. Guests are also concerned about hikes in admission fees, which may result in pricing-out would-be visitors. It seems like almost every year the Park Service must direct a significant amount of funds to repair these basic amenities, while construction on the Visitor Center, which is also important to sustaining the Park's future, is postponed.

Being mindful of the importance of keeping entrance fees affordable, will you commit to work with me to address the maintenance backlog at Crater Lake National Park?

Response: Yes, if confirmed, I look forward to working with you to address the maintenance backlog at Crater Lake National Park and throughout the entire National Park System.

Question 3: As we discussed at the hearing, to get my support you will need to detail specific steps you will take, if confirmed, to prioritize efforts to limit unethical behavior in the National Park Service. Please describe the steps that you would take to do so.

Response: Throughout my career I have held myself and all those I have managed to the highest ethical standards. Should I be confirmed, that commitment will not waver or change. I will lead by example. Every National Park Service employee should see a clear commitment to ethical behavior from the top down. I will not be afraid to confront wrongdoing. As you know, workplace harassment is an issue the National Park Service continues to address. Many of these

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instances occurred because people turned a blind eye to what was happening. You have my commitment that I will not be afraid to confront anyone on my team when a wrong is committed and will hold them accountable for their actions. In addition, I will foster an open and approachable atmosphere so all employees feel safe to report any misconduct.

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Questions from Senator Bernard Sanders

Question 1: Will you commit to opposing any proposed or existing regulations that impede the right of the public to peaceably assemble on public lands, yes or no?

Response: The First Amendment is a bedrock American value, and if confirmed, I commit to ensuring that the NPS's regulations reflect those values.

Question 2: Will you commit to publicly opposing any attempts by the Secretary of the Interior to shrink National Parks' lands, yes or no?

Response: The Secretary has made it clear that he does not support the large scale sale or transfer of federal land and I strongly support that position.

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Questions from Senator Mike Lee

Question 1: Earlier this year, the National Park Service finalized an off-road vehicle management plan for the Glen Canyon National Recreation Area in southern Utah, despite staunch opposition from local officials and residents. The NPS is also working on visitation management plans for Zion and Arches national parks that are causing serious concerns among state and local leaders and the local business community. In all of these cases, I've heard from state and local leaders who feel that the NPS has ignored their concerns. What are your views on incorporating local input in park management decisions? Will you commit to listening to and working with Utah's local leaders and communities to resolve their concerns regarding park management?

Response: I believe strongly in the importance of engaging local leaders and communities in park management decisions and forging productive working relationships with neighboring communities to parks. I will commit, if confirmed, to listening to and working with local leaders in Utah and elsewhere on issues of mutual concern.

Question 2: Setting aside legislative proposals to address the NPS maintenance backlog, what can the park service can do on its own to tackle the problem, even if it's just in small ways? For example, are there opportunities to increase public-private partnerships or promote more volunteerism in parks to enhance the self-sustainability of the park system?

Response: The maintenance backlog is an issue that needs "all hands on deck." If confirmed, I will communicate directly to park managers the vital role they play in our efforts to address the long-standing deferred maintenance needs of our parks. Every superintendent needs to devote time to developing the highest priority deferred maintenance projects and submitting these projects for our annual funding calls. Regional and Washington leaders need to assist parks in scoping and providing cost estimating and project management services.

I am a strong supporter of public-private partnerships, and of park volunteers. Both are vital to the success of our efforts in reducing the deferred maintenance backlog and in enhancing the national park experience generally. If confirmed, I look forward to promoting efforts in both areas.

Question 3: In your role as superintendent of Grand Teton National Park, have you identified any regulatory barriers that you feel unnecessarily hinder your ability to effectively manage the park and that you'd like to change if you're confirmed?

Response: In my nearly five years as Superintendent of Grand Teton National Park, we have struggled with the regulations related to the federal acquisition process. They have impacted our ability to achieve timely outcomes in our efforts to effectively manage construction projects and services within the park. Acquiring goods and services to implement and enhance park operations are critical to the success of the National Park Service.

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Question from Senator Debbie Stabenow

Question: The National Heritage Area program is widely regarded by Members of Congress, business, and non-profit partners as a model for public-private partnerships. Heritage Areas help the National Park Service preserve and promote special places that tell stories of American history that can't be told anywhere else. In Michigan, in the MotorCities National Heritage Area, that is the story of how we put the world on wheels.

National Heritage Areas ensure that more Americans feel a strong pride of place by helping communities more capably tell their part of our national narrative. Heritage Areas revitalize local economies, generating $12 billion in economic activity and $1.2 billion in tax revenue, and sustaining 48,000 jobs nationwide. In Michigan, MotorCities National Heritage Area generates more than $410 million a year in economic impact and supports 4,500 jobs. This is clearly a program that works.

If confirmed to serve as the director of the National Park Service, will you prioritize the agency's support for and engagement with the National Heritage Area program and resist efforts to defund or eliminate it?

Response: National Heritage Areas are designated by Congress to support a community-driven approach to heritage conservation and economic development. If confirmed, I commit to work with you on these programs and follow the law.

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Question from Senator Joe Manchin III

Question: The National Park Service oversees the National Heritage Area Program. National Heritage Areas (NHAs) are designated by Congress as places where natural, cultural, and historic resources combine to form a cohesive, nationally important landscape. There are currently 49 – two of which are located in West Virginia, and a third one that is operating without the official NHA designation. That area is the Appalachian Forest National Heritage Area. My bill S.401 – The Appalachian Forest National Heritage Area Act will officially establish this NHA and allow it to compete for annual funds from the Park Service. I was pleased to introduce this bipartisan, bicameral bill this Congress and I look forward to its passage. These are not land management programs – they are cultural and heritage programs that generate revenue that goes directly into their local areas. As an example of the positive economic impacts of a national heritage area designation, the National Coal Heritage Area in southern West Virginia generates $207 million in economic impact, supports 2,744 jobs and generates $16.8 million in tax revenue. The Trump Administration believes this program is better funded locally. The problem with that is there are 49 National Heritage Areas spread all over the country and local resources vary and West Virginia's resources to support these types of efforts are very limited. What is your experience with National Heritage Areas?

Response: National Heritage Areas are designated by Congress to support a community-driven approach to heritage conservation and economic development. They foster community stewardship of our nation's heritage. As a regional director of the southeast region, I worked with National Heritage Areas that were already in existence as well as new NHAs that were recently designated. If confirmed, I will continue to partner with, provide technical assistance, and distribute matching federal funds from Congress to NHA entities.

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Questions from Senator Mazie K. Hirono

Question 1: As part of my responsibility as a member of the Senate Committee on Energy and Natural Resources and to ensure the fitness of nominees for an appointed position, I am asking nominees to answer the following two questions:

a. Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature?

Response: No.

b. Have you ever faced discipline, or entered into a settlement related to this kind of conduct?

Response: No.

Question 2: As you may know, the dock providing visitor access to the USS Arizona Memorial in Hawaii has been closed to the public since May of this year. I understand that this damage is the result of King Tides, which as you may know, broke records last year. While initially the NPS thought that the dock could be repaired in time for the anniversary celebration on December 7th, just recently NPS announced that the dock will not reopen to visitors until March of 2019.

While I understand that the dock damage was unexpected, it is one of the most visited attractions in Hawaii and making the memorial inaccessible to survivors and their families for any amount of time, let alone 10 months, is disappointing. As of 2015 there were estimated to be just over 2,000 survivors remaining. I cannot fathom the frustration felt by those making the long journey to Hawaii to visit the memorial only to be told upon arrival that they cannot access it due to unexpected repairs.

As director, how will NPS plan for future extreme weather events, such as record-breaking King Tides and climate change, that impact infrastructure and how do you intend to address unexpected maintenance issues such as at the USS Arizona with the appropriate sense of urgency? Can I get a commitment from NPS that should the current timeline for repairs change, that I be provided updates on this project?

Response: I understand that the NPS and Navy team at the USS *Arizona* Memorial have continued to provide a powerful experience for visitors to Pearl Harbor during the unexpected closure. While any closure to the USS *Arizona* Memorial itself is unfortunate, the NPS, with strong support from the Navy, has been able to compress what would normally be a three-year dock project into 10 months. In addition, the repairs being implemented will be more resilient to future weather events. Should I be confirmed, I will work closely with you and provide updates should conditions change.

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Question 3: Investigations and surveys over the past few years have exposed an alarming amount of workplace harassment at the NPS.

I know that your past work experience includes serving as Associate Director of Workforce, Relevancy and Inclusion here in DC. How will your experience and leadership ensure that the culture is changed within the National Park Service?

Response: As I stated at my hearing, I believe that we have a responsibility and an obligation to make sure that all of our employees have a workplace that treats them with the dignity and respect that they deserve. If confirmed, I look forward to further carrying out some of the developments the National Park Service has put in place to combat this culture and developing additional assets to help us address this issue. I want to make sure we have accountability throughout the entire chain of command, and accountability starts at the top, with the director. Most importantly, I commit to remain vigilant. We have made great progress, but the job is not done.

Question 4: The volcanic eruption in Hawaii caused a large amount of physical damage to Hawaii Volcanoes National Park, which serves as an important tourist attraction and therefore is an important economic engine for Hawaii Island.

How will the NPS address the damage sustained at Hawaii Volcanoes National Park to ensure that the park can fully reopen and resume normal operations? If confirmed, can you please provide me a timeline documenting future planned actions?

Response: I understand that Hawaii Volcanoes National Park has completed multiple damage assessments of roads, buildings, utilities and trails to catalog visible damage, and has developed cursory estimates of repair and replacement costs. The park continues to reopen facilities and areas of the park as conditions allow and many areas are now open. Should I be confirmed, I will be sure to work closely with you and provide updates as the recovery process moves forward.

Question 5: To what extent has NPS been involved with the effort to reorganize the DOI into 12 unified regions? How will this reorganization affect the NPS budget?

According to reports, while all of the other regions have regional facilitators located within the region, the regional facilitator for the Pacific Islands Region will be located in Washington DC. How will having a facilitator nearly 5,000 miles away from National Parks in Hawaii impact NPS operations?

Response: As one of Interior's Senior Executives I was invited to participate in the initial conversations where the unified regional boundary concept was first discussed and the dialogue with career executives from across the agency began. Since then, the boundaries were finalized and in August, they became effective and implementation efforts were launched. The

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Department has kept employees informed through all-employee communications on the reorganization, recently announcing the selection of Interior regional facilitators to launch planning in the 12 regions.

The National Park Service is taking part with other Interior bureaus and offices in the implementation planning. With greater Interior coordination, I anticipate that the National Park Service will be able to create more value with its budget. I understand that bureaus, including the NPS, will continue to report to their bureau directors. With regard to the regional facilitator for the Pacific Islands, I would expect no impact on park operations.

Question 6: The National Parks Subcommittee held a hearing last year on engaging the next generation of park stewards. The hearing made clear that there is a definite need for NPS to not only better connect with local communities, but also diversify their workforce. In Hawaii for example, a conservation corps called KUPU is working with NPS to develop next generation leaders through partnerships at many of our park units. I know that in the past you have made comments about the importance of building the next generation and diverse workforce at NPS. As director, can you tell me how you plan to develop new and diverse leaders for NPS's workforce needs and engage new visitors and the local communities? What role do partners like KUPU and other Corps in our communities play?

Response: Should I be confirmed, I will be the first Latino Director of the NPS. I will work to expand awareness of the NPS as an employer of choice, create more effective tools for recruitment, and improve retention through networking and opportunities for career advancement. We must build up the next generation of conservation stewards and I am committed to recruiting the best, brightest and most diverse our nation has to offer. While I am not familiar with the local Hawaii organizations you mentioned, I have a great deal of respect and appreciation for partner groups and the role they play in the success of the National Park Service.

Question 7: The results of the 2018 Employee View Point Survey for the Department of Interior had a number of concerning results. Some examples include that more employees disagreed that they have sufficient resources to do their jobs than agreed, that the majority of respondents feel that pay raises are not based on job performance, and that more respondents disagreed that senior leaders generate high levels of motivation and commitment to the workforce than agreed.

As director of NPS, would you make it a priority to improve these results and if so, how would you go about doing so?

Response: As a nearly 30 year employee of the National Park Service, I hold myself personally responsible for ensuring that we no longer tolerate a workplace culture that negatively impacts our employees. Low morale and high stress levels have left our workforce feeling demoralized and disenfranchised. Therefore, if confirmed, I would effectively own, promote, and make it a priority to improve the results of the 2018 Employee Viewpoint Survey as well as improve the

conditions and culture of our workplace. This will require a long-term effort. I look forward to ongoing discussions with you and your colleagues about ways we can improve on these fronts.

Question 8: I have been very concerned about the negative impact resulting from chronic lower than necessary staffing levels of the NPS workforce in recent years. My concerns are twofold. What impact are these low staffing levels having on the NPS workforce's ability to meet its important mission and what impact are the low staffing levels having on employee morale? As director, do you acknowledge the challenges associated with low staffing levels? And, if so, how do you plan to address the issue of understaffing?

As a follow up, NPS employs numerous seasonal employees on an annual basis. These seasonal employees could historically take advantage of noncompetitive rehire provided that they work in any one park for less than 1,039 hours per service year. Recently, the OPM's change in regulations have resulted in many seasonal employees losing their noncompetitive rehire eligibility because it now states that seasonal employees are only eligible if they work less than 1,039 hours across all units of the National Park Service, not just a single park. Are you familiar with the OPM audit that resulted in this change? What will you do to restore the right to noncompetitively rehire these seasonal employees that NPS has come to rely upon so heavily? Also, do you think it is worthwhile for NPS to look into providing benefits to seasonal employees?

Response: If confirmed, I intend to work closely with our leadership to examine opportunities to increase efficiencies in the hiring and deployment of employees. We must take a hard look at our workforce and ensure that we are aligned to respond to the challenges the NPS faces today.

Regarding the change that resulted in many seasonal employees losing their noncompetitive rehire eligibility, I am familiar with the OPM audit that resulted in the change. Seasonal employees form the backbone of the NPS; we cannot meet our mission without them. The NPS is working with OPM and other agencies to explore opportunities to make changes in seasonal hiring authorities. I look forward to ongoing discussions with you, your colleagues and OPM on this issue should I be confirmed.

Question 9: The LWCF has been an important conservation tool both in parks all across the nation, including Hawaii and Wyoming, and I think we both understand how critical it is to keep the LWCF authorized and funded. Will you commit to working with me and the other bi-partisan cosponsors of the Land and Water Conservation Authorization and Funding Act to make sure that we secure this program's future and its ability to continue protecting critical lands for future generations? Additionally, as NPS Director, will you support the use of LWCF to complete our national parks through purchases of inholdings and strategic adjacent parcels?

Response: As I stated at my hearing, as Superintendent of Grand Teton National Park, I saw firsthand how the Land and Water Conservation Fund can be used, coupled with philanthropic support, to acquire important inholdings within the boundaries of a park. The Secretary supports

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the reauthorization of the Land and Water Conservation Fund, and, if confirmed, I look forward to working with you and other members of Congress on this important program.

Question 10: In previous years, NPS has provided a list of ranked LWCF priorities to Congress as a standard procedure. This list is helpful to members of Congress as we decide how much money will be necessary to address the needs of park units. Last year, however, Congress was not provided a full and complete list of ranked projects. If you are confirmed, will you provide a full list of ranked priorities to Congress?

Response: As previously stated, I understand the value of the Land and Water Conservation Fund. It is my understanding, after consulting with the budget office, that these lists have been sent to the appropriations committees of Congress each year. If confirmed as Director, I commit to working closely with Congress on these and other issues.

Question 11: Among its many duties, the National Park Service (NPS)—the organization you have been nominated to lead—is tasked with managing the National Mall and the areas surrounding the White House on behalf of the American people. These areas are among the country's most historic and important lands when it comes to political protests. From the suffragette protests 100 years ago to the 1963 March on Washington to the recent protests against the Trump administration's family separation policy, the National Mall and the areas surrounding the White House have been the sites of some of the most significant protests in our nation's history. Indeed, the NPS itself has acknowledged the importance of these areas, stating "it is at National Mall and Memorial Parks that the constitutional rights of speech and peaceful assembly find their fullest expression."

Yet, in August 2018, NPS proposed a rule that would greatly restrict the ability of the American people to exercise their First Amendment rights on the National Mall and the areas surrounding the White House. Among other things, the proposed rule would allow NPS to charge for public demonstrations on the National Mall, impose more restrictive requirements on spontaneous demonstrations on the National Mall, and close roughly 80 percent of the White House sidewalk to public demonstrations. Such regulations would undermine the rights of all Americans to peacefully protest their government.

Do you believe that the role of Director of NPS includes ensuring that the NPS does not unduly impede the ability of Americans to peacefully exercise their First Amendment rights? Do you agree that the proposed rule would undermine the ability of Americans to exercise their First Amendment rights? Finally, do you commit to withdraw NPS's proposed rule should you be confirmed as Director of NPS?

Response: I agree that the First Amendment is a bedrock American value. As I stated at my hearing, I did not play any role in the development of this proposal. If confirmed, I commit to learning more about this proposal, objectively reviewing its rationale and comments received.

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Question from Senator Angus S. King, Jr.

Question: We had a situation at Acadia National Park several years ago where a long term concessioner was outbid in a way that raised a lot of concerns about the transparency, fairness and enforcement of the NPS concession contract process, such as the winning bidder not being held to the commitments they made in their winning bid, and the contract evaluation process not specifically considering past performance of the incumbent in determining the winning bidder. Can you specifically describe how you plan to improve the transparency and fairness of the National Park Service concession process?

Response: National Park Service concessioners play an extremely important role in aiding the visitor experience. I believe that accountability and transparency are key concepts that should be incorporated throughout the National Park Service, including within our concessions program. If confirmed, I commit to learning more about this issue, and working with the program and stakeholders to promote adherence to these important interests and concepts.

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Questions from Senator Tammy Duckworth

Question 1: Our National Parks should tell America's story. However, less than a quarter of the National Park system reflects the histories of our Nation's diverse communities and cultures. Fortunately, Congress authorized the President to establish new National Parks and Monuments to help commemorate and preserve our country's history. Accordingly, I recommend the President designate the 1908 Race Riots site as a National Monument to begin ensuring our National Park system represents the history of all Americans.

During the Race Riots, a mob of white residents murdered at least six African-Americans, burned black homes and businesses and attacked hundreds of citizens. Vitriol and hate reigned, as person after person was killed for no reason other than the color of their skin. For having the nerve to be black. For having the gall to look differently than those doing the lynching. Among those killed was William Donegan, an 84-year-old cobbler who was hung from a tree, then stabbed, because he had dared marry a white woman three decades prior.

In the aftermath, shocked citizens across the country formed a grassroots organization dedicated to promoting equality and eradicating prejudice, known today as the National Association for the Advancement of Colored People (NAACP). And so out of intolerance a movement was borne — asking us to do better and fight harder for a more just, more equal society.

This movement deserves to be honored and commemorated. That is why I am urging you to work with me in designating the historic site of the 1908 Race Riots as a National Monument and requesting your commitment that if confirmed to lead the National Park Service (NPS), you will visit this important historic landmark in Illinois.

Response: If confirmed, I would look forward to learning more about this site and working with you and your colleagues on this important issue.

Question 2: Designating the 1908 Race Riot site would be an important step towards making the NPS system more representative of every American story. However, there are many more sites that deserve designation, such as the Centennial Baptist Church in Helena Arkansas and the Kennedy-King Park in Indiana. If confirmed to be NPS Director, what specific actions would you take to better memorialize the stories of black, brown and tribal communities?

Response: Over the course of my entire career in the National Park Service, I have promoted the need to "tell the stories that have not been told" and that contribute to our national story and narrative. As the former regional director of the Southeast Region, I played a leading role in the 450th Commemoration of the Founding of St. Augustine, Florida (the oldest continuously inhabited European established settlement within the borders of the continental United States). In addition, I commissioned publications on the 150 Anniversary of the Civil War to include: "Hispanics in the Civil War – From Battlefield to the Homefront, "Native Americans in the Civil War", and "Asians in the Civil War." If confirmed, I will do everything possible to better memorialize the stories of black, brown and tribal communities as part of our nation's story.

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Question 3: It is a national disgrace when an American with a disability, especially a disabled Veteran, is denied access to a National Park or Monument. I was outraged when a constituent informed me that the lone elevator at the Lincoln Memorial had been out of service for months. After I inquired about this unacceptable situation, the elevator was fixed two months earlier than previously scheduled. However, it should not require the personal intervention of a Senator who happens to be a disabled combat Veteran to ensure accessibility at the Lincoln Memorial.

Given your work to improve accessibility while stationed at Grand Teton National Park, I am hopeful that you will prioritize this important issue. If confirmed to be NPS Director, what specific actions will you take to ensure that all Americans are able to access our National Parks – particularly our Nation's war heroes?

Response: If confirmed, I will see that NPS continues its commitment to making facilities, programs, services, and employment accessible for visitors and employees with disabilities. That commitment has been reinforced by Secretarial Order 3366 that emphasizes support for veterans and others with disabilities and the need to collaborate with the disability community to expand access to recreation opportunities. By further engaging existing disabled, youth, and veterans partner organizations, and identifying new ones, we can better understand the needs of these communities, address barriers, and improve facilities and customer service.

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Questions from Senator Catherine Cortez Masto

Question 1: The millions of people who visit national parks every year must rely on our nation's transportation infrastructure to not only access the parks, but move around within them. As we work to create transportation systems that create less emissions and improve efficiency, it will be important to keep in mind how the federal government addressing these challenges in our national park system. I have been an advocate in the Senate for expanding smart communities through innovation in communications and transportation, including in rural areas,that can improve safety, efficiency and quality of life. If confirmed, how will you address the need to upgrade transportation infrastructure within our park system that integrates modern technology, such as electric vehicle charging stations, while maintaining the natural beauty of our parks?

Response: As a superintendent and regional director, I have witnessed first-hand the benefits of efficient and dependable transportation in many national park settings. If confirmed, I will ensure we continue to focus on this vital piece of a visitor experience. Today, 100 transit systems operate in 64 of the 418 National Park System units in a variety of contexts and business arrangements, and over 30 percent of transit vehicles operating in parks utilize alternative fuels. I look to continue and build upon this strong foundation we have established.

As NPS looks to the future, I believe we should pursue transportation innovation to create a world class visitor experience. We can do this by implementing modern visitor information systems, procuring advanced transit vehicles and technologies, and preparing for emerging transportation technologies and shared mobility trends.

Question 2: On August 7, 2018, the National Park Service issued a proposed rulemaking that would revise NPS' protest permitting process regarding demonstrations at the National mall, Memorial Parks, and President's Park in DC, requiring a fee for people to demonstrate and protest. This proposal is opposed by the National Parks Conservation Association, Human Rights Campaign, NAACP, the Project on Government Oversight, and many other diverse groups. I sent a letter to NPS and Secretary Zinke on October 25, along with 15 of my colleagues, expressing our concern that such an action would restrict people's Constitutional right to Freedom of Speech and Peaceful Assembly.

The First Amendment of the Constitution guarantees "Congress shall make no law … abridging the freedom of speech … or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." Do you think charging people for peacefully assembling and petitioning their government for a redress of grievances upholds the spirit of the Constitution?

Response: I agree that the First Amendment is a bedrock American value. As I stated at my hearing, I did not play any role in the development of this proposal. If confirmed, I commit to learning more about this proposal, objectively reviewing its rationale and comments received.

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Question 3: NPS is a key agency in maintaining our nation's history and cultural archive. However, in its last Budget Request, this Administration has proposed substantial reductions and staff and funding for our national parks (7 percent cut to National Parks, while reducing the workforce by 1,800 people), that would otherwise cause harm to NPS' mission in this area.

A. How are the parks impacted by budget and staffing reductions?

Response: The Budget Request provides $2.4 billion for the day-to-day management of the natural resource and public amenities of the National Park System. Within this account, funding is prioritized for the protection of resources, including repair and rehabilitation projects, which address the deferred maintenance backlog, and cyclic maintenance projects which ensure maintenance is conducted in a timely fashion to avoid increasing the deferred maintenance backlog. The request also proposes cost savings through more aggressive use of shared services and use of multiagency procurement vehicles.

B. Do you support the President's Budget, which requested a large cut to the National Park Service?

Response: The President's Budget maintains core functions for the National Park Service and provides funding to support the Administration's priorities of conserving our land and water, expanding outdoor access, protecting our people and the border, and addressing the deferred maintenance backlog.

Question 4: According to a study published on September 24, 2018 in *Environmental Research Letters, which* analyzes climate data from all 417 national parks across the 50 states and the territories, our national parks are warming about twice as fast as the rest of the nation, and without a serious effort to mitigate global warming, some of them could be unrecognizable within the next century.

A. As climate change occurs, and no preventative measures are taken by this Administration, are we not putting our parks, the millions of people that rely on our parks for employment, and the billions of dollars lost in our outdoor economy at a disadvantage?

B. Regarding President Trump's October 14, 2018 comments on 60 Minutes saying that scientists have a political agenda when it comes to climate change, do you believe the scientists within NPS have a political agenda?

C. What should NPS' role be in combatting climate change?

D. How will our parks be affected by climate change in the future?

E. Should NPS take a proactive role in protecting our parks from climate change?

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Response: Climate change is real, and its impact is being seen in our national parks. As land managers, we must use the tools at our disposal to meet our mandate, and to address the impacts of our changing climate. I support the work of National Park Service scientists, and believe that decisions are best made when informed by sound science.

Question 5: On December 20, 2016, NPS issued Director's Order #100, titled "Resource Stewardship for the 21st Century," which notes that climate change, biodiversity loss, invasive species, land use changes, and pollution as challenges that require comprehensive, science-based management responses to ensure the parks' natural and cultural resources are preserved for the enjoyment of future generations. The Trump Administration rescinded this order on August 16, 2017. Key actions mandated by Director's Order 100 and how they protect park resources include increasing preemptive measures to protect natural resources and to base decisions on science and long-term public interest.

A. Do you agree with making proactive decisions that help preserve the longevity and quality of our public spaces?

B. Did you agree with the principles in Director's Order #100 to proactively manage national parks to anticipate future challenges with climate change?

C. As Director, would you consider putting it back in place?

D. How should the management of parks change to account for shorter or harsher changing seasons?

Response: As a regional director and superintendent, I know that proactive management is important. I believe the National Park Service should be proactive in its efforts to mitigate the impacts of climate change. If confirmed, I will work to ensure that the National Park Service has the tools necessary to achieve its mission. We must be mindful of our mandate, and seek ways to adapt.

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Questions from Senator Rob Portman

Question 1: Mr. Vela, if confirmed, will you commit to working with my colleagues and me on tackling the $12 billion maintenance backlog at our parks, including working with us on the Restore Our Parks Act?

Response: Yes.

Another project I wanted to bring to your attention is occurring at the Dayton Aviation National Historic Park, which tells the story of the Wright brothers' discovery of flight as well as the life of Paul Lawrence Dunbar, one of America's greatest African American poets.

I was very pleased that Congress – at the recommendation of the Department of the Interior - allocated LWCF funding to acquire the two Wright Company factory buildings – where the first airplanes were constructed - in the FY18 spending bill. I was a strong advocate of including these buildings as part of the Dayton Aviation site.

I understand that the first step in acquiring the buildings is completing an appraisal. I have been told that the appraisal has not yet been initiated.

Question 2: If confirmed, will you commit to ensuring that the appraisal and acquisition of the factory buildings is done in a timely manner?

Response: If confirmed, I commit to looking into this issue and getting back to you on the status.

November 13, 2018

Senator Lisa Murkowski, Chairman
Committee on Energy & Natural Resources
304 Dirksen Senate Building
Washington, DC 20510

Senator Maria Cantwell, Ranking Member
Committee on Energy & Natural Resources
304 Dirksen Senate Building
Washington, DC 20510

Dear Chairman Murkowski and Ranking Member Cantwell,

The undersigned organizations represent a broad constituency of industries, companies and workers who build and provide equipment, materials, supplies, logistics and services to energy infrastructure projects, and who rely on that infrastructure to produce and deliver the energy that powers America.

We are writing to express our strong support for Bernard McNamee to serve as Commissioner of the Federal Energy Regulatory Commission, as you consider him for confirmation at your November 15, 2018 hearing. We urge the Committee to act expeditiously and affirmatively on his nomination, and to work with Senate leadership and your colleagues to achieve his confirmation at the earliest opportunity.

Mr. McNamee is eminently qualified for this position, having more than twenty years' experience in senior responsible positions in the energy regulatory and policy arenas at both state and federal levels. His confirmation will restore a full roster of FERC Commissioners, essential to timely and carefully-considered rulings that ensure certification of environmentally sound energy infrastructure projects essential to providing Americans with adequate and reliable supplies of affordable and safely-delivered clean energy.

Much is also at stake for American workers and businesses. Approved projects directly create tens of thousands of construction-related jobs, along with thousands more throughout the country producing and supplying needed equipment, materials, logistics and services for construction. Adequate transmission infrastructure also unleashes creation of many thousands more jobs in construction of upstream production and downstream consumption infrastructure. Growth of manufacturing investment, competitiveness and job creation also depend on abundant supplies of low-cost energy inputs delivered by infrastructure under FERC's jurisdiction.

We urge timely affirmative Committee action on Mr. McNamee's nomination. We stand ready to work vigorously for his confirmation by the Senate.

Sincerely,

American Council of Engineering Companies
Linda Bauer Darr, President & CEO

American Gas Association
Dave McCurdy, President & CEO

Associated Equipment Distributors
Brian P. McGuire, President & CEO

Associated General Contractors of America
Stephen Sandherr, Chief Executive Officer

Distribution Contractors Association
Robert Darden, President & CEO

Energy Equipment and Infrastructure Alliance
Toby Mack, President & CEO

GPA Midstream Association
Mark Sutton, President & CEO

Industrial Minerals Association - North America
Mark Ellis, President

International Union of Operating Engineers
James Callahan, General President

Laborers International Union of North America
Terry O'Sullivan, General President

National Industrial Sand Association
Mark Ellis, President

National Tank Truck Carriers
Dan Furth, President & CEO

National Utility Contractors Association
Bill Hillman, President & CEO

Pipe Line Contractors Association
Elizabeth Worrell, Executive Director

Plastics Pipe Institute
Tony Radoszewski, President

United Association of Plumbers and Pipefitters
Mark McManus, General President

National Electrical Contractors Association
John Grau, Chief Executive Officer

American Rental Association
Tony Conant, Chief Executive Officer

cc: Members of the Senate Committee on Energy and Natural Resources

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November 20, 2018

The Honorable Lisa Murkowski, Chairman
The Honorable Maria Cantwell, Ranking Member
Senate Energy and Natural Resources Committee
304 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Murkowski and Ranking Member Cantwell:

I am writing on behalf of Chesapeake Conservancy, the principal nonprofit partner with the National Park Service in its several programs to manage Chesapeake Bay resources, including the Captain John Smith Chesapeake National Historic Trail. We wish to convey our steadfast support for David Vela's nomination to serve as Director of the National Park Service (NPS), and urge Senate confirmation.

Our nonprofit based in Annapolis, Md., works to conserve and restore the natural and cultural resources of the Chesapeake Bay watershed for the enjoyment, education, and inspiration of this and future generations. In addition to our work with the National Park Service to expand public access, we partner with NGOs and federal agencies to make use of the Land and Water Conservation Fund to acquire and protect tens of thousands of acres in the Chesapeake Bay watershed.

Together with the National Park Service Chesapeake Bay Office, we have helped create more than 150 public access sites in the Chesapeake Bay, halfway toward the goal of 300 found in the 2010 Chesapeake Bay Agreement. We and partners have protected "special places" in the Chesapeake like Werowocomoco in Virginia, the former seat of power for Powhattan. We reach diverse audiences across the watershed through the Roving Ranger, our mobile trailhead that enhances access for thousands of people at parks and events throughout the year. We also manage the FindYourChesapeake.com website to reach the public and foster appreciation of our environment.

During Mr. Vela's impressive career, he has shown a commendable commitment to increasing access, building strong relationships with the community, and reaching diverse audiences. These are core goals of the National Park Service and its Chesapeake Conservancy partnership. We would therefore welcome Mr. Vela's leadership in the Chesapeake region and look forward to working with him toward achievement of our shared goals.

Sincerely,

Douglas Wheeler
Chairman

CC: Joel Dunn, President & CEO, Chesapeake Conservancy

November 9, 2018

Senator Lisa Murkowski
Chairman
Energy and Natural Resources Committee
522 Hart Senate Office Building
Washington, DC 20510

Senator Maria Cantwell
Ranking Member
Energy and Natural Resources Committee
511 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Murkowski and Ranking Member Cantwell,

On behalf of ClearPath Action, a 501(c)4 organization working to develop and advance conservative policies that accelerate clean energy innovation. I am writing to express support for Dr. Rita Baranwal's nomination to be the Assistant Secretary for Nuclear Energy. Dr. Baranwal has the right combination of technical knowledge, leadership experience, and private sector pragmatism to effectively lead the Office of Nuclear Energy (NE).

NE has gone nearly two years without a permanent director, and installing a strong leader to advance the President's vision for American nuclear energy leadership, as laid out in the Administration's comprehensive civilian nuclear review, is essential. The future of advanced nuclear needs to be led by the private sector and cannot be overly reliant on the public sector. At the same time, many aspects of nuclear engineering development cannot operate without some form of federal involvement due to the unique regulatory constraints placed on nuclear energy. NE-1 needs to carefully balance these two realities.

Dr. Baranwal currently serves at Idaho National Lab (INL) as the director of the Gateway for Accelerated Innovation in Nuclear (GAIN), a program designed to improve the effectiveness of public-private partnerships and let the private sector take more of a lead on the activities of the DOE. GAIN is one of NE's most recent initiatives and is a crucial way of thinking about nuclear innovation that needs to be used to improve all parts of the Office.

Dr. Baranwal also has experience in managing hundreds of engineers and complex engineering challenges from her time in Westinghouse's senior leadership. Executing the Administration's top nuclear research and development initiatives, such as developing the Versatile Test Reactor and providing initial supplies of High Assay Low Enriched Uranium (HA-LEU) to advanced reactors will both require thoughtful attention to detail and qualified management experience, both of which Dr. Baranwal has in abundance. ClearPath urges the Senate to confirm Dr. Baranwal expeditiously.

Sincerely,

Rich Powell
Executive Director, ClearPath Action

www.corpsnetwork.org

September 4, 2018

The Honorable Lisa Murkowski
Chairwoman
Energy & Natural Resources Committee
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Maria Cantwell
Ranking Member
Energy & Natural Resources Committee
511 Hart Senate Office Building
Washington, DC 20510

Dear Chairwoman Murkowski and Ranking Member Cantwell,

On behalf of our nation's 130 Service & Conservation Corps (Corps), I write in strong support of David Vela's nomination for Director of the National Park Service (NPS). As the steward of our nation's most treasured public lands and waters, the director of the NPS is a critical position to ensuring their conservation and accessibility for generations to come. We are pleased the President has nominated a qualified candidate for this important role, and respectfully urge his confirmation as quickly as possible.

With Mr. Vela's over 28 years of experience with NPS, he has the knowledge and vision to move the park service forward in to its next chapter and ensure our parks are accessible and in good condition for the millions of visitors each year, and the thousands of businesses, communities and partners that help them flourish. Throughout Mr. Vela's career, Corps around the country have had the pleasure of working with him to help develop the next generation of diverse leaders, and address important conservation, maintenance, and recreation needs.

Corps' partnership with NPS goes back to the 1930's and the Civilian Conservation Corps (CCC). The CCC developed much of our public lands infrastructure, a significant amount which is still in use today. 21st Century Corps carry on that legacy and help to maintain those same lands and infrastructure. Corps provide young adults (ages 16 – 30) and veterans (up to age 35) the opportunity to serve our country, advance their education and obtain in-demand skills.

Serving in crews or individual placements, Corpsmembers perform important conservation, recreation, infrastructure, wildfire and disaster response, and community development projects on public lands and in rural and urban communities. Corps annually enroll over 25,000 youth and veterans across all 50 states, DC, and the US territories. Last year, Corps partnered with NPS on $29 million worth of projects and brought an additional $7 million worth of match while also recruiting thousands of additional volunteers to support NPS projects.

We believe Mr. Vela would be an important asset to our National Parks, to the partner organizations that support parks around the country, and to the next generation of park leaders. With a need to focus NPS on addressing the multi-billion dollar maintenance backlog, diversifying visitation and the workforce, and engaging the 331 million visitors at America's 417 National Park Service sites contributing $35.8 billion to the U.S. economy, ensuring Mr. Vela is confirmed as quickly as possible is critical. Thank you for your time and consideration.

Sincerely,

#CorpsWork #21CSC | 1275 K St. NW, Suite 1050 | Washington, DC 20005 | p: 202.737.6272 | f: 202.737.6277

www.corpsnetwork.org

Mary Ellen Sprenkel

Mary Ellen Sprenkel
President & CEO

Cc: Members of the Senate Energy & Natural Resources Committee

Enclosure: Corps of The Corps Network

www.corpsnetwork.org

CORPS OF THE CORPS NETWORK

National & Regional Organizations:
American Conservation Experience
AmeriCorps NCCC
Community Training Works, Inc/YACC
Conservation Legacy
Greening Youth Foundation
Student Conservation Association (SCA)

ALASKA
Anchorage Park Foundation/YEP
Student Conservation Association (Anchorage Office)

ARIZONA
American Conservation Experience
Arizona Conservation Corps (Flagstaff, Tucson)
Work in State: CCYC (UT); NWYC (OR), RMYC (NM)

ARKANSAS
Cass Job Corps Civilian Conservation Center
Ouachita Job Corps Civilian Conservation Center

CALIFORNIA
AmeriCorps NCCC (Pacific Region)
California Conservation Corps
Civicorps
Conservation Corps of Long Beach
Conservation Corps North Bay
Desert Restoration Corps (SCA)
Fresno EOC Local Conservation Corps
Greater Valley Conservation Corps
Kern Service and Conservation Corps
Los Angeles Conservation Corps
Orange County Conservation Corps
Sacramento Regional Conservation Corps
San Francisco Conservation Corps
San Gabriel Valley Conservation Corps
San Joaquin Regional Conservation Corps
San Jose Conservation Corps & Charter School
Sequoia Community Corps
Sonoma County Youth Ecology Corps
Student Conservation Association (Oakland)
Urban Conservation Corps /S.CA. Mtns Foundation
Urban Corps of San Diego County
Work in State: ACE (AZ); ACC (AZ); NCC (NV); NYC (OR)

COLORADO
AmeriCorps NCCC (Southwest Region)
Collbran Job Corps Civilian Conservation Center

COLORADO (cont.)
Conservation Legacy (HQ)
Environment for the Americas
Serve Colorado
Larimer County Conservation Corps
Mile High Youth Corps
Rocky Mountain Conservancy
Rocky Mountain Youth Corps (Steamboat Springs)
Southwest Conservation Corps (Four Corners, Los Valles)
Western Colorado Conservation Corps
Work in State: CCYC (UT)

CONNECTICUT
Knox Parks Foundation – Green Crew

DELEWARE
Delaware State Parks Youth Conservation Corps
Delaware State Parks Veterans Conservation Corps

DISTRICT OF COLUMBIA
AmeriCorps National Civilian Community Corps (HQ)
Student Conservation Association (Capital Region)

FLORIDA
Community Training Works, Inc. / Young American CC
Conservation Corps of the Forgotten Coast
Greater Miami Service Corps

GEORGIA
Greening Youth Foundation (HQ)

HAWAII
KUPU/Hawaii Youth Conservation Corps

IDAHO
Centennial Job Corps Civilian Conservation Center
Idaho Conservation Corps
SCA Idaho AmeriCorps
Work in State: MCC (MT); NCC (NV); NYC (OR)

ILLINOIS
Greencorps Chicago
Golconda Job Corps Civilian Conservation Center
Peoria Corps
Student Conservation Association (Chicago)
Youth Conservation Corps, Inc.
YouthBuild Lake County

IOWA

www.corpsnetwork.org

AmeriCorps NCCC (North Central Region)
Conservation Corps Minnesota & Iowa (Ames)

KENTUCKY
Frenchburg Job Corps Civilian Conservation Center
Great Onyx Job Corps Civilian Conservation Center
Pine Knot Job Corps Civilian Conservation Center

LOUISIANA
Limitless Vistas, Inc.
Work in State: AYW (TX)

MAINE
Maine Conservation Corps

MARYLAND (cont.)
AmeriCorps NCCC (Southwest Region)
Civic Works
Maryland Conservation Corps
Montgomery County Conservation Corps
Work in State: CCCWV (WV)

MASSACHUSETTS
Massachusetts Corps (SCA)

MICHIGAN
Detroit Conservation Corps
Great Lakes Conservation Corps
Michigan Civilian Conservation Corps
Student Conservation Association (Detroit)
SEEDS Youth Conservation Corps
Work in State: CCMI (MN), GLCCC (WI)

MINNESOTA
Conservation Corps Minnesota & Iowa

MISSISSIPPI
CLIMB Community Development Corporation

MISSOURI
Mingo Job Corps Civilian Conservation Center
Work in State: CCMI (MN)

MONTANA
Anaconda Job Corps Civilian Conservation Center
Montana Conservation Corps
Trapper Creek Job Corps Civilian Conserv. Center

NEBRASKA
Pine Ridge Job Corps Civilian Conservation Corps

NEVADA
Nevada Conservation Corps (Great Basin Institute)
Work in State: ACC (AZ)

NEW HAMPSHIRE
New Hampshire Corps (SCA)
Work in State: GMC (VT)

NEW JERSEY
New Jersey Youth Corps of Atlantic Cape May
New Jersey Youth Corps of Camden/The Work Group
New Jersey Youth Corps of Elizabeth
New Jersey Youth Corps of Jersey City
New Jersey Youth Corps of Middlesex County
New Jersey Youth Corps of Monmouth County
New Jersey Youth Corps of Newark
New Jersey Youth Corps of Paterson
New Jersey Youth Corps of Phillipsburg
New Jersey Youth Corps of Trenton
New Jersey Youth Corps of Trenton Isles
New Jersey Youth Corps of Vineland
New York New Jersey Trail Conference
Student Conservation Association (New Jersey)

NEW MEXICO
EcoServants
Rocky Mountain Youth Corps (Taos)
Southwest Conservation Corps (Ancestral Lands)
YouthWorks Santa Fe

NEW YORK
Adirondack Corps (SCA)
Excelsior Conservation Corps
Green City Force
Hudson Valley Corps (SCA)
New York City Justice Corps – Bronx
New York City Justice Corps – Brooklyn
New York City Justice Corps – Harlem
New York City Justice Corps – Queens
New York Restoration Project
Onondaga Earth Corps
Student Conservation Association (New York City)
The Place/Headwaters Youth Conservation Corps
The Service Collaborative of WNY, Inc.
Work in State: NYNJTC (NJ)

NORTH CAROLINA
American Conservation Experience
L.B. Johnson Job Corps Civilian Conservation Center
North Carolina Youth Conservation Corps
Northwest Piedmont Service Corps
Oconaluftee Job Corps Civilian Conservation Center
Schenk Job Corps Civilian Conservation Center

www.corpsnetwork.org

Work in State: VYCC (VT), ATCLC (WV)

NORTH DAKOTA
Work in State: CCMI (MN); MCC (MT)

OHIO
WSOS Community Action

OKLAHOMA
Work in State: AYW (TX)

OREGON
Angell Job Corps Civilian Conservation Center
Heart of Oregon
Northwest Youth Corps
Oregon Volunteers
Timber Lake Job Corps Civilian Conservation Center
Wolf Creek Job Corps Civilian Conservation Center

PENNSYLVANIA
PowerCorpsPHL
Student Conservation Association
(Pittsburg/Philadelphia)

SOUTH CAROLINA
Palmetto Conservation Corps
St. Bernard Project
The Sustainability Institute/Energy Conservation Corps

SOUTH DAKOTA
Boxelder Job Corps Civilian Conservation Center
Work in State: CCMI (MN); MCC (MT)

TENNESSEE
Jacobs Creek Job Corps Civilian Conserv. Center
Knox County CAC AmeriCorps
Southeast Youth Corps

TEXAS
American YouthWorks, incl. Texas Conservation Corps
Student Conservation Association (Houston)
Work in State: Southwest Conservation Corps (CO)

UTAH
American Conservation Experience
Canyon Country Youth Corps

UTAH (cont.)
Utah Conservation Corps
Weber Basin Job Corps Civilian Conservation Center
Work in State: ACC (AZ)

VERMONT
Green Mountain Club
Vermont Youth Conservation Corps

VIRGINIA
Flatwoods Job Corps Civilian Conservation Corps
SCA (Student Conservation Association) (HQ)
Virginia Service and Conservation Corps
Virginia State Parks Youth Conservation
Work in State: ATCLC (WV)

WASHINGTON
Columbia Basin Job Corps Civilian Conserv. Center
Curlew Job Corps Civilian Conservation Center
EarthCorps
Fort Simcoe Job Corps Conservation Center
Mt. Adams Institute
Northwest Youth Corps
Student Conservation Association (Seattle)
Washington Conservation Corps
Youth Green Corps – Seattle Parks & Recreation

WEST VIRGINIA
Appalachian Trail Conservancy Leadership Corps
Citizens Conservation Corps
Harpers Ferry Job Corps Civilian Conserv. Center
Stewards Individual Placement Program

WISCONSIN
Blackwell Job Corps Civilian Conservation Center
Fresh Start - ADVOCAP
Fresh Start – Renewal Unlimited, Inc.
Great Lakes Community Conservation Corps
Milwaukee Community Service Corps
Operation Fresh Start
Student Conservation Association (Milwaukee)
WisCorps / Wisconsin Conservation Corps
Work in State: CCMI (MN)

WYOMING
Wyoming Conservation Corps
Work in State: RMYC (CO); MCC (MT); UCC (UT)

AWEA AMERICAN WIND ENERGY ASSOCIATION

The Honorable Lisa Murkowski
Chairwoman
Senate Committee on Energy and Natural Resources
Washington, D.C. 20510-3905

The Honorable Maria Cantwell
Ranking Member
Senate Committee on Energy and Natural Resources
Washington, D.C. 20510-3905

October 5, 2018

Dear Chairman Murkowski and Ranking Member Cantwell,

While I am currently the CEO of the American Wind Energy Association, I previously served for 15 years as the President of the National Parks Conservation Association. In that capacity, I worked very closely for many years with David Vela as he served as Superintendent of Grand Teton National Parks, Regional Director of the Southeast Region, and in several other previous positions throughout the National Park Service.

It is with this extended experience working with David that I offer my strong endorsement for his nomination as the next Director of the National Park Service. David has always been an accessible, engaging, fair, and forward-thinking partner and an effective leader within the National Park Service. Among his many areas of focus, David has been particularly effective at engaging all voices and all Americans in visiting national parks and understanding the national park ethic.

Over my tenure at NPCA, I worked with 5 NPS Directors including Roger Kennedy, Bob Stanton, Mary Bomar, Fran Mainella, and Jon Jarvis. David deserves to be among that esteemed group and will help move the National Park Service effectively into its second hundred years of leadership and service.

Please let me know if I can provide additional thoughts or endorsement. Again, he has my strong support.

Sincerely,

Thomas C. Kiernan

202.383.2500 *main* | 202.383.2505 *fax* | 1501 M Street NW, Suite 900 | Washington, D.C. 20005

League of United Latin American Citizens

NATIONAL PRESIDENT
Domingo Garcia

CHIEF EXECUTIVE OFFICER
Sindy Benavides

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Utah
Bob Garcia
Virginia
Diana Perez
Washington
Eileen Figueroa
Wisconsin

October 31, 2018

Energy and Natural Resources Committee Office
304 Dirksen Senate Building
Washington, DC 20510

Re: LULAC fully supports the appointment of David Vela as Director of the National Parks Services

Dear Chairman Murkowski, Ranking Member Cantwell and Members of the Senate Committee on Energy and Natural Resources:

The League of United Latin American Citizens support the appointment of David Vela as Director of the National Parks Services for the reasons listed below.

First, although the percentage of Hispanic/Latinx Americans in government and presidential appointed positions is extremely low, at the highest levels of the federal government we represent a large percentage of the population, it is vital that the community has proper representation. The appointment of David Vela will be a stride in a positive direction showing that the Hispanic/Latinx community can and should be in positions where decisions will be made that affect the Hispanic/Latinx community. Mr. Vela, as a leader and the first Hispanic director, will be an inspiration to the community nationwide.

Second, Mr. Vela has an impeccable understanding of diversity when it comes to representation in the United States. He has stated that he "wants the park tourism to" reflect the face of America, meaning he believes and is committed to making our parks inclusive. He also works directly with local communities in making sure that everyone has the ability and access to enjoy and visit our national parks.

Third, Mr. Vela has served as a strong and diligent national park service leader in several different positions throughout his career. Mr. Vela has shown to be fiscally responsible throughout his career with the proper management of tens of millions of dollars in public park funds. We believe that David Vela will continue his astounding fiscal and service responsibilities as the new Director of the National Parks Services.

In conclusion, the League of United Latin American Citizens wants to reaffirm its support for the appointment of David Vela as Director of the National Parks Services.

Sincerely,

Domingo Garcia
LULAC National President

Sindy Benavides
Chief Executive Officer

1133 19th Street, NW, Suite 1000 • Washington, DC 20036 • (202) 833-6130 • FAX (202) 833-6135 • www.LULAC.org

Lewis and Clark Trust, Inc.

Official Friends Group and Partner with the Lewis and Clark National Historic Trail

24 September 2018

The Honorable Lisa Murkowski, Chairman
The Honorable John Barrasso
The Honorable James Risch
The Honorable Mike Lee
The Honorable Jeff Flake
The Honorable Steve Daines
The Honorable Cory Gardner
The Honorable Lamar Alexander
The Honorable John Hoeven
The Honorable Bill Cassidy
The Honorable Rob Portman
The Honorable Shelley Moore Capito

The Honorable Maria Cantwell, Ranking Member
The Honorable Ron Wyden
The Honorable Bernard Sanders
The Honorable Debbie Stabenow
The Honorable Joe Manchin
The Honorable Martin Heinrich
The Honorable Mazie Hirono
The Honorable Angus King
The Honorable Tammy Duckworth
The Honorable Catherine Cortez Masto
The Honorable Tina Smith

Re: Confirmation Hearings for National Park Service Director Raymond David Vela (Designee)

The Lewis and Clark Trust, a no-profit Friends Group of the Lewis and Clark National Historic Trail (LCNHT), through due-diligence finds NPS Director Nominee David Vela to be an outstanding selection to lead the National Park Service. However, as a Long Distance National Historic Trail supporter, we respectfully urge the Committee on Energy and Natural Resources to pose the following questions during the confirmation hearing:

1- Do you recognize the Scenic and Historic Trails, administered by NPS, as an extremely efficient and effective means of advancing the mission of NPS when using volunteers as defined in the 1968 National Trail Act?

2- Some of the National Scenic and Historic Trails are designated as "Units" within NPS. How will you address the need to recognize all of the Long Distance Scenic and Historic Trails as Units?

3- NPS has a culture of very slow "process and planning", are you willing to quickly review the Washington Office Staff to fulfill Secretary Zinke's plan to realign NPS to be more effective, efficient and responsive to public needs?

We firmly support the Lewis and Clark National Historic Trail, an engaged and forward focused Historic Trail Staff and Leadership. Visionary Leadership and volunteers support the National Park Service Mission but stronger leadership from the Director and his Deputy Staff is needed to serve all people, especially those rural and inter-city citizens through the Long Distant Scenic and Historic Trails.

Respectfully submitted,

James L. Mallory, Vice Chairman,
Lewis and Clark Trust, Inc.
859-278-7723

Telling the Lewis and Clark story and preserving the entire trail in cooperation with the Lewis and Clark National Historic Trail

a nonprofit corporation

Ross E. Eisenberg
Vice President
Energy & Resources Policy

November 14, 2018

The United States Senate
Committee on Energy and Natural Resources
Washington, DC 20510

Dear Chairman Murkowski and Ranking Member Cantwell:

The National Association of Manufacturers, the largest manufacturing association in the United States representing manufacturers in every industrial sector and in all 50 states, urges you to support Mr. Bernard L. McNamee to serve as a Member of the Federal Energy Regulatory Commission (FERC).

The FERC plays a critical role in ensuring Americans can count on the best energy infrastructure in the world. Moving energy safely and efficiently to where it is needed requires a modern and highly interconnected system. Energy infrastructure is delivering opportunity across America, and manufacturers cannot afford to delay progress on new projects. Investments to enhance our energy infrastructure to improve safety, efficiency, affordability, reliability and security are placed in jeopardy when FERC seats are left empty. Robust energy infrastructure creates jobs, improves safety and spurs domestic investment.

Restoring a full suite of commissioners at FERC is a critical step toward a stronger future, and we ask that you do so as quickly as possible. With each passing day that key independent agencies like FERC have leadership vacancies, manufacturers in the United States are missing out on new business opportunities – to the detriment of local economies and American jobs. I urge you to move forward.

Manufacturers support the swift confirmation of Mr. Bernard L. McNamee to enable the Commission to carry out decisions that support U.S. manufacturers. The nominee is a proven leader with the necessary experience and policy insights to help strengthen American energy infrastructure.

Sincerely,

Ross Eisenberg
Vice President
Energy and Resources Policy

CC: Members of the U.S. Senate Committee on Energy and Natural Resources

AMERICA'S STATE PARKS

National Association of State Park Directors
P.O. Box 91567 Raleigh, NC 27675
(919) 218-9222 info@stateparks.org
www.stateparks.org

HONORING TRADITION SEEKING INNOVATION
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Don Hoch
WASHINGTON

EXECUTIVE DIRECTOR

Lewis Ledford
NORTH CAROLINA (RET.)

September 28, 2018

The Honorable Lisa Murkowski, Chair
The Honorable Maria Cantwell, Ranking Member
Senate Energy and Natural Resources Committee
304 Dirksen Senate Building
Washington, DC 20510

Reference: Confirmation of David Vela as Director of the National Park Service

Dear Chairman Murkowski and Ranking Member Cantwell:

The National Association of State Park Directors heartily endorses the confirmation of David Vela to serve as the 19th Director of the National Park Service.

In addition to the considerable background information that your Senate Committee has been provided, we would like to offer an endorsement based on our acquaintances and multiple interactions. He is a competent and passionate professional, capable of leading a dynamic agency charged to care for the nation's most special natural and cultural resources.

Mr. Vela is the type of leader needed for this generation. He has demonstrated an exceptional ability to communicate with all people, educate and engage the youth, and bring cohesion to a diverse and challenged staff. His engaging and practical style will strike an important balance of trends and pressures of today, with the objective to preserve, unimpaired for future generations, the park resources that are enjoyed today.

Together America's State Parks and the National Park Service are serving nearly 1.2 billion park visitors annually. A close association is vital for being efficient in providing quality outdoor recreational services and for the conservation of natural resources. Presentations, in management conferences and other joint efforts, have shown Mr. Vela to being effective and genuine in working together on shared interests to build an important coalition of local, state and national parks.

A highly distinguished parks practitioner, Mr. Vela would provide leadership that includes vision, a balance of passion and practical understandings, a multicultural voice, ingenuity that would provide for resourceful public/public and public/private associations, and leadership that will rekindle and strengthen relationships for the betterment of our great Nation.

Respectfully submitted,

Lewis R. Ledford

Lewis R. Ledford

Promoting and advancing the state park systems of America for their own significance, as well as for their important contributions to the nation's environment, heritage, health and economy.

October 11, 2018

Dear Senator,

Since 1919, National Parks Conservation Association (NPCA) has been the leading voice of the American people in protecting and enhancing our National Park System. On behalf of our more than 1.3 members and supporters nationwide, we urge you to support the nomination of Raymond David Vela as Director of the National Park Service (NPS).

In late August, President Trump nominated Mr. Vela for the top post at NPS, and on Tuesday, October 16th he will appear before the full Senate Energy and Natural Resources Committee. If confirmed, Vela would bring nearly three decades of public service expertise to the position, including his current role as superintendent of Grand Teton National Park, previous service as the Associate Director for Workforce, Relevancy and Inclusion in Washington, D.C., as well as Superintendent of Palo Alto Battlefield National Historic Site and the Director of the Park Service's Southeast Region.

Vela, a 28-year career veteran of NPS, would be the first Hispanic-American to lead the agency. As Director, Vela would play an essential role in protecting 417 of America's most treasured places and oversee the management of more than 20,000 National Park Service employees. If confirmed, Vela would be charged with upholding the Park Service's mission to protect and keep unimpaired our most incredible resources – natural, cultural and historic –for future generations to experience and enjoy.

Currently, Vela is the Superintendent of Grand Teton National Park and the John D. Rockefeller, Jr. Memorial Parkway in Wyoming, encompassing over 300,000 acres of national park lands. Grand Teton is best known for the spectacular views of the magnificent Teton Range and is home to species such as gray wolves, grizzly bears, moose, elk and antelope.

In his current role, Vela has tackled many high profile and often contentious issues. Throughout his tenure, he demonstrated professionalism and commitment to inclusive and fair decision-making processes around a broad scope of issues. These included wildlife management, wild and scenic river protection, transportation and visitor management, reconstruction of the Jenny Lake area and trail system and protection and acquisition of state-owned inholdings within the park.

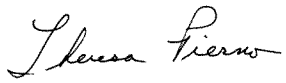
In NPCA's experience, Vela has been respectful of many diverse opinions surrounding park management in Grand Teton and committed to the effective resolution of issues through community-based dialogue and solutions. He has been a dedicated civil servant and holds Park Service values to a high standard, keeping them at the core of all his management decisions. Likewise, we have found that Vela operates in a bi-partisan manner and works effectively with both Republican and Democratic administrations. As a Senior Executive for the NPS, Vela has worked in

many different realms of NPS and understands the broad challenges facing the National Park System. He oversaw an internal restructure to better align the Service's Human Resource functions with the agency wide commitment to relevancy, diversity and inclusion. Finally, during his tenure with the Park Service, Vela has established several robust leadership programs that train the next generation of park staff with the goal of recruiting and retaining new talent to support the Park Service's noble mission.

Vela is a problem solver and poised to take on many obstacles facing our parks as Director, including threats from development, air and water pollution, climate change and record visitation. Obviously, though the committee has taken recent action to support NPS priorities, one of the more difficult challenges Vela must undertake will be addressing an already underfunded National Park Service and its nearly $12 billion in needed repairs.

Recognizing how long the Park Service has been without a formal Director, we look forward to the timely confirmation of David Vela as National Park Service Director. NPCA hopes to support him and all the important work ahead to ensure the protection and future of our national parks. Thank you for your consideration.

Sincerely,



Theresa Pierno
President & CEO

MARIA KORSNICK
President and Chief Executive Officer
1201 F Street NW, Suite 1100
Washington, DC 20004
P: 202.739.8187
mgk@nei.org
nei.org

NEI
NUCLEAR ENERGY INSTITUTE

November 13, 2018

The Honorable Lisa Murkowski
Chairman
Committee on Energy and Natural Resources
304 Dirksen Senate Building
Washington, D.C. 20510

The Honorable Maria Cantwell
Ranking Member
Committee on Energy and Natural Resources
304 Dirksen Senate Building
Washington, D.C. 20510

Dear Chairman Murkowski and Ranking Member Cantwell:

The Senate Committee on Energy and Natural Resources will soon consider the nomination of Dr. Rita Baranwal to become an Assistant Secretary of Energy and lead the Department of Energy's Office of Nuclear Energy. The Nuclear Energy Institute and its member companies believe that Dr. Baranwal is eminently qualified for the position and urges the Senate to swiftly confirm her nomination.

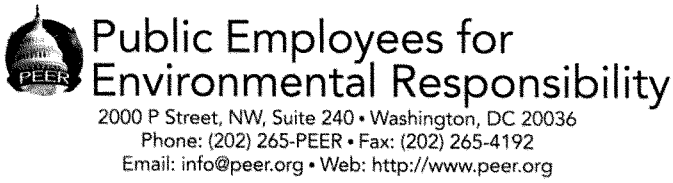
Dr. Baranwal brings with her a wealth of knowledge and experience from a distinguished career that will help advance nuclear energy and Secretary Perry's policy agenda. Since August 2016, Dr. Baranwal has helped the American nuclear energy sector achieve faster and more cost-effective innovations as Director of the Gateway for Accelerated Innovation in Nuclear (GAIN) at the Idaho National Laboratory. Before joining INL, Dr. Baranwal helped lead research and development on breakthrough technologies at Westinghouse and led research and development efforts in nuclear fuel materials at Bechtel Bettis for the Naval Reactors Program. Dr. Baranwal also brings a great appreciation for nuclear energy's contributions to our national security.

NEI believes this nomination further affirms our nation's strong support and confidence in the nuclear industry to help meet America's energy, environmental and national security goals.

Yours very sincerely,

Maria Korsnick

Maria Korsnick



September 4, 2018

U.S. Sen. Lisa Murkowski, Chair
Energy and Natural Resources Committee
304 Dirksen Senate Building
Washington. DC 20510

Sen. Maria Cantwell, Ranking Member
Energy and Natural Resources Committee
511 Hart Senate Office Building
Washington DC 20510

Dear Senators Murkowski and Cantwell:

I am writing on behalf of Public Employees for Environmental Responsibility (PEER) to express our concerns about the nomination of David Vela to serve as the Director of the National Park Service (NPS).

By way of overview, PEER is aware of the long vacancy of this position. But we are also acutely aware that this agency has long been rudderless and in need of effective leadership for an extended period.

Since Mr. Vela is presumably nominated due to his 28 years of experience within NPS, we would urge the Senate Energy and Natural Resources Committee to critically examine that record. In our organization's dealings with Mr. Vela, we have found little in that record to indicate that he has the capacity to lead an institution tasked with stewarding our nation's most iconic natural treasures, and several of his actions suggest just the opposite. Consider the following:

1) Mr. Vela Was Responsible for the Largest Rollback of Wilderness Eligibility in NPS History.

Contrary to NPS rules and policies, as Southeast Regional Director Mr. Vela opened much of the 147,000-acre Big Cypress National Preserve "Addition lands" to off-road vehicle (ORV) traffic.

In May 2009, the NPS put a Draft General Management Plan for the Addition out for public comment with the announcement that over 111,000 acres of lands added to the Preserve in 1988 were "eligible" as wilderness. Less than a year later, NPS officials led by Mr. Vela decided that

40,000 of those wilderness acres should instead be open to motorized recreation, which is prohibited by law in designated wilderness.

To accomplish this, Mr. Vela first asked then-Director Jon Jarvis to waive national Management Policies requiring that wilderness eligible lands be managed so as not to forfeit future designation as wilderness, according to documents PEER obtained through a Freedom of Information Act (FOIA) lawsuit. When Mr. Jarvis refused to grant the waiver, Mr. Vela ordered a very quick reassessment of the wilderness character of the target lands which –

- Was done without public notice or participation. Mr. Vela later claimed the quickie 2010 reassessment was just a continuation of the previous 2006 assessment which found the lands to have wilderness character;

- Expanded 25-fold the non-wilderness corridors surrounding every trail, canal or road. Increasing the buffer from .01 miles to .25 miles on both sides of every trail accommodates large vehicles going off-trail and gouging large ruts through the swampy Big Cypress Preserve; and

- Applied a never-before-used criterion in violation of Wilderness Act precepts and agency policy. The new 13-page reassessment supposedly was done not from the vantage of a "common visitor" but from the eyes of a "manager;" previous assessments were conducted by NPS managers but from the vantage of a common visitor, according to Wilderness Act standards.

In short, Mr. Vela crudely gamed the process through an under the table maneuver to reach a pre-determined result. These events raise serious concerns about the integrity of Park Service decision-making under the tenure of a Director Vela.

Mr. Vela's record also bodes ill for the protection of wilderness and backcountry in the national park system. While the NPS administers more wilderness than any other agency--more than 40% of all federal wilderness lands--long-stalled wilderness recommendations should have increased park wilderness by more than half. There are some 26 million acres – an area the size of Tennessee – which should also be under wilderness protection but are stalled in a clogged NPS pipeline.

Aggravating this situation, NPS has a growing backlog of unfulfilled wilderness duties from not assessing all roadless lands for wilderness eligibility, not converting potential wilderness into full wilderness and even not preparing legal descriptions and boundary maps for several areas designated by Congress. Consequently, several "flagship" parks such as Yellowstone, Glacier, Big Bend and the Grand Canyon do not have any designated wilderness and are "protected" only by NPS policies that can be waived or changed.

Grand Teton is also a park with ample, magnificent backcountry but not one of its 310,000 acres is designated wilderness. The last recommendation sent by the President to Congress for Grand Teton wilderness was for 122,604 acres of wilderness and 20,850 acres of potential wilderness. The President sent this recommendation to Congress on May 11, 1978. The NPS later developed

a modification of 135,680 acres of wilderness and 20,320 acres of potential wilderness in January 1985. The modified proposal was never transmitted to Congress.

During Mr. Vela's last four years at Grand Teton there was not a single sign of progress on addressing its immense but orphaned wilderness. These events raise concerns about Mr. Vela's disregard for the mandate of the Wilderness Act and for the protection of backcountry. PEER urges the Committee to press Mr. Vela to fully implement NPS' abandoned duties under the Wilderness Act. In addition, Mr. Vela should be urged to promise to safeguard our national parks' vast backcountry from further intrusion should he be confirmed.

2) Mr. Vela Appears Allergic to Legally Required and Transparent Planning.

During Superintendent Vela's tenure, Grand Teton National Park has pursued the biggest expansion of commercial wireless infrastructure in any park in the country while keeping the public in the dark and ignoring both federal laws and agency rules.

In June 2017, Grand Teton published a four-page "scoping" newsletter on a "Telecommunications Infrastructure Plan" for "installation of a fiber optic cable network and wireless telecommunications facilities at strategic developed locations within the park and potentially connecting to Yellowstone National Park's south entrance." This scoping newsletter refers to "right-of-way permit applications" it has been receiving since 2013, none of which has been disclosed to the public.

Ironically, this short publication asked for public comment but gave no detail as to how many cell towers and other facilities would be built and where, or the extent of proposed coverage.

That same month, PEER sent the Park a letter of protest pointing out its approach violated the National Historic Preservation Act and blatantly flouted NPS rules requiring public notice and comment. The letter called on the Park to post online all the required documentation, a request the Park has ignored. The Park has also failed to respond to a parallel PEER FOIA request nearly eight months beyond the statutory deadline, after which we filed suit to finally secure production.

By happenstance, buried in documents that PEER obtained in a recent FOIA request to Yellowstone National Park was a proposal from a real estate firm called the Heath Group touting the appraisal contract it had signed with Grand Teton this past December. That contract called for appraisal of "11 wireless telecommunications facilities and 55 miles of linear right-of-way for a fiber-optic cable conduit" at locations including Flagg Ranch, Colter Bay, Jackson Lake Lodge, Moose, North and South Jenny Lake.

Some of the locations Grand Teton is considering for towers, such as historic Jackson Lake Lodge and Jenny Lake Ranger Station Historic District, trigger additional requirements for public notice and comment as well as consultation with the Wyoming State Historic Preservation Office that Superintendent Vela appears to have also brushed aside.

Under Superintendent Vela, Grand Teton is developing the largest wireless network in any national park all behind closed doors. Besides the utter lack of transparency, the secrecy

precludes examination of important management concerns. One concern, for example, is that all of Grand Teton's planned facilities would provide coverage along its roads, leading to greater public safety risks from distracted drivers and wildlife carnage from roadkill. One important reason for public involvement at the earliest stages is so that these issues can be fully examined and assessed, and alternatives carefully weighed.

Mr. Vela's track record, however, suggests that he does not trust the public to be involved in national park planning. Moreover, it is another example of Mr. Vela using his position to cram though another pre-cooked scheme as a done deal before the public can learn what he has done.

Finally, the Committee should be aware that Interior's Office of the Inspector General is in the middle of a park system-wide performance evaluation and financial audit of national park commercial wireless facilities in response to a PEER complaint in October 2017. Grand Teton is one of the parks the IG is studying. The Committee may benefit from an IG briefing on this topic.

3) Mr. Vela Hs No Plan to Prevent National Parks from Being Loved to Death.

The multi-billion-dollar NPS maintenance backlog is not just a fiscal shortfall; it is also a planning deficit. For example, many parks facing large maintenance backlogs have nonetheless invested in new or expanded visitor centers and other facilities with funds that could have been used to reduce their maintenance backlogs but instead only add to them.

In the National Parks and Recreation Act of 1978, Congress requires every national park to have a current general management plan; each plan has a lifespan of up to 20 years. Those plans are supposed to spell out "measures for the preservation of the area's resources," steps for addressing challenges posed by transportation and infrastructure needs, as well as means for maximizing visitor enjoyment.

One effect of parks going for decades without developing a general management plan (GMP) is that public involvement with park planning is precluded. For example, GMPs are subject to public review and comment, as well as formal consideration of alternatives, under provisions of the National Environmental Policy Act (NEPA). Parks lacking GMPs often have program-specific (such as traffic control) plans which do not undergo NEPA or other public review.

You may not be surprised to learn that Grand Teton lacks a General Management Plan, nor is there any indication that under Superintendent Vela any steps toward developing this required plan were taken.

Unfortunately, in this regard Grand Teton is not an outlier. In the summer of 2016, PEER examined all 59 National Parks, 19 National Preserves, two National Reserves, 18 National Recreation Areas, and 10 National Seashores in the 411-unit system. Of these 108 major units, only 51 had current general management plans. Several prominent parks, such Grand Canyon, Yellowstone and Yosemite, either had no plans or plans that were more than two decades old.

The National Park System cannot merely spend its way out of its problems. It needs planning –

careful, inclusive planning that Mr. Vela's record suggests he is not inclined to provide.

This planning dearth also magnifies the prospects that our national parks will be "loved to death' by swelling visitation. To prevent this, Congress also mandated in the National Parks and Recreation Act of 1978 that parks adopt "visitor carrying capacities for all areas" of each park unit.

In some instances, carrying capacity may be a hard limit on the number of visitors. NPS policy, however, encourages parks to take a more nuanced approach of adopting formal standards for unacceptable overcrowding, such as caps on waiting times to see a park feature, maximum number of encounters on trails or the ability to camp out of sight or sound range of neighbors, and determining indicators for excess usage such as soil compaction, exposed tree roots or vegetation loss.

This past June, for example, Grand Teton National Park amassed 627,000 visitors in June, the second-highest mark for the month in history. April and May were both record breakers in the Tetons for visitation. Each of the past four years, more people ventured into Grand Teton National Park than the year before.

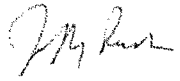
Perhaps not surprisingly, Grand Teton has no carrying capacity for any unit or any apparent plans to develop them.

By contrast, other parks, such as Zion and Acadia are working to develop overcrowding prevention plans. Yosemite, for example, has carrying capacities for its wilderness zones. In 2014, Golden Gate National Recreation Area, the second most visited place in the park system, promulgated a set of concrete user limits for identified "management zones" as does the management plan adopted that same year by Gulf Islands National Seashore.

The Committee should press this nominee on his plans for preventing record-breaking visitation from damaging natural resources or the quality of visitor experience in the most popular parks – and why he developed no such plans at Grand Teton.

As it stumbles into its second century, the National Park System is facing deep and mounting challenges. It needs a real leader with vision, not a pliant placeholder. PEER urges the Committee to critically examine Mr. Vela's record. The challenge for the Committee is the making the important decision of whether confirming this particular nominee will fill, or merely add to, this leadership void.

Sincerely,



Jeff Ruch
Executive Director

November 13, 2018

The Honorable Lisa Murkowski
Chairman
Committee on Energy and Natural Resources
United States Senate
Washington, DC 20510

The Honorable Maria Cantwell
Ranking Member
Committee on Energy and Natural Resources
United States Senate
Washington, DC 20510

Dear Chairman Murkowski and Ranking Member Cantwell:

The Public Lands Alliance (PLA), an association of more than 160 nonprofit partners of America's public lands, applauds the nomination of Raymond David Vela to be Director of the National Park Service (NPS). PLA encourages the Committee to advance this nomination to the United States Senate for confirmation this year.

David Vela is a dedicated public servant. He is a champion of the NPS mission to protect and preserve America's natural, cultural, and historical treasures unimpaired for the enjoyment of current and future generations. As a Superintendent, Associate Director, and Regional Director, he has demonstrated a passion for working with nonprofit partners and local communities to fulfill this mission. PLA believes that Mr. Vela will not only serve as an able leader and adept manager, but he will also inspire public-private partnerships vital to the national park system. PLA is eager to work closely with Mr. Vela in this new role to further harness the power of friends groups, cooperating associations, and educational centers for the benefit of the National Park Service.

There is much to commend in Mr. Vela's record. PLA wishes to highlight three issues of critical importance to the NPS for which we believe Mr. Vela is exceedingly well qualified to lead:

2401 Blueridge Avenue, Suite 303 | Silver Spring, MD 20902 | 301.946.9475

- **Enhancing Infrastructure**: The NPS has an estimated maintenance backlog of $11.6 billion, directly impacting the health, safety, and enjoyment of visitors. Mr. Vela understands this monumental challenge and has worked diligently to find solutions. In partnership with the Grand Teton National Park Foundation, Mr. Vela has helped to secure federal funds to match private support that has revitalized Jenny Lake at Grand Teton. The $19 million public-private partnership has transformed the trails, overlooks, and other visitor facilities at Jenny Lake, an iconic area in need of substantial rehabilitation.

  PLA supports H.R.6510 Restore Our Parks and Public Lands Act / S.3172 Restore Our Parks Act and urges the Senate to enact it this year, providing Mr. Vela and the NPS with vital resources to address the maintenance needs of historic park buildings, visitor centers, and trails. PLA encourages the Committee to continue to improve this legislation so that it may incentivize private support for public lands infrastructure through dedicated matching funds.

- **Investing in Partnerships**: Mr. Vela has forged deep relationships with nonprofit park partners throughout his career. In his current position, he has provided strategic vision to a constellation of impact-driven partners including the Grand Teton Association, Grand Teton National Park Foundation, and Teton Science Schools. With Mr. Vela's support, these organizations have flourished and consistently deliver array of benefits to the NPS, from educational programming and interpretive products to conservation dollars.

  PLA believes that Mr. Vela's experiences have equipped him with a holistic view of the nonprofit park partner community. PLA looks forward to working with him to complete guidance needed to implement Director's Order 21: Philanthropic Partnerships, and to finding new ways to strategically focus and engage the many NPS policy offices that interact with nonprofit organizations.

- **Enriching the Visitor Experience**: Mr. Vela's career is a testament to the multifaceted opportunity that national parks have to engage the American people. Whether it is creating new avenues for recreation on the George Washington Memorial Parkway or finding more inclusive pathways to invite diverse communities to participate in park programs through his Associate Directorship, Mr. Vela knows that an enriching visitor experience is necessary to inspire park stewardship.

> PLA applauds the Committee's efforts to pass meaningful legislation to engage more Americans in national parks and public lands like S.1522 Every Kid Outdoors Act and S.1403 21st Century Conservation Service Corps Act. Enacting this legislation will provide Mr. Vela with new tools for success in engaging the American people and improving the visitor experience.

The NPS will greatly benefit from having a leader within its own ranks step forward to chart a course for the agency in the early years of its second century. PLA is pleased to recommend David Vela for this important role.

Sincerely,

Dan Puskar
Executive Director

Senate Energy and Natural Resources Committee
Full Committee Hearing to Consider Various Nominations
Senate Dirksen Building, Room 366 at 10:00 AM
November 15, 2018

Statement for the Record

Senator Sanders Submits the Following Statement

While filing agencies' vacancies is an important role of the Senate and this committee, there has been a consistent pattern of this administration selecting individuals who seek to twist and distort the mission of the agency. One of the nominations we are considering, Bernard McNamee, is a particularly egregious example.

Mr. McNamee has been nominated to be a commissioner of the Federal Energy Regulatory Commission (FERC), the nation's top regulatory agency. FERC's mission is to assist customers in "obtaining reliable, efficient, and sustainable energy services at a reasonable cost through appropriate regulatory and market means."

The values Mr. McNamee has stood for throughout his professional career are completely antithetical to these goals, and he has worked tirelessly to twist and confuse the issue of climate change in order to prop up the fossil fuel industry. As Director of the Texas Public Policy Foundation's Center for Tenth Amendment Action, an organization funded by the fossil fuel industry, Mr. McNamee railed against subsidies for sustainable sources of power, ignoring, of course, the billions of dollars in special favors that the federal government hands out each year to the fossil fuel industry. He stated that he would prefer his children to fail in elementary school rather than accept mainstream science on climate change.

But even more concerning than Mr. McNamee's denial of mainstream science is the central role he played in crafting the Trump administration's proposed bailout of the coal and nuclear industry, which FERC unanimously rejected earlier this year as an illegal distortion of America's energy markets. He appeared twice before this committee to argue in support of the proposal and make the absurd argument that a free energy market is not actually free unless it props up failing energy industries like coal and nuclear. During his nomination hearing, Mr. McNamee consistently dodged questions about his specific role in the crafting the proposal, whether he possessed the requisite newfound impartiality if confirmed to FERC, and if he would recuse himself if the *exact same proposal* comes before FERC in the future.

As if this were not enough, a Texas Public Policy Foundation video was recently publically released that shows Mr. McNamee comparing environmentalism to "tyranny," claiming that fossil fuels are key to a clean environment, stating that renewables "screw up the whole physics of the grid," and praising the work of known climate science denier Kathleen Hartnett White. These comments demonstrate Mr. McNamee's scientific illiteracy and extreme bias in favor of fossil fuels and against renewable sources of energy.

At a time when we are already seeing the disastrous effects of climate change, Mr. McNamee would undermine the movement to radically transform our energy system away from dirty fossil fuels and toward energy efficiency and sustainable sources of power. There is a revolution occurring in renewable energy, and clean sources of power like wind and solar have the potential to massively improve the reliability, efficiency, and sustainability of our nation's power supply while also reducing Americans' energy costs. We need FERC commissioners who will account for the true costs of dirty energy sources like fossil fuels and allow the most cost-competitive resources, like solar and wind, to thrive. We can, and must, do better than Mr. McNamee if we are to have any hope of avoiding the worst impacts of global climate change.

His inability to answer very simple questions on clear conflicts of interest and the central role he played in crafting Department of Energy proposals to move our energy policies *away* from reliability, efficiency, and sustainability make it impossible to support Mr. McNamee's nomination for our nation's top energy regulatory committee.

Linda M. Smith
923 View St.
Hagerstown, MD 21742

November 14, 2018

My name is Linda M. Smith and I am a scientist. I have a BS degree in Chemistry from Bucknell University and a BS degree in Pharmacy from the University of Connecticut. I have testified before Congress in the past and try to make decisions on issues based on science, not politics. I strongly disagree with the nomination of Bernard McNamee to the Federal Energy Regulatory Commission (FERC) for the following reasons:

1. As stated on the U.S Senate Committee on Energy and Natural Resources' website "The Energy Committee has distinguished itself as among the most nonpartisan, or bipartisan, in the Senate. Because the issues considered affect regional more than partisan interests, the panel has traditionally approached its work in a consensus building mode. Most policy considerations occur among members prior to public discussion of an issue, so that by the time the panel reports a measure, controversy has been abated and the vote is as close to unanimous as possible. Much of this consensual approach has been attributed to the narrow margin afforded the majority party on the Committee." McNamee, who has no utility sector experience, is all about partisan politics. He worked for Republican attorney generals in Virginia and Texas and advised Republican Senators George Allen and Ted Cruz before joining the Department of Energy (DOE) in May 2017. At President Trump's behest, DOE Secretary Rick Perry asked FERC in September 2017 to issue grid resiliency rules to protect failing coal and nuclear plants. The plan, which McNamee helped draft, would prop up coal and nuclear plants that have been struggling to compete on the open market with cheaper natural gas and renewables, would cost ratepayers an estimated $17 billion to $35 billion annually, would produce more toxic air pollution and more heat trapping emissions that cause climate change. FERC at that time rejected the request because the DOE did not provide any evidence that coal and nuclear plant retirements would undermine grid reliability, a position that was supported by an analysis by Mid-Atlantic grid operator PJM. In February 2018, McNamee left DOE to work for the Texas Public Policy Foundation (TPPF), a libertarian think tank funded by Chevron, Devon Energy, Exxon Mobile, Koch Industries and Luminant, the largest electric utility in Texas. McNamee rejoined DOE in June of this year as the executive director of the agency's policy office. There is no reason to believe that McNamee has changed his position on propping up failing coal and nuclear plants but as a member of FERC could tip the balance on this issue.
2. FERC has until now been an independent and nonpartisan government agency that oversees much of our modern energy infrastructure. President Trump most likely picked McNamee to put the administration's pro-fossil fuel spin on a number of key decisions FERC will make in the next year including rules that would encourage energy storage, rooftop solar installations and remotely located renewable sources. While McNamee was at TPPF he wrote a column for The Hill, a top US political website, titled "This Earth Day, let's accept the critical role that fossil fuel plays in energy needs". In it he claimed that renewable energy sources cannot replace fossil

fuels and that America is blessed with affordable natural gas, oil and coal. He has already made up his mind about renewable energy sources and would not have an open mind about the future of energy proposals in the United States, particularly if they are clean energy technologies. Again, while at TPPF he spearheaded "Life-Powered", a project launched by the group "to combat the Obama-era Clean Power Plan". The future of our country and possibly our planet is in the hands of the Federal Energy Regulatory Commission and scientists, not political hacks, should be making decisions about it.

3. FERC is also the commission that oversees energy infrastructure such as pipelines. Many communities in the United States, including my own in western Maryland, are threatened by pipeline proposals. President Trump has done everything he can to reverse decisions that would halt these proposals. Suits are being filed against FERC for allowing profit-making corporations to take privately owned land to build gas pipelines. Whereas eminent domain is supposed to be used "for the public good" it is being used to benefit private corporations at the expense of law-abiding citizens. It seems, in some cases, that the gas coming through those pipelines will be shipped to other countries. As a chemist and pharmacist I am well aware of the dangers that both gas fracking and the building of underground pipelines can have on the environment and health of our citizens. Everywhere where gas fracking is happening there have been earthquakes in areas that have never experienced earthquakes in thousands of years. People's drinking water in Pennsylvania and elsewhere has become so polluted that it ignites when a match gets near it. People are becoming ill. Public water supplies are threatened by chemicals that are used in the construction of underground pipelines. People who live near the pipelines fear for their lives from leaks and explosions. Bernard McNamee does not have the background or inclination to look at these issues from a scientific perspective and should not be appointed to the Federal Energy Regulatory Commission.

BOARD OF COMMISSIONERS

www.tetonwyo.org

Mark Newcomb, Chair
Natalia D. Macker, Vice Chair
Greg Epstein
Smokey Rhea
Paul Vogelheim

PO Box 3594
200 South Willow Street
Jackson, Wyoming 83001

ph: 307.733.8094
fax: 307.733.4451

October 9, 2018

The Honorable Lisa Murkowski, Chairman
The Honorable Maria Cantwell, Ranking Member
Senate Energy and Natural Resources Committee
304 Dirksen Senate Office Building
Washington, DC 20510-6150

Reference: Consideration of David Vela as the 19th Director of the National Park Service

Dear Chairman Murkowski and Ranking Member Cantwell:

It is our pleasure to provide this letter of support in the confirmation of David Vela to serve as the 19th Director of the National Park Service.

Over the past five years, we have worked with Superintendent Vela on a variety of important issues benefiting the residents of Teton County and the many millions of visitors who come to experience Grand Teton National Park and our community of Jackson Hole.

We have enjoyed referring to Mr. Vela as a favorite "Federal Partner" as he has embodied a wonderful spirit of cooperation and support with local government and local agencies. Most importantly, he has made these relationships personal, as we all feel we can call Mr. Vela (David) a friend.

He has established a unique model where public/private partnerships (which has been expanded to include local, state and various federal agencies) work together with mutual aid agreements and fundraising efforts to deliver many critical services and important projects to Grand Teton National Park and surrounding areas. He has always approached our shared challenges with a collaborative and can-do attitude.

He is an extraordinary leader whose passion and commitment will ensure his success as the next director of the National Park Service. The loss of Mr. Vela from Teton County is truly our nation's gain.

Thank you and the Committee for your review and consideration of his body of work and qualifications to serve as the Director of the National Park Service.

Respectfully submitted,

Mark Newcomb, Chair

Smokey Rhea

Natalia D. Macker, Vice Chair

Paul Vogelheim

Greg Epstein

cc: Governor Matt Mead, State of Wyoming Congressional Delegation

Jay Timmons
President and CEO

November 27, 2018

Chairman Lisa Murkowski
United States Senate
Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

Ranking Member Maria Cantwell
United States Senate
Committee on Energy and Resources
304 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Murkowski and Ranking Member Cantwell:

The Federal Energy Regulatory Commission (FERC) plays a critical role in ensuring that manufacturers in America can count on the best energy infrastructure in the world. I write to express my strong support for the nomination of Bernard L. McNamee to serve as a Member of the FERC.

Mr. McNamee is a proven leader with the necessary experience and policy insights to help strengthen American energy infrastructure. I worked closely with Mr. McNamee while he was a policy advisor to the Virginia governor, and I am confident he possesses the skill set and temperament required to serve with integrity as a Member of the FERC.

Energy infrastructure is delivering opportunity across America, and manufacturers cannot afford delays on new projects. Restoring a full suite of commissioners at FERC is a critical step toward a stronger energy future. The NAM supports the swift confirmation of Mr. McNamee to enable the Commission to carry out decisions that support U.S. manufacturers.

With all best wishes, I remain,

Sincerely,

Jay Timmons

CC: Members of the U.S. Senate Committee on Energy and Natural Resources

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