

BUSINESS MEETING

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

AUGUST 1, 2018

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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED FIFTEENTH CONGRESS
SECOND SESSION

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BUSINESS MEETING

WEDNESDAY, AUGUST 1, 2018

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

The committee met, pursuant to notice, at 9:52 a.m. in room 406, Dirksen Senate Office Building, Hon. John Barrasso (chairman of the committee) presiding.

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

OPENING STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM THE STATE OF WYOMING

Senator BARRASSO. I would like to bring this meeting to order. I want to inform the audience that this is a formal Senate business meeting, followed by a hearing. In order to allow the committee to conduct its business, we will maintain decorum. That means if there is any disorder or demonstration by a member of the audience, the person causing the disruption will be escorted from the room by the Capitol Police, who are currently in the room.

This morning, I call this business meeting to order. Today we will be considering four nominees. President Trump has nominated Mary Bridget Neumayr to be a Member of the Council on Environmental Quality, whom he will designate as Chair upon confirmation; William "Chad" McIntosh to lead the EPA's Office of International and Tribal Affairs; Peter Wright to lead the EPA's Office of Land and Emergency Management; and John Fleming to lead the Economic Development Administration as Assistant Secretary of Commerce for Economic Development. These nominees are all well qualified and will bring a wealth of experience and expertise to their jobs.

This confirmation will fill critically important roles in ensuring that all Americans benefit from clean air, clean water, clean land and a growing economy. I urge all my colleagues to support the nominations.

We will also consider two bills to name Federal courthouses. H.R. 5772, to name a Federal courthouse in Amarillo, Texas, after Mary Lou Robinson, who served as a judge in Texas, and on the U.S. District Court in the Northern District of Texas. And S. 3021, to name a Federal courthouse in Minneapolis, Minnesota, after Diana Murphy, the first woman appointed to the bench of the U.S. Circuit Court of Appeals for the Eighth Circuit.

The committee will also consider six resolutions to approve prospectus providing General Service Administration leases. The leases will provide office space for the Federal Bureau of Investigation, the Internal Revenue Service, the Social Security Administration and other agencies.

After Ranking Member Carper gives his statement, other members may make remarks. At 10:15, we will proceed to the items in our agenda, provided we have a reporting quorum. After we have completed the business portion of the meeting, we will immediately begin the hearing with EPA Acting Andrew Wheeler on Examining EPA's Agenda, Protecting the Environment and Allowing America's Economy to Grow.

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

**OPENING STATEMENT OF HON. THOMAS CARPER,
U.S. SENATOR FROM THE STATE OF DELAWARE**

Senator CARPER. Thank you, Mr. Chairman. Good morning, one and all. I want to thank you for holding this business meeting today. It is going to be kind of a convoluted today for us, at least this morning is going to be busy. We will need the help of everybody, including the audience, to make sure we get through this.

We have a relatively brief but important agenda. Once we complete the markup, we look forward to hearing from the Acting Administrator of EPA, Andrew Wheeler.

Today we are considering six GSA prospectuses. Some of them are very time-sensitive, which is why we have agreed to proceed. However, GSA still has not answered our questions about the status of the FBI headquarters, which is very important to some of our colleagues, or provided complete responses to requests for information on the Trump hotel lease. I continue to urge GSA to work with our committee as we fulfill our oversight responsibilities.

We also have two courthouse naming bills before us today, which comply with our committee's rules. They are not controversial.

We are also considering a number of nominations. The first nominee we are voting on today is Mary Neumayr, who has been nominated to lead the Council on Environmental Quality. Compared to the last Trump CEQ chair nominee, Ms. Neumayr is a welcome improvement. However, to be honest with everybody, while I was encouraged, maybe you were too, very encouraged by many of her answers during the hearing last month, I am troubled by a number of her answers to our questions for the record in the days following that hearing, creating some reservations about supporting her nomination today.

I will just give you a couple quick answers. Ms. Neumayr, under her leadership CEQ has signaled an intent to consider significant revisions to the way the National Environmental Policy Act, NEPA, operates. From her answers to questions from the record, it is unclear whether such revisions will provide or prioritize environmental protection, as is the requirement under current law, or if there will be a rigorous public comment process before any changes are made.

As I stated in a letter to Ms. Neumayr just last month, the risk of limiting public involvement is particularly concerning, given the

fact that the very intent of NEPA is to ensure that the Federal Government hears from the public. In addition, Ms. Neumayr refused to support the reinstatement of tools that help American communities become more resilient to extreme weather and climate changes. Without extra planning and targeted investments, I know we will continue to lose lives, livelihood, and taxpayer dollars.

For those reasons, I will refrain from supporting her nomination at this time, although I hope we can have some further discussion to come to some resolution on some of the issues I have mentioned and perhaps a couple of other important issues in the weeks to come.

The second nomination we are considering today is Chad McIntosh to lead EPA's Office of International and Tribal Government Affairs. This position serves as a liaison between international and tribal communities and the EPA. American Indian and Alaska Native communities across the U.S. face unique challenges, as we know, in many of the States represented right here on our committee. I am concerned that Mr. McIntosh has had minimal interactions with tribal communities and limited international experience.

Next, a couple of words about Peter Wright, who has been nominated to serve as EPA Assistant Administrator leading the Office of Land and Emergency Management. The Office is responsible, as you know, for helping States manage our Nation's waste, cleanup contaminated sites, and respond to national and environmental disasters.

Mr. Wright has spent much of his career at Dow, where he worked on the company's Superfund sites. As I noted during his confirmation hearing, Mr. Wright agreed to recuse himself from working on any sites for which Dow Dupont may have liability. And I commended him at that time for doing so.

However, his recusals were all contingent upon Senate confirmation. And since his hearing in June, Mr. Wright has joined EPA as a special counsel. It is unclear what, if any, recusal or ethics agreement he is currently abiding by. This fact, along with many troubling responses to the questions, again, I am troubled by what we hear at the hearing and then read in the responses to the questions. They just don't line up. They just don't line up in too many instances, including in this instance.

And we need to sort that out. What do we believe? What we hear with our own ears? What we hear in our meetings? Or what we hear in the responses to our questions for the record?

But we note that, along with other members of the committee, I have sent letters to Mr. Wright and Mr. McIntosh, asking them for additional information, and they have yet to respond. I also note that of the 60 oversight letters that members of this committee have sent to EPA, 60, we have still received complete answers to only 24. We did get one last week. And we are encouraged by that. But there's about 35 more that we haven't.

The final nominee we are considering today is Dr. John Fleming to guide the Economic Development Administration. I am just going to call an audible here. My staff, being real honest with you, Mr. Chairman, my staff introduced us, I thought no on this nomination. I am going to vote yes to report him out. And on one hand,

here's a fellow, in the House of Representatives voted not once but twice to basically get rid of the Economic Development Administration. He's been nominated to head up an organization, EDA, which the current Administration has proposed to de-fund and to eliminate. De-fund twice, and to eliminate it in a reorganization plan.

Now, I may be mistaken about the reorganization plan, but I know that it was proposed twice in Budget to de-fund the organization. And we heard Dr. Fleming say here, I voted the way I did, I was maybe not well informed, and I'm not interested in getting rid of the EDA, after he's been nominated to head. But if you look at the responses to our QFRs, questions for the record, it is not all that clear. He clearly supports the President's budget, which calls for zeroing out funding for this organization that he is going to be confirmed to head. That just causes me some trouble.

Every now and then we have a chance to, however, to vote our hopes over our fears. And today I'm going to vote my hopes over my fears. But if we don't get some real clarification on this issue, I won't be voting this way when this nomination comes before the full Senate.

So I'm glad we're all here, I look forward to a productive day. Thank you.

Senator BARRASSO. Thank you very much, Senator Carper. I want to tell you that I absolutely agree with members of this committee that we do deserve timely responses to the questions that you've raised, and that Senator Cardin has been providing significant leadership in making sure we get these answers regarding the FBI headquarters project.

Last night, finally, GSA submitted to the committee their answers to the questions for the record, way beyond the time they were due. I still haven't had a chance to review them, just got these last night, because I knew we were hearing today, and they'd be hearing from us. We are still waiting on responses from the FBI.

Accordingly, I have sent a letter to the FBI requesting expedited delivery of these past-due answers to the members' questions. And Senator Cardin, I would like to call on you.

Senator CARDIN. Thank you, Mr. Chairman. I very much appreciate your leadership on the FBI issue.

I point out that we do have an FBI lease that is on the agenda today from GSA, which I intend to support. The FBI needs additional leased space. Part of that reason is the inadequacy of the FBI facility in Washington.

I just really want to followup. We had, I thought, a very informative hearing on this issue. There were some conclusions that were reached at that hearing, one, there was acknowledgment of the extreme waste of government funds in the process that has been used. No one disputes that, hundreds of millions have been wasted in the process that has been used. Second, there is no question that the FBI needs additional space, and more modern space. That is absolutely without question.

Third, there is no dispute that the security needs that the FBI wants, the level of security that they want, cannot be achieved at the D.C. location. That is the reason why, many years ago, we started with finding a new location, a suburban location. Sites were selected in Virginia and Maryland. And we went almost to the fin-

ish line on selection before the Administration withdrew the prospectus and the proposals.

Not only did the government waste a lot of money, but contractors who were operating in good faith lost tens of millions of dollars.

We had the hearing, Mr. Chairman, and I appreciate that very much. Reports this week confirm that the President himself has been involved in this decision. I say that with two concerns in mind. First, during our hearing, that was denied by the witnesses. And yet, we know now that the President has a direct interest in this facility. It has been confirmed by a press report that he informed members of the U.S. Senate of his interest in the downtown location. And again, that was denied in the hearing before us.

Second, the President's concerns have been specifically expressed that he doesn't like the way the building looks, and is clearly more concerned about the appearance of the building than the usefulness of the building from the point of view of the FBI's mission. That's also clear by the press accounts that have been given of late.

So I say all that, recognizing of course that the President has multiple interests on what is happening on Pennsylvania Avenue, and recognizing full well that at that hearing, they promised us a prospectus which we have not seen on the FBI. The appropriators have taken action so far to deny the funding of the FBI, which, additional funding, which as you know, we provided significant funding for the suburban locations, and have raised questions that they are not going to go forward unless they understand the plan and that can meet certain minimum conditions.

I think the appropriators are doing the right thing, Mr. Chairman. I won't disagree with what the appropriators are doing. But it is our committee's jurisdiction to approve the prospectus, to make sure that we are in agreement as to what is being done. We are talking about multi-billion dollar renovation here, or construction. Multi-billion dollars. Could be the largest single construction that any of us will ever vote on in the U.S. Senate.

So I had suggested to the Chairman that I think if we don't get something soon from the GSA that our committee has a responsibility to act, that we should consider a resolution spelling out what we desire to happen. That has been done in the past. I know we just got the answers, I have not seen those answers, but you just informed us we just got the answers that were long overdue.

But it is this committee's jurisdiction. I think all of us want the FBI to have the facilities that they need and want the taxpayers to get the value for the funds that are being invested. That is our responsibility. I would just urge us to take the responsibilities of our committee in a timely way, so that we can influence decisions that are being made.

Senator BARRASSO. Thank you. Senator Whitehouse?

Senator WHITEHOUSE. Thank you, Chairman. I just want to say a few words about Ms. Neumayr and Mr. Fleming, who we will be voting on today. I am going to be voting against Ms. Neumayr because a number of us have a letter in to her, asking for clarification on some of the, I thought, very unfortunate answers she gave in her QFR responses. I don't know if she actually wrote those, or if there is some kind of White House politburo that writes those for

her and she is stuck with it. But I need to push a little harder to see that her answers in writing are consistent with what I felt her answers were, both in our private meeting and here at the committee.

So I want to get to yes, but I feel if I vote yes on her now, the likelihood of getting serious answers to the letter diminish. So I will be voting no in the hopes of getting to yes.

With respect to Mr. Fleming, like the Ranking Member, he has given very positive assurances about how importantly he views EDA, how importantly he views its programs, how importantly he views the coastal work that EDA needs to do, how fairly he says he will treat climate change, sea level rise projects, not be categorical or ideological about not taking them seriously. So I'm a close vote on Mr. Fleming, given his past record of voting to eliminate the agency he would now lead.

But I would note that we had Representative Bridenstine go over to NASA and he had been a real antagonist to both science and to NASA. As soon as he got over there, he suddenly was actually a bit, he had had some revelations, including that climate change is actually real and that humans and our emissions are causing it and all that. I think he probably discovered that NASA is a scientist's organization and if you are going to say things that are scientifically preposterous, it is very hard to lead.

So I am hoping for a similar series of epiphanies from Mr. Fleming. Again, I reserve the right to vote no on the floor. But I intend to vote yes for him today. And I appreciate the Chair allowing me to make those comments about what are very close votes.

Senator BARRASSO. Thank you, Senator Whitehouse.

Senator Van Hollen.

Senator Van Hollen. Thank you, Mr. Chairman. I just wanted to second the comments of my friend and colleague from Maryland, Senator Cardin, with respect to the FBI building. I want to thank you and the Ranking Member for having what I thought was a very informative hearing a number of months back, where I think we got a lot of revealing information.

I think folks here know that for over 10 years there had been a plan, as Senator Cardin said, to move the FBI to a more secure location. Just as we have sort of campus settings for the CIA, for the NSA, for security reasons, there had been a plan to find a more secure location for the FBI. GAO reports backed up the need to find a more secure location. And then all of a sudden we had a change in plan.

And I gather we just got the QFRs from that hearing. I have not had a chance to look them over. But I do hope this committee will take a close look at that original GAO report and the original intent behind Congress, where there had been numerous appropriations actually provided for the more secure location.

I think as you know, Mr. Chairman, we had some testimony that day where the witnesses at least on the record said that there had not been sort of close contact between GSA and FBI and either the President or senior White House officials. After the hearing was over, they had to send you a correction for the record. As Senator Cardin said, the reports yesterday just confirm the intimate in-

volvement of the White House in this decision, a decision I think we all agree should be based on the merits, not on whim.

So I want to thank you and Senator Cardin for raising that.

Senator BARRASSO. Yes, Senator Markley.

Senator MARKLEY. Thank you, Mr. Chairman, very much. I would just like to make a couple of brief comments on two of the nominees before us today. First, on Peter Wright, he is Dow's self-proclaimed dioxin lawyer, to take charge of the Superfund program at the Environmental Protection Agency. It would be a clear violation of the public trust. Mr. Wright has openly questioned the science behind dangerous toxics that cause cancer and other illnesses. At the EPA, he would face dozens of conflicts of interest overseeing the work of the chemical industry.

Mr. Wright is the classic fox guarding the hen house. Mr. Wright should not be confirmed by the Senate to lead these programs at the EPA.

Second, I would like to voice my concern over the nomination of Mary Neumayr to lead the Council on Environmental Quality. Her focus on the streamlining, or as I call it, the steamrolling, of the National Environmental Policy Act is deeply unfortunate. We need a head of the CEQ that will advise the President on climate science and how to better include environmental review and infrastructure, not someone who is advising on how to dismantle environmental review.

I urge this committee not to confirm Ms. Neumayr. Thank you, Mr. Chairman.

Senator BARRASSO. Thank you. We are waiting for one final member to arrive. Does anyone else have any comments they would like to make regarding any of these nominations?

If not, let me move to some of the parts of this committee that do not require roll call votes, and we would like to move to the votes on the items on today's agenda. The Ranking Member and I have agreed to vote on the two courthouse naming bills and the six GSA resolutions en bloc by voice vote. But members may choose to have their votes recorded for a specific item in that en bloc after the voice vote.

The Ranking Member and I have agreed to bring up the four nominees for separate votes. And the Ranking Member has requested that each of these nominees receive a roll call vote.

So to begin, I would like to call up H.R. 5772, a bill naming a Federal courthouse in Amarillo, Texas; S. 3021, a bill naming a Federal courthouse in Minneapolis, Minnesota; and six General Service Services Administration resolutions, en bloc.

I move to approve and report H.R. 5772 and S. 3021 favorably to the Senate, and approve six GSA Resolutions en bloc. Is there a second?

Senator CARPER. I second.

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

[Chorus of ayes.]

Senator BARRASSO. All those opposed, please say no.

[No audible response.]

Senator BARRASSO. In the opinion of the Chair, the ayes have it. We have approved H.R. 5772 and S. 3021, which will be reported

favorably to the Senate. We also have approved six GSA resolutions.

Waiting for one more member to attend, and we will hold off a few seconds until that member arrives. He is in en route and should be here momentarily.

[Pause.]

Senator BARRASSO. Next I would like to call up Presidential Nomination 2136, Mary Bridget Neumayr, of Virginia, to be a member of the Council on Environmental Quality. I move to approve and report the nomination favorably to the Senate. Is there a second?

Senator INHOFE. Second.

Senator BARRASSO. The Clerk will please call the roll.

The Clerk. Mr. Booker.

Senator BOOKER. No.

The Clerk. Mr. Boozman.

Senator BOOZMAN. Yes.

The Clerk. Mrs. Capito.

Senator CAPITO. Yes.

The Clerk. Mr. Cardin.

Senator CARDIN. No.

The Clerk. Mr. Carper.

Senator CARPER. No.

The Clerk. Mrs. Duckworth.

Senator CARPER. No by proxy.

The Clerk. Mrs. Ernst.

Senator ERNST. Yes.

The Clerk. Mrs. Fischer.

Senator FISCHER. Yes.

The Clerk. Mrs. Gillibrand.

Senator GILLIBRAND. No.

The Clerk. Mr. Inhofe.

Senator INHOFE. Aye.

The Clerk. Mr. Markey.

Senator MARKEY. No.

The Clerk. Mr. Merkley.

Senator MERKLEY. No.

The Clerk. Mr. Moran.

Senator MORAN. Aye.

The Clerk. Mr. Rounds.

Senator ROUNDS. Aye.

The Clerk. Mr. Sanders.

Senator CARPER. No by proxy.

The Clerk. Mr. Shelby.

Senator SHELBY. Aye.

The Clerk. Mr. Sullivan.

Senator SULLIVAN. Aye.

The Clerk. Mr. Van Hollen.

Senator Van Hollen. No.

The Clerk. Mr. Whitehouse.

Senator WHITEHOUSE. No.

The Clerk. Mr. Wicker.

Senator WICKER. Aye.

The Clerk. Mr. Chairman.

Senator BARRASSO. Aye. The Clerk will report.

The Clerk. Mr. Chairman, the yeas are 11, the nays are 10.

Senator BARRASSO. We have approved the nomination of Ms. Neumayr to be a member of the Council on Environmental Quality, which will be reported to the full Senate for approval.

I would now like to call up the nomination of Presidential Nomination 1766, William Charles McIntosh of Michigan, to be Assistant Administrator for the Office of International and Tribal Affairs of the Environmental Protection Agency. I move to approve and report the nomination favorably to the Senate. Is there a second?

Senator INHOFE. Second.

Senator BARRASSO. The Clerk will call the roll.

The Clerk. Mr. Booker.

Senator BOOKER. No.

The Clerk. Mr. Boozman.

Senator BOOZMAN. Yes.

The Clerk. Mrs. Capito.

Senator CAPITO. Yes.

The Clerk. Mr. Cardin.

Senator CARDIN. No.

The Clerk. Mr. Carper.

Senator CARPER. No.

The Clerk. Mrs. Duckworth.

Senator CARPER. No by proxy.

The Clerk. Mrs. Ernst.

Senator ERNST. Yes.

The Clerk. Mrs. Fischer.

Senator FISCHER. Yes.

The Clerk. Mrs. Gillibrand.

Senator GILLIBRAND. No.

The Clerk. Mr. Inhofe.

Senator INHOFE. Aye.

The Clerk. Mr. Markey.

Senator MARKEY. No.

The Clerk. Mr. Merkley.

Senator MERKLEY. No.

The Clerk. Mr. Moran.

Senator MORAN. Aye.

The Clerk. Mr. Rounds.

Senator ROUNDS. Aye.

The Clerk. Mr. Sanders.

Senator CARPER. No by proxy.

The Clerk. Mr. Shelby.

Senator SHELBY. Aye.

The Clerk. Mr. Sullivan.

Senator SULLIVAN. Aye.

The Clerk. Mr. Van Hollen.

Senator Van Hollen. No.

The Clerk. Mr. Whitehouse.

Senator WHITEHOUSE. No.

The Clerk. Mr. Wicker.

Senator WICKER. Aye.

The Clerk. Mr. Chairman.

Senator BARRASSO. Aye. The Clerk will report.

The Clerk. Mr. Chairman, the yeas are 11, the nays are 10.

Senator BARRASSO. We have approved the nomination of Mr. McIntosh to be an Assistant Administrator of the Environmental Protection Agency, which will be reported to the full Senate for approval.

I would now like to call up Presidential nomination 1681, Peter Wright of Michigan to be Assistant Administrator for the Office of Land and Emergency Management of the Environmental Protection Agency. I move to approve and report the nomination favorably to the Senate. Is there a second?

Senator INHOFE. Second.

Senator BARRASSO. The Clerk will call the roll.

The Clerk. Mr. Booker.

Senator BOOKER. No.

The Clerk. Mr. Boozman.

Senator BOOZMAN. Yes.

The Clerk. Mrs. Capito.

Senator CAPITO. Yes.

The Clerk. Mr. Cardin.

Senator CARDIN. No.

The Clerk. Mr. Carper.

Senator CARPER. No.

The Clerk. Mrs. Duckworth.

Senator CARPER. No by proxy.

The Clerk. Mrs. Ernst.

Senator ERNST. Yes.

The Clerk. Mrs. Fischer.

Senator FISCHER. Aye.

The Clerk. Mrs. Gillibrand.

Senator GILLIBRAND. No.

The Clerk. Mr. Inhofe.

Senator INHOFE. Aye.

The Clerk. Mr. Markey.

Senator MARKEY. No.

The Clerk. Mr. Merkley.

Senator MERKLEY. No.

The Clerk. Mr. Moran.

Senator MORAN. Aye.

The Clerk. Mr. Rounds.

Senator ROUNDS. Aye.

The Clerk. Mr. Sanders.

Senator CARPER. No by proxy.

The Clerk. Mr. Shelby.

Senator SHELBY. Aye.

The Clerk. Mr. Sullivan.

Senator SULLIVAN. Aye.

The Clerk. Mr. Van Hollen.

Senator Van Hollen. No.

The Clerk. Mr. Whitehouse.

Senator WHITEHOUSE. No.

The Clerk. Mr. Wicker.

Senator WICKER. Aye.

The Clerk. Mr. Chairman.

Senator BARRASSO. Aye. The Clerk will report.

The Clerk. Mr. Chairman, the yeas are 11, the nays are 10.

Senator BARRASSO. We have approved the nomination of Mr. Wright to be an Assistant Administrator of the Environmental Protection Agency, which will be reported to the full Senate for approval.

Now I would like to call up the nomination, Presidential Nomination 2171, John Fleming of Louisiana, to be Assistant Secretary of Commerce for economic development. I move to approve and report the nomination favorably to the Senate. Is there a second?

Senator INHOFE. Second.

Senator BARRASSO. The Clerk will call the roll.

The Clerk. Mr. Booker.

Senator BOOKER. No.

The Clerk. Mr. Boozman.

Senator BOOZMAN. Yes.

The Clerk. Mrs. Capito.

Senator CAPITO. Yes.

The Clerk. Mr. Cardin.

Senator CARDIN. Aye.

The Clerk. Mr. Carper.

Senator CARPER. Aye.

The Clerk. Mrs. Duckworth.

Senator CARPER. Aye by proxy.

The Clerk. Mrs. Ernst.

Senator ERNST. Yes.

The Clerk. Mrs. Fischer.

Senator FISCHER. Yes.

The Clerk. Mrs. Gillibrand.

Senator GILLIBRAND. No.

The Clerk. Mr. Inhofe.

Senator INHOFE. Aye.

The Clerk. Mr. Markey.

Senator MARKEY. No.

The Clerk. Mr. Merkley.

Senator MERKLEY. No.

The Clerk. Mr. Moran.

Senator MORAN. Aye.

The Clerk. Mr. Rounds.

Senator ROUNDS. Aye.

The Clerk. Mr. Sanders.

Senator CARPER. No by proxy.

The Clerk. Mr. Shelby.

Senator SHELBY. Aye.

The Clerk. Mr. Sullivan.

Senator SULLIVAN. Aye.

The Clerk. Mr. Van Hollen.

Senator Van Hollen. No.

The Clerk. Mr. Whitehouse.

Senator WHITEHOUSE. Aye.

The Clerk. Mr. Wicker.

Senator WICKER. Aye.

The Clerk. Mr. Chairman.

Senator BARRASSO. Aye. The Clerk will report.

The Clerk. Mr. Chairman, the yeas are 15, the nays are 6.

Senator BARRASSO. We have approved the nomination of Dr. John Fleming to be an Assistant Secretary of Commerce, which will be reported to the full Senate for approval.

The voting part of our business meeting is concluded.

Senator CARPER. Mr. Chairman, could I just make a brief comment?

Senator BARRASSO. Senator Carper.

Senator CARPER. There is a pattern here in terms of our votes. I think a number of us, not all, but a number of folks on our side voted no on several of these nominations. Because what we heard here and what we heard in our private meetings with these nominees did not line up with what we read in the QFRs.

We need some clarification and we look forward to getting that clarification. If we get it, then I think we will be able to move forward. If we don't, it will make things more difficult. My hope is we will get it.

Senator BARRASSO. Thank you so much, Senator Carper.

Now I ask unanimous consent that the staff have authority to make technical and conforming changes to each of the matters approved today. With that, our business meeting is concluded.

[Whereupon, at 10:21 a.m., the meeting was concluded.]

[Additional material submitted for the record follows:]

115TH CONGRESS
2D SESSION

H. R. 5772

IN THE SENATE OF THE UNITED STATES

JULY 17, 2018

Received; read twice and referred to the Committee on Environment and
Public Works

AN ACT

To designate the J. Marvin Jones Federal Building and
Courthouse in Amarillo, Texas, as the “J. Marvin Jones
Federal Building and Mary Lou Robinson United States
Courthouse”.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. DESIGNATION.**

2 The J. Marvin Jones Federal Building and Court-
3 house located at 205 SE 5th Ave., Amarillo, Texas, shall
4 be known and designated as the “J. Marvin Jones Federal
5 Building and Mary Lou Robinson United States Court-
6 house”.

7 **SEC. 2. REFERENCES.**

8 Any reference in a law, map, regulation, document,
9 paper, or other record of the United States to the Federal
10 building and United States courthouse referred to in sec-
11 tion 1 shall be deemed to be a reference to the “J. Marvin
12 Jones Federal Building and Mary Lou Robinson United
13 States Courthouse”.

Passed the House of Representatives July 16, 2018.

Attest:

KAREN L. HAAS,

Clerk.

115TH CONGRESS
2D SESSION

S. 3021

To designate the United States courthouse located at 300 South Fourth Street in Minneapolis, Minnesota, as the “Diana E. Murphy United States Courthouse”.

IN THE SENATE OF THE UNITED STATES

JUNE 7, 2018

Ms. KLOBUCHAR (for herself and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To designate the United States courthouse located at 300 South Fourth Street in Minneapolis, Minnesota, as the “Diana E. Murphy United States Courthouse”.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 **SECTION 1. DIANA E. MURPHY UNITED STATES COURT-**
4 **HOUSE.**

5 (a) DESIGNATION.—The United States courthouse
6 located at 300 South Fourth Street in Minneapolis, Min-
7 nesota, shall be known and designated as the “Diana E.
8 Murphy United States Courthouse”.

1 (b) REFERENCES.—Any reference in a law, map, reg-
2 ulation, document, paper, or other record of the United
3 States to the United States courthouse referred to in sub-
4 section (a) shall be deemed to be a reference to the “Diana
5 E. Murphy United States Courthouse”.

○

**UNITED STATES SENATE - OFFICE OF THE SECRETARY
NOMINATION REFERENCE AND REPORT RECEIPT**

REFERRED TO COMMITTEE: Environment and Public Works: HSOB-407

DATE DELIVERED: March 6, 2018 TRANSMITTED BY E-MAIL

Environmental Protection Agency

PN1681

Peter C. Wright, of Michigan, to be Assistant Administrator, Office of Solid Waste,
Environmental Protection Agency, vice Mathy Stanislaus.

NOMINATION REFERENCE AND REPORT

PN1681

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
March 6, 2018.

Ordered, That the following nomination be referred to the Committee on Environment and Public Works:

Peter C. Wright, of Michigan, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency, vice Mathy Stanislaus.

_____, 2018:
(Date)

Reported by Mr. Barrasso _____
(Signature)

with the recommendation that the nomination be confirmed.

☐ The nominee has agreed to respond to requests to appear and testify before any duly constituted committee of the Senate.

EPW

PN1681

The White House,

MAR - 6 2013

*To the
Senate of the United States.*

I nominate Peter C. Wright, of Michigan, to

be Assistant Administrator, Office of Solid Waste,

Environmental Protection Agency, vice Mathy Stanislaus.

DONALD J. TRUMP

**UNITED STATES SENATE - OFFICE OF THE SECRETARY
NOMINATION REFERENCE AND REPORT RECEIPT**

REFERRED TO COMMITTEE: Environment and Public Works

HSOB-407

DATE DELIVERED: April 9, 2018

TRANSMITTED BY E-MAIL

Environmental Protection Agency

PN1766

William Charles McIntosh, of Michigan, to be an Assistant Administrator of the Environmental Protection Agency, vice Michelle DePass, resigned.

NOMINATION REFERENCE AND REPORT

PN1766

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 9, 2018.

Ordered, That the following nomination be referred to the Committee on Environment and Public Works:

William Charles McIntosh, of Michigan, to be an Assistant Administrator of the Environmental Protection Agency, vice Michelle DePass, resigned.

_____, 2018.
(Date)

Reported by Mr. Barrasso _____
(Signature)

with the recommendation that the nomination be confirmed.

☐ The nominee has agreed to respond to requests to appear and testify before any duly constituted committee of the Senate.

The White House.

EPW
PN 1766

APR -9 2018

*To the
Senate of the United States.*

I nominate William Charles McIntosh, of

Michigan, to be an Assistant Administrator of the Environmental
Protection Agency, vice Michelle DePass, resigned.

DONALD J. TRUMP

**UNITED STATES SENATE - OFFICE OF THE SECRETARY
NOMINATION REFERENCE AND REPORT RECEIPT**

REFERRED TO COMMITTEE: Environment and Public Works

HSOB-407

DATE DELIVERED: June 18, 2018

TRANSMITTED BY E-MAIL

Executive Office of the President

PN2136

Mary Bridget Neumayr, of Virginia, to be a Member of the Council on Environmental Quality, vice Nancy Helen Sutley.

NOMINATION REFERENCE AND REPORT

PN2136

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 18, 2018.

Ordered, That the following nomination be referred to the Committee on Environment and Public Works:

Mary Bridget Neumayr, of Virginia, to be a Member of the Council on Environmental Quality, vice Nancy Helen Sutley.

_____, 2018.
(Date)

Reported by Mr. Barrasso _____
(Signature)

with the recommendation that the nomination be confirmed.

☐ The nominee has agreed to respond to requests to appear and testify before any duly constituted committee of the Senate.

EPW
PN2136

The White House,

JUN 18 2018

*To the
Senate of the United States.*

I nominate Mary Bridget Neumayr, of Virginia,

to be a Member of the Council on Environmental Quality, vice

Nancy Helen Sutley.

DONALD J. TRUMP

**UNITED STATES SENATE - OFFICE OF THE SECRETARY
NOMINATION REFERENCE AND REPORT RECEIPT**

REFERRED TO COMMITTEE: Environment and Public Works

HSOB-407

DATE DELIVERED: June 20, 2018

TRANSMITTED BY E-MAIL

Department of Commerce

PN2171

John Fleming, of Louisiana, to be Assistant Secretary of Commerce for Economic
Development, vice Roy K. J. Williams.

NOMINATION REFERENCE AND REPORT

PN2171

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 20, 2018.

Ordered, That the following nomination be referred to the Committee on Environment and Public Works;

John Fleming, of Louisiana, to be Assistant Secretary of Commerce for Economic Development, vice Roy K. J. Williams.

_____, 2018.
(Date)

Reported by Mr. Barrasso _____
(Signature)

with the recommendation that the nomination be confirmed.

☐ The nominee has agreed to respond to requests to appear and testify before any duly constituted committee of the Senate.

The White House,

EPW
PN2171

JUN 20 2018

*To the
Senate of the United States.*

I nominate John Fleming, of Louisiana, to be

Assistant Secretary of Commerce for Economic Development, vice

Roy K. J. Williams.

DONALD J. TRUMP

COMMITTEE RESOLUTION

**CONSTRUCTION
U.S. LAND PORT OF ENTRY
ALEXANDRIA BAY, NY
PNY-BSC-AB18**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the construction of facilities of 261,000 gross square feet (including canopies and structured parking) to replace the existing land port of entry in support of Phase II of a two-phase project including construction of commercial inspection lanes, a new veterinary services building, an impound lot, a main administration building, non-commercial inspection lanes, a new non-commercial secondary inspection plaza, new non-intrusive inspection buildings, and employee and visitor parking areas in Alexandria Bay, New York at an additional estimated construction cost of \$34,552,000 and a reduction of the management and inspection cost of \$2,014,000 for a total cost of \$32,538,000, a description of which is attached hereto and by reference made part of this resolution, is approved. This resolution amends the authorization of the Committee on January 20, 2016 for Prospectus No. PNY-BSC-AB16.

Provided, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: August 1, 2018

COMMITTEE RESOLUTION

**ALTERATION
JOHN W. MCCORMACK U.S. POST OFFICE AND COURTHOUSE
BOSTON, MA
PMA-0013-BO18**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alterations to correct failing mortar and masonry deficiencies and undertake necessary roof repairs, while preventing potential danger to pedestrians and vehicles from falling debris in the vicinity of the building at the John W. McCormack U.S. Post Office and Courthouse located at 5 Post Office Square in Boston, Massachusetts at a design cost of \$721,000, an estimated construction cost of \$9,218,000 and a management and inspection cost of \$812,000 for a total estimated project cost of \$10,751,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: August 1, 2018

COMMITTEE RESOLUTION

**LEASE
SOCIAL SECURITY ADMINISTRATION
BALTIMORE COUNTY, MD
FACTSHEET**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, appropriations are authorized for a lease of approximately 824,563 rentable square feet of space, including 2,132 surface parking spaces, for the Social Security Administration, currently located at 1500 Woodlawn Drive in Woodlawn, Maryland at a proposed total annual cost of \$13,465,114 for a lease term of up to 10 years, a factsheet modifying prospectus PMD-02-BA16 for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the

parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: August 1, 2018

COMMITTEE RESOLUTION

**ALTERATION
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, NY
PNY-0282-NY18**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alterations to address water infiltration and the resulting structural damage to the plaza, security pavilion, and garage at the Jacob K. Javits Federal Building located at 26 Federal Plaza in New York, New York at a design cost of \$5,131,000, an estimated construction cost of \$57,670,000 and a management and inspection cost of \$2,911,000 for a total estimated project cost of \$65,712,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: August 1, 2018

COMMITTEE RESOLUTION

**LEASE
DEPARTMENT OF TREASURY - INTERNAL REVENUE SERVICE
PLANTATION, FL
PFL-01-PL18**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of approximately 135,819 rentable square feet of space, including approximately 65 official parking spaces, for the Department of the Treasury, Internal Revenue Service currently located at 7850 SW 6th Court in Plantation, Florida at a proposed total annual cost of \$5,025,303 for a lease term of up to 2 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the

parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: August 1, 2018

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
SEATTLE, WA
PWA-01-SE18

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of approximately 130,876 rentable square feet of space, including approximately 75 official parking spaces, for the Department of Justice, Federal Bureau of Investigation currently located at 1110 3rd Avenue in Seattle, Washington at a proposed total annual cost of \$6,282,048 for a lease term of up to 15 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: August 1, 2018

**Section of
Environment,
Energy, and Resources**

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DIRECTOR
Dana J. Bernstein
Chicago, IL
(312) 988-5662

February 28, 2018

Via E-mail

The Honorable John Barasso, M.D.
Chairman
U.S. Senate Committee on Environment
and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Thomas R. Carper
Ranking Member
U.S. Senate Committee on Environment
and Public Works
456 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Dr. Barasso and Mr. Carper:

The signatories to this letter, the current Chair, and many former Chairs of the American Bar Association's Section of Environment, Energy, and Resources (SEER), are pleased to offer their support for the consideration of Peter C. Wright as Assistant Administrator of the U.S. Environmental Protection Agency's (EPA) Office of Land and Emergency Management (OLEM). Peter has been a friend, colleague, inspiring leader, and faithful supporter of SEER for many years. Peter's leadership skills, expansive subject matter expertise in OLEM-related areas, impeccable character, and personal integrity will ensure his success as Assistant Administrator of OLEM.

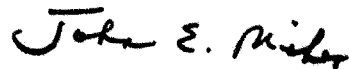
SEER is the premier forum for environment, energy, and natural resource lawyers. Our 10,000 plus members share their expertise, leadership, and vision for the future by collaborating on educational programs, public service outreach, and a vast array of publications on topics relevant to our members and the broader legal and lay communities interested in these topics.

Peter has been a SEER member for many years and has served in countless leadership positions. Peter's calm, deliberate, and comforting style, his expansive substantive knowledge of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), and related land management legal and regulatory systems and programs, as well as his personal integrity and honor have earned the respect

The Honorable John Barasso, M.D.
 The Honorable Thomas R. Carper
 December 15, 2017
 Page 2

and admiration of SEER officers, members, and staff. Peter's career, his selfless commitment to SEER and the members it serves, and his well-recognized personal integrity exemplify the highest standards of the legal profession. We enthusiastically and without reservation support the consideration of Peter as Assistant Administrator for OLEM, and believe Peter will serve the office with distinction and honor.

Sincerely,



John E. Milner, Esquire
 Chair
 American Bar Association
 Section of Environment, Energy, and Resources

Past Chairs:

Seth A. Davis, 2016-2017
 Pamela E. Barker, 2015-16,
 Steven T. Miano, 2014-15,
 William L. Penny, 2013-14
 Alexandra Dapolito Dunn, 2012-13
 Irma S. Russell, 2011-12
 John C. Cruden, 2009-10
 Claudia Rast, 2008-09
 Lee A. DeHihns, III, 2007-08
 Lauren James Caster, 2006-07
 Lynn L. Bergeson, 2005-06
 Michael B. Gerrard, 2004-05
 Kenneth J. Warren, 2003-04
 Eugene E. Smary, 2002-03
 Sheila Slocum Hollis, 2001-02
 Theodore L. Garrett, 2000-01
 R. Kinnan Golemon, 1994-95

G. TRACY MEHAN, III
1300 Eye Street, N.W., Suite 701W
Washington, D.C. 20005

June 18, 2018

The Honorable John Barrasso, M.D.
Chair &
The Honorable Tom Carper
Ranking Member
Committee on Environment and Public Works
United States Senate
410 Dirksen Senate Office Building
Washington, D.C. 20510

RE: William McIntosh, nominee, Assistant Administrator for the Office of International and Tribal Affairs,
U.S. Environmental Protection Agency

Dear Senators Barrasso and Carper,

It is with great pleasure that I write in support of William ("Chad") McIntosh's nomination for Assistant Administrator for the Office of International and Tribal Affairs at the U.S. E.P.A. I had the opportunity of serving with Chad McIntosh for eight years while I ran the Michigan Office of the Great Lakes in the cabinet of then Governor John Engler. Chad served as both environmental advisor to the Governor and then as a deputy at the Department of Environmental Quality in which my office was housed. We worked on numerous international, interstate and state issues relating to the Great Lakes and the waters of the state of Michigan including toxic regulation, invasive species, water diversions, and nonpoint source pollution.

Chad McIntosh brings technical engineering and legal knowledge and experience to government service. He is also a man of integrity who can be counted on to honor the highest ethical standards. His experience in both government and with a multinational corporation (Ford), working in regulatory environments around the globe, make him an ideal candidate for this Assistant Administrator post.

As a former Assistant Administrator for Water at E.P.A., I had responsibility for the tribal program at the time. Based on that experience, I believe Chad will provide great assistance and expertise, across all media, in serving the nation's tribal governments as well.

Thank you for your interest. I hope you will confirm Chad McIntosh to this position.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Tracy Mehan, III". The signature is fluid and cursive, with a long horizontal stroke at the end.

Chairman John Barrasso, M.D. and Ranking Member Tom Carper,
United States Senate
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510.

Dear Chairman Barrasso and Senator Carper,

My name is Timothy O'Brien. I am writing with regard to the candidacy of Chad Mdentosh for a position with U.S. EPA. I have known and worked with Chad for over 20 years.

I retired from Ford Motor Company as Deputy Chief of Staff to the CEO/Executive Chairman, and previously held a number of senior legal and environmental management positions at Ford. I am currently Senior Advisor to the Director of the Michigan Department of Environmental Quality (DEQ).

I hired Chad into Ford Motor Company from his position as Deputy Director of DEQ, based upon my experience with him as a professional with strong engineering and legal skills, as well as his demonstrated ability to implement conservative environmental policy without compromising environmental protections. In his time at Ford, Chad continued to be a leader in environmental and business performance, in both U.S. and international leadership roles.

I have every confidence that Chad's background and experience, as well as his past performance, will position him to be a strong leader at U.S. EPA.

Please feel free to contact me (313)729-6682 if I can be helpful as this proceeds.

Regards,

Tim O'Brien

Even some greens like Trump's pick for CEQ

Zack Colman, E&E News reporter

Published: Thursday, June 14, 2018

If there's one place opponents don't want to see Mary Neumayr, it's the court — both the legal kind and the one with tennis balls.

Neumayr, the White House's nominee to lead the Council on Environmental Quality, is known as a meticulous and thoughtful legal scholar with decades of experience at private firms, in the federal government and on Capitol Hill, said Karen Christian, a former colleague. She's also an "excellent tennis player."

"I always joke that Mary probably plays tennis like she lawyers," said Christian, general counsel on the House Energy and Commerce Committee, who has heard about Neumayr's racket skills but hasn't played against her. "Devastatingly accurate and doesn't make errors."

"Which is why she would probably beat me," Christian said with a laugh.

All Neumayr has to do now is beat the Senate.

It's a task the last CEQ nominee, Kathleen Hartnett White, couldn't accomplish in her bid to lead the environmental shop. Her nomination failed in February when it became clear she didn't have the votes (*Greenwire*, Feb. 3).

In almost every way, Neumayr is a reversal of Hartnett White. The latter was a Washington, D.C., outsider who stumbled in her confirmation hearing, was dogged by a long history of controversial remarks and questioned basic climate science. Neumayr is known for preparation, possessing a sharp legal mind and establishing balance. That has earned her praise across the political spectrum.

"She is a good selection for the administration to oversee CEQ and certainly a stark contrast with the conscious outlier and extreme figure that they initially selected," said John Walke, clean air director with the Natural Resources Defense Council.

Those who have interacted with Neumayr said she's a courteous person and works well with a range of opinions. Some say it's because she comes from a big family — she's known to host annual holiday parties and tries to develop meaningful relationships with co-workers. She's a steadying presence in an often chaotic town.

"She always made a point of coming down to the witness table after the hearing to thank me for my testimony, which doesn't always happen — especially for those whose bosses don't always take the same position of NRDC," Walke said. "I think she will do her job well. She is not a bomb thrower, and she is not someone who governs through sound bites and shrill press releases."

Neumayr is already doing the job. She's the chief of staff for CEQ, a department without a chief. That has left her to coordinate environmental policy across departments and agencies on everything from the administration's infrastructure push to executing executive orders designed to speed fossil energy development.

Neumayr's views on climate change aren't known, even to those who worked with her. As counsel, her job was to help mold the wishes and desires of administration officials and

lawmakers into something legally palatable. She took what was coming at her and tried to fit the pieces together.

That, too, will be her role in the Trump administration, should the Senate confirm her. As head of CEQ, she would be responsible for handling White House implementation of the National Environmental Policy Act, the law that sets the guideposts for environmental reviews and safeguards. Given the White House's emphasis on reducing regulations, speeding permitting and extracting more coal, natural gas and oil, her position holds sway over how vigorously the Trump administration upholds environmental standards.

"I think she combines the best of being a true believer — a good, solid pro-business Republican — with just being very, very knowledgeable about how the executive and legislative branches implement the laws and deal with the laws," said Jim Barnette, a partner at Steptoe & Johnson LLP who worked with Neumayr when he was Energy and Commerce Committee general counsel until 2012.

Barnette said she brings "a wealth of experience" to the position. Before joining CEQ, Neumayr worked in various positions on the Energy and Commerce Committee beginning in 2009. Prior to that, she was deputy general counsel for environment and nuclear programs at the Energy Department and counsel to the assistant attorney general in the Justice Department's Environment and Natural Resources Division under President George W. Bush.

"She's one of the most conscientious, hardworking and thoughtful energy policy staffers in D.C. with deep experience in a wide range of law and policy," said Maryam Brown, vice president of federal affairs with Semptra Energy. Brown and Neumayr worked together on the Energy and Commerce Committee before Brown moved onto then-House Speaker John Boehner's (R-Ohio) staff, where they kept in contact on energy and environment legislation.

Neumayr's expertise is on the Clean Air Act. She played a key role advising House Republicans during their push to rein in Obama administration power plant regulations on mercury and other air toxins and greenhouse gas emissions.

"Her knowledge of the law is second-to-none. She knows her stuff," Rep. Fred Upton (R-Mich.), who led the committee at the time, said in a statement. "I have zero doubts that she will serve the Council on Environmental Quality with distinction."

Colleagues said Neumayr is grounded in legislative history and congressional intent of the law, which has translated to more narrow readings of executive power for measures to reduce greenhouse gas emissions. Consequently, she played a key role in shaping H.R. 910 in 2011, the first legislative salvo aimed at President Obama's attempts to regulate greenhouse gas emissions through the Clean Air Act. The House bill called for barring EPA from using the Clean Air Act to regulate planet-warming gases. It passed the House but failed in the Senate.

"Given her background and experience, she, more than most others, was able to bring to the table that wealth of experience in the Clean Air Act, how it gets implemented and what its appropriate parameters should be," Barnette said.

July 17, 2018

The Honorable John Barrasso
Chairman
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

The Honorable Thomas R. Carper
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper,

I write to support the President's nomination and Senate confirmation of Mary Neumayr to be a Member of the Council on Environmental Quality (CEQ), understanding that the President intends to appoint her Chair upon confirmation. Ms. Neumayr possesses the depth and breadth of experience, and the professional and personal qualities to effectively lead and manage the work of CEQ.

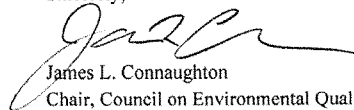
I had the privilege to serve as CEQ Chair from 2001-2009, with the associated honor to have earned a unanimous vote of confirmation and to have worked regularly at that time with Senator Carper and his colleagues on the Senate Environment and Public Works Committee on a wide array of environmental, energy and natural resource matters. My support for Ms. Neumayr is framed by that experience.

Between 2003-2009, Ms. Neumayr served in senior roles at the U.S. Department of Justice and later at the U.S. Department of Energy. She managed and advised on a wide range of matters involving policy, legislation, regulation, legal compliance, legal defense, and stakeholder engagement. In this capacity, she gained considerable experience with the functions, operations, and responsibilities of CEQ. Both the Assistant Attorney General and the Assistant Energy Secretary entrusted Ms. Neumayr to represent them in the interagency processes coordinated by CEQ to address myriad and complex issues requiring policy development, conflict resolution, and elevation to the Cabinet and President. My colleagues and I at CEQ worked closely with Ms. Neumayr and greatly valued her knowledge, integrity, and professionalism.

I also had many occasions to work and interact with Ms. Neumayr during the subsequent 8 years that she served with distinction on the staff of the U.S. House of Representatives Energy and Commerce Committee. There, she greatly expanded her experience to encompass the day-to-day responsibilities and workings of Congress, earning the respect of members and colleagues on both sides of the aisle. Ms. Neumayr's legislative branch experience adds further weight to her future effectiveness at CEQ, given CEQ's regular interactions with the Congress and the constituents they serve.

Finally, from what I have observed directly and learned from others, Ms. Neumayr has served ably in her current role as Chief of Staff at CEQ, informally leading the Council in the absence of a Chair. Ms. Neumayr is well qualified to finally and formally serve as Chair of the Council on Environmental Quality.

Sincerely,



James L. Connaughton
Chair, Council on Environmental Quality, 2001-2009

GREG WALDEN, OREGON
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-2927
Minority (202) 225-3641

July 06, 2018

The Honorable John Barrasso
Chairman
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

The Honorable Thomas R. Carper
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

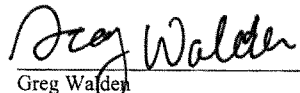
Dear Chairman Barrasso and Ranking Member Carper:

We write to express support for the nomination of Mary B. Neumayr to chair the Council on Environmental Quality (CEQ). Ms. Neumayr is well-qualified to serve in this role. She not only has demonstrated her abilities as the chief of staff and effectively the highest-ranking official at CEQ over the past year and one half, she has proven her qualifications and dedication in public service in several posts, including in Congress.

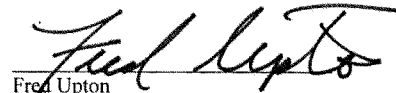
We ask that you consider our direct knowledge of Ms. Neumayr's capabilities. Prior to her service at CEQ, she served for eight years as senior counsel and then deputy chief counsel for energy and environment on the Energy and Commerce Committee. During this time, we benefited from her knowledge, judgment, and good counsel on numerous legislative and policy issues. She served the Committee and its Members on both sides of the aisle commendably, bringing her policy knowledge and legal experience drawn from careful study and from her previous senior posts at the Department of Energy and at the Department of Justice.

Mary Neumayr represents the best of public service. The President and the country will be well-served by her appointment. We look forward to confirmation of her nomination in the United States Senate.

Sincerely,



Greg Walden
Chairman



Fred Upton
Chairman
Subcommittee on Energy



LOUISIANA TECH UNIVERSITY

OFFICE OF THE PRESIDENT

29 June, 2018

Dear Chairman Barrasso and Ranking Member Carper,

It is my privilege to recommend Dr. John Fleming as the Assistant Secretary of Commerce for Economic Development.

As President of Louisiana Tech University, I have felt first-hand the direct impact of Dr. Fleming's hard work. I have thoroughly enjoyed our time working alongside Dr. Fleming and came to know him as a truly valuable asset to our region. He is honest, dependable, and incredibly hard-working. Dr. Fleming has been instrumental in the development and execution of projects which have taken root in Northwest Louisiana and spread across the United States. Dr. Fleming recognized our regional economy was too heavily reliant on oil and gas, agriculture and gaming. As a result, Dr. Fleming set a path towards pivoting our economy and associated workforce to a technology driven, knowledge-based economy. Dr. Fleming orchestrated a massive cooperative effort across government, industry and educational institutions which resulted in the following:

- The creation of a public-private partnership resulting in the development of the National Cyber Research Park anchored by the Cyber Innovation Center. Dr. Fleming's vision of diversifying the region's economy started on what was, at the time, farmland and today is made up of a technology infrastructure home to high-tech professionals employed by cyber-related companies, government and institutions of higher education. The result is a region that members of the previous generations would have left without a second thought in order to pursue any technology based career; that today is recognized as a home to a significant cyber workforce offering continuous career growth in a wide array of skillsets within the technology sector.
- The development of a comprehensive K-12 cyber-curriculum program focused on growing the next-generation workforce. This program began modestly in one parish in Louisiana and has now reached over 2.8M students across the United States. Additionally, this program emphasizes the need for diversification of the cyber workforce by creating programs focused on minorities and females. In fact, many of the program's locations boast equal participation among males, minorities and females. Finally, this program has now evolved to provide cyber-curriculum to some of our nation's most overlooked by deploying in blind/deaf schools across the country. Everyone should have an opportunity to receive this program; and because of Dr. Fleming's leadership, that opportunity is available to all.

A MEMBER OF THE UNIVERSITY OF LOUISIANA SYSTEM

P.O. BOX 3168 • RUSTON, LA 71272-0001 • TEL: (318) 257-3785 • FAX: (318) 257-2928

AN EQUAL OPPORTUNITY UNIVERSITY

Training and retraining opportunities, as well as job placement, for our Nations veterans and their spouses is an important focus of our region and our economic development strategy. Dr. Fleming, a veteran himself, recognized early on that some of our Nation's bravest men and women too often leave the military and enter civilian life with military related skills which do not easily transfer to "outside the fence" jobs. Because of Dr. Flemings vision, veterans in our region are provided the opportunity to develop cyber based skills. This results in not only helping our Nation's finest, but also provides a skilled and disciplined workforce to our regions employers.

Dr. Fleming's recognized need for government, academia and industry to pull together on regional need based approach combined with his public policy, independent business owner and military background serve as the right attributes for leading economic development efforts. Doing most of this work in Louisiana provides him the understanding of how disasters can immediately impact a region, a state, and an our nation.

It's safe to say this region owes a debt of gratitude to the vision, hard work, and sacrifice Dr. Fleming has made. That is why, with no reservation whatsoever, I am proud to endorse Dr. Fleming for the position of Assistant Secretary of Commerce for Economic Development.

Sincerely,



Les Guice, PhD.

President, Louisiana Tech University



RICK BATEMAN, JR., Ph.D.
Chancellor
Bossier Parish Community College

June 29, 2018

Dear Chairman Barrasso and Ranking Member Carper,

It is my privilege to recommend Dr. John Fleming as the Assistant Secretary of Commerce for Economic Development.

As Chancellor, Bossier Parish Community College (BPCC), I have felt first-hand the direct impact of Dr. Fleming's hard work. I have thoroughly enjoyed our time working alongside Dr. Fleming and came to know him as a truly valuable asset to our region. He is honest, dependable, and incredibly hard-working. As a major economic driver for our region with an annual economic impact of \$341M, BPCC understands the importance of continued economic development for our region, its citizens, and our BPCC family.

Dr. Fleming has been instrumental in the development and execution of projects which have taken root in Northwest Louisiana and spread across the United States. Dr. Fleming recognized our regional economy was too heavily reliant on oil and gas, agriculture, and gaming. As a result, Dr. Fleming set a path towards pivoting our economy and associated workforce to a technology driven, knowledge-based economy. Dr. Fleming orchestrated a massive cooperative effort across government, industry, and educational institutions which resulted in the following:

The creation of a public-private partnership resulting in the development of the National Cyber Research Park anchored by the Cyber Innovation Center. Dr. Fleming's vision of diversifying the region's economy started on what was, at the time, farmland and today is made up of a technology infrastructure home to high-tech professionals employed by cyber-related companies, government, and institutions of higher education. The result is a region that today is recognized as a home to a significant cyber workforce offering continuous career growth in a wide array of skillsets within the technology sector. With our campus located adjacent to the National Cyber Research Park, we are excited about the growing partnerships with cyber companies like General Dynamics Integrated Technology Center and our four-year university partner, Louisiana Tech University.

Training and retraining opportunities, as well as job placement, for our nation's veterans and their spouses is an important focus of our region and our economic development strategy. Dr. Fleming, a veteran himself, recognized early on that some of our nation's bravest men and women too often leave the military and enter civilian life with military related skills which do not easily transfer to civilian jobs. Because of Dr. Fleming's vision, veterans in our region are provided the opportunity to develop cyber workforce skills. This results in not only helping our nation's finest, but also provides a skilled and disciplined workforce to our regions employers. As an institution that serves more than 1,000 veteran and active military students each year, we are proud of the work that we do to help our veterans upgrade their skillsets to enter high-wage, high-demand occupations like cyber.

¹ Emsi, 2018, AY16-17 Economic Impact Report for Bossier Parish Community College.

Dr. Fleming recognized the need for government, academia, and industry to pull together on a regional, need-based approach. This vision combined with his public policy, business, and military background serve as the right attributes for leading economic development efforts.

Please accept this letter as my endorsement for Dr. Fleming for the position of Assistant Secretary of Commerce for Economic Development.

Sincerely,

A handwritten signature in black ink, appearing to read "RBateman", with a stylized flourish extending from the end.

Rick Bateman, Jr., Ph.D.
Chancellor



Jeff Landry
Attorney General

State of Louisiana
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
P.O. BOX 94005
BATON ROUGE
70804-9005

June 29, 2018

The Honorable John Barrasso
Chairman – U.S. Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Thomas Carper
Ranking Member – U.S. Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper,

I am writing this letter in support of President Trump's nomination of Dr. John Fleming to become the Assistant Secretary of Commerce for Economic Development.

As Attorney General of Louisiana and a former Member of Congress, I have worked closely with Dr. Fleming for many years and know him to be a true public servant. A veteran of the Navy, a former parish Coroner, and a former United States Representative – Dr. Fleming is brutally honest, doggedly dependable, and incredibly hard-working.

In addition to being a successful independent business owner, Dr. Fleming has also been an economic leader for our State and our Nation. Recognizing the regional economy was heavily reliant on oil and gas, agriculture, and gaming – Dr. Fleming set a path towards growing a technology-driven, knowledge-based economy. He orchestrated a massive cooperative effort across industry, government, and educational institutions which resulted in the following:

- The creation of a public-private partnership resulting in the development of the National Cyber Research Park anchored by the Cyber Innovation Center. Dr. Fleming's vision of diversifying the region's economy started on what was, at the time, farmland and today is made up of a technology infrastructure home to high-tech professionals employed by cyber-related companies, government, and institutions of higher education. We now have a significant cyber workforce offering continuous career growth in a wide array of skillsets within the technology sector.
- The development of a comprehensive K-12 cyber-curriculum program focused on growing the next-generation workforce. Modestly begun in one Louisiana parish, it has

now reached over 2.8 million students across the United States. This program emphasizes the need for diversification of the cyber workforce by creating programs focused on minorities and females. In fact – many of the program’s locations boast equal participation among males, females, and minorities. Finally, this program has evolved to provide cyber-curriculum to some of our nation’s most overlooked by deploying in blind/deaf schools across the country.


- Numerous training and retraining opportunities, as well as job placements, for our Nation’s veterans and their spouses. Dr. Fleming recognized early on that some of our Nation’s bravest men and women too often leave the military and enter civilian life with military-related skills which do not easily transfer to “outside the fence” jobs. So he pushed to provide our veterans and their families the opportunity to develop cyber-based skills. Now, many of our Nation’s finest have that and all of our community benefits from a skilled and disciplined workforce for our regions employers.

In short – Dr. Fleming has a record of recognizing the need for and achieving success with pulling industry, government, and academia together even in the midst of natural disasters in Louisiana. This – combined with his unique experience as a public policymaker, job creator, and military veteran – will aid Dr. Fleming in his future efforts to lead our economic development.

For Louisiana and America, I ask you and your distinguished colleagues on the Environment and Public Works Committee to support Dr. Fleming’s nomination. There is no doubt that we will all benefit from Dr. Fleming’s passion, intelligence, and work ethic.

If you have questions or need more information on my support for Dr. John Fleming, please feel free to contact me at 225-326-6705 or landryj@ag.louisiana.gov.

Sincerely,



Jeff Landry
Louisiana Attorney General



Dear Chairman Barrasso and Ranking Member Carper,

It is our privilege to recommend Dr. John Fleming as the Assistant Secretary of Commerce for Economic Development.

As leaders of Bossier City and Bossier Parrish we have witnessed first-hand the impact of Dr. Fleming's hard work. We have thoroughly enjoyed our time working alongside Dr. Fleming and came to know him as a truly valuable asset to our region. He is honest, dependable, and incredibly hard-working.

Dr. Fleming has been instrumental in the development and execution of projects which have taken root in Northwest Louisiana and spread across the United States. Dr. Fleming recognized our regional economy was too heavily reliant on oil and gas, agriculture and gaming. As a result, Dr. Fleming set a path towards pivoting our economy and associated workforce to a technology driven, knowledge-based economy. Dr. Fleming orchestrated a massive cooperative effort across government, industry and educational institutions which resulted in the following:

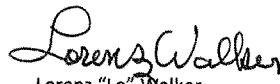
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- Training and retraining opportunities, as well as job placement, for our Nation's veterans and their spouses is an important focus of our region and our economic development strategy. Dr. Fleming, a veteran himself, recognized early on that some of our Nation's bravest men and women too often leave the military and enter civilian life with military related skills which do not easily transfer to "outside the fence" jobs. Because of Dr. Fleming's vision, veterans in our region are provided the opportunity to develop cyber


based skills. This results in not only helping our Nation's finest, but also provides a skilled and disciplined workforce to our regions employers.

Dr. Fleming's recognized need for government, academia and industry to pull together on regional need based approach combined with his public policy, independent business owner and military background serve as the right attributes for leading economic development efforts. Doing most of this work in Louisiana provides him the understanding of how disasters can immediately impact a region, a state, and our nation.

It's safe to say this region owes a debt of gratitude to the vision, hard work, and sacrifice Dr. Fleming has made. That is why, with no reservation whatsoever, we are proud to endorse Dr. Fleming for the position of Assistant Secretary of Commerce for Economic Development.

Sincerely,


Lorenz "Lo" Walker,
Mayor of Bossier City


Bill Altimus,
Administrator, Bossier Parrish

SENATOR JOHN MILKOVICH

Louisiana Senate, District 38

656 Jordan Street, Shreveport, LA 71101

(318) 676-7877 · Fax (318) 676-7879

milkovichj@legis.la.gov · website: senate.la.gov/milkovich

June 29, 2018

Dear Chairman Barrasso and Ranking Member Carper,

Dr. John Fleming is a United States Military Veteran; a licensed family physician; a successful entrepreneur who has owned and operated his own businesses; and a former member of the United States House of Representatives, where he played a foundational role in the Freedom Caucus.

Based on these attainments, I respectfully request your favorable consideration of the appointment of Dr. Fleming to a ranking position within the United States Department of Commerce, for Economic Development.

Sincerely,



JOHN MILKOVICH
Louisiana Senate