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Committee on Environment  
and Public Works

Washington, D.C.

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OVERSIGHT OF THE COUNCIL ON ENVIRONMENTAL QUALITY: A YEAR IN  
REVIEW

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The committee, met, pursuant to notice, at 10:00 a.m. in room 406, Dirksen Senate Office Building, the Honorable Thomas R. Carper [chairman of the committee] presiding.

Present: Senators Carper, Capito, Cardin, Whitehouse, Markey, Kelly, Padilla, Inhofe, Cramer, Lummis, Wicker, Sullivan, Ernst.

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

Senator Carper. Good morning, everyone. I am pleased to call this hearing to order.

I want to begin by welcoming our witness, Brenda Mallory, Chair of the Council on Environmental Quality, back before our committee today. We appreciate your being here to discuss the CEQ's work since your confirmation last year.

Some of you have heard me, and she has heard me say this before, but I know one Delawarean who has been the Chair of the Council on Environmental Quality. He was a former governor, a Republican, and he had been a leader at the DuPont Company and became Governor of Delaware. When Richard Nixon was President, and later, Gerald Ford, they nominated Russell Peterson, who served under two presidents as Chairman of CEQ.

I used to ask, when I was in the State Treasury, I used to ask, Governor Peterson, just what did you do when you were chair of CEQ? He used a music analogy. He said, it is like, when you are CEQ chairman, you are the orchestra leader, and you have an orchestra with many people playing instruments. They make different sounds. But the idea of the chair of CEQ is to make sure that the different pieces that have, and the government have, just like musical instruments, to make sure that they play in harmony. That is the way he described it to me. I think it

is a pretty apt description, so the orchestra leader here today is Brenda Mallory. We welcome you.

We also thank you for celebrating Earth Day with us in Delaware last month. Your visit with us to Delaware State University and Delaware Technical Community College made a real impact on everybody we met, especially the kids, large and small. They ran the gamut, everything from kindergarten to doctoral programs at Delaware State University. You are welcome to visit us in Delaware at any time. Thanks for coming.

Since the moment that he took office, President Biden has made leading our Country out of the greatest economic downturn since the Great Depression, as well as addressing climate change and advancing environmental justice top priorities of his Administration. The role that CEQ plays in achieving these goals cannot be understated, but it is not well understood by a whole lot of people.

CEQ ensures, and I mentioned earlier, that federal agencies work in harmony to protect our environment and to improve public health, which is critical to creating a nurturing environment for job creation and job preservation. We are always interested in how to create, we don't create jobs in what we do, but we help create that nurturing environment, and CEQ plays a vital role.

With more than eight million Americans back to work since

President Biden took office, that is a lot of people working who weren't working a year ago, it is clear that CEQ's urgent work is not stymying economic growth.

Earlier this year, the Fourth National Climate Assessment made clear that nations throughout the world must dramatically and urgently reduce emissions if we are to avoid the most devastating impacts of climate change. Driving to the train station this morning, I was hearing the kinds of problems that they are having in New Mexico with fires, wildfires. Really devastating stuff. That is just another example of what we face.

These impacts are already being felt in communities in the United States and across our planet, showing us just how vulnerable we are to climate change and extreme weather. Just last week, I don't know about where you all live, but on the East Coast, we had four days of rain. We saw some of that in Washington, and it produced flooding in places where, frankly, it doesn't flood a whole lot, including Delaware.

Prior to that, in the last year alone, we witnessed record heat waves in Oregon, where only a third of households have air conditioning. Think about that. Wildfires burned millions of acres in California, Montana, Arizona, and other western States.

The same hurricane that knocked out access to power and water for a million people in Louisiana and Mississippi then

went on up the East Coast to produce flash floods in New Jersey and New York. People there actually drowned in those places, especially in New York, actually drowned in their basements, unable to escape the torrent of floodwater.

According to the National Oceanic and Atmospheric Administration, damages from last year's disasters totaled roughly \$145 billion. That is just in one year. So it is becoming increasingly clear that the Administration's focus on climate change is both timely and, I believe, critical.

Addressing the longstanding environmental inequities in our Nation is equally important and also linked to climate change. We know that while climate change threatens to disrupt all communities and affects all aspects of our economy, it poses unique threats to communities that are already vulnerable.

In other words, Americans living in lower-income and marginalized communities have less ability to prepare for and recover from extreme weather. The least among us have the most to lose from inaction on climate.

That is why our federal agencies need to address these twin goals of climate action and environmental justice together. Fortunately, we have an important tool to improve federal analysis and decision-making, and that is the National Environmental Policy Act, known as NEPA.

NEPA established the Council on Environmental Quality in

1969. This was done in part to provide agencies with high quality information on the environmental effects of their proposed actions. Over the years, we have made a number of adjustments to NEPA. It is not exactly the same as it was in 1969. We have made some tweaks, I hope improvements, ensuring that the law functions as intended while also not being overly burdensome to industry.

Earlier this year, CEQ finalized revisions to the rule that implements NEPA. This restored critical protection under NEPA and also provided agencies and other stakeholders with greater certainty as they begin to implement the programs created under the Bipartisan Infrastructure Law, which has its roots, its origins, literally in this room, in this committee. These revisions will ensure that agencies consider the cumulative impacts of a project, such as the implications for climate change and the question of whether the impact is on a community that is already vulnerable.

CEQ also has been coordinating efforts across the Federal Government to improve the federal permitting process for clean energy technologies, such as carbon capture and sequestration, something that several of us are very much interested in. Today, we look forward to hearing more about those efforts from our witness.

I would also be remiss if I didn't set the record straight

with respect to the Biden Administration's policy actions and gas prices in our Country, something about which there is a fair amount of controversy, as we know. The last time I checked, the United States is still the top oil and gas producer in the world, producing more than we consume. With more than 9,000 unused, approved permits to drill offshore, the oil and gas industry, not the federal permitting process, bears more than a little responsibility for the current level of domestic production. But we can get into more of that later.

In addition to its permitting efforts, CEQ has also been hard at work delivering on the Administration's promise to prioritize environmental justice and equitably distribute the benefits of climate actions. As part of that effort, CEQ has released a draft version of its Climate and Environmental Justice Screening Tool, helping agencies to better identify underserved or overburdened communities. They have also recently hired, I believe, a new Director of Environmental Justice to oversee this important work.

CEQ has also established sustainability goals for federal buildings and other federal procurements and launched a \$1 billion effort, known as the America the Beautiful Challenge, to support conservation and restoration projects on federal lands. All of this demonstrates, I believe, the Administration's commitment to leading by example when it comes to doing what is

good and what is right for our planet.

So, we are looking forward to hearing from you, Madam. Do people call you Chair Mallory? What is your official title?

Ms. Mallory. Yes, they do say Chair, if I am not able to stop them.

[Laughter.]

Senator Carper. All right, Ms. Mallory, we are delighted at the critical efforts that you are leading and whether CEQ has the resources it needs to effectively carry out your work.

Before we do that, I turn it over to our Ranking Member for opening remarks and get us started. We have a Delawarean, Greg Williams, who has been nominated to serve on a Federal District Court in Delaware. I am introducing him in about five minutes on the Judiciary Committee, so I will rejoin you shortly. In the meantime, I leave you in good hands. Thanks so much.

[The prepared statement of Senator Carper follows:]

STATEMENT OF THE HONORABLE SHELLEY MOORE CAPITO, A UNITED STATES  
SENATOR FROM THE STATE OF WEST VIRGINIA

Senator Capito. [Presiding.] Thank you, Mr. Chairman. Thank you for leaving me in charge, and thank you for holding today's hearing to conduct oversight on the Council on Environmental Quality, CEQ, and thank you for coming to be with us today, Chair.

I know that both you and I are very proud of this committee's monumental achievement of developing and reporting surface transportation and drinking and wastewater legislation unanimously last year. We are also very proud that when those bills became law at the end of the last year as part of the Infrastructure Investment and Jobs Act, IIJA, and soon, hopefully, our WRDA legislation, which we passed last week out of committee unanimously, will also join that IIJA into law.

A top priority for all of us in the committee is to make sure the programs and authorizations we carefully negotiated move from being words on a page to projects on the ground. If IIJA is implemented as Congress intended, we will develop modern roads and bridges to connect rural communities, critical water infrastructure projects to create access to clean water, improvements to our transmission system to ensure access to reliable and affordable power, and the development of natural gas pipelines and other energy projects to ensure fuel for both

here and exports abroad, a need that has been made all the more real by the Russia war in Ukraine.

The funding and authorizations provided by IIJA will propel development. But those projects must also complete environmental reviews and secure federal permits before shovels can actually go in the ground.

In that legislation, we also recognized that the status quo for NEPA reviews and permitting has been unacceptable, so a 2020 CEQ report found that the average environmental impact statement took four and half years to be completed. We know that some projects can take up to 10 years to get through the NEPA permitting process.

Congress explicitly directed streamlining of environmental reviews for transportation projects, particularly by codifying the One Federal Decision policy for certain transportation projects. That policy recognizes that delays caused by a never-ending environmental review process can kill or stifle projects and investment.

IIJA puts in place a commonsense guidepost that NEPA reviews for major transportation projects will take no longer than two years and all environmental permits and other project authorizations should follow within 90 days after that. A clear project timeline will help to plan, finance, and construct transportation projects within the five-year authorization

window for the Federal Highway programs.

Congress's clear intent, both in the highway bill and in other portions of the IIJA, such as the permanent reauthorization of the Federal Permitting Improvement Steering Council, was to ensure projects are completed faster so the American people can benefit from the investments.

As the agency charged with overseeing implementation of the NEPA Act, as well as the agency that serves as an environmental coordinating hub Administration-wide, CEQ can play a unique and instrumental role in implementing Congress's goals.

CEQ could institute environmental review and permitting efficiencies that can make the IIJA implementation a success. I will say that nothing that I have seen coming out of CEQ assures me that this is what is going to happen. Certainly, improving NEPA efficiency does not appear to be a priority.

Instead, CEQ seems very busy implementing executive orders that direct CEQ to manage and develop countless new Administration-led policies not authorized in statute, from coming up with an environmental justice screening tool to be employed Administration-wide to managing new federal efforts to transition all government cars to electric vehicles in an unrealistic timeframe.

CEQ is bogged down with activities imposed by the President unilaterally, and even then, CEQ can't even keep up with the

President's own timelines. For example, the draft environmental justice tool was not released until this February, which is actually five months after the President's self-imposed deadline. In the meantime, CEQ has not provided, I don't think, adequate attention to actually implementing NEPA.

The one major action related to NEPA CEQ has taken I do not believe will speed up projects. Last month, the CEQ rolled back three key reforms made to NEPA under the Trump Administration. CEQ proposes to put the Federal Government in charge of deciding a project's purpose and need. CEQ would encourage individual federal agencies to layer on additional review requirements, and CEQ is directing agencies to bring in cumulative and indirect impacts that will have the effect of putting the thumb on the scale against certain projects. In doing so, CEQ has only amplified ambiguity and uncertainty that we are trying to get around within the NEPA review process, which will slow down our project delivery.

The opposition from project developers across industries, from roadbuilders to energy producers, has been swift and emphatic. Their message is clear: why is CEQ making the NEPA process more difficult, not faster and clearer? CEQ has shown no willingness to expedite the review and permitting review process for CCUS, as directed by Congress in the USE IT Act. CEQ has provided guidance that largely serves to present alleged

pros and cons of CCUS and fails to provide concrete direction to federal agencies to actually expedite CCUS projects. That is disappointing to me, as somebody who is a big supporter of that, and telling, that even with respect to projects that are clearly necessary to the Administration's well-publicized climate goals, CEQ is apparently unwilling to propose reforms that could cut that red tape.

Chair Mallory, thank you for coming today to discuss some of the issues that I have brought up. I am sure you will. This could not be a more important time for this discussion. Just this morning, the Administration has released an action plan for expediting permitting decisions, and I look forward to learning more about that plan, as well as how the Administration will implement the project delivery improvements enacted by Congress.

The actions the Administration takes now concerning environmental review and permitting will determine the implementation of the IIJA, the USE IT Act, and other recent legislation, how it delivers to the American people the infrastructure improvements that Congress intended and that they deserve.

I look forward to today's hearing, and I will turn it over to you, Chair, for your opening statement.

[The prepared statement of Senator Capito follows:]

STATEMENT OF THE HONORABLE BRENDA MALLORY, CHAIR, COUNCIL ON  
ENVIRONMENTAL QUALITY

Ms. Mallory. Thank you, Senator Capito, and also thank you to Chairman Carper. It is a pleasure to be here.

Chairman Carper, Ranking Member Capito, and members of the committee, I appreciate the opportunity to appear before you today. Last month marked one year since I was confirmed by this body. Since then, my staff and I have been working on behalf of President Biden and the American people to find common sense solutions to the environmental challenges that families face in their daily lives.

I have been fortunate to meet with a number of you to understand your priorities so that we can work together to deliver cleaner air, water, and lands to the American people. Serving in this role is an honor, and I am grateful to the President and to you for placing your faith in me.

In my travels over the past year, I heard from residents of one of Michigan's most polluted areas, from communities in Delaware, to families in New Orleans, and neighbors in Tampa, all of whom live in the shadow of polluting industries. These communities have been coping for decades with toxic pollution in the air they breathe and water they drink.

President Nixon once said, clean air, clean water, open spaces: these should once again be the birthright of every

American. Indeed, the mission of safeguarding clean air and clean water has long been a shared American value. This value grounds our work at CEQ.

Every person in this Country should be able to expect clean water from their tap or well. That is not the reality for far too many communities. Every person in this Country should be able to expect that air they breathe won't make them sick. That is also not the reality for far too many communities.

For too long, we have failed to deliver on these basic protections. That is why our environmental justice work in the Biden-Harris Administration is so important. While our work is far from over, I am proud of the work we have done so far to set the foundation to tackle a legacy of injustice. Together with Congress, we have begun the hard work of alleviating the environmental burdens that so many communities experience through unprecedented investments in the Bipartisan Infrastructure Law, many of which were unanimously supported by this committee.

We are replacing lead pipes, accelerating Superfund cleanups, cleaning up abandoned mines and oil wells, and protecting the most vulnerable communities from fires, floods, and storms. The impacts of these investments are not abstract. They are helping Americans right now.

The Bipartisan Infrastructure Law is also helping us to

plan for the future. Thanks to this historic funding, we are going to be doing a lot more building in the next few years, from electric vehicle charging infrastructure to wind turbines and solar farms, to the transmission that will move this new, clean power.

The question we are grappling with is, how will we build faster and better? How will we build so that we protecting communities while growing our clean energy economy at the pace required by the climate crisis?

This morning, we released a permitting action plan that tackles this challenge in four ways. First, we will set clear timelines for the projects to get reviewed and permitted. Second, we will use public dashboards so that everyone can track where projects stand in the process, including nearby communities. Third, we will hire more staff in the offices that are doing the hard work of permitting and reviews. Fourth, we will use the old saying, measure twice, cut once. Smart and early design, analysis, and public input save time by avoiding conflict, litigation, and waste.

I want to close by saying that the investments that President Biden and Congress made will deliver a cleaner environment for generations to come, but we also need Congress's continued help to transition to clean energy at the pace and scale required to meet the challenge of climate change.

The Bipartisan Infrastructure Law puts us on the right path, but there is still more work to be done. The clean energy provisions the Senate is considering would help clean up and reduce carbon emissions in the power and transportation sectors while cutting energy costs for American families.

Thank you for the opportunity to testify today, and I look forward to answering your questions.

[The prepared statement of Ms. Mallory follows:]

Senator Capito. Thank you very much. I will start the questions.

I want to ask you just a quick question on one of your four points of the release of the information this morning. You mentioned, hire more staff. Is that at Fish and Wildlife, hire more staff?

Ms. Mallory. I think, basically, what the plan calls for is agencies doing the assessment that is necessary to determine where they need resources, and then acting on that.

Senator Capito. I would recommend Fish and Wildlife has been, is holding up a lot of the permitting and it is very frustrating to a lot of people who are trying to move, whatever the project, clean energy, whatever the project. On that one, I think we both agree there are more resources needed.

Let me ask you about the international situation, since I mentioned that in my opening statement. We see that the unprovoked invasion of Ukraine has really, I think, put a light, and the President has talked about this, on the need for energy security both here and abroad. The President has mentioned the ability of the United States to help with liquefied natural gas and things of that nature to help Europe become less dependent on Putin.

Would you agree that we must immediately act to replace Russian imports into Europe with American-made energy? Do you

agree with that?

Ms. Mallory. Senator, what I would say is that the President has been clear that the Ukraine situation and Russia's unprovoked action causes us to look at the current crises that we are already dealing with, the climate crisis being critical to that to assess how we take action that helps the Ukraine situation but doesn't undermine our overall goals for climate action.

Senator Capito. I was going to ask next, have you taken any specific actions to strengthen our energy security, increase our domestic energy production to meet this, and export more? I think that answer to that is no.

Ms. Mallory. Senator Capito, the answer is that what we are trying to do, as I said, is find that balance so that the President can continue to provide the support that Ukraine needs, but that we don't lose track of our overall goals to address the climate crisis.

Senator Capito. I guess I am talking less about Ukraine at this point, although they are certainly in our hearts and minds, and we are probably going to be passing a very large package to help them. I am talking about the rest of Europe, which is now held hostage to Putin and his natural gas supplies.

Let me ask you this question. On the permitting issue that I talked about with the IIJA, does this run into conflict with

some of the goals that you have set forward in terms of a two-year timeline and a 90-day repeat, shortening the time of the projects? How do you see those working in conjunction with one another? Because we feel, I feel, as though you could create a conflict there.

Ms. Mallory. First of all, thank you, Senator, I appreciate that question. One of the things that I have been trying to do, consistent with the President's goals from the beginning of my time at CEQ, is find a way to meet the multiple goals that the President has set before us. He has been very clear that he wants us to ensure that we get the projects done that are necessary in order to meet the investments that we have identified as being important through the Bipartisan Infrastructure Law and other laws, but to do it in the right way, so that we are making smart decisions that allow us to meet our multiple goals.

I would say that the whole effort that is reflected in the permitting action plan this morning is us trying to bring together the best tools that are available, to take advantage of what we know has worked in the Federal Government to get decisions done in a way that is both appropriate but also recognizes what our ultimate values are. And that is what we believe we can achieve through the permitting action plan, so that you get the projects, but you also get them done well.

Senator Capito. I was interested in one of the quotes from your statement is, more building in the next few years, and it appears sort of laced through the action plans that you took on the NEPA regulatory changes, where you have taken down three of the major provisions that the Trump Administration put forward, I mentioned it in my opening statement, only sets up more regulations from different federal regulators. Again, it looks like a burdensome, how do I want to say this, a burdensome package, again, to slow any kind of new construction, or even a CCUS project.

Ms. Mallory. Senator, thank you for that question. One of the things that the work that we did in the NEPA provisions was focused on was making sure that we are able to do the analysis that effectively determines what are the impacts that a project is going to cause. If you narrow your focus to such an extent that you are not actually considering the real impacts of a project, that is just setting us up for failure. Our focus has been on making sure that the agencies have the tools to do the necessary analysis, but then to support them in ways that they can do it in a time-efficient manner.

Senator Capito. Thank you.

I am going to go to Senator Cardin. Is he on WebEx?

Senator Cardin. I am with you, thank you, Madam Chair.

Let me thank our witness for your work.

The Infrastructure Bill is a once-in-a-lifetime opportunity for this Country, so your role is critically important to make sure we do it right. You were very clear that environmental justice is one of our goals in regard to how we rebuild our infrastructure in America. I was proud that included in this bill was the removal of lead from our water pipe systems that we have, reconnecting communities that have been divided by highways that were destructive to the residential communities, the list goes on and on. We have resiliency in this, et cetera.

My home State of Maryland has the Maryland Environmental Justice Screening Tool. You have the White House Climate and Environmental Screening Tool that is available. Let me ask you how you intend to implement the use of these tools with the opportunities that we have with the infrastructure bill to make sure that we are sensitive to the communities' needs, that we recognize that the communities that have been hit the hardest as a result of climate change have been low-income communities, communities that have been hit the hardest in regards to our efforts to build interstate roads have been our low-income communities.

How do you intend to use this opportunity to make sure that, in fact, we carry out our commitment for environmental justice?

Ms. Mallory. Thank you, Senator, I appreciate that

question, because the work that CEQ is doing has environmental justice squarely at the center of our priorities.

What the President has directed in the early Executive Orders, including specific direction that we do a screening tool, is that we use the tool to help decide how we prioritize the allocation of resources and benefits to communities to make sure that the folks who have been underserved in the past, whose communities have been under-invested in, are among those that receive the benefits of the federal investment.

That is the goal of the tool. The tool is a mapping tool. It allows us to prioritize areas where the programs that show that communities have high air pollution, that show that the communities have high impacts to climate impacts, that show that there is a high health burden, these are the things that are built into deciding how we focus on the communities who need the most help. So our idea is that once the tool is finalized, that this will be a resource that the agencies look to as they are trying to make decisions that relate to their funding.

Senator Cardin. I am very supportive of that. I just hope you will keep us engaged at every stage. This is a relatively new opportunity that we have, and we want to make sure that we actually take advantage of it. So I would appreciate your keeping our committee informed as to how this tool is in fact working in practice in dealing with these issues.

I want to ask you one additional question on the American the Beautiful Initiative by the Administration and what role you will play in regard to working with the private sector to expand the lands that are protected through conservation under the American the Beautiful Initiative. Will your office play a role in this?

Ms. Mallory. Absolutely. This is one of our central activities. I in fact chair a committee working with Secretary Collins, Secretary Vilsack, and Secretary Raimondo on managing the America the Beautiful Initiative across the Government.

The key about the America the Beautiful Initiative is that it is the first time a President has set a conservation goal, our goal here being to conserve 30 percent of the lands and waters by 2030. Our focus is on making sure that we elevate and lift up the great work that is going on across the Country, where people in each community have identified what are the important measures of conservation in their communities and create programs that really help to provide support for those efforts.

Last week, in fact, I was in Florida and had the opportunity to see how activities are going on the ground where the public and private sector are working together on some conservation efforts that really reflected exactly what we want America the Beautiful to look like when it is put in place.

So the grant program that I announced last week, which is \$82 million that is going to be run through a request for proposal that brings together funding from several different agencies is an available resource that communities in the public and private sector could use.

Senator Cardin. Thank you very much. I look forward to the results of your work. Thank you, Mr. Chair.

Senator Carper. [Presiding.] Senator Cardin, thanks very much for those questions.

Senator Inhofe is next. I think he will be followed by me, and then we will move along. I think after that, Senator Cramer, Senator Whitehouse, Senator Padilla. Thanks, everyone.

Senator Inhofe. Thank you, Mr. Chairman. It is good to see you again, as I have already mentioned to you.

Chair Mallory, I have two requests, and they are not related to each other. They are separate. Let me start with the first one. Just so there is not any misunderstanding in what I am asking for, I am actually going to read it, so I have a record of what I am saying. All right?

DOD is legally responsible for the cleanup of PFAS contamination that they cause. In order to clean up the contamination, the need to dispose of it. The best way to do so is incineration. DOD is ready to incinerate PFAS waste, but has been told by someone in the Administration not to do it.

The two questions I would have is, first of all, who is telling them that they can't release their incineration guidance? The second thing is, if they can't incinerate, how do you propose they dispose of PFAS-contaminated minerals? You are from the right area to respond to those questions, I believe. What would be your response?

Ms. Mallory. Thank you Senator for that question. PFAS is obviously a really important issue that the Administration is spending a fair amount of time on. Specifically, in my office, I am chairing an interagency policy council that is focused on trying to coordinate the PFAS activities that are occurring all across the government. From the campaign until right when the President issued early Executive Orders, PFAS and the need to address it has been a high priority for them.

One of the things that I am trying to do within the interagency policy forum is to make sure that the agencies are working together as they are identifying what are the actions and tools that are necessary in order to make sure that we are meeting the challenge of PFAS. We are in a place with PFAS where the science is still evolving, the standards still need to be put in place. There are a variety of technical things that need to happen.

Meanwhile, there are families and people who are being harmed every day. So trying to make sure that we are able to

move in a way that allows for the agencies to address the issues and address them in a way that is responsive to the health concerns of the community, I think, is important.

Incineration is an issue. I know EPA, in guidance that they issued, I believe it was last year, talked about incineration being kind of, it is among the things where it is an approach, but it is one that we have to be very careful about because of the air quality impacts that are associated with that. We are talking to DOD about the studies that they have underway and getting additional information about the work in incineration and PFAS. That is part of an ongoing discussion.

Senator Inhofe. It is my understanding that New York has already crossed that bridge. They have made a statement as to any dangers having to do with this. So that study has been going on, I assume, for quite some time.

So I just want to find out when this is going to be resolved. Right now, if you leave it the way that you are stating it there, that it is something you don't like in the first place, and therefore it is going to take you a while, how long is this going to take so that you will be able to clean this up?

Ms. Mallory. First of all, Senator, I think we are spending real effort in trying to get the agencies to work together around this issue.

Senator Inhofe. But your agency is an agency that has the responsibility to resolve this problem.

Ms. Mallory. What I am saying is that we are gathering the information that will make that possible. The New York study that you made reference to, I think that there are other studies that we are not able to make available at this point, the DOD has done, and we want to see what those studies look like, which I think will be this summer.

Senator Inhofe. If this is the only study that has been, is this the only study, then, that has been publicized?

Ms. Mallory. I don't know the answer to that question, but I am happy to get back to you on it.

Senator Inhofe. Well, there is not a lot of time to get back, because we have to do something with this right now. Nothing is being done. I came to this meeting because it is apparently the White House that is stopping this or delaying this. Is it being stopped or delayed? Can you inform me as to the status of this?

Ms. Mallory. What I can say about it, Senator, is that we are having conversations with DOD about this guidance. I did not perceive us as stopping or even delaying it. But we are having conversations with them about what is their plan and what is necessary to address this issue.

Senator Inhofe. But aren't you precluding them from doing

cleanup?

Ms. Mallory. What I asked DOD to do was to pull together the information so that we can have a briefing for everyone about what their plan is. I did not preclude them from doing anything.

Senator Inhofe. All right, then give me a timeframe of this. This is an inconvenience issue, I understand, for DOD. DOD would have things that they need to be doing, and we need to be using this technology that has been accepted, and we just want to get to the bottom of where we are today, how much time it is going to take to accomplish the different things you are trying to determine, and where we are going to be with this.

Ms. Mallory. Again, thank you, Senator, for the question. I will definitely get back to you with what the status is. I will say that DOD actually was arranging for, and I think we were assisting and arranging for a meeting. I am not sure if it is scheduled yet.

Senator Inhofe. All right. I know my time is -- I have one other issue I want to talk about, so let me just wind up this one really quickly, here. You have nothing today that you are going to be able to share with me in terms of when we will be able to clean up this mess?

Ms. Mallory. Not unknown, no, Senator, I will definitely get back to you on that. It might be today, but it won't be

while I am sitting here.

Senator Inhofe. Well, all right. You have made that clear. How long do you think it would be? Give me a timeframe.

Ms. Mallory. Yes, I mean, I commit to you that, today is Wednesday, I commit to you that we will get back to you, certainly by the end of the week, on where we are on the issue.

Senator Inhofe. Okay, that is good. The other issue I will bring up on the second round.

Senator Carper. That is great. I would just ask you keep both majority and minority staffs in the loop on your responses to Senator Inhofe and his staff on this issue, okay? Thank you very much. I think I am next.

Let me just say, I applaud the President's commitment, and your commitment as well, to address decades of underinvested in environmental justice communities. President Biden's Justice40 Initiative sets a lofty goal of delivering 40 percent of the federal benefits from a variety of programs to low-income, disadvantaged, and minority communities. At the same time, the Biden Administration, under your leadership, has proposed a climate and economic justice screening tool to help agencies identify disadvantaged communities and address historic injustices. With that said, meaningful historic changes are hard to make overnight, as you know.

Here is my question. Briefly, please share with us some of

the achievements that CEQ has made in advancing environmental justice under your leadership and expand on the challenges you are facing to ensure the goals of Justice40 are met across the Federal Government. If you would like to suggest a couple of ways we could be of help, please let us know that. Go right ahead.

Ms. Mallory. Thank you, Senator, for that question. As I said earlier, the environmental justice part of the President's agenda is central to the work that we are doing at CEQ. It is personally a very high priority for me in terms of meeting this long challenge.

Under the President's direction, there are a number of things that we were directed to do in order to really put in place the infrastructure that would allow us on a regular basis to think about, to make sure that we are considering what the impacts of federal actions are on all communities. Ultimately, what we want to achieve in our environmental justice work is an assurance that every American, no matter where they live, can count on having clean air, clean water, and healthy communities, and that we are doing our part as federal servants to try to deliver on that.

So, the President instructed us to create a White House Advisory Council in which we have a regular interaction with 25 experts and academics in the field who have been working in

environmental justice for many years, to get their input, their reaction about things that need to be addressed as part of our policy making. We created a White House Environmental Interagency Council so that the senior leadership all across the agencies comes together and has an opportunity to discuss, what is each agency doing to try to meet the President's goals, and how we collectively can work together to make sure that we are accomplishing the mission.

Then, the creation of the Climate and Economic Justice Screening Tool was obviously one of the central pieces to help us deliver on the President's commitment to do a Justice40 Initiative, which is the 40 percent commitment. The way that we are carrying that out is to finalize the tool, but then working with all of the agencies as part of Justice40 to make sure that they have the approaches for identifying how within specific programs they would need to make adjustments in order to carry that out, what the methodologies are, what the best benefits are. So all of that work has been going on since July of 2021. Justice40 is up and running in the way that we are approaching our implementation of programs, even as we are trying to finalize the tool.

More importantly, and I think what is going to be more impactful, is that within each of the agencies, the leadership and the rank-and-file career folks who are working there are now

getting into the habit of thinking about more directly, how will this affect all communities? How will this affect the specific communities that are often not on people's minds in terms of what impacts are? I think that is actually one of the successes of the work so far.

Senator Carper. All right. Sometimes, folks ask me, what do you mean by environmental justice? Why are they making such a big deal about it? Senator Inhofe and I have been, for years, on Thursdays around noon, participating in the same Bible study. Our chaplain is Barry Black, as our colleagues know, who is a retired Navy Admiral, former Chief Chaplain of the Navy and Marine Corps.

He is always reminding us of the importance of the Golden Rule, treating other people the way we want to be treated. I think he once said it is the only rule that is in every major religion in the world. Everyone ought to treat other people the way we want to be treated. I think that certainly applies with respect to clean air, clean water, and protection from this all this climate crisis that we are witnessing.

Thank you. With that, my time has expired. I am going to yield, happily, to Senator Cramer for his questions. Thank you.

Senator Cramer. Thank you, Mr. Chairman. Thank you, Chair Mallory, for being here.

Again, thank you for the hearing, Mr. Chairman, and thanks

for teeing up that question, because I want to elaborate on it a little bit and ask you to, as well. I am looking at the White House Environmental Justice Advisory Council's Justice40, some of the conclusions that they drew, and this is going to get me to my first question.

Some of the conclusions, for example, examples of types of projects that will not benefit a community, here is a list from your tool: fossil fuel procurement, development, infrastructure repair that would in any way extend lifespan or production capacity; transmission system investments to facilitate fossil fire generation or any related subsidy; highway expansion, that certainly wouldn't help any community; road improvements or automobile infrastructure other than electric vehicle charging stations -- really? -- industrial-scale bioenergy, God forbid that that would happen in a community. That certainly wouldn't be good.

Critical to me in these discussions, around social justice and what is not good for a community, I have been participating, a number of us have, in a bipartisan discussion right now, as we speak, in these weeks, on trying to find a bipartisan energy climate plan that we could agree on that would forward reliable power, whether it is for vehicles or for electricity, while at the same time, meeting certain goals.

I think you have been talking in circles, frankly, but I

think I understand you are just trying to find the balance. You are talking about balance, right? We have demands. We have an economic demand, we have national security demands, we have Europe pleading with us for our natural resources because they voluntarily cut themselves off of Russia's natural resources.

But critical to all of this, in my mind, is prioritization of commercialization of emerging technologies. Emerging technologies, particularly in the power sector, that would also reduce emissions, technologies like carbon capture utilization and storage, listed as one of the things that don't help communities, for example. Direct air capture is also listed in the White House document as something that doesn't help communities. Emission-free nuclear power generation, I don't know how you could want to advance cleaner energy and not be for nuclear. I want to remind you that President Biden's emission goals say that carbon capture utilization and storage and nuclear are critical components to reaching the targets.

Then, you have this Environmental Justice Advisory report stating they believe CCUS will not benefit communities. CEQ says environmental justice considerations must be incorporated into all permitting decisions.

Some who see these, really, are left with some pretty obvious questions. Does the Administration actually support CCUS and nuclear? Do they actually support all communities, or

only certain communities? If so, why are they simultaneously making it harder for these types of projects to get permitted? Help me find the balance here.

Ms. Mallory. Yes, first of all, thank you for the question, Senator. I appreciate what you are struggling with. One of the things that the President is trying to do through the environmental justice work and I think was critical in his interaction with the communities during the campaign, and that was reflected in early Executive Orders is, he wants the authentic voices of communities to be heard, to be elevated, to be part of the conversation. What you read, the recommendations that we heard from the Environmental Justice Advisory Council, that is their reflection of their authentic voices.

That doesn't mean that every single item there the President shares exactly that view with. He has also been very clear, I think, through the campaign, throughout early activities, that we think that technology is an important part of the solution for decarbonizing the environment, that we have to not only work hard to reduce the emissions of carbon, but we also are probably not going to be able to do it sufficiently without removing, having some technology that can help remove environment.

I think the President has been clear about what his views are on that.

Senator Cramer. I don't think it is clear at all. I think it is very confusing, quite honestly. I don't think there is anything clear about it.

What I would like, I wonder, if anybody, when they do these surveys or they are talking to these communities, if they ever ask the question, how would it be if your natural gas gets turned off in the middle of winter? How about the air conditioning gets turned off because there is no electricity because God forbid, we have nuclear power or carbon capture utilization on a coal-fired power plant, and we are only going to rely on the wind on the days that it blows?

What is the process for coming up with crazy, frankly, this is cartoonish, this Justice40 document. I don't think the President is clear at all. I think the President sends confusing messages. I think investors see them as confusing, if not hostile, quite honestly. I prefer him to remain committed to carbon capture utilization storage and nuclear, frankly, as parts of the solution.

I will get to some more questions in another round. Thank you.

Senator Carper. Before I turn to Senator Whitehouse, since Senator Whitehouse has not returned yet, I think maybe we are going to go to Senator Padilla next. Is that correct?

Before I do that, let me just say that as my colleague

knows, let me say to Senator Cramer, I think you know how strongly I feel about nuclear. Old Navy guy, 70 years we have been doing nuclear in the Navy, and I think you have an idea, as a native of West Virginia, what I think about CCUS. I think we are poised to do good things there.

Senator Cramer. I don't worry about you.

Senator Carper. Thank you. I wish more people felt that way.

[Laughter.]

Senator Cramer. I don't even worry about Senator Whitehouse. I rather like him.

Senator Carper. Senator Whitehouse has rejoined us. After him, I think, maybe Senator Lummis after Sheldon. Senator Whitehouse, welcome.

Senator Whitehouse. Thank you, Chairman.

First, responding to some of the comments we have heard here, yes, to helping Europe disconnect from Russian fossil fuels. The Ukraine War is a fossil fuel-powered war that sends important messages about the danger of this international industry. And for national security reasons, totally yes to helping Europe get off fossil fuels.

Let's do remember that there is no American energy security in oil and gas. It can't happen. It can't happen for the very simple reason that the price of oil and gas is not set here in

America. It is set by an international cartel of Iran and Venezuela and Russia and Saudi Arabia and others, and a horde of speculators who surround them.

Every day, the American oil and gas industry has the choice whether to set their prices based on their cost of production here in America or whether to ride the cartel prices way up into the stratosphere and pocket billions and billions and billions of dollars in excess profits. And every day they choose that.

We could knock a dollar of the price of gasoline tomorrow, if President Biden had the authority to, and they would still make money. That is how grotesque the excess profits are. It is a choice that the oil and gas industry makes, not to follow market price based on cost of production, but to follow international cartel price. I hope we take a good hard look at that in the future.

With respect to carbon capture, a place where we have done a lot of good work in this committee, first of all, thank you for your interim guidance. I think that is a very good start. We need carbon capture for the very simple reason that we are going to miss the 1.5 degree safety threshold. We are going to overshoot, and going to zero carbon doesn't get you back once you have overshoot.

We need these technologies; we need to develop them, and we also need to make sure that communities that have been burdened

by pollution understand that this is not another end run around their concerns.

So, thank you for your focus on environmental justice. Thank you for the screening tool, which I have used for Rhode Island. It is very accessible and easy to use. I am grateful to you for it. Thank you for the focus that we have to engage communities in order to succeed, and in particular, with carbon capture, we have to engage communities.

I think the question of NEPA reform and moving forward efficiently is a very important one. To me, the lesson is the sooner you can engage the conflicting uses, the better. We did this with offshore wind in Rhode Island, as you may know. We had a very good process that got all the users together with really good data from the University of Rhode Island. And because our process was good, we got the first steel in the water, the first electrons on the grid.

We showed that you could site offshore wind in America, and now there is this explosion that President Biden is counting on for 30 gigawatts of clean and renewable energy. But it is going to happen a lot quicker if you get the lesson right, which is that all the conflicting users have to be brought together as soon as possible.

I don't know if you have been following what BOEM did, but they got off to a terrible start with Vineyard Wind. It stubbed

the toe of the whole offshore wind movement because they had not done that. They had not gotten everybody in the room who was a conflicting user. They had instead tried to roll communities.

Now, with the progress going forward, BOEM has been better. They have moved the conflict identification forward. The New York Bay process has been much, much, much improved, so we are really, I think, gaining ground. To me, the lesson is that the process can't be one that is designed to steamroll communities and people who will be victims of pollution, but one that hears them early so that their concerns can be taken into consideration as quickly as possible. I hope that is the theory that will guide you.

We are trying to improve carbon capture and carbon removal by creating a market for it. As you know, it is free to pollute. The fossil fuel industry fights incredibly hard every day to make sure that it is free for them to pollute and dump carbon dioxide into the atmosphere, and tons and tons and tons and tons and tons, so let everybody else pick up the tab for those bad effects.

We will be launching very soon a bill to give the Department of Energy a role buying carbon removal to jumpstart the market and move these technologies forward, in addition to the 45Q support that we have given. I hope you will take a look at that bill. I hope you can round up Administration support

for it. It is called the Federal Carbon Dioxide Removal Leadership Act.

With that, congratulations to you on the CCUS work. Congratulations on the environmental justice work. Congratulations on the screening tool, and good luck making sure that our regulatory siting issues are dealt with in a way that does not steamroll local communities, but rather efficiently resolves the conflicts that they inevitably produce. Thank you.

Ms. Mallory. Thank you so much, Senator. I would just like to emphasize that the permitting action plan that we issued this morning is designed to do exactly what you are saying, to take the best lessons that we have learned, to use the senior leadership across the government to work together to make sure that we are organizing our work on individual actions to bring people together and resolve issues. I think that is hugely important.

On the CCUS front, I think we absolutely are, as an Administration, supporting CCUS as a technology. The President has been clear on that. I think that we have to work harder to make sure that CCUS does not end up harming communities. That is what they care about. That is what they are worried about. They are worried because they are often the afterthought, and as a result, they have concerns that that is what people are thinking about now. We are trying really hard to avoid that.

Senator Whitehouse. That is the right thing to do. Thank you.

Senator Carper. Let me say, as we used to say in the House of Representatives, colleagues, I want to associate myself with the words of the Senator from Rhode Island.

Senators, I want to submit for the record a unanimous consent request. I ask unanimous consent to submit for the record materials describing the cause of the volatility in global energy markets, including a memorandum from MIT Economist discussing three conclusions, which I will not elaborate on right here.

[The referenced information follows:]

Senator Carper. I think Senator Inhofe has a unanimous consent request as well.

Senator Inhofe. One request, and that would be that I can submit for the record my second question.

Senator Carper. Without objection, so ordered. Thank you.

[The referenced information follows:]

Senator Carper. With that, we are ready to here from Senator Lummis. Take it away.

Senator Lummis. Thank you, Mr. Chairman, and thank you, Chair Mallory, for being here.

I am hearing a total disconnect between what the Senator from Rhode Island just said and what the Administration is doing. So I am going to ask you the question now, but then I want a few minutes to vent before you answer it.

So here is the question. In May of last year, the White House Environmental Justice Advisory Council released a report that said carbon capture is among the types of projects that will not benefit a community, not benefit a community. And yet, the Senator from Rhode Island, a member of your own party and a tremendous advocate for environmental justice, believes just the opposite. There is a disconnect in your own party among people who are real advocates for environmental justice. So, here is what I am going to say in the way of venting, but that is my question.

You know, everything that you do at CEQ relates to the west, everything you do. It makes a difference for us on whether we have enough electricity in our homes via transmission lines. It impacts our abilities to fight wildfires, to commute to work on roads and bridges in massively large States. It is a huge consequence.

It is because of NEPA that I wanted to serve on this committee. It is that important to our State. It affects us that much, so I am really disheartened by this Administration's actions in rolling back what were common sense reforms made by the last Administration.

Let me paint a picture as I see it. Americans are facing the highest inflation in 40 years. The cost to the average household of this inflation is \$5,200 annually. There is this sense of frustration and doom, and some say magical thinking, about inflation as it relates to the way this Administration looks at it. That was reported in Bloomberg yesterday.

Gas prices hit a brand-new record high. The average American is paying \$2,000 more per year just for gasoline, and it is higher in my big State of Wyoming. Americans are looking at the stock market and their 401(k)s with horror. On top of that, our Nation is facing a supply chain crisis. There is a nationwide shortage of baby formula, brownouts are being discussed as possibilities in our energy sector.

And CEQ, through its permitting regulations, are a key player in addressing these challenges. CEQ's answer has been more government, more red tape, more bureaucracy. So, that is the kind of magical thinking in response to all of these problems our Nation is having right now that I just think has got to stop.

Now, listen to this: Terry O'Sullivan, the President of the Laborers International Union of North America said it best, concerning CEQ's latest actions. This is a huge labor union talking about CEQ's latest actions. The rollback of updates to the National Environmental Policy Act reinstates burdensome requirements that will cause excessive permit delays and allow project adversaries to use frivolous lawsuits to disrupt or upend long-overdue construction.

Once again, communities in need of vital infrastructure and the hardworking men and women who build America will be waiting as project details are subjected to onerous reviews. Americans will continue to bear the expense of NEPA-related delays, which costs taxpayers billions of dollars annually. Lengthy review processes and unpredictable legal challenges are also having a chilling impact on private investment in infrastructure.

So, this Congress puts out a big infrastructure bill. People on this committee worked hard on it, including the Chair and the Ranking Member, to get infrastructure moving in this Country.

And what does CEQ do? It slows it down. It throws up roadblocks. It puts up delays. It makes this Country move slower and more expensively. It takes projects longer. They are more expensive. And our ability to respond to the demand for infrastructure is being roadblocked by CEQ, by the White

House. This is, you give with one hand, and you take away with the other. The American people know it.

So, the frustration level is high with me. It is high with the labor unions. And I want to tell you, then when you move to this report on carbon capture, again, this report says carbon capture is among the types of projects that will not benefit a community.

So, what I am just saying is the frustration is, what we are trying to do as a Congress is just being thwarted at every turn by what you all are doing in the White House. This is the expression of frustration that you are hearing at this table today.

I haven't given you enough time, because I needed to unload on you. While I turn over the questioning to the next member of the committee, I may submit some questions for the record, because I am 100 percent confused about what this Administration's goals are.

Thanks, Mr. Chairman. I yield back.

Ms. Mallory. Mr. Chairman, may I respond?

Senator Carper. Yes, go ahead.

Ms. Mallory. Yes. I am sorry; I will be very quick because I know the time is over.

I did want to say a couple of really quick things. First of all, on the idea about what NEPA is, what we are doing for

the NEPA program, those changes that we made are fundamental to ensuring that, in fact, we actually assess the impacts. If we are not able to look at the impacts, then we are moving forward on very expensive projects, spending a lot of money, as you all authorized, and we are doing it without the right information. That is number one. That is critical to what we are doing. Those were not common sense changes that occurred.

Secondly, I think it is important to separate out the White House Environmental Justice Advisory Council recommendations from the President. The President is setting forth what he believes to be important, key elements for our strategy, which includes the investments in technology, on carbon capture, which includes thinking about removal as a technique.

The communities don't like it because they have decades of experience, even some would say centuries of experience, of people not doing projects in a way that is beneficial to them or that even takes into consideration their potential harms. I think that is the thing that we have to address.

Senator Carper. All right. Senator Markey, I believe you are next.

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

First, I would like to associate my remarks with those of Senator Whitehouse of Rhode Island.

Chair Mallory, I want to applaud the work that you have

done so far in releasing an initial version of the Climate and Economic Justice Screening Tool. As the Senate author of the Environmental Justice Mapping and Collection Act, along with Congresswoman Cori Bush in the House, this has been a longstanding priority of mine. Low income and disadvantaged communities, especially those overburdened by pollution, deserve justice and targeted relief from polluted air and water.

Some stakeholders in the movement for environmental justice have expressed concern that the tool does not explicitly screen for race, and could overlook thousands of disadvantaged census tracts as a result. Others have asked for a system that looks at how burdens interact in order to paint a picture of the cumulative impacts on a community.

Chair Mallory, how is the Council on Environmental Quality continuing to work to take these and other stakeholder concerns into account as it continues the development of the screening tool?

Ms. Mallory. Thank you, Senator, for that question. I appreciate it. As I have said already, the work that we are doing on environmental justice is really central to the work that CEQ is doing, and that the screening tool is a very important factor in that.

The way that we have structured the screening tool is directly related to the types of programs that are going to be

affected by the distribution of resources. The Justice40 initiative is about looking at clean energy projects, about climate change related projects, about some affordable housing issues. So what we did is establish criteria that really focus on those issues within the community. We are identifying communities that have high health burdens, we are identifying communities where the climate change impacts seem to be high, we are identifying communities with low education. All of these factors will actually allow us to focus on the disinvestment that we think is critical for making sure that the underserved communities are addressed.

Senator Markey. So, the initial version of the Climate and Economic Justice Screening Tool has many regions for which there is little or no data, including in tribal communities and U.S. territories, we can't help protect all communities if we don't understand all communities. Are you now going to be filling in the gaps to make sure all that information is in fact so that those communities can be served?

Ms. Mallory. One of the things that we did when we announced that we were doing the screening tool or putting out the beta version of it is that we are going to have an NAS study that is helping us with data sets. We know that there are data gaps. We used the data that was available at a national level to really set up the beginning of the tool. But we know that we

need more data. That is part of the effort that will go on even after we release what will be the final, or at least operating tool.

Senator Markey. So after the information is developed, the communities are going to need more than just money or proclamations. They need a seat at the table in order to make sure the government gets this right.

How will CEQ support ongoing community interaction with this tool?

Ms. Mallory. I think we have been actually making ourselves available with a number of members of the community, and also creating folks who can serve as ambassadors for helping to work with the community on how to use the tool, what is necessary in order to operate it. We know that technical assistance is very important as it relates to communities. That is something that we are working with our agency partners to make sure occurs.

Senator Markey. So you are saying that there will be a way for community members themselves to report their needs for investments in certain areas and comment on the current status of Justice40-related programs in their area?

Ms. Mallory. Yes, absolutely. Even the tool created, the tool itself allows for people to be able to submit information if they think we have missed something.

Senator Markey. That is great. Thank you. It is just so important, thank you for your great work on this issue.

Chair Mallory, I applaud the CEQ's new final phase one rule to restore the potential of the NEPA process to protect human health and the environment. The National Environment and Policy Act is our bedrock statute for bringing the public good into the federal decision-making process. The public good is not slowing down good decision-making; it enables it. For example, delays in permits for mines are more likely due to plan changes from the applicant than from the NEPA process itself.

For example, on LNG exports, FERC has already permitted facilities that could move 28 billion cubic feet per day of liquid natural gas, facilities that so far have not yet been built. But that is not a NEPA problem getting them constructed. The work has already been done to get them permitted.

Sometimes I hear concerns, but LNG is a big issue. It is already permitted. For the small subset of federal projects that require full environmental impact statements, those projects are longer lasting and better for the fact that the public can weigh in and understand what is happening in their community. Just like on a grade school test, NEPA means big corporations have to show their work in order to get an A. That is all NEPA really requires, that the work be produced, that it can be examined and it can be done in a timely fashion.

I want to say, I think you are doing a great job on this. Without a working NEPA process, small business owners, local community leaders, concerned parents or other stakeholders would not be able to weigh in on these massive federal projects. Do you agree with that?

Ms. Mallory. Absolutely. I think that is what we are trying to focus on, particularly with the release of the affirming action plan today, is to highlight how we can make the process work with the values of ensuring that we are doing impact analyses.

Senator Markey. And you are making disadvantaged communities can have their voices heard?

Ms. Mallory. Absolutely.

Senator Markey. Beautiful. Thank you so much.

Senator Carper. The Senator's time has expired.

Senator Sullivan is next. He is enroute to join us; when he arrives we will be sure to work him into the lineup.

I think Senator Padilla may be with us by WebEx? Alex, are you out there?

Senator Padilla. Yes, Mr. Chairman, thank you.

Senator Carper. We recognized Senator Padilla.

Senator Padilla. I will jump right in. Five minutes goes by fast.

Last week, the Department of Justice made several important

announcements in support of the Administration's new Environmental Justice Enforcement Strategy. It was welcome news. Part of that effort is one that I have been pushing for the Department to do, which is to create a dedicated environmental justice office within the Department to Justice to better hold polluters accountable and to support historically marginalized communities, as Senator Markey has been discussing.

I was also pleased to see that the Department of Justice finally issued an interim final rule to restore the use of supplemental environmental projects, also known as SEPs, interim settlements. This is an important tool, because SEPS serve as an essential environmental justice function. They provide tangible, real-world projects in below-income communities, communities of color in many cases, who would otherwise be forced to deal with the pollution that is left behind by bad actors on their own.

The restoration of SEPs is just one tool that we have in the toolbox. It is great to have it back. We need more to correct the injustices in overburdened communities. With that being said, my question, Chair Mallory, is can you talk about other tools in the toolbox to invest in historically marginalized communities, and what the Council is doing to help right these historical wrongs?

Ms. Mallory. Yes, Senator, thank you for that question.

Yes, environmental justice is obviously central to the work that we are doing. I can talk about several of the steps that we have already taken.

The underlying message as to all the work we are doing is just trying to make sure that all communities get the benefit of the environmental protection network ecosystem that exists in this Country, that everybody has the benefit of clean air, clean water, and a livable community. So the President's direction to us has been focused on getting the voices in the White House so that we know what people are thinking and we are doing that through the White House Environmental Justice Advisory Council.

We are also doing that in, every time that I go out and visit a community, I make a point to ensure that I am meeting local representatives from different environmental justice organizations who can talk to me specifically about what they are experiencing and how they see the work that CEQ and the White House is doing and can be more helpful. So that is a very important tool.

I think other agencies are doing similar things. If you are tracking any of the work that the Department of Energy or EPA or the Department of Transportation are doing, they are regularly interacting with the communities who are affected by their programs to find out how those communities are both feeling what the Administration is doing and planning, but also

how we as an Administration can be helpful in ensuring that the work that we are doing actually has a positive benefit for everyone. That is a very important mechanism that we are using.

Then within the Federal Government itself, the Environmental Justice, the White House Interagency Council is a really important mechanism for making sure that we all know what agencies are doing and can both use the good examples of individual agencies to encourage and inspire work around the federal family, but also to make sure that everybody is aware of how we are taking advantage of the opportunities that are presented by the Bipartisan Infrastructure Law, as an example, how we are taking advantage of that opportunity to make sure that good benefits reach all American people.

Those are the mechanisms that we are using.

Senator Padilla. Thank you.

Mr. Chairman, in the minute I have left, I do have a follow-up question on this topic, but I will submit in writing questions as it pertains to the American the Beautiful framework. I have questions about inclusiveness, what we are doing to ensure input from a variety of stakeholders. The question is if it pertains to PFAS cleanup, that has been brought up earlier at the hearing, and federal procurement opportunities to advance an environmental justice agenda as well.

But the one specific one, in my time remaining, we were talking about additional tools in the toolbox. If somebody is lost or going somewhere they have never been before, they need one of two things, good directions or a map. I put it simply there, because in the State of California, the State has led, when it comes to mapping tools for environmental justice, with its tool known as CalEnviroScreen. It is identifying how California communities, by census tract, are disproportionately burdened by and vulnerable to multiple sources of pollution. So I think it is a great model for something that we can understand and develop as a federal tool at the national level.

Chair Mallory, can you just briefly describe how the Council can help implement a climate and economic justice screening tool?

Ms. Mallory. Thank you for the question. What I would say to that quickly is just that when we were developing our own tool, we very much recognized that California and New York and several other States had their own tools that are in use. We collaborated with folks who were involved in those processes to both learn what the positive benefits we could take and sort of scale to a national level, but also some of the challenges that they faced and how that might affect federal programs.

So that is, the work that has been done in California and other States was very much front of mind on folks as they were

developing the tool.

Senator Padilla. Thank you very much. Thank you, Mr. Chair.

Senator Carper. Senator Kelly, I am going to ask you to wait for Senator Sullivan. It is his turn.

Welcome, Senator Sullivan. You are recognized.

Then I believe next is Senator Kelly. I am going to run and vote and leave the committee in good hands to the gentlewoman to my right.

Senator Sullivan. Thank you, Mr. Chairman and Madam Chair, thank you for being here.

I am going to follow up on the questioning that a lot of us have that Senator Lummis started, and that is on this new NEPA reg. I think a, there is very much disappointment in CEQ, what they are doing with this; b, if you talk to the average governor or mayor in America, it doesn't matter if they are Democrat, Republican, I guarantee you they are against this.

Mr. Chairman, I would like to submit this Wall Street Journal editorial, if it hasn't already been submitted, How to Kill American Infrastructure on the Sly, the White House Revises NEPA Rules that Will Scuttle New Roads, Bridges, and Oil and Gas Pipelines.

Senator Carper. Without objection.

[The referenced information follows:]

Senator Sullivan. So here is the issue. And it is a broader issue, and it is way before you came. But I am firmly of the view when the national Democrats get in power and they have a choice between the working men and women who build things in America, like the Laborers, I am going to quote from them like Senator Lummis did, and the radical elite environmental groups, coastal elites, they always side with the radical far left environmental groups. And the working men and women always get the shaft.

The Democratic Party used to say they are the party of the working men and women. They are definitely not anymore. The head of the Laborers said, they opposed rollbacks, "Rollback of the updates to NEPA reinstate burdensome requirements that will cause excessive permit delays and allow project adversaries to use frivolous lawsuits to disrupt and upend long overdue construction. Once again," I am still quoting from him, "communities in need of vital infrastructure and the hard-working men and women who build America will be waiting as project details are subjected to onerous review." He goes on to oppose this.

Why did you not listen to the Laborers on this? Because you clearly didn't.

Ms. Mallory. Thank you, Senator, for that question. As I have been saying today, our focus and the President's focus as

we are moving forward in the work that we are doing on the National Environmental Policy Act is to make sure that we are taking advantage of good science --

Senator Sullivan. No, no, no. Let me interrupt. I am sorry. But you guys always fall back on science, and it drives me nuts.

Let me give you another example. The National Petroleum Reserve of Alaska set aside by Congress for oil and gas development, two weeks ago through an Executive Order you took half of that off the table. Almost 8 million acres of some of the most prospective oil and gas land in the Country. It is not even controversial. You guys took it off the table. You cited science. It is ridiculous, okay?

So don't fall back on science, with all due respect. Why did you not listen to the Laborers who clearly oppose this? What about the statement from the Laborers did you disagree with?

Ms. Mallory. Senator Sullivan, what I would say is I will fall back on science, because it is about science. I will fall back on good government, because it is about good government. I will fall back on making sure you look before you leap because -  
-

Senator Sullivan. Delaying infrastructure is not good government. I voted for the Infrastructure Bill, Senator Capito

voted for the Infrastructure Bill. This completely undermines the ability build infrastructure. The people who build it, like the Laborers, agree with my position.

Let me ask another thing. When you talk about good governance, your rule says agencies have to analyze, compile reports on indirect and cumulative effects, "aesthetic, historical, cultural, economic, social, and health impacts for every federal, every single major federal action." Where is the limiting principle where you have to focus on "aesthetic, historical, cultural, economic, social, and health impacts?"

Could any EIS survive a challenge when you are literally saying you have to focus on everything? What is the limiting principle here? This is an invitation for radical, far-left environmental groups to sue. And that is exactly what this is. Help me in good governance with "aesthetic, historical, cultural, economic, social, and health impacts." Who the heck can do that for every project in America? That is your language.

Ms. Mallory. Yes, and it sounds like it is coming directly out of the statute itself. But the limiting principle is reasonably foreseeable impacts. That is what are focusing on.

Senator Sullivan. How can you reasonably foresee aesthetic, historical, cultural, economic, social, and health impacts for every project?

Ms. Mallory. It is not as hard as it may sound if you look at it in the abstract.

Senator Sullivan. Really?

Ms. Mallory. No, it is not.

Senator Sullivan. How can you do an EIS that fits that principle?

Ms. Mallory. It is done every day, Senator. There are professionals who know the environmental area and how you do an analysis and it is --

Senator Sullivan. Let me just ask one -- I am sorry, I am out of time. Just, I would like to go back to the question, is, why did you ignore the Laborers' very significant, substantial comments, these are the men and women who are going to build American infrastructure, they know what they are talking about, why did you ignore their concerns?

Ms. Mallory. We did not ignore them.

Senator Sullivan. You did. You did.

Ms. Mallory. The reason that we issued a permitting action plan today is because we are trying to balance those two things: how do we get projects done expeditiously but also done in a way that we are actually doing the analysis necessary. We are not ignoring them. We are trying to do it in a way that makes sense.

Senator Sullivan. You have ignored it, right? They were

against your rule.

Ms. Mallory. That may be, but it was not because they were ignored. We definitely heard their comments. We talked to them, we have talked to them in different ways to try and ensure that the projects go forward in an expeditious way.

Senator Capito. [Presiding.] Senator Kelly.

Senator Kelly. Ms. Mallory, thank you for being here today. I want to discuss, as I have a number of times before this committee, the effect of a 20-year long drought in the western United States. While a drought of this magnitude is unprecedented, I know that if we act quickly enough we can advance some solutions which can guarantee water security in Arizona and the rest of the west.

That is why I worked really hard to ensure that the Bipartisan Infrastructure Law included \$8 billion for western water infrastructure. I am glad to see that the Bureau of Reclamation is already disbursing some of this funding with projects in the Yuma area receiving funding just this week to upgrade canals and some pipelines.

We are also seeing innovative solutions throughout the west like water re-use and plans for some desalinization facilities which can help boost our scarce water supplies. But time is critical here. A years-long NEPA approval process for a pipeline carrying desalinated water or delayed updates to a

dam's flood control manual can have some real consequences to our water security.

Ms. Mallory, can you share how the regulatory actions undertaken by the Council on Environmental Quality in recent months will help ensure that projects which conserve or bolster scarce water reserves in the western United States are able to move through the environmental review and permitting process quickly and efficiently?

Ms. Mallory. Yes, Senator, thank you very much for that question.

As I have been saying, with NEPA, the goal of the very targeted changes that we made to NEPA last month is to make sure that we are looking at the important suite of impacts that really are going to affect a project. For example, on any project that has to do with water in an area where drought is so profound, we are going to want to make sure that that analysis is fully considering not only the direct impacts of what is being built, but also what are going to be the repercussions of that. So what we are doing in the rule itself was to just make sure that we get that on the table.

The work that we have done in the permitting action plan and other mechanisms that the government has used are designed to help move things in the expeditious way that you are talking about, that are designed to bring the senior leadership to the

table to help resolve some of the sticking points that may come up on your projects. I don't know your specific projects that you were referencing.

But the idea is, we know there are times at which we have to have everybody engaged and involved in coming to the solutions that are necessary to resolve those projects. Those are the things we think will help resolve your concerns.

Senator Kelly. So a hypothetical desal plant somewhere in the western United States requires a hypothetical pipeline to ship the water some distance. Could you give me an estimate for how long that NEPA process, that you would that would take?

Ms. Mallory. I can't give you a specific estimate on that. I think the goal is that we are striving to make the projects go as quickly as possible, given those circumstances. Your project is obviously going to be very different than a narrower project that doesn't transgress over large areas of land and that have impacts on the numbers of species along the way. Those are going to be slightly different projects than a more narrow one.

But I think the goal is to, at the beginning of the project, identify what we think is necessary in order to complete the project, to give an estimate on what we think the timeline is going to be. That is what we are committing to in the permitting action plan, then we would lay out a schedule, and then to work with the parties who are involved in it to try

and make sure we can meet that expeditiously. That is our plan.

Senator Kelly. The One Federal Decision rule, I believe it targets less than two years to get something through permitting. Would you expect this process to take less than two years on new infrastructure in Arizona that would help solve our water issues?

Ms. Mallory. Yes, what I would say is, it depends. It really depends on the circumstances, whether there is other information available that doesn't require you to re-do analyses, like existing analyses that can be used. The circumstances will really affect it.

Our goal is to try to identify a schedule that will allow you to move as quickly as possible. That might be two years, that might be under two years. That is the goal. Then to try to use the accountability and oversight mechanisms to keep people on track.

Senator Kelly. Thank you.

Senator Capito. Well, I think that concludes our first round. In waiting for the Chairman to come back, I will go ahead and take his spot and start the second round.

In a filing to the Federal Energy Regulatory Commission last year, the EPA "recommended that attention should be paid to the costly irreversibility of constructing natural gas pipelines." EPA stated, "An important question to consider is

whether pipeline construction will lock in natural gas production and use at the expense of substitute energy sources with lower social costs." I would remind you that according to the WHEJAC, some of those projects that would be eliminated would be the CCUS projects, the Direct Air Carbon Capture Projects, nuclear projects.

I am very concerned to see a similar line of thinking incorporated into the NEPA regulatory changes that you signed last month. Under those regulations, the government defines the purpose or need of a project under NEPA and can override a project developer's purpose.

As I understand it, under the new regulations an energy company could request permits for a natural gas plant and the Federal Government could instead say, through the NEPA review, that solar generation should be developed instead, regardless of what the business case is. Would you say that is a fair characterization?

Ms. Mallory. Again, thank you, Senator. I think obviously you know how important this issue is for CEQ and for the President. So I appreciate the attention that we are getting.

What I would say about that particular provision, what we were trying to address is the reality that various factors go into identifying what is the reasonable alternative or range of alternatives that should be considered. What the previous

Administration did is they made a change that made that scope very dependent on what the applicant said it was. All we are saying is that this is a public statement, this is what the agency sees as the available, reasonable options that should be analyzed, even if it would mean that this particular applicant isn't the applicant who would do the permit.

The answer to your question is, the circumstances really would depend, that sounds to me like something like that would be different than what I would expect the agency to ask.

Senator Capito. It is funny, from what your explanation was, it sounded to me like the answer to that was yes, that the determination could be made that the applicants or the applicants' idea or purpose could be to provide more power to a certain area and that the method by which that is delivered through that developer's and private entity could shift.

But I will shift to another question here. One of the key project delivery provisions of IIJA, I talked about this, was the codification of One Federal Decision for major transportation projects. In today's fact sheet on permitting action plan, you state that the IIJA's provisions "enhance efficiency, accountability, predictability, and will provide the tools needed to ensure timely and sound delivery of these historic investments." You seem to recognize the critical role One Federal Decision plays in the environmental rule review and

permitting process.

So as you move forward to phase two of your update for NEPA, do you commit to keeping the elements of One Federal Decision as part of these regulations?

Ms. Mallory. Thank you for that question. What I can commit to you on a rulemaking process, Senator, is that we will certainly have discussions about that is included in that rule and reflect the fact that you have made this request.

Senator Capito. I think you really have to follow the law here.

Ms. Mallory. Absolutely.

Senator Capito. It is in the law.

Ms. Mallory. It is in the law and we are following it. What I am saying is, whether it is part of the broader rule that will go beyond what the Bipartisan Infrastructure Law covered is the issue.

Senator Capito. Yes, you stated we are going to be building a lot. We are not going to be building a lot if we don't stick with these, a lot, efficiency, and as we see, with inflation and everything else, this is a real issue. Time is money here. I think it is very concerning.

I would like to go to, I come from a State that has economic challenges, as you know. We talked about this. We have communities of real downturn and hopelessness. The

statistics that just came out on drug deaths today, I read 108,000, I think it was, Americans lost their lives. Unfortunately, our State is subject to some of that.

I think that a broader view of what is going to bring people out of poverty needs to be taken here by the Administration. I understand the clean air and the clean water, and that is what we all want. But at the same time, to exclude a highway expansion, a community might not have a way out. I know certainly in Senator Sullivan's case, in many of the communities in Alaska, they have no infrastructure to move, to progress, in some cases, both on the water and the transportation.

So I think a broader view of how this can open up communities and pull people out of poverty which is ill health and drug addiction and everything else that goes along with that sometimes, is what I think a lot of us are trying to make the point that you can't exclude communities who have been treated poorly, and that we want to have them treated like the Golden Rule. You have to have all the options on the table here.

And I know you said we have to listen to these communities, and I know you are listening to the communities. But there are conversations that go on with the communities who want to have cheaper energy, who want to have the availability of power costs that are going to be reliable and that are going to be there for

them and for their children when they grow up in and around.

You know, I am from a small area. A lot of our folks don't want to move from where they are. So the solutions I think, I think that is the frustration that I feel listening to the testimony, is the narrowing of the view of, it almost gives us, me, an impression of, I know better what is good for you than what you know is good for yourself.

So I would just ask you to take that thought with you as part of my impressions today. Thank you.

Ms. Mallory. Thank you, Senator. I appreciate your making those comments. First of all, I just want to be clear. Again, I feel like people are equating all of our views with the views that were expressed to us by the environmental justice advocates. We believe that those are views that we have to consider along with other views as well. We are not just limiting what we think and how we behave simply to recommendations. We are trying to make sure that those recommendations are part of the process of thinking how we move forward.

I am making an effort, and I think other members of the Administration as well, to get out and reach out and talk to all communities. It is not that are simply limited to our experts that are interacting with us through the Advisory Council. In our interactions with other people, we are listening to other

people, and we are hearing different views. This is a big Country and in different regions people have different ideas about what is the best approach. We are trying to take all of that into account.

Senator Carper. [Presiding.] Thank you for presiding over this hearing while I had to run and vote. I think we have some more votes coming up.

This is my second round. I would like to lead it off by giving you the opportunity, if you want to, to respond to some of the questions that Senator Sullivan raised that you may not have had a chance to respond to earlier. If you want to take that opportunity, it is yours.

Ms. Mallory. I am not sure that there is not much new to add. As I was trying to say to the Senator, I think basically on the issues of carbon capture and sequestration, which is obviously something that we talked a little bit about, and how that is an important part of the President's agenda, and how we are approaching that issue, I don't know that there are new things to say on that.

What we are trying to do is to make sure that we invest in the technology and conduct it in a way that we are not harming people who are living near or close to related facilities, and that that is as important a consideration as everything else in the planning. That is really the main point that I was trying

to reflect.

Senator Carper. All right. I am not going to dwell on carbon capture sequestration, which is something that I am strongly interested in, as are other Democrats and Republicans.

I would note that the issue of regenerative agriculture, in my State, we raise a lot of chickens, a lot of soybeans, a lot of corn, a lot of lima beans. We are always concerned about overdevelopment in our State. We have these beautiful beaches in southern Delaware, and there is a lot of interest from people to live in southern Delaware, and developers want to overdevelop southern Delaware.

So we are always looking ways to keep farmers on the land. One of the ways to do that is make sure they have greater income, have more fertile soil, and regenerative agriculture is something we are hugely interested in, as are the farmers. So I would just share that with you. We will come back later and talk about it.

My next question would be, last month the Columbia Journal of Environmental Law published a study on NEPA's implementation at the U.S. Forest Service. The study reviewed over 40,000 NEPA decisions completed by the U.S. Forest Service between 2004 and 2020, over 40,000 decisions by the U.S. Forest Service between those years. It uncovered that one of the biggest hurdles to quick or timely environmental reviews is lack of agency

resources, lack of agency resources. Contrary to popular belief, less rigorous analysis does not actually lead to faster decision times.

However, not having the right staff or sufficient resources to conduct NEPA reviews leads to slower decision times. This means that the past Administration's efforts to starve federal agencies of staff and resources did not make the reviews move faster. It actually made the delays worse, not better.

My question: do these findings surprise you? What are you and others in the Administration doing to ensure that the Federal Government has the resources and staff to conduct environmental reviews in a timely manner?

Ms. Mallory. Thank you, Senator, for that question.

It doesn't surprise me, having been a career staff person in the Federal Government for 14 years before I took on my first political position. What we know is that agencies are going to work to whatever you establish for them as the goal. What gets cut is the quality of what gets done. That is why I think we are trying, in the action plan, one of the key pillars of that is to try to make sure that the agencies are assessing what their needs are and deploying the staff in places that are necessary, or at least working as a federal team to try to help each other do well, to work in a way that we help each other, so that the resources that are necessary in order to conduct the

whatever is necessary for the permitting is available. That is part of having the leadership in regular interaction around our permitting progress.

Senator Carper. Second question. Given that, this involves State and local governments given that State and local agencies implement so many federal programs, what guidance, technical assistance, and support do you anticipate providing to our partners at the State or local level with permitting action plans?

In your answers, if you could clarify something for me, I would be grateful. In the action plan and recent rulemaking, did CEQ roll back any of the timelines for decision-making? Did you roll back any of the timelines for decision-making? And also, are the changes intended to delay the investments we are making in the Bipartisan Infrastructure Law? I don't think that is the case, but I would like to hear it from you directly on this issue, please.

Ms. Mallory. First of all, on the action that we just took recently, it was three very targeted actions that did not affect the timelines or the One Federal Decision process, or any of the efforts that were specifically efficiency focused. That was not covered in our most recent rule.

On the question about the resources and what we need to do there, the action plan itself is designed to help us or make the

connections with the State and local entities who are very active in actually implementing the rules. It does not say specifically what we are going to do, but we identify that as an area in which we have to get together with preferably like national level bodies that are coming from cities like the League of City Voters, that is not the right name, that work at a level that is representative of both States, ECOS is an example of a body that we would envision kind of creating a relationship to help figure out how we can best work together with States.

We can improve our part, but our part is only one part. We can get the funding necessary to do our part. But ultimately, for a lot of the projects, it is really important that State and local entities be able to also do their part.

Senator Carper. All right. We have just been joined by Senator Wicker. I am prepared to yield to him if he and Senator Sullivan are okay with that. But let me ask one unanimous consent request of my colleagues. I ask unanimous consent to submit for the record a Congressional Research Report entitled The Role of the Environmental Review Process in Federally Funded Highway Projects, Background and Issues for Congress, which includes the environmental reviews mandated by NEPA do not result in infrastructure project delays when early stakeholder engagement is part of the project planning process.

[The referenced information follows:]

Senator Carper. I should yield to Senator Wicker.

Senator Wicker. Mr. Chairman, I would defer to Senator Sullivan. He has not yet voted, and I have.

Senator Carper. Okay.

Senator Sullivan. Yes, I am getting screamed at. This is too important for me.

Senator Carper. Second bite out of the apple. Go ahead.

Senator Sullivan. Hopefully they will keep the vote open for me.

Madam Chair, I am obviously, I am expressing frustration, it is no, I am not trying to be rude to you. But this Administration, the Biden Administration has issued 22 Executive Orders or Executive Actions solely targeting Alaska, 22. I guarantee you they are not doing it to Delaware. And my constituents are up in arms, because it is targeting their livelihood, it is targeting their access to federal lands.

Deb Haaland, Secretary Haaland was in Alaska three weeks ago. She meets with the Inupiat People of the North Slope, who every single one of them said no more regulations to lock up our lands. She smiled, nodded, she got back and 72 hours after her return, she issued a giant Executive Order taking, as I mentioned, half of the National Petroleum Reserve of Alaska off of the table and had the audacity to put in their rule that they were doing it because the Inupiat People wanted their

subsistence right protected. She had just met with them. And that is not at all what they said. It was an insult.

So I am very frustrated. And I am frustrated on behalf of my constituents.

Senator Kelly's question, I am sure you know, the average EIS takes almost four years. That is average. One-quarter of all EIS' take six and a half years. Do you think those timelines are good for our Country?

Ms. Mallory. Senator, as I was saying, one of the reasons that we have released the permitting action plan is that we are trying to get the processing efficiencies in place in a way that will allow us to --

Senator Sullivan. There is a lot of smart people who think your NEPA rule will do the exact opposite and will give radical environmental groups the opportunity to sue away and delay more. I had a gold mine in my State. It is called the Kensington Gold Mine. Took 20 years to permit, 20 years. Do you think that is good for the Country?

Ms. Mallory. I know that there are extreme examples out there that we are trying to make sure that we address.

Senator Sullivan. Let me ask, just with regard to the rule, as you know, under federal law, you do not only have to push that in the Federal Register, the rule must then be submitted to the House and Senate before taking action. When

does CEQ intend to do that? That is a federal law requirement.

Ms. Mallory. I will have to get back to you on that.

Senator Sullivan. Okay. That is important.

Let me ask just one final question. The President made this big deal about the lack of critical minerals, which really hurts our defense industrial base, our renewable sector, renewable technology, and that the Administration is going to do all this great stuff to make sure critical minerals are from America, not China.

I had a recent amendment in terms of instructions for our conferees on the USECA conference that passed unanimously. Every U.S. Senator said, hey, we should get our critical minerals and technology from America, our allies, not China and not Russia. So, pretty broad bipartisan support for that.

And yet, and yet this Administration reversed the Ambler Mining District road decision in Alaska. Huge stock of critical minerals for our Country in the Ambler Mining District. You guys reversed it about eight months ago.

And then the big nickel, I believe it is nickel prospect in Minnesota was also recently reversed. These again were super big goals of the radical left environmental groups. And the President is saying, we are going to do this, and yet the actions you take, the clear actions are harming America's ability to actually mine and process critical minerals. That is

two examples, Minnesota and Alaska.

So what is CEQ's role to oversee the Administration's implementation of addressing the shortage of critical minerals that we need desperately in our Country across the board, including for EV technology and batteries and military issues as well?

Ms. Mallory. Thank you, Senator, for the question. Again, this is an area where the President has put some attention on the importance of our putting ourselves as a Country in a better position on critical minerals. He has also recommended that we pursue mining reform based on principles that will essentially bring our modern ethos around environmental protection into the way that we proceed on mining.

So CEQ is actively engaged with other members of the White House on those efforts and initiatives.

Senator Sullivan. Thank you.

Thank you, Mr. Chairman.

Senator Carper. You bet.

Senator Wicker, thanks for joining us today. Before you go forward with your questions, let me just make another unanimous consent request.

I ask unanimous consent to submit for the record materials that show that U.S. oil production continues to recover despite claims that the Biden Administration's actions have slowed

drilling. Without objection, that is so ordered.

[The referenced information follows:]

Senator Carper. With that, Senator Wicker, the stage and the floor are yours.

Senator Wicker. Thank you, Mr. Chairman. I look forward to seeing that document that you just entered by unanimous consent.

Madam Chair, thank you so much for visiting our State of Mississippi, and thank you for meeting with me earlier today about a grave problem, man-made flooding problem that we have in the south Delta concerning the Yazoo Pump Project. I very much appreciated that.

You visited our State in February. In a nutshell, can you share with the committee what you learned?

Ms. Mallory. Yes. It was a several-day trip in Mississippi with Secretary Haaland, who basically was looking at some historic sites in the area as part of a direction from Congress. So it was my opportunity to visit the Medgar Evers site, to visit the area that was involved in the killing of Emmett Till, and then we saw another site that was related to those two projects. Then I left her and I joined the Corps of Engineers, and we visited the Yazoo Pump area.

Senator Wicker. Let me just interject. All of those sites are very important to me also, so I am glad you did. But specifically, you were about to get to Yazoo.

Ms. Mallory. Yes, to Yazoo. The purpose of that meeting

was because, obviously, there is action that was taken by the Environmental Protection Agency that reinstated basically the 404(c) veto that had been used over that area. So we are at a place where the question is, now what? What do we do about what has to happen in this area in order to address the regular flooding that is occurring for communities, and to make sure that we are doing it in a way that balances with the eco-concerns that have been raised previously?

So that was the point of my seeing the area and having a chance to hear from the Corps' experts on what they thought that the issues and opportunities were.

Senator Wicker. I realize I asked you a very general question. But you saw the area where the recurrent flooding takes place, is that correct?

Ms. Mallory. Correct.

Senator Wicker. It is indeed a man-made problem, caused by a project built by the Federal Government, is that not correct?

Ms. Mallory. That is correct.

Senator Wicker. Thank you so much about that, and also thank you for meeting with me earlier, as I already said. I think we agreed that a schedule has been pretty much finalized concerning getting all of the relevant agencies together and moving by the middle of July. I do appreciate that, and I appreciate your assurance that you will get a copy of that

schedule to me. You are planning to do that, are you not?

Ms. Mallory. That is correct.

Senator Wicker. Then I think there is a two-pager where you and other agencies that are involved in this have sort of boiled down the relevant issues with regard to this proposal, and you are going to get that to me also?

Ms. Mallory. I am going to talk to the agencies about that. We are going to have some discussion about that.

Senator Wicker. Okay. Well, I hope you will do that. So I might ask you also to get back to us on the record about that. But I hope you will.

The six counties most affected by the flooding near the proposed Yazoo pumps are Sharkey County, where 30.3 percent of the residents are in poverty; Issaquena County, 43.3 percent of the residents there are in poverty; Humphreys County, 33.3 percent of the residents in that county are in poverty; Yazoo County, 31 percent of the residents are in poverty; Warren County, 19.2 percent of the residents are in poverty, the best one of the group but still way, way too much. And Washington County, 27.7 percent of the residents are in poverty.

The President has made environmental justice central to his environmental and climate agenda. I understand you have been asked about that earlier. But would you agree that the statistics that I have read to you argue strongly for looking at

this proposed projects in terms of environmental justice?

Ms. Mallory. I will say, Senator, that is actually one of the things that is high on my list of follow-up on this project. I have not yet had a chance to talk to the communities or even community leaders about either the project or just their own situation. So that is something that is definitely on my list of things to do on this project.

Senator Wicker. Okay. I think we agreed in our meeting earlier, which again I appreciate so much, that maybe some weekend soon, a long weekend, a break, or during the August break, at least by then, you might facilitate a team coming down and looking, talking to stakeholders, the low-income populations are very much in support of this project, the minority populations who are in support of this project.

So I appreciate your working with us. I think we are on the road to a schedule that gets us to a point in mid-July of actually decision-making. I certainly look forward to learning as much as I can about the list of the issues that they boil down to.

So thank you very much for working with us on behalf of the residents of the south delta. And thank you, Mr. Chairman.

Senator Carper. Thanks so much for joining us, and for your persistent focus on this issue. As our colleague knows, one of the things that we talked about is the level of poverty

in some of those counties, which is almost unbelievable. One of the things I have found in my own work as governor and chairman of the National Governors Association, a huge focus, I have always hugely focused on job creation and job preservation. If you want to help somebody, best way you can help is make sure they have a job and that they can lift themselves out of poverty.

The eight years I was governor in Delaware, more jobs were created in those eight years in Delaware than any eight years in the State. I didn't create one of them. We helped create a nurturing environment for job creation and job preservation, and one of those factors, workforce is important, tax is important, reasonable regulation is important. Also important is the quality of the environment, is the water drinkable, is the air something you can breathe. How about landfills and pollution and that sort of thing? All that is important as well. It all works together. I don't know of any business that want to live or operate in a place where the water is undrinkable and the air is something you cannot breathe. That is not a good thing.

Having said that, I am going to give you a couple minutes, if you wish. I am going to ask one unanimous consent request, and then I am going to give you a minute or two or three to come back and wrap up anything you feel like you would like reemphasize, maybe something you didn't have a chance to respond

to. While you think about that for a moment, I am going to ask unanimous consent to submit for the record a report from the Federal Highway Administration which found that between 90 percent to 99 percent of all road and bridge projects are completed as categorical exclusions, and therefore are not subject to lengthy review under NEPA.

That is worth repeating. I ask unanimous consent to submit for the record a report from the Federal Highway Administration that found that between 90 to 99 percent of all road and bridge projects are completed as categorical exclusions, and therefore are not subject to lengthy review under NEPA. That surprises me, and probably surprises you and others on this committee.

[The referenced information follows:]

Senator Carper. All right. That being said, I have something I am going to say, I call it boilerplate, right at the end. But I want to give you the opportunity to say something you didn't have a chance to say, question that wasn't asked that you wish had been. The time is yours.

Ms. Mallory. First of all, thank you, Senator Carper. I really appreciate it. And I really appreciated the opportunity to be here today to share some of the work that CEQ is doing. I hope that my pride in the work that we are doing and of my staff and all that we are doing for the American people have come through in the discussion. I think we have accomplished a lot in this first year. We have much more to do, obviously, because the President has a very ambitious agenda. We are working hard to achieve that sort of balance that really comes through in every single issue.

I have probably used the word balance many times today, but what is important is trying to meet the multiple goals that the President has set out. We want to have well-thought-out, analyzed decisions that will endure, that will not be problems that are affected by flood plains that we fail to analyze. We want to make sure that the choices that we make reflect the public's expectation and investment in the Federal Government that we are using our funds in an effective and a thoughtful way.

So I think NEPA continues to be, it is a hard issue for people, because people want their projects fast. But they also want them to last. So what we are trying to achieve through the NEPA rules is that.

The focus on environmental justice could not be more important. It is central that we reset the way in which we look at our approach to communities, our willingness to bring them into the process early, our willingness to make sure that they are part of our decision-making. That doesn't mean we are going to agree on everything. But I think we ought to be working in a way that we are trying to minimize the impacts that people are feeling, even if we don't agree on an actual technology or approach. But we should be trying to set things up so that people are not suffering because of choices that we are making. So I think that continues to be really important in the work that we are doing.

We didn't get into a number of areas that CEQ is working on, we didn't talk much about sustainability today or a lot of the work that is going on in the conservation area. But I can assure you that we are pursuing all of our issues with that same focus: what is going to benefit the American people under the agenda that this President has set? How do we do it so that all Americans get the benefit of it? And how do we do it so that we are being good servants and ensuring that the work is done in an

effective way?

I will end there. Thank you so much for the time.

Senator Carper. You bet. Thank you for those comments. Those were worth waiting for.

This is a wonderful committee, and I feel privileged to help lead it with the great leadership of Senator Shelley Capito. Members of this committee don't agree on everything, but we work hard to try to find consensus and principal compromises where possible.

It is important, I use the phrase often, we can walk and chew gum at the same time. That thought comes to mind as we discuss some of these difficult issues.

Thank you for coming today and joining us and sharing and update of what you all are up to at CEQ and the important work that you and your team are doing, not without its challenges. But I think that you demonstrated today, and in the last months, that you are up to the challenge. Thank you again for joining us on Earth Day in Delaware, for your attention to the concerns raised by Senator Wicker. I think I heard in his comments an invitation to head down to Mississippi sometime later this year. If you can do that, I know he would appreciate that. I would, too.

Before we adjourn, a little bit of housekeeping. Senators will be allowed to submit written questions for the record

through the close of business on Wednesday, May 25th. We will compile those questions and send them to you and your staff. We ask that you reply to us by June 8th of this year.

Unless there is something else that I am missing, with that, I take this gavel and declare this hearing is adjourned. Thank you so much.

[Whereupon, at 12:10 p.m., the hearing was adjourned.]