

HEARING ON THE NOMINATIONS OF JEFFREY PRIETO TO BE GENERAL
COUNSEL OF THE ENVIRONMENTAL PROTECTION AGENCY; JANE NISHIDA TO
BE ASSISTANT ADMINISTRATOR FOR INTERNATIONAL AND TRIBAL AFFAIRS
OF THE ENVIRONMENTAL PROTECTION AGENCY; AND ALEJANDRA CASTILLO
TO BE ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT OF THE
DEPARTMENT OF COMMERCE

Wednesday, June 16, 2021

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee, met, pursuant to notice, at 10:04 a.m. in
room 406, Dirksen Senate Office Building, the Honorable Thomas
R. Carper [chairman of the committee] presiding.

Present: Senators Carper, Capito, Cardin, Markey, Kelly,
Padilla, Inhofe, Lummis, and Ernst.

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

Senator Carper. The hearing will come to order.

Good morning, one and all. It is good to see you all.

We apologize for being a few minutes late. We had a late start up on our simultaneous meeting. We are having a business meeting for the Homeland Security Governmental Affairs Committee. The mother of Gary Peters, our chairman, died yesterday and we had just a moment of remembrance for her, so I apologize.

However, we are all here and looking forward to getting to know you a little better. I want to welcome you to our committee today.

Today, I am pleased to welcome three outstanding nominees who have been nominated for important roles at the Environmental Protection Agency and the Department of Commerce: Jeffrey Prieto, Jane Nishida and Alejandra Castillo. Welcome to the EPW Committee.

These nominees bring with them decades of leadership experience and dedication to public service. Thank you all for agreeing to serve our Country once again in critical positions to help our communities thrive and make sure that our government works more effectively for the American people.

Let me start today with the nomination for EPA General

Counsel. As chief legal advisor to the EPA Administrator, and as the leader of the agency's hundreds of legal professionals, the General Counsel must make sure that EPA upholds the law.

That means making sure the agency is doing everything in its power to ensure the American people are getting the full protections afforded them by our Country's environmental laws. It also means making sure that the rights of the people, organizations, cities, States and tribes with whom EPA interacts every day are respected and guaranteed.

It also means seeing to it that EPA conducts its rulemakings according to the law, through a transparent process, and with scientific and economic analyses that are honest and robust.

The General Counsel's job is no small undertaking. This is why I am delighted to see that the President has nominated Jeffrey Prieto for this role. Mr. Prieto has dedicated over 20 years of his distinguished career to public service.

In addition to prior roles at EPA, Mr. Prieto has served at the Department of Health and Human Services, the Department of Justice, and most recently, as General Counsel to the Department of Agriculture during the Obama Administration.

As someone who has already done the same job at a different agency, I expect that Mr. Prieto has a pretty good idea about the opportunities and challenges that await him if confirmed. I

am glad he has agreed to sign up for another round of service, a commitment to the American people shaped in part by his family's proud history of military service on behalf of our nation.

Let me say, Mr. Prieto, I was so impressed at the service of your family in uniform, extraordinary service over the course of many years in any number of wars. I know that his dedication will be a boon to the agency and to the American people.

I am equally pleased that Jane Nishida is nominated to be the Assistant Administrator of International and Tribal Affairs at EPA. The office that Ms. Nishida has been nominated to lead plays a key role in helping communities both here in the United States and across the world to benefit from EPA's tremendous technical expertise.

She brings a wealth of State experience, a particularly helpful attribute given the predominant role of the States in executing our Nation's environmental laws.

She also appreciates, through her World Bank experience, the robust needs of nations across the globe for equitable economic opportunity and environmental stability. Our ongoing pandemic has laid bare the unique and substantial needs of our tribal communities for economic opportunity and environmental equity.

Ms. Nishida can tap into her experience to cement her ongoing efforts to ensure full and fair consultation with tribal

nations and respect for unique tribal treaty rights. Ms. Nishida has been a highly respected leader in the Office of International and Tribal Affairs for eight years, having served in both the Obama and Trump Administrations.

When President Biden was inaugurated earlier this year, Ms. Nishida was selected from among all of EPA's career officials to lead EPA as Acting Administrator until Michael Regan won confirmation. No small testimony to your abilities, Ms. Nishida.

Ms. Nishida's professional record demonstrates her profound dedication to the mission of EPA and the respect she commands from leaders within both parties. She will make an excellent Assistant Administrator.

Finally, let me turn to the Economic Development Administration, an agency that, frankly, a lot of people have not heard of in the past. They are hearing a lot more about EDA today. It is an agency that in the middle of the pandemic is punching above its weight. They need a great leader and I think in you, they are going to have it.

As we know, EDA supports economic development by providing federal funding to locally driven projects that spur growth and job creation, often serving as a lifeline for struggling communities. EDA has proven itself to be an agency that punches above its weight, as I said earlier.

Over the past several years, it operated with roughly \$300 million in funds per year. However, at times of disaster and hardship, EDA has stepped up to the plate, distributing billions of dollars to help American communities recover and persevere through recent crises, from wildfires to hurricanes to, most recently, COVID-19.

EDA can play a vital role in getting our economy back to full speed after the economic crisis borne from the pandemic. I am sure that almost every member of our committee can point to an example in their State where EDA is helping a community in need, helping to put people to work. It has a profound impact that can reach every corner of our great Nation.

So, I am grateful that Alejandra Castillo is stepping up to lead the agency at this crucial time. Ms. Castillo is a veteran of the Commerce Department, where she served as national director of the Minority Business Development Agency.

Her leadership in that role helped secure over \$19 billion in financing for minority owned small businesses across the Country, which helped create over 30,000 jobs. I am looking forward to seeing Ms. Castillo bring that record of success to EDA.

I am confident that all three of these nominees will serve our Nation well. Ms. Castillo, Mr. Prieto, and Ms. Nishida, thank you for your previous service and for your work on behalf

of our Nation moving forward. We look forward to hearing your testimony shortly.

With that, I want to turn to the Ranking Member, Senator Capito, for any remarks she would like to offer. Senator Capito?

[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. Thank you, Mr. Chairman, and good morning,
Mr. Chairman.

Welcome to our three nominees. It is nice to have you in
front of the committee.

You are nominated for positions at critical agencies within
this committee's jurisdiction: the Environmental Protection
Agency and the Economic Development Administration. Each of you
has dedicated the majority of your professional life to public
service. We are grateful and I commend you for that.

Chairman Carper and I have built upon our excellent working
relationship this year. We are both very proud of the
committee's work. We have passed two very significant
infrastructure bills in this Congress by unanimous votes, 20 to
zero. We are very proud of that and are waiting to get the
surface transportation bill up to the floor. Actually, I am on
Commerce and we are marking up that section today.

Critical to our ability to do these is transparent
communication. Chairman Carper and I have had many frank
conversations about our parties' priorities or our own
priorities. Through those discussions, we have been able to
find areas of common agreement and advance significant
legislation. I desire and want to put before you more of that

transparent communication with this Administration.

I know I may not agree with everything the Administration does, but I would like to at least be able to understand why, how decisions are made, and to be ensured that my constituents have meaningful input before decisions are made that will impact their lives.

For example, Ms. Castillo, we had talked about this. There is a recent change at the Economic Development Administration. EDA plays an important role, as the Chairman said, in West Virginia and across the Country. The EDA works hand-in-hand with private partners to bolster job creation in economically distressed communities.

I was disheartened to see the Biden Administration strike two investment priorities from the application consideration process: Critical Infrastructure and Opportunity Zones. This is when someone is trying to get investment from the EDA, it sets the priorities and can be on a scoring system. The Administration struck Critical Infrastructure and Opportunity Zones as one of those areas that would carry weight in an application. I have fully supported EDA's commonsense focus on Critical Infrastructure and Opportunity Zones.

Opportunity Zones are, by definition, the types of communities we ought to be investing in. Infrastructure projects such as roads, water, wastewater, and broadband are key

to driving economic growth. I don't need to tell anyone here. It is obviously a big topic in front of the Senate and has been for the White House as well.

For instance, earlier this year, EDA provided \$1.75 million to the airport in Raleigh County, West Virginia, the Chairman's home county, for infrastructure upgrades that will help create over 600 jobs. That is the purpose of the EDA.

I struggle to understand why these priorities would be removed, especially at a time when our infrastructure needs are universally recognized. As I said, we have talked about this and probably asked a question again to get some clarification.

The EDA has received record funding through the CARES Act and the American Rescue Plan, \$4.5 billion above regular appropriations. Transparency is particularly important. We need to know money is going to the communities that need it.

I also have concerns with the how environmental policy decisions are being made. I will be honest with you, we are struggling to get information on high-profile decisions coming out of this Administration, such as how it developed its new Nationally Determined Contribution, NDC, under the Paris Climate Agreement.

Administrator Regan has said EPA conducted an analysis about how it would reach that goal. Numerous media outlets have reported on Administration officials talking about analyses and

modeling conducted to support this target. However, so far, none of that information has been made available to Congress, to this committee, or to the American public, even after we have repeatedly asked for it.

We all care about our environment and climate. I would like to find areas where we might be able to work together to meet these challenges. Members of this committee have a track record of finding common ground on climate issues, from carbon capture, utilization and sequestration to nuclear, HFCs, and diesel emissions reductions.

We just reported a bipartisan surface transportation bill with an unprecedented climate title. However, we can only find common ground when we are open about our proposed solutions. So far, I feel the Administration unfortunately, including the EPA, has not been as transparent as it should on climate and environmental issues.

Whether it is the decision to repeal the Navigable Waters Protection Rule that was announced before any formal stakeholder process, or the NDC announcement, decisions seem to be made in a vacuum without significant, or even any, public input. This worries me. I try to stay positive, as the Chairman knows. I hope it is an oversight and not intentional, and something we can improve.

Mr. Prieto and Ms. Nishida, you both have impressive

management experience in the Federal Government. I look forward to hearing from you some lessons learned from your past experience and ideas for improving transparency.

Thank you, Chairman Carper, for holding today's hearing. I look forward to the testimony.

[The prepared statement of Senator Capito follows:]

Senator Carper. I would say to our witnesses, we reported out of this committee a couple of weeks ago unanimously surface transportation legislation for the Country 29 to zero. We are now awaiting the Commerce Committee for their work on rail and safety. The Ranking Member serves on both committees in leadership roles. I know you need to be there and here.

I understand some of the members of the committee may try to walk on our turf, our jurisdiction, so please protect our legislation. Thank you so much.

Thank you very much for your statement, Senator Capito. It is a joy to work with you.

I want to recognize Senator Padilla who will formally introduce Jeffrey Prieto. Senator Padilla, please proceed. Mr. Prieto, I understand you have your wife, two sons and daughter. We hope you will introduce them to us also.

Alex?

STATEMENT OF THE HONORABLE ALEX PADILLA, A UNITED STATES SENATOR
FROM THE STATE OF CALIFORNIA

Senator Padilla. Thanks, Mr. Chairman. I appreciate the courtesy of being able to introduce Mr. Jeffrey Prieto before us. I will be excusing myself to open today's session of the Senate and return later in the hearing.

Senator Carper. When you leave here, you will go and be Presiding Officer?

Senator Padilla. Just for the moment.

I thank Ranking Member Capito for the opportunity to introduce Jeffrey Prieto from the great State of California, who is President Biden's nominee to be the General Counsel of the Environmental Protection Agency.

As you know, the EPA has a critical role to play as we rise to meet the challenge of the climate crisis. The EPA staff is limiting air pollution, with providing safe drinking water, with protecting against toxic chemicals, and cleaning up hazardous waste sites.

President Biden's ambitious climate agenda depends on the EPA's ability to hold polluters accountable and enforce strong environmental protections.

Mr. Prieto is uniquely qualified to serve as General Counsel of the EPA. I am confident the agency will benefit from his skills and dedication. Public service is personal to him.

Mr. Prieto is the grandson of two proud immigrants from Mexico. As you recognized, Mr. Chair, he comes from a military family.

He has spent nearly 20 years serving in a number of leadership positions within the Federal Government working to improve the lives of communities throughout the United States.

In 2015, Mr. Prieto was confirmed as General Counsel of the U.S. Department of Agriculture where he was involved in major litigation, including class action lawsuits, high profile investigations, and a number of legislative efforts.

He led the oversight of five divisions and four regional offices, eight branch offices consisting of about 280 attorneys and legal professionals. Not only did he oversee the offices, he personally visited every single USDA office across the Country. That is a lot of miles.

Mr. Prieto will bring a collaborative spirit back to the EPA, one that values the legal professionals working to protect human and environmental health. That is why it is so critical for EPA to properly serve its role.

Prior to his USDA tenure, Mr. Prieto served in the Justice Department's Environment and Natural Resources Division and as Chair of the Diversity Committee Working Group.

He was tasked with implementing President Clinton's Environmental Justice Plan. He worked to identify and address the disproportionately high and adverse human health and

environmental effects of the Justice Department's actions on minority and low-income populations and embedded these principles throughout the agency.

His experience leading this effort makes Mr. Prieto uniquely qualified to apply environmental justice principles to litigation that comes before the Office of the General Counsel.

I am confident Mr. Prieto will bring to the EPA the same calm, deliberative and thoughtful work ethic that he has shown throughout his decades of public service. His leadership is critical and timely.

I strongly support Mr. Prieto's nomination and urge my colleagues to do the same.

Thank you, Mr. Chairman.

[The prepared statement of Senator Padilla follows:]

Senator Carper. Thank you for that lovely introduction.

Mr. Prieto, when it is time for you to testify, I am going to ask you a question. Senator Ernst had a great career in the military and retired as colonel; Senator Sullivan is a Marine Colonel; and I spent a few years of my life in the Navy. There are a number of people on this committee who very much revere military service. Your family service is just extraordinary.

We have a few former House members sitting here. Do you know this fellow? Congressman where is your district?

Representative Espaillat. The 13th Congressional District of New York, Charlie Rangel's old district.

Senator Carper. We all served with Charlie. It is great to see you. Adriano has joined us today to introduce Alejandra Castillo. Congressman, it is great to see you. Tell us a bit about Ms. Castillo, please.

Representative Espaillat. Thank you, Chairman Carper, Ranking Member Capito, Senator Cardin and members of the committee. Thank you for giving me the opportunity today to introduce this fantastic nominee to the committee.

As you know President Biden has nominated Ms. Alejandra Castillo to serve as the next Assistant Secretary of Commerce for Economic Development.

If confirmed, she will be the first woman of color to hold this important role. In my opinion, there is no one better

suites to lead the Economic Development Administration at this critical moment.

As we continue our recovery efforts, we must work hard to reverse all the disparities seen during the pandemic. America will not recover unless all of us recover.

Ms. Castillo is uniquely ready for this challenge and she brings to it not just knowledge and experience but also heart and dedication. Like me, Ms. Castillo and her family came to New York City as immigrants from the Dominican Republic. She went to Queens and I landed in Washington Heights. You may have seen the movie lately, "In the Heights."

Senator Carper. Are you in that movie?

Representative Espaillat. I would have hoped but no, I was left out.

We came up during a difficult time for New York City when poverty and violence plagued many parts of our city, including communities I am proud to represent in Congress today. We both cut our teeth working on the ground, dedicating ourselves to uplifting disenfranchised communities.

Our families both represent the American dream. They came here to find opportunity and worked very hard to succeed. Ms. Castillo's family owned a bodega in the Bronx. There is a certain baseball team there you may all be familiar with. They worked hard to give their children opportunities to succeed.

A premiere public school system in New York City gave Ms. Castillo her opportunity to excel and she went on to receive a master's and a law degree. After knowing Ms. Castillo for nearly 30 years, I can attest that her career has been nothing short of remarkable.

As a senior advisor in the White House Office of National Drug Control Policy during the Clinton Administration, Ms. Castillo demonstrated early her expertise in the policy and economic arena.

She went on to lead the Hispanic Bar Association, where she demonstrated her commitment to empowering women in communities of color, as well as advancing policies to uplift communities.

Upon her return to government, Ms. Castillo served in various roles in the Department of Commerce, eventually becoming the National Director of the Minority Business Development Agency. As the first Latina director, Ms. Castillo's strategic management increased the agency's budget. She created initiatives to promote minority-owned businesses in the STEM fields, key to ensuring equitable growth in our modernizing economy.

Most recently, Ms. Castillo has been serving as the CEO of the YWCA. She is the first Latina to hold that role as well. She has led transformative programming in pursuit of racial and gender equality.

In her work, Ms. Castillo has met with hundreds of communities working to create economic resiliency and sustainable growth. When the COVID-19 pandemic reached our shores, she worked hard to combat and eventually defeat it.

Overall, Ms. Castillo's career has prepared her to facilitate a competitive and innovative agenda for our Country. I firmly believe Ms. Castillo's decades of leadership in economic development, gender and racial equality, and government administration coupled with her strategic management and ability to lead inclusive teams positions her as the most experienced, trusted and capable candidate to serve as the next Assistant Secretary of Commerce for Economic Development.

The Economic Development Administration, the Commerce Department and the American people will greatly benefit from her service.

Thank you again for this opportunity. I yield back.

Senator Carper. You have introduced a remarkable woman. In fact, I was just saying to Senator Cardin we have a remarkable trio of nominees here today.

Thank you very much. Thanks for joining us. Great to see you.

Representative Espaillat. Thank you so much.

Senator Carper. Next, let me turn to Senator Cardin. He tells me he has known you for 40 years. Senator Cardin?

Senator Cardin. Before the Congressman leaves, I served 20 years in the House, Senator Carper is a former House member and 18 of those years, I was on the Ways and Means Committee with Charlie Rangel.

It is a pleasure to have you before our committee. Thank you very much for your testimony.

Representative Espaillat. I will let him know that I testified before you. I am sure he will have an opinion about that.

Senator Cardin. I am sure he will.

Let me join my chairman in welcoming all three of our nominees and thanking you all for your public service. All three of you have given so much to our community. We thank you for that.

I have the personal pleasure to introduce Jane Nishida to the Environment and Public Works Committee. As Senator Carper pointed out I have known Jane Nishida for 40 years. Her extraordinary career in the environmental field includes both governmental and non-governmental, she has held senior management positions with responsibility for policy development and program implementation.

I particularly want to thank her for her service to the people of Maryland. She has deep roots in the State of Maryland and has served in critical positions in our State, including the

Maryland Secretary of the Environment and Director of the Chesapeake Bay Foundation. This committee has heard me talk about the Chesapeake Bay just about at every one of our meetings.

Perhaps the most important part of her experience in Maryland was her service to the Maryland House of Delegates as staff to the Environmental Matters Committee and the Economic Affairs Committee.

I say that because in those years she served as counsel to the committee, I was Speaker of the Maryland House of Delegates. It was during those years that we were developing the Chesapeake Bay Program under leadership of Governor Harry Hughes.

Jane Nishida played a very important part in the development of the Chesapeake Bay Program. I thank her because she really did make the Governor and the legislative leadership look good during those years. Thank you very much for your help.

I also want to point out that during that time she marshaled the completion of several very important bills during her service to the State of Maryland, including the critical areas law. She may be talking about that. That was a major accomplishment, Mr. Chairman, to get land use adopted back in the 1980s that restricted development of land within a certain yardage of the Bay Watershed. She helped marshal the successful

adoption of that law.

Also we did wetlands protection laws and wetlands are critically important, as you know, to our environment and particularly to the Chesapeake Bay as we are losing wetlands every day.

She was also involved with our smart growth fields later on which connected our transportation and infrastructure priorities with where we should be doing development in order to minimize disruption of communities.

All that she did and marshaled very successfully which I think points out the type of person she is in public service.

She applied the lessons she learned from the Chesapeake Bay Region to the rest of the world working at the World Bank as a senior environmental institution specialist. She went on to be a senior career leader at the U.S. Environmental Protection Agency, as you pointed out, serving both the Obama and Trump Administrations and has been selected by President Biden to be the Acting Director.

She is currently the Principal Deputy Assistant Administrator for International Tribal Affairs. In this capacity, she manages EPA's international and tribal programs working closely with foreign and tribal governments, international and tribal organizations and other key stakeholders.

She earned her JD from Georgetown University Law Center, her Bachelor of Arts Degree in International Relations from Lewis & Clark College.

It is really my please to introduce Jane Nishida to the Environmental and Public Works Committee. I encourage my colleagues to swiftly confirm her for this position.

Senator Carper. Thank you so much, Senator Cardin.

I don't know how you follow an introduction like that. Before I recognize you, we are going to move to your left and our right and ask Mr. Prieto if he would be our leadoff witness.

I understand your wife, Cheryl, is here; your son, Daniel; and your son, Matthew. Those are good biblical names. Feel free to introduce them at the beginning of your testimony if you would, please. Welcome. We are happy you are here.

STATEMENT OF JEFFREY PRIETO, NOMINEE TO BE GENERAL COUNSEL OF
THE ENVIRONMENTAL PROTECTION AGENCY

Mr. Prieto. Thank you, Mr. Chairman.

I do want to recognize my wife and my two sons, and also, a close family friend, Ignacio Moreno, who is here also today.

Senator Carper. Is your son Daniel here?

Mr. Prieto. Yes.

Senator Carper. Raise your hand, Daniel, Matthew.

Good to see you guys. Thanks for sharing your dad with us. Cheryl, thank you for sharing your husband.

Mr. Prieto. Thank you and good morning, Mr. Chairman, Ranking Member Capito and other distinguished members of this committee.

I thank you all for your willingness to hold this hearing. It is an honor and a privilege to appear before you as President Biden's nominee for the General Counsel of the Environmental Protection Agency.

I am humbled by the trust this nomination represents and I am grateful to President Biden and Administrator Regan for providing me this opportunity. Should I have the privilege of being confirmed, I look forward to continuing a career dedicated to public service.

I am also grateful for a wonderful family who have supported my endeavors. My wife, Cheryl, my sons, Daniel and

Matthew, are with me today. I want to publicly thank my wife for her support, understanding and patience throughout my career. I could not have achieved my professional and personal dreams without her.

I also want to acknowledge my mother, brother, sister, uncles, aunts, cousins, nephews and nieces in California.

Senator Carper. Is she watching today?

Mr. Prieto. My sister set up a computer and she is watching.

Senator Carper. That is great. What is mom's name?

Mr. Prieto. My mom's name is Lucy.

Senator Carper. I love Lucy. We have a Lucy on our staff. Tell your mom we said thanks for bringing you into the world and sharing you with all of us.

Mr. Prieto. Thank you, Senator.

My family is central to my existence and I am so grateful to all of them for their prayers and love. My family has a distinguished history of military service. Members of my family and my community have sacrificed much so that I could have opportunities. I have attempted to repay this debt by serving the public.

In addition to public service and sacrifice, I learned about hard work through my grandfather, Julio Alvarez. He was employed by a lemon packing house in Santa Paula, California for

more than 50 years. It was his and my grandmother, Lucia's dream that their grandchildren would be the first in our family to graduate from college.

My grandparents used what they earned to benefit our family, both in the United States and in Mexico. Their love and generosity changed many lives.

Their daughter and my mother, Lucy, never fulfilled her own dream of graduating from college but she worked so that her children could seize opportunity and fulfill the dream my grandparents put forward. Most importantly, she never lost hope and faith in me.

I am beyond proud to represent both my family and my community here today. I believe they both exemplify the highest ideals of this Nation, hard work, service, faith, sacrifice and patriotism.

If confirmed, serving as EPA General Counsel at this moment in time would be the highest honor of my career in public service. I have been privileged to serve previously as a White House Fellow; EPA Attorney Advisor; Department of Justice, Environment and Natural Resources Division Trial Attorney and General Counsel; Senate confirmed General Counsel of the Department of Agriculture; and General Counsel of the Los Angeles Community College District.

My previous legal positions have prepared me to serve as

the General Counsel of the EPA. My Federal Government experience ensures that I understand the responsibilities of the position.

As I demonstrated in my previous appointment, I will implement the laws of this Nation as specified by the Constitution, expressed by Congress and interpreted by the courts.

I will provide candid legal advice and counsel to Administrator Regan and to the EPA senior executive team that is bound and guided but Rule of Law.

I look forward to working once again with our respected colleagues at the Department of Justice to defend the agency's actions when challenged in the courts of law.

I am further pleased by the opportunity to work with the incredibly talented lawyers and professional staff of the EPA Office of General Counsel. I have had the privilege to work with some of those dedicated career attorneys during my Department of Justice tenure and now I look forward to managing and leading this extraordinary office.

I have a simple management philosophy of treating colleagues as I hope to be treated and if confirmed, I intend to work collaboratively with some of the finest attorneys and professional staff as we allow the facts, science and law guide our legal analysis and judgment.

Finally, I intend to serve all Americans as EPA seeks to achieve the goals of our environmental laws in the Biden/Harris Administration. If confirmed, I look forward to listening closely and interacting constructively with Congress, stakeholders and all members of the general public, especially with those communities that historically have not participated in matters before the Office of General Counsel.

I am committed to listening to and learning from all individuals to help me and the Office of General Counsel provide sound legal guidance to Administrator Regan and EPA clients.

Should this committee honor me by recommending me, and should the Senate confirm me, I will do everything in my power to execute the duties of the General Counsel in a professional, efficient and expeditious manner.

I intend to execute my duties with the highest legal of integrity, skill and professionalism so as to earn your trust and respect.

I am committed to working with the leadership of EPA, Congress and stakeholders to further the best interests of all Americans.

Again, Senator, thank you very much for holding this hearing to consider my candidacy. I am grateful for your time and am happy to answer the committee's questions.

[The prepared statement of Mr. Prieto follows:]

Senator Carper. Mr. Prieto, thank you for a lovely and heartfelt statement. I see your wife sitting back there.

Former Senator, now President, Joe Biden, said to my wife and probably Senator Cardin's wife, Myrna, one or two times how for people married to folks in service like we are, President Biden would say to the spouses, for you, no purgatory, straight to heaven.

Thank you so much for putting up with this guy and sharing him with the rest of us.

Next, we are going to hear from Alejandra Castillo. Ms. Castillo, please proceed. I am glad I don't have to follow that opening testimony but I know you can.

STATEMENT OF ALEJANDRA CASTILLO, NOMINEE TO BE ASSISTANT
SECRETARY FOR ECONOMIC DEVELOPMENT OF THE DEPARTMENT OF COMMERCE

Ms. Castillo. Chairman Carper, Ranking Member Capito, and distinguished members of the committee, I am honored to come before you today as President Biden's nominee for Assistant Secretary of Commerce for Economic Development.

Thank you for the time you and your staff afforded me to meet with you during this past week. It was engaging and informative.

I share your goals of promoting economic development and growth while also seeking to strengthen our Nation's economic innovation and global competitiveness.

I would also like to thank Congressman Espaillat for that kind introduction.

Several members of my family have joined me today. I am so glad they are here. My mother and late father are the source of my values towards public service, hard work and love of country.

I would also like to acknowledge my brothers, nieces and nephews who challenge me and teach me the meaning of family, understanding and patience.

Senator Carper. Your mom is here, right?

Ms. Castillo. My mother is here.

Senator Carper. Would you raise your hand, ma'am? That is nice. The woman back there beaming with pride, sitting in the

front row is named Susannah, right?

Ms. Castillo. Susannah, yes.

Senator Carper. It is nice to see you. Do you have a couple of nieces here and nephews?

Ms Castillo. Yes, my niece, Alejandra; my niece Katherine; and my nephew, Matthew.

Senator Carper. Another Matthew.

Ms Castillo. Another Matthew.

Senator Carper. Can't have too many of those. Welcome.

Ms. Castillo. The mission of the Economic Development Administration, EDA, is to support distressed communities in building resilient economies. When strong economic ecosystems are devastated by natural disaster, or even a pandemic, EDA is there to support community-led efforts to rebuild.

EDA helps Americans recover from economic challenges and makes critical investments to spur innovation and create economic opportunities for all.

Today, I come before you with a perspective of economic development that has been shaped not only by my personal background, but also by my professional experience that spans over two decades of work in the public, private and non-profit sector.

I consider myself an embodiment of the American dream. Growing up, I watched my parents, who immigrated from the

Dominican Republic, journey from working as janitors to opening small businesses to support our family.

Experiencing New York City in the 1970s, the scarcity of jobs, the lack of economic vitality, and the quasi-bankruptcy the city was experiencing, gave me a unique perspective into how economic disinvestments can devastate a community.

As a girl, I often rose at 4:00 a.m. to help my father run his bodega in the Bronx. I refined my math skills by calculating taxes for my mother's Avon sales. My father took his own life when I was 13 during the devastating global economic crisis of the 1980s. I saw his struggles. I know that business owners often walk a thin line between success and failure. I know nothing more devastating to an entrepreneur than when their life dreams fall apart.

In economic development, every challenge is truly an opportunity. As we work through this pandemic, we are at a unique juncture with the chance to make critical investments in infrastructure, support tomorrow's industries and prepare our citizens for the workforce of the future.

We have the opportunity to put Americans back to work and increase our global competitiveness. Our economy must be inclusive and generate growth in communities large and small, and develop strategies that have social and economic impact together with communities across the Country, whether they be

urban, suburban or rural.

Throughout my career, I have had the opportunity to work with diverse communities across the Country from McAllen, Texas to Rockford, Illinois, Wheeling, West Virginia to Wenatchee, Washington, and so many others. Supporting these communities has never been more important. If confirmed, I will be rolling up my sleeves as we rebuild our economy.

If confirmed, I will be, in a sense, returning home. The Department of Commerce is where I have spent the bulk of my time in government. In 2014, former President Obama tapped me to lead the Minority Business Development Agency, an appointment close to my heart given my own family's background in small business.

While I was at the MBDA, we cut overhead and moved more of the budget into directly supporting minority business owners with resources such as grants and technical assistance funding. I also served as the Special Advisor to the Under Secretary for the International Trade Administration where I assisted in the development of policy initiatives geared toward promoting American businesses and industries across the globe.

It would be a great honor to continue my public service and utilize all that I have learned and experienced in the legislative, policy and programmatic arena, as well as my ability to lead large organizations towards transformational

change and impact.

If confirmed, it is my understanding that I will also be the first woman of color to hold this position. That, too, would be an immense honor. This role demands nothing short of excellence, accountability and measurable outcomes in its execution.

I commit to working with all of you and the dedicated and committed career civil servants at EDA to earn the confidence of the American people.

Thank you again for the opportunity to address you today. I look forward to your questions.

[The prepared statement of Ms. Castillo follows:]

Senator Carper. Thank you very much, Alejandra, for another terrific statement. Sometimes when people are nominated to come before our committee, I have a chance to talk privately and personally with them. I always ask them to talk about their parents and the values they learned from them growing up. Each of you just told extraordinary stories. You picked the right parents.

We have one more to go. That is Jane Nishida. You are welcome to make your opening statement. I understand there might be a niece named Megan out there somewhere. She has her hand up. Megan, how are you?

Sometimes, every now and then, Megan, I notice a relative, or it could be a spouse or whatever, a niece, that their lips are moving when the nominee speaks. I am going to watch you carefully to see if she is taking her cues from you. We are glad you are here. I know you are proud of your aunt.

Go ahead, Jane.

STATEMENT OF JANE NISHIDA, NOMINEE TO BE ASSISTANT ADMINISTRATOR
FOR INTERNATIONAL AND TRIBAL AFFAIRS OF THE ENVIRONMENTAL
PROTECTION AGENCY

Ms. Nishida. Thank you, Chairman Carper, Ranking Member Capito, distinguished members of the committee, I am honored to come before you today as President Biden's nominee for Assistant Administrator for International and Tribal Affairs for the U.S. Environmental Protection Agency.

I want to first acknowledge my family who are joining remotely from Portland and Seattle and, as you just pointed out, my beloved niece, Megan, who is here in person to support me. Thank you, Megan.

Senator Carper. Who are some of the folks joining us remotely from Portland?

Ms. Nishida. My brother, Robert, and his family and my brother, Charles and his family in Seattle.

Senator Carper. Welcome to both of them.

Ms. Nishida. Thank you.

I know my parents are also with me in spirit, especially my father who served in the U.S. Army and also the U.S. Government for over 30 years, who instilled in me the importance of public service.

I also want to give a special thanks to Senator Cardin for your kind and generous words in introducing me here today. As

Senator Cardin pointed out, we have known each other for 40 years. When we were very young, as Senator Cardin pointed out, I had the pleasure of working under his leadership when he was the Speaker of the Maryland House of Delegates. Thank you, Senator Cardin.

Senator Carper. I understand he spoke at your elementary school.

Ms. Nishida. Exactly. That is when we first met, in elementary school.

For over 30 years, I have worked in the environmental field. Senator Cardin pointed out for over 40 years, I have worked in the environmental field, working in both federal and State government, in international and non-governmental organizations.

It has been my privilege to spend the last 10 years at EPA working alongside the incredible staff at EPA who have dedicated their careers to furthering the agency's mission to protect public health and the environment.

I spent the first 20 years of my career in the State of Maryland, including 7 years as the Maryland Secretary of the Environment. As Senator Cardin pointed out, one of my greatest accomplishments in Maryland was working with him to enact the Landmark Critical Areas law to protect the Chesapeake Bay.

In that legislation, I worked closely with diverse stewards

of our environment, the farmers, the fisher folks, the local governments, the NGOs and citizens of Maryland. I saw first-hand the interconnections between agriculture and resource protection, economy development and the environment.

In 2011, I joined EPA first as the Director of the Regional and Bilateral Affairs Office within the Office of International and Tribal Affairs, and then in 2013, I was promoted to the Office's Principal Deputy Assistant Administrator, the office I currently hold.

Taking on this second role has given me the opportunity to serve the 574 federally recognized tribes in the United States and to visit Indian Country. It has been an inspiring experience, allowing me to see first-hand the amazing resilience of the Santa Clara Pueblo from what they had to go through in the devastating wildfire in 2011.

Since Senator Inhofe has now joined us, I also was able to visit the Quapaw Tribe's impressive clean-up of the Tar Creek superfund site. It was truly amazing.

I also visited the Swinomish Tribe and saw all the important water quality work and programs they are doing there. It motivated me to strengthen EPA's tribal consultation policy. I am proud EPA was the first federal agency to incorporate the consideration of treaty rights and resources.

Globally, foreign nations are facing similar challenges as

our tribal nations. These are challenges of extreme weather events, climate change, water quality, environmental clean ups, and environmental justice.

The United States and EPA has a long history of providing environmental leadership in our bilateral relationships with countries and in multilateral forums. By sharing our regional and local best practices and our scientific expertise and private sector innovations, much of the world has come to view EPA as the gold standard of environmental protection.

My office has helped by promoting regional cooperation in Asia to improve air quality and has provided technical assistance in Central America to improve environmental governance.

More recently, my office has focused on the global challenge of marine litter, collaborating with other federal agencies, the private sector and NGO partners to promote policies and practices to reduce marine litter.

Should I be confirmed, I look forward to continuing to advance EPA's leadership and mission with both our tribal partners in Indian Country and our international partners around the world.

Thank you. I look forward to answering your questions.

[The prepared statement of Ms. Nishida follows:]

Senator Carper. Ms. Nishida, thank you for that statement.

We will now begin some questions for our witnesses.

Senator Cardin and I sit side by side in the Finance Committee and side by side on this committee. He probably gets tired of seeing me but it is a joy to serve with him.

Senator Inhofe and I served together in the House a million years ago and now we get to work together here. He is a former chairman of this committee and of the Armed Services Committee.

Senator Inhofe. I sure got tired of seeing you.

[Laughter.]

Senator Carper. There was probably a day or two that you did.

I need to run over to the Finance Committee for a few minutes. Senator Cardin is going to hold the gavel. I will be back as quickly as I can and rejoin the questioning. I leave you in very good hands. I look forward to seeing you all again soon. Thank you.

Senator Cardin. [Presiding] Thank you, Mr. Chairman.

Again, let me thank all three of our nominees. Your background, record and commitment to public service is very, very impressive.

We have a lot going on today. Secretary Yellen is before the Senate Finance Committee. That is where Senator Carper is going to ask some questions. I will be joining him in a little

bit. The Commerce Committee is marking up a major part of the infrastructure bill this morning. There are a lot of things going on.

Recognize there will be some distractions here in our committee but we wanted to advance your nominations as quickly as possible with hearings.

Mr. Prieto, I want to start with you, if I might. I appreciate our opportunity yesterday to have a conversation about enforcement issues but with Jane Nishida here, I am going to ask you a question about the Chesapeake Bay.

We have worked long and hard on the Chesapeake Bay Program. It was built from the local government up with State and local governments coming together with stakeholders, including the agricultural community, the development community, local governments in an effort in which we all agreed we had to do best science to save the Chesapeake Bay, a national treasure.

It was really an extremely dangerous situation considering the historic loss of oysters and the amount of development in the watershed, so we took dramatic actions at the local level with the support of all our stakeholders.

The business community, the labor community, and the farming community joined with six other States and the District of Columbia to form the Chesapeake Bay Alliance. We came to the Federal Government and it joined us. They are basically the

enforcement arm to make sure we do what we way we will do under the Bay agreements and enforce through TMDLs.

I say that because recently litigation was filed with concern as to whether the State of Pennsylvania was living up to their commitments and whether EPA, in fact, was doing what it was responsible to do and enforcing the agreement. In a way, it was a friendly lawsuit. The State of Maryland has joined it.

My question to you is you are going to play a critical role to make sure we move forward with the commitments under the Chesapeake Bay Program using best science and respecting local priorities in meeting those targets.

I would just ask your view as to how you can accommodate the advancement of the Chesapeake Bay Program initiatives and preserve this national treasure?

Mr. Prieto. Thank you very much for that question. Again, thank you again for your graciousness yesterday in spending some time with me. Again, I want to recognize your leadership obviously in this area.

During my federal service, I have been a longtime resident of Maryland and recognize the work as well as my colleague, Ms. Nishida, in this very, very important matter.

Senator, you mentioned litigation. I will be fully briefed. I know this is a priority and look very much to getting a briefing in terms of the status of the litigation.

Again, I also look forward to working with the very, very talented career staff at the Office of Water, the concept of TMDLs and the MPDS, something I am familiar with and look forward to working with them, being briefed and working toward resolution of this litigation.

Again, thank you, Senator, for your leadership and I very much look forward to working on this issue if confirmed.

Senator Cardin. If confirmed, do you commit to working with members of this committee, keeping us engaged and informed as this process moves forward?

Mr. Prieto. Senator, absolutely. Again, I absolutely respect the relationship, the bipartisan nature of this committee and again, look forward to working closely with this committee on all of these important issues.

Senator Cardin. Ms. Castillo, I appreciated our conversation. EDA plays a critically important role. I was listening to Senator Capito talk about a concern of hers about a particular project.

We talked about one of our requests which happened to be in Annapolis dealing with tourism which was part of the focus of the COVID relief funds made available to EDA. I was very pleased by our conversation.

EDA can play a critically important role in communities where we have challenges in employment and where we have to deal

with providing opportunity so communities can survive. I think about broadband where EDA has played a critical part in the last mile connections, in broadband, rural areas and underserved communities.

Could you share with us your view as to how EDA can aggressively help us reach underserved communities with economic opportunity?

Ms. Castillo. Senator Cardin, thank you for the question.

As I said in my opening statement, in many ways this is a personal issue for me because I grew up in these types of distressed and disenfranchised communities. I would also say in my professional journey, I worked very closely on the ground with different communities.

EDA's mission at this moment in time, a truly critical mission as you pointed out, is to provide assistance, planning funding and opportunities to look at the whole spectrum of issues that impact but also to leverage the tools EDA has in its capacity.

I will also tell you, as you spoke about broadband, President Biden has made a commitment to bring broadband to all. I would also say my experience at Commerce is to also leverage the other different agencies, like NTIA, for which broadband is a true core.

I would say, Senator Cardin, that if confirmed, my goal at

EDA is to make sure we are leveraging all of our resources, reaching out to communities, as I mentioned to you, to travel to make sure we are not only inside the Beltway but reaching communities large and small in a number of different ways.

Senator Cardin. Thank you very much.

Senator Inhofe. Thank you, Mr. Chairman. I think Senator Lummis has made a request to go ahead of me. If that is the case, that is fine with me.

Senator Cardin. Senator Lummis is available by WebEx. Senator Lummis, you may proceed.

Senator Lummis. Thank you, Senator Cardin, and Senator Inhofe for giving me the opportunity to precede you.

My first question is for Mr. Prieto. I would like to talk about regional haze. Wyoming has a long history of regulating its air quality. That means we have a long history of working with the EPA.

Wyoming's Department of Environmental Quality, the regional office of EPA, our AG's office, the Governor's office, and Pacificore worked on two regional haze agreements that have been the subject of years of negotiation and litigation.

The two power plants involved are the Wyodak plant near Gillette and the Jim Bridger Plant near Rock Springs. Last year, agreement was reached with all these parties. In summary, the EPA agreed to use the State implementation plan with some

EPA required revisions for both plants.

These were really remarkable achievements that recognized the importance of State directed and managed enforcement decisions under State primacy. The result is that the regional haze guidelines were met and met with the agreement of the parties including EPA under the State implementation plans and not the top-down federal plans.

Just last week, Wyoming was informed the Jim Bridger agreement would not be sent to the Federal Register to complete the process. Again, this agreement was the result of negotiations and met every EPA request and requirement. That decision appears contrary to Administrator Regan's earlier statements recognizing the proper role of States.

Mr. Prieto, should you be confirmed as General Counsel, will you review the Jim Bridger decision and commit to review both the Jim Bridger and Wyodak settlement agreements that if the regional haze goals are met, the State implementation plans should be honored?

Mr. Prieto. Senator, thank you very much for that question. I also recognize the importance of not only SIPs in terms of the working relationship we have with our State partners, but in general the working relationship EPA does have with its State partners.

I can tell you having experience in working with State

partners in my various roles, it is a relationship I believe is very, very important and something I know Administrator Regan has committed to. I would also commit to provide the legal counsel to support those efforts.

If confirmed, Senator, again, as you know, I am not part of the Administration at this point, but I would very much like to be briefed on this particular matter so I can review the situation.

I can commit to you, Senator, that I will be briefed, I will make myself familiar with this particular situation, again recognizing the important relationship that EPA does have with its State partners.

Senator Lummis. Thanks very much, Mr. Prieto. As you can see, this is a really important topic for my State, especially after all the years of negotiation that has occurred among all of the parties.

I have another question. You will not be surprised about this question.

I am really concerned about the EPA's announced plans to scrap the Navigable Waters Protection Rule. You previously served as General Counsel at USDA, which manages the 193 million acres in the U.S. Given that experience, in your view, where does federal jurisdiction of waters end?

Mr. Prieto. Thank you very much, Senator, for that

question. I am absolutely happy to answer.

Senator, as you know the Clean Water Act does give the Federal Government the authority to determine which waters should be protected and which waters should not be protected from a federal standpoint.

I also absolutely appreciate your acknowledgement of my experience in the government as well as serving at USDA. I understand the balanced approach that is necessary on many of these issues.

I can say, and I support Administrator Regan and the Office of Water's approach, that they will be looking at the past examples and will learn from those, and there will be very broad stakeholder outreach, not only to our State partners and our tribal partners, but also to the other interested entities.

I very much look forward, Senator, to working with the Administrator and the Office of Water to engage in that particular support to promote that legal counsel and legal support, again, in acknowledgement that there are many regulated entities that should be a part of that approach.

I know the Administrator has already committed to doing so. I very much look forward, if confirmed, to supporting his efforts and seeking that broad stakeholder approach as we find the balance necessary, move forward and follow again the science and the law in coming up with the appropriate way to regulate

the waters of the United States.

Senator Lummis. Thank you, Mr. Prieto.

My time has expired. Senator Inhofe, thanks for letting me go ahead. Thank you, Mr. Chairman. I yield back.

Senator Cardin. Thank you, Senator. We will now go to Senator Inhofe.

Senator Inhofe. Thank you, Mr. Chairman. I appreciate that very much.

Let me just kind of build on a little bit what Senator Lummis was talking about, because that is one of the major things I wanted to bring up and talk about. A lot of us had serious concerns with the Administration's recent announcement that it will repeal and replace the Trump-era Navigable Waters Protection Rule.

Now, I don't think I heard you say that in those words. What would your position be on that?

Mr. Prieto. Senator, again, I have not had the opportunity to review that announcement. But I do note that the Administrator has indicated, and again, through the Office of Water, that as they move forward in this particular area, that they are going to engage in that very broad stakeholder approach.

I think that it is important to state that, as I mentioned to Senator Lummis as well, is that there needs to be that

opportunity as another rulemaking process, if in fact that does take place, to ensure that all of the regulated communities are going to have the opportunity to speak to this.

Senator Inhofe. Okay, and I appreciate that. Let me kind of hurry on a little bit because you are familiar with the statement that was made, the specific and significant environmental harm or implementation challenges of the Trump rule. I heard the statement made by more than one. And yet no one is specific as to what that specific and significant environmental harm comprised of. Can you help me with that?

Mr. Prieto. Senator, what I would say in terms of that statement, again, I am not part of the Administration. I can commit to you, Senator, though, that if confirmed, that I will look very closely and support Administrator Regan and the Office of Water, as they move forward in that process. I was not involved in making that particular statement.

But I do think, Senator, and I think again this is very important, I think it is the interest of Administrator Regan to go through a process that will ultimately end up with a durable rule, a rule that brings certainty. I think that is something that all of the regulated communities, as well as this committee, is looking forward to. I am committed to that process with the ultimate goal of reaching that particular --

Senator Inhofe. And I appreciate that, but let me just ask

you, are you familiar with any specific and significant environmental harm?

Mr. Prieto. Senator, I again, not having crafted that particular language and not having looked that, I would not comment on that statement. But I do look forward, if confirmed --

Senator Inhofe. Either you are or are not familiar with it. Are you familiar with any of that level of harm?

Mr. Prieto. I am not familiar with any levels of harm, I don't know what that statement is referring to in terms of specifics, Senator.

Senator Inhofe. That is very good.

Ms. Nishida, first of all, your comments, the fact that you are interested in the problems that we have had and successes, that success with the Quapaws was one that I was right in the middle of for a period of about eight years. So I am very familiar with that. That was successful.

Now, in May, I sent a letter to the President regarding the Administration's lack of transparency in developing its new Paris Climate Nationally Determined Contribution Emission Pledge. Now, I have not received any response back from that. Assuming that you are confirmed, which I believe you will be, would you see to it that I do get a response to that request that I made some time ago?

Ms. Nishida. Thank you, Senator, for your question with regard to the Paris Agreement. President Biden has made addressing the climate crisis a priority for the entire Administration. So my office will be working with the other offices within EPA and with our colleagues in the State Department and the White House to take a whole-of-government approach to addressing the climate change, including the NDC commitments that we have under the Paris Agreement.

So I will --

Senator Inhofe. I hate to interrupt you, but this question is very specific, and that is, would you see to it that I get a response to the letter and the request that I made? I don't have the date of this, but it has been some time now. Just getting a response.

Ms. Nishida. Senator, I am not familiar with your letter, but I will certainly work with the appropriate officials in the U.S. Government --

Senator Inhofe. And would you let me know either way once you do that?

Ms. Nishida. Senator, I will, as I mentioned, I will work with the appropriate officials to let them know of your concern with regard to your letter.

Senator Inhofe. I would appreciate that very much.

Ms. Castillo, I thank you, I know I abused your time by

going into a lot of the detail. But I am so familiar with what you folks do, and I am so impressed by it. I will look forward to working with you on it, probably on more of a regular basis than you would really want right now.

Ms. Castillo. Thank you, Senator.

Senator Inhofe. Thank you, Mr. Chairman.

Senator Cardin. Senator Kelly.

Senator Kelly. Thank you, Mr. Chairman.

Ms. Nishida, it is good to have the opportunity to speak with you again. As we discussed on our call, we need EPA's full commitment to prioritize the cleanup of over 500, 500 abandoned uranium mines across the Navajo Nation. These mines threaten groundwater supplies used by tribal members. Folks who live on the Navajo Nation have a documented higher rate of uranium related health issues than folks who don't.

Arizona needs a strong advocate in you and Administrator Regan to accelerate existing plans to clean up these mines. Would you agree that the President's Executive Order on Environmental Justice makes the Navajo project a top priority for the EPA?

Ms. Nishida. Thank you, Senator, for your question. Thank you for the time to meet with me earlier.

As you point out, the Navajo Nation is facing serious problems. It is not right that the parents of Navajo children

are fearful about whether or not their groundwater is contaminated, or whether their children, when they are out playing, whether they may be playing near an abandoned uranium mine.

So I do agree with you that this is a top priority for EPA. Administrator Regan also believes this. That is why we have taken aggressive enforcement actions and have now had \$1.7 billion in settlements. That settlement money will go to help address the cleanup of many of the uranium sites.

In addition to the settlement money, we are pursuing other avenues as well. We are working with other federal agencies like the Department of Energy, USDA, and Interior, because we know that the legacy in terms of uranium and mines is going to require additional resources.

Senator Kelly. So the settlement, the \$1.7 billion, that still doesn't sound like enough to clean up all the mines over the next 10 years. Is that correct?

Ms. Nishida. Unfortunately not, Senator. The \$1.7 billion, the EPA just completed a 10-year cleanup plan. Under the cleanup plan, we will be hiring new project remedial officers. We will also be issuing contracts, some of which will be to members of the Navajo Nation. In addition, we are building the capacity of the Navajo Nation to address the cleanup themselves.

However, this is not going to be able to address all the sites. It is only going to partially fund it. That is why we are working with other federal agencies and we are pursuing other settlement actions so that we can have more resources to address this serious problem.

Senator Kelly. Do you have an estimate for what the total cost to clean up all 500 abandoned uranium mines would be?

Ms. Nishida. No, unfortunately, we do not have an estimate at this time.

Senator Kelly. Okay, thank you.

Ms. Castillo, thank you for joining us today. As you know, the American Rescue Plan Act provided EDA \$3 billion for economic development assistance awards including a new program which I supported that provides dedicated funds for hard-hit industries, like recreation and tourism.

It is important that as EDA prepares to disburse these funds, they are done in an equitable way throughout the Country and within Arizona. Yet in recent months, I have heard from many Arizona stakeholders who felt left behind as EDA was distributing CARES Act funding. After looking at the number of grants funded in Arizona last year, as compared to other States, it is clear that more must be done to meet the outstanding needs of Arizona communities.

Ms. Castillo, as EDA prepares to distribute ARPA funds, how

important do you believe outreach and quality technical assistance programs will be to ensuring that these funds have a long-term impact on hard-hit communities?

Ms. Castillo. Thank you, Senator Kelly. I greatly appreciate the question.

I will tell you that in my opening statement, as well as just my commitment overall, I strongly believe that EDA funding must go to communities overall, all around the Country. I recognize your concern. I hope to work very closely with you and your team as we look in terms of the deployment of these funds.

But more importantly, making sure that we engage, we communicate, and we have a transparent process to provide technical assistance and support, and making sure that those grants are successful. So if informed, I look forward to working with you. I have visited numerous times in Arizona, and I would like to support you in any way possible.

Senator Kelly. Thank you, Ms. Castillo. Thank you, Mr. Chairman.

Senator Cardin. Senator Markey.

Senator Markey. Thank you, Mr. Chairman.

Ms. Castillo, as you know from your experience in minority entrepreneurship and economic development, it does take more than a new bridge to close the economic gap found in our

disadvantaged communities. Environmental justice communities need large scale investments in climate infrastructure to lighten their pollution burdens.

But if communities aren't ready to take on those major projects, those projects may never take place. So I am working on new legislation that would leverage the Economic Development Administration's expertise and existing grants to support disadvantaged communities in identifying and planning out infrastructure projects.

Ms. Castillo, if confirmed, will you commit to working with me on this key priority to ensure that our communities have the resources they need to take the first steps in developing climate projects?

Ms. Castillo. Senator Markey, thank you for the question. I truly enjoyed our conversation the other day, and indeed, if confirmed, I will very much commit to working closely with all the members of Congress. Because I strongly believe that in essence we must be able to be accountable and to provide as much assistance, whether it is technical assistance, planning assistance, an array of resources that EDA has at its disposal, but also leveraging, as I mentioned before, the breadth and scope of the Department of Commerce to make sure that we are working in collaboration across Commerce but also across the Federal Government to make sure that disenfranchised communities

are reached and appropriately funded.

Senator Markey. So you will work with me on this priority.

Ms. Castillo. It would be an honor to, sir.

Senator Markey. Beautiful. Thank you.

I recently introduced the Environmental Justice Mapping and Data Collection Act with Senator Duckworth and Representative Cori Bush from Missouri. That legislation would identify inequities between communities and would help ensure that at least 40 percent of federal investment benefits flow to disadvantaged communities, as stated in President Biden's Justice 40 agenda.

Ms. Castillo, as Assistant Secretary, will you support efforts to target investments and track progress in disadvantaged communities?

Ms. Castillo. Senator, I will say that the data is critical. I am a huge proponent of making sure that we leverage data to make the best decisions possible. If confirmed, I very much welcome the opportunity to work with you and to continue to make sure that those dollars and funds are reaching disenfranchised communities in new and different ways to make sure that economic development is realized.

Senator Markey. Thank you. It is a very high priority that Senator Duckworth and I have on this committee, that that be the ultimate outcome of the new investments which we are

going to be making.

Unfortunately, sea levels aren't the only thing rising on our oceans. Emissions from international maritime shipping have risen by 10 percent in the last 10 years. Right when we need to be cutting our emissions the most, the trend may only be getting worse. According to the International Maritime Organization, shipping emissions could increase by as much as 30 percent by the year 2050. That is why in April I reintroduced my legislation calling for the Expanding META Act, which would fund research and activities related to zero emission technologies from ports and vessels. We need strong international agreements on shipping emissions, but industry interests in certain countries have reportedly blocked the progress that we need.

The United States has the opportunity to lead on these discussions through the Environmental Protection Agency's Office of International and Tribal Affairs. Ms. Nishida, if confirmed, will you work to support the shipping industry in taking steps to reduce its role in the climate crisis?

Ms. Nishida. Thank you, Senator, for this question. My office in EPA has been working with the maritime industry. We have also been working with the International Maritime Organization to address the pollution, the emissions that you just rightly pointed out are coming from the shipping industry.

We are also working with ports around the world as well.

So while I am not familiar with the particular piece of legislation that you just identified, I look forward to working with you and your office.

Senator Markey. Okay, thank you. The International Maritime Organization delegates range from oil companies to shipping magnates, the perpetrators of the climate crisis are staying in power and not paying for pollution. So Ms. Nishida, if confirmed, will the EPA act as a counterbalance to any interests that are watering down our maritime shipping ambitions?

Ms. Nishida. Senator, we work with diverse stakeholders. We work with the shipping industry, but we also work with NGOs and we have worked very collaboratively with a number of stakeholders on the important issues not only of shipping in terms of emissions, but in terms of oceans in general. We will continue to do that to ensure that there is a balance at the IMO in terms of addressing this issue.

Senator Markey. I thank you. I think in a lot of ways it is not balanced. We need a counterbalance now because it has been so disproportionately skewed toward those vested interests that really have an economic stake in not reducing pollution.

Thank you all so much. Thank you all for your service.
Thank you, Mr. Chairman.

Senator Cardin. Thank you, Senator Markey. I think I hear

Senator Carper coming back. Maybe not. Yes, how did I know that? I will turn it back over to Senator Carper.

Senator Carper. [Presiding] Senator Cardin, thank you very, very much.

I understand there is no one else in line to ask questions.

As you may know, there are three standard questions we ask of our witnesses. On one of my other committees, Homeland Security, we ask the witnesses to stand and take an oath to be truthful. You look trustworthy, so we won't do that. Actually, that is not the tradition of this committee, we just ask the questions.

I would ask a question, I will start with you, Ms. Castillo. Do you agree if confirmed to appear before this committee or designated members of this committee and other appropriate committees of the Congress and provide information subject to appropriate and necessary security protections with respect to your responsibilities? Do you?

Ms. Castillo. I do.

Senator Carper. Jane?

Ms. Nishida. Yes, I do.

Senator Carper. Mr. Prieto?

Mr. Prieto. Yes, I do, Senator.

Senator Carper. Thanks very much.

Second question, I will start again with you, Ms. Castillo,

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

Ms. Castillo. I agree, yes.

Senator Carper. Thank you. Jane?

Ms. Nishida. Yes, I agree.

Senator Carper. Mr. Prieto?

Mr. Prieto. Yes, I do, Senator.

Senator Carper. Thank you all. You are two for two. One more.

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

Ms. Castillo. I don't know of any matters.

Senator Carper. All right.

Ms. Nishida. No, I do not.

Senator Carper. Mr. Prieto?

Mr. Prieto. No, I do not, Senator.

Senator Carper. Good. All right.

Mr. Sullivan, Colonel, how are you, my friend?

Senator Sullivan. Mr. Chairman.

Senator Carper. Marine colonel right here. Extraordinary.

Senator Sullivan. Thank you, Captain.

Senator Carper. Would you like to get situated? I am willing to just turn right to you if you want, to lead us off. We have our three witnesses; Mr. Prieto's family just has an extraordinary record of military service. Extraordinary.

Senator Sullivan. Great. I am ready.

Senator Carper. You are recognized.

Senator Sullivan. Thank you, Mr. Chairman. I want to thank the nominees for your desire to serve our Country, continuing to do that. That is really important.

I want to get a commitment from all of you first. Have you been to Alaska before?

Mr. Prieto. Yes, Senator.

Senator Sullivan. And can I get a commitment from you guys to come up and meet with my constituents on a lot of these issues?

Mr. Prieto. Absolutely, Senator.

Senator Sullivan. Ms. Nishida?

Ms. Nishida. Yes, I would be honored to return to Alaska.

Senator Sullivan. Great.

Ms. Castillo. I would be honored. And my mother, who is here, loves Alaska.

Senator Sullivan. Good. I am glad she loves Alaska. So do I.

Let me talk about a couple issues. We get a little bit, I

will just be very frank, the EPA is not always viewed as helpful in my State. We care about our environment, we care about our wildlife, probably more than anybody. But we also care about jobs and economic opportunity. It is an important balance. Sometimes, actually a lot of times, we don't think the EPA cares about the jobs and economic opportunity things, which really matter to all working families in America.

So let me ask, can I get a commitment from all three of you to balance that and not make it so focused? Again, the EPA a lot of times in my State doesn't have a great reputation, viewed as very heavy handed, very anti-jobs, very anti-economic opportunity. Can I get a commitment from all of you to remember to balance that, particularly when you are looking at issues in Alaska? A simple yes would do.

Ms. Castillo. Yes, Senator.

Ms. Nishida. Yes, Senator.

Mr. Prieto. Yes, Senator, I would follow again, Administrator Regan is committed to that type of balance, and I again would support that.

Mr. Sullivan. Good. I have talked to him ad nauseum about the issue.

So Ms. Nishida, let me go into a little bit of issues with you. I have talked to Administrator Regan a lot about this issue of environmental justice for minority communities. We

have a very large Alaska Native population; it is almost 20 percent of the population in my State. Great Americans, patriotic Americans. Alaska Natives serve at higher rates in the military than any other ethnic group in the Country.

But a lot of times the issues, again, that the EPA comes down on we view it as kind of anti-jobs, anti-economic opportunity. So with regard to tribal matters, can I get your commitment to really focus on what the community cares about?

Let me give you an example. We had this project; an energy project called the Willow Project. Fortunately, the Biden Administration, they put it on hold, but now they are going to support. But of course, the issue of ANWAR, which in my State is strongly supported by pretty much everybody. Yes, there are some fringe groups that don't. All the Democrats, all the Republicans, the vast majority of the Native people support it. They are not against it, because it is jobs, it is opportunity.

Can I get your commitment to really look at what the leaders of our Native communities want in terms of these kinds of issues? Because a lot of times in the national press they get it wrong.

Can I get your commitment to look hard at that?

Ms. Nishida. Senator, as I indicated, I have had the great fortune to visit your State on a number of occasions.

Senator Sullivan. And I know you worked hard on the

transboundary mining issues, and I appreciate that.

Ms. Nishida. I have had the opportunity in those visits to meet with tribal leaders in your State. So I understand the difficult circumstances that Alaska Native villages have and I have worked through my office, through the Indian General Assistance Program, to provide resources so that Alaska Native villages can have the environmental programs and services that they so need.

So I will continue to work closely with the Alaska Native villages and with your office to ensure that provide the services that your State needs.

Senator Sullivan. Great. Let me raise one more issue, Mr. Chairman, if I may. It is an issue that the Chairman and I have worked on, and it is a little bit more detailed, but it is something that there was good bipartisan progress on. I want to get your commitment to continue it.

Congress in 1971 passed the Alaska Native Claims Settlement Act, what we call ANCSA, the Alaska Native Claims Settlement Act. That provided 44 million acres of land to our Alaska Native communities in fee simple. And the largest land settlement for Native peoples anywhere in the world, I still think it is. Very innovative, and Congress passed that.

Unfortunately, a lot of that land that was transferred to the Native people was contaminated, already contaminated. Now,

we fixed, a couple of years ago, again thanks to the Chairman's help, this issue of CERCLA liability. Believe it or not, the Federal Government said to the Native people of Alaska, here is your 44 million acres of land, a lot of it is contaminated, now you are on the hook from a liability perspective to clean it up. That was obviously ridiculous, and we fixed, that finally in federal law here.

But there has been some very innovative approaches to try to clean that land up. It is the Federal Government's responsibility. You can't give people land that is polluted and say, you fix it.

So can you work with me? There were some good ideas with the EPA during the Trump Administration, bipartisan, innovative ideas, on how do we clean up the contaminated lands the feds gave the Native people in Alaska, unfair, and how do we work that? Can I get your commitment to work with me and this committee and the Native people in Alaska on innovative ways to clean up the land that they were given in terms of a settlement with their Federal Government, and it ended up all being polluted, contaminated, not all, but a lot of it? Can I get your commitment to work with us in this committee on that issue?

Ms. Nishida. Senator, the short answer is yes. You were not here for my response to Senator Kelly with regard to work that EPA is doing in the Navajo Nation. We understand that we

honor our government to government and our nation-to-nation relationship with sovereign nations. Part of that responsibility is to work with tribal nations to address the contaminated sites on their tribal lands and how it affects their tribal resources. So the short answer is yes, Senator.

Senator Sullivan. Great. Thank you very much.

Thank you, Mr. Chairman.

Senator Carper. Thanks so much for joining us today, and for your responses to Senator Sullivan's questions.

A question if I could for Mr. Prieto. Mr. Prieto, as you know, during the last couple of Administration, EPA has issued a number of high-profile rulemakings that have been overturned by the courts. The most recent example was the Climate Rule for Power Plants, known as the Affordable Rule, the Clean Energy or ACE rule issued by the Trump Administration. It was thrown out as you know by the D.C. Circuit Court of Appeals at the beginning of this year.

Not only was this a, I am tempted to say terrible rule, but obviously not a very thoughtful one. Not a thoughtful rule. One that contributed greatly to climate change, something that we are working hard to address. But also the court found that the EPA's rulemaking process was at fault.

My question for you would be, one of the lessons that you have learned, that we should learn, maybe, from seeing the

judiciary vacate EPA's rules like the Trump ACE rule, how will you help EPA improve its rulemaking process to make sure that new rules withstand judicial scrutiny? Two-part question.

Mr. Prieto. Thank you very much for that question, Senator. Again, as you know, the Office of General Counsel does have the lead responsibility in terms of APA review, the Administrative Procedures Act. It is something that is incredibly important from a process standpoint.

Senator, you are absolutely correct that many times actions are dealt with the court because the APA has not been followed correctly. It is an important rule, it is an important rule relative to the aspect of giving the public notice. It is also an important rule in terms of allowing the public to participate. And it is also an important rule in terms of how that process actually takes place.

I think lessons learned, and I won't say in terms of EPA, but in terms of my experience, both at the Department of Justice and at USDA, is that I can assure you, Senator, that if confirmed that my counsel would be again to follow the law as it relates to the APA to ensure that if the court is reviewing this from a procedural standpoint that the agency has followed it, has followed it, has followed it diligently, and to leave those issues to be resolved in another manner.

Senator Carper. All right. Thank you, Mr. Prieto.

A question if I could for Ms. Nishida. As you know, the tribal consultation is one of the most important tenets of the tribal-federal relationship, tribes and tribal advocates who often indicated that some federal agencies treat tribal consultation as a box-checking exercise. My question would be, how would you propose to ensure that the EPA commits to true and meaningful tribal consultation?

Ms. Nishida. Thank you, Senator, for that question. As you just pointed out, tribal consultation is in fact the cornerstone of our nation-to-nation relationship with our tribal partners. So President Biden, one of the first acts that he took was to direct all federal agencies to review our tribal consultation policy. I am proud, as I mentioned in my opening remarks, that EPA was one of the first federal agencies to actually adopt our own tribal consultation policy.

Through this effort we have constantly looked at ways to strengthen and provide meaningful consultation. We just completed, in fact, consultation on our policy holding two national webinars with tribal nations, and we are now in the process of identifying the opportunities to strengthen it to provide meaningful consultation.

As I also mentioned in my opening remarks, one of the important aspects for tribal nations is the respect and honor of their tribal treaty rights and their tribal resources. I am

proud to say that EPA's consultation policy was also the first in the Nation to recognize tribal treaty rights and tribal resources.

Senator Carper. I don't think you mentioned informed consent, but let me just ask. Do you think that the Federal Government should move to an informed consent policy with tribal nations instead of tribal consultation?

Ms. Nishida. The informed consent policy I know has been considered by some States. I know it is also being considered at the United Nations. President Biden has also reconvened the White House Council for Native American Affairs. In that council he has established for the first time an international indigenous issues committee. That committee will be looking at the U.N. declaration for the rights of indigenous people, UNDRIP, which will include a discussion of informed consent.

Senator Carper. Good. Thank you.

A question if I could for Ms. Castillo. You come to this appointment, this nomination, with quite a broad work history, from being the national director of the Minority Business Development Agency at the U.S. Department of Commerce to CEO of the YWCA. Based on your experience both in the Federal Government and in the private sector, what strengths will you bring to the EPA, especially given that experience?

Ms. Castillo. Thank you, Senator Carper.

Senator Carper. I love it when witnesses say, "thank you for that question." By the end of the hearing, when they say that, I say "you are welcome."

[Laughter.]

Ms. Castillo. Well, I bring over 20 years of experience in the legislative policy and programmatic arena. I also bring the experience of having worked at Commerce prior to being nominated for this position. As well as the work that I have done, going into communities and really working with stakeholders and partners, I have a great passion for data, making sure that we transform organizations into more data driven, being able to collect and analyze and report, as well as leading large organizations in terms of transformational change.

As you well pointed out previously, EDA is in a unique position to really scale and to make sure that it has not only operational excellence but in terms of reaching communities and unleashing innovative processes as well as innovation and technology as well as preparing the workforce for tomorrow.

So I think that I bring not only the skills and the experience but also the passion. I love our Country; I have worked for it. Right now, it needs our help. EDA is at that very unique point to be that catalytic agency to create economic opportunity and jobs.

Senator Carper. This is an exciting time to be part of the

EDA. I am happy that you might have that chance. We will see.

Mr. Prieto, another question, if I could, for you, doing civil rights at EPA. Title 6 of the Civil Rights Act prohibits recipients of federal financial assistance from discrimination on the basis of race, basis of color, national origin when implementing programs and activities. However, in recent years EPA's enforcement of civil rights has been, in the view of a lot of us, woefully inadequate.

I think it was a 2016 report by the U.S. Civil Rights Commission that found that low income and minority communities lack, this is a quote from their opinion, "lack the political and financial clout to properly bargain with polluters when fighting a siting decision or seeking redress from pollution already in their community." That is a quote.

My question would be, what will you do, what could you do to rehabilitate civil rights enforcement at EPA?

Mr. Prieto. Thank you, Senator. I would answer that in two parts. As you indicated, as it relates to Title 6, there is an Office of Civil Rights within the EPA. I can commit to you, Senator, if confirmed, that we would work closely with that particular office. They have responsibilities over the Title 6 matters and also protecting the rights of EPA employees. While that is not part of the Office of General Counsel, again it is an important role. I would look forward to working very closely

with that office in support to ensure that those particular matters are addressed.

As it relates, Senator, in terms of settlements where OGC is involved, again, under the Executive Order that I have experience as it deals with environmental justice, 12898, basically from the Department of Justice and EPA standpoint really look to meaningful settlements and meaningful mitigation. That included involving those communities that are directly impacted to have a voice in many of those settlements. I do think that that is the responsibility and that is something that we can continue to improve upon so that the communities that are actually affected by the pollution have a meaningful say in what those settlements and injunctive relief would actually result in.

Senator Carper. Thanks very much for that.

The next question will be for you, Ms. Nishida. Let me just note that a series of votes has begun on the Senate Floor. We are about halfway through our first vote. We will be wrapping up here in about five or six minutes. So if you can hang in there with us for five or six more minutes, we will adjourn.

Ms. Nishida, while tribal consultation is extremely important, as you know, providing tribes and tribal communities with additional resources such as technical assistance is also

vital to ensure that these communities have the tools necessary to be successful. With that having been said, my question would be this. Beyond tribal consultation and technical assistance, what other activities or engagements can the EPA be conducting to aid tribes and tribal communities?

Ms. Nishida. Thank you, Senator, for that question. Beyond tribal consultation and technical assistance, EPA has a number of avenues in which to support tribal governments. One that I mentioned earlier to Senator Sullivan is the program that my office manages, which is the Indian General Assistance Program that provides resources to tribal governments and to tribal nations, so that they can build their capacity to manage their own environmental programs.

In addition, when they are ready, we have a program at EPA called Treatment as a State, or Treatment as a Sovereign, so that when the tribal governments request to have delegation of EPA programs, we will review that and again, just as we would with a State government, we will delegate program responsibility to a sovereign nation and a tribal nation.

In addition, we have responsibilities, we call direct implementation, where EPA will take responsibility for ensuring the environmental protection and public health of a tribal nation. So through our direct implementation responsibilities we work very closely, not only with our regional offices, but

with the various program offices at EPA to ensure that protection in Indian Country is as great as it is throughout the rest of the United States.

Thank you, Senator.

Senator Carper. Thank you.

I think the last question I would ask is more of a personal nature. I am going to direct this to Mr. Prieto. I had mentioned, and it was mentioned a couple of times, your family's service, extraordinary military service.

Would you take the last minute or two and share with us a little bit about that service and sacrifice?

Mr. Prieto. Thank you, Senator, and thank you on behalf of my family. As I did share with you, the VFW Post in Santa Paulo, California, is named the Mercer Prieto, named on behalf of the Mercer family and the Prieto family.

I did have three uncles that were killed during World War II. One was a test pilot for P-38s, one was a Marine in Bougainville, and one was a paratrooper on the second day of D-Day, who was dropped behind the lines.

I also have two living cousins in terms of service, one who received the Distinguished Flying Cross for his service in Vietnam, and another who was part of special forces in Afghanistan during the early parts of that.

And I say that to say, Senator, that my family inspires me.

I cannot match their service. One of my cousins, one that I just mentioned, sent me a note and said he was proud of me. I said, you inspire me. Nothing compares to their service.

So I thank you for that opportunity, Senator, to say that. Again, I am very proud of my family, their service to this Country, their love of this Country. Again, I am just an extension of their sacrifice, and I do my very small part in terms of my public service. I am truly honored that you allowed me that opportunity.

Senator Carper. When we have that conversation, I was just struck. I am the last Vietnam veteran serving in the U.S. Senate, with the death of John McCain. My grandmother is a Gold Star mother. Her 19-year-old son died in a kamikaze attack on his aircraft carrier, in the western Pacific in 1944. So we know something about sacrifice and service.

Those of us who are privileged to serve here, it is our service to give honor to those who have really sacrificed for this Country. So thank you doing that.

I am going to give a short closing statement, then we will do a little bit of final housekeeping. Again, thank you all for joining us today. It has been wonderful to have a chance to get to know you a little bit before the hearing. And even better to see you right here, face to face. In some cases to see your mom, or a niece, or a nephew, and to connect with others in a

more distant way. For those who have tuned in and taken in this hearing, usually we have more members who show up for hearings. The fact that we have actually fewer members showing up is actually a good thing. Because it means there is not a lot of controversy surrounding your nominations, which should shorten the amount of time it takes to get your nomination up for a vote on the Floor and to have you confirmed. So it is a good thing.

We appreciate very much your previous service, and we appreciate very much your willingness to serve in these important roles. We thank you for your testimony today before our committee.

I have to make some final housekeeping announcements, then we are going to close. I love to make unanimous consent requests when there are no other Senators here so I can just ask for anything.

[Laughter.]

Senator Carper. I won't do that. But I would like to ask unanimous consent to submit for the record a variety of materials that include letters from stakeholders and other materials that relates to today's nomination hearing. Hearing no objection.

[The referenced information follows:]

Senator Carper. Senators will be allowed to submit questions for the record through the close of business on this coming Friday, June 18th. We will compile those questions; we will send them to our witnesses and ask our witnesses to reply by 9:00 a.m. the next morning.

[Laughter.]

Senator Carper. No, that is not true.

We will ask you to reply by Wednesday, June 23rd, by close of business. Wednesday, June 23rd. So it should be a long weekend for you.

With that, I don't see anybody else showing up. Do we have anyone else remotely? No, we don't.

So it was great to see you all. Thank you again for being with us. With that, this hearing is adjourned.

[Whereupon, at 11:50 a.m., the hearing was adjourned.]