Opening Remarks for February 5th EPW business meeting

I'd like to thank Chair Capito for holding this business meeting and for moving both of these bipartisan bills out of Committee so early in the Congress. I am particularly pleased to join the Chair in leading the STEWARD Act, which should help address our nation's recycling needs.

We are living through a plastic pollution crisis. Every minute, a garbage truck worth of plastic waste gets dumped into our ocean. In my home state of Rhode Island, there are more than 16 trillion pieces of microplastics in just the top 2 inches of the floor of Narragansett Bay. That's nearly 1,000 tons of plastic.

Microplastics and nanoplastics have been found in human blood, hearts, brains, lungs, breastmilk, and in the placentas of pregnant women. While we are still learning how plastics affect human health, these effects could include cancer, diabetes, heart disease, reproductive disorders, and neurological impairments of fetuses and children.

And our country is handling disposal of plastic waste abysmally. A National Academies study required by Save Our Seas 2.0, a bill I co-led with Senator Sullivan, found that the U.S. is the world's biggest producer of plastic waste, yet the recycling rate for plastics in the U.S. lies somewhere between 5 and 9 percent.

In light of the vast scale of the plastic pollution crisis, I want to stress that the STEWARD Act is just one step towards solving a huge and complicated problem. There is a lot more we need to do to improve recycling rates and reduce the amount of plastics seeping into our bodies and fouling our environment. I look forward to working with Chair Capito and other members of the Committee, including my long-time plastics counterpart Senator Sullivan, to tackle this issue on all fronts.

However, I would be remiss if I did not make clear, given the moment we are in, that my, and indeed our, ability to work on future legislation will be highly dependent upon whether President Trump and the executive branch respect the Constitution and the law and end their illegal funding freeze and impoundment threats.

The Appropriations Clause of the Constitution is clear that it is Congress that determines how much money the government will spend and for what purposes. With respect to already obligated funds, federal law and regulations require that those monies be disbursed absent some showing of wrongdoing on the part of the recipient.

As if it weren't bad enough that this lawless administration was usurping congressional authority, it now appears that it is ignoring the judicial branch as well. Not one but two federal judges have ordered the administration to end this illegal freeze.

And yet we are hearing across the country of projects and programs that remain frozen. In Rhode Island, our state government reports that monies awarded to it under EPA's Solar For All program remain frozen. And our transit agencies have zero clarity about whether monies awarded under various grant programs will come through.

In Massachusetts, grant money awarded – ironically enough given the bills being marked up today – under an EPA brownfields program remains frozen.

In New Mexico, monies awarded under an EPA tribal grants program to install heating and air conditioning and prevent flooding at a school are still frozen.

These are but a few examples. I'm sure you've all heard examples in your states as well.

This is wrong and it is harming our constituents. Roads and bridges won't be fixed, endangering public safety. Programs to remove lead from drinking water and clean up heavily polluted communities won't move forward, endangering public health and economic development. Renewable energy won't be deployed, preventing improvements in air quality and ensuring that our constituents remain vulnerable to price shocks from volatile oil and gas markets.

This is wrong because it represents a breakdown in our constitutional system of government. I've worked with many you on legislation. I've worked with the Chair on nuclear and carbon capture legislation. I've worked with Sen. Cramer on legislation to measure our carbon advantage in manufacturing. I've worked with Sen. Wicker on anti-doping legislation. I've worked with Sen. Graham on legislation targeting corrupt Russian oligarchs. As I mentioned, I've worked with Sen. Sullivan on plastics legislation.

I'm someone who wants to get things done. I started this congress excited about the bipartisan legislative possibilities for permitting, highways and transit, water infrastructure, nuclear, carbon capture, geothermal, and carbon tariffs, just to name a few.

So I don't say this lightly – and I believe I speak for my side of the dais and indeed the whole Democratic caucus here – our appetite to move legislation will disappear if this funding freeze does not end, and impoundment threats abate.

I appreciate that the Chair has publicly defended Congress' power of the purse and stated that obligated funds should be disbursed. And I appreciate that she and her staff have worked with me and my staff to find a path forward on matters affecting my constituents.

I hope that all of us can agree that EPA and the other agencies we oversee must provide us answers. On Friday, all the Democratic members of the Committee wrote to Administrator Zeldin asking for answers about the funding freeze. My staff has since followed up twice with no response from EPA. We are waiting for answers. So are our constituents. We – and they – deserve better.

There are Potemkin parliaments in autocratic regimes around the world. The Russian Duma comes to mind as the classic example. I think we can all agree that that is an example to avoid. This is bigger than Democrats versus Republicans. It goes to the core of our constitutional republic. Let's work together to end this illegal funding freeze and preserve our republic and constitutional order.