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Committee on Environment
and Public Works

Washington, D.C.

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BUSINESS MEETING TO CONSIDER THE NOMINATIONS OF ALEJANDRA CASTILLO TO BE ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT OF THE DEPARTMENT OF COMMERCE, AND JANE NISHIDA TO BE ASSISTANT ADMINISTRATOR FOR INTERNATIONAL AND TRIBAL AFFAIRS OF THE ENVIRONMENTAL PROTECTION AGENCY

Wednesday, July 14, 2021

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee, met, pursuant to notice, at 9:50 a.m. in room 406, Dirksen Senate Office Building, the Honorable Thomas R. Carper [chairman of the committee] presiding.

Present: Senators Carper, Capito, Cardin, Whitehouse, Merkley, Duckworth, Stabenow, Kelly, Padilla, Inhofe, Ernst.

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

Senator Carper. Good morning, everyone. I am pleased to call this meeting of the Environment and Public Works Committee to order. We welcome our guests and look forward to a productive business meeting.

Today, as you know, our committee will vote on whether to move to the full Senate two outstanding nominees for offices within the Department of Commerce and Environmental Protection Agency. Those votes will take place in just a few minutes. After that voting is concluded, we will proceed to hold a hearing on the nomination of Michael Lee Connor to serve as Assistant Secretary of the Army for Civil Works.

First, I will say a few words about the two nominees whom the committee will vote on here shortly, and they are Alejandra Castillo, who has been nominated to serve as Assistant Secretary of Commerce for Economic Development, and Ms. Jane Nishida, who has been nominated to serve as EPA Assistant Administrator for Tribal and International Affairs.

They are exceptional individuals and are well-prepared to serve in the positions to which they have been nominated. Both are established Federal Government leaders. If confirmed, they will bring decades of leadership experience to EPA and to the Economic Development Administration.

We had the opportunity to hear, and I recall, to hear from each of them at our hearing last month, and both of them did, I thought, an exceptional job of demonstrating why they have earned the respect and confidence not only of our President, but also with so many former Executive Branch colleagues on both sides of the aisle. I am grateful that both of them have agreed to serve our Country once again, and I urge our colleagues to support their confirmations.

Now, I would like to turn to Michael Connor, who is seated right in front of us, along with his daughter and his wife. I am going to turn to Michael, from whom we will hear today. President Biden has nominated Mr. Connor to serve as Assistant Secretary of the Army for Civil Works. As we all know, this is a critical leadership position for the U.S. Army Corps of Engineers.

The Corps of Engineers Civil Works program is the Nation's primary provider of water resources infrastructure, and with more extreme weather events and our changing climate, that work has never been more important to ensure that we are building resilient infrastructure that protects the American people whom we represent.

Protecting the American people is particularly critical to those who need help the most. They include communities of color, as well as rural, Tribal, and economically disadvantaged

communities across our Country.

As a descendant of the Taos Pueblo, Mr. Connor brings a unique perspective and has built a career advocating for Indian Country and Tribal water rights. He understands the importance of reaching those communities that have not benefitted enough from federal investments, and he knows how to do it.

Mr. Connor has the experience and character to be successful in this role. During the Obama Administration, he served as Deputy Secretary of the Interior, where he managed complex natural resources challenges for the benefit of our Nation. He has proven himself to be a capable leader and is more than ready to meet the robust and varied responsibilities of this position to which he has been nominated.

If confirmed, Mr. Connor will lead efforts that dramatically impact every corner of this Country, from coastal to inland to rural communities. All of these regions have unique water challenges, from navigation to flood control to ecosystem restorations, all of which are managed by the Army Corps.

If confirmed, Mr. Connor will have to balance a wide range of complex and critical interests. To better ensure that he is successful in doing so, I recommend that he visit as many of these communities throughout our Country as possible in order to garner a broader understanding of the challenges that they face,

and he must meet all those demands with limited resources. Due to the persistent underfunding in recent years, the backlog of authorized but not completed projects has grown to $109 billion. That is more than fifteen times the agency's annual operating budget, and that should be something of concern to all of us.

The Corps shares responsibility for water infrastructure investments with State and local governments, and this shortfall is clear evidence that the Federal Government has not been holding up our end of the bargain for some time.

With that said, there is no simple solution to this problem, as we know. Should he be confirmed, though, Mr. Connor will quickly become a key figure in endeavoring to ensure that bipartisan concerns about Corps funding and priorities are addressed. I look forward to hearing his thoughts on these and other important matters.

With that, I am happy to turn our attention to our Ranking Member, Senator Capito, for her opening remarks. Senator Capito, please.

[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 thanks for calling this business meeting and hearing today.

First, I would like to speak briefly on the two nominations that we are voting on today. I am pleased to support the nomination of Alejandra Castillo to be Assistant Secretary for EDA at the Department of Commerce, an important position for my State. I appreciated Ms. Castillo's support for some of the key initiatives that impact my State, particularly broadband development.

I am also pleased to vote in favor of reporting the nomination of Jane Nishida to be Assistant Administrator for International and Tribal Affairs and the Environmental Protection Agency. I appreciate the service Ms. Nishida has given over the years and her responsiveness to my questions for the record.

We also gather today to consider the nomination of Michael Connor to serve as Assistant Secretary of the Army for Civil Works. Welcome, Mr. Connor. I appreciated the opportunity to talk with you earlier this week.

As you agreed during our conversation, the U.S. Army Corps of Engineers can and should improve its operations and more efficiently deliver important water resources projects, both in

West Virginia and across our Country.

Tasked with overseeing the Corps' Civil Works Program, the Assistant Secretary position for which you are nominated is integral to decisions pertaining to our Nation's water resources and infrastructure.

The Corps' activities through navigation, flood risk management, and ecosystem restoration enable economic growth, save lives, and support conservation.

In 2019, approximately 2.3 short tons of waterborne commerce moved in the United States, facilitated by our Nation's ports and an inland waterway system dredged, constructed, and maintained by the Corps. It actually goes right by my house, about a quarter of a mile, too. This includes everything from energy commodities to the goods Americans depend on in their lives every day.

The Corps' flood risk management activities provided $348 billion in benefits to the National economy in 2019 alone.

These are in addition to other important mission areas, from hydropower to recreation and environmental infrastructure. These projects and activities are authorized and directed under the biennial Water Resources Development Act, we call it WRDA, which is legislation developed by this committee.

As I stated at our most recent meeting, I look forward to building on the bipartisan consensus that we have already

achieved on water and surface transportation infrastructure legislation in this committee and moving a WRDA bill to enactment.

The cooperation of the Assistant Secretary's office will be integral to this process, as well as the ability of this committee to track implementation of prior WRDA legislation.

That being said, I am troubled by language included in support documents for the President's Fiscal Year 2022 Budget that devalues investments in Corps projects that facilitate American energy independence. This will have real-world impacts for my State of West Virginia and, as we learned from a Corps stakeholder at a recent meeting, will hinder development of key infrastructure and energy projects, like offshore wind projects, critical to this Administration's professed climate goals.

I am also very concerned about this Administration's recent decision to replace and repeal the 2020 Navigable Waters Protection Rule, as well as the lack of transparency in the decision-making process and the rationale provided by the Corps and the EPA.

Underpinning the Administration's decision were several assertions that have yet to be substantiated by evidence of practical environmental harm. Instead, the absence of federal jurisdiction is cited as de facto evidence of environmental harm. It also remains unclear which stakeholders were consulted

prior to making this decision.

I look forward to hearing Mr. Connor's views on these matters and other issues pertaining to the Corps. His years of experience, and the Chairman enumerated those, both in the private sector, this body, and in leadership positions at the Department of Interior speak to his capability and knowledge of water resource issues.

The missions of the Corps and the Bureau of Reclamation do differ in certain respects, and I hope to learn more about how he will approach this important position for which he is nominated.

Thank you, Mr. Chairman. I yield back my time.

[The prepared statement of Senator Capito follows:]

Senator Carper. Thank you so much.

Now, I would like to call up two Presidential Nominations, on which we will vote en bloc.

First, I call up Presidential Nomination 490, Alejandra Castillo of New York to be Assistant Secretary of Commerce for Economic Development. Second, I want to call up Presidential Nomination 538, Jane Nishida of Maryland to be the Assistant Administrator for International and Tribal Affairs of the Environmental Protection Agency.

Yes, sir?

Senator Inhofe. I had the opportunity to get to know both individuals, and I just want to say that they are excellent choices. I have had extensive conversations with both of them and look forward to serving with them.

Senator Carper. Thank you very much. I know they appreciate that. I do, too.

Okay, anyone else? Hearing none, I move to approve and report these nominations favorably to the Senate. Is there a second?

Senator Capito. Second.

Senator Carper. Thank you. All in favor, say aye.

[Chorus of ayes.]

Senator Carper. All opposed, say nay.

[No audible response.]

Senator Carper. In the opinion of the Chair, the ayes have it. The nominations are favorably reported, and the voting portion of this meeting is concluded.

[Whereupon, at 10:02 a.m., the committee proceeded to other business.]