

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 AGEN-
CY; AND ALEJANDRA CASTILLO TO BE ASSIST-
ANT SECRETARY FOR ECONOMIC DEVELOP-
MENT OF THE DEPARTMENT OF COMMERCE

HEARING

BEFORE THE

COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

JUNE 16, 2021

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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

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WEDNESDAY, JUNE 16, 2021

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

The committee, met, pursuant to notice, at 10:05 a.m. in room 406, Dirksen Senate Office Building, Hon. Thomas R. Carper (chairman of the committee) presiding.

Present: Senators Carper, Capito, Cardin, Kelly, Wicker, Sullivan, Ernst.

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

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

**OPENING STATEMENT OF HON. THOMAS R. CARPER,
U.S. 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 startup 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 8 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.

**OPENING STATEMENT OF HON. SHELLEY MOORE CAPITO,
U.S. 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.

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.

**OPENING STATEMENT OF HON. ALEX PADILLA,
U.S. 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.

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 suited 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 1980's 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 by 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:]

Statement of Jeffrey M. Prieto
Nominee for General Counsel, United States Environmental Protection Agency
Before the Senate Environment and Public Works Committee
June 16, 2021

Good morning Mr. Chairman, Ranking Member Capito and other distinguished members of the 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 (EPA). 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 has supported my endeavors. My wife, Sheryl, and 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. 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, Leo Alvarez. He was employed by a lemon packing house in Santa Paula, California, for more than fifty 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, and their love and generosity changed many lives. Their daughter and my mother Lucy Prieto 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, as I believe they both exemplify the highest ideals of this Nation: hard work, service, faith, sacrifice, and patriotism.

If confirmed, serving as the EPA General Counsel at this moment in time would be the highest honor of my career in public service. I've 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 EPA and my federal government experience ensures I understand the responsibilities of the position.

As I have 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 by the 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 these dedicated career attorneys during my Department of Justice tenure. I now look forward to managing and leading this extraordinary office. I have a simple management philosophy of treating colleagues as I hope to be treated. If confirmed, I intend to work collaboratively with some of the finest attorneys and professional staff as we allow the facts, science, and the law to guide our legal analysis and judgement.

Finally, I intend to serve all Americans as EPA seeks to achieve the goals of our environmental laws and of the Biden-Harris Administration. If confirmed, I look forward to listening closely and interacting constructively with Congress, with stakeholders, and with all members of the

general public, especially with those communities that have historically 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 level 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, thank you very much for holding this hearing to consider my candidacy. I am grateful for your time and happy to answer the Committee's questions.

Senate Committee on Environment and Public Works
Hearing Entitled, *"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."*

June 16, 2021

Questions for the Record for Jeffrey Prieto

Ranking Member Capito:

1. Do you commit to advise the Environmental Protection Agency (EPA) to act within its statutory authority as it develops regulations of power plants, avoiding the type of regulatory overreach that was taken by the Obama Administration in the Clean Power Plan, published at 80 Fed. Reg. 64662 (Oct. 23, 2015)?

RESPONSE: If confirmed, I intend to advise Agency officials on the scope of agency statutory authority for rulemakings, including for greenhouse gas emissions from power plants.

2. Do you agree that the Clean Power Plan exceeded EPA's statutory authority under Section 111 of the Clean Air Act?

RESPONSE: If confirmed, I will work with EPA staff to ensure any future rulemakings, including those related to greenhouse gas emissions from power plants, are consistent with EPA's statutory authority under the Clean Air Act.

3. Do you believe EPA has the authority under the Clean Air Act to regulate a power plant's carbon dioxide emissions beyond, or "outside," the fence line of the plant?

RESPONSE: If confirmed, I will work with EPA staff to ensure any future rulemakings, including those related to greenhouse gas emissions from power plants, are consistent with EPA's statutory authority under the Clean Air Act.

4. Do you agree with the August 21, 2019 ruling by the U.S. District Court for the Southern District of Georgia, which held on the merits that the 2015 Clean Water Rule: Definition of "Waters of the United States" rule, published at 80 Fed. Reg. 37054 (June 29, 2015), violated federal law, including the Administrative Procedure Act?

RESPONSE: If confirmed, I look forward to being briefed on the Clean Water Act "waters of the United States" (WOTUS) definition, including recent rulemakings and court decisions.

5. Will you commit that the EPA and the U.S. Army Corps of Engineers will engage in a formal stakeholder engagement process by seeking public comment on an advance notice of proposed rulemaking in the Federal Register prior to any proposal to repeal or

otherwise amend the Navigable Waters Protection Rule, published at 85 Fed. Reg. 22250 (Apr. 21, 2020)?

RESPONSE: If confirmed, I commit to work with Agency officials to ensure compliance with legal obligations, including under the Administrative Procedure Act.

6. How will you ensure we do not return to an overreaching definition of “waters of the United States” under the Clean Water Act?

RESPONSE: I share Administrator Regan’s commitment to establish a durable definition of WOTUS based on Supreme Court precedent and drawing on the lessons learned from the current and previous regulations, as well as meaningful input from a wide array of stakeholders. If confirmed, I commit to work with Agency officials to ensure compliance with legal obligations as the agencies revise the definition of WOTUS, including those under the Clean Water Act and Administrative Procedure Act.

7. EPA is frequently subject to legal action, including citizen suits. Do you agree that providing the public notice and an opportunity to comment on any proposed settlement agreements is an effective way to ensure transparency in how EPA and the Department of Justice operate?

RESPONSE: I share Administrator Regan’s commitment to transparency. If confirmed, I look forward to being briefed on the topic of public notice and opportunity for comment on proposed settlement agreements.

8. During the hearing, in response to a question on the Administrative Procedure Act (APA), you emphasized the importance of the APA and the Office of General Counsel’s lead role in APA review of EPA regulations. Will you commit to always providing the public with notice and an opportunity to comment and to taking that feedback into account on a proposed regulatory action before EPA takes any final action?

RESPONSE: I share Administrator Regan’s commitment to transparency and meaningful stakeholder engagement. If confirmed, I commit to work with Agency officials to ensure compliance with legal obligations, including notice and comment as required by the Administrative Procedure Act and other law.

9. EPA still has not provided the Committee with calendars for a number of senior political leaders as I requested in an April 7, 2021 letter to Administrator Regan. If confirmed, will you commit to ensuring EPA provides your detailed calendars to the Committee on a consistent basis?

RESPONSE: I share Administrator Regan’s commitment to transparency. If confirmed, I commit to conducting the Agency’s work in a transparent manner in

accordance with the law and to discussing the topic of calendar disclosure with EPA staff.

10. Will you commit to providing all relevant documents and other relevant ethics information from your officials within the Office of General Counsel's Ethics Office when requested by the Committee?

RESPONSE: I understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with EPA staff to accommodate Congress' interests.

11. In explaining the rationale for rescinding EPA's 2020 guidance rule, EPA stated the rule "deprives the EPA of necessary flexibility in determining when and how best to issue public guidance based on particular facts and circumstances, and unduly restricts the EPA's ability to provide timely guidance on which the public can confidently rely."¹ Can you explain how the decision to post guidance documents on a centralized, public, and easily accessible page on the Agency's website could result in this determination?

RESPONSE: I share Administrator Regan's commitment to transparency. If confirmed, I look forward to being briefed on procedures concerning Agency guidance documents.

12. From your time as General Counsel of the US Department of Agriculture, do you believe there are scenarios where voluntary partnership and technical assistance can be a more effective way to protect the environment than regulation?

RESPONSE: Yes.

¹ EPA Guidance; Administrative Procedures for Issuance and Public Petitions; Rescission, 86 Fed. Reg. 26842 (May 18, 2021).

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 toward 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 my-

self 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 1970's, 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 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 1980's. 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 work force 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 toward 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 peo-

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

[The prepared statement of Ms. Castillo follows:]

Testimony of
ALEJANDRA Y. CASTILLO
Nominee for
ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT
ECONOMIC DEVELOPMENT ADMINISTRATION
A BUREAU OF THE U.S. DEPARTMENT OF COMMERCE
BEFORE THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
June 16, 2021

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 Secretary of Commerce for Economic Development. Thank you for the time that you and your staff afforded me to meet with you during the 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, and I am so glad they are here. My mother (and my late father) are the source of my values toward 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.

The mission of the Economic Development Administration (EDA) is to support distressed communities in building resilient economies. And when strong economic ecosystems are devastated by natural disasters, 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 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 disinvestment can devastate a community.

As a girl, I often rose at 4 a.m. to help my father run his bodega in the Bronx, and 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 early 1980s. I saw his struggles. I know that business owners often walk a thin line between success and failure, and I know nothing more devastating to an entrepreneur than when their life dream falls 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, develop strategies that have social and economic impact, and weave together communities across the country — whether they be urban, suburban, or rural.

Throughout my career, I've had the opportunity to work with diverse communities across the country, from McAllen, Texas to Rockford, Illinois and Wheeling, West Virginia to Wenatchee, Washington and so many others. Supporting these communities has never been more important, and 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 (MBDA), an appointment that was tremendously rewarding to me and 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 a Special Advisor to the Under Secretary for the International Trade Administration, where I assisted in the development of policy initiatives geared toward promoting American business and industry 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 toward transformational change and impact. If confirmed, it is my understanding I will also be the first woman of color to hold this position. That, too, would be an immense honor.

I look forward to continuing my American Dream while also inspiring others to achieve their dreams.

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.

Chairman Carper, Ranking Member Capito, and Members of the Committee thank you again for the opportunity to address you today. I look forward to your questions.

Senate Committee on Environment and Public Works
Hearing Entitled, *"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."*

June 16, 2021

Questions for the Record for Alejandra Castillo

Senator Kelly:

1. I wanted to discuss EDA's support for former coal communities through the Assistance to Coal Communities program. While there is no coal mining in Arizona, our state is home to some of the largest coal fired plants in the country, and as these coal units prepare to go offline in the coming years, many in the surrounding communities - who rely on these good paying jobs - are concerned about what comes next. What role do you believe EDA could play in helping these communities diversify their economies?
 - a. And how important is it to support early investments in these communities to help diversify their economies before the closure of a coal plant?

Response: The Biden Administration is committed to supporting coal communities as they diversify their economies. EDA plays a key role in this support through its Assistance to Coal Communities (ACC) program and has recently updated its investment priorities to include "recovery & resilience." This new investment priority will support communities, like those that rely on the coal fired plants mentioned above, to prioritize planning and implementation projects that will help them build economic resilience.

If confirmed, I look forward to learning more about EDA's ACC program and working with you and your colleagues to support these communities – including those in Arizona – as they diversify their economies and build resilient communities for the future.

Ranking Member Capito:

1. Prior to my coming to the Senate in 2015, the Economic Development Administration's (EDA's) involvement in West Virginia was inadequate—in 2013 and 2014, the state received a total of \$200,000 outside of normal planning grants. Since then, EDA has invested close to \$90 million in West Virginia, helping create or retain more than 13,000 jobs in our state. If confirmed, how will you ensure EDA will continue to be a strong partner for West Virginia?

Response: As we recover from the pandemic, it is more important than ever to work toward an equitable distribution of resources to help communities rebuild. If confirmed, I look forward to working with you and your colleagues to ensure that eligible communities across the country – including those in West Virginia – receive the support they need to build resilient economies.

- 2. What do you see as EDA’s role in providing assistance to states like West Virginia that have been adversely impacted by regulatory actions coming out of Washington, DC?**

Response: EDA can play an important role for communities who seek to diversify their economies and are interested in transitioning to new industry sectors. If confirmed, I look forward to working with you and your colleagues to help provide support to these communities – including those in West Virginia – as they build resilient economies.

- 3. EDA recently changed its investment priorities, adding “Equity” as the number one priority and omitting “Critical Infrastructure” and “Opportunity Zones.” What do you see as the intent and effect of these changes?**

Response: Since I am not currently working at EDA, I cannot speak directly to the intent or effect of the change in investment priorities. However, I am aware that the President’s FY 2022 Budget Request includes increases in Public Works, Economic Adjustment Assistance, and Assistance to Coal Communities which are the programs EDA uses to invest in infrastructure.

If confirmed, I will focus on ensuring that EDA’s programs and processes are equitable, transparent, and help build economic resilience and increase American competitiveness. That means continuing EDA’s history of investing in planning and infrastructure projects and ensuring that funds reach all types of underserved communities.

- 4. Under your leadership, how would the omission of “Critical Infrastructure” change how the agency evaluates infrastructure projects?**

Response: If confirmed, I look forward to being briefed on EDA’s evaluation process in detail.

- 5. In your testimony, you list infrastructure, innovation, and workforce development as potential areas of investment. Is this a statement of your priorities for EDA if confirmed?**

Response: Secretary Raimondo has said that job number one is, “getting Americans back to work.” If confirmed, I look forward to ensuring that EDA can effectively support that mission, which includes infrastructure, innovation, and workforce development.

- 6. It is concerning when EDA funds stakeholder conferences and produces studies that sit on a shelf rather than supporting projects with a direct impact on economic growth. Considering EDA’s mission is to help businesses create jobs, what types of projects do you believe EDA should prioritize and what will be the focus under your leadership if you are confirmed?**

Response: It is my understanding that EDA’s flexible funding authority gives the opportunity to meet communities where they are and provide the support that they need to build resilient economies. Depending on the community, that could mean planning, construction, entrepreneurship, workforce programs, and more. If confirmed, I look forward to working with

the career staff EDA as well as you and your office to ensure that we are utilizing EDA funds to most effectively help support community-led economic development.

- 7. If you are confirmed, will you commit to transparency and providing the Committee with detailed information concerning how the \$4.5 billion in funding from the CARES Act and the American Rescue Plan Act has been expended or will be expended, as well as any other details the Committee requires to perform its oversight function?**

Response: Yes. If confirmed, I look forward to working with the Committee and providing information on EDA's CARES Act and American Rescue Plan Act implementation.

- 8. Considering the significant amount of funding provided for EDA over the past two years, what are your thoughts on how EDA should distribute these funds across rural and urban regions of the country?**

Response: The Administration is committed to an equitable recovery. That means providing the support communities need regardless of the size of their population. If confirmed, I will make sure that EDA programs support all populations – rural, suburban and urban.

- 9. Do you believe the method by which EDA made available the funds appropriated to it in the CARES Act is a good model for the funds appropriated to it in the American Rescue Plan?**

Response: If confirmed, I will request a full briefing on the CARES Act model to better understand the outcomes of that funding and how EDA plans to utilize those lessons to implement the American Rescue Plan funding.

- 10. Please provide your thoughts on EDA's role in broadband deployment and how broadband deployment will be a focus under your leadership.**

Response: The Administration strongly supports efforts to bring high-speed broadband to all Americans. If confirmed, I will work with the staff at EDA to determine how EDA can support this mission, including through support to the National Telecommunications and Information Administration (NTIA) and other federal, state, and local partners

- 11. I recently introduced the *Eliminating Barriers to Rural Internet Development Grant Eligibility (E-BRIDGE) Act*, S. 1695, along with Senators Manchin, Cardin, and Graham. Senator Tim Scott is also a cosponsor. If you are confirmed, will you commit to work with us to advance this legislation and address rural broadband connectivity?**

Response: If confirmed, I look forward to learning more about this legislation from you and your colleagues.

Senator Inhofe:

1. **One local responsibility that EDA funding often helps support is the planning process. Many EDA stakeholders in local communities use EDA funds to embark upon a planning process that lays the groundwork for future investments into their communities. Can you describe the importance of the planning process in your view?**

Response: I believe that planning is an important part of the economic development process. In order to ensure that projects meet the needs of the community, it's important for communities to spend time developing a plan and vision for a resilient economy for the future. EDA's flexible funding allows EDA to meet individual community needs, including support for the planning process or investing in construction and non-construction projects.

2. **EDA's key partners, such as Council of Governments (COGs), Economic Development Districts (EDDs), Economic Development Organizations, and others, can help strategically distribute EDA funds to cities and counties for needed economic development projects. These organizations have comprehensive knowledge and the strategic ability to address local government issues and to identify needed investment opportunities. Under your leadership, how would you use EDA resources to support EDA's key partners?**

Response: In order to support an equitable and effective recovery through the American Rescue Plan implementation and EDA's regular programs, it will be important to engage stakeholders and communities across the country. If confirmed, I look forward to working with these key partners and others to support community-led economic development efforts.

3. **How will EDA administer the 25% set-aside in the *American Rescue Plan* for assistance to travel, tourism, and outdoor recreation sectors?**

Response: The travel, tourism and outdoor recreation sectors were hit particularly hard by the pandemic. As you note, the American Rescue Plan sets aside \$750 million to support communities that depend on these sectors. If confirmed, I will work with the staff at EDA to make sure this funding is dispersed expeditiously to provide relief and support to these communities.

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 NGO's and citizens of Maryland. I saw firsthand the inter-connections 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 cleanups, 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:]

**STATEMENT OF JANE TOSHIKO NISHIDA
NOMINEE FOR ASSISTANT ADMINISTRATOR FOR INTERNATIONAL AND TRIBAL AFFAIRS
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE
SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE
JUNE 16, 2021**

Thank you, Chairman Carper, Ranking Member Capito, and Members of the Committee.

I am humbled to appear before you today as President Biden's nominee to be the Assistant Administrator for International and Tribal Affairs for the U.S. Environmental Protection Agency.

For over thirty years, I have worked in the environmental field, working with federal and state governments, tribal nations, and with international and nongovernmental organizations. And it has been my privilege to spend the last ten years at EPA, working alongside the incredible staff who dedicate their careers to furthering the Agency's mission to protect public health and the environment.

I want to first acknowledge my family who are joining remotely from Portland and Seattle and my niece, Megan, who is here in person to support me. I know my parents are also with me in spirit, especially my father who served in the U.S. government for more than thirty years and who instilled in me the importance of public service.

I also want to thank Senator Cardin for introducing me today since my first start in public service was working at the Maryland General Assembly when Senator Cardin was the Speaker of the Maryland House of Delegates. I will not embarrass him by mentioning how long ago that was, but suffice to say it was long before we both had grey hairs.

I worked for the State of Maryland for over sixteen years, including seven years as the Maryland Secretary of Environment. One of my greatest accomplishments in Maryland was working with Senator Cardin to enact the landmark critical areas law to protect the Chesapeake Bay. I worked closely with the diverse stewards of our environment – farmers, fisherman, local

governments, NGO's and citizens - and saw first-hand the integral interconnections between agriculture and resource protection, economy development and the environment.

In 2011, I joined EPA as the Director of the Regional and Bilateral Affairs within the Office of International and Tribal Affairs, and then in 2013, was promoted to the Office's Principal Deputy Assistant Administrator. Taking on this second role enabled me to work with 574 federally recognized tribes in the United States and to visit Indian Country. It was an inspiring experience to see first-hand the amazing resilience of the Santa Clara Pueblo to the devastating wildfire in 2011, the Quapaw Tribe's impressive clean-up of the Tar Creek superfund site, or the Swinomish Tribe's significant water quality management program. It inspired me to strengthen EPA's consultation policy with tribes by being the first federal agency to incorporate the consideration of treaty rights and resources.

Globally, foreign nations are facing similar challenges as our tribal nations – 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. For example, my office has led 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 been focusing on the global challenge of marine litter, sharing EPA's domestic and international initiatives on this important issue.

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

Thank you, again, Chairman Carper, Ranking Member Capito, and members of the Committee, for the opportunity to meet with you today. I am happy to answer any questions you might have.

Senate Committee on Environment and Public Works
Hearing Entitled, *"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."*
June 16, 2021
Questions for the Record for Jane Nishida

Senator Kelly:

1. I wanted to discuss the work of the Office of International Affairs, which coordinates EPA's work with other countries, including Mexico. As you may know, a number of border communities in Arizona have struggled with water and air quality issues, which are tied to issues across the border in Mexico. What role did your office play in negotiating the recently announced Border 2025 framework for cooperation on environmental issues along the southern border?

RESPONSE: EPA and SEMARNAT (EPA's counterpart in Mexico) signed the new version of the Border Program (Border 2025) on Monday, May 24, 2021, which includes strategic goals to address environmental and public health challenges in the border region. EPA's Office of International and Tribal Affairs, of which I am the Principal Deputy Assistant Administrator, led the negotiations with Mexico in completing the Border 2025 framework. I personally led or directed senior staff in finalizing the Border 2025 framework, in partnership with EPA's Office of General Counsel.

- a. What challenges and opportunities do you see as you look forward toward cooperating with Mexico to implement this environmental protection framework?

RESPONSE: The poverty rate along the two thousand-mile border between the United States and Mexico is higher than the U.S. average. Population growth indexes show a trend of increasing growth, which has increased the pressure on basic infrastructure and services in border cities, which struggle to keep up with population growth. The US-Mexico Border 2025 Program will be investing in 'on-the-ground projects' that protect the border environmental and public health, working with our state, local and tribal partners, and public-private partnerships. In addition, the Border Environment Infrastructure Fund (BEIF), managed by EPA's Office of Water, can assist the border communities in the planning, design, and construction of water and wastewater treatment projects. The North American Development Bank, funded by U.S. Department of Treasury and Mexico, is another source of funding for water infrastructure and other environmental projects along the border.

Ranking Member Capito:

1. As the key office at the Environmental Protection Agency (EPA) for international affairs, can you please describe the role your office had with the White House in developing the recently announced Nationally Determined Contribution (NDC) target under the Paris Agreement?

RESPONSE: EPA's Office of International and Tribal Affairs (OITA) is not involved in developing the U.S. NDCs.

2. Can you please provide all documents your office prepared in the development of the recently announced NDC?

RESPONSE: EPA's Office of International and Tribal Affairs (OITA) is not involved in developing the U.S. NDCs.

3. Does the Administration believe ratification of the Kigali Amendment would necessitate additional implementing legislation beyond the American Innovation and Manufacturing Act?

RESPONSE: The AIM Act, enacted in December 2020, provides EPA with the necessary authority to meet the phasedown schedule in the Kigali Amendment. EPA took an important first step in establishing our domestic phasedown by publishing in the *Federal Register* on May 19, 2021, the first proposed rule implementing the AIM Act. EPA is committed to meeting the statutory deadlines for issuing the final rule later this year.

4. Can you detail your involvement in recent Executive Orders focused on critical minerals?

RESPONSE: On February 24, 2021, the President signed E.O. 14017, directing a government-wide approach to assessing vulnerabilities in, and strengthening the resilience of, critical supply chains. On EPA's behalf, I have participated in meetings for a working group, led by the White House, that will collaborate with the private sector, states, Tribal Nations, and stakeholders—including representatives of labor, impacted communities, and environmental justice leaders—to expand sustainable, responsible critical minerals production and processing in the United States. If confirmed, I look forward to continuing to represent EPA, as appropriate, to strengthen American supply chains to promote economic security, national security, and good-paying, union jobs here at home.

5. Were you involved in the development of the report titled "Building Resilient Supply Chains, Revitalizing American Manufacturing, and Fostering Broad-based Growth?"¹

¹ The White House, *Building Resilient Supply Chains, Revitalizing American Manufacturing, and Fostering Broad-based Growth* (June 2021), <https://www.whitehouse.gov/wp-content/uploads/2021/06/100-day-supply-chain-review-report.pdf>

RESPONSE: I was not personally involved in the development of this report. If confirmed, I look forward to working within EPA and with our federal partners to implement its relevant recommendations.

6. Do you believe that any sustainability standard set for the US critical mineral industries should also apply to all countries, including China and Russia?

RESPONSE: On February 24, 2021, the President signed E.O. 14017, directing a government-wide approach to assessing vulnerabilities in, and strengthening the resilience of, critical supply chains. On June 8, the Biden-Harris Administration announced key findings from the supply chain reviews directed under E.O. 14017, as well as immediate actions the Administration will take to strengthen American supply chains to promote economic security, national security, and good-paying, union jobs here at home. EPA looks forward to working with its federal partners to implement the relevant recommendations in these reports; and, if confirmed, I look forward to contributing to EPA's work on this initiative.

7. How will EPA ensure that the US is not relying on countries with worse environmental records to mine and process critical minerals and other materials necessary for "clean energy"?

RESPONSE: On February 24, 2021, the President signed E.O. 14017, directing a whole-of-government approach to assessing vulnerabilities in, and strengthening the resilience of, critical supply chains. On June 8, the Biden-Harris Administration announced key findings from the supply chain reviews directed under E.O. 14017, as well as immediate actions the Administration will take to strengthen American supply chains to promote economic security, national security, and good-paying, union jobs here at home. EPA looks forward to working with its federal partners to implement the relevant recommendations in these reports; and, if confirmed, I look forward to contributing to EPA's work on this initiative, as appropriate.

8. Do you believe that Americans should fully bear the burden of eliminating our greenhouse gas emissions when other international countries are continuing to increase their emissions for the next decade?

RESPONSE: The Paris Agreement calls for action by all countries to reduce greenhouse gas emissions. Countries across the globe must step up to address the climate crisis. Given that more than 85 percent of emissions come from beyond U.S. borders, domestic action must go hand in hand with international leadership. All countries—and particularly the major economies—must do more to bend the curve on global emissions to keep a 1.5-degree Celsius limit on global average temperature rise within reach.

9. Do you believe that China should be considered a "developing" country when pledging to emissions reductions in international agreements?

RESPONSE: China is the world's second largest economy and the world's largest greenhouse gas emitter. The Paris Agreement calls for action by all countries to reduce greenhouse gas emissions. China's efforts to reduce emissions this decade need to be consistent with China's position as a leading economy and the world's largest GHG emitter.

10. Do you believe the US should be investing significant amounts of funding overseas for the decommissioning and repurposing of coal assets, as well as social and economic support for international communities impacted by the transition from a coal-based economy?

RESPONSE: Recognizing that unabated coal power generation is the single biggest source of greenhouse gas emissions globally, and consistent with President Biden's domestic leadership, G7 leaders committed to an end to the new direct government support for unabated international thermal coal power generation by the end of this year.

11. *E&E News* in April reported that "Coal will have to disappear if Biden hopes to meet his 2030 goal" for the Nationally Determined Contribution (NDC).² Do you believe that the US should end coal use to meet the NDC?

RESPONSE: Coal plays an important role in our electricity sector; its production and use also cause pollution and contribute to climate change. I believe the President has made it clear that we need a wide variety of fuel sources to move us forward toward a cleaner energy future.

12. EPA has still not provided the Committee with calendars for a number of senior political leaders as I requested in an April 7, 2021 letter to Administrator Regan. If confirmed, will you commit to ensuring EPA provides your detailed calendars to the Committee on a consistent basis?

RESPONSE: I share Administrator Regan's commitment to transparency. If confirmed, I commit to conducting the Agency's work in a transparent manner in accordance with the law and to discussing the topic of calendar disclosure with EPA staff.

13. Last month, the White House Environmental Justice Advisory Council (WHEJAC) concluded that carbon capture utilization and storage (CCUS), the procurement of nuclear power, and fossil fuel-related infrastructure do not benefit environmental justice communities. Do you believe investment in carbon capture, nuclear power, and fossil fuel-related infrastructure projects can be beneficial to environmental justice communities?

² Benjamin Storrow, *Biden's climate goal would end American coal*, E&E NEWS (Apr. 22, 2021), <https://www.eenews.net/stories/1063730653>.

RESPONSE: If confirmed, I look forward to working with EPA’s Office of Environmental Justice to fully understand the conclusions of the WHEJAC, as needed, to fulfill the duties assigned to me in EPA’s Office of International and Tribal Affairs.

14. Do you support the use of carbon capture, utilization, and storage on power plants and other industrial facilities that burn coal in the United States and abroad?

RESPONSE: EPA’s Office of Air and Radiation and Office of Water have the lead roles for this issue at EPA. If confirmed, I look forward to working with my colleagues in those offices, as needed, to fulfill the duties assigned to me in EPA’s Office of International and Tribal Affairs.

15. Do you support the use of carbon capture, utilization, and storage on power plants and other industrial facilities that burn coal in the United States and abroad?

RESPONSE: EPA’s Office of Air and Radiation and Office of Water have the lead roles for this issue at EPA. If confirmed, I look forward to working with my colleagues in those offices, as needed, to fulfill the duties assigned to me in EPA’s Office of International and Tribal Affairs.

16. Why did you support reversing the denial of petitions to regulate greenhouse gas emissions under new authorities in the Clean Air Act during your tenure as Acting EPA Administrator?

RESPONSE: On January 19, 2021, EPA denied petitions to establish national pollution limits for greenhouse gases under the Clean Air Act. While acting as EPA Administrator on March 4, 2021, I withdrew the denials because EPA had not fully and fairly assessed the issues raised by the petitions. The action I took to withdraw the denials allows the EPA to further consider the important issues raised by the petitions.

17. Can you please provide copies of all reversals of rulemaking petitions that you issued while serving as Acting EPA Administrator?

RESPONSE: Yes. Please see my signed letters, attached.

18. Do you support the designation of greenhouse gases as “criteria pollutants” subject to regulation under the National Ambient Air Quality Standards program of the Clean Air Act?

RESPONSE: EPA’s Office of Air and Radiation has the lead role for this issue at EPA. If confirmed, I look forward to working with my colleagues in OAR, as needed, to fulfill the duties assigned to me in EPA’s Office of International and Tribal Affairs.

19. Do you support regulation of greenhouse gases as “hazardous air pollutants” under Section 112 of the Clean Air Act?

RESPONSE: EPA’s Office of Air and Radiation has the lead role for this issue at EPA. If confirmed, I look forward to working with my colleagues in OAR, as needed, to fulfill the duties assigned to me in EPA’s Office of International and Tribal Affairs.

20. Do you believe that Section 115 of the Clean Air Act should be used to address greenhouse gas emissions?

RESPONSE: EPA’s Office of Air and Radiation has the lead role for this issue at EPA. If confirmed, I look forward to working with my colleagues in OAR, as needed, to fulfill the duties assigned to me in EPA’s Office of International and Tribal Affairs.

Senator Inhofe:

1. Ms. Nishida, what is the status of the EPA’s review of former EPA Administrator Wheeler’s October 1, 2020 approval of Oklahoma Governor Stitt’s request to continue administering in certain areas of Indian country the State’s environmental regulatory programs that were previously approved by EPA?

RESPONSE: At the request of tribes located in the State of Oklahoma, EPA plans to hold a formal tribal consultation, beginning later this summer. The dates have not yet been finalized, but we will keep your office and the Committee informed.

- a. Will you commit to following the law, in particular as required by Section 10211(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (P.L.109-59)?

RESPONSE: Yes, I will continue to faithfully implement federal laws, if I am confirmed.

Senator Cramer:

1. As U.S. energy sources continue to reduce emissions of criteria air pollutants to ever smaller levels it is evident foreign sources outside our direct control constitute the majority of emissions inhibiting further air quality improvements.
- a. As the United States engages in international constructs like the Paris Climate Accords, should you be confirmed, do you believe the United States should take credit for the reductions they have already achieved?

RESPONSE: The Paris Agreement calls for action by all countries to reduce greenhouse gas emissions. Countries across the globe must step up to address the

climate crisis. Given that more than 85 percent of emissions come from beyond U.S. borders, domestic action must go hand in hand with international leadership. All countries—and particularly the major economies—must do more to bend the curve on global emissions to keep a 1.5-degree Celsius limit on global average temperature rise within reach.

- b. How can the United States assert its leadership to hold countries like China and India accountable for their increasing emissions?

RESPONSE: The Paris Agreement calls for action by all countries to reduce greenhouse gas emissions. Countries across the globe must step up to address the climate crisis. Given that more than 85 percent of emissions come from beyond U.S. borders, domestic action must go hand in hand with international leadership. All countries—and particularly the major economies—must do more to bend the curve on global emissions to keep a 1.5-degree Celsius limit on global average temperature rise within reach.

This past Earth Day, President Biden convened heads of state and government, as well as leaders and representatives from international organizations, businesses, subnational governments, and indigenous communities to rally the world in tackling the climate crisis, demonstrate the economic opportunities of the future, and affirm the need for unprecedented global cooperation and ambition to meet the moment. President Biden repeated this message at the G7 and plans to do so again at the G20.

- c. Do you believe the United States' energy independence strengthens our global leadership and should it be maintained?

RESPONSE: President Biden has put jobs at the center of his Build Back Better and climate agenda, which lays out a vision for good-paying union jobs to build the infrastructure we need to maintain U.S. competitiveness, restore U.S. climate leadership, and move us to a clean energy economy. If confirmed, I am committed to working with the rest of the Biden-Harris Administration team as we work to position U.S. workers to secure jobs in deploying clean energy and building modern, resilient infrastructure while we invest in disadvantaged and underserved communities.

- d. As the United States engages with the international community, how can we incentivize and export US innovation to help reduce global emissions?

RESPONSE: At this spring's Leaders Summit on Climate, the President underscored the Administration's commitment to leading a clean energy revolution and creating good-paying, union jobs, noting that the countries that take decisive action now will reap the economic benefits of the future. An example of how the Biden-Harris Administration is promoting the export of U.S. innovation is the U.S. Trade and Development Agency's Global Partnership to

connect U.S. industry to major energy and transportation infrastructure investments in emerging markets. This initiative will support the rebuilding of the U.S. middle class through the export of U.S.-manufactured goods and services, while enhancing economic recovery through climate-smart infrastructure development for our partners and allies globally. The Global Climate-Smart Infrastructure Partnership will leverage USTDA's project preparation and partnership-building tools to support the use of U.S. technologies and services in overseas climate-smart infrastructure projects.

2. The Mandan, Hidatsa, and Arikara (MHA) Nation's mineral resources are often described as the sweet spot of the prolific Bakken/Three Forks oil field and their leadership has been focused on developing these resources to continue improving the standard of living of their tribal members.
 - a. In addition to working with the tribe to ensure this energy development is done in a timely manner with environmentally sound practices will you work to ensure other EPA actions do not negatively impact energy production by the MHA Nation?

RESPONSE: The Assistant Administrator for the Office of International and Tribal Affairs is EPA's Designated Consultation Official. If I am confirmed as Assistant Administrator for International and Tribal Affairs, I will work to ensure that EPA respects tribal sovereignty and consults meaningfully on all regulations and policies that may impact Indian country, in accordance with both EPA's Consultation Policy and Executive Order 13175 on Tribal Consultation.

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 reg-

ulated communities are going to have the opportunity to speak to this.

Senator INHOFE. OK, 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 8 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. OK, 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 disadvan-

tagged 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 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. OK, 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 NGO's 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 CARPER. 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 bal-

ance 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 Reagan is committed to that type of balance, and I again would support that.

Senator SULLIVAN. Good. I have talked to him at nauseum about the issue. So Ms. Nishida, let me go into a little bit of issues with you. I have talked to Administrator Reagan 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 trans-boundary 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 cleanup 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 Minor-

ity 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 work force 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 De-

partment 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 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 6 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:]



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

March 4, 2021

OFFICE OF THE
ADMINISTRATOR

Ms. Gillian May Boeve
Executive Director
350.org
P.O. Box 843004
Boston, Massachusetts 02284-3004

Dear Ms. Boeve:

The Center for Biological Diversity and 350.org submitted a Petition to Establish National Pollution Limits for Greenhouse Gases Pursuant to the *Clean Air Act* to the U.S. Environmental Protection Agency on December 2, 2009. As you know, on January 19, 2021, the EPA sent you a denial of your then-pending petition.

I am withdrawing the denial of your petition, as the agency did not fully and fairly assess the issues raised by the petition. The EPA intends to further consider the important issues raised by your petition before responding.

Thank you for your interest in these issues, and please contact me if you have further questions about the status of the EPA's response to your petition.

Sincerely,


Jane Nishida
Acting Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

March 4, 2021

OFFICE OF THE
ADMINISTRATOR

Mr. Adam Carlesco
Staff Attorney – Climate & Energy
Food & Water Watch
1616 P Street, NW, Suite 600
Washington, D.C. 20036

Dear Mr. Carlesco:

Food & Water Watch submitted a Petition for Listing and Rulemaking Under Section 112 of the Clean Air Act to Establish Greenhouse Gases as Hazard Air Pollutants and to Set National Emission Standards for Hazardous Air Pollutant Emissions to the U.S. Environmental Protection Agency on April 3, 2019. As you know, on January 19, 2021, the EPA sent you a denial of your then-pending petition.

I am withdrawing the denial of your petition, as the agency did not fully and fairly assess the issues raised by the petition. The EPA intends to further consider the important issues raised by your petition before responding.

Thank you for your interest in these issues, and please contact me if you have further questions about the status of the EPA's response to your petition.

Sincerely,


Jane T. Nishida
Acting Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

March 4, 2021

OFFICE OF
THE ADMINISTRATOR

Mr. Jason A Schwartz
Institute for Policy Integrity
New York University School of Law
Wilf Hall
139 MacDougal Street, Third Floor
New York, New York 10012

Dear Mr. Schwartz:

The Institute for Policy Integrity submitted a Petition for Rulemakings and Call for Information under Section 115, Title VI, Section 111, and Title II of the *Clean Air Act* to Regulate Greenhouse Gas Emissions to the U.S. Environmental Protection Agency on February 19, 2013. As you know, on January 19, 2021, the EPA sent you a denial of your then-pending petition.

I am withdrawing the denial of your petition, as the agency did not fully and fairly assess the issues raised by the petition. The EPA intends to further consider the important issues raised by your petition before responding.

Thank you for your interest in these issues, and please contact me if you have further questions about the status of EPA's response to your petition.

Sincerely,


Jane Nishida
Acting Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

March 4, 2021

OFFICE OF THE
ADMINISTRATOR

Ms. Kassie Siegel
Director, Climate Law Institute
Center for Biological Diversity
P.O. Box 549
Joshua Tree, California 92252

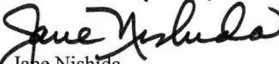
Dear Ms. Siegel:

The Center for Biological Diversity and 350.org submitted a Petition to Establish National Pollution Limits for Greenhouse Gases Pursuant to the *Clean Air Act* to the U.S. Environmental Protection Agency on December 2, 2009. As you know, on January 19, 2021, the EPA sent you a denial of your then-pending petition.

I am withdrawing the denial of your petition, as the agency did not fully and fairly assess the issues raised by the petition. The EPA intends to further consider the important issues raised by your petition before responding.

Thank you for your interest in these issues, and please contact me if you have further questions about the status of the EPA's response to your petition.

Sincerely,


Jane Nishida
Acting Administrator



Gavin Newsom
Governor

Jared Blumenfeld
Secretary for Environmental Protection

June 14, 2021

Senator Alex Padilla
Senate Environment and Public Works Committee
501 I Street
Suite 7-800
Sacramento, CA 95814

Dear Senator Padilla,

At the California Environmental Protection Agency, we continue to prioritize international and tribal engagement, valuing our partnerships with the U.S. Environmental Protection Agency as we work to protect public health and the environment. Understanding the importance of international and tribal partnerships in addressing the key environmental challenges of today, I would like to provide my strong recommendation for the appointment of Ms. Jane Nishida to the role of Assistant Administrator for the Office of International and Tribal Affairs at the U.S. Environmental Protection Agency.

Ms. Nishida has over 30 years of environmental experience working in federal and state government, and has previously served as the Director of the Office of Regional and Bilateral Affairs at U.S. EPA. Ms. Nishida has a long history of international engagement, and a strong belief in honoring government-to-government relationships and respecting tribal treaty rights. In her current capacity, she leads EPA's international and tribal portfolios, and is responsible for the full range of EPA's environmental policy development and program implementation in tribal lands and in sovereign nations outside of the United States.

At CalEPA, we understand the importance of engaging with Tribes in a meaningful, inclusive, and mutually respectful way. In Ms. Nishida's 2015 testimony to the Senate Environment and Public Works Committee, Ms. Nishida shared how vital it is for environmental managers to involve all stakeholders in the decision-making process, and "to listen and to learn from them." CalEPA operates under these same principles, and I believe that, with Ms. Nishida's experience, she would serve well in this role.

Deputy Secretary for Environmental Justice, Tribal Affairs and Border Relations Yana Garcia (Yana.Garcia@calepa.ca.gov) is available should your team have any questions.

Sincerely,

Jared Blumenfeld
Secretary for Environmental Protection

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

NEIL L. BRADLEY
EXECUTIVE VICE PRESIDENT &
CHIEF POLICY OFFICER

1615 H STREET, NW
WASHINGTON, DC 20062
(202) 463-5310

June 7, 2021

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

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment
and Public Works
United States Senate
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito:

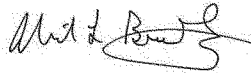
The U.S. Chamber of Commerce strongly supports the nomination of Jane Nishida to be Assistant Administrator for International and Tribal Affairs at the United States Environmental Protection Agency (EPA).

Ms. Nishida would bring valuable experience in confronting the challenges and opportunities presented by the growing environmental interests of U.S. industry in global markets. Through her position as Acting Assistant Administrator and the Principal Deputy Assistant Administrator at EPA, Ms. Nishida has demonstrated a deep understanding of the interplay of international and domestic environmental issues. She has exhibited a strong commitment to equitable and science-based environmental outcomes and has a proven interest in promoting the deployment of U.S. technologies, products, and services to address global environmental challenges.

Ms. Nishida would bring leadership and substantial international credibility to all U.S. efforts to drive the climate transition, materials management and recycling, water quality, and conservation. In addition, she would lead efforts to build smart, modern, and resilient infrastructure in ways consistent with market-based growth.

The Chamber believes Mr. Nishida is the right person at the right time to serve in this important leadership position at EPA. Thank you for scheduling the June 16 hearing. We look forward to working with the committee regarding our shared priorities and to Ms. Nishida's expeditious confirmation.

Sincerely,



Neil L. Bradley

cc: Members of the Senate Committee on Environment and Public Works

June 7, 2021

The Honorable Tom Carper
Chairman
Senate Committee on Environment
and Public Works
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member
Senate Committee on Environment
and Public Works
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito:

The purpose of this letter is to express my enthusiastic support of the nomination of Ms. Jane Nishida for Assistant Administrator for the Environmental Protection Agency's International and Tribal Affairs. I urge the Committee to advance her nomination.

Ms. Nishida has over thirty years of experience in the environmental arena at the state, federal and international levels. Recently, she has developed into both a national and international leader in the field of ocean plastics and marine debris. This includes the role that waste management plays in addressing some of the most pressing environmental challenges of today, including plastic waste in the environment. She has a history of working collaboratively with the business community, non-governmental organizations, and other critical stakeholders who collectively aim to address ocean plastics by considering the consequence of a larger system failure related to inadequate waste management. She has demonstrated the ability to be an influential voice in the important conversations that lead up to major international forums, such as, the G7, G20 and the United Nations Environment Assembly.

Ms. Nishida is well qualified to lead the International and Tribal Affairs office at the EPA, and her record as a collaborative leader and consensus builder will serve her well in this role. I strongly support the nomination of Ms. Nishida to lead this office.

Sincerely,



Michael E. Witt, Ph.D.
Corporate Director of EH&S and Sustainability at Dow, Inc.
Chair of Plastics Leadership Group at International Council of Chemical Associations

cc: Lauren Allen, Jacqueline Cameron, Karly McQuitty, Ashley Morgan, Lydia Wehrley

June 10, 2021

The Honorable Thomas R. Carper
Chairman, Senate Environment and
Public Works Committee
456 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Environment and
Public Works Committee
410 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Carper and Senator Capito:

It is our honor to recommend Jane Nishida to you for appointment as Assistant Administrator of the United States Environmental Protection Agency (EPA or Agency) for the Office of International and Tribal Affairs (OITA). Ms. Nishida possesses the necessary character, professionalism, knowledge, experience, and dedication to the Agency and its mission to be successful in the role to which she has been nominated by President Biden.

Ms. Nishida has served the Agency since 2011, notably acting for many years in the very role to which she is now nominated. We both served as Assistant Administrators in the last Administration, and as such had many opportunities to work with Ms. Nishida in OITA, particularly as OITA's Principal Deputy Assistant Administrator. Both the chemical and the waste management programs, for which we were respectively responsible, had important international and tribal matters before them which gave us excellent opportunities to work closely with Ms. Nishida and the OITA staff.

Through these experiences, we can attest that Ms. Nishida can be relied upon for creative solutions, careful listening, and timely responses. Ms. Nishida can be counted on for calm and insightful approaches to difficult conversations, and her ability to advance constructive dialogue. Her background in state environmental agency leadership facilitates her understanding of the expertise and competencies of the states, and her interest in identifying meaningful joint environmental initiatives. In her years at the Agency, and in working with us, Ms. Nishida demonstrated her respect and empowerment of the staff, her dedication to science, and her commitment to including diverse views and perspectives. These skills are critical in every EPA office and particularly essential for OITA's leader.

We recommend Ms. Nishida to you without hesitation. If you have any questions or concerns, you may reach us at the contact information below.

Sincerely,



Alexandra Dapolito Dunn, Esq.
46815 Willowood Place
Potomac Falls, VA 20165
202/230-4247



Peter C. Wright
800 New Jersey Ave SE
Washington, D.C. 20003
989/859-3184

Kenneth E. Wagner
Secretary of
Energy & Environment



OKLAHOMA
Secretary of Energy &
Environment

J. Kevin Stitt
Governor

May 26, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, DC 20510

Subject: Nomination of Jane Nishida as Assistant Administrator, Office of International and Tribal Affairs, US Environmental Protection Agency

Dear Chairman Carper and Ranking Member Capito:

It is with great enthusiasm and confidence that I write this letter in support of the confirmation of Jane Nishida to the position of Assistant Administrator for the Office of International and Tribal Affairs ("OITA") in the US Environmental Protection Agency.

I had the privilege of working with Ms. Nishida from 2017-2019 when she served as the Principal Deputy Assistant Administrator in OITA. During my time at EPA, I watched Ms. Nishida faithfully perform her duties in the most professional and competent ways possible. More importantly, she was always eager to help advance the mission of the agency by assisting political appointees do their job in the most effective ways possible. She managed the international relationships deftly, and always advocated that tribal relationships be included in federalism projects that might be happening. As my job focused on the state and federal relationships, her assistance was invaluable in setting meetings and consultations with tribal leadership that might be located in the region. Her work was done in such a way that it was productive, but never threatening, obstructive or intrusive.

As Oklahoma is home to 39 federally recognized tribes, I think Ms. Nishida is an excellent nominee who will thoughtfully consider the needs of the tribal nations while understanding and balancing the sensitive and important relationships with the states. It is for these, and other reasons that I proudly support the confirmation of Ms. Nishida for Assistant Administrator.

Respectfully,

Kenneth E. Wagner
Secretary of Energy and Environment



CIRCULATE CAPITAL

June 7, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

As Founder and CEO of Circulate Capital, I am writing to express our strong support for the confirmation of Jane Nishida to the position of Assistant Administrator for the Office of International and Tribal Affairs at the U.S. Environmental Protection Agency.

Circulate Capital is an investment management firm dedicated to incubating and financing companies that prevent plastic pollution and advance the circular economy. We were created in collaboration with Ocean Conservancy, and our founding investors include PepsiCo, Procter & Gamble, Dow, Danone, CHANEL, Unilever, The Coca-Cola Company and Chevron Phillips Chemical Company LLC.

From the start, our interactions with Ms. Nishida have been productive, collaborative, and practical. She is adept at engaging a wide variety of public and private sector stakeholders, understanding their perspectives, and identifying opportunities to create progress and impact. As a private investor, we have relied on her leadership to help us navigate and engage with the US EPA to find opportunities to invest our capital that also support the priorities of the US Government.

Further, Ms. Nishida's strong relationships with foreign governments and other key stakeholders have proved incredibly valuable to enable private sector investors, such as ourselves, to successfully engage in international fora.

I believe that nominated Assistant Administrator Nishida's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of International and Tribal Affairs. I fully support her confirmation and look forward to working with her on developing partnerships and collaborations to support the objectives of OITA.

Sincerely,

Robert Kaplan
Chief Executive Officer

Circulate Capital, LLC
circulatecapital.com

c/o RPCK Rastegar Panchal
One Grand Central Place
60 East 42nd Street, Suite 2410
New York, NY 10165

www.NTAATribalAir.org
928.523.0526 office
928.523.1266 fax



National Tribal Air Association
P.O. Box 15004
Flagstaff, AZ 86011-5004

June 2, 2021

Executive Committee

Region 1

Bill Thompson
Penobscot Nation

Marvin Cling
Passamaquoddy Tribe

Region 2

Angela Benedict
Saint Regis Mohawk Tribe

Steven Smith
Shinnecock Nation

Region 4

Scott Hansen
NTAA Treasurer
Catawba Indian Nation

Tiffany Lozada
Pawnee Band of Creek Indians

Region 5

Brandy Toft
NTAA Vice-Chairperson
Leech Lake Band of Ojibwe

Joy Wiecks
Fond du Lac Band of Lake
Superior Chippewa

Region 6

Craig Kreman
NTAA Secretary
Quapaw Nation

Region 7

Billie Toledo
Prairie Band Potawatomi
Nation

Allison Gienapp
Ponca Tribe of Nebraska

Region 8

Randy Ashley
Confederated Salish &
Kootenai Tribes

Linda Weeks-Reddoor
Fort Peck Assiniboine-Sioux
Tribes

Region 9

Wilfred J. Nabahe
Colorado River Indian Tribes

Region 10

Carol Kriebs
NTAA Chairwoman
Kootenai Tribe of Idaho

Lucas Bair
Spokane Tribe

Alaska

Ann Wyatt
Klawock Cooperative
Association

Maranda Hamme
Craig Tribal Association

The Honorable Tom Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Honorable Chairman and Honorable Ranking Member:

The National Tribal Air Association (NTAA) is pleased to support the nomination and confirmation of Jane Nishida as Assistant Administrator for the U.S. Environmental Protection Agency's Office of International and Tribal Affairs (EPA's OITA). The NTAA is a member-based organization with 153 principle member Tribes. The organization's mission is to advance air quality management policies and programs, consistent with the needs, interests, and unique legal status of Indian Tribes. As such, the NTAA uses its resources to support the efforts of all federally recognized Tribes in protecting and improving the air quality within their respective jurisdictions.

NTAA's Executive Committee (EC) members have met and worked with Ms. Nishida for many years. The NTAA EC most recently met with her while she served as the Acting Administrator in February 2021. NTAA EC members are confident that Acting Assistant Administrator Nishida's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's OITA. We fully support her confirmation and look forward to working with her on developing programs to advance air quality and combat climate change.

The NTAA is honored to support Jane Nishida's nomination. Tribes across the nation will benefit from Jane's leadership and we are eager to work with her in her confirmed role as Assistant Administrator of the U.S. EPA's OITA.

On Behalf of the NTAA Executive Committee,

Carol A. Kriebs
Chairwoman
NTAA Executive Committee



June 3, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Honorable Chair Carper and Honorable Ranking Member Capito:

On behalf of the National Tribal Water Council (NTWC), I am providing this letter of recommendation for the confirmation of Ms. Jane Nishida to the position of Assistant Administrator for the Office of International and Tribal Affairs (OITA), at the U.S. Environmental Protection Agency (EPA).

EPA established the NTWC to provide EPA with technical input from Indian Country, to strengthen EPA's coordination with tribes, and to allow EPA to better understand issues and challenges faced by tribal governments and Alaska Native Villages as they relate to EPA water programs and initiatives.

Ms. Nishida has been a strong advocate for national tribal environmental organizations such as the NTWC as well as many tribes across the nation. Over her 30 years of work at EPA, Jane has demonstrated a long-standing commitment to recognize and uphold the government-to-government partnerships with tribes and tribal environmental self-determination efforts. Early on, Jane recognized that tribal sovereignty and self-determination can be strengthened by tribes by obtaining Treatment in a Similar Manner as a State (TAS) delegation for tribal water regulatory programs.

Today, 70 federally recognized tribes have been granted the authority to administer water quality standards programs for their tribal waters. It is the goal of the EPA to reach 100 tribes with TAS for administering water quality standards programs over the next three years. As the Assistant Administrator of OITA, I believe Ms. Nishida will be highly instrumental in achieving this goal.



Northern Arizona University
PO Box 15004
Flagstaff, AZ 86011-5004
Elaine H. Wilson, NTWC Project
Manager

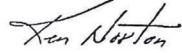
928-523-9555 office
928-523-1266 fax
nau.edu/itep
Elaine.Wilson@nau.edu
480-340-2306 cell



Additionally, Ms. Nishida recognizes that there are 230 tribes with reservation waters that have not been afforded Clean Water Act protections. Since 2002, Ms. Nishida has been working tirelessly to address this regulatory gap by leading the effort on promulgating water quality standards for tribes that have not received TAS for their reservation waters. As the Assistant Administrator, I believe Ms. Nishida will do a great job spearheading the Tribal Baseline Water Quality Standards rulemaking initiative which is slated to be finalized by 2023.

It is with the highest conviction and confidence that the NTWC fully supports Ms. Nishida's confirmation and we look forward to working with her on increasing tribal TAS delegations and promulgating water quality standards to improve water quality protections on tribal lands across the country.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Norton", with a stylized flourish at the end.

Ken Norton, Chairman
National Tribal Water Council

Cc: Karen Gude, Gude.Karen@epa.gov



May 27, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito:

I am writing to express my strong support for the confirmation of Jane Nishida to the position of Assistant Administrator at EPA's Office of International and Tribal Affairs.

My enthusiasm for Jane's nomination is based on knowing and working with her on a wide range of environmental and public health issues over the past 25 years, dating back to her time as Maryland's Environment Secretary. At that time I was New Hampshire's Environmental Commissioner (for 3 governors of both political parties) and then served as EPA New England Regional Administrator during the Bush administration. More recently, I have worked with Jane and her colleagues in the EPA's Office of International and Tribal Affairs in my role as a member of the Joint Public Advisory Committee (JPAC) which promotes public participation and provides independent advice to the top environmental leaders in Mexico, Canada and the United States on environmental aspects of the USMCA (formerly NAFTA). I served as chairman of this group during both the Obama and Trump administrations and several of our recommendations were included in the new trade agreement.

Based on this history of working with Jane in a wide variety of settings with a diverse range of participants and perspectives, I have found Jane Nishida to be among the most respected, admired and talented environmental leaders in our nation. She is a good listener and a talented negotiator with superb diplomatic skills who seeks to build consensus through collaboration to find common ground. Jane also encourages innovation, promotes practical, results-oriented, pragmatic solutions and works to ensure that limited taxpayer dollars are used wisely and cost-effectively for maximum benefit with measurable results.

Thank you for the opportunity to express my strong and enthusiastic support for Jane Nishida to be confirmed as Assistant Administrator at EPA's Office of International and Tribal Affairs.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. W. Varney".

Robert W. Varney
President

OFFICE OF W. SCOTT MASON

May 28, 2021

The Honorable Thomas R. Carper
United States Senate
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
United States Senate
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito:

As the immediate former Director of the United States Environmental Protection Agency (EPA) American Indian Environmental Office, I am writing to express my strong support for the confirmation of Jane Nishida to the position of Assistant Administrator of International and Tribal Affairs for the U.S. EPA. While I may not personally support the policies of this Administration, including those from this EPA, I know that Ms. Nishida will serve honorably and with distinction.

I had the privilege of serving with Ms. Nishida in my previous capacity, as she was then-Principal Deputy Assistant Administrator of the office. Aside from my former official capacity, I am a tribal citizen and can attest to Ms. Nishida's sincere and thorough concern for the protection of public health and the environment in Indian Country. Additionally, Ms. Nishida is highly respected on both sides of the political aisle, throughout the EPA and with tribal and foreign governments.

As you are aware, Ms. Nishida recently served as Acting Administrator of the EPA. She is more than capable of leading International and Tribal Affairs for the Agency, and I have no doubt she would ultimately serve the American people in this capacity with the utmost integrity and the highest of ethics.

I strongly urge you to confirm Jane Nishida as Assistant Administrator of the EPA Office of International and Tribal Affairs.

Sincerely yours,

WSM.

W. Scott Mason

UTBB Headquarters:

P.O. Box 1252
 Dillingham, AK 99576
 Phone: 907-842-1687
 Fax: 907-842-1853

UTBB Member Tribes:

Nondalton Tribal Council
 P.O. Box 49
 Nondalton, AK 99640
 Ph/Fax: 907-204-2257 / 907-204-2271

New Stuyahok Traditional Council
 P.O. Box 49
 New Stuyahok, AK 99636
 Ph/Fax: 907-693-3173 / 907-693-3179

Levelok Village Council
 P.O. Box 70
 Levelok, Alaska 99625
 Ph/Fax: 907-596-3434 / 907-596-3462

Curvung Tribal Council
 P.O. Box 216
 Dillingham, Alaska 99576
 Ph/Fax: 907-842-2584 / 907-842-4510

Ikuk Village Council
 P.O. Box 530
 Dillingham, Alaska 99576
 Ph/Fax: 907-842-3842 / 907-842-3843

Mankotuk Village Council
 P.O. Box 169
 Mankotuk, Alaska 99628
 Ph/Fax: 907-289-2967 / 907-289-1235

New Koliganek Village Council
 P.O. Box 5057
 Koliganek, Alaska 99576
 Ph/Fax: 907-596-3434 / 907-596-3462

Traditional Council of Togiak
 P.O. Box 310
 Togiak, Alaska 99078
 Telephone: 907-493-5003
 Fax: 907-493-5005

Clarks Point Village Council
 P.O. Box 90
 Clark's Point, Alaska 99569
 Ph/Fax: 907-256-1427 / 907-256-1428

Twin Hills Village Council
 P.O. Box 17
 Twin Hills, Alaska 99576
 Ph/Fax: 907-525-4821 / 907-525-4822

Aleknagik Traditional Council
 P.O. Box 115
 Aleknagik, AK 99555
 Ph/Fax: 907-842-2080 / 907-842-2081

Portage Creek Village Council
 1327 E. 72nd Unit B
 Anchorage, AK 99518
 Ph/Fax: 907-277-1105 / 907-277-1104

Chignik Lake Traditional Council
 P.O. Box 33
 Chignik Lake, AK 99548
 Ph/Fax: 907-845-2212 / 907-845-2217

Pilot Point Tribal Council
 PO Box 449
 Pilot Point, AK 99649
 Ph/Fax: 907-797-2258 / 907-797-2258

Pedro Bay Village Council
 PO Box 47020
 Pedro Bay, AK 99647
 Ph/Fax: 907-850-2225 / 907-850-2221



Senator Tom Carper
Chairman
Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

Senator Shelley Moore Capito
Ranking Member
Senate Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, D.C. 20510

June 15, 2021

Chairman Carper and Ranking Member Capito,

The United Tribes of Bristol Bay is a Tribal consortium working to protect the traditional Yup'ik, Dena'ina, and Alutiq ways of life in Southwest Alaska. Our people have lived and thrived in this land for millennia and we are committed to not only supporting our people who live here now but also ensuring that future generations can live in the same land of their ancestors. Together, we are one of the last salmon-based cultures in the world. Our peoples have come together to protect the pristine Bristol Bay Watershed and all it sustains – most notably the most productive wild salmon fishery in the world.

The United Tribes of Bristol Bay, representing fifteen tribal governments, stand in strong support of the nomination and confirmation of Jane Nishida as Assistant Administrator for the U.S. Environmental Protection Agency's Office of International and Tribal Affairs (EPA's OITA).

Ms. Nishida is eminently qualified and has a long record of building consensus-based solutions. It is evident that she has a thorough knowledge of the complex arena of American Indian and Alaska Native law and policy. She has proven to be a competent, passionate, compassionate advocate for our issues and has addressed most effectively many of our concerns. With more than 30 years of environmental experience, she has served as the Maryland Secretary of the Environment, at The World Bank, and spent nearly a decade at the EPA – including as acting administrator. Ms. Nishida has demonstrated time and again that she has the temperament and management skills necessary to bring together diverse stakeholders and craft collaborative policy solutions.

Ms. Nishida is uniquely qualified to strengthen the federal government's ties with Tribal nations, build and maintain relationships based on mutual respect, and advocate for mutually beneficial policies. Certainly, Tribal Nations across the country will benefit from her leadership and we are eager to work with her in her confirmed role as Assistant Administrator of the Office of International and Tribal Affairs. We urge you to swiftly confirm Jane Nishida so she can get to work as quickly as possible.

Sincerely,

A handwritten signature in cursive script, reading "Hannah Hurley".

Hannah Hurley
Executive Director
United Tribes of Bristol Bay
www.utbb.org
Office (907) 842-1687
Cell (907) 843-1633
Fax (907) 842- 1853



CENTRAL COUNCIL
Tlingit & Haida Indian Tribes of Alaska
Office of the President • Edward K. Thomas Building
9097 Glacier Highway • Juneau, Alaska 99801

June 14, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito,

The Central Council of Tlingit & Haida Indian Tribes of Alaska stands in support of the nomination and confirmation of Jane Nishida as Assistant Administrator for the U.S. Environmental Protection Agency's Office of International and Tribal Affairs (EPA's OITA).

Tribal Nations across the country have worked closely with Ms. Nishida for many years. It is evident that she has a thorough knowledge of the complex arena of American Indian and Alaska Native law and policy. She has proven to be a competent, passionate, compassionate advocate for our issues and has addressed most effectively many of our concerns. We know her as a woman of uncommon intellect and unquestionable integrity. We are confident that Principal Deputy Assistant Administrator Nishida's experience, expertise, relationships, and values will position her to be a most effective leader of the Office of International and Tribal Affairs. Without hesitation, Tlingit & Haida unequivocally supports her confirmation and looks forward to working in partnership with Ms. Nishida to protect the human health and environment of our Nations.

Indeed, we are honored to support Jane Nishida's nomination and urge a swift confirmation. Certainly, Tribal Nations across the country will benefit from her leadership and we are eager to work with her in her confirmed role as Assistant Administrator of the Office of International and Tribal Affairs.

Gunalchéesh / Háw'aa, thank you for your consideration.

Sincerely,

Richard J. Peterson,
President

May 11, 2021

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

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Chairman Carper and Ranking Member Capito:

I am writing in support of the nomination of Jane Nishida to serve as Assistant Administrator for International and Tribal Affairs at the United States Environmental Protection Agency. During my tenure as the Assistant Administrator for International and Tribal Affairs from January 3, 2019 to January 20 2021, I was honored to have Jane Nishida reporting to me as my Principal Deputy Assistant Administrator.

No one in the new Administration is better qualified than Jane Nishida to serve in this position. She knows the international environmental policy leaders and has significant experience working and negotiating with them. She is familiar with and able to navigate the maze of Federal agencies and NGOs operating in the international environmental policy arena. Most importantly, her colleagues, both federally and internationally, know and highly respect her.

She has the heart and mindset for leading the U.S. EPA in the area of implementing its Federal Trust responsibilities with the Native American Tribes. She is well known and respected by EPA's tribal partners.

Although I will likely disagree with some of the new Administration's environmental policies, I offer my wholehearted support of Jane Nishida's nomination and hope that you are able to support her confirmation after you have completed your due diligence.

Sincerely,

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

W. C. McIntosh, P.E., Esq.
Former Assistant Administrator
International and Tribal Affairs
U.S. Environmental Protection Agency

June 4, 2021

The Honorable Tom Carper
Chairman
Senate Committee on Environment and Public Works
United States Senate
Washington D.C. 20510

The Honorable Shelly Moore Capito
Ranking Member
Senate Committee on Environment and Public Works
United States Senate
Washington D.C. 20510

Dear Senators Carper and Capito,

We enthusiastically support the nomination of Jane T. Nishida as the Assistant Administrator for the Office of International and Tribal Affairs at the U.S. EPA. Ms. Nishida has served in that Office as Deputy Assistant Administrator or Acting Assistant Administrator from 2009 to the present. She is enormously qualified for this position.

Since 2009, Ms. Nishida has seamlessly represented EPA with numerous tribal nations and foreign countries, working on issues ranging from developing infrastructure in tribal nations to negotiating international compacts. Jane Nishida is a highly skilled consensus builder, eminently knowledgeable about public health and environmental issues and a consummate professional.

Jane Nishida brought a wealth of experience to EPA, having worked previously in the NGO, private and state government sectors. She is the longest serving Secretary of the Maryland Department of Environment, having held that position from 1995 to 2002. While in that job, she led the Department's response to a significant oil spill, chemical fire in a train tunnel, a toxic algal bloom in the Chesapeake Bay and a major drought. In the private sector, she worked internationally on environmental development programs. In the NGO sector, she worked to restore the Chesapeake Bay.

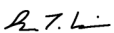
Collectively, we have known and worked with Jane Nishida at the Maryland Department of Environment, the U.S. EPA and in collaborative international efforts over many, many years. Ms. Nishida has the absolutely highest ethical standards, strongest work ethic and an unwavering commitment to improving public health and environmental protection.

Sincerely,


Ben Grumbles (Jun 3, 2021 07:54 EDT)
Ben Grumbles
Secretary
Maryland Department of Environment


Robert Summers, Ph. D.
Principal, EcoLogix Group
Former Secretary
Maryland Department of Environment


Bob Perciasepe
President, Center for Energy and Climate Solutions
Former Deputy Administrator, EPA
Former Secretary, Maryland Department of Environment


Shari T. Wilson (Jun 3, 2021 10:48 EDT)
Shari T. Wilson
Principal, Great Bay Work
Former Secretary
Maryland Department of Environment

Cc: Members of the Senate Committee on Environment and Public Works



CONGRESSIONAL HISPANIC CAUCUS

June 13, 2021

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

Dear Chairman Carper,

On behalf of the Congressional Hispanic Caucus (CHC), I write to emphasize the vital role that you and your committee play in the confirmation process and how it is a critical step in President Biden establishing the most diverse federal workforce in American history. As our country faces unprecedented challenges, we have the rare opportunity to rebuild our country in a way that meets the needs of minority populations and reflects the image of our diverse American constituency.

As the CHC works to ensure there is robust Latino representation in the administration, I write to urge the Senate to confirm Ms. Alejandra Y. Castillo to serve as the next Assistant Secretary of Commerce for Economic Development at the United States Department of Commerce. Ms. Castillo is a uniquely qualified candidate for the reasons delineated below.

Ms. Castillo has an illustrious record as an economic authority, scholar, and executive in the private, nonprofit and public sectors. For the last four years, Ms. Castillo served as the CEO of YWCA USA, where she oversaw the organization's operations, including 204 YWCA Associations reaching over 1300 communities. Ms. Castillo worked closely with communities, both large and small, to ensure economic resiliency and growth, especially among women and communities of color.

Prior to joining YWCA, Ms. Castillo spent three years as National Deputy Director and subsequently three years as National Director, of the Minority Business Development Agency (MBDA), where she became the first Latina at the helm of the organization, overseeing the Agency's budget, operations, and programming. Under her tenure, MBDA saw an increase of over 30% of its budget and launched the Inclusive Innovation Initiative (I3) to ensure the inclusion and promotion of minority owned business into the growing STEM-driven entrepreneurial arena.

In addition to her time at the MBDA, Ms. Castillo served as a Senior Advisor for International Trade to the Under Secretary of the International Trade Administration, working with state and local governments, and key business stakeholders. Her long career in the policy and economic arena was also demonstrated during her tenure as a Senior Advisor in the White House's Office of National Drug Control Policy.

Ms. Castillo is ready to serve based on decades of leadership in economic development and government. I urge the Senate to confirm Ms. Alejandra Y. Castillo to serve as the next Assistant Secretary of Commerce for Economic Development.

Sincerely,

A handwritten signature in blue ink that reads "Raul Ruiz".

Raul Ruiz, M.D.
Chair, Congressional Hispanic Caucus

June 14, 2021

Members of the United States Senate:

We strongly urge you to support President Joe Biden's upcoming nomination of LBJ School alumna Alejandra Y. Castillo to serve as Assistant Secretary for Economic Development, Department of Commerce.

Over the last several years, Ms. Castillo has emerged as a high-profile national leader. She most recently served as the President and CEO of the YWCA. Prior to this role, she served as the national director of the Minority Business Development Agency—the first Hispanic-American woman to lead the Agency since its creation—the Executive Director of the Hispanic National Bar Association, and a senior policy advisor for the Office of National Drug Control Policy.

Ms. Castillo symbolizes President Johnson's vision of what an LBJ graduate should represent. She is a successful and outstanding leader, yet at the same time a humble leader that wants to lift up future leaders. In 2020, Ms. Castillo received the LBJ School's highest alumni honor, the Distinguished Public Service Award. This award honors an alumnus whose career and public service record best represents the values on which the school was founded: action-oriented leadership, dedication to public service and courage.

In addition to being named a LBJ distinguished alum, she has received numerous awards and recognitions including being named one of the "Top 100 Influential Latinos in the U.S.," receiving the "Women of Power" Award from the National Urban League, and most recently the Medallion of Excellence for a Distinguished Alumnus from the Congressional Hispanic Caucus Institute.

Ms. Castillo's resume speaks for itself. However, what makes her a standout is her core grounding in being a Servant Leader. Ms. Castillo's vision and decades of public service are the embodiment of President Johnson's call for future graduates of the LBJ School to produce the greatest good for the greatest number.

Ms. Castillo has publicly and proudly cited that she is a product of Head Start and the School Lunch program. Her parents immigrated to New York City in the 1960s fleeing the repressive Trujillo dictatorship in the Dominican Republic. Ms. Castillo's family came in search of the American Dream. Through hard work, dedication, and policies of uplift embodied in The Great Society, Ms. Castillo attained the American Dream.

The growing economic inequality in this country has put the attainment of the American Dream in peril. Ms. Castillo has spent over twenty years in the arena battling to counter the forces that seek to erase the institutions and policies that allow for there to be an American Dream. Ms. Castillo's servant leadership role has been one that over the last decade has zeroed in on assuring that the American Dream is still attainable for the most vulnerable and disadvantaged among us.

As National Director of the Minority Business Development Agency (MBDA), Ms. Castillo oversaw the expansion and growth of assistance to minority owned businesses. Under the Obama administration, the MBDA assisted minority-owned firms in obtaining \$15 billion in contracts and capital, creating or saving 33,000 jobs. In the wake of the Great Recession that disproportionately affected communities of color, Ms. Castillo and the MBDA's work was critical to ensuring the hardest hit were provided the help they needed to recover.

In her most recent role as President and CEO of the YWCA, Ms. Castillo continued to push forward the mission of doing the greatest good for the greatest number. The YWCA's mission since its founding 160 years ago was to raise the voices of women and girls across the country. Today, the YWCA serves over 2.2 million women through 205 associations with 12,500 staff members and 52,000 volunteers. Ms. Castillo led the YWCA in its mission-driven work focusing on racial justice and civil rights, empowerment and economic advancement, and health and safety.

Shortly before becoming the President and CEO of the YWCA, the organization refocused its efforts on racial justice, developing Stand Against Racism, as a signature campaign. Under Ms. Castillo's leadership, the mission of eliminating racism and strengthening communities through racial justice grounded policies are at the forefront.

We could not be prouder of Ms. Castillo's accomplishments; the country will be better with her serving in this role.

Sincerely,



David Springer
Interim Dean
LBJ School of Public Affairs

Victoria M. DeFrancesco Soto, Ph.D.
Assistant Dean of Civic Engagement & External Affairs
LBJ School of Public Affairs



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 Washington, DC 20036-4845

☎ 202.785.1670
 📠 202.776.1792
 ● unidosus.org

June 14, 2021

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

The Honorable Shelley Moore Capito
 Ranking Member
 Committee on Environment & Public Works
 United States Senate
 Washington, DC 20510

Re: Support for Confirmation of Alejandra Castillo to Serve as the Next Assistant Secretary for Economic Development at the Department of Commerce

Dear Chairman Carper and Ranking Member Moore Capito:

As one of the members who spearheaded the Proyecto 20% initiative to ensure that at least 20% of the Biden administration's appointments are held by Latino/as, I am also taking this opportunity as the President and CEO of UnidosUS to forward the names of members of our community who are qualified and ready to serve the administration. With that in mind, I wish to bring Alejandra Castillo to your attention. Alejandra is eager and qualified to serve in the Biden-Harris administration as Assistant Secretary for Economic Development at the Department of Commerce.

For the last four years, Ms. Castillo has served as the CEO of YWCA USA, where she oversees the organization's operations and has led its transformative programming in pursuit of racial equality, gender equity, and defeating COVID-19. Prior to joining YWCA, Ms. Castillo held several leadership roles at the U.S. Department of Commerce, the White House, and the Democratic National Committee. Perhaps most notably, she spent three years as National Deputy Director and subsequently three years as National Director of the Minority Business Development Agency (MBDA), where she became the first Latina at the helm of the organization where she oversaw the agency's budget, operations, and programming. In addition to her time at the MBDA, Ms. Castillo served as a Senior Advisor for International Trade to the Under Secretary of the International Trade Administration, working with state and local governments and key business stakeholders. Her expertise in the policy and economic arena gained through her long career was also demonstrated during her tenure as a Senior Advisor in the White House's Office of National Drug Control Policy.

As you know, Latinos represent the largest and second-fastest growing ethnic group in the nation, making up nearly 20% of the U.S. population. In fact, Latinos are the most underrepresented minority group in the federal workforce, making up just 8% of total personnel.

For these reasons, we urge the Senate to confirm Ms. Castillo as Assistant Secretary for Economic Development at the Department of Commerce. We are confident that Ms. Castillo will expertly serve.

Sincerely,

Janet Murguía
 President and CEO



**National
Urban League**

Marc H. Morial
President & CEO

80 Pine Street, 9th Floor
New York, NY 10005

Phone 212 558 5336
eFax 646 568 2185

www.nul.org
presidentoffice@nul.org

**Empowering Communities.
Changing Lives.**

June 9, 2021

The Honorable Tom Carper
United States Senator for Delaware
Senior Member – U.S. Senate Committee on Homeland Security
and Government Affairs
513 Hart Senate Office Building
Washington, DC 20510

The Honorable Shelley Moore Capito
United States Senator for West Virginia
U.S. Senate Committee on Commerce, Science & Transportation
172 Russell Senate Office Building
Washington, DC 20510

Dear Senators Carper and Capito,

On behalf of the National Urban League, and the over 1.7 million people we serve in communities across the nation, we support the confirmation of Alejandra Y. Castillo to serve as the next Assistant Secretary of the Economic Development Administration (EDA) at the U.S. Department of Commerce. Ms. Castillo has had a distinguished career that makes her uniquely qualified to become our nation's top economic development official and lead the Department of Commerce's EDA at this critical time. She is a stellar nominee and deserves confirmation.

The National Urban League is dedicated to economic empowerment, equality, and social justice. Founded in 1910 and headquartered in New York City, the Urban League collaborates at the national and local levels with community leaders, policymakers, and corporate partners to elevate the standards of living for African Americans and other historically underserved groups. With 91 affiliates serving 300 communities in 37 states and the District of Columbia, the Urban League spearheads the development of social programs and authoritative public policy research, and advocates for policies and services that close the equality gap. At the community level, the National Urban League and its affiliates provide direct services that improve the lives of more than two million people annually.

Ms. Castillo has demonstrated through her stellar career a lifetime commitment and passion for public service serving as a critical voice for underserved communities all around the country. She brings a rich set of skills managing large organizations, critical understanding of the legislative and executive branch process, as well as designing policies, programs, and initiatives that deliver the greatest economic and social impact as well as accountability and transparency of public-led funds and investments.



**National
Urban League**

The Honorable Tom Carper
The Honorable Shelley Moore Capito
June 9, 2021
Page 2 of 2

Ms. Castillo is a proven transformational leader and has shown her ability to drive innovation and transformation aimed at supporting the economic growth and sustainability of communities with an eye toward the industries of tomorrow and jobs for the future.

We have worked closely with Ms. Castillo for many years and have watched her be a true public servant. As the National Director of the U.S. Department of Commerce, Minority Business Development Agency, Ms. Castillo helped launch the Inclusive Innovation Initiative which focused on bringing technology transfer opportunities to minority business owners. We are confident that as Assistant Secretary for the EDA she will continue to be a champion for economic and workforce development that will help strengthen our nation's global innovation and competitiveness.

Ms. Castillo's almost three decades of experience in the economic and business arena provide her with a unique ability to work with Congress and across the federal government, as well as her unique style to engage key stakeholders to bring out the best ideas and approaches to promote economic development across all of America.

The National Urban League fully supports Ms. Castillo's nomination and prays for a speeding confirmation vote by the committee and the Senate. We are fully confident that Alejandra Castillo will be successful as the next Assistant Secretary of the U.S. Department of Commerce Economic Development Administration.

Thank you for your consideration.

Sincerely,

Marc H. Morial
President and Chief Executive Officer
National Urban League



June 11, 2021

The Honorable Thomas R. Carper
Chairman, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito:

The Rural Community Assistance Partnership (RCAP) wishes to extend our support for the nomination of Alejandra Castillo to serve as Assistant Secretary of Commerce for Economic Development.

RCAP works with communities and partners across the country to advocate for and generate economic opportunities and infrastructure investment for rural areas and to ensure that every community has the resources needed to thrive. A key component of RCAP's operations is providing technical assistance to small and disadvantaged rural communities across the U.S.

As the only federal agency focused exclusively on economic development, the U.S. Economic Development Administration (EDA) plays a vital role in building stronger economies in communities across the United States. Given Alejandra's wealth of private and public sector experience, we are confident in her ability to lead economic development efforts at the Department of Commerce.

Lastly, we believe that Alejandra's commitment to small and rural communities will make her an excellent Assistant Secretary of Commerce for Economic Development. RCAP fully supports her nomination and looks forward to working alongside her to help build the foundation and set the conditions for economic growth and success in communities across the country.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nathan Ohle', is written above the printed name.

Nathan Ohle
Chief Executive Officer, RCAP

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 a.m. the next morning.

[Laughter.] Senator Carper. No, that is not true. We will ask you to reply by Wednesday, June 23d, by close of business. Wednesday, June 23. 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.]

