INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2017

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

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DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2017

TUESDAY, MARCH 15, 2016.

UNITED STATES FISH AND WILDLIFE SERVICE BUDGET OVERSIGHT HEARING

WITNESSES

DAN ASHE, DIRECTOR, UNITED STATES FISH AND WILDLIFE SERVICE
CHRIS NOLIN, BUDGET OFFICER, UNITED STATES FISH AND WILDLIFE SERVICE
GARY FRAZER, ASSISTANT DIRECTOR FOR ECOLOGICAL SERVICES, UNITED STATES FISH AND WILDLIFE SERVICE

OPENING REMARKS OF CHAIRMAN CALVERT

Mr. CALVERT. Good morning, and welcome to the subcommittee's oversight hearing on the President's fiscal year 2017 budget for the U.S. Fish and Wildlife Service. I am pleased to welcome back Dan Ashe, Director of the Fish and Wildlife Service, and Chris Nolin, the Service budget officer.

The President is proposing a $59 million, 4 percent increase for the Fish and Wildlife Service, an increase which relies on gimmicks to skirt the cap on nondefense discretionary spending agreed to less than a year ago.

So while the Service's proposed budget is insightful insofar as the service priorities, it is not realistic. The subcommittee's challenge will continue to be to work within our allocation to ensure that the Fish and Wildlife Service has the budget necessary to carry out, first and foremost, those actions required by law, as opposed to those actions simply authorized by law.

The greatest concern continues to be the Endangered Species Act budget. Despite the law's many mandates, actions continue to be driven by lawsuits. Other mandates such as recovery plans, 5-year reviews, and status changes are put on a back burner.

That is why listed species tend to stay listed, and why people are so frustrated by the Endangered Species Act. If the government is not prepared to carry out its full responsibilities under the law, then it should not be listing species in the first place.

Granted, the Fish and Wildlife Service deserves credit for delisting 15 species over the past 8 years. But there is still a backlog of 49 waiting to be down-listed or delisted, 318 awaiting 5-year status reviews, and 1,159 awaiting recovery plans. We will ensure that the agency has the budget needed in fiscal year 2017 to continue to whittle away at these backlogs.

We also ensure that the agency continues to whittle away at the maintenance backlogs at national wildlife refuges and national fish hatcheries. The National Wildlife Refuge System backlog, for example, has declined annually since 2012, but still exceeds $1.1 billion. The fiscal year 2017 budget is not enough to keep driving that number down, so the subcommittee will appropriate an amount that will.

It is irresponsible for the Federal Government to add to its estate if it cannot even maintain what it already owns.

Last but not least, we will continue to arm the service with the resources it needs to combat international wildlife trafficking. The escalation of trafficking in recent years has put many iconic species in grave danger and has fueled the activities of those who are a threat to our national security.

Closer to home, the extended drought in California continues to threaten the Nation's food security. California produces nearly half the Nation's fruits, nuts, and vegetables. It is the Nation's largest dairy State. I am sorry to point that out to Minnesota.

The drought has cost us $1.8 billion in economic losses and 10,000 jobs. People are desperate. Unemployment and suicide rates are now among the highest in the Nation.

Now some people believe that California should return to the desert it used to be, but the fact is that the Nation cannot afford to feed its people without California, and long-term reliance on food imports makes our Nation vulnerable. We must save California's agriculture.

Witnesses in previous hearings before the subcommittee have testified that the problem is simply not enough water. If that was really the case, then we should have been able to pump and store a good portion of this winter's El Niño rains. Instead, we pumped less than last year—less.

If the Fish and Wildlife Service had simply allowed the Bureau of Reclamation to pump the maximum allowable under the biological opinion, we could have pumped enough water to serve 2 million people for an entire year, the population of San Diego and San Francisco combined. Instead, that water went out to sea, and it is not coming back.

El Niño has proven that the problem is not the quantity of water but the regulation of water. So much of the regulation is dictated by the Fish and Wildlife Service under the mandates of the Endangered Species Act, with wide latitude afforded scientific uncertainty and save-at-any-cost policy that borders on dogma.

Enough is enough. For the sake of the people of California who fuel the Nation's largest economic engine, who grow the Nation's largest fresh food supply, and who push the Nation to the cutting edge of technology, we must reconsider what the Federal Government is doing with our water. We must reconsider calling on the Endangered Species Committee.

I get that the Fish and Wildlife Service feels its hands are tied, which is why this is yet another policy matter banging on the front door of a statute long overdue for the reauthorization process. This is not about the Fish and Wildlife Service. It is not meant to be criticism of any of the thousands of outstanding scientists and other employees of the service who are faithfully executing the

laws of the United States on behalf of the people and natural resources we highly value.

Along those lines, in closing, let me take a moment to recognize some of these employees in another part of the country that was recently featured so prominently in the news. I want to give a short shout-out directly to the men and women of the Fish and Wildlife Service who are working at or in support of the Malheur National Wildlife Refuge in Oregon.

No doubt it was and continues to be a difficult ordeal for you and your families. I hope you will take some comfort in knowing that while the Nation was glued to the press, your refuge neighbors, ranchers, came to your defense and made Congress aware that cooperative conservation can work when landscape neighbors truly work together.

For your collective efforts, we commend you.

I am now pleased to yield to our distinguished ranking member, Betty McCollum, for her opening remarks.

Ms. MCCOLLUM. Thank you, Mr. Chairman.

OPENING REMARKS OF MS. MCCOLLUM

I also would like to welcome Director Ashe to the subcommittee this morning. Thank you for being here.

And I would like to extend my congratulations to National Wildlife Refuge System, which yesterday celebrated 113 years of wildlife conservation. Happy birthday. Happy anniversary. Congratulations.

This year, Fish and Wildlife Service has some great accomplishments to celebrate. The Yellowstone grizzly bear has been successfully recovered and proposed for delisting. The Monarch butterfly population grew 255 percent, showing signs of effective conservation efforts with our partners.

You engaged everyone in the United States for Monarch protection, and it is working.

Sadly, however, the Service also faced challenges. This January, as the chair pointed out, armed occupiers took over the Malheur National Wildlife Refuge, keeping dedicated employees from carrying out their mission. There should be no tolerance for threats of violence and intimidation against public servants who are the conservators of America's nature, or denial of the opportunity for any citizen to safely enjoy America's public lands and waters.

As was pointed out by the chair, you are much appreciated and respected in that part of Oregon. You did have your neighbors stand up and say enough is enough.

The fiscal year 2017 Fish and Wildlife Service budget requests a modest increase to expand opportunities to experience nature and rebuild urban areas, and to rebuild capacity and make targeted increases to address some of the Service's most pressing challenges.

The budget increased support for the National Wildlife Refuge System by $25 million, of which $2 million will be going toward refuge law enforcement, adding much-needed Federal wildlife officers to protect visitors, staff, and our natural resources. Another $5 million will increase support for refuge maintenance.

The Fish and Wildlife Service has been working for several years to bring down its maintenance backlog, and this increase will continue momentum to relieve some of the strains on their facilities.

I am particularly interested in the $6 million increase for the Urban Wildlife Conservation Program. Urban refuges are the most important part of youth engagement, serving as an outdoor classroom for thousands of children. Over 80 percent of Americans live in cities, so it is essential that our youth engagement initiatives, such as the Urban Wildlife Refuge Partners, connect those children with wildlife and nature so that they become the next generation of good stewards of this land.

There is also a growing body of scientific research that finds a connection between nature experiences and public health, such as reduced stress and improved physical and mental wellness. Americans of every age can benefit from this proposed investment in healthy ecosystems.

Additionally, the budget combats invasive species, builds on science programs, works to build more collaborative efforts with partners, and provides appropriate resources to make timely listing determinations, process permits, and expedite project reviews to avoid delays, which could negatively impact economic growth and job creation.

I am also pleased that the service is proposing increases for the State and Tribal Wildlife Grants program. States are important partners, and these funds support their conservation and management of wildlife and habitat.

This budget request is reasonable, and it will move the Fish and Wildlife Service toward meeting its commitment to preserve and protect our living natural resources.

Director Ashe, thank you for the work you do. Thank you to all the employees of the Fish and Wildlife Service for all that you do for all of us here.

So thank you for your testimony. I look forward to hearing it.

Mr. Chairman, I yield back.

Mr. CALVERT. I thank the gentlelady.

The full committee chairman is not with us today, so, Dan, you are recognized for your opening statement.

OPENING REMARKS OF DIRECTOR ASHE

Mr. ASHE. Thank you, Mr. Chairman and Ms. McCollum, subcommittee members. Thank you very much for the opportunity to be here with you today.

I will try to provide a little bit of context for where the U.S. Fish and Wildlife Service is today. When you think about the Fish and Wildlife Service, you should think about an organization where the heart and soul of the organization is in something that we collectively call the field. We are a decentralized organization. The core of the organization is in what we call our field structure, our field offices, national wildlife refuges, national fish hatcheries, ecological field services, field stations, and fish and wildlife conservation offices. These are the people, the women and men, of the Fish and Wildlife Service who make our success possible.

Mr. Calvert, Ms. McCollum, you both mentioned the situation at Malheur. I will speak to that just momentarily. We saw 41 days,

beginning January 2, where we had something that was unimaginable really for us, an armed occupation of one of our Nation's national wildlife refuges.

I do believe, as you both have mentioned, that what we saw there in a way was amazing, where the community there, regardless of whether people felt sympathy for the motivations of the occupiers, they overwhelmingly rejected their methods and they said to them, we are working with the government in the context of a comprehensive conservation planning process at the refuge and in the context of candidate conservation agreements with assurances within Harney County, at large.

So we saw the benefits of that field structure, that engagement of local people and communities. That is what the $59 million increase, Mr. Chairman, that you mentioned, that $59 million will help us enrich and reinvigorate our field structure, so we can continue to produce that kind of success, that kind of community engagement that is the hallmark of the work of our people in the field.

You mentioned ESA. Of course, it is an important law, one of our Nation's bedrock environmental laws. It does not come without controversy, but I do believe we have shown we can make it work with the application of dollars you have thankfully provided us. We have seen recovery working by making strategic investment. We have seen cooperative and voluntary conservation working, as we saw in Technicolor with the sage-grouse refuges.

Again, you mentioned backlog and maintenance, but I think what we have shown with the National Wildlife Refuge System is we can grow the National Wildlife Refuge System. The refuge system has grown orders of magnitude larger than any other land management system during the last 8 years.

We have reduced our deferred maintenance backlog by nearly one-half, not whittled away at it. We have taken big chunks out of it. We have done that by strategically using the dollars that you gave us through the American Recovery and Reinvestment Act, and by tactically managing our maintenance backlog.

So we can see success. I think the urban refuge initiative that Ms. McCollum mentioned is one of the most exciting efforts within the U.S. Fish and Wildlife Service, to take wildlife conservation to our great urban centers, and build a new generation of conservationists that will help us solve problems like conservation of the Monarch butterfly.

We have been able, again with your help, to deal with our fish hatcheries system. And probably for the first time in the 4 years that I have testified before this committee, hatcheries and hatchery maintenance is probably not going to be a large part of the dialogue that we have here today, because we have worked, with your help, to put our National Fish Hatchery System on good footing. Again, the budget that we are presenting this year, particularly with regard to maintenance, will help us ensure that continues.

I do want to thank you. I want to thank you for the happy birthday wishes. Yesterday morning I was at Pelican Island National Wildlife Refuge in Florida celebrating the 113th birthday of the National Wildlife Refuge System.

And again, thank you for the kind words that you have said about our people. When you think about that $59 million, please think about those people in the field, because that is what allows us to be successful.

[The statement of Director Ashe follows:]

STATEMENT OF
DAN ASHE, DIRECTOR, U.S. FISH AND WILDLIFE SERVICE
BEFORE THE U.S. HOUSE OF REPRESENTATIVES
APPROPRIATIONS COMMITTEE, INTERIOR SUBCOMMITTEE,
REGARDING THE FISCAL YEAR 2017 BUDGET
March 15, 2016

Good morning Chairman Calvert, Ranking Member McCollum, and Members of the Subcommittee. Thank you for the opportunity to testify before you today on the U.S. Fish and Wildlife Service's (Service) Fiscal Year 2017 budget request, and for the Subcommittee's continued support of the Service's work.

The Service celebrated some remarkable successes in the past year, thanks in large measure to the support and partnership of this committee. I want to mention just a few of the highlights.

We delisted the first-ever fish species due to recovery – the Oregon chub – thanks to our collective work with the Natural Resources Conservation Service (NRCS), the State of Oregon, and private landowners. Thanks to a successful six-state conservation partnership effort in the Northeast, we were able to put conservation measures in place for the New England cottontail, averting the need for Endangered Species Act (ESA) protection. We also delisted the Delmarva fox squirrel and the Modoc sucker, both fully recovered species thanks to the efforts of many partners. Thanks to this committee's provision of additional funding, we hope to delist and downlist additional species this year.

We celebrated new Urban Wildlife Conservation Partnerships in Houston, Atlanta and Portland. These partnerships promise to help thousands of urban families and kids experience nature as never before. We will build partnerships with two more refuges in 2016 to allow even more people to get exposure to traditional outdoor activities.

We crushed contraband ivory with our partners in Times Square, focusing worldwide attention on the issue of ivory and wildlife trafficking. At the U.S.-China Strategic and Economic Dialogue, we participated in an entire session dedicated to wildlife trafficking – culminating in a pledge by the Chinese government to ban the ivory trade. Thanks to the Committee's support for our law enforcement efforts overseas, we will have placed five officers in key trafficking spots around the globe.

We worked hand-in-hand with partners in 11 states on the largest land conservation planning effort ever undertaken. This monumental effort successfully put in place historic conservation measures for Greater sage grouse and sage steppe habitat on millions of acres – addressing threats to the sage grouse and averting the need for ESA protection. It's a tremendous victory for landscape-scale, partnership-driven conservation – and we couldn't have made it happen without your support!

The sage grouse effort is only one example of how the Service works through partnerships with landowners and others to conserve broad landscapes and the species that depend upon them. We believe that keeping landowners on their land and preserving working landscapes, benefits both species and traditional land uses, such as agriculture and ranching. In most cases, species will greatly benefit from appropriately managed intact private lands. This emphasis on partnership-driven conservation and working together to preserve working landscapes has built and strengthened community trust and support for our work across the Nation. In turn, our employees have deep roots in the communities they serve, and many come from ranching and farming families. Nowhere were these mutual ties more evident than in Harney County, Oregon where years of collaborative conservation work spurred community support for the Malheur National Wildlife Refuge and its staff - undercutting the appeal of the illegal occupation and helping defuse a volatile situation.

The Service's budget request carries forward our commitment to building successful partnerships. We can accomplish great things together when we make an investment in our Nation's future.

The budget underscores the importance of expanding opportunities for all Americans to access public lands and experience the great outdoors, regardless of where they live. It emphasizes improving the resilience of communities and wild landscapes, enabling them to better adapt to a rapidly changing environment, and uses smart investments in conservation and landscape-level planning to improve the Service's ability to facilitate economic growth.

The budget requests $1.6 billion for the Service, which represents an increase of $54.4 million over the FY 2016 enacted level, and includes about $1.5 billion in permanent appropriations, most of which goes directly to States to support their fish and wildlife conservation and outdoor recreation programs.

The National Wildlife Refuge System is one of the Nation's most important conservation programs, and refuges are a critical resource for Americans nationwide as places to hunt, fish, hike, bird watch, and recreate outside. Refuges are also frequently critical to the economies of local communities, supporting thousands of outdoor recreation and tourism-related jobs and businesses while working collaboratively with communities and neighboring landowners to manage the land for mutual benefit. This budget proposes $25.2 million in additional funding for the National Wildlife Refuge System for biologists, maintenance personnel, and other specialists who support wildlife and habitat management and restoration efforts, visitor services, and other key functions of our refuges. These investments are critical to reverse the trend of staffing reductions at refuges that has occurred since 2010, reductions that have hindered our ability to deliver on important conservation goals and engage the public in the outdoors.

With 101 refuges within 25 miles of urban areas, the Refuge System has many opportunities to engage local urban communities. In areas where the Service does not have a land base, we are developing urban partnerships with local non-profits, government agencies, and other partners. Through the Urban Wildlife Conservation Program, the Service is engaging non-traditional stakeholders and new audiences in outdoor experiences. We are grateful to the Committee for providing an additional $2.5 million for this effort in 2016. For 2017, the Service is requesting an

additional $7.5 million, including $5.5 million for Refuge Visitor Services and $2 million for Refuge Law Enforcement. The requested $2 million increase for Law Enforcement would be used to place 14 new Federal Wildlife Officers at priority urban refuges.

The expansion of the Pacific Marine National Monuments in 2014 protected extensive, pristine, and diverse marine ecosystems. The seven atolls and islands represent the most widespread collection of coral reef, seabird, and shorebird protected areas on the planet under a single nation's jurisdiction. These areas will be crucial for conservation of ocean resources.

The designations significantly increased the Service's responsibility for open water from 4,400 to 490,000 square miles, an area almost three times the size of California, in an area that is extremely remote, and many of the islands are far from each other, some a several-day boat ride away. To better understand and more effectively protect these unique ecosystems, the Service is requesting an additional $2 million for management of these Pacific Monuments. The requested funding will enable the Service to strategically establish a scientific baseline for this area through the development and implementation of two comprehensive, five-year inventory and monitoring plans at the 12 refuges within the four Marine National Monuments in the Pacific Ocean with our partners, including National Oceanic and Atmospheric Administration (NOAA), U.S. Geological Survey (USGS), and Phoenix Islands Protected Area.

The budget also requests $59.4 million for taking care of the American public's investment in lands and facilities managed by the Service. This increase of $6.1 million over the 2016 enacted level includes $3 million for fish hatchery deferred maintenance, $500,000 for refuge deferred maintenance, and $2.6 million for maintenance at the National Conservation Training Center in Shepherdstown, WV. Investing in and appropriately managing deferred maintenance is a Service priority to ensure completion of needed repairs and to prevent further deterioration and unsafe conditions at these facilities. Thanks to the Committee's support, our refuge program is using a $4 million increase provided in 2016 to address priority deferred maintenance needs.

Also in the Refuge System, the budget requests an increase of $3.7 million for the Service's Inventory and Monitoring (I & M) program, which will enhance monitoring of biological resources, ecological processes, components of the physical environment, and human interactions with these resources to improve conservation delivery. Through these investments, the Service will be better equipped to work with its partners to deliver strategic, science-based conservation projects.

The I & M program works directly with the National Park Service, U.S. Geological Survey, and other Federal and State partners to integrate data collection and systems and minimize duplication of effort. The I & M program directly supports our Landscape Conservation Cooperative (LCC) Network and ensures that survey design, data storage, analysis, and reporting are consistent with Service policy.

Including the Refuge I&M program, the budget request includes $65.9 million – an increase of $9.5 million above the 2016 enacted level – to enable the Service and its partners to better understand complex environmental challenges, such as climate change, and improve the ability of communities and landscapes to adapt to these challenges. The funding will support a

nationwide network of 22 LCCs through which the Service, other Federal agencies, State and local governments, tribes, and non-governmental groups work together to determine how to use limited resources to most effectively conserve populations of fish, wildlife, and plants at landscape scales. A December 2015, congressionally requested National Academy of Sciences study found that the LCC network is filling an important national need to develop resource management strategies across jurisdictions and sectors. LCCs are working with partners in the West to understand the impacts of invasive species and fire management on wildlife and develop strategies to keep native wildlife healthy. LCC capacity has been used to help develop and implement strategies for species such as the Greater sage grouse and New England cottontail before they needed protection under the ESA, thereby limiting the need for regulation.

An additional $3.6 million is included in the budget for Ecological Services to fund planning and consultation that support economic recovery and job creation in the United States. Timely evaluations of proposed infrastructure, real estate, and other development projects contribute to job creation and economic growth, while ensuring that impacts to native wildlife and habitat are avoided and minimized to the greatest degree possible. This funding increase will allow the Service to expedite project reviews and work with developers on appropriate mitigation and avoidance measures. One example of a highly successful consultation occurred last year when carcinogenic contaminants were found in Pratt, West Virginia's water supply. West Virginia American Water urgently needed to construct a pipeline across the Kanawha River in order to provide a new, safe, supply of drinking water for the town. The Service worked collaboratively with the company to conserve endangered mussels in the project footprint and the project went forward without delay. The company was grateful and delivered on their promise to provide safe drinking water to the town before Thanksgiving.

The 2017 budget continues the Service's commitment to the recovery of species listed as endangered and threatened under the ESA. Since 2009, the Service has removed 15 species from the Endangered and Threatened Species List, more than any other Administration. To continue with this momentum, the budget includes $89.2 million, an increase of $7.2 million above the 2016 enacted level, for recovery activities, a portion of which will support continued evaluation of nearly 50 species that have been identified for potential delisting or downlisting from endangered to threatened under the Endangered Species Act. We are hoping to delist at least an additional four species this year, pending final decisions.

One uniquely successful component of our recovery program is the Cooperative Recovery Initiative (CRI), which was established to restore and recover threatened and endangered species on the landscape scale, focusing on national wildlife refuges and surrounding lands. This initiative provides opportunities for focused, large-scale conservation efforts that leverage resources across programs and with partners to meet the highest priority imperiled species needs. In FY 2017, the Service requests a total of $9.7 million for Cooperative Recovery, an increase of $2.8 million over the 2016 enacted level. The requested funds will be used to implement recovery actions for species near delisting or reclassification from endangered to threatened, and actions that are urgently needed to prevent extinction of critically endangered species. From FY 2013 to FY 2015, the Service funded a total of 41 projects across the Nation, covering 57 national wildlife refuges and benefitting 102 trust species. Recently, two species, the Columbian white tailed deer and the Oregon Chub, were delisted or downlisted partly because of previously

funded CRI projects.

The budget calls for an additional $3 million for review of and technical assistance for restoration projects in the Gulf of Mexico that may be funded by the pending Deepwater Horizon oil spill settlement or the RESTORE Act. We thank the Committee for the $1 million increase provided in FY 2016. The Service's expertise can help guide and prioritize restoration efforts across the entire Gulf watershed to maximize the return on investment for the American public by strategically connecting restoration efforts and merging existing conservation efforts with proposed projects. With this additional funding, the Service can better meet the expected demand for technical assistance and environmental clearances for projects in the region.

Notably, the President's budget proposes an increase of $2 million to help the Service and its partners conserve pollinators. Without the assistance of these insects, birds and bats, most plants cannot produce the fruits and seeds that are vital for people and wildlife and critical for our agricultural economy. These funds would target habitat restoration and enhancement projects to benefit pollinators, such as the treasured but struggling monarch butterfly; inventory and monitor for key pollinator populations; and provide education about pollinator conservation.

Legislative Proposals

In addition to our funding requests, the Service is proposing two legislative changes to reduce costs and enhance State and Federal conservation programs.

First, the Service is requesting authority similar to the National Park Service and the National Oceanic and Atmospheric Administration, which would allow us to seek compensation from responsible parties who injure or destroy Refuge System or other Service resources. Today, when Refuge System resources are injured or destroyed, the costs of repair and restoration falls upon our appropriated budget for the affected refuge, often at the expense of other refuge programs.

Last, we appreciate Congressional approval of the first increase to the cost of a Federal Duck Stamp in many years, and request additional language that will provide stability to the purchasing power of the Federal Duck Stamp. We request limited authority for the Secretary of the Interior, with the approval of the Migratory Bird Conservation Commission, to increase the price of the Federal Duck Stamp, which will allow the program to keep up with inflation.

Conclusion

The actions we take today will have repercussions for generations of Americans to come. The native species and ecosystems of our planet support billions of people and help drive the world's economy. Despite the challenges we face, I am incredibly optimistic about the future. With the President's budget request we can help preserve the values Americans support, leave a legacy to our children and grandchildren, and sustain species and habitat. Thank you for your work on behalf of the American people, and for your support of the Fish and Wildlife Service. I am happy to answer any questions you may have.

Daniel M. Ashe

Daniel M. Ashe was confirmed on June 30, 2011 as the 16th Director of the U.S. Fish and Wildlife Service, the nation's principal Federal agency dedicated to the conservation of fish and wildlife and their habitats. His appointment by President Obama is the culmination of a lifetime spent within the Fish and Wildlife Service family.

Dan Ashe was born and spent his childhood in Atlanta, Georgia, where his father began his 37-year career with the Service. Much of Ashe's childhood was spent on national wildlife refuges and fish hatcheries in the Southeast, where he learned to band birds, fish, hunt and, most importantly, simply enjoy the outdoors.

Prior to his appointment as Director, Ashe served as the Service's Deputy Director for Policy beginning in 2009, where he provided strategic program direction and developed policy and guidance to support and promote program development and fulfill the Service mission.

Ashe also served as the Science Advisor to the Director of the Fish and Wildlife Service. Appointed to this position in March, 2003, he advised the Service Director and provided leadership on science policy and scientific applications to resource management. As Science Advisor, Ashe led an organizational renaissance for science and professionalism, leading the Service's efforts to respond to changes in the global climate system; shaping an agency agenda for change toward a science-driven, landscape conservation business model; defining an agency Code of Scientific and Professional Conduct; authoring new guidelines for scientific peer review and information quality; building state-of-the-art, electronic literature access for employees; and reinstituting internal scientific publication outlets. He was also responsible for leading efforts to build stronger relationships with the U.S. Geological Survey, and scientific professional societies.

From 1998 to 2003, Ashe served as the *Chief of the National Wildlife Refuge System*, directing operation and management of the 150 million-acre National Wildlife Refuge System, and the Service's land acquisition program. During his tenure as Chief, the Refuge System experienced an unprecedented and sustained period of budget increases for operations, maintenance, construction and land acquisition. The Refuge System also saw vastly expanded public visibility, and partner and community involvement. Ashe also led the Service's migratory bird management and North American wetlands conservation programs from 1998 to 2000, contributing to significant advances in both programs' impact and effectiveness.

From 1995 to 1998, Ashe served as the Fish and Wildlife Service's Assistant Director for External Affairs, where he directed the agency's programs in legislative, public, and Native American affairs, research coordination, and state grants-in-aid. During his tenure in this position, the Service restructured and broadened its communications programs and capacities, incorporating communications expertise into all of its program

areas and employee training. The agency implemented a forward vision for Congressional relations, which led to several groundbreaking legislative accomplishments, including enactment of the National Wildlife Refuge System Improvement Act.

From 1982 until 1995, Ashe was a Member of the Professional Staff of the former Committee on Merchant Marine and Fisheries, in the U.S. House of Representatives. In 13 years on Capitol Hill, Ashe served in several capacities, advising the Committee's Chairmen and Members on a wide range of environmental policy issues, including endangered species and biodiversity conservation, ocean and coastal resources protection, the National Wildlife Refuge System, the National Marine Sanctuaries Program, the Clean Water Act, wetlands conservation, fisheries management and conservation, and offshore oil and gas development.

Ashe's journey to the Nation's Capital was made possible by the National Sea Grant College Program, in 1982, when he was awarded a National Sea Grant Congressional Fellowship.

Ashe earned a graduate degree in Marine Affairs from the University of Washington, where he studied under a fellowship from the Jessie Smith Noyes Foundation. His Master's thesis, on estuarine wetland mitigation, was published in the Coastal Zone Management Journal, in 1982.

Ashe is very active in local civic affairs in Montgomery County, Maryland, where he and his family reside. He is an avid waterfowl hunter, angler and tennis player. Ashe's father, William (Bill) C. Ashe, also a career employee of the U.S. Fish and Wildlife Service, retired in 1990, and now resides in Harvard, Massachusetts.

CHRISTINE L. NOLIN

Chris Nolin, as Chief of the Division of the Budget for the U.S. Fish and Wildlife Service, leads the national level effort to prepare, justify and execute the Service's $2.8 billion annual budget. Securing adequate funding in an era of constrained domestic spending is key to managing the National Wildlife Refuge System, conserving migratory birds and their habitat, achieving recovery for threatened and endangered species, conserving aquatic resources and connecting people with nature to ensure the future of conservation.

Chris formerly held the position of Division Chief for the Endangered Species Program. She handled listing and candidate conservation activities, as well as litigation support.

Before her time with the Service, Chris worked for the Office of Management and Budget (OMB), where she developed the President's budget for the Service, and developed natural resource policy for the Executive Office of the President. She also served as the OMB examiner for the U.S. Forest Service.

Earlier in her career, Chris spent over ten years in state government, coordinating environmental issues for the central staff of the New York State Assembly, and handling environmental policy for the Lt. Governor of New York.

She is a graduate of Georgetown University Law Center, where she received a J.D. *magna cum laude*. She served on the Georgetown International Environmental Law Review.

She is married to Joe Tinkelman, a Managing Editor at BNA, Inc. and lives in Silver Spring, MD. She has two children: son Zack is a graduate of NYU's Tisch School of the Arts, and daughter Naomi is a Junior at Boston University.

DELTA SMELT

Mr. CALVERT. Thank you for your testimony. I have some correspondence here from Senator Feinstein, calling for increased pumping to capture water from these El Nino storms that I would like to submit for the record, without objection.

[The information follows:]

United States Senator Dianne Feinstein

Mar 11 2016

Feinstein Calls for Increased Pumping to Capture Water from Storms

Washington—Senator Dianne Feinstein (D-Calif.) today released the following statement calling on federal agencies to increase pumping as much as possible within the bounds of the biological opinions to capture and store more water during March storms:

"Between January 1 and March 6 last year, 1.3 million acre feet of water flowed through the Delta and 651,000 acre feet were pumped out. During the same period this year, 2.8 million acre feet of water flowed through the Delta, but only 627,000 acre feet were pumped out (see Chart A below).

"Pumping less water even though river flows more than doubled means 180,000 to 200,000 acre-feet of water was allowed to flow out to the sea instead of being captured and stored—enough water to supply 360,000 homes for a year. It's inexcusable that pumping levels have been reduced without sufficient evidence of fish mortality, even while biological opinions would allow more pumping.

"January flows topped 50,000 cubic feet per second and peaked again in mid-February above 42,000 cubic feet per second. But rather than pumping as much water as possible under the biological opinions, pumping levels were ratcheted down for an entire month between mid-January and mid-February.

"In some instances these decisions were made even though available data suggested no smelt or salmon were anywhere near the pumps. I agree that pumping should be curtailed when these species are near the pumps, but in many cases the evidence simply didn't support that conclusion. In other cases, adult smelt were spotted as far as 17 miles from pumps, which led to reduced pumping levels.

"Even if so-called turbidity bridges were present and required some reductions, many other days of high flows were squandered (see Chart B

below). **And it's important to note that so far in 2016, only three smelt have actually been caught in the pumps.**

"Tbis is clear evidence of the need for legislation to allow more water to be pumped during periods of high river flows while still adhering to environmental laws and the biological opinions and their adaptive management provisions. I believe now more than ever that the bill I submitted last month is necessary, appropriate and will result in real help during this historic drought.

"By requiring daily monitoring of fish near the pumps during times of high turbidity, real-time data can be used to inform decisions rather than relying on intuition. I hope the Senate Energy and Natural Resources Committee will hold a mark-up of my bill as soon as possible so the Senate can debate it. It's time to act.

Effects of lower pumping

"Just last week I met with 25 emerging leaders in California's agriculture industry. One young farmer from Firebaugh told me that both he and his father lost their farms because of the drought, farms that employed 450 workers who harvested 4,800 acres of cantaloupes aud honeydew melons.

"There are real-world consequences to the decisions being made in the Delta. That's why we need to make snre we're using every possible tool make the right choices. Basing pnmping decisions on better science and real-time monitoring is the least we can do."

Charts

Chart A (*click for larger image*) shows that even though 2016 river flows are more than double those in 2015, less water has been pumped out of the Delta. (The chart was created by the San Luis and Delta-Mendota Water Authority.)

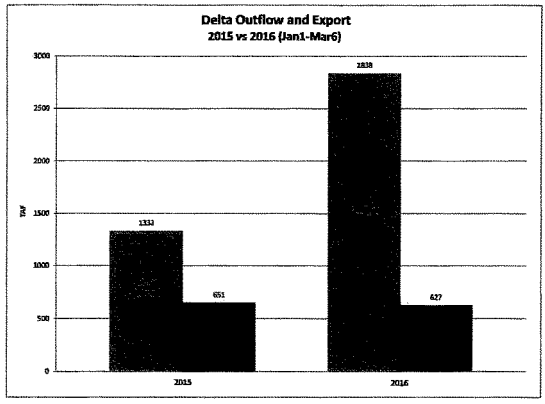
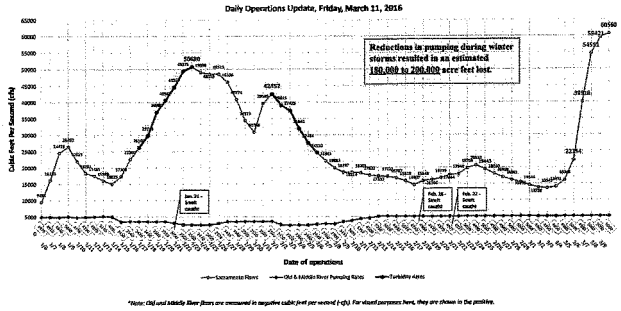


Chart B (*click for larger image*) below shows that during some of the periods of highest river flows, pumping levels were actually reduced. Some of these reductions came due to concerns about turbidity, but many days of high river flows without elevated turbidity also saw reduced pumping. (The chart was created by Senator Feinstein's office using data from the California Department of Water Resources, the Bureau of Reclamation, U.S. Fish and Wildlife Service, NOAA Fisheries and the United States Geological Survey.)



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Permalink: http://www.feinstein.senate.gov/public/index.cfm/2016/3/feinstein-calls-for-increased-pumping-to-capture-water-from-march-storms

DELTA SMELT

Mr. CALVERT. As I said in my opening statement, I am deeply concerned about the choices the Federal Government is making with California's water. Instead of harvesting El Nino rains to irrigate the Nation's produce and refill our reservoirs, the government is sending El Nino water underneath the Golden Gate Bridge and out to sea.

Any preconception California had had about El Nino rain providing some relief for the drought has turned out to be mostly false. And California is looking for an explanation.

The Central Valley project is capable of pumping 11,000 cubic feet of water per second. Last week, 50,000 cubic feet of water per second moved through the Delta. But pumping was restricted to 5,000 cubic feet because of the Delta smelt.

Today, 100,000 cubic feet of water per second is moving through the Delta, but pumping is still restricted to 5,000 cubic feet because of the Delta smelt.

The agencies are considering further restrictions tomorrow, as I understand it, because of salmon. In other words, yesterday, 90 percent of the Delta water was off-limits. Today, 95 percent of the water is off-limits. Tomorrow, the percentage goes higher, as much as 97 percent of the water.

No matter how much water is moving through the Delta, it seems, the fish always need more, and the Federal Government, hamstrung by the Endangered Species Act, gives it to them.

At what point, Director, does 100 percent of the Delta's water become off-limits because of the Endangered Species Act?

Mr. ASHE. I do not know the answer to your question, Mr. Chairman. I think what I would tell you, and I know you do realize, is the Delta smelt is literally on the verge of extinction. The same is true for endangered salmon that NOAA Fisheries has principal responsibility for.

These fish are literally teetering on extinction. As you and I have discussed before, our population estimate for the Delta smelt is now a range estimated at 18,000 plus or minus 18,000, which means that we know there are some fish out there, but the population is literally teetering on the brink of extinction.

Mr. CALVERT. What else are we doing besides restricting pumping to try to recover smelt? And is it working?

Mr. ASHE. Well, it is not working. Nothing that we are doing is working for the smelt.

The largest source of take and disturbance for the Delta smelt is pumping of water to meet human needs. That has been the principal focus of our efforts to date, because we have to do that in order to ensure the project operates.

We have used a lot of flexibility over the last 2 years to allow pumping to occur, but it is clear now that our use of that flexibility has not worked to the advantage of the fish. So we are just out of flexibility right now.

The law does not allow us to turn a blind eye to a species that is about to go extinct. So we are in a situation, Mr. Chairman, where we just have no flexibility. That is a difficult place to be. I know it is challenging for you personally, as it is for me.

Mr. CALVERT. In 2008, your Service regional director said: Just as releasing Delta smelt into a degraded Delta will fail to restore them to self-sustaining levels, so will habitat restoration efforts fail if there are not enough fish to rebuild the population.

Unfortunately, that is a very real possibility, as you point out, because the current data suggests Delta smelt populations might already be so low that they cannot be recovered without supplementation.

The Service broadcast that it was in the initial stages of planning for a new hatchery facility to propagate Delta smelt. Just last week, the Service said it is still in the planning stage. What are we waiting for? Why is this taking so long?

Mr. ASHE. What I can do is get you a timeline for completion of those plans. We do have at least one fish hatchery that is capable of producing Delta smelt, and I believe is producing Delta smelt. So we have capacities that are available to serve as refuges for the population in the event that that is necessary.

[The information follows:]

The Service, in partnership with the University of California at Davis (UC Davis), and the California Department of Water Resources, has developed the capacity to spawn and rear Delta smelt in captivity at Livingston Stone National Fish Hatchery (LSNFH). Currently, there are two refugial populations of Delta smelt: the primary population being maintained by the University of California at Davis at the State's pumping facility in Tracy, and a backup population maintained by the Service at LSNFH in Shasta City. These populations are managed to include the range of genetic diversity observed in the wild population. Unlike Tule Chinook Salmon, the Delta smelt produced in captivity are not released into the wild. Instead, they serve as a source of fish for research. Captive bred Delta smelt could be used for future reintroduction or supplementation, should either of those actions be determined necessary to recover the species.

We have not, Mr. Chairman, considered supplementation as part of a strategy, because the habitat is not there to support them. Supplementation, putting fish into an environment where they cannot survive, is not a recovery strategy.

But we do have refuge capacity, if we need to maintain fish in a captive state. As you know, our available staff spend all of their time trying to deal with the project and operation of the project, and the California Water Fix. The Governor of California expects us to support the California Water Fix and the project operations, so that is what our staff are doing. That is what they spend all of their time doing.

Mr. CALVERT. One quick question, and then I am going to turn it over to the ranking for questions, because we are going to have another round on this.

One thing that has always bothered me is the nonnative striped bass, which is a predator fish, which has pretty much wiped out the native California bass and is primarily the main predator for the Delta smelt, wiping them out as we speak.

Do striped bass prey on smelt? We all know that they do. And if so, does the mandate to conserve striped bass conflict with the mandate to recover Delta smelt?

Mr. ASHE. We do not have a mandate to conserve striped bass, so we are not——

Mr. CALVERT. But there are those in the area that are preserving the striped bass population.

Mr. ASHE. Sure. Striped bass prey on all lifestages of Delta smelt. They are voracious predators. Largemouth bass is an introduced species also, a great predator of smelt and other species.

But, again, our biologists do not see that as a limiting factor in terms of Delta smelt population and recovery at the population level. They do not see predation as a significant limiting factor. The most significant factor is the operation of the California State and Federal water projects.

Mr. CALVERT. I will get back for another round. This is not a partisan issue.

Mr. ASHE. Right.

Mr. CALVERT. Senator Feinstein feels as strongly about this as I do. This is destroying the Central Valley as we know it, as I said in my opening statement.

I will turn it over to Ms. McCollum.

Ms. MCCOLLUM. Mr. Chair, I would like to yield at this time to Ms. Pingree from Maine.

Ms. PINGREE. Thank you. Thank you to the ranking member.

And thank you very much, Director Ashe, for being here today. It is nice to see you. You and I have spent a lot of quality time together in your tenure here, and I do really appreciate the work that you do, the work of the Fish and Wildlife Service, and all of your employees. I know you have had a lot of challenges in the past year, and I really appreciate how you have handled them all.

ECHINODERMS: IMPORT AND EXPORT

I will say something briefly about sea urchins, since you and I get to talk about that quite a bit. I have been very concerned about the inspection requirements for urchins that are processed in my State and exported to Asia. The committee has heard me talk about this quite a bit.

As you know, they are highly perishable and the inspection process is very difficult for the urchin dealers. We first started talking about it I think in December 2014, and you have spent a lot of time, and your department has spent a lot of time, working with us on this. We have not completely worked out the solution, but I am optimistic we are making progress, and I am determined that we will solve this problem once and for all, and I can go home safely to my district.

Mr. ASHE. That is a high priority.

Ms. PINGREE. Yes, and say we worked out some of these challenging issues.

Mr. ASHE. Thank you. I am glad to hear you say that. I think we are close to a solution. I think we will get there.

Ms. PINGREE. Yes, if it goes my way, I think we will be great. [Laughter.]

Mr. CALVERT. Do you want some smelt over there?

Ms. PINGREE. Keep your fish out of our State.

AQUATIC ANIMAL DRUG APPROVAL PARTNERSHIP

I actually want to talk about a couple other fish things. You know, we take fish very seriously in my State. We are proud of our fishing industry. We are proud of our aquaculture and sport-fishing industry. And all of these areas are of deep concern to us.

But I want to talk about the aquatic drug approval partnership. I have heard about this program from some of the researchers who are working on it daily, trying to understand the diseases that affect our fish and also establish some of the safe and effective treatment programs to protect against them.

As you are aware, the budget cuts to the AADAP in recent years have threatened the future of both the program and new drug approvals for United States aquaculture. In the 2016 omnibus appropriations bill, we were pleased to support the language that requires not less than $400,000 for the Aquatic Animal Dr. g Approval Partnership.

So one of my questions is, can you talk to me a little bit about your thoughts on the importance of this program? And will we have adequate funding to do it, since there is some flexibility in there?

Mr. ASHE. Thank you. Actually, AADAP is a good example. The U.S. Fish and Wildlife Service is, at this point in time skin, bone and muscle. There is nothing left. So every time we talk about reducing something, it is significant.

AADAP is one of those things that is very, very important to not just the Fish and Wildlife Service in our hatchery capacity, but to our State counterparts running hatcheries, and to private aquaculture industry. They provide a very vital service.

So you think a $400,000 effort, well, maybe we can get rid of that, but it is like everything else. You pull on a thread and everything starts to unravel.

I think we are actually in a good place with AADAP. We have raised the fees for participation, and we got a little bit of grumbling about that, but I think the community, at large, realizes we are all in this together. So the $400,000 in base funding the committee provides us with, in combination with the increase in fees, has put the AADAP program on a good footing.

We have a good balance there, and we are going to be able to maintain and expand the capacity in AADAP in the coming years.

Ms. PINGREE. Thank you for that. I hope that is true, because there are an awful lot of drugs that need approval.

Mr. ASHE. I would say that, in the committee's broader responsibilities, the Food and Dr. g Administration has been helpful in providing some grant funding for AADAP as well. So continuing that support through FDA is going to be an important ingredient in success in the future.

FISH PASSAGE

Ms. PINGREE. Great. I am going to ask you one other quick thing, and I will keep that in mind about the FDA, since that is my other committee that I am about to go to.

Just about fish passage programs, certainly that has been an important part of some of the changes in Maine. Removing something like the Veazie Dam has given us a chance to have sturgeon, alewives, salmon, fish that we really want to see coming up the river, not some of the challenging fish.

The budget has level funding, and it is really important that there is some kind of expanded footprint for this program. Are there any opportunities to do more with it using nonfederal funds? Have you thought about how to do more with that?

Mr. ASHE. Sure. I believe we have an increase, $1.5 million for the National Fish Passage Program.

We had a signature success with the Penobscot River in Maine. I would say that is the key ingredient, where we strategically used our funds in the State of Maine with the Penobscot Tribe and the Nature Conservancy, and other people coming to the table to open 1,500 river miles to fish that previously could not get there.

So great, great opportunities exist for us to replicate that success on a big scale, like the Penobscot, and on a small drainage scale. The Service has developed engineering capability. We have fish passage engineers that are coming out of schools, like the University of Massachusetts Amherst.

It is a great opportunity to restore fisheries on a large scale. And this program is the catalyst that often helps bring people together to provide key stimulus.

The increase we have requested for this year is very important for building upon that success.

Ms. PINGREE. Great. I am glad to see there is an increase in it. It is impressive how you brought so many parties to the table for a unique goal that has really made a big difference in our State. So thank you for that.

Thank you, Mr. Chair.

Mr. CALVERT. Thank you.

Mr. Simpson.

MALHEUR NATIONAL WILDLIFE REFUGE

Mr. SIMPSON. Thank you, Mr. Chairman.

Thank you, Director Ashe, for being here today. It is always good to see you. Let me add my thanks to the Fish and Wildlife employees that have been under duress lately out in Oregon and other places. They are good people just trying to do the job that we have asked them to do. If we do not want them to do that job, they should not be there. We should not hire them.

Mr. ASHE. Public statements from officials like Governor Butch Otter were very important. He made some public statements, saying that we all have grievances, but this is not the way to prosecute your grievances. Having statements like that from very responsible public officials certainly helped.

Mr. SIMPSON. Yes. From those public officials and ranchers in the area and others.

MONARCH BUTTERFLIES

I also want to thank everybody for mentioning the Monarch butterfly in their opening statements. As I told you last year, that is the state insect of Idaho, so it is almost as good as talking about potatoes, but not quite. [Laughter.]

Mr. SIMPSON. Now, I do not know who it was who said there are only two things that are certain in life, death and taxes. There is a third one, and that is that no matter what decision Fish and Wildlife Service makes, they are going to be sued by someone.

Mr. ASHE. That is pretty true.

Mr. SIMPSON. Have you ever done a delisting that you have not been sued on?

Mr. ASHE. I think we have, but your point is well-taken.

Mr. SIMPSON. Somebody is going to be on the opposite side of this issue. In fact, that was one of the reasons, when wolves were delisted in Idaho and Montana—people say that Congress delisted the wolves. We did not delist the wolves. They say it was done without any science. We did not delist. All we did is tell Fish and Wildlife Service to reissue their order of delisting and that it was not subject to judicial review.

Mr. ASHE. Correct.

Mr. SIMPSON. Fish and Wildlife did the science and everything else.

Mr. ASHE. We originally proposed the delisting based upon our review of the science and our conclusion that wolves were recovered. What Congress did in that case was direct us to republish our rule, and waive the judicial review.

Mr. SIMPSON. Well, last year, you told the subcommittee that the gray wolves in Western Great Lakes and Wyoming were recovered, did not warrant listing, and the States in those areas have responsible management plans.

Unfortunately, a provision similar to the one for Idaho and Montana was not included in the final bill—it was in the House appropriations bill, but was not included in the omnibus—that would have exempted the listing decision from judicial review in the Great Lakes and Wyoming.

As I understand it, Fish and Wildlife Service has been sitting on a proposed rule to delist wolves range-wide. Is that true? And if you were to propose that rule, and what is holding it up from being proposed, would that not solve the problem, other than you are going to get sued?

Mr. ASHE. The Fish and Wildlife Service proposed a rule to delist wolves range-wide. I will just say it was roundly criticized.

Mr. SIMPSON. Imagine that.

Mr. ASHE. We have gone back to the drawing board. I only have so many people to put on so many things. So my view on wolves is that we are in a pickup truck that is in the mud up to the running boards. I cannot go forward. I cannot go backward. I have no good option. And I have other more important things to work on.

We are at a point with wolves where it is manageable. The States are doing a good job. I realize that is not a good answer for particularly a State like Wyoming, where we have endangered wolves. Fortunately, for Wyoming, they are in the 10(j), the experimental segment of the population, so we have some management flexibilities.

We now have wolves moving into the Western part of Oregon and Washington where they are fully endangered, fully protected wolves. That presents a challenge.

Mr. SIMPSON. Do those States have management plans?

Mr. ASHE. They do.

The wolf population is robust. We have about 1,700 wolves in the Rocky Mountain portion of the range, which is about the same number of wolves as we had when we delisted them. So the States are doing a good job of managing that population.

The range of wolves is increasing. They have been moving west into Oregon and Washington, and into Northern California. So we have a bigger range for wolves than we had when we delisted them.

We have more wolves, because now we have I think 130 or so wolves in Washington and Oregon.

So the population continues to grow. The range continues to grow. The States are responsibly managing them. We continue to believe that wolves are recovered, both in the Rocky Mountains and in the Great Lakes, and no longer warrant the protections of the Endangered Species Act.

We are appealing judicial decisions in Wyoming and in the Great Lakes. We expect to prevail. So right now, that is our principal course, to press the legal case forward.

Mr. SIMPSON. It would be nice if we could use the resources we are spending on all these lawsuits to actually go out and protect the species that need protection under the Endangered Species Act when the species are recovered, like wolves, instead of having to fight that battle forever and ever and ever.

I suspect you will probably see some language in an appropriations bill coming out of somewhere. I do not know where.

MINIDOKA REFUGE COMPREHENSIVE CONSERVATION PLAN

There are a couple other questions I am going to submit for the record on the Comprehensive Conservation Plan for the Minidoka refuge. Our office would like an update on what is going on there and what that looks like.

[The information follows:]

The Service is working on the request for information on the Minidoka CCP and will provide the material to the Committee with our responses to the Questions for the Record.

MITIGATION POLICY

Secondly, could you briefly tell me what the new mitigation proposal policy is that was announced about a week or so ago? Can you tell me about the proposed rule that you are implementing, and what the implications of that are? You hear from both sides that it is terrible.

Mr. ASHE. I would say the U.S. Fish and Wildlife Service is the natural resource management agency that has the greatest breadth of experience in dealing with mitigation. What we announced a couple weeks ago was a modification to our mitigation policy. Our mitigation policy was written in 1981, when I was a graduate student at the University of Washington in Seattle.

It is an update of that policy, which provides us a kind of broader cast, so we can look at mitigation opportunities on a landscape scale rather than a project scale. I think that provides us with much more flexibility and discretion to work with the project applicants and to leverage mitigation efforts so that we are achieving success on a bigger scale.

I think it is very consistent with where we are with sage-grouse and lesser prairie chicken and other species.

It will empower a new generation of work with industry that I think will help us manage at the project scale. With species like

golden eagle or bald eagle, we can more easily permit activities at a local scale, but do mitigation on a broader scale, so that we are actually achieving better results for the species.

It is an update of an existing policy. It is something that we have had substantial experience with, and I think the policy will take us to a better place.

Mr. SIMPSON. Thank you.

Mr. CALVERT. Thank you.

Mr. Kilmer.

Mr. KILMER. Thank you, Mr. Chairman. And thank you to the Ranking Member.

Thank you, Director Ashe, for being with us.

WASHINGTON STATE HATCHERY COMPLIANCE

As you know in Washington State, salmon and steelhead hatcheries are critical to supporting our Federal trust responsibility to the to treaty tribes in our State, including 11 in my district. The hatcheries are also important to our commercial and recreational fisheries, which are really big economic drivers in our State and, frankly, throughout the entire West Coast.

Unfortunately, these hatcheries and the livelihoods that they support are at risk. The issue here is HGMPs, Hatchery Genetic Management Plans. The very significant backlog of these HGMPs has exposed the hatchery operations and the Federal Government to litigation under the Endangered Species Act.

In fact, the 60-day waiting period on the first of two separate notices of intent to sue is about to end, so there is a real and imminent threat that we are going to see hatcheries actually close this year unless significant progress is made in reducing this backlog.

I know that the Fish and Wildlife Service has an important role to play in working through this backlog to ensure that the 331 Pacific salmon and steelhead hatchery programs on the West Coast can continue to operate.

So I guess my question to you is, what does the service need, in terms of funding and personnel, in order to work through this backlog and bring our hatcheries into compliance under ESA as quickly as possible, so we do not see the hatcheries get shut down and risk the livelihoods of people who depend on them?

Mr. ASHE. Our most important need is what I was talking about before, field capacity. People in the field and scientific capacity are needed so we can better understand questions at the genetic scale.

The increases we have asked for recovery, for instance, for cooperative conservation, for science applications, and particularly for this issue, consultations, those are the capacities that we are going to need.

I think we are making progress. We are getting the biological opinions done. We have been working with NOAA Fisheries on this task, and we expect to have biological opinions in place for five watersheds this spring. In April, they will be able to do stocking.

I think we are making progress and will continue to make progress. But that field capacity is critical for us, particularly I would say in this area, the recovery, cooperative conservation, and science applications. Those are the ingredients of success for this effort.

Mr. KILMER. And based on what the service has asked for in the budget, is it your expectation that we will see significant progress made in dealing with the backlog and specifically on the ones where we have a real threat of litigation?

Mr. ASHE. Yes. What I would like to do is come talk to you personally about what we can envision going forward. What I am told is that we will see five watersheds where we will see stocking in April.

So that is success. We need to build upon that.

I will go back and get a forecast looking forward, especially if we get the dollars we are asking for, on what we can expect in terms of additional success.

[The information follows:]

There are approximately 104 hatchery programs in Puget Sound. National Marine Fisheries Service (NMFS) has completed section 7 intraservice consultation on 17 hatchery programs via approval of hatchery genetic management plans. NMFS expects to complete an additional 21 hatchery program intraservice consultations in 2016, and the remainder of Puget Sound hatchery program consultations by the fall of 2018. The Service anticipates completing all consultations for which adequate Biological Assessments (BAs) have been submitted on Puget Sound hatchery programs by the end of 2018. These consultations are expected to address the bull trout and its critical habitat, the marbled murrelet, and possibly the northern spotted owl.

The Service is currently consulting on Puget Sound salmon and steelhead hatchery programs in the Dungeness watershed as well as on early winter steelhead hatchery programs in the Nooksack, Stillaguamish, Snoqualmie, and Skykomish watersheds. The Service is committed to completing the consultations on the above steelhead programs by the end of April to allow for 2016 spring releases. The Service also recently received a BA and request for consultation on Snohomish watershed salmon hatchery programs. No other Puget Sound hatcheries have submitted BAs and requests for consultation to the Service. However, we are providing technical assistance to NMFS, the Washington Department of Fish and Wildlife, and the Tribes, in advance of forthcoming consultation requests.

Beyond Puget Sound, other hatchery programs across the State and Region 1 will require section 7 consultation. These include Mitchell Act-funded hatchery operations in the Lower Columbia River Basin that are the subject of a January 13, 2016, notice of intent to sue, and 204 Service and tribal facilities that require National Pollution Discharge Elimination System permits from the U.S. Environmental Protection Agency. Of these 204 facilities, approximately 33 are located in Oregon and Idaho, and about 171 are located in Washington.

The Washington Fish and Wildlife Office has fully committed two staff biologists to completing Puget Sound hatchery program consultations, including one biologist from the Washington Department of Fish and Wildlife that is working for the Service under an interagency personnel agreement.

Additional staffing options, such as assistance from the Service's Fisheries Program or NMFS and long-term details from the U.S. Army Corps of Engineers or the Bonneville Power Administration are being explored.

Mr. KILMER. I would appreciate that.

Thank you, Mr. Chairman.

Mr. CALVERT. Thank you.

Mr. Stewart.

Mr. STEWART. Thank you, Mr. Chairman.

Mr. Ashe, it is always good to see you. I appreciate you and your organization. I think you try in sometimes difficult situations.

I am going to start with a supposition. I am not going to ask you to agree or disagree, because I think that you do agree. If not, feel free to tell me otherwise.

We believe that local people, including the States, want to do the right thing when it comes to restoration and protection of species.

Mr. ASHE. Yes, I agree.

Mr. STEWART. I think we would agree as well that, in many cases, local populations or the States are capable of taking actions that would protect endangered species.

Mr. ASHE. I agree.

UTAH PRAIRIE DOG

Mr. STEWART. Now, in light of that, we also recognize we have Federal mandates that you have to comply with. That is your job, to enforce the Federal law and Federal regulations. And sometimes those two are in conflict.

We have an example in my State that we have talked about many times since I have been in Congress, regarding the prairie dog. We know there has been litigation regarding that. Whether that actual finding for the State is upheld will be seen this summer.

But assuming that it is not, that your lawsuit is successful, can you ensure us and ensure the people of my district that we will not go back to square one with the administration with the prairie dog? That Utah has demonstrated a capability of protecting the species, they have demonstrated a desire to protect the species, and that we can have a partnership there that does not take us back to square one and some of the real draconian economic effects of the Federal plan?

Mr. ASHE. I think we can. I want to say thank you for your personal leadership and engagement on this. I think it has made a difference. Like everything, I think we had people on both sides who were maybe stuck in a bit of rut on this issue.

I think the lawsuit has, unfortunately, stalled progress. We are appealing that decision. We expect to win.

What we are working on in the meantime is a general conservation plan. I think with continued help from the State of Utah, we will resolve this. I will see Greg Sheehan later today at a meeting in Pittsburgh. We will be talking to Greg about how we can best position ourselves so that we and the State of Utah, and hopefully the counties in the range of the prairie dog, can work together in a positive way.

We are committed to moving forward with the prairie dog and to working with those local communities. We need a little bit of help. Again, your engagement has been a very positive influence on that. I hope my engagement has been on the Fish and Wildlife Service side. I think we can continue to move into a good direction.

Mr. STEWART. I hope so, and I appreciate that.

It has just devastating impacts on the small community for something they have very little ability to control, because it was so mandated by Federal policy.

MEXICAN WOLF

Shifting gears quickly, if I could, toward the introduction of the Mexican wolf into Utah, or the Fish and Wildlife Service proposing to place Mexican wolves in Utah.

Again, stating for the record and that is this species is not native to Utah. In fact, you seemed to indicate that maybe that is not true. I would be interested if that is not the case, because my understanding is that 90 percent of the habitat is not native to Mexico, with some encroachment in some of the Southern States, but not into Utah.

This is at the same time that we just had a conversation regarding the gray wolf. And it would seem to me problematic to have the introduction of one protected species while we are trying to delist another species. Again, our concern being that the Mexican wolf is not native to my State.

I have two questions on this. The first one: hypothetically, are there other potential species that are not native to the U.S. that we would have a responsibility to protect? Would there be a species in Australia or New Zealand or some other place that they may not be doing a job of protecting it, and we would accept that responsibility? That seems like an incredibly difficult thing to ask, but it may be the case here with the Mexican wolf. I would ask you to respond to that, if you would please.

Mr. ASHE. Well, the Endangered Species Act does protect foreign species, like elephant and rhino and tiger. We use the U.S. influence in trade to ensure that our actions are not undermining conservation in foreign countries.

The Mexican wolf is an example of a species that——

Mr. STEWART. That goes cross-border.

Mr. ASHE. That goes cross-border. So, historically, we basically extirpated wolves. Now we are bringing them back.

In the U.S., wolves operate as what biologists call a meta-population. One large population with different sub-species that intermixed.

I think it is probably correct that what we now call the Mexican wolf, their principal range was in Mexico and extended into Arizona and New Mexico to some extent. They probably ranged up into and intermixed with what we now call Rocky Mountain wolves. Where that mixing zone was, we really do not know.

As we craft a recovery plan, we need to understand the science of wolves better.

We are not proposing to reintroduce wolves into Utah.

Mr. STEWART. The Mexican wolf.

Mr. ASHE. The Mexican wolf. Well, any wolf, really.

We will need to sit down with the States to develop a recovery plan cooperatively.

I have asked the States not to come with preconditions. I am not coming with any preconditions. You should not come with any preconditions. We should look at the science of the wolf.

And right now what we have is an agreement to move toward a population of up to 325 wolves, and their range would be south of Interstate 40. We have an agreement that if wolves go north of Interstate 40, that we will go and recover them.

So that is where we are today. We are asking Colorado and Utah to sit down with us, along with New Mexico and Arizona, to develop a long-term recovery plan.

Mr. STEWART. I appreciate that approach, as does I think my State. We certainly want to do that with you. I appreciate though that right now your plan is not a proposal for introduction of the Mexican wolf into Utah. That is appreciated. Thank you.

Mr. Chairman, I yield back.

Mr. CALVERT. Sure. I do not think wolves in Utah would help the prairie dog population. [Laughter.]

Mr. CALVERT. With that, Ms. McCollum.

ASIAN CARP

Ms. MCCOLLUM. Thank you, Mr. Chair, for the courtesy of allowing two of our members who had hearings at 10:30 to go first with their questions.

If we can have a second round, I will just do one question now, so your members can also ask theirs.

We have talked a lot about endangered species, protected species, and now let us round it off with invasive species.

The Minnesota Department of Natural Resources has reported over 60 captures of invasive Asian carp in Minnesota's portion of the Mississippi River since 2008. Last year, the furthest upstream catch was made on the St. Croix River near Stillwater. As you know, we have a lot of confluence between our rivers in Minnesota and our waterways.

Minnesota waterways support a fishing industry that generates $2.4 billion a year and provides 35,000 Minnesota jobs. So we are very concerned about the impacts of carp on clean water, healthy ecosystems, outdoor recreation and fisheries. All of that is essential in Minnesota.

In fact, our Governor recently held a water summit, which was broadly attended in Minnesota, and part of what our DNR did was a breakout session on invasive species and its effect on Minnesota waters.

So, Director Ashe, I would like to get a little bit of an update from you on how the Fish and Wildlife Service is leveraging funds with USGS and other Federal, State, and local governments. As you know, Mr. Joyce and I, along with many, many other people who care about this issue thought U.S. Fish and Wildlife, because of the way in which you collaborate and leverage such good work, would be the appropriate lead agency on this.

Two other things I would like you to follow up on. eDNA was very, very controversial in its early stages. eDNA would have indicated carp was already in the upper areas of the Mississippi River, because of fish droppings and other such things. I know you were working with the scientists on developing better markers with eDNA. If you have any update on that now or if you could get it to our office later, that would be great.

Then could you update us as to your research collaborations and what is going on with electronic sensors, biological controls, acoustic deterrents, as well as planting trackers on some of the carp so that you can better understand their habitat? I am intrigued by this whole idea of using the markers to track, so we learn more about the fish.

I think it is something USGS and Fish and Wildlife are working on in the Everglades with the pythons, too.

If you can stay a little more focused on Asian carp, the chair and I will go look at pythons later ourselves.

Mr. ASHE. I think the collaboration on Asian carp has really been one of the unheralded successes of the past decade between the U.S. Army Corps of Engineers, EPA, U.S. Fish and Wildlife Service, U.S. Geological Survey, and the States involved. There has been enormous cooperation to mobilize efforts to restrict the range of these prolific fish.

It is a formidable challenge.

I recently asked our deputy regional director, Charlie Wooley, who is our expert, if he really thought that we were going to be able to keep Asian carp out of the Great Lakes. That is, ultimately, the principal objective. He confidently says yes.

So eDNA is a critical tool for us. It is helping not just detect carp but learn things about fish and how they move. Expanding our ability to use eDNA markers on black carp is one of the next important steps, so that we cover the suite of all the Asian carp species, and we can use that eDNA to its greatest potential.

The subcommittee has been very helpful in providing us with funding to support this effort. I think the collaboration is important and generates the ability for us, especially in the science applications arena, to provide key support to our State partners. Over the last several years, we provided over $800,000 in support for our State partners to do scientific and mobilization work. That capacity is important.

The new tools that you talk about, like this kind of mixed noise technology, acoustic barriers, electronic barriers, and sensor technology, is similar to pit tags in hatchery fish. We can use pit tags to detect the fish as they pass by a detection sensor.

We think applying these new techniques could be helpful to Asian carp prevention as well.

Again, the funding to do that, the science to support it, so that we are doing the analysis as we go, is very important.

Ms. MCCOLLUM. Thank you, Mr. Chairman.

Mr. CALVERT. Thank you.

Mr. Amodei?

Mr. AMODEI. Thank you, Mr. Chairman.

Hey, Mr. Director. How are you doing?

Mr. ASHE. Good to see you, Mr. Amodei.

Mr. AMODEI. You, too.

To the extent the chairman is going to manage my time, I am going to endeavor to manage yours, although I would appreciate the opportunity to get together afterward so we can have some in-depth discussions.

SAGE STEPPE/SAGE GROUSE

Most of my questions concentrate on, as we went through this sagebrush process in Nevada and the Governor established the sagebrush steppe ecosystem council, and they produced a plan and report, which essentially in the final EIS adopted by BLM was rejected—those are my words nobody else's.

One of the things that was included in that final EIS was obviously the Sagebrush Focal Areas, which was not in the Nevada plan. Just so it is clear for people, why the heck is he asking these questions, I want to have an understanding of the basis of the establishment of those focal areas in Nevada. No offense to the other States they are in, but quite frankly, that is not in my wheelhouse, so I do not want to speak for them, or anything else.

Your office answered some questions for me earlier that was pretty strong on the policy, but I am concerned with the process, the mechanics. There were some statements made that, basically, we asked Forest Service, where did you get the boundaries that you included? And they said from Fish and Wildlife.

We asked Director Kornze in his hearing in here earlier, where did you get the boundaries? From Fish and Wildlife. Okay.

And I am looking at your stuff, and I am seeing this stuff where there are references to literature and there are references to other things. I am sitting here going, okay, I guess maybe what literature and stuff like that?

But before we get to that, I want to ask you, what is your opinion of the Nevada Department of Wildlife? Do they do good work? Are they credible? Are they not credible? Do you guys think they are an authority on Sage hen in Nevada?

Mr. ASHE. The Nevada Department of Wildlife is an outstanding wildlife conservation organization, and they are led by an outstanding individual, Tony Wasley.

Mr. AMODEI. I agree.

And I guess when I look at some of these answers, and I see in the COT report, which your folks refer to: Conservation objectives must be developed and implemented at the State and local level with involvement of all stakeholders.

And I also have talked to NDOW and nobody talked to NDOW about that Sagebrush Focal Areas map.

Then I talked to NDOW, and NDOW tells me that they have produced a best of the best sage hen habitat in Nevada, and that it does not bear much resemblance to the area that is in Nevada.

And so I am sitting here going, we are going to talk to local folks. NDOW does a good job. I agree with you. And this is not for purposes of saying, so what the heck?

Remember, the purpose here is how did we get those boundaries in that area of Nevada.

So when I look in your report, and I see: It is important to note that BLM and Forest Service, not Fish and Wildlife, designated the SFAs and codified them in the final conservation plans. We defer to BLM and Forest Service regarding the technical products and processes.

I have to tell you, I have the impression recently from contact from both those agencies that they got those boundaries from Fish

and Wildlife. So I am not going to open Judge Judy or anything like that, but it is like, well, you made some recommendations. I assume they had lines on a map. Where did the lines come from?

Mr. ASHE. So the answer, of course, is all of the above.

Mr. AMODEI. Well, let me stop you, because Fish and Wildlife said that they were not consulted. So maybe we need to get them in the same room.

Mr. ASHE. You mean NDOW.

Mr. AMODEI. This is just Nevada.

Mr. ASHE. I will see Tony later today and tomorrow, and I will be happy to talk to Tony about that.

The original stronghold maps, what we called strongholds, came from the U.S. Fish and Wildlife Service.

Mr. AMODEI. So let me focus you, because my clock is ticking. How did Fish and Wildlife Service draw those lines?

Mr. ASHE. We had delineated priority habitat, what in the COT report was delineated as priority areas for conservation of the sage-grouse. We took a subset of that. We looked for large, contiguous, connected expanses of habitat. We looked at where there was principal Federal ownership. We looked at breeding. We looked at bird density and breeding densities to come up with what we called the best of the best. This is the very best of the best habitat.

Mr. AMODEI. In your opinion, that was the best in Nevada.

Mr. ASHE. Correct.

Mr. AMODEI. Okay. If NDOW has a different opinion on where the best of the best is, they have a different opinion.

Mr. ASHE. Professionals often do disagree. I do not think, though, that we disagree with NDOW about the substance of the maps. We might disagree on the peripheries, but I do not believe that we are in substantial disagreement with NDOW about whether what we mapped as the strongholds represents the best of the best habitat. I do not believe that.

Mr. AMODEI. Do you think BLM accepted what you mapped, or do you think that they modified it?

Mr. ASHE. They definitely modified it.

Mr. AMODEI. What is the basis for that belief?

Mr. ASHE. Between the time that we published the stronghold maps and when BLM took them into consideration in the completion of their plans, people were asking questions. People were asking questions about areas that were on the peripheries of the maps, whether they needed to be included. People were asking questions about whether some areas that were included were actually high-priority habitat. People were looking at the maps and asking if they could make adjustments.

Mr. AMODEI. Define people for me. What people? Was NDOW somebody who asked to modify them?

Mr. ASHE. NDOW, yes.

Mr. AMODEI. So the answer to my question is, NDOW asked you to modify the boundaries of the SFAs.

Mr. ASHE. They asked BLM to modify them.

Mr. AMODEI. So they asked BLM. Do you know if BLM modified them?

Mr. ASHE. They did.

Mr. AMODEI. Did they ask you before they modified them?

Mr. ASHE. They did.

Mr. AMODEI. And is it true that BLM's statement that we were told that if we did not have these, it would be listed, is that input that you gave to the bureau in terms of focal area establishment?

Mr. ASHE. I would say that is a simplification, but it is basically right. The strongholds were a key facet in our decision to get to a "not warranted" determination. That is because we could look at the habitat, and we could look into the foreseeable future, and we could see that these strongholds, the sage-grouse focal areas, would be protected and sage-grouse would persist in a large, connected, contiguous piece of the Western landscape.

Mr. AMODEI. Final one for this round, Mr. Chairman, if I may.

Did you do an analysis for Nevada and said, okay, this is our sagebrush focal area. It is 3-ish million acres, an analysis between what was considered priority habitat, what was considered non-habitat, or was it just basically we want this area and we are not sure if we have included stuff that had not hereto been habitat in there? Was there an analysis done by Fish and Wildlife before putting out this additional conservation method?

Mr. ASHE. I can just say when you think about strongholds, or sage-grouse focal areas, you should first see a map in your mind's eye that is priority habitat. Our opening salvo in the discussion with BLM was priority habitat needs to be protected. We need to know there is going to be no disturbance of priority habitat.

BLM came back and said that was too big of a bite, can you shrink that down? So we said we would take a look at that.

To build sage-grouse focal areas, we started with priority habitat and then we picked from that the highest quality habitat and put the strongest protections on this habitat, because we have to maintain it. So strongholds, sage-grouse focal areas, are a subset of what we originally identified as priority habitat.

Mr. AMODEI. So the answer to my question is, there does not exist an acreage breakout that adds up to 3 million in Nevada saying this is priority, this is the next step, this is the next step, and this is stuff that is not habitat at all.

Mr. ASHE. There was a map. We had maps that depicted priority habitat, general habitat, and non-habitat.

Mr. AMODEI. No, no, a listing that says, here you go, out of the 3 million acres, here is what it is comprised of, as far as habitat designation——

Mr. ASHE. The 3 million——

Mr. AMODEI. Let me finish, please. Or being designated as non-habitat. Is there a listing like that in U.S. Fish and Wildlife records for the Nevada stronghold areas?

Mr. ASHE. I do not know. I can find out the answer to that question. We could break out the sage-grouse focal areas into priority habitat, general habitat, and non-habitat.

It would almost entirely be priority habitat. But at a small scale there is some general habitat, and there is some non-habitat, because we built contiguous blocks around the best of the best.

So that means there are some little pieces within that contiguous block that would be general habitat, and some that might provide no habitat. But what we needed from the strongholds was a contig-

uous block. So the vast majority of that is going to be priority habitat.

Mr. CALVERT. You can drill down on that in the second round.

Mr. Jenkins, you are recognized.

Mr. JENKINS. Thank you, Mr. Chairman.

Director, thank you for being here, and thank you for your testimony.

I do, like other members of the committee, recognize the Fish and Wildlife Service's good work in many areas. You certainly have a large footprint in wild and wonderful West Virginia. You have a field office in Elkins. We have wilderness areas, Canaan Valley and Ohio River. So you have a real footprint in our State.

We obviously had a water contamination issue you all stepped up and helped with. Thank you very much for that.

I hear consistently about positive working relationships with your office.

STREAM PROTECTION RULE

One of the things I would like to focus my brief amount of time on is asking about what role Fish and Wildlife and your agency has had working with the Office of Surface Mining relating to their stream protection rule.

Did you help draft that rule? In particular, what was the role Fish and Wildlife had in the drafting of the Stream Protection Rule, as being considered and put forth by OSM?

Mr. ASHE. We have had years' worth of kind of discussions with OSM about stream buffer protection, so yes, is the general answer to your question, we have been involved with OSM. I would need to get back to you in terms of the specific role that we have played. I can do that for the record, or I can see if there is someone here who can answer it more fully for you now.

Mr. JENKINS. So you describe some discussions but not sure exactly to what extent the specifics are.

While you have had discussions, OSM has put forth a draft Stream Protection Rule. Do you know what role you play in that rule that is out there being advanced by OSM?

Mr. ASHE. Gary Frazer is our Assistant Director for Ecological Services. He can give you a good answer to that right now.

Mr. CALVERT. Gary, would you please submit your name for the record?

Mr. FRAZER. Mr. Chairman, my name is Gary Frazer. I am the Assistant Director for Ecological Services with the Fish and Wildlife Service.

Mr. CALVERT. Thank you.

Mr. JENKINS. So back to my question. Has the U.S. Fish and Wildlife Service been engaged in the OSM drafting? And is there a role for the Fish and Wildlife Service under the Stream Protection Rule being advanced by OSM?

Mr. FRAZER. Our primary role to date has been working with OSM, and through OSM with the States, to help them deal with compliance with the Endangered Species Act associated with surface mining activities. It has been through that process, our consultation process under the Endangered Species Act, that OSM has been informed about how best to build into their rule these sorts

of environmental protections and the coordination mechanisms so that individual projects can be in compliance with the Endangered Species Act and otherwise address conservation of fish and wildlife and aquatic resources.

Mr. JENKINS. Let me ask you specifically, as I have reviewed the rule, the rule as put forth by OSM gives the Fish and Wildlife Service essentially veto authority over a permit issued.

As I go back and review SMCRA, it grants the authority for OSM but puts the States in the primary position of issuing permits.

My question is, under what legal authority does the Fish and Wildlife Service have, under an OSM-proposed rule, the right to have veto authority over any permit?

Mr. FRAZER. I have not read their rule. I am not aware, though, that they have given us any veto authority. We do, certainly, play a role in assisting OSM and through OSM any State that administers surface mining programs, a role in helping them ensure compliance with the Endangered Species Act.

There are cases in which a project might not be in compliance, and the Service would be advising OSM and the State in those sorts of circumstances.

But I am not aware of us being in a position of actually having decisionmaking authority.

Mr. JENKINS. Okay. It is my reading and interpretation that I think OSM is advancing a rule that gives you the ability to veto a permit issued by a State when the Service, you, have any issue whatsoever with permits, the fish and wildlife protection enhancement plan.

Let us see what they put out. I have read it. I would encourage you to review it. And let us see if we can come to a mutual understanding as to whether or not OSM may be, granting to the Service authority that SMCRA does not grant.

Mr. FRAZER. We will, certainly, do that. We would be happy to talk to you in more detail.

FISH AND WILDLIFE FOUNDATION

Mr. JENKINS. The last question I have is, through the Wildlife and Sport Fish Restoration Program, West Virginia worked closely with the Service to coordinate the largest Wildlife Management Area expansion in our State's history. Under the Acres for America program, through the National Fish and Wildlife Foundation, there seems to be a developing success story.

Can you share with us how Fish and Wildlife Service is working with partners at the foundation to advance the restoration project that I am referring to in West Virginia? This is related to the elk restoration project.

Mr. ASHE. Right. The U.S. Fish and Wildlife Service, with direction from the committee, provides $7 million a year, roughly, to the National Fish and Wildlife Foundation, which fuels their larger grantmaking program. We do not put conditions on that money.

The Fish and Wildlife Foundation has a multiyear history working with Walmart in the Acres for America program. They have recently gotten Walmart to expand that program, to about $20 million over 5 years.

The foundation is a catalyst, where we provide funding, the foundation brings in private capital to match that funding, and then drives natural resource restoration projects. It has been working very well nationwide, but specifically in West Virginia, it is a great example of success. Our partnership with the National Fish and Wildlife Foundation delivers a lot of conservation.

For instance, on Monarch butterflies, the National Fish and Wildlife Foundation has provided a multiplier effect. We put $1.2 million into the Fish and Wildlife Foundation in discretionary dollars. They got Monsanto Corporation to match that. And then just 2 weeks ago, they got a $6.3 million grant from the Natural Resources Conservation Service.

They tend to be a force multiplier that brings additional resources to the table.

Mr. JENKINS. Thank you, Mr. Chairman.

Thank you, Director.

Mr. CALVERT. Thank you.

Mr. Israel.

Mr. ISRAEL. Thank you, Mr. Chairman.

Mr. Ashe, it is good to see you again.

Ms. Nolin, thank you for being here.

WILDLIFE TRAFFICKING

I want to shift to the issue of wildlife trafficking. You and I have had many conversations and have done some events on this issue. I am pleased that we are making some significant strides on the issue, and these strides have been supported on a bipartisan basis in this subcommittee, by the full committee, and I think by the vast majority of my colleagues in Congress on both sides of the aisle.

This year, your budget requests small increases or level funding for various areas of wildlife trafficking investigation and enforcement. I would like to ask you two questions. One, are the levels that you requested able to continue to demonstrate significant progress? And number two, we passed a sportsman bill on the floor of the House, an authorization, several weeks ago. Congresswoman Grace Meng, my colleague from New York, inserted language that would increase the number of Office of Law Enforcement personnel abroad. I want to know whether your requested budget levels will be able to fund the authorization in Ms. Meng's language?

Mr. ASHE. In the last 2 years, we have had significant budget increases, principally for law enforcement. The subcommittee has been very committed to providing support for that effort. We now have four law enforcement agents stationed in U.S. embassies in Tanzania; in Botswana; in Lima, Peru; and in Bangkok, Thailand. Soon we will have our fifth law enforcement agent in the Beijing Embassy.

With the increase the subcommittee provided for this current fiscal year, we anticipate four additional law enforcement liaisons, hopefully in Jakarta, Indonesia, and perhaps Mexico City.

So I think we will be able to continue that. The small increase we have for this year will increase our capacity and allow us to gauge the impact that these liaisons are having. I think it is an important strategic pause at this point, because it is expensive for us

to put agents in U.S. embassies. This year will give us an opportunity to continue to build it out, so that we will have a field of nine international attaches, and then do some assessment.

We are already seeing a great payoff from this. Having eyes and ears on the ground, people that are able to build trust-based relationships with counterparts internationally, has already shown great benefits. I expect that we will be able to show the subcommittee substantial improvement, and then hopefully in subsequent years, see additional increases that will take advantage of Ms. Meng's provision.

Mr. CALVERT. Will the gentleman yield just for a second?

I have been curious about the subject, because some of us serve on defense appropriations. As you know, a number of terrorist operations are involved in some of this activity to sell that to fund their various enterprises. Is there a force multiplier effect with some of our intelligence agencies that are attempting to keep track of some of these organizations that are, in fact——

Mr. ASHE. Your support and your advocacy both here and on the foreign operations committees, and the President's strategy to combat wildlife trafficking, has had immense effect. In fact, we now have a wildlife trafficking team in the Office of the Director of National Intelligence. We have the Department of Defense, AFRICOM, providing training support for range states in Africa. We have USAID engagement to help build community-based efforts within the range states.

So, yes, Mr. Chairman, the access to intelligence is a big force multiplier. That effort is just now beginning.

Again, I would say that we have seen really great cooperation and it is going to pay dividends. The same people that are trafficking in wildlife are trafficking in drugs and arms and, in some cases, human trafficking.

Sometimes, as we have seen in other venues, when we find wildlife traffickers, it is an avenue into a prosecution of people for much more heinous crimes.

Mr. CALVERT. As the gentleman knows, we have a few special operators down there that can be helpful.

Ms. MCCOLLUM. Mr. Chairman, there is also the issue of having who we need to have at our Customs and airport entries here. I am very concerned that we have not put enough resources or efforts into that with Homeland Security.

There are different kinds of trafficking, because there is also the illegal trafficking, bringing in invasive species.

Mr. Ashe, if you could, maybe point out how underresourced and how overworked some of U.S. Customs and Border folks are right here in the United States.

Mr. ASHE. Yes, it is a key deficiency that I hope we will be able to address on our side of the equation by increased fees to support our wildlife inspectors at key ports and entry points in the U.S. That will help us both with the legal trade and the illegal trade.

We have a key partnership emerging with Customs and Border Protection, they are providing us with a pilot to get access to the International Trade Data System. That is going to be of immense importance to us, so that our people have the ability to see manifests. So we will not be doing a shotgun approach anymore looking

for stuff coming across the border. We will be able to focus our law enforcement efforts, because we will know who is shipping what where and when.

So that is a key partnership. Customs and Border Protection and Department of Homeland Security have been very, very supportive and enthusiastic about the effort.

Mr. ISRAEL. Mr. Chairman, if I can just do a brief follow-up on this?

You mentioned countries where we do have law enforcement personnel where we will plus-up law enforcement personnel. Can you tell us what countries worry you? What countries pose challenges where we just do not have personnel?

Mr. ASHE. I think the ones where we are putting people are the ones where we see the greatest liability and potential.

Mr. ISRAEL. There must be some gaps somewhere in the world.

Mr. ASHE. Vietnam is I think a big gap. All the demand countries, really, and the transit countries. Mozambique is a huge liability. The Port of Mombasa is a huge liability. States where there are destabilized governments present great challenges for us.

But it is also a challenge to put somebody in that environment. We have to learn how to better support our agents. I do not want to grow too quickly that we create liability for ourselves.

So I think we are in a good place right now. You provided great support. Let us stretch our legs a little bit and take advantage of some of the force multipliers in intelligence and other arenas. Again, I would expect for the Fish and Wildlife Service to be proposing additional increases in the future.

Mr. ISRAEL. Thank you, Mr. Chairman.

Mr. CALVERT. Thank you.

DELTA SMELT

Well, back to my favorite subject, California. You made a comment, you said that the threat to the smelt population is primarily pumping. So we went back, we looked over the last few months.

Can you explain, considering we salvaged a total of 12 smelt this year—12—and we have let, as you know, a significant amount of that water go under the Golden Gate Bridge. Do you still believe that is the primary threat to the smelt?

Mr. ASHE. It is always a challenge to talk about this. When we say salvage, the salvage is an indicator. What the project does is pull water out of the Delta. We sample for fish. When we catch fish in our sampling, it means that entrainment is happening, meaning fish are being pulled into the project.

The 12 fish that are salvaged are representative of thousands of fish and larvae of fish that are being pulled into the project.

Mr. CALVERT. Remember, Director, today, as we sit here, 100,000 cubic feet per second—people probably have a hard time getting their mind around how much 100,000 cubic feet per second is.

Mr. ASHE. It is a lot. It is a river.

Mr. CALVERT. And we are pumping 5,000 cubic feet per second. So this is less than 5 percent of the flow. I just want to make that point.

The Fish and Wildlife Service designated critical habitat for the Delta smelt, if you remember, back in 1994. California's current drought started in 2011.

The Endangered Species Act directs the Secretary to make revisions to critical habitat after taking into consideration the economic impact, the impact on national security, and any other relevant impact of specifying any particular area as critical habitat.

So the question is, has the Service gone through the process of evaluating whether to make revisions to the Delta smelt critical habitat based upon economic or other impacts since 1994?

Mr. ASHE. Not that I know of, Mr. Chairman.

Mr. CALVERT. Is it possible, if the service undergoes such an evaluation, that the service would make a determination different than the 1994 determination?

Mr. ASHE. It is possible.

Mr. CALVERT. At what point does the situation in the Delta become a fair question, a fair question to put before the Endangered Species Committee?

Mr. ASHE. If I could, on the critical habitat question, our activities and our biological opinions on Delta smelt are not being driven by adverse modification of critical habitat. I would set critical habitat aside, because I would tell you fairly, if we were going to spend more time and effort on critical habitat, it would not be helpful. It would divert our effort away from the main issue, which is take of the species. So I would set critical habitat aside.

With regard to the Endangered Species Committee, which is colloquially called the God Squad, under the Endangered Species Act, there are three bodies who can convene the God Squad, the action agency, in this case that is the Bureau of Reclamation; a State Governor, the Governor of California; or a private applicant, in this case, there is not a private applicant for a permit.

The Endangered Species Committee would appropriately be convened either by the Bureau of Reclamation or the Governor of the State of California.

Mr. CALVERT. Do you think it is a fair question to be put before that committee?

Mr. ASHE. The law envisions it. It is a facet of the law. I would say, Mr. Chairman, as we have discussed, it would be appropriate to consider it, except from a process standpoint, the Endangered Species Committee is supposed to be convened when you have a biological opinion without reasonable and prudent alternatives, and we do not have that right now. We do not have a situation where that exists.

But your point is well-taken. We are at a position where we have a species that is on the verge of extinction. We are racking our brains on a daily basis to try to figure out how to make the project work and not have the species blink out. We are at a very tenuous place.

Mr. CALVERT. As you know, I have been here for this whole process.

Mr. ASHE. You have. I know. And you have been thoughtful.

Mr. CALVERT. And I have worked with this. We have appropriated hundreds of millions of dollars to fix this. It obviously has not worked.

Mr. ASHE. I have not had personal experience with the Endangered Species Committee, but we are at a place where something has to be different. I mean, we, the Fish and Wildlife Service, we are not helping the Delta smelt. The project today is not helping the Delta smelt. It is not satisfying, certainly, the farmers or the water users in California.

So we find ourselves between that proverbial rock and a hard spot.

But the law does not allow me, as I said before, to turn a blind eye and allow a species go extinct.

Mr. CALVERT. No, but there are avenues, because of economic impacts. As you know, those impacts are well-known.

Mr. ASHE. The law allows the Endangered Species Committee to do that. It does not allow me to do that.

Mr. CALVERT. That is why I was asking the question whether or not that is a reasonable consideration.

Mr. ASHE. It is a reasonable consideration.

Mr. CALVERT. After 24-years-plus of working on this, and trying to come up with a solution to this problem, when we are going to release potentially today, if NOAA comes in and asks for a recommendation for the department of reclamation, when you have 100,000 cubic feet per second moving out, we are only pumping 5,000, per the past biological opinion, and they ask for us to pump less, in other words, we could actually be letting go 97 percent of the water. And that is not sufficient.

At what point is it sufficient? If 100 percent of the water is going to be let loose, then this is a total failure, in my estimation, because, the State of California has spent billions of dollars—Pat Brown, Jerry Brown's father—building this project, which basically becomes basically unusable.

That is why Senator Feinstein is frustrated. I am frustrated. Many people are frustrated.

Mr. ASHE. I am frustrated.

Mr. CALVERT. We have to get serious about this.

Mr. ASHE. Thank you for being thoughtful about it, Mr. Chairman. I appreciate your good questions.

I do think the Endangered Species Committee is in the law for a reason. It is a reasonable question for you to ask: have we arrived at a place where we should convene the Endangered Species Committee? It is the only forum that the law provides to balance the benefits to a species against economic and other forces.

In designating critical habitat, we can make balancing decisions. But when the existence of a species hangs in the balance, the Endangered Species Committee is what the law envisions.

Mr. CALVERT. Thank you.

Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair.

I think I am going to give you something else to be a little frustrated by.

DEEPWATER HORIZON OIL SPILL SETTLEMENT

As part of the Deepwater Horizon oil spill settlement, BP agreed to pay $100 million to the North American Wetlands Conservation

Fund for grants focused on wetland restoration and conservation. I think that is a good thing.

Mr. ASHE. It is.

Ms. MCCOLLUM. However, the settlement did not include any administrative set-aside for the work that you do at Fish and Wildlife. So that means additional funding out of our committee, out of the general U.S. taxpayer fund, is required for you to be able to conduct your duties.

From my conversations with you, that includes everything from some basic planning to getting a scientist in place because the travel comes out of administrative funds.

Director Ashe, rightly so, you want to make this work, you want to make the restoration work, but there has been no set-aside in the settlement, so you are, in my opinion, forced to include $4 million for the Gulf restoration program out of your budget. You are forgoing other choices that you might want to make in helping my friends from the Western States with some of their challenges, or working on invasive species, or many of the other projects that you might have on a backlog list.

Could you please, for the committee, be clear on why this funding is needed; what it will allow the service to do to expedite, efficiently and properly, the $100 million that has been set aside for cleanup; and tell us what we forgo in U.S. Fish and Wildlife priorities that this committee is trying to set? Some of it is our own doing with some of our colleagues thinking that they were being tough on administrative costs, so we were shortsighted with some of our colleagues passing legislation.

The other issue is an interpretation, perhaps. Maybe we should go back and talk to the Justice Department as to conversations that were had to make sure that judicial and legislative intent is clear on what monies should be used for this restoration.

Mr. ASHE. The $100 million for Gulf restoration, was directed to the North American Wetlands Conservation Fund by the court in the criminal settlement, and the $2.5 billion was directed to the National Fish and Wildlife Foundation. Billions of dollars will be directed through the RESTORE Act process and through the natural resource damage settlement.

The U.S. Fish and Wildlife Service plays a key role. I will pick just one aspect of that.

I just attended a National Fish and Wildlife Foundation board meeting this week in San Francisco, and we are funding grants from that $2.5 billion. A big part of those dollars are going to Louisiana for big public works projects, and the Mississippi River diversion. This includes a physical infrastructure project. We are funding huge gates in the levees that when water rises will divert it out of the main channel to take sediment into the marshes and restore those marshes that have been eroding.

That is a huge public works project. We have to work on the planning and design of those projects. We have to work on environmental compliance, for endangered species or Clean Water Act Section 404, and other compliance for that project.

If we do not, the project will not happen. So we have a responsibility, and we have to fulfill it. The money that went to NFWF came with the direction to NFWF that they cannot use it to sup-

port overhead or administration, it can only go to on-the-ground projects.

And our colleagues in the State of Louisiana and Alabama and Mississippi and Florida are in the same position. We have to fund our role in that process.

The same is true for RESTORE. When Congress passed the RESTORE Act, they said that the money cannot be used for administration. So we have to pay for our participation. Billions and billions of dollars are going to be hanging in the balance. We have an obligation to support the restoration.

That is why we have asked the committee for $3 million more to support our Gulf of Mexico function. I think it is appropriate. It is necessary, and we do not have another avenue—the avenue for us to get our overhead expenses has been foreclosed.

Ms. MCCOLLUM. Mr. Chair, I think sometimes when people are talking about administrative costs, it is a very abstract thing. Some of our colleagues to go down on the floor and say, we are just going to cut administrative costs. Sometimes there are things that we will see in a budget administratively and we think you can do that later, or you can postpone that.

But this is a very different type of administrative cost. So, Mr. Chair, if Fish and Wildlife could tell us with more in-depth clarity some of the things that are going to be done under this administrative cost, which just allows a project to go forward, it is something we need to talk to our colleagues on the floor about amending in the RESTORE Act to see if we can provide some relief on that.

I am going to be trying to explore with the Justice Department just exactly what the conversations were, and their definition of administrative costs. Mr. Chair, if we do not get this solved, one, Fish and Wildlife goes shortchanged on other projects that the American public would like to see move forward; and two, I do not think it was ever the expectation for U.S. taxpayer dollars to basically now be paying for cleanup of the Gulf BP spill.

Mr. Chair, this is something that our staff should work with Fish and Wildlife to explore a little more and see if we can talk to our colleagues and reach a common-ground, common-sense solution on this.

Mr. ASHE. Thank you for your help. I would point out to you that these are not fictitious—these are costs that we are incurring now. I actually have an office in the Gulf of Mexico. I have had to do that, because I have to support these projects.

We built it into our budget, which is responsible, I think, on our part. So we have done what we always do. We take it from elsewhere. It is not a reprogramming, because the money keeps its color. It is refuge money or ecological services money depending on how it is spent. It would be irresponsible for the Fish and Wildlife Service not to fulfill its——

Mr. CALVERT. I understand the intent. It is just that sometimes you have to have rational administrative costs. I think we will take a strong look at that and see what we can do.

Mr. ASHE. Thank you.

Mr. CALVERT. Mr. Amodei.

Mr. AMODEI. Thanks, Mr. Chairman.

First, I have to say I am shocked that your favorite topic was not sage hens. I was under the impression it was, but I will get over that. Thank you.

Hey, Dan, I think in an effort to kind of keep this brief, I appreciate your offer to meet, and I would like to do that, and I would like to shorten some of this up to just some information maybe we can get before we have our meeting. You referred to a BLM request for additional conservation measures. We would like a copy of that, if it was a memo or whatever, if it was verbal. I am not suggesting there should or should not be these documents. I am just saying, if you got one, give it to us. If you do not, then say, hey, it was not formally written.

You have referred to conservation community and NGOs as providing information in support of the decision to do the focal areas. I would just like a list of who that was and the NGOs, if you have it. If you say, I cannot generate that, then that is fine. But if it exists, great.

You have referred a lot of times to scientific literature in terms of the support for that. Citations to what that literature was would be good. We do not want to make you make the copies or anything else like that, I know you have other stuff to do, but what you relied upon.

Also, you referenced NDOW and that this has been a 10-year process on that. Any record of communications you have with NDOW on the focal areas before your October 14 memo, I would appreciate seeing what that is, because part of the claim is, hey, this is not a secret. We have been out there collaborating with people on it for a long time. Although I will tell you, I find it interesting that BLM's draft EIS did not include this.

Mr. ASHE. As I said, the BLM's original EIS looked only at priority habitat. So the focal areas were a subset of priority habitat.

Mr. AMODEI. Okay, so then the NDOW discussions were after the October thing. Okay, that is fair enough. You just need to let whoever wrote the answer to request from our office, let us know. They need to tune that part of it up because it represents something different.

At least I did not ask if you reviewed it and it is your work, so I am easygoing in that respect.

And then also, I would like to know if you guys contracted out any of the stuff with regard to focal areas in terms of the policy, because you are very good on the policy, and also the mapping. If there were any contracts to produce mapping or to produce the policy or mapping, then we just kind of would like to know what those were.

And then, I guess that goes to the question of was this generated in-house or was it contracted for in house. I am still trying to get that.

[The information follows:]

The Service is working with the Congressman regarding his concerns with how the strongholds were developed and is setting up a meeting with his office. The Service will provide the requested written material to the Committee with our responses to the Questions for the Record.

STILLWATER REFUGE

And then, just real quick, I want to follow up on that thing that I handed you on the refuge, because it is a small thing.

Mr. ASHE. Stillwater?

Mr. AMODEI. Yes, here is my concern, because I did not get a chance to talk to you. My concern is that this is a key area. Stillwater National Wildlife Refuge is a neat thing for where it is in Nevada.

Their neighbors that they did a boundary line adjustment with, or started one with, are good neighbors, one of the oldest Stillwater farms, Canvasback Gun Club, perfect profile—no offense to those of you who live in an urban area. We might be sitting in one right now. Great conservation folks, do not use the resource much, love ducks, probably have duck wallpaper in their bathrooms at home and all that other good stuff that is all good.

But this is a situation that I think somebody probably needs to go to charm school, because a fence was built, from the information I have heard, before a boundary line adjustment was approved that had taken a lot of years. It was almost as a show of power, allegedly, by the refuge manager.

So now what you have is you have, because you are real estate folks doing their job, have finished that up finally, and now the fence that is brand-new has to be torn down and rebuilt. Not that that is a ton of money, but it is a heck of a lot of money in the context of running a refuge like that.

So if it was one of those things where it is like, "I am just going to show them," and now we have ended up spending almost 100,000 bucks again to rebuild the same section of new fence where it really should be, that is just something that bothers me in terms of going forward in the context of that refuge's relationship with what has been over probably 100 years a very good relationship.

So I normally would not get into that level, but it bothers me, so I appreciate, if your head refuge person is available, or something like that, I just kind of want to know that if somebody needs to go to charm school, I will be happy to drive them.

Mr. ASHE. It could be me.

Mr. AMODEI. I will drive you, too.

Anyhow, with that, Mr. Chairman, I yield back. Thank you.

BURMESE PYTHON

Mr. CALVERT. Well, if there are no other questions, I think I will wrap this up. I appreciate you coming out.

I know you were out in the Everglades. Ms. McCollum and I want to get out there.

I read a story yesterday somebody sent me about this python issue and the great python contest that they had down there. I do not understand why we cannot come up with a better way to track down these snakes, apparently they are totally devastating the Everglades. We need to find out a way to kill them en masse.

Mr. ASHE. For the future, not for the Burmese python, but the best way for the future is prevention, like we are trying to do with the Great Lakes, to keep them from getting there the first place. I think that is the most important lesson.

But you will see pythons in the Everglades, I am sure they will capture one. They are incredible creatures. They really are. They are what biologists call cryptic. They are hard to find, because they make their living by hiding and grabbing things that come by.

You can walk right by them and not even know they are there. I actually love snakes.

Mr. CALVERT. This is the one instance where the chairman will be following the ranking member. [Laughter.]

Mr. ASHE. These snakes are scary. But in their rightful place, they are amazing creatures. In the Everglades, they are incredibly disruptive, so you are going to see firsthand how an invasive species harms conservation. We are spending billions of dollars on Everglades restoration and then a species like this comes in and really puts that investment at risk.

So, yes, you will see firsthand the struggles of people in the field dealing with invasive species. The best way to deal with it is prevention, keeping it from happening in the first place.

Mr. CALVERT. Well, it is too late for that.

Mr. ASHE. Too late for that, that is right. But there is lots of innovation going on using dogs, using infrared technology, using improved detection devices like Ms. McCollum was talking about with Asian carp.

We are learning how to better deal with them in the future.

Mr. CALVERT. Thank you.

U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Budget Hearing: U.S. Fish and Wildlife Service
March 15, 2016

Questions for the Record – Director of the U.S. Fish and Wildlife Service

Questions from Mr. Calvert

Bay Delta

As I said in my opening, I'm deeply concerned about the choices the Federal government is making with California's water. Instead of harvesting the El Nino rains to irrigate the nation's produce and refill the reservoirs, the government is sending El Nino's water under the Golden Gate Bridge and out to sea. Any preconception Californians had about El Nino rains providing some relief from the drought have turned out to be mostly false. And California is looking for an explanation.

The Central Valley Project is capable of pumping 11,000 cubic feet of water per second. Last week, 50,000 cubic feet of water per second moved through the Delta, but pumping was restricted to 5,000 cfs because of the Delta smelt. Today, 100,000 cubic feet of water per second is moving through the Delta, but pumping is still restricted to 5,000 cfs because of the Delta smelt. The agencies are considering further restrictions tomorrow because of salmon. In other words: Yesterday, 90 percent of the Delta's water was off limits. Today, 95 percent is off limits. Tomorrow, the percentage goes higher. No matter how much water is moving through the Delta, it seems, the fish always need more. And the Federal government, hamstrung by the Endangered Species Act, gives it to them.

Calvert Q1: At what point does 100 percent of the Delta's water become off limits because of the Endangered Species Act?

Answer: Because of concerns for human health and safety, it is unlikely that 100 percent of the Delta's water would become "off limits" because of the Endangered Species Act.

Calvert Q2: What else are you doing, besides restricting pumping, to try and recover Delta smelt? Is it working?

Answer: The Service and its partners remain focused on recovery of the Delta smelt and its habitat and continue to implement recovery actions to improve the health of the smelt and its habitat, which also benefits other at-risk species in the Delta. The Service continues to participate in ongoing planning and projects with partners to assist with conservation and recovery of Delta smelt and also maintains refugia populations of Delta smelt. Unfortunately, our cooperative efforts have not resulted in an increase in Delta smelt populations.

The Service is involved in the planning, design, and implementation of habitat restoration in the Delta to directly benefit Delta smelt. Through the section 7 consultation process, the Service is working closely with applicants to ensure the effects and take of Delta smelt associated with their projects are minimized to the fullest extent possible.

Additionally, the Service consults with Federal agencies on many in-water activities that have the potential to affect Delta smelt. For instance, the U.S. Army Corps of Engineers (USACE) dredges or permits dredging in several areas of the Delta and in the San Francisco Bay and also permits levee maintenance. Through consultation, the Service works with the USACE to ensure activities they are involved in permitting in Delta channels minimize effects to Delta smelt

The Service has also been working closely with numerous entities to improve contaminant issues in the Delta that adversely affect aquatic species, including the Delta smelt. For example, the Service has been working with the Sacramento Regional County Sanitation District to reduce contaminants in wastewater effluent and CA Boating and Waterways. These efforts seek to ensure aquatic invasive weed control uses herbicides with the least deleterious effects to fish while also decreasing the effects of non-native aquatic weeds to Delta Smelt and its critical habitat. Removal of aquatic invasive weeds in the Delta improves the water quality in the Delta for native fishes, including Delta smelt.

To facilitate more strategic investments in recovery, the Service is in the process of updating the Delta Native Fishes Recovery Plan in coordination with partners. This plan identifies actions that may be implemented to recover native fishes in the Delta, including Delta smelt. As mentioned above, the Service is involved in and/or tracking many efforts that may ultimately lead to the recovery of the species.

The Service is also represented at all management levels of the interagency ecological program (IEP). The IEP is a multi-agency program that is the "clearing house" for scientific research in the Delta. Each year, the IEP carries out studies that have resulted in a better understanding of Delta smelt recovery needs, including field monitoring of migration behaviors, laboratory toxicity studies, and food web research in restored habitat. The Service is also involved in efforts related to the Collaborative Adaptive Management Team (CAMT) and Collaborative Science and Adaptive Management Program (CSAMP) to address Delta smelt science and adaptive management needs related to Delta smelt in a collaborative process.

Calvert Q3: In 2008, the Fish and Wildlife Service Regional Director said, "just as releasing Delta smelt into a degraded Delta will fail to restore them to self-sustaining levels, so will habitat restoration efforts fail if there are not enough fish to rebuild the population. Unfortunately, that is a very real possibility because current data suggest Delta smelt populations might already be so low that they cannot be recovered without supplementation." The Service broadcasted that it was in the initial stages of planning for a new hatchery facility to propagate Delta smelt. Just last week, the Service said it is still in the planning stage.

What are you waiting for?

Answer: The Service, in partnership with the University of California at Davis (UC Davis), and the California Department of Water Resources, has developed the capacity to spawn and rear Delta smelt in captivity at Livingston Stone National Fish Hatchery (LSNFH). Currently, there are two refugial populations of Delta smelt: the primary population being maintained by UC Davis at the State's pumping facility in Tracy, and a backup population maintained by the Service at LSNFH in Shasta City. These populations are managed to include the range of genetic diversity observed in the wild population.

As the Regional Director noted in 2008, it would not be a good use of resources to raise and release Delta smelt into a degraded Delta environment. The problems that have resulted in the decline of the species (loss of habitat, introduced invasive plants and animals, and greatly altered flow regimes) need to be attenuated to a level that results in an increased probability of success from release of captive-reared fish. The populations currently being maintained in captivity will provide the needed genetic diversity if the environment can be restored to the conditions needed to make stocking Delta smelt effective.

The Service is assisting in the planning phases of a Fish Technology Center. If it is ever deemed reasonable to rear large numbers of Delta smelt in a hatchery environment, the Fish Technology Center could be expanded to include hatchery facilities. Extremely large numbers of Delta Smelt, however, would have to be raised to make a difference. The Service completed a draft Environmental Impact Statement (EIS) for construction of a Fish Technology Center in 2015, received public comments on the draft EIS, and is anticipating a Final EIS by July 2016. If a dedicated hatchery were deemed appropriate, it would employ the technologies developed at the Fish Technology Center to produce the large number of fish required for reintroduction or supplementation.

Calvert Q4: The Central Valley Improvement Act mandates Federal conservation of non-native striped bass.

Do striped bass prey on Delta smelt, and, if so, doesn't the mandate to conserve striped bass conflict with the mandate to recover Delta smelt?

Answer: Striped bass were introduced to the Delta ecosystem approximately 150 years ago. The situation with striped bass is complicated because while they prey on Delta smelt to some degree, they also prey on predators of Delta smelt. The striped bass population has been declining along with many populations of fish in the Delta due to the same stressors impacting the smelt.

The Central Valley Project Improvement Act includes striped bass among six species of anadromous fish targeted to benefit from implementation of the Act. Four of these species (Chinook salmon, steelhead, and white and green sturgeon) are native, and the Service focuses its limited resources on conserving these native species, which are integral to the health of the ecosystem. The Service has not taken any actions under the Act specifically to benefit striped bass.

Calvert Q5: Last year the Fish and Wildlife Service implemented a new incidental take limit (ITL) formula, based upon the work of local stakeholders, which raised the ITL to a higher level. This year the Service implemented yet another formula that lowered the ITL to a more restrictive level than the original formula.

Why did the Service decide to change the formula for a third time?

Answer: The most recent changes in the incidental take limit are reflective of changing population baselines, not changing formulas. Annual fluctuation in IT is a reflection of fluctuations of relative abundance of the species. When the species abundance is low, incidental take under the Biological Opinion will be low. The current data from the index used to estimate species abundance reflects the consistent decline of the species.

For Water Year (WY) 2016, the Service has not changed the formula for calculating incidental take (IT). The Service continues to use the 2014 approach that was jointly presented by the Bureau of Reclamation and Metropolitan Water District at the Independent Review Panel (IRP) for the annual science review of the Service's 2008 and the National Marine Fisheries Service's 2009 coordinated long-term operation of the Central Valley Project (CVP) and State Water Project (SWP) biological opinions. The Service incorporated comments from the IRP, and implemented this alternate in WY 2015.

In November 2015, in an effort to continue to utilize the best available science, the Service presented an alternate method to calculate IT that used an estimate of absolute population abundance, versus a relative index of Delta smelt abundance. The Service hopes this alternate method will lead to improved management flexibility. The Service is currently piloting this new approach alongside the methods implemented in 2014.

Calvert Q6: Did the Service work with State and local stakeholders to calculate the new ITL?

Answer: Yes, the approach the Service is currently piloting was also coordinated with stakeholders.

Calvert Q7: What does the Service use as a population baseline when calculating the ITL?

Answer: The current IT in our 2008 Biological Opinion uses an index of relative Delta smelt population abundance calculated from data from California Department of Fish and Wildlife's Fall midwater trawl (FMWT) survey. The FMWT index provides an estimate of Delta smelt relative abundance.

Calvert Q8: The Fish and Wildlife Service designated critical habitat for Delta smelt in 1994. California's current drought started in 2011. The Endangered Species Act directs the Secretary make revisions to critical habitat after taking into consideration the economic impact, the impact on national security, and any other relevant impact of specifying any particular area as critical habitat.

Has the Service gone through the process of evaluating whether to make revisions to Delta smelt critical habitat, based upon economic or other impacts since 1994?

Answer: No. The Act requires that actions not jeopardize the continued existence of a species or adversely modify critical habitat. Given the current low population levels, the Service would be concerned about the continued existence of the species. Adverse modification to critical habitat is not among the most significant factors in the Service's decisions under the biological assessment. Therefore, modifying the critical habitat designation to remove areas based on economic impacts would not improve water deliveries in the Delta.

Calvert Q9: Is it possible that if the Service undergoes such an evaluation, that the Service would make a determination different than the 1994 determination?

Answer: Yes.

Calvert Q10: The Endangered Species Act provides for a special committee of mostly cabinet-level officials to review a proposed Federal action and determine whether such action is in the public interest, is of regional or national significance, and whether the benefits of such action clearly outweigh the benefits of conserving one species.

If Congress directed the Secretary of the Interior to convene the Endangered Species Committee, is there any reason why she would not do so?

Answer: The statute sets forth in Section 7(e)-(o) direction for establishment and operation of the Endangered Species Committee. Section 7(g) specifies that a Federal agency, the Governor of the State in which an agency action will occur, if any, or a permit or license applicant may apply to the Secretary for an exemption from the Endangered Species Act's requirements. If the application for exemption meets the requirements set forth in the statute, the Secretary will convene the Committee to hold a hearing on the application for exemption.

Nothing in the statute contemplates the Congress acting to direct the Secretary to convene the Committee, outside the application and review process established by the statute. However, if Congress were to pass legislation that was signed into law to direct the Secretary to convene the Committee in this circumstance, she would certainly do so.

Calvert Q11: The Committee is composed of seven members including four cabinet-level officials. The Secretaries of Defense and Commerce are conspicuously absent, as their seats appear to have been statutorily delegated to the Secretary of the Army and the Administrator of the NOAA, respectively. But Commerce is at the heart of California water issues.

Is there a good reason why the Secretary of Commerce should be excluded from the Endangered Species Committee?

Answer: Section 7(e) establishes the Committee and its membership. By statute, the Secretary of Commerce is not included as a member of the Committee. However, one of the seven members

of the Committee identified in the statute is the Administrator of the National Oceanic and Atmospheric Administration."

Calvert Q12: It's my understanding that water levels at several national wildlife refuges in California are dependent upon the San Francisco Bay Delta pumps.

Is that correct?

Answer: Yes, San Luis and Kern National Wildlife Refuges receive water through contracts with the Bureau of Reclamation.

Calvert Q13: Has a decision by the Fish and Wildlife Service to reduce pumping for the benefit of the Delta smelt ever been at odds with other Service mandates, such as providing habitat for migratory waterfowl?

Answer: The Central Valley Project Improvement Act (CVPIA) requires the Bureau of Reclamation to provide 100 % of level 2 refuge supplies in all years except for drought years, when 75% deliveries are required. In our experience, the Bureau of Reclamation manages its operations to be able to provide the required level of refuge deliveries, even in years when actions are taken to provide protection for Delta smelt under the biological opinions. We don't believe that actions taken to benefit the Delta smelt have reduced water availability for delivery under refuge contracts.

Calvert Q14: Under the Endangered Species Committee process, does the Fish and Wildlife Service have the flexibility to consider an exemption in light of limited funding or conflicting mandates?

Answer: Under the ESA, Section 7(a)(2) requires Federal agencies to ensure that their actions are not likely to jeopardize the continued existence of listed species or destroy or adversely modify their designated critical habitat. If, through consultation with the Service, an action is found likely to jeopardize the continued existence of a listed species or to destroy or adversely modify designated critical habitat, the Service will identify reasonable and prudent alternatives to that action that would avoid the likelihood of jeopardy or adverse modification. Funding constraints or conflicting mandates could be the basis for an action agency, Governor, or project applicant to consider the reasonable and prudent alternative to be unreasonable and to apply for an exemption from the Endangered Species Committee. It would be the Committee, rather than the Fish and Wildlife Service that would consider the request for exemption.

ESA: Reauthorization

As you know, authorization of appropriations to implement the Endangered Species Act expired at the end of fiscal year 1992. A growing number of Members of Congress oppose further appropriations until such appropriations are reauthorized.

Calvert Q15: Please explain the impact on the Central Valley Project if Congress appropriated no funds to the Fish and Wildlife Service for Endangered Species Act implementation.

Answer: If the Service had no funds for ESA implementation related to Central Valley Project operations, we would not be able to consult with federal agencies on their actions, and through them provide ESA compliance for the State or other project beneficiaries. Under this scenario, these agencies and project beneficiaries would be highly vulnerable to litigation challenging lack of ESA compliance.

Calvert Q16: Should Congress go through the process of reauthorizing the Endangered Species Act?

Answer: Yes, the Service supports reauthorization of the Act.

Calvert Q17: Are there parts of the Endangered Species Act that can be improved?

Answer: Any statute as longstanding and comprehensive as the Endangered Species Act can be improved. The Service has focused on improving ESA implementation through administrative actions pending reauthorization.

ESA: Status Reviews

The Endangered Species Act requires the Secretary to conduct a status review for each listed species every five years, and to determine, based upon this review, whether the species should be uplisted, downlisted, or delisted. In the FY16 appropriation, Congress urged the Service to complete all status reviews within the five-year period required by law, and, for any determination on the basis of such review whether a species should be delisted, downlisted, or uplisted, promulgate an associated regulation prior to initiating the next status review for such species.

Calvert Q18: On average, how many five year status reviews does the Service need to do each year to meet the ESA mandate, and how many is the Service actually conducting?

Answer: There are 1,510 listed species under the jurisdiction of the Service, of which 610 have current five-year reviews and another 194 species have not been listed for five years so do not yet require a five-year review. The Service currently has 401 reviews in progress and 305 reviews yet to be completed, and these reviews often can be complex and take more than a year to complete. In order to keep up in a timely way, we should be performing about 250 - 260 reviews a year. However, due to resource constraints in recent years and the urgency to perform other species recovery duties (recovery planning, implementing recovery actions, undertaking downlisting and delisting rules), the maximum number of reviews the Service has been able to complete in a fiscal year thus far is 179 reviews.

Calvert Q19: Can funds be moved from lower priorities elsewhere in the Fish and Wildlife Service's $1.5 billion budget to meet your ESA statutory mandates? Will you work with us on this?

Answer: The Fish and Wildlife Service has achieved substantial cost savings as a result of the Administration's efforts to reduce costs for supplies, leased office space and has focused available resources on its highest priorities. There are no low priorities that can be de-funded without significant consequence for the Service and its key Federal, State, local, and tribal partners. However, the 2017 President's Budget proposes increases totaling $18.3 million for the Ecological Services Program that will help deliver on existing responsibilities and mandates, including $7.2 million for the Recovery Program to support, in part, completion of additional 5-year reviews.

ESA: Delisting and Downlisting Backlog

For fiscal year 2016, Congress appropriated $2 million specifically to address the Service's ESA delisting and downlisting backlog.

Calvert Q20: What is the current backlog of delistings and downlistings and how is the backlog defined?

Answer: Currently, approximately 49 species have 5-year reviews that recommend downlisting or delisting. If we are unable to immediately proceed with a delisting or downlisting rule upon finding that such a rulemaking is warranted, we consider the action to be in the backlog.

Calvert Q21: How much funding is the Service proposing for FY17 to continue to decrease the backlog, and what is the backlog estimated to be at the end of FY17?

Answer: The FY17 budget request for the Recovery subactivity is $89.2 million, an increase of $6.5 million above the FY16 enacted level. All activities funded through this subactivity contribute to recovery of listed species and the requested increase is not partitioned according to specific activities. Based on the workload across all recovery activities, the Service dedicated $4 million in FY16, including the $2.0 million increase Congress provided, to initiate and conclude rulemakings to downlist or delist species. The FY17 request will allow the Service to complete additional rulemakings, including pursing delisting of four species presently recognized as recovered. The Service will not be able to estimate the backlog at the end of FY17 because of the breadth of actions that can influence the completion of rulemakings. These actions include developing recovery plans, conducting 5-year reviews, and implementing recovery actions, all of which support recovery and enable downlisting and delisting. By the end of FY17, the Service does expect to delist three additional species due to recovery.

ESA: Listing

The budget proposes to transfer $3.1 million within the ESA Listing program element, from Critical Habitat to Petitions.

Calvert Q22: Please explain why you're proposing the transfer.

Answer: The requested amounts in the Listing subactivity reflect the appropriate balance among these program functions based on the anticipated workload. In FY17, the Service will need less funding than in FY16 to address critical habitat designation for listed species because there are fewer such designations outstanding. In contrast, the Service anticipates the workload for petition findings will be greater in FY17 than in FY16 as the Service can focus more on petitions due to the completion of the Multi-District Litigation settlement agreement.

Calvert Q23: What is the ratio of listing and uplisting petitions to downlisting and delisting petitions?

Answer: Our petition workload is highly dynamic, and we cannot provide a reliable ratio of listing/uplisting to downlisting/delisting. But we do generally receive more petitions to list species than to downlist or delist.

Calvert Q24: Does the Fish and Wildlife Service prioritize listing and uplisting petitions over downlisting and delisting petitions?

Answer: No. The Service funds action on petitions to list or uplist species from the Listing subactivity, and action on petitions to downlist or delist species from the Recovery subactivity. The statutory deadlines for acting on petitions apply to both, and the Service does not prioritize one over the other.

ESA: State and Tribal Wildlife Grants

Beginning with fiscal year 2016, Congress directed the Fish and Wildlife Service to to focus the competitive portion of the State Wildlife Grants program on species the Service finds to be warranted for listing but precluded because of higher priorities, and on species proposed for listing but not yet listed.

Calvert Q25: How has the Fish and Wildlife Service changed its policies or process to meet this directive?

Answer: In FY16, the Service updated the Competitive State Wildlife Grants Program ranking criteria to provide new incentives for States to focus on conservation of Candidate and Petitioned species. Additionally, the Service meets this directive by prioritizing conservation of reptiles, amphibians, and pollinators. The new ranking criteria favor projects that demonstrate how proposed activities can help support the Service's response to a petition for listing, or help preclude the need for listing of Candidate species through proactive conservation of these species and their habitats. The changes have resulted in an increased number of proposals that focus on such species, including the monarch butterfly, regal fritillary, Blanding's and spotted turtles, and the eastern hellbender. While scoring of FY16 Competitive State Wildlife Grant proposals is currently underway, of 22 proposals received in FY16, 15 directly target Candidate or petitioned species (68%). In 2015, only 8 out of 32 proposals explicitly targeted Candidate or petitioned species (25%).

Calvert Q26: If Congress includes the same directive for fiscal year 2017, is the $10 million proposed for the competitive grants program sufficient to carry out the work?

Answer: The proposed funding for the competitive grants program will help meet the needs of the States and Tribes to manage and conserve Candidate and Petitioned species. Funding would allow States to adaptively manage species of greatest conservation need, anticipate and address climate-related impacts, and work on large-scale species conservation across landscapes.

Demand for grant funding remains strong. For example, in FY15, the Service received 32 eligible applications from 18 States and two regional associations and was able to fully fund 15 projects and partially fund two additional projects. The requested increase of $6.4 million for competitive State and Tribal grants in FY17 will help the Service fund additional conservation projects benefitting species of greatest conservation need.

Examples of State and Tribal Wildlife Grant (STWG) projects that address the request include: projects in southern California targeting a variety of State priority species including the Mohave ground squirrel (*Xerospermophilus mohavensis*), listed by the State of California as a threatened species due to rapid urban development and other threats; protection and recovery of the Great Basin distinct population segment of the Columbia spotted frog (*Rana luteiventris*), which has been listed as a Candidate for ESA protection since 1997; and in Oklahoma, secure permanent protection for a wide range of species, including the Endangered Arkansas River shiner (*Notropis girardi*).

Malheur National Wildlife Refuge

Calvert Q27: Please give us an estimate of the total cost to the Fish and Wildlife Service of the occupation earlier this year at the Malheur National Wildlife Refuge in Oregon.

Answer: As of March 23, 2016, the Service has incurred $6.15 million in expenses for the 41-day illegal occupation at Malheur National Wildlife Refuge (Malheur Refuge). These costs include the costs of relocating and protecting employees and Federal property, supporting the Federal response, and enhancing safety and security at other facilities, but exclude costs for restoring damaged natural and cultural resources, which may be identified through criminal proceedings. In collaboration with the Federal Bureau of Investigation (FBI), the Bureau of Land Management (BLM), and the National Park Service (NPS), the Fish and Wildlife Service began providing broad-based, 24-hour support following the illegal occupation with a primary focus on ensuring the safety and physical well-being of Malheur Refuge employees and their families. Activities funded during the occupation include, but are not limited to:

- Relocation of 18 Malheur Refuge employees, residents, and their families, and four employees from other refuges in the vicinity;
- Administrative support for relocated employees;
- Costs of protecting employees and families being threatened by occupiers and their sympathizers;
- Salaries and overtime for employees engaged in daily coordination and management of Service processes during the occupation, including serving as part of the Joint

Information Center led by the FBI and coordinating with other Bureaus and partners to provide critical operational support;

- Response to requests for information from the FBI as well as advice and guidance regarding Malheur Refuge terrain, assets, physical descriptions, refuge buildings' content, and other operational parameters essential to strategic management of the illegal occupation;
- Protection of employees, volunteers, and members of the public whose personally identifiable information was compromised during the occupation;
- Protection of employees, property, and the public at additional Service facilities in Oregon, Washington, and Idaho;
- Proactive, temporary deployment of 150 law enforcement agents and officers to 63 Service-managed properties of concern in 15 States based on intelligence and assessed vulnerability from the FBI and the BLM; and
- Estimated real property repair costs of $1.7 million to return Malheur Refuge to a fully operational state.

Though the current cost estimate does not include cultural and natural resource costs, which are still being determined, the Service anticipates substantial archeological, cultural, and biological restoration costs. Specifically, evidence indicates that culturally significant artifacts and grave locations have been disturbed and are being assessed in coordination with the Burns-Paiute Tribe. The illegal occupation also delayed conservation efforts to remove invasive carp by commercial fishing, which will drive up costs of the long-term eradication effort. At the beginning of the year, Malheur Lake—where these carp that consume essential habitat for birds are found—covered just 3,000 acres; the lake now covers about 20,000 acres, making the carp more expensive to capture. The disrupted work will cost about three years of carp control because the fish are such efficient breeders. Additionally, the illegal occupation prevented planned prescribed burns for the season, which reduces the resiliency and landscape health of the refuge's high desert plains and the surrounding ecosystem and could increase future fire risks.

Calvert Q28: The National Wildlife Refuge Association has said that money the government is able to extract from the occupants through the courts would likely go to the U.S. Treasury and would not be guaranteed to make it back to the Fish and Wildlife Service, let alone the Malheur National Wildlife Refuge.

Is that true, and if so, does your fiscal year 2017 budget propose a legislative change?

Answer: Yes, the Service has requested authority similar to that of the National Park Service and the National Oceanic and Atmospheric Administration to seek compensation from responsible parties who injure or destroy Refuge System or other Service resources. Today, when Refuge System resources are injured or destroyed, the costs of repair and restoration falls upon the appropriated budget for the affected refuge, often at the expense of other refuge programs. Currently, people who injure Service property can only be charged criminal fines, with cases being prosecuted at the discretion of the Department of Justice. In most instances, the injuries far exceed any criminal fines recovered by the United States Government because of the inability of defendants to provide sufficient restoration funding; also, funds from such court judgments return to the Department of Treasury rather than the Service directly. With the proposed legislative

change, the recovery of damages for injuries to Refuge System resources would be used to: reimburse assessment costs; prevent or minimize the risk of loss; monitor ongoing effects; and/or restore, replace or acquire resources equivalent to those injured or destroyed.

Reported offenses often lead to cultural and natural resource injury and number in the thousands, including off-road vehicle use, trespass, and other natural resources violations. Specific examples suitable for damage recovery under this provision include a case of creating illegal roads through Sequoyah National Wildlife Refuge in Oklahoma, which included burning acreage and damming a creek; grounding of a ship on coral reefs at Northwest Hawaiian Islands National Wildlife Refuge; and abandonment of property on numerous refuges.

Deferred Maintenance Backlog

The budget proposal includes a table showing annual declines in the national wildlife refuge system deferred maintenance backlog from $2.544 billion in fiscal year 2012 to $1.165 billion in fiscal year 2016, an average annual rate of decrease of 17 percent. (NWRS-36) The budget proposal also states that the requested increase of $500,000 and 14 FTE will help stabilize the overall maintenance backlog and prevent further growth in FY 2017. (NWRS-31)

Calvert Q29: How much additional funding above the budget proposal would need to be appropriated in order to decrease the maintenance backlog by 17 percent below the fiscal year 2016 level?

Answer: Since 2010, the Service has reduced the deferred maintenance backlog by approximately $1.4 billion, primarily due to investments from the American Recovery and Reinvestment Act, using maintenance action teams, actively pursuing private and public partnerships, carefully prioritizing budgets, cost efficiencies, refined business practices, and disposing of unneeded assets. The FY 2017 refuge deferred maintenance budget request is $41.3 million. The request will help stabilize the overall backlog and prevent further growth in FY 2017. It's difficult to forecast how much additional funding would be required to decrease the current backlog by a certain percentage because the backlog is not a static number: new projects get added as needed repairs and maintenance are delayed more than one year beyond their scheduled completion.

Calvert Q30: The budget proposal says that the national fish hatchery system deferred maintenance backlog was $168 million at the end of fiscal year 2015, and that the requested increase of $3 million in fiscal year 2017 will help reduce the overall backlog. (FAC-11)

Please provide the Committee with a deferred maintenance backlog table similar to the table on page NWRS-36 of the fiscal year 2017 budget proposal.

Answer:

5-Year History of Deferred Maintenance Backlog by Four Major Categories of Assets

Category	National Fish Hatchery System Deferred Maintenance (beginning of FY) ($)				
	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
Roads	24,781,934	30,643,242	30,061,752	30,314,105	27,934,674
Water Management	83,718,681	83,049,637	80,371,681	85,113,207	88,948,126
Buildings	49,228,618	52,821,200	47,734,117	50,156,262	43,717,714
Other	9,470,785	10,738,151	9,197,299	8,279,647	7,912,424
Total	**167,200,019**	**177,252,230**	**167,364,849**	**173,863,221**	**168,512,938**

Calvert Q31: How much additional funding above the budget proposal would need to be appropriated in order to decrease the maintenance backlog by 17 percent below the fiscal year 2016 level?

Answer: The FY 2017 budget request is $13.2 million for Hatchery System deferred maintenance. The request will help reduce the overall backlog and slow the degradation of aging infrastructure. It's difficult to forecast how much additional funding would be required to decrease the current backlog by a certain percentage because the backlog is not a static number: new projects get added as needed repairs and maintenance are delayed more than one year beyond their scheduled completion. At the end of FY 2015, the National Fish Hatchery System deferred maintenance backlog was $168.5 million.

Fish Passage

In the fiscal year 2014 appropriation, the Committee directed the national fish passage program to "determine whether unintentional barriers to fish passage are being installed faster than this and other programs like it are removing them, and to determine whether program funding is more effective if focused on prevention instead of restoration."

Calvert Q32: Has the Service made such determinations yet? If not, please update the Committee on the status of such efforts.

Answer: The Service has not made a determination about the rate at which unintentional barriers to fish passage are being installed in comparison to the National Fish Passage Program's ability to remove them.

To help answer this question, the Service has initiated a project to develop a comprehensive understanding of the institutional, policy, technical, and other causes that lead to the construction of unintentional fish passage barriers. By identifying these causes, we can lead discussions with Federal and non-Federal partners on procedures to ensure that infrastructure investments made across a variety of sectors (transportation, agriculture, hydropower, disaster recovery) are

implemented in a manner that allows for sufficient fish passage and prevents or reduces the incidence of new barriers.

Calvert Q33: Please describe in detail any efforts by the Fish and Wildlife Service to prevent the installation of fish passage barriers (other than for invasive species control) by local, State, tribal, or Federal departments of transportation.

Answer: As detailed above, the Service has initiated an effort to specifically address this question. The Service will begin this effort by engaging with partners in both the public and private sectors to better understand factors contributing to installation of fish barriers and against the development and reconstruction of fish-friendly stream crossings. This project to better understand barriers is anticipated to conclude in FY17, with implementation continuing over the next few years.

Calvert Q34: What Fish and Wildlife Service programs other than the national fish passage program are spending funds to remove fish passage barriers, or, if necessary to control invasive species, are installing fish passage barriers?

Answer: The National Fish Habitat Partnership spends funds on restoring aquatic habitat, which includes removal of barriers, as well as installation of barriers to control invasive species from migrating. While it is not the main focus of their work, the Partners for Fish and Wildlife Program and the Coastal Program have also conducted barrier removal and invasive species control work as part of larger habitat restoration projects

Asian Carp

I recognize that preventing Asian carp from entering the Great Lakes has become, as you stated in your testimony, the primary objective. But we cannot ignore the carp in the Mississippi River system. Let's face it: If Asian carp get into the Great Lakes, we won't all throw up our hands and walk away. We need to become experts at eradicating or at least controlling Asian carp. We better start learning now in the Mississippi River system.

Calvert Q35: What is the Fish and Wildlife Service doing to foster bounty fisheries for Asian carp in the Mississippi River system?

Answer: The Fish and Wildlife Service is not currently engaged in bounty fisheries for Asian carp in the Mississippi River system. However, the Illinois Department of Natural Resources (ILDNR), a key partner on Asian carp prevention efforts in the upper Midwest, is funding a partnership project with Southern Illinois University to offer a bounty of $100 per fish to any recreational or commercial angler that captures and turns in a Black Carp in the upper Mississippi River system. Black Carp have historically been an under-reported species, and the bounty program provides an incentive for gathering potentially important biological information on the population status, location, and potential migration of these fish.

Greater Sage-Grouse

Calvert Q36: Please explain the circumstances in which the Fish and Wildlife Service would have to revisit its decision not to list the greater sage-grouse.

Answer: The 2015 not warranted finding for Greater sage-grouse relied upon the commitments from State and Federal agencies and private landowners to implement regulatory mechanisms and conservation efforts, which FWS determined reduced the threats to the grouse enough to not warrant listing the species. The Federal commitment is in part reflected in the Bureau of Land Management's (BLM) 2015 updates of almost 70 land use plans across ten western States. Full implementation of Federal and state plans in concert with other conservation efforts across the range is an unprecedented conservation undertaking and is critically important to the long term viability of Greater sage-grouse, as well as to the conservation of the larger sagebrush ecosystem upon which they and over 350 other species of conservation concern depend. Moreover, the FWS's determination and the conservation mechanisms in place provide the regulatory certainty needed for sustainable economic development across millions of acres of Federal and private lands throughout the western United States.

At this time, BLM is facing a number of legal challenges on their plans, and a court order to stop implementation or redevelop the plans might require the Service to revisit the 2015 not warranted finding.

The Service may also face legal challenges on our 2015 not warranted finding for Greater sage-grouse, though no specific cases have been filed yet. A case challenging the determination for the Bi-State population of Greater sage grouse has already been filed. If the not warranted finding is successfully challenged, a court could require the Service to complete another status review under the Act.

Finally, if State or Federal agencies fail, or are unable, to follow through on the commitments they made through their plans or conservation programs, the Service might need to initiate another status review and revisit the not warranted finding. This makes it imperative that all partners—Federal and state—deliver on the commitments made to conserve the Greater sage-grouse in this unprecedented collaborative effort.

Gulf Coast Restoration

The Fish and Wildlife Service requested $4 million in FY16 and again in FY17 to review and consult on Gulf of Mexico restoration projects being funded in the next decade by billions of dollars in Deepwater Horizon and RESTORE Act funds. Congress appropriated $1 million in FY16. Director Ashe recently testified that he is supplementing the $1 million appropriation with appropriations to other programs, namely, refuges and ecological services. He said that he has had to do that because he has to support these projects. Not to do so, he said, would be irresponsible. The Committee objects to having to pay for the Deepwater Horizon disaster. The requested $4 million was only partially funded in FY16 because the Service failed to clarify just how much of the Service's review and consultation role was actually a mandate, as opposed to an opportunity. This year's explanation is less clear.

Calvert Q37: Please identify the specific text in law that prohibits the use of Deepwater Horizon and RESTORE Act funds to supplement regular appropriations for Fish and Wildlife Service review and consultation activities.

Answer: Eighty percent of the civil penalties paid after July 6, 2012, under the Federal Water Pollution Control Act in connection with the Deepwater Horizon oil spill will be deposited into the Gulf Coast Restoration Trust Fund and invested. Under the RESTORE Act (Subtitle F of Public Law 112-141), funding is allocated across five categories, none of which explicitly allocate funding for environmental reviews and permitting by the Service. The first is a direct allocation to the Gulf Coast States in equal shares for expenditure for ecological and economic restoration of the Gulf Coast. The second goes to the Gulf Coast Ecosystem Restoration Council under section 1603(t)(2)(A) to undertake projects and programs, to restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast. The third component, under section 1603(t)(3) is to be disbursed by formula to the Gulf Coast States upon the approval of a comprehensive restoration plan. The other two categories, identified in sections 1604 and 1605, provide 2.5% to NOAA for a Gulf Coast ecosystem restoration science, observation, monitoring and technology program and 2.5% to each of the five Gulf Coast States in equal proportions to establish Centers of Excellence. No funds are provided by the RESTORE Act to the Fish and Wildlife Service or other Federal agencies for conducting environmental compliance reviews, providing technical assistance or restoration planning assistance. The Treasury Department administers the RESTORE Act Trust Fund, and maintains an excellent website to explain where the funding is directed at https://www.treasury.gov/services/restore-act/Pages/home.aspx.

Other funding provided under the settlement agreement is allocated to the Natural Resource Damage Assessment and Restoration (NRDAR) program for assessment and response costs and for unknown injuries and adaptive management. These allocations do not address the use of funds for the environmental review of projects. These allocations will be deposited into the NRDAR Fund, and must be used to fund restoration of injured natural resources across geographic areas and within Restoration Types as described in the Trustee's Programmatic Damage Assessment and Restoration Plan and Draft Programmatic Environmental Impact Statement. Although funds allocated among the specific Restoration Types may be used for the environmental review of projects selected by the NRDAR Trustees, in accordance with the Comprehensive Response, Compensation, and Liability Act, the Oil Pollution Act, and other authorizing statues, these funds may not be used for the environmental review of projects selected and funded by non-NRDAR restoration activities (e.g. RESTORE Act and National Fish and Wildlife Foundation restoration projects).

Calvert Q38: How much does the Fish and Wildlife Service expect to spend in FY16 to review and consult on Gulf of Mexico restoration projects being funded by Deepwater Horizon and RESTORE Act funds?

Answer: The Service anticipates spending $3.8 million of its appropriation in FY16 to support its work on Gulf of Mexico restoration projects. That total includes $1 million appropriated in FY16 to help fund costs associated with the Service's environmental compliance and review,

technical assistance, and project planning currently underway across the five Gulf Coast States and the entire 31-State Gulf of Mexico drainage basin. To date, the Service is directly involved in the design, review, and implementation of over 180 projects from the U.S. Army Corps of Engineers, Gulf Coast States, and others, totaling more than $700 million dollars (not including projects funded by the settlement and allocated to the NRDAR program). The Service's involvement will ensure restoration projects are designed in a manner that will protect and restore habitat for important Gulf Coast wildlife including migratory birds, freshwater, marine, and anadromous fish, and many of the 132 federally-listed species that occur in the watershed.

Calvert Q39: Please identify the specific text in law that the Service believes compels the agency to spend more than Congress appropriated for the Service to review and consult on Gulf of Mexico restoration projects being funded by Deepwater Horizon and RESTORE Act funds.

Answer: The Service is required to meet statutory requirements of the Endangered Species Act, National Environmental Policy Act, Migratory Bird Treaty Act, and other provisions of law. Because of the influx of project funding to the Gulf region, the Service's workload is above and beyond our already stretched capacity. Many of the Gulf projects will be large-scale restoration efforts that impact Federal trust resources and cross multiple jurisdictions and political boundaries. The failure to adequately support environmental compliance activities in the Gulf region could make the Service an impediment to projects that will provide immense ecological, economic, and social benefits to the Gulf Coast States; it is our goal to avoid that.

Comprehensive Conservation Plans

The National Wildlife Refuge System Improvement Act of 1997 (Improvement Act) was passed into law on October 9, 1997. The Improvement Act mandated that the Service complete a CCP for every unit of the Refuge System within 15 years (by October 9, 2012). There were 551 units of the refuge system, including wetland management districts, at the time of the passage of the Act. Since then, Congress mandated that the Service also complete CCPs for three newly established field stations before the 2012 deadline. Thus, 554 field stations required completed CCPs by October 9, 2012. In addition, the Improvement Act requires that a CCP be developed for every new unit that is created (within 15 years of its creation) and that every CCP must be revised every 15 years (or more often if conditions warrant).

Calvert Q40: How many Refuge System units are required by law to have a current CCP by the end of FY17?

Answer: When the National Wildlife Refuge System Improvement Act of 1997 was passed into law, the Refuge System had 551 units, including Wetland Management Districts. Between October 9, 1997 and September 30, 2002, the Refuge System added 30 new units. Therefore, by the end of FY 2017, the Refuge System is required to have a current CCP for 581 units. This is not the totality of all refuge units required to have a CCP, but the total refuge units required to have a CCP by the end of FY 2017.

Calvert Q41: How many units will have a current CCP by the end of FY17?

Answer: The Service expects 563 units will have a completed CCP by the end of FY17.

Calvert Q42: How many CCPs does the Service propose to develop or revise in FY17?

Answer: The Service expects to develop or revise approximately 20 CCPs in FY17.

Calvert Q43: On average, how many CCPs should be developed or revised annually in order for the Service to be compliant with the law?

Answer: The Service's first priority is to complete CCPs for the original 551 units under the Improvement Act of 1997, and the Service is working to have CCPs for the remaining units underway in FY 2017.

The Service is currently transforming the way CCPs are developed. Once the original 551 CCPs are complete, future CCPs will be preceded by a Landscape Conservation Design (LCD), developed with the Service's partners, including States, tribes, and non-government organizations, through the Landscape Conservation Cooperatives (LCC) network and other partnerships. LCD is a long-term, iterative process. Flexibility and adaptive management are keys to its success. LCD assesses the current and predicts future conditions of a landscape and identifies shared resource management goals and objectives. The CCPs for all refuges within a LCD geography will then be designed to implement the goals and objectives of the LCD and address refuge-specific issues.

It is difficult to estimate a specific annual target number for revised CCPs because the schedule of LCD completions is determined cooperatively with the Service's conservation partners, through the LCCs, based on mutual priorities.

Calvert Q44: Has the Service ever been sued for not having a CCP as required by law? If so, how did the court rule?

Answer: Yes, a Federal magistrate judge issued a report and recommendation that the Service had failed to complete the Klamath Basin National Wildlife Refuge Complex CCP by the deadline and required the Service to complete the CCP for Klamath Basin Refuges by August 1, 2016. Also, a suit filed in Federal Court alleges that the Service failed to comply with the statutorily-mandated deadline to prepare a CCP for Guadalupe-Nipomo Dunes NWR and has not been adjudicated.

D.C. Booth National Fish Hatchery and Archives

In 1989, Congress appropriated funding for construction of a state of the art museum property storage building, public restrooms, concession and underwater viewing area at D.C. Booth with the Fish and Wildlife Service resuming operations of the facility with a new mission to "assemble, preserve, protect, make accessible to researchers, and interpret the history and technology of fish culture".

Calvert Q44: Do the museum and archives contain fisheries program artifacts from around the nation?

Answer: Yes.

Calvert Q45: Why are the operations costs for the museum and archives borne solely by the Mountain-Prairie Region rather than shared by the fisheries program nationwide?

Answer: The Service allocates funding for the operation and maintenance of each national fish hatchery unit to the Service Region within which it is located.

Calvert Q46: What is the estimated FY17 budget and FTE count for the D.C. Booth National Fish Hatchery and Archives? Please list each of the employee positions and indicate whether each position is full-time permanent, part-time permanent, or temporary.

Answer: The Service's estimated allocation for FY 17 $383,683 and three FTE.

Employee Information:
- Supervisor Fish Biologist (also referred to as the Project Leader), full-time permanent
- Facility Operations Specialist, full-time permanent)
- Administrative Officer, full-time permanent, works half-time for DC Booth Historic National Fish Hatchery

Calvert Q47: What would be the estimated FY17 budget and FTE count for the D.C. Booth National Fish Hatchery and Archives, assuming it is fully staffed?

Answer: While the President's budget request maintains support for current staffing, the estimated fully staffed budget for FY17 includes $492,000 and four FTE.

Employee Information:
- Supervisor Fish Biologist (also referred to as the Project Leader), full-time permanent
- Facility Operations Specialist, full-time permanent
- Administrative Officer, full-time permanent, works half-time for DC Booth Historic National Fish Hatchery
- Curator/Archivist, full-time permanent

National Ocean Policy

Likened by the Interior Department to a "national zoning plan,"[1] the "coastal and marine spatial planning" (otherwise known as "marine planning") component of the National Ocean Policy is being implemented pursuant to the July 2010 Executive Order 13547. Under the initiative, new "regional planning bodies" are tasked with creating marine plans for review and approval by the new National Ocean Council.[2] Even in regions of the U.S. where all states decide not to

[1] *See* http://www.boem.gov/uploadedFiles/BOEM_2012-2017_OCS_Oil_and_Gas_Leasing_Draft_Programmatic_EIS.pdf (Page 4-54).
[2] *See* Final Recommendations of the Interagency Ocean Policy Task Force ("Final Recommendations"), released July 19, 2010, Pages 57-58, *available at* http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf.

participate on a regional planning body to carry out the policy's marine planning initiative, federal agencies nonetheless are also directed to "identify and address priority science, information, and ocean management issues associated with marine planning as described in the Executive Order."[3] Under the July 2010 National Ocean Policy Executive Order, USFWS officials have been participating in the policy's marine planning initiative in regions covering Alaska, the Gulf of Mexico, Caribbean, Great Lakes, Mid-Atlantic, Northeast, Pacific Islands, South Atlantic, and West Coast.[4] However, USFWS participation in the National Ocean Policy and its marine planning component is not mentioned anywhere in the FY 2017 budget justification.

Calvert Q48: Please describe in detail USFWS' planned and completed activities with regard to National Ocean Policy implementation.

Answer: The Service has not had a major role in National Ocean Policy implementation. The Service has participated in several conference calls regarding facilities and authorities, and responded to information requests regarding ocean and coastline-related issues.

Calvert Q49: As to the marine planning effort, language adopted by the July 2010 National Ocean Policy Executive Order stated that the policy's marine planning effort will require "significant initial investment of both human and financial resources,"[5] and in early 2012 the National Ocean Council noted that federal agencies had been asked to provide information about how "existing resources [can] be repurposed for greater efficiency and effectiveness" in furtherance of the National Ocean Policy.[6]

Please describe in detail any USFWS resources and personnel that have been or will be directed toward activities in support of the National Ocean Policy, including the marine planning initiative. In doing so, please provide a citation(s) to the FY 2017 budget request line item(s) that would be used to support USFWS' continued participation in National Ocean Policy activities.

Answer: The Service's role under the National Ocean Policy has been minimal and the Service does not anticipate involvement in related activities in FY 2017.

Calvert Q50: While the National Ocean Council has stated that the National Policy "does not establish any new regulations or restrict any ocean uses or activities,"[7] recommendations adopted by the National Ocean Policy Executive Order state that effective implementation will require "clear and easily understood requirements and regulations, where appropriate, that

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[3] *See* National Ocean Policy Implementation Plan, National Ocean Council, released April 16, 2013, Page 22, *available at* http://www.whitehouse.gov//sites/default/files/national_ocean_policy_implementation_plan.pdf.
[4] See http://www.doi.gov/pmb/ocean/regional_partnerships/upload/DOI-ROP-CMSP-Staffing-Chart-3-20-2012-v10.pdf, http://pacificislandsrpb.org/members/federal-members/, and http://gallery.mailchimp.com/6bb66fed099f6eb4e4253667e/files/Gulf_of_Mexico_RPB_Federal_Members.pdf.
[5] *See* Final Recommendations of the Interagency Ocean Policy Task Force ("Final Recommendations"), released July 19, 2010, Page 43, *available at* http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf.
[6] *See* Draft National Ocean Policy Implementation Plan, National Ocean Council, released January 12, 2012, Page 5, *available at* http://www.whitehouse.gov/sites/default/files/microsites/ceq/national_ocean_policy_draft_implementation_plan_01-12-12.pdf.
[7] See http://www.whitehouse.gov/administration/eop/oceans/faq.

include enforcement as a critical component."[8] As to marine plans developed under the policy, federal agencies are "expected to formally incorporate relevant components...into their ongoing operations or activities consistent with existing law,"[9] and the Executive Order requires federal entities to implement the National Ocean Policy to the maximum extent. In part by removing agency discretion through the requirement that future regulatory actions be consistent with marine plans, National Ocean Policy actions thus serve as precursors to regulatory activity.

Given the requirements under the National Ocean Policy Executive Order, please explain in detail how USFWS plans to implement the National Ocean Policy in its future regulatory actions. In doing so, please explain (1) whether, and if so how, USFWS commits to only conduct operations and activities that are consistent with marine plans; and (2) under what if any conditions USFWS would be able to take an action that is inconsistent with a marine plan.

Answer: The Introduction of the National Ocean Policy Implementation Plan states, "The Policy does not create new regulations, supersede current regulations, or modify any agency's established mission, jurisdiction, or authority." The Service has no reason to believe that implementation of the National Ocean Policy will have any impact on the agency's regulatory authority. Furthermore, no regional marine plans have been completed.

Calvert Q51: What if any commitment can you make that USFWS will not establish any regulations or restrict any ocean uses or activities in furtherance of the National Ocean Policy? The National Ocean Policy Implementation Plan directs DOI (as a National Ocean Council member) to implement what has been described as a "fundamental shift"[10] in the way that the federal government manages ocean, coastal, and Great Lakes resources by adopting an "ecosystem-based management" (EBM) approach. Specifically, EBM must be incorporated into environmental planning and review processes by 2016. In addition, the National Ocean Council (which includes DOI) is directed to "[c]omplete formal interagency partnership agreements...regarding coordination and leveraging efforts to achieve EBM."[11]

Answer: Any action the Service might take in furtherance of the National Ocean Policy would have to be consistent with the Service's existing authorities and would likely not represent a different path of action than the Service would take absent the Policy.

Calvert Q52: Please describe in detail any completed or planned activities of USFWS in furtherance of the new ecosystem-based management requirement under the National Ocean Policy. In doing so, please explain any "fundamental shifts" in federal resource management that have occurred since the National Ocean Policy was established.

Answer: The National Ocean Policy has not resulted in any "fundamental shifts" in the Service's policies or operations.

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[8] *See* Final Recommendations of the Interagency Ocean Policy Task Force ("Final Recommendations"), released July 19, 2010, Page 30, *available at* http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf.
[9] *See* Final Recommendations of the Interagency Ocean Policy Task Force ("Final Recommendations"), released July 19, 2010, Pages 61-62, *available at* http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf.
[10] *See* Final Recommendations of the Interagency Ocean Policy Task Force ("Final Recommendations"), released July 19, 2010, Page 29, *available at* http://www.whitehouse.gov/files/documents/OPTF_FinalRecs.pdf.
[11] *See* National Ocean Policy Implementation Plan, National Ocean Council, released April 16, 2013, Page 19, *available at* http://www.whitehouse.gov//sites/default/files/national_ocean_policy_ip_appendix.pdf.

Calvert Q53: Please explain how incorporation of EBM into USFWS environmental planning and review processes could impact proposed projects. In doing so, please explain how such an incorporation of EBM would be different from current standards using best available scientific information, and what metrics would be used to determine whether EBM has been achieved.

Answer: The incorporation of EBM into conservation strategies helps to ensure ecosystems are sustainable and the resources and services they provide are protected. EBM is not in conflict with the Service's use of the best available science for planning, although it does include consideration of relationships across spatial, biological, and organizational scales, which increases the likelihood a conservation action will be successful. EBM is a principle that the Service used in its decisionmaking prior to the establishment of the National Ocean Policy.

Calvert Q54: Has USFWS been a signatory to any formal interagency partnership agreements to coordinate and leverage efforts in support of EBM? If so, please full describe and provide a copy of any such agreements and fully explain USFWS' involvement.

Answer: The Service's authorizing statutes already require us to take an ecosystem-based approach to management of natural resources. The Service does not anticipate any departure from current standards.

Calvert Q55: Please explain in detail what if any public process USFWS plans to use to determine goals under EBM.

Answer: EBM is a place-based approach to managing and conserving resources, thus each situation is unique. EBM focuses on the interaction between human uses and values and the health and productivity of natural systems. The goal of EBM is to achieve a balance between desired human uses and conservation that ensures the ecosystem is resilient and sustainable. Public engagement processes may be employed to incorporate public input on projects or issues.

Calvert Q56: Given resource, data, technology, and knowledge gaps, please explain how USFWS plans to implement EBM by 2016.

Answer: In carrying out its statutory requirements, the Service will continue implementing EBM, where appropriate, independent of the National Ocean Policy.

IMARS

Calvert Q57: Did you spend money intended for IMARS on your legacy law enforcement database system?

Answer: From 2005 to 2012, FWS provided the IMARS funding requested in the President's Budget and appropriated by Congress to the Department to support the IMARS investment. From fiscal years 2005 through 2012, FWS contributed more than $6 million toward the implementation of IMARS.

In 2013 and 2014 the Service used the funding appropriated for IMARS for developing IMARS-related functionality in LEMIS and decommissioning LE-IMAGS in 2014.

In FY 2015, the Service requested funding for IMARS in the President's Budget; however, Congress did not fully fund its overall request.

Beginning in FY 2016, the Service did not request funding for IMARS in the President's Budget.

Calvert Q58: Do you intend to implement IMARS and if so, when?

Answer: The FWS has raised concerns about whether IMARS can fully meet its law enforcement needs; the Department's Office of Law Enforcement believes it can. The Department is committed to integrating FWS's law enforcement programs currently handled through LEMIS into IMARS in a manner that does not compromise FWS's ability to accomplish its missions. A specific issue is that LEMIS is currently the only viable platform to implement the FWS's interface with the U.S. Customs and Border Protection as part of the International Trade Data System. Issues relating to integration of FWS's law enforcement programs into IMARS are currently being evaluated in the context of current IT standards and law enforcement protocols. The issues and challenges are technical in nature, and Interior's Office of Law Enforcement and Security, Interior's Office of the Chief Information Officer and FWS are working together to craft an effective solution.

Questions from Mr. Simpson

Minidoka Wildlife Refuge Comprehensive Conservation Plan

Simpson Q1: Can you please update my office on the status of CCP for the Minidoka Refuge?

Answer: The Service is currently developing the draft CCP after scoping and public involvement. We anticipate the draft CCP to be released for public review in the summer of 2016.

Sage Grouse

We worked long and hard to prevent a listing. However, I hear from my constituents daily that the land management plans are burdensome and in some cases will eliminate 30-40% of grazing lands according to my Jefferson County Commissioners. Some have even said it is worse than a listing. I don't agree with that assertion because a listing would be an absolute worst case scenario. However, some states have sued based on these land management plans.

Simpson Q2: Can you tell me what the plan is if the states win their lawsuits?

Answer: The Service is monitoring all legal challenges to the BLM and U.S. Forest Service (USFS) management plans. The 2015 not warranted finding for Greater sage-grouse was founded on the commitments from State and Federal agencies and private landowners to implement regulatory mechanisms and conservation efforts. Full implementation of these plans, in concert with other conservation efforts across the range, is critically important to the long term viability of Greater sage-grouse as well as to the conservation of the larger sagebrush ecosystem upon which they and over 350 other species of conservation concern. Any successful attempt to impede or stymie this cooperative conservation effort and undermine the regulatory certainty it provides will have significant implications on the ability of the State and Federal agencies to implement these plans and would likely require the Service to revisit the 2015 not warranted finding.

With regard to concerns you are hearing about the impacts of the land management plans on grazing, it is important to note that suggesting such reductions in grazing is not based on any actions or analysis by the BLM. The plans recognize, as does the Service, that well managed grazing practices can be compatible with long-term Greater sage-grouse conservation. The plans do not close Sagebrush Focal Areas or Priority Habitat to grazing. The BLM is committed to continue working with its permitees to ensure healthy rangelands are assessed according to many factors including: (1) the science describing the habitat conditions in which Greater sage-grouse thrive, and (2) the ecological site conditions of what any particular allotment can provide. The BLM expects to work with ranchers in Idaho and other range States as partners in conservation for many decades to come.

Simpson Q3: Will the USFWS be forced to list the sage grouse?

Answer: In 2015, the Service determined that the Greater sage-grouse was not warranted for listing based on the commitments from State and Federal agencies and private landowners to implement regulatory mechanisms and conservation efforts, which the Service determined reduced the threats to the grouse enough to not warrant listing the species. The commitments to implement these actions are strong and close coordination among partners will inform adaptive management to ensure that conservation efforts continue to benefit sage-grouse into the future. Continued implementation and coordination should prevent the need to list sage-grouse, but any successful legal challenges that significantly alter or impede these conservation efforts would require the Service to re-evaluate the 2015 not warranted finding.

Simpson Q4: Will the states have the opportunity to implement their plans?

Answer: The Federal and State plans were a fundamental component of the 2015 not warranted decision for Greater sage-grouse and the Service encourages all of the States to fully implement their plans.

Question from Mr. Joyce

Duck Stamp

Federal Migratory Bird Hunting and Conservation stamps (Duck Stamps) are conservation revenue stamps with 98 percent of the purchase price going directly to help acquire and protect wetland habitat and purchase conservation easements for the National Wildlife Refuge System.

Joyce Q1: Last year, several Members of Congress sent letters to U.S. Fish and Wildlife Service Director Dan Ashe urging him to release a request for proposal (RFP) for an online platform for the purchase of duck stamps. Can the Fish and Wildlife Service tell us where that request stands and what the timetable is for releasing the RFP?

Answer: Currently Federal Duck Stamps can be purchased online from multiple sources, including the U.S. Postal Service and 18 State wildlife agencies that sell Duck Stamps electronically, thereby providing immediate authorization to hunt migratory waterfowl legally during open waterfowl seasons. An additional 5-7 States will be added to this electronic stamp sales program in the Fall of 2016. Individuals can also purchase a Duck Stamp by contacting the Service's primary consignment distributors (U.S. Postal Service and Amplex) directly, or at one of over 6,000 outlets that have consignment agreements to sell Duck Stamps. Many outlets offer online purchases from their websites as well.

The Service is still planning to issue an RFP that will seek improvements to how Duck Stamps may be marketed and purchased using the technological advances being made in electronic communications. At this time we do not have a timeline for how soon this RFP will be issued, but we expect it will go out by early to mid-summer of 2016.

Questions from Mr. Stewart

Duck Stamps

As you've identified and Congress has agreed, the Duck Stamp program is a good example of conservation providing revenue to help acquire and protect wetland habitats and purchase conversation easements with 98 percent of the purchase price of the stamp going directly to these programs.

Stewart Q1 What are FWS plans for expanding the ease for purchase of a duck stamp program by providing this online and thus growing revenues?

Answer: Currently Federal Duck Stamps can be purchased on-line from multiple sources, including the U.S. Postal Service and 18 State wildlife agencies that sell Duck Stamps electronically thereby providing immediate authorization to hunt migratory waterfowl legally during open waterfowl seasons. An additional 5-7 States will be added to this electronic stamp sales program in the Fall of 2016. Individuals can also purchase a Duck Stamp by contacting the Service's primary consignment distributors (U.S. Postal Service and Amplex) directly, or at one of over 6,000 outlets that have consignment agreements to sell Duck Stamps. Many outlets offer online purchases from their websites as well.

Stewart Q2: Last year, several Members of Congress sent letters to you urging you to release an RFP for an online platform for the purchase of duck stamps.

Can you tell us where that stands and what your timetable is for releasing the RFP?
Would this management structure be lawful? Would it violate the lawful delegation doctrine?

Answer: The Service is still planning to issue an RFP in FY 16 that will seek improvements the marketing and purchasing of Duck Stamps using the technological advances being made in electronic communications.

Virgin Spinedace

The Fish and Wildlife Service recently published a positive 90-day finding on a petition requesting you to list the Virgin Spinedace as an endangered species.

Stewart Q3: Why is it that when you're required to use the best science available you use only subjective information provided by an environmental group in the petition but ignore State data in your own files that shows that the species range has been expanded over 30% because of an active partnership that involves FWS own biologists?

Answer: The Service has summary information from the Utah Division of Wildlife Resources (UDWR) on Virgin River spinedace distribution and abundance in our files, which was not ignored when we evaluated the petition. However, the petitioners presented substantial information that river hydrology and climate change could threaten the Virgin River

spinedace. The positive 90-day finding was made because the Service found that these potential threats need further analysis.

The Service will incorporate all available information, especially UDWR's, during the forthcoming analysis for the required 12-month finding.

Questions from Mr. Amodei

Greater Sage-Grouse

Amodei Q1: Did the Fish and Wildlife Service conduct, or contract out, an analysis that distinguished habitat designations (priority, general, non-habitat, etc.) before the FWS proposed its greater sage-grouse strongholds referenced in Director Ashe's October 2014 memorandum to the Bureau of Land Management and the Forest Service?

Answer: In the Fall of 2014, the Service conducted the habitat analysis that identified the strongholds outlined in the October 2014 memorandum. Identification of Greater sage-grouse stronghold areas focused on large blocks of federally-owned, high-quality habitat where large densities of breeding Greater sage grouse are known to occur. These stronghold areas were identified based on published scientific literature. The stronghold process did not include an explicit analysis of BLM habitat designations; however, because both the Service and BLM mapping exercises rely upon the same scientific literature, the stronghold areas generally aligned with the priority habitat areas identified by BLM. In some places, the strongholds include general habitat or non-habitat to allow for connectivity between habitats and populations. It is important to note that the Service never intended for lands within the exterior boundaries of the strongholds that did not meet the Service's criteria for suitable habitat (for example private lands, or non-habitat) to be included in or managed as strongholds.

Amodei Q2: Did the Fish and Wildlife Service staff prepare the stronghold maps or contract out the development/creation of these maps, the mapping itself, or the policy development behind the stronghold areas? If so, to which organization(s)?

Answer: In the Fall of 2014, the Service responded to a request from BLM leadership to identify additional conservation opportunities on Federal lands and the Service produced a series of landscape-scale maps identifying highly important areas for Greater sage-grouse conservation. These maps were developed by an interdisciplinary team of Service employees using the best available science at that time about the location of habitat and populations. It is important to note that the landscape-scale maps the Service provided the Federal partners did not represent "new" recommendations; the conservation community - including State and Federal wildlife managers, conservation scientists, and NGOs - has for more than a decade indicated these areas are "strongholds" for Greater sage-grouse and critical to the long term persistence of the species. The Service highlighted these areas and opportunities for meaningful and durable conservation because the scientific literature assigns so much value to these places and Federal partners requested support with identifying opportunities to enhance approaches to conservation.

Amodei Q3: In the Fish and Wildlife Service's pre-FY17 appropriations hearing responses to our office, the Service stated that all the information considered for the development of the "strongholds" recommendations is existing, public and was posted online.

Where do members of the public find this information and can the Service supply it to our office?

Answer: All of the information the Service considered in the development of the stronghold recommendations is publically available. From the beginning of this process, the Service has worked to make the stronghold information readily available to all interested parties. Immediately following Director Ashe's transmittal of the strongholds memo and maps to BLM Director Kornze and U.S. Forest Service (USFS) Chief Tidwell, the Service held a series of briefings for members of the Governors' Sage-Grouse Task Force, including State and Federal agencies. The Service explained the rationale and methodology for the mapping effort and emphasized that it was provided at the request of BLM for technical assistance. The Service then held a series of meetings at the staff level with interested partners to further discuss technical aspects of the mapping process. The Service posted the memo and maps on the U.S. Geologic Survey (USGS) Science Base so any interested party could view and download the maps and associated data layers. To enhance access to the memo and maps, the Service also posted these materials on its national sage grouse conservation site and created a link from that site to the USGS Science Base site:

Memo and maps:
http://www.fws.gov/greatersagegrouse/documents/ESA%20Process/GRSG%20Strongholds%20memo%20to%20BLM%20and%20USFS%20102714.pdf

Data layers: https://www.sciencebase.gov/catalog/item/546cf30be4b0fc7976bf1d4e

Amodei Q4: Also included in the Service's pre-hearing responses to our office was a statement that the conservation community and Non-Governmental Organizations provided information for the development of the strongholds.

Which organizations from the conservation community provided habitat mapping information for Nevada and are these organizations headquartered in Nevada?

Answer: The Service considered mapping information provided by the conservation community that included State fish and game agencies and Federal agencies. During the mapping process, the Service compared the stronghold areas with related efforts by the Conservation Biology Institute (consbio.org) and NatureServe (natureserve.org) to determine relative agreement between analyses. These two organizations are not headquartered in Nevada, but do coordinate with the States on conservation data issues. A comparison of the Service's maps with the geospatial data from these two organizations helped confirm that the stronghold maps were consistent with landscape-level sage grouse conservation opportunities and needs.

Amodei Q5: Did the Service consult the Nevada Department of Wildlife after receiving input from the conservation community about the information they provided for Nevada? If so, did the Nevada Department of Wildlife have concerns with their recommendations?

Answer: The Service did not consult the Nevada Department of Wildlife prior to providing the stronghold information to the BLM. The Service did brief the State of Nevada, along with all the other States represented at a Governors' Sage-Grouse Task Force Meeting. The Service held a series of meetings with the Nevada Department of Wildlife to share information about the

stronghold identification process and to understand their concerns. The Service continues to work very closely with the State on sage grouse conservation issues.

Amodei Q6: Were there differences in mapping suggestions between the Nevada Department of Wildlife and the conservation community and NGO's? If so, what was the rationale for utilizing mapping boundaries other than what NDOW, the foremost entity for wildlife in the State of Nevada, suggested?

Answer: Since the creation of the stronghold map, the Nevada Department of Wildlife has requested some mapping modifications, including consideration of more recent maps provided by the USGS. In addition, the State of Nevada has indicated that some areas may be of minimal conservation value and should be excluded from the mineral withdrawal proposal. In other areas, they recommend an expansion of the strongholds to protect adjacent leks. The Service continues to work with the State to incorporate the new USGS maps and to better understand their concerns and the conservation benefits of the proposed changes. The Service is also working with the BLM to understand the potential process for including these changes in the mineral withdrawal proposal.

Amodei Q7: Did the Service request BLM conduct mineral withdrawals for the stronghold areas identified in the Director's Oct. 2014 memo? If not, why?

Answer: The BLM and the USFS are jointly proposing to withdraw lands within Sagebrush Focal Areas (SFAs) from location of new mining claims under the 1872 Mining Law. The Service recommended that BLM and USFS consider mineral withdrawal for those areas during the land use planning process. The land management agencies ultimately adopted those areas as SFAs to safeguard against disturbance to and fragmentation of Greater sage-grouse habitat from certain hard rock mining operations, as was suggested in the 2013 Conservation Objectives Team Report jointly produced by the Service and its State partners.

Duck Stamps

Last year, several Members of Congress sent letters to the Fish and Wildlife Service urging the Service to release an RFP for an online platform for the purchase of duck stamps.

Amodei Q8: Can you tell us where in the process that stands and what your timetable is for releasing the RFP?

Answer: The Service is still planning to issue an RFP in FY 16 that will seek improvements the marketing and purchasing of Duck Stamps using the technological advances being made in electronic communications.

Questions from Mr. Jenkins

Stream Protection Rule

Director Ashe, on March 15, 2016, you and your Assistant Director, Gary Frazer, testified before the House Appropriations Subcommittee on the Interior, Environment, and Related Agencies that you had not read the Office of Surface Mining Reclamation and Enforcement's (OSM) proposed Stream Protection Rule (SPR) and that you were not aware of Fish and Wildlife Service being given veto authority over Surface Mining Control and Reclamation Act of 1977 (SMCRA) permits. You did, however, say that Fish and Wildlife Service does play a role in assisting OSM, in compliance with the Endangered Species Act (ESA).

Jenkins Q1: Can you further explain Fish and Wildlife Service's role in assisting OSM with compliance of the ESA?

Answer: Through the Service's consultation process under the ESA, the Service will help OSMRE ensure actions are not likely to jeopardize the continued existence of any threatened and endangered species or destroy or adversely modify designated critical habitat. The Service is developing a collaborative process with OSMRE, State Regulatory Authorities (RA), and mining companies to address potential project impacts to listed species or critical habitat early in the planning phase of mining activities. This process will consist of: (1) providing technical assistance to mining companies, OSMRE, and RAs; and (2) Service Field Office biologists reviewing and providing comment on mining permit applications. The precise mechanism for coordination of the technical assistance process between the Service, OSMRE, and RAs is still being drafted. However, under the OSMRE's existing rules, the RA must provide the fish and wildlife resource information to the applicable Service regional or field office whenever the permit application includes species listed as threatened or endangered under the ESA, designated critical habitat, or species proposed for listing as threatened or endangered. The provided information will include a protection and enhancement plan describing how the mine operator will minimize impacts to fish and wildlife resources. During the review process, under the current biological opinion, the Service may provide additional species-specific protective measures, monitoring, and reporting recommendations to minimize effects to ESA-listed species and designated critical habitat, which the regulatory authority must include in the permit. If the regulatory authority disagrees with the recommendations, the biological opinion provides an elevation mechanism for resolving differences. The Service is working with OSMRE to address some of the shortcomings that currently exist in the ESA compliance process with mining projects.

The Service does not have the authority to veto mining proposals. However, if a proposed mining project is likely to jeopardize the continued existence of any threatened or endangered species or destroy or adversely modify designated critical habitat, the Service will work with OSMRE, the RA, and the mining company to avoid or minimize project impacts to eliminate the threat of jeopardy or adverse modification.

Jenkins Q2: Does the Fish and Wildlife Service derive any of its authority from SMCRA? Please explain.

Answer: The Fish and Wildlife Service does not derive regulatory authority from SMCRA.

Jenkins Q3: What coordination did you or your staff have with OSM on the proposed SPR with respect to provisions related to ESA and protection and enhancement plans under SMCRA? Please list by name and title all members of your staff who had contact with OSM on the proposal, during its formulation or during the formal interagency review process.

Answer: The Service provided informal consultation services concerning the Stream Protection Rule and defers to OSM, as the acting agency, for administrative records.

Jenkins Q4: Please provide all meeting minutes, interoffice communications, phone logs, emails, letters and faxes between Fish and Wildlife Service and OSM related to the proposed Stream Protection Rule covering the time both before and after the formal regulatory process and publication of the proposal.

Answer: The Service provided informal consultation services concerning the Stream Protection Rule and defers to OSM, as the acting agency, for administrative records.

Jenkins Q5: Please provide copies of all comments directed to OSM regarding the proposal whether made during the formal rulemaking process or in any informal process, including prior it the publication of the proposal.

Answer: The Service provided informal consultation services concerning the Stream Protection Rule and defers to OSM, as the acting agency, for administrative records.

Jenkins Q6: How are you planning on coordinating with OSM on the Stream Protection Rule going forward both with respect to its finalization as well as its implementation?

Answer: The Fish and Wildlife Service and OSMRE are in formal consultation pursuant to section 7 of the ESA on the promulgation of the Stream Protection Rule. During this consultation period, Service and OSMRE biologists are working to clarify and streamline the objectives outlined in the Stream Protection Rule in order to facilitate the implementation. The goal is to create an understandable and seamless ESA compliance process that will promote collaboration amongst all parties during the permitting phase of a mining facility. Implementation of the ESA-related provisions of the Stream Protection Rule, once finalized and promulgated by State Regulatory Authorities, will primarily take place between the Service Field Offices, State Regulatory Authorities, and individual mining facilities. Service Field Offices will work closely with the State Regulatory Authorities, individual mining facilities, and OSMRE, as appropriate, to minimize and avoid project impacts to ESA proposed and listed species and critical habitat.

Questions from Ms. McCollum

Asian Carp

McCollum Q1: To date, what amount of funding has been spent by the Fish and Wildlife Service and the US Geological Survey on Asian Carp?

Answer: Since FY11, the Service and the U.S. Geological Survey (USGS) have expended funds appropriated to each agency as well as Great Lakes Restoration Initiative (GLRI) Asian Carp Framework funding from the Environmental Protection Agency to address the threat of Asian carp. The Asian Carp Framework is administered by the Asian Carp Regional Coordinating Committee, a bi-national partnership of 23 agencies (including the Service and USGS) focused on preventing the introduction and establishment of Asian carp in the Great Lakes.

GLRI funding is limited to work in the Great Lakes Basin. From FY11 to FY14, the majority of Service funding was expended to protect the Great Lakes. But recent appropriations increases for combatting Asian carp have allowed the Service to address unmet needs in the upper Mississippi and Ohio River basins.

Since the most recent version of the Water Resources Reform and Development Act (WRRDA) was passed in June 2014, the Service and its State and Federal partners have expanded interagency collaboration in the upper Mississippi and Ohio River basins, with the primary goal of preventing the expansion of Asian carp populations within those watersheds. As directed, the Service helped to lead coordinated efforts to identify and implement the highest-priority projects, including Asian carp population monitoring and control actions, in support of basin-wide management strategies. Partner projects were funded using the appropriations increase Congress provided in FY15, allowing direct support for collaborative work with our State partners within these basins. In FY16, the Service will build upon these partnerships and begin to implement additional high priority management and control actions for Asian carp. In collaboration with Federal and State partners, USGS is also addressing Asian carp issues in the upper Mississippi River. This includes genetic tools for early detection, identification of seasonal habitat use and behavior of Asian carp, and development of an Integrated Pest Management approach to control Asian carp.

Service expenditures from 2011 to 2016 are:

FY	Service Base Funding	GLRI Funding	Total Funding
2011	$189,000	$5,208,000	$5,397,000
2012	$1,997,000	$3,132,000	$5,119,000
2013	$3,263,000	$3,580,000	$6,834,000
2014	$3,500,000	$4,918,028	$8,418,028
2015	$5,500,000	$4,024,000	$9,524,000
2016	$7,900,000	$3,335,000	$11,235,000

USGS expenditures from 2011 to 2016 are:

FY	USGS Base Funding	GLRI Funding	Total Funding
2011	$200,000	$4,673,934	$4,873,934
2012	$2,616,000	$1,638,700	$4,254,700
2013	$2,478,000	$1,625,000	$4,103,000
2014	$3,757,000	$3,523,232	$7,280,232
2015	$5,620,090	$3,935,500	$9,555,500
2016	$5,620,000	$5,240,000	$10,860,000

McCollum Q2: On what has this funding been spent and how have you determined whether this investment has produced results which have moved us forward in understanding, controlling and preventing the spread of this destructive species?

Answer: Funding has been used to support projects and comprehensive strategies to protect the Great Lakes and the upper Mississippi and Ohio river basins from the threat of Bighead, Silver, Black, and Grass Carp introduction, establishment, and/or range expansion. The majority of Service funding from FY11 to FY14 was expended to protect the Great Lakes, but funding increases in FY15 and FY16 have allowed the Service to address unmet needs in the upper Mississippi and Ohio river basins.

Efforts to protect the Great Lakes from Asian carp are coordinated primarily through the Asian Carp Regional Coordinating Committee (ACRCC), co-chaired by the Service and the EPA. The comprehensive portfolio of interagency projects is included in its annual Asian Carp Control Strategy Framework (Framework). Funding is provided annually through the Great Lakes Restoration Initiative (GLRI) and individual agency base budgets. A significant portion of these expenditures supported projects implemented in the Chicago Area Waterway System (CAWS) and Illinois Waterway, identified as the primary pathway for the potential dispersal of Asian carp to the Great Lakes. Key Service-led or funded projects include interagency Asian carp monitoring and early detection using both eDNA and traditional tools; focused Asian carp population monitoring and control actions; development and use of new techniques for the detection and removal of smaller life stages of Asian carp, including larval and juvenile fish; projects to address other potential secondary pathways of Asian carp introduction as identified in the Great Lakes Mississippi River Interbasin Study; studies of potential inadvertent entrainment and transport of small fish by barges, which could facilitate transfer beyond the electric dispersal barrier system (EDB) near Chicago, IL; regulatory work for potential use of new deterrent or control technologies (e.g. complex sound, carbon dioxide, and targeted fish toxicants); and work on comprehensive integrated pest management strategies.

While the EDB is recognized as a primary line of defense for preventing movement of Asian carp between the Mississippi River and Great Lakes basins, the multi-pronged interagency Framework has evolved into a more comprehensive Asian carp prevention strategy for the Great Lakes. These efforts have provided a more robust and comprehensive early detection system and yielded reductions in Asian carp populations of up to 68% in locations downstream of the EDB in the Illinois Waterway, all of which to date have helped prevent the introduction and

establishment of an Asian carp population in the Great Lakes via the CAWS and Illinois Waterway.

In 2015, the Service received additional appropriations to support Asian carp management efforts in the upper Mississippi and Ohio river basins, and other locations. As directed in WRRDA 2014, Sec. 1039, the Service led interagency coordination with its State and Federal partners within these basins to identify priority projects in support of basin-wide Asian carp management strategies. Collaborative projects supported with these funds included comprehensive surveillance to evaluate the status of Asian carp populations in key locations, focusing on range expansion and population characteristics; contract fishing to reduce propagule pressure and to characterize adult Asian carp populations; evaluation of Asian carp and native fish passage at select locks; the use of telemetry to determine distribution, movement, and lock and dam passage of Asian carp; and coordination and outreach with stakeholders. More comprehensive and current data on the population status and movement of Asian carp will be critical to informing subsequent prevention and control actions in the basins.

Wildlife Trafficking/International Affairs

McCollum Q3: The United States remains one of the world's largest markets for wildlife and wildlife products. Illegal trafficking of these products threatens the existence of many fish, wildlife and plants around the world.

Last year, we provided the Service with funding to place four additional special agents overseas as part of the "International Attaché" program.

Has the Service hired these agents and what is the status of those placements?

Answer: In FY 14, the Service began a special agent "International Attaché" program with the goal of hiring and placing five special agents overseas to investigate illegal international wildlife trafficking. One special agent has been on duty and stationed at the U.S. Embassy in Bangkok, Thailand since FY 14, where he has been focusing on wildlife trafficking issues throughout Southeast Asia. The agent has supported U.S.-based investigations and has played a key role in efforts to combat wildlife trafficking throughout the region by taking a holistic approach of supporting Wildlife Enforcement Networks (WEN's), working with foreign law enforcement officials to improve wildlife crime management, training border officials, and supporting a more robust judicial and legal structure throughout the region. In August 2015, three additional attachés were stationed at U.S. embassies in Dar es Salaam, Tanzania; Gaborone, Botswana; and Lima, Peru. In the short time since these attachés have been in place, they have provided critical support to strengthen enforcement and expand international cooperation throughout the regions of Southern and Central Africa, and South and Central America. The Service continues to work with the Department of State to place a fifth attaché in Beijing, China this May. The Service plans to deploy four additional attachés in 2016. The attachés will be stationed in areas of the world that have been determined to be strategically important in the fight to combat illegal wildlife trafficking

McCollum Q4: Illegal wildlife trafficking is a global market that has been linked to organized crime and terrorism. Huge networks of data are usually involved in these crimes and digital forensics plays an increasingly critical role.

How many digital forensic specialists are you requesting in FY 2017 and is this a sufficient number for the projected workload?

Answer: In FY 16, as part of a $4 million increase Congress provided to combat wildlife trafficking, the Service plans to hire five new special agents in the Service's Digital Evidence and Recovery Computer Forensics Lab in Jacksonville, FL, to specialize in highly technical functions related to digital forensics. In the current climate of combating global wildlife trafficking, organized crime syndicates involved in illegal wildlife trafficking regularly utilize digital technology to carry out their criminal enterprise. These new positions will focus on the proper seizure and analysis of digital evidence (computers, mobile devices, and digital media) which will provide investigators the tools to fight domestic and international wildlife crime. The Service does not request any program changes in FY 2017.

McCollum Q5: The Service has stationed wildlife inspector and canine detection teams at three critical ports of entry.

How have these teams' expedited inspections?

Answer: The Service's Office of Law Enforcement (OLE) wildlife inspection staff handles daily operations of processing declared wildlife shipments at 36 staffed ports of entry. In 2014, three wildlife inspector canine detector teams were established to improve interdiction of smuggled wildlife. Their primary role is to assist in inspections of bulk shipments (ocean, mail, express courier) that may contain undeclared wildlife and/or wildlife products. The use of the wildlife inspector canine detector teams allows for fast and efficient inspection of large freight volumes which would otherwise take an inspector numerous hours to open and examine the contents. Since the program started in the spring of 2014, these highly trained K-9 inspectors have detected wildlife in over 430 shipments of imports and exports with an approximate total of 360 pounds of wildlife products that were refused clearance.

McCollum Q6: Has the Service determined a return on investment for these teams and whether it would it be more cost effective and efficient to create additional teams?

Answer: Due to the success of the three wildlife inspector canine detector teams, the Service currently has four additional canine teams in training to be assigned to four additional ports. Since the start of the program in April 2014, these highly trained K-9 teams were used in over 515 inspections of import and export shipments that resulted in refusal of nearly 20% of those shipments. These shipments included wildlife items such as hunting trophies, feathers, furs, skins, raw coral, shells, boots, shoes, purses, jewelry, caviar, and meats.

McCollum Q7: The ecosystems that form around coral reefs are some of the most biologically diverse systems in the world and are threatened by pollution, destructive fishing practices and harvesting for the aquarium and jewelry trades. Many species of coral are listed under CITES

(the Convention on International Trade in Endangered Species of Wild Fauna and Flora) and protected by international, domestic, or state environmental laws.

Protecting and conserving diverse biological coral reefs is essential. How is the Service working with NOAA Fisheries and the Department of Justice to protect endangered and threatened corals through enforcement of the Endangered Species Act and the Lacey Act?

Answer: With assistance from Customs and Border Protection (CBP), the Service is the lead agency at the border enforcing wildlife laws. The Service's wildlife inspectors contend daily with dozens of imports and exports of marine tropical fish and live corals at various U.S. ports on a dual mandate to facilitate the legal trade and interdict unlawful shipments. Service law enforcement officers conduct inspections on these consignments and often perform 'blitz' operations where CITES or other violations have been documented or suspected. In 2015 alone, the Service cleared approximately 9,668 live marine and tropical fish imports and seized approximately 1,715 live, protected corals from 57 shipments.

In addition to inspection and interdiction activities, the Service and NOAA Law Enforcement have opened several joint investigations involving the unlawful harvest and trade in protected marine life and precious corals through the enforcement of the Endangered Species Act (ESA) and the U.S. Lacey Act, leading to successful prosecutions by the Department of Justice.

Gulf Coast Restoration

The Service is asking for an increase of $3 million in FY 2017 for 20 FTE to review and consult on Gulf of Mexico restoration projects being funded by Deepwater Horizon and RESTORE (the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States) Act funds.

While the Service is not the direct recipient of the damages from the 2010 Deepwater Horizon oil spill, it is responsible for environmental reviews for restoration projects supported by these funds.

McCollum Q8: Has the Service requested any clarification of the settlement determinations to make sure funds cannot be used for the staff necessary for these environmental reviews, or for technical assistance and restoration planning expertise?

Answer: Yes, the plea agreement that provided $2.5 billion to the National Fish and Wildlife Foundation (NFWF) for the Gulf Environmental Benefit Fund provides clear direction regarding the specific amount of funds to be allocated to each State and the types of activities that can be conducted. The agreement also mandates that the NFWF consult with the Service to identify projects and maximize the environmental benefits of such projects. The plea agreement does not address the Service's additional workload associated with this consultation responsibility. In early conversations with the NFWF, the Service inquired if funds originating from the plea agreement could be used to offset our expenses for providing consultative services. NFWF has informed us that it is not able to use these funds to cover Federal costs. Over the last three years, using existing resources, the Service has consulted with the NFWF on 73 proposals for grants

totaling over $480 million. To do this effectively, the Service have had to redirect biological staff across the Gulf region from other duties to focus on this important responsibility. This reflects the continuing and increasing workload the Service anticipates from this settlement, and the Service's desire to facilitate ecologically-beneficial projects.

The Service is also clear on the allowable uses of funds described in the consent decree resolving the government's civil claims under the Clean Water Act and natural resources damage claims under the Oil Pollution Act. The natural resource damages will be used to fund the activities detailed in the programmatic Restoration Plan selected by the Trustees. These activities include restoration project implementation, monitoring, assessment, and science support in an adaptive management framework, as well as administrative oversight and management. Some of these funds may be used to support Service staff working on environmental reviews, or staff necessary for technical assistance and restoration planning. These funds are restricted, however, to those projects and processes directly linked to the restoration of injured natural resources as described in the consent decree and the Trustee's programmatic Restoration Plan.

Of the funds identified under the Clean Water Act, 80% are directed to the RESTORE Act Trust Fund, which then provides specific allocations to the Gulf States and the RESTORE Council for projects and programs. The RESTORE Act does not explicitly allocate, nor contemplate, the use of funds by the Service to meet statutory and regulatory requirements related to the Fish and Wildlife Coordination Act, the National Environmental Policy Act, the Endangered Species Act, the North American Wetlands Conservation Act, the Migratory Bird Treaty Act, the Coastal Barrier Resources Act, and other provisions of law.

McCollum Q9: If funds are not appropriated to hire the 20 FTE requested in FY 2017 base funds will have to be used to address this workload. Please give specific examples of what work will not get done if it is necessary to use base funds?

Answer: Early this April, a Federal judge finalized the over $20 billion settlement over the 2010 Deepwater Horizon oil spill. With the settlement finalized, project work in the Gulf region is expected to increase rapidly. Without additional funding to address this increased workload we know is coming as a result of the settlement of DWH case, projects being pursued by States, parishes, counties, and other Federal entities are likely to be delayed by Federal environmental compliance and review processes. Projects that would be impacted could include beach re-nourishment in areas where sea turtles and a range of migratory birds occur, projects sponsored by local governments in Baldwin County, Alabama, and the cities of Orange Beach and Gulf Shores.

During FY15, the Service's Gulf Coast field offices completed more than 900 consultations on projects that either required a Federal permit or involved Federal funding. The important thing to note here is that while this includes more time consuming, complex formal consultations, many were completed informally because the Service's field biologists were able to get involved early and work with many project sponsors to minimize the effect on listed species, preventing the need for more substantive formal consultations that can take the 135 days or longer in some cases.

Over the past three years since the inception of the $2.5 billion Gulf Environmental Benefit Fund (GEBF), the National Fish and Wildlife Foundation approved 75 projects valued at $483 million. Consultations and related planning were completed on each of those projects, and the Service has initiated informal consultations for 30 new projects valued at $339 million being proposed in the GEBF's current funding cycle. Once these projects are finalized, only a third of the $2.5 billion will have been allocated to date. In addition, the workload represented by the RESTORE Act ($4.4 billion) is substantial, and will not be effectively and efficiently managed without the $3 million funding increase requested in the Service's budget.

The request will prevent the Service from becoming a bottleneck for implementation of hundreds of Gulf Coast restoration projects and delay the allocation of billions of dollars while the Service performs required environmental reviews and related planning. The request will also allow the Service to continue conducting reviews for businesses and citizens not related to the Gulf Coast restoration effort who expect timely environmental reviews.

McCollum Q10: Will you need additional FTE in 2018 to address this workload?

Answer: Based on the anticipated workload, the FY17 request, if appropriated, will support the Service's participation in Gulf Coast restoration efforts.

Pollinators

Your budget requests an additional $2 million to benefit pollinators. Half of the increase is for work with private landowners and the other half is for outreach and education, strategic habitat restoration and public-private partnerships at wildlife refuges.

McCollum Q11: How will these funds be leveraged to expand the conservation efforts to save pollinators? How big of a match do you expect from the non-federal partners?

Answer: The funding requested for habitat restoration and enhancement on private lands through the Partners for Fish and Wildlife Program will be leveraged with cash and in-kind services from landowners and other project partners. The Partners Program has a successful track record over the past three decades in leveraging program dollars. The partner match from projects benefitting monarchs and other pollinators in FY15 was nearly 3:1, and the Service expects similar leveraging of the funds requested in FY17. The Service also will leverage funds and effort through its very successful Schoolyard Habitat Programs, through work in urban areas with key community partners, and through organizations that employ youth for summer work to improve habitat and develop educational materials on the benefits of pollinators. These partnerships do not have a specific matching ratio requirement so the Service has more flexibility to assist communities that may not have the financial resources to complete these projects. Partner matches can come in the form of volunteer labor, in-kind donations of goods or services, or matching dollars to help pay for project components such as plants for a schoolyard pollinator garden.

McCollum Q12: What are the criteria you will use for the selection of habitat restoration projects funded through the Partners for Fish and Wildlife program?

Answer: The Partners Program has established project selection criteria based on each Region's 5-year strategic plan to determine whether projects improve habitat for Federal trust or other priority species; meet Region-specific priorities and are in geographic focus areas; expand priority habitats, reduce habitat fragmentation, establish conservation buffers, and provide wildlife movement corridors; are on private lands near National Wildlife Refuge System lands; and are self-sustaining. The Partners Program will use this project selection criteria, which will be informed by the best available science and decision support tools, such as those developed through the Monarch Conservation Science Partnership with the U.S. Geological Survey, to determine the highest priority projects for pollinator habitat restoration and enhancement. For example, information on target areas where projects are expected to provide the greatest conservation benefit for monarchs will be incorporated into the selection process as part of our strategic approach to habitat conservation.

McCollum Q13: Who is the Service collaborating with to achieve its goal of restoring and enhancing 130,000 acres of habitat to benefit monarch butterflies in FY 2017?

Answer: The Service is collaborating with a wide array of partners to identify conservation opportunities across all types of lands and land ownership to achieve the habitat restoration and enhancement goal for FY 2017. Partners include farmers, ranchers and other private landowners, non-governmental conservation organizations, refuge Friends and community groups, rights-of-ways and roadside managers, State and local governments, and other Federal agencies. The Service is also working with commodity groups, the agricultural industry, conservation groups, and academia through the Keystone Monarch Collaborative for the purpose of facilitating engagement of the agricultural community in monarch conservation by providing effective messages on the need for conservation, availability of technical and financial assistance, and best management practices.

Minnesota Moose Population

The moose population in Minnesota has fallen dramatically due to climate change and increasing tick and parasite populations.

McCollum Q14: How is the Service working with State and local agencies to collect more data on moose population mortality to assist in the conservation of this species?

Answer: The U. S. Fish and Wildlife Service (Service) regularly works with State and local agencies to collect data that contributes to the understanding and conservation of at-risk species. In cooperation with the Minnesota Department of Natural Resources' Fish and Wildlife Division, the Service's Wildlife and Sport Fish Restoration Program is providing Pittman-Robertson Wildlife Restoration Act funds for two studies of Minnesota's moose population. The first study, entitled, "Determining Causes of Death in Declining Moose Population in Minnesota" is collecting data on the causes of moose mortality and is targeting adult moose. The second study, entitled "Determining Temporal and Spatial Survival and Cause-Specific Mortality of Moose (Alces Americanus) Calves in Northeastern Minnesota" is targeting moose calves. The total cost for both studies is $1,002,915 over three years, with the potential Federal share to be

approximately 75 percent or $752,186. The studies are ongoing with expected completion by June 30, 2017. In addition, Agassiz National Wildlife Refuge has collaborated with the State of Minnesota on moose conservation over many years, including studies on moose health and population surveys.

White Nose Syndrome

The Minnesota Department of Natural Resources reports White Nose Syndrome has affected hibernating bats at Lake Vermilion-Soudan Underground Mine State Park in northeastern Minnesota. Testing of dead bats found near the entrance of the mine by the USGS National Wildlife Health Center confirms these bats were infected with WNS.

McCollum Q15: WNS continues to spread rapidly and is reported in 27 states and five Canadian provinces. How did the Service determine no additional funding was needed in FY 2017 for this important pollinator when we have not found a cure for this disease?

Answer: The Service is committed to aggressively fighting white-nose syndrome (WNS) in bats, which affects insectivorous hibernating bats. These bats save the agriculture and forestry industries at least $3 billion annually by eating insect pests. The Department-wide funding for WNS totals $9.2 million in 2016, however, financial support for WNS research is largely from Service and private sources. Since 2008, the Service has dedicated over $24 million to WNS grants to Federal and State agencies, universities and non-government organizations. Most annual Service funds come from base funding out of the endangered species recovery and science applications programs and some funding is provided by State and tribal wildlife grant and other competitive programs. In FY17, the Service has again requested $4.5 million to continue fighting WNS. The Service, with the other member agencies of the coordinated national WNS response, is implementing an aggressive strategy for containing the spread of WNS, conducting field trials to test management tools in the wild to help reduce impacts of the disease on bats, and working closely with States on the leading edge and in the WNS-free zone to slow and stop the spread. As with many emerging wildlife diseases, the response features evolving science, a rapidly changing landscape, and variable species impacts. The Service is working in a coordinated fashion with many partners, and is committed to understanding and combating this disease.

McCollum Q16: How are we measuring success and ensuring we are utilizing the taxpayer's dollars in the most effective way?

Answer: In 2010, the Service coordinated the development of The *National Plan for Assisting States, Federal Agencies, and Tribes in Managing White-Nose Syndrome in Bats* to have an integrated, collaborative strategy that outlines objectives, timelines, and goals for the adaptive management of WNS. The National Plan provides an overall strategy for investigating the cause of WNS, understanding its effects on bat populations, and finding ways to reduce its impacts. Through the working groups established to address all aspects of WNS response and management, subject matter experts establish priorities and annual work plans to ensure that WNS funds and research efforts target the most important and pressing needs. This collaborative effort advanced the collective understanding of the disease, and has led to the development of

multiple potential tools for treating or managing affected bats.

The national response also led to other products including the development of the North American Bat Monitoring Program (NABat) that established a continental framework for monitoring the status and trends of bat populations. The Service also continues to work with the U.S. Geological Survey to focus research and management actions using a decision analysis process designed to help identify where to invest resources to make the most difference for bats. This adaptive management approach allows the Service and its partners to apply lessons learned to improve management and focus future research efforts.

These investments have produced new information about the disease and allowed the conservation community to develop measures to prevent humans from inadvertently spreading the fungus. The Service will continue to invest resources in the most efficient manner to combat WNS.

Aquatic Species Conservation Delivery

Your budget is requesting an increase of almost $3 million for the Cooperative Recovery Initiative (CRI), which was established to restore and recover listed species on national wildlife refuges.

The budget also requests $1.5 million for a new initiative modeled after CRI that focuses on aquatic species conservation.

McCollum Q17: Why is it necessary to create a new program rather than direct that a portion of CRI funds be used on aquatic species?

Answer: Fish and other aquatic species are of recreational, cultural, ecological, and economic importance to Americans, and the healthy waterways upon which they depend are important for recreation and public health. Despite the value these species and their habitats provide to the Nation, aquatic species are facing increasing pressures that threaten their continued provision of these benefits, as demonstrated by the petitions the Service is working through concerning hundreds of at-risk aquatic species. The goal of the Aquatic Species Conservation Delivery (ASCD) program is to address threats to candidate aquatic species and other pre-listing conservation activities that may help avoid the need to list aquatic species under the Endangered Species Act. This differs from Cooperative Recovery Initiative (CRI) projects, which must promote recovery of listed species. The relationship between CRI and ASCD is that ASCD is modeled after the successful CRI in that it will be an internal competitive grant fund where a national team will select the highest quality projects proposed.

Authority to Recover Damages

McCollum Q18: The budget requests authority to seek compensation from responsible parties who injure or destroy Refuge System or other Service resources.

Of the Department of the Interior's three land management bureaus, the Fish and Wildlife Service is the only one who does not currently have the authority to retain collections from damages for repairs.

Answer: That is correct.

McCollum Q19: Have you made an assessment of the costs of repairing and restoring the damage at Malheur National Wildlife Refuge? If not, when will this information be available to the Committee?

Answer: As of March 23, 2016, the Service has incurred $6.15 million of expenses for its response to the 41-day illegal occupation at Malheur National Wildlife Refuge. These costs include the costs of relocating and protecting employees and Federal property, supporting the Federal response, and enhancing safety and security at other facilities, but exclude costs for restoring damaged natural and cultural resources, which may be identified through criminal proceedings. In collaboration with the Federal Bureau of Investigations (FBI), the Bureau of Land Management (BLM), and the National Park Service, the Service began providing broad-based, 24-hour support during the illegal occupation with a primary focus on ensuring the safety and physical well-being of Malheur Refuge employees and their families. The Service also focused on strategic operations management of internal approaches through the incident command process. Activities funded during the occupation include, but are not limited to:

- Relocation of 18 Malheur Refuge employees, residents, and their families, and four employees from nearby refuges;
- Administrative support for relocated employees;
- Costs of protecting employees and families being threatened by occupiers and militia sympathizers;
- Salaries and overtime for employees engaged in daily coordination and management of Service processes during the occupation, including serving as part of the Joint Information Center led by the FBI and coordinating with other bureaus and partners to provide critical operational support;
- Response to requests for information from FBI as well as advice and guidance regarding Malheur Refuge terrain, assets, physical descriptions, refuge buildings' content, and other operational parameters essential to strategic management of the illegal occupation response;
- Protection of employees, volunteers, and members of the public whose personally identifiable information was compromised during the occupation;
- Protection of employees, property, and the public at additional Service facilities in Oregon, Washington, and Idaho;
- Proactive, temporary deployment of 150 law enforcement agents and officers to 63 Service-managed properties of concern in 15 States based on intelligence and assessed vulnerability from the FBI and BLM; and
- Estimated real property repair costs of $1.7 million to return Malheur Refuge to a fully operational state.

Though the current cost estimate does not include cultural and natural resource costs, which are still being determined, the Service anticipates substantial archeological, cultural, and biological restoration costs. Specifically, evidence indicates that culturally significant artifacts and grave locations have been disturbed and are being assessed in coordination with the Burns-Paiute Tribe. The illegal occupation also delayed conservation efforts to remove invasive carp by commercial fishing, which will drive up costs of the long-term eradication effort. At the beginning of the year, Malheur Lake—where these carp that consume essential habitat for birds are found—covered just 3,000 acres; the lake now covers about 20,000 acres, making the carp more expensive to capture. The disrupted work will cost about three years of carp control because the fish are such efficient breeders. Additionally, the illegal occupation prevented planned prescribed burns for the season, which reduces the resiliency and landscape health of the refuge's high desert plains and the surrounding ecosystem and could increase future fire risks.

McCollum Q20: If you do not have the authority requested, how will you fund the restoration of any destruction or injury to Refuge System resources?

Answer: Without the requested authority in the proposed legislative change, the Service will have to pay for the support, repair, and restoration costs using appropriated funds. The Malheur Refuge's annual appropriated budget is $2.5 million, well below the current estimated costs. The Service will have to move funds from projects at other refuges to cover these expenses. Planned projects at refuges ranging from habitat restoration to visitor services will go unfunded as a result, reducing the benefits to the Nation that are provided by our National Wildlife Refuge System and hindering the Service in delivering on its mission.

McCollum Q21: Without this authority, won't the burden for these repairs fall on the American taxpayer?

Answer: Yes, without an authority to recover these costs the burden to pay for the repairs will fall on the American taxpayer. The $6.15 million known costs from the illegal occupation at Malheur Refuge as of March 23 are well above Malheur Refuge's annual appropriation of $2.5 million. The Service will have to move funds from other refuges to cover these expenses, with the potential need to reprogram funds. Doing so means the Service will have to forgo work that the American people expect us to perform across the country to meet this financial burden imposed by the illegal occupiers, which will result in higher repair costs, and long-term degradation of publicly-owned Service resources.

The Service's requested legislative authority mirrors the authority that the National Park Service and the National Oceanic and Atmospheric Administration already have in place. Currently the Service only issues criminal penalties (fines) for injuries occurring on refuge lands, and cases are prosecuted at the discretion of the Department of Justice. In most instances, the injuries far exceed any fines recovered by the United States Government because of the inability of the defendants to provide meaningful amounts of money back to the government and any obtained amounts return to the Department of Treasury instead of the Service directly. With the proposed legislative change, the recovery of damages for injury to Refuge System resources would be used to: recover assessment costs; prevent or minimize the risk of loss; monitor ongoing effects; and/or restore, replace or acquire resources equivalent to those injured or destroyed.

WEDNESDAY, MARCH 16, 2016.

NATIONAL PARK SERVICE BUDGET OVERSHIGHT HEARING

WITNESSES

JON JARVIS, DIRECTOR, NATIONAL PARK SERVICE
LENA MCDOWALL, CHIEF FINANCIAL OFFICER, NATIONAL PARK SERVICE

OPENING REMARKS OF CHAIRMAN CALVERT

Mr. CALVERT. Good morning. The committee will come to order.

Director Jarvis, I would like to welcome you to today's hearing, along with the park service chief financial officer, Lena McDowall. This morning's hearing will address the important work of the National Park Service and its budget priorities for fiscal year 2017.

On August 25, 1916, Woodrow Wilson signed the Organic Act, creating the National Park Service, a new Federal bureau in the Department of the Interior responsible for protecting the 35 national parks and monuments then managed by the department, and those yet to be established.

One hundred years later, the National Park Service is comprised of 410 individual park units, and that number continues to grow.

The award-winning filmmaker Ken Burns, whom this subcommittee met with 2 weeks ago, has described our national parks as America's best idea. Few Americans would disagree with that assessment. Everyone loves our national parks.

Last year, the National Park Service welcomed more than 307 million visitors to its parks, a record-breaking number, which was 14 million more visitors than the previous attendance record set in 2014. That trend will likely continue well beyond this year's centennial celebration.

Overall, the proposed funding level in your fiscal year 2017 budget request is $3.1 billion, which is $250 million, or 9 percent, above the fiscal year 2016 enacted level. The largest increase, about $191 million, in discretionary funding is proposed for the centennial-related needs and priorities. This includes sizable funding increases for deferred maintenance needs in both operation and construction accounts.

Last year, the subcommittee made a substantial investment in our national parks, providing additional funds for park operations, as well as significant funds to address longstanding deferred maintenance issues. We will endeavor to make similar investments this year within the confines of our 302(b) allocation.

Also worth noting is the proposed expansion of the so-called Centennial Challenge, which leverages Federal dollars with private-sector dollars to at least a 1-to-1 matching of funds. Congress provided $15 million for Centennial Challenge in fiscal year 2016. The

administration proposes to increase the Federal share by $20 million to $35 million in 2017.

As the service prepares for its second century of stewardship of our national parks, this subcommittee looks forward to learning more about the budget request and receiving additional details of the role park service partners and the private sector will play in this effort.

We will do our very best to address the service's highest priority needs, but we also need to face our budget reality. Any increases above last year's enacted level will likely have to be offset elsewhere within the service's budget or within our overall bill.

While this subcommittee does oversee the budget for the Forest Service, we have yet to find money growing on trees in our national forests. That would be great.

[Laughter.]

Mr. CALVERT. We welcome any ideas you may have on how to pay for some of the proposed increases within your budget request.

Director Jarvis, today's hearing is the beginning of a very important conversation about the service funding priorities. We look forward to hearing from you on these and other issues.

But first, let me yield to our subcommittee's ranking member, Ms. McCollum, for any opening remarks she would like to share with us this morning.

OPENING REMARKS OF RANKING MEMBER MCCOLLUM

Ms. MCCOLLUM. Thank you, Mr. Chairman.

Director Jarvis, thank you for joining us here today. The National Parks represent our country's collective decision to preserve and celebrate America's natural wonders and cultural heritage.

This year, with the National Park Service Centennial, America's commitment and fascination with its parks are at an all-time high. Last year, over 307 million people visited our national parks.

The fiscal year 2017 budget request reaffirms this commitment and makes the necessary investments to preserve these special places. As part of the Centennial Initiative, the budget proposes $560 million to strengthen the foundation for visitor services and make essential infrastructure improvements.

I am pleased to see that the Centennial Initiative continues to emphasize youth engagement. The budget increases support for the Every Kid in a Park program by $20 million. Youth engagement initiatives such as this one truly offer a return on investment as these important educational opportunities help build the future stewards of our national treasures and our natural resources.

The budget also includes a $151 million increase to address high-priority deferred maintenance needs across the National Park system. The National Park Service has a significant problem in meeting its maintenance needs.

Currently, 60 percent of the service's highest priority, nontransportation assets have deferred maintenance needs. We must invest in the repair and maintenance of these assets to ensure we can protect the natural and cultural resources in our over 400 park units.

There is also a tremendous need to address the critical maintenance backlog for the service transportation assets. Just this

month, reports came out that the Memorial Bridge here in Washington, D.C., is deteriorating so quickly that it will be closed to vehicle traffic in 5 years. While funding for the park service transportation assets is provided through the THUD Subcommittee, I want to emphasize how critical these funds are to the preservation and public enjoyment of our national parks.

Finally, I have to express my disappointment with the administration's failure to request funding for the Save America's Treasures program. The Save America's Treasures program began in 1999 and has been instrumental in partnering with others—local municipalities and cities and nonprofits—to protect cultural resources that were almost lost.

Let me give you two examples right here in Washington. The program helped to restore the Star-Spangled Banner flag, which people from all over the world and all over this country go and visit, and the Wright Flyer III, the world's first practical airplane.

The program is aptly named Save America's Treasures because that is exactly what it does. So I hope next year, the budget request will include funding for this important program.

We have a national parks system because we had people in the past who had the vision and courage to work to set aside these special places and preserve them for generations to come. Our responsibility today is caring for America's historical, cultural, and natural treasures, and it is an ongoing responsibility.

The American people are looking to us to take that responsibility seriously, to make the investments and the partnerships to protect and preserve them for the next 100 years and beyond.

So, Director Jarvis, I appreciate the work that you and all the employees of the National Park Service do for us every day, and I look forward to your testimony.

Thank you, Mr. Chairman.

Mr. CALVERT. Thank you.

And, Director Jarvis, as you gaze upon our oldest national park right behind me, I am happy to yield for your opening statement.

OPENING REMARKS OF DIRECTOR JARVIS

Mr. JARVIS. Mr. Chairman, members of the subcommittee, thank you for the opportunity to appear before you on the 2017 budget request for the National Park Service. I would like to summarize my testimony and submit my entire statement for the record.

Mr. CALVERT. Without objection.

Mr. JARVIS. First, I really want to thank you for the support of the National Park Service and the Centennial Initiative in 2016. With the generous funding, and I mean that very sincerely, you provided, we are really making strides toward our goal of inspiring a second century of stewards.

With the fiscal year 2016 funding levels, we can restore seasonal ranger hiring to peak levels. We can coordinate more than 400,000 volunteers. We can begin operations in our newest units, complete additional deferred maintenance, and expand partnerships through the Centennial Challenge. All of these actions will help sustain our national parks for another 100 years.

The men and women of the National Park Service and our partners are doing everything we can to ensure our centennial year is

successful and that it builds on the foundation for a strong second century.

We are working with the National Park Foundation to leverage the support of our major partners. Their centennial campaign has already raised over $200 million of its $350 million goal.

In addition, we worked with the National Park Foundation to launch the Find Your Park campaign to invite all Americans to rediscover their national parks. The campaign is now recognizable to one of four young adults, and our efforts are drawing new visitors, as you mentioned, a record 307 million visitors in 2015.

These visits do more than provide inspirational, educational, and recreational opportunities. In 2014, they drove over $30 billion in economic impact, supporting hundreds of thousands of jobs in communities around the country.

Last year, after significant public engagement efforts, some parks raised their fees for the first time since 2008. We estimate these increases will raise another $45 million, the majority of which will go toward deferred maintenance.

With all these parallel efforts, I am here to testify on our budget request, which reflects the Federal investments needed to ensure our next century is as strong as our first.

The budget will allow us to build on the progress we have already begun to achieve with our fiscal year 2016 funding.

First, we are requesting the remaining pieces of the Centennial Initiative from 2016, including $150 million to address the deferred maintenance backlog. You have asked this many times, and the 2017 request is what we need to address the problem, a discretionary increase of $150 million and a mandatory proposal for $300 million annually for three years.

If these requests are met, we could restore and maintain our known highest priority, non-transportation assets to good condition over 10 years.

The centennial also includes $20 million to support the Every Kid in a Park initiative, which would help get every fourth-grader and their family into a park, and lastly it includes a discretionary request of $20 million for the Centennial Challenge, as well as a mandatory proposal for $100 million annually over three years.

This program provides the Federal match to leverage partner donations from friends groups and the National Park Foundation. In 2016, we leveraged the $15 million in Federal money with $33 million in donations for a total benefit to the parks of $48 million.

And our partners are ready to do more. The recent gift of $18.5 million from David Rubenstein to restore the Lincoln Memorial is a wonderful example of the type of generosity our national parks can inspire.

The budget also proposes $25.7 million for a Cultural Resource Challenge, which focuses on the stewardship of our cultural heritage and builds on key programs to meet the needs of challenges confronting the NPS and its partners. This includes funding for historic preservation for parks through the Vanishing Treasures Program, digitization of the National Register, and grant funding for the Tribal Historic Preservation Offices. It also includes $17 million in competitive grants and $3 million in grants to Historically Black Colleges and Universities to preserve sites and stories

of the civil rights movement and the African-American experience, building on the $8 million you supported last year.

In addition to these initiatives, the budget requests funding for critical operating needs, including $12.7 million for fixed costs and $8.1 million for seasonal health insurance. After years of flat budgets, sequestration, and fixed cost absorption, the funding you provided in 2016 helped stabilize park operations. Our workforce is recovering, but if parks absorb the costs in 2017, they will begin to lose ground again.

Finally, the budget requests $10.7 million to support new parks and critical responsibilities, such as basic operations at Tule Springs Fossil Beds National Monument in Nevada and the Manhattan Project National Historical Park.

Our critical responsibilities include law enforcement and visitor service needs during the 2017 presidential inauguration.

Mr. Chairman, this concludes my summary. I am pleased to answer any questions. Thank you.

[The statement of Director Jarvis follows:]

STATEMENT OF JONATHAN B. JARVIS, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES OF THE HOUSE APPROPRIATIONS COMMITTEE CONCERNING THE FISCAL YEAR 2017 BUDGET REQUEST FOR THE NATIONAL PARK SERVICE

March 16, 2016

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today at this hearing on the 2017 President's budget request for the National Park Service (NPS).

NPS Centennial and Second Century of Operations

In 2016, the NPS celebrates 100 years as the steward of the nation's most cherished natural and cultural resources. The NPS is actively preparing for its second century of operations, and working hard to inspire the next generation of park stewards to experience and value their public lands. Our efforts are drawing new visitors to the national parks. We're already seeing this growth, as visitation grew from 274 million in 2013, to 293 million in 2014, and 307 million in 2015. These visits do more than provide inspirational, educational and recreational opportunities; in 2014, they drove $29.7 billion in economic impact, supporting hundreds of thousands of jobs in communities around the country.

The National Park Service has carried out hundreds of projects and programs across the country engaging youth, investing in visitor experience, increasing volunteerism, supporting communities and preserving natural and cultural resources as part of our signature Centennial plan, *A Call to Action*, to prepare for the next century. In addition, the NPS, in partnership with the National Park Foundation, launched the Find Your Park campaign to invite all Americans to rediscover their national parks. The Find Your Park campaign – which is now recognizable to one in four young adults – is helping to inspire and create the next generation of national park visitors, supporters, and advocates. The NPS is also working with the Foundation to leverage the support of major corporate partners and private philanthropy, as well. The Foundation has already raised more than $200 million through gifts from individuals, foundations, corporations, and other donors as part of its larger fundraising campaign goal of $350 million for the Centennial.

The funding supported by this Committee in FY 2015 and FY 2016 put parks on strong footing to begin their second century of operations. That funding covered fixed costs and stabilized park operations, restored seasonal rangers, increased volunteer management capacity, and will allow the NPS to address additional deferred maintenance projects on its highest priority non-transportation assets. The funding also expanded the NPS' leveraging capacity to complete public-private partnership projects through the Centennial Challenge program.

2017 Budget Summary

The 2017 budget supports continued stewardship of resources of national significance and the provision of enriching experiences and enjoyment for all visitors. The President's budget will

ensure that national parks continue to serve the visitors who come every year to relax and recreate in America's great outdoors and learn about the people and places that make up America's story.

The 2017 President's budget request proposes total current appropriations of $3.1 billion for the NPS. This is a net increase of $250.2 million above 2016 enacted current appropriations. The request fully funds $12.1 million in fixed costs and includes a net program increase of $240.1 million. The budget proposes targeted increases totaling $253.5 million to fund essential programs and emerging operational needs, including $190.5 million in current funds to build on the Centennial Initiative support provided in FY 2016. The budget also includes $13.4 million in reductions in external programs and heritage partnership programs.

The request also includes an estimated $1.2 billion in mandatory appropriations, a net increase of $712.4 million. The funds would reduce the deferred maintenance backlog on high priority assets, enhance the NPS' capacity to leverage public/private partnerships, and support land acquisition and grants to state and local governments for recreation. In total, the NPS request includes budget authority of $4.3 billion.

The 2017 budget request includes the remaining unfunded portion of the Centennial Initiative originally proposed in 2016, supported by current and mandatory funds. The current request includes a $190.5 million increase to invest in the second century of the NPS. Of this increase, $150.5 million will address the deferred maintenance backlog. Together with the mandatory proposal discussed below, this will provide the NPS the resources to restore and maintain all

currently-identified highest priority non-transportation assets in good condition over the next ten years. Other key increases include $20.0 million for the President's Every Kid in a Park initiative, comprised of $11.5 million to transport more than one million students from Title I elementary schools in urban areas to nearby national parks and $8.5 million to support park-level youth engagement coordinators. Additionally, the request includes a $20.0 million increase for Centennial Challenge projects and partnerships, leveraging federal funds with partner donations for signature projects and programs at national parks.

Mandatory funding for the Centennial initiative has been proposed as part of the Administration's National Park Service Centennial Act. This includes funding of $300.0 million annually for three years to support Second Century Infrastructure Investment deferred maintenance projects, as well as $100.0 million annually for three years to provide the Federal match to accomplish Centennial Challenge signature projects at many more park units. NPS would also have the opportunity to compete for funding through the proposed $100.0 million Public Lands Centennial Fund, a multi-agency program proposed to be managed by the Department and awarded competitively to the NPS, as well as to Bureau of Land Management, the Fish and Wildlife Service, and the U.S. Department of Agriculture's Forest Service. The Act also provides the authority for NPS to collect and retain additional revenue for senior pass sales and camping and lodging fees. Receipts for this Second Century Fund will be matched by donations in order to fund visitor enhancement projects.

In addition to the Centennial initiative, the 2017 budget proposes an increase of $25.7 million for a Cultural Resources Challenge, which focuses on the stewardship of America's cultural heritage

and builds on key programs to meet the needs and challenges confronting NPS and its partners in the 21st century. Included within the Cultural Resource Challenge are increases of $2.0 million in park project funds to expand the Vanishing Treasures program; $0.9 million to modernize the National Register Information System and to digitize its records, improving access to information and reducing the risk of resource damage and loss; $0.8 million to expand grants from the National Center for Preservation Training and Technology; $2.0 million to provide increased funding for Historic Preservation Fund Grants-in-Aid to Tribes, reflecting the increasing number of Tribal Historic Preservation Offices; and $20.0 million for HPF Civil Rights grants. The $20.0 million increase is comprised of a $17.0 million increase to Competitive Grants and $3.0 million in Grants-in-Aid to Historically Black Colleges and Universities to document, interpret, and preserve the stories and sites of the Civil Rights Movement and African American experience.

Operation of the National Park System

The Operation of the National Park System (ONPS) appropriation funds the operations of our 410 parks and related programs. The 2017 budget proposes ONPS funding at $2.5 billion, $154.8 million over 2016 enacted.

The request for operations fully funds fixed costs of $11.5 million and $143.3 million in net program increases. These increases are not offset with reductions to park operations.

In addition to the Centennial initiative and Cultural Resource Challenge current proposals previously discussed, $10.7 million is requested to support new parks and critical

responsibilities, such as Manhattan Project NHP and the visitor service and law enforcement costs of the 2017 Presidential Inaugural. The request also includes $8.1 million to provide federal employee health benefits to newly eligible seasonal employees, in compliance with the Office of Personnel Management's 2014 decision expanding availability of Federal Employee Health Benefits coverage for certain employees. The request reflects the amount necessary to fund this new requirement in FY 2017. The budget also includes $2.6 million to increase Internet bandwidth at national parks.

Additionally, an increase of $1.1 million would support further research and monitoring at Arctic parks affected by climate change, and $1.2 million would support coordinated, science-based response to proposed energy development near park lands. The budget includes requests of $3.0 million to implement climate change adaptation projects at parks, and $1.0 million to support research and monitoring of the proposed uranium mining withdrawal near Grand Canyon National Park. Finally, the operations account includes a reduction of $2.2 million for the elimination of the National Capital Performing Arts Program.

Centennial Challenge

The 2017 budget proposes an additional $20.0 million for this matching program, for a total proposed current funding level of $35.0 million. Funding would provide the Federal match to leverage partner donations at least one to one for signature projects and programs at national parks in support of the parks' second century. This program is further bolstered by the Administration's mandatory proposal to fund an additional $100.0 million a year for three years.

In 2016, the NPS leveraged private donations more than two to one, providing an excellent rate of return to the taxpayer.

National Recreation and Preservation

The National Recreation and Preservation appropriation funds programs that support local and community efforts to preserve natural and cultural resources. The 2017 budget includes $54.4 million, reflecting increased fixed costs of $226,000, an increase of $703,000 for digitization of the National Register of Historic Places, an increase of $200,000 to modernize the National Register Information System, an increase of $750,000 to support grants from the National Center for Preservation Training and Technology, an increase of $260,000 to support the Federal Lands to Parks program, and a reduction of $10.4 million for National Heritage Areas (NHAs) commissions and grants, a net change of $8.2 million below 2016 enacted.

The budget provides $10.1 million for the Rivers, Trails, and Conservation Assistance (RTCA) Program, which assists communities in implementing their own vision of livability, sustainability, and responsibility, and assists partners in successfully utilizing the array of resources and tools available through Federal agencies and nongovernmental groups. RTCA helps promote the values of health, conservation, and enjoyment of our Nation's resources with a valuable return on investment through on-the-ground projects, such as river restoration and the creation of walking and biking trails. The budget also sustains funding for American Battlefield Protection Program Assistance (ABPPA) grants at $1.2 million, which provide grants to partners

for the preservation of threatened historic battlefields not on NPS lands. Both the RTCA and ABPPA programs are key components of the America's Great Outdoors initiative.

Historic Preservation Fund

The Historic Preservation Fund appropriation supports Historic Preservation Offices in states, territories, and tribal lands for the preservation of historically and culturally significant sites and to carry out other responsibilities under the National Historic Preservation Act. The 2017 budget requests $87.4 million, an increase of $22.0 million from 2016 enacted. The request provides $46.9 million for Grants-in-Aid to States and Territories, level with 2016 enacted; an increase of $2.0 million to Grants-in-Aid to Tribes for a total of nearly $12.0 million; an increase and total program amount of $3.0 million for Grants-in-Aid to Historically Black Colleges and Universities (HBCUs); and an increase of $17.0 million to Competitive Grants for a total of $25.5 million. The newly proposed HBCU grants and $25.0 million of the competitive grants would support preserving the sites and stories of the Civil Rights Movement. The remaining $0.5 million of the competitive grants would support grants to underrepresented communities, as established in 2014.

Construction

The budget proposes $252.0 million for Construction, reflecting increased fixed costs of $347,000 and a net programmatic increase of $58.8 million, for a total change of $59.1 million above 2016 levels.

Of the $58.8 million in targeted increases, $54.7 million supports the Centennial initiative. Line Item Construction is funded at $153.3 million, a $37.1 million increase from 2016 enacted, providing funding to reduce the deferred maintenance backlog on the highest priority non-transportation assets. Complementary increases of $8.3 million for Construction Planning, $3.7 million for Denver Service Center operations, and $5.7 million for Regional Facility Project Support would ensure capacity and ability to implement the proposed projects. The Construction request also includes $4.0 million to replace public safety and emergency telecommunications systems.

As discussed above, the Centennial initiative's proposed efforts on deferred maintenance—current and mandatory—would allow NPS to ensure all currently-identified highest priority non-transportation assets are restored and maintained in good condition over 10 years.

Land Acquisition and State Assistance

The budget proposes full funding for programs funded through the Land and Water Conservation Fund, totaling $900.0 million in current and mandatory funding for the Departments of the Interior and Agriculture in FY 2017, and proposes to permanently authorize $900.0 million in annual mandatory funding beginning in FY 2018. For NPS, the 2017 budget proposes $178.2 million for current Federal Land Acquisition and State Conservation Grants, a net increase of $4.6 million from the 2016 enacted level. Of the total amount, $68.2 million is proposed for Federal Land Acquisition projects and administration, a programmatic increase of $4.5 million compared to 2016 enacted. This includes increases of $4.2 million for high-priority land

acquisition projects, $72,000 to support acquisition of inholdings, donations and exchanges, and $252,000 to support administration of the American Battlefield Protection Program acquisition grants. A total of $110.0 million is proposed for State Conservation Grants and administration, with a net programmatic reduction of $14,000 proposed. This is comprised of an increase of $825,000 proposed for administration of state conservation grants, and a decrease of $839,000 proposed for State Conservation grants.

Mandatory Proposals

The budget proposes several mandatory proposals related to the Centennial Initiative, including the Centennial Challenge, Second Century Infrastructure Investment, Second Century Fund, and Public Lands Centennial Fund.

Additionally, the budget includes a proposal for mandatory LWCF funding, of which $141.2 million is proposed for the NPS in 2017. Of this amount, $66.2 million is for Federal Land Acquisition and $45.0 million is for State Conservation Grants. The remaining $30.0 million would provide funds to re-establish the Urban Park and Recreation Recovery (UPARR) grants program, providing competitive grants to rehabilitate and improve existing indoor and outdoor recreation facilities in urban communities. Program efforts would align with the America's Great Outdoors goal of creating and enhancing a new generation of safe, clean, and accessible urban parks and community green spaces. Projects would focus on connecting and engaging communities, especially young people, to their neighborhood parks and would include objectives to directly engage underserved populations, renewing an emphasis on improving recreation services to inner-city minority and low-to-moderate income populations and communities.

Planning and Performance Integration

In formulating the 2017 budget request, the NPS used a variety of tools to incorporate performance results and other information into the decision-making process. These tools include the Budget Cost Projection Module, the Business Planning initiative, and the NPS Scorecard, as well as continued program evaluations. These tools are used to develop a more consistent approach to integrating budget and performance across the NPS, as well as to support further accountability for budget performance integration at all levels of the organization. The 2017 budget reflects the priorities of the NPS as the primary agency promoting both conservation and recreation for every citizen and visitor to enjoy.

Mr. Chairman, this concludes my summary of the 2017 budget request for the National Park Service. We would be pleased to answer any questions you or the other members of the subcommittee may have.

Jonathan B. Jarvis
Director
National Park Service

Jonathan B. Jarvis began his career with the National Park Service in 1976 as a seasonal interpreter in Washington, D.C. Today, he manages that agency whose mission is to preserve America's most treasured landscapes and cultural icons.

Jarvis's 40-year career has taken him from ranger to resource management specialist to park biologist to superintendent of parks such as Craters of the Moon, North Cascades, Wrangell-St. Elias, and Mount Rainier. Before being confirmed as the 18th Director of the National Park Service on September 24, 2009, Jarvis served as regional director of the bureau's Pacific West Region.

Today, he is responsible for overseeing an agency with more than 22,000 employees, a $3 billion budget, and more than 400 national parks that attract more than 307 million visitors every year who generate $30 billion in economic benefit across the nation.

The National Park Service brings the park idea to virtually every county in America. Grants from the Land and Water Conservation and Historic Preservation Fund help communities preserve local history and create close-to-home recreational opportunities. Since 1976, the Service's tax credit program has leveraged more than $60 billion in private investment in historic preservation to help revitalize downtowns and neighborhoods across the country.

Jarvis has also reinvigorated the National Park Service's role as an international advocate for protected areas and recognized world leader in cultural and natural resource management.

Managing the National Park Service on the eve of its centennial in 2016, Jarvis has focused on several key areas that are critical for the future: enhancing stewardship of the places entrusted to the Service's care; maximizing the educational potential of parks and programs; engaging new generations and audiences, and ensuring the welfare and fulfillment of National Park Service employees.

Jarvis speaks frequently about climate change, sustainability, the outdoors as a source of public health, and the parks as a unifying, inspirational force for the nation. His blueprint for the agency's second century, A Call to Action, calls for innovative, ambitious, yet practical ways to fulfill the National Park Service's promise to America in the 21st century.

From a seasonal interpreter in the year of our nation's bicentennial to the head of an internationally known institution on the eve of its 100th birthday, Jarvis has gained a thorough knowledge of these great American treasures, the national parks.

America's National Park System is a gift from past generations to this and succeeding generations, said Jarvis. And while the challenges we face today like climate change, shrinking open space, habitat destruction, non-native species, and air and water pollution could not have been imagined when this agency was established in 1916, our mission remains the same: to preserve this nation's natural and cultural heritage, unimpaired for the enjoyment of this and future generations.

Lena McDowall
Chief Financial Officer
National Park Service

Ms. McDowall has been the Chief Financial Officer for the National Park Service since early 2015. Between 2011 and 2014, Ms. McDowall was the National Park Service Associate Director for Business Services. In that position she oversaw the contracting, commercial services and recreation fee programs.

Prior to her most recent positions, Ms. McDowall was the concessions lead and Deputy Chief for Business and Revenue Management at Yosemite National Park. Between 2006 and 2010, she served as the program manager for the Business Management Group in the National Park Service Office of the Comptroller. The group developed tools that improved park financial management and provided internal consulting services to parks and programs regarding business management. Between 2004 and 2006, Ms. McDowall was Chief of Administration and Business Management at San Francisco Maritime National Historical Park. Prior to joining the National Park Service, Ms. McDowall was the operations manager for the Center for Environmental Leadership in Business at Conservation International.

Ms. McDowall holds a BA from the College of William and Mary and a MBA from the University of California at Davis.

BOTTLED WATER POLICY

Mr. CALVERT. Thank you. I want to discuss for a few minutes the service's ban on bottled water in national parks, as I take a sip out of my bottled water here.

In December 2011, the National Park Service issued Policy Memorandum 11–03, which authorizes park superintendents to ban bottled water sales on a park-by-park basis. That memorandum requires that proposals for bans be based upon rigorous written impact analysis considering specified factors relating to health and safety, waste reduction, costs, impacts, concessionaires, et cetera.

The fiscal year 2016 omnibus included a directive for the service to report on the justification each affected park service unit used to ban bottled water. The report was due on February 16. It is now 1 month overdue.

So the question is, what is the status of the report? When can the committee expect it? Are you able to share with the committee any details of the report relating to the impact of these restrictions?

Mr. JARVIS. Yes, sir. That report is basically complete and undergoing review at the department level, through general law, before it is forwarded to you.

We collected the reports from 22 parks. There are 22 parks out of the 410 that have implemented elimination of the sale of water bottles, either by their concessionaires or their cooperating associations.

Each park had to prepare a written justification for that and an analysis of impact, and also design and install water filling stations before they could get approval by their regional director.

So all of that is being assembled and will be coming to you just as soon as we can get it through the final review.

Mr. CALVERT. As you know, many of my colleagues and I do not understand how the service can ban the sale of bottled water in the parks, which is arguably the healthiest option for park visitors, yet continue to sell soft drinks, juices, sports drinks. Monster is in my district. I am sure they love selling at the national parks. But water is, certainly, a reasonable option.

This position directly contradicts the National Park Service Healthy Parks, Healthy People initiative, which encourages healthy food and beverage choices in national parks.

So why the inconsistency? Does the service have any plans to ban the sale of soft drinks, juices, and sports drinks in the national parks?

Mr. JARVIS. We have no plans whatsoever to ban the sale of those other items.

The way we view it is, actually, we see no contradiction. It actually is very consistent with the values of the National Park Service. We look at our institution having core values around sustainability, about reducing waste streams, about energy conservation. We have spent millions of dollars to develop water systems to provide excellent potable water in the parks. What is kind of fascinating to me is that the bottled water companies often market their water as

mountain spring, glacially fed. Well, those are the water systems that the National Park Service maintains.

We have developed these filling stations throughout the parks that have implemented the elimination of bottled water sales, where you can fill your reusable water bottle, which are for sale within the concession facilities, very inexpensive, reusable water bottles, and we have these filling stations all around.

To be blunt about it, I have gotten zero complaints from the American public about this. If anything, I have gotten thousands of support comments from the public about this direction in sustainability.

BOTTLED WATER POLICY: RECYCLING

Mr. CALVERT. Well, if we are going to be selling soft drinks and all the rest of it, which obviously has the same waste streams as bottled water, would it not make more sense for the park service to partner with some of these folks to have better recycling, not just for water bottles but for any other kind of refuse, and have a better recycling program within the national parks?

Mr. JARVIS. One of the recycling issues we have in a lot of the national parks is that our national parks are remote. Often, there are no recycling organizations anywhere nearby.

So even though we collect the bottles, the plastic bottles, it makes no sense to haul them hundreds of miles to a local recycling center. Our own recycling systems in these remote places are really inefficient, in that regard.

So what we are really trying to do is to reduce the waste stream within the parks, in terms of this product.

Mr. CALVERT. Thank you.

Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair.

TRASH IN NATIONAL PARKS

I was at Theodore Roosevelt park at one of the observation areas, and a bus pulled up and unloaded all of its trash at the park. I think the folks at the park expected it to happen, because they were out there shortly after. The bins were overflowing. There was trash all over. That was not even from the regular park-goers who might purchase something and then want to dispose of it, or a family having a picnic that they were bringing to one of the picnic tables at one of the outlooks.

I was just aghast. I wanted to say something, but I did not know what I would say.

I am sure this happens all across our national parks. Any other business, any other nonprofit, that was absorbing things like that would be trying to reduce waste in the stream.

I have two things I would like to follow up on. I will bring both of them forward, Mr. Jarvis, and then you can respond.

SAVE AMERICA'S TREASURES

I mentioned earlier that the budget request does not have any dollars going toward Save America's Treasures. Our treasures are vanishing. This is a program that has not received any funding

since 2010, yet I know that the park service at times has benefited from this program. It helps us tell the story of how important it is to save our treasures, our cultural treasures.

I know it is not in the President's budget, but if you would, please enlighten the committee on some of the work that it has done.

COMPETITIVE CIVIL RIGHTS GRANTS

I am pleased, though, that the budget has $25 million in it for competitive civil rights grants—though those also would have been opportunities to use Save America's Treasures for civil rights grants. As we see more opportunities coming forward for historic preservation, it is good that we have the civil rights grants available now. But those would have been projects that could have been eligible for Save America's Treasures and could be in the future.

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

There is also a proposal for $3 million in grants to renovate historically black colleges and universities, which I think is critically important. A lot of people in the public might wonder why we have something in our budget for colleges and universities.

So, if you could, please address those three issues for me in a little greater detail.

Mr. JARVIS. Thank you for the question.

SAVE AMERICA'S TREASURES

Actually, the National Park Service viewed the Save the America's Treasures program as a very positive program. Between when it was funded in 1999 and 2010, there were over 1,287 grants in 50 states across the country requiring a one-to-one match, and they went to, as you indicated, preservation of physical fabric like the War of 1812 flag, to bricks-and-mortar projects, to restoring old downtowns in cities across the country. We worked very collaboratively with communities, the advisory council, the National Trust for Historic Preservation, and other organizations to implement that program.

Unfortunately, it went to the wayside in the constrained budget process, in particular 2011 was really a constrained budget year for us.

This committee has asked us many times, what are your priorities? Our priorities have been the big issues of park operations and deferred maintenance. You have to make choices. Unfortunately, this is one of those programs that fell to the wayside.

COMPETITIVE CIVIL RIGHTS GRANTS

We have then come back, as you indicated, on some very specific programs like the Civil Rights Initiative, which is focused specifically on sites related to the civil rights movement, and we are, of course, in the middle of celebrating the 50th anniversary.

We looked at the transition from the Civil War to civil rights, and making those connections. And places like Birmingham, Alabama, Selma, Montgomery, and others, we feel a need for this kind

of infusion out there. We have a great program. Thank you for the funding in fiscal year 2016.

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

The Historically Black Colleges and Universities are an incredibly important institution in this Nation. Many of them are struggling for a variety of reasons. Many of them have very old infrastructure, very historic infrastructure, where really the first African-Americans out of slavery had the opportunity for education.

We feel, with the very small amounts of money that we have requested, the $3 million in this year's budget, we can assist those colleges in maintaining some of these incredibly historic buildings that were really the pioneers in education of our African-American citizens.

Ms. MCCOLLUM. Thank you, Mr. Chairman.

Mr. CALVERT. Mr. Stewart.

Mr. STEWART. Thank you once again, Mr. Chairman.

Director, it is good to see you. Lena, it is good to see you both. I appreciate the time we have spent together and the things we have been able to work on.

I would like to thank you and congratulate you on a couple things, and then ask several questions, if I could.

TOUR OF UTAH: ZION NATIONAL PARK

First, let me thank you once again for the park's support of the Tour of Utah. This is an internationally sanctioned, very popular bike race. Your willingness to let us use the Zion National Park and to highlight Zion to the world, actually, as a race through the park, I think it is good for both of us. It is good for the park. It will be good publicity. It is obviously good for the Tour of Utah and gives us a chance to show the world this stunning place that we are so proud of. So thank you for that.

And Superintendent Bradybaugh down there just has been great to work with, so we are grateful for him as well.

I also want to congratulate you on the Centennial Challenge, taking $15 million and turning it into $48 million or something like that, as I recall, is meaningful. We would look forward to supporting you in those efforts in the future.

If I could, to a question then, and I do not think this will be terribly difficult, but I would be interested in your view on two things.

BUS AND PARKING ISSUES IN UTAH PARKS

First, Utah is home to what we call the Mighty 5, five of these great national parks—Canyonlands, Arches, Bryce, Zion, and Capitol Reef. We have been very successful in promoting these parks, I would say almost too successful in the sense that they have become, as they have been, even more crowded.

So access is a concern for us. With the buses, as you know, Zion and some of the others have this great bus and transportation system. But that leaves us many times with no place to park, we have so many visitors.

So my question to you is, do you have plans and can you help us with the parking or with the bus route and bus structure through the parks?

REIMBURSING STATES

And then the second question, I will just ask them both now and then that you address them, as you may recall several years ago, we had a partial government shutdown. We had some conversations regarding that, and some of them were somewhat heated. We had some various opinions on that.

But during that time, Utah did what I think was the right thing. They stepped in and did everything they could to keep the parks open, recognizing that people had traveled from around the world, in some cases, to visit the parks.

They incurred substantial costs doing that. In fact, recently, our legislature had signed legislation to request formally for the Federal Government to reimburse them for those costs. I have legislation that would reimburse them as well on the Federal side.

Help us understand what the status of that is, and can Utah expect to be reimbursed for those costs they had in keeping the parks open during that shutdown?

Mr. JARVIS. Okay. Great questions.

TOUR OF UTAH: ZION NATIONAL PARK

Thank you on the Tour of Utah. The proponents for that have been very willing to work with us on our mitigation and support and protection of the park. That has not always been the case with other promoters, so we appreciate your support on that.

The city manager for Moab once said that they went fishing for tourism, and they hooked a whale. The net result has been the Red Rocks part of Utah has really seen an enormous success in terms of tourism, and it is a little bit overwhelming now.

BUS AND PARKING ISSUES IN UTAH PARKS

We have a really fantastic transportation system for Zion, but not for Arches or Canyonlands, in that area. So this is an area we really are going to be looking hard at. We know we had some real crowding conditions at Arches this last year where the visitors trying to get in were backed out to the highway and creating quite the safety problem. So this is an area where we really want to work toward looking at centralized parking, transportation systems, connections to the communities, getting people to stay and leave the car behind, and then use the systems.

The park service has implemented transportation systems in a number of parks. We understand what it takes. They are expensive to both purchase and operate, but the public love them and utilize them quite well, once we get them in place. So it is an area we definitely want to work with you on.

Mr. STEWART. Director, so I appreciate that you want to work with us, but right now, you have no plans? There is nothing in the budget to address these things in the immediate future?

Mr. JARVIS. Well, we have within the transportation funding stream that is now authorized a 5-year transportation budget.

There are fund sources in that to do preplanning for transportation systems, and we know we have a problem in southern Utah. We do not have a hard proposal about how to fix it, though, yet.

[The information follows:]

ARCHES NATIONAL PARK CONGESTION

The park is actively working to manage parking congestion, and will have a final public comment opportunity on a Congestion Management Plan in June 2016, with a final plan in late summer.

The park is actively engaged with the Utah Department of Transportation, Utah Highway Patrol, the Moab Travel Council, and others to manage the urgent issues related to traffic congestion, and with the Utah Office of Tourism, the Moab Area Chamber of Commerce, the Grand County Council and the City of Moab to jointly manage the crowding that all entities face.

Mr. STEWART. Okay. Before you answer the second question, I would just encourage you to move as aggressively forward as you can on that. The magic of the parks is diminished when people feel like they spend half their day in a parking lot. I know you understand that, but I hope we can move that up on your urgency list. We would appreciate it, if you could.

Mr. JARVIS. Absolutely.

Mr. STEWART. Thank you.

REIMBURSING STATES

Mr. JARVIS. In regards to reimbursement to the States who very generously stepped up, and Utah was first at the plate to reopen the parks during the shutdown, we have supported and have testified in support of legislation that would authorize that. We do not have the authority currently to reimburse the States, but we said we would do that, if provided that authority.

Mr. STEWART. We will work together on that, I think. So thank you.

Mr. Chairman, I yield back.

Mr. CALVERT. Mr. Stewart, in the old days, we would have directed those fundings. [Laughter.]

Mr. STEWART. That is right.

Mr. CALVERT. Ms. Pingree.

Ms. PINGREE. Thank you, Mr. Chair.

Thank you very much, Director Jarvis, for being with us.

We appreciate the work that you do. We appreciate all your employees.

In Maine, we are particularly proud of our national park and so grateful for the attention that you have given us in Maine.

I want to follow up a little bit on Representative Stewart's question, because I think this issue around visitor experience is a pressing one, as we are happily seeing the parks be more and more popular. And certainly in the centennial celebration, we are a little bit worried about our visitors, too.

So first, I want to say we are really excited that this is centennial year of Acadia National Park, as well as the park system. We are hoping that many members of the subcommittee who would like to come and visit when we have our celebration will come. Since it is the heart of lobster fishing territory, we guarantee excellent food while you are there. So come on up.

OVERCROWDING AT ACADIA NATIONAL PARK

But as we know, Acadia I think had 2.8 million visitors last year. We are an incredibly popular park. We have a lot of the same kinds of transportation issues, a bottleneck getting on to the island where Acadia National Park is located.

I am interested in this year, where there will be even more focus, how you are handling—I know some of the things you are doing—but to ensure that there is a high-quality experience. No one does want to spend their day in a parking lot. No one wants to be unable to climb Cadillac Mountain.

I know you are looking for ways, but how do we get people to visit differently, off-peak hours? What are you working on for that? And what parts of the budget help to support that?

TICK-BORNE ILLNESSES

I am just going to throw in another somewhat similar issue about the visitor experience. We are increasingly concerned about tick-borne illnesses in Maine. I know they have been traveling their way up the East Coast and now Lyme disease is I think the sixth most reported disease to the CDC, but we think it is tremendously underreported, because people are not always sure.

That can really change the visitor experience. I think as it grows, people are going to be increasingly concerned about going outdoors. We do not want that to spoil the visitor experience. So talk a little bit about the things that the park service has been doing to alert people and how you help visitors protect themselves, so that it does not become something you bring home from your experience.

OVERCROWDING AT ACADIA NATIONAL PARK

Mr. JARVIS. Great. Thank you for those questions.

Acadia is a fantastic park, and they are doing a great job in celebrating their centennial as well. We have been working very closely with the park and the community.

I think one answer is, for some of these parks, and I think it applies to Utah as well, and all the parks across the system, is a better system on the Web, so that individuals on their way there can do a better job of planning in advance.

So we are launching our new NPS.gov website during National Park Week in April, which will have a much more robust trip-planning component to it. Particularly the millennials rely heavily on their technology and their phones to figure out what they are going to do and where they are going to go. I think each park, particularly the ones that are a bit overcrowded, are thinking about giving them information, real-time information, like maybe go in this entrance rather than that entrance, or identify alternatives out there.

Our investment on the Schoodic Peninsula is, one, to provide a great economic benefit to the people of Maine in having an alternative to the Bar Harbor experience, and it is a great resource as well and a fantastic development.

I think technology is going to be one of the keys to this, and better trip planning for all of them.

[The information follows:]

OVERCROWDING AT ACADIA NATIONAL PARK

Given the recent upward trend in visitation, combined with this year's centennials of both the National Park System and Acadia, it is not unreasonable to predict that 2016 visitation will approach or exceed 3 million.

The park and Centennial task force have initiated a campaign to encourage visitors to enjoy Acadia wisely, and to distribute use (both geographically and temporally) by choosing low-impact transportation systems such as leaving cars where visitors are staying, then walking, biking, or riding the bus; enjoying a car-free biking experience by using the park's carriage roads; or enjoying a summit view by hiking one of Acadia's historic trails. The campaign also encourages visiting special park places in ways and at times that avoid and reduce crowds like at night to view a full moon over Sand Beach or shooting stars over Cadillac Mountain or avoiding Cadillac Mountain at sunrise; watching the sunrise along Ocean Dr. ve or on an offshore boat ride. Visitors could enjoy Acadia-related amenities in the communities that surround the parks, including visiting local museums, libraries, historical societies, gardens, or galleries, or exploring the greater Maine coast, or even venturing into Canada to make a trip a "two nation vacation."

NPS staff and consultants also are working on a holistic transportation plan for the park. Although an approved plan and the beginning of implementation is still about two years away, staff will be engaging the public this summer on a series of preliminary alternatives that suggest various measures to better manage the movement and activities of visitors. To help inform the planning process, park staff will continue to test possible strategies with potential to ensure better visitor experiences. An example are two planned car-free mornings where most motorized vehicles will be prohibited from the park loop road and the Cadillac Mountain Road.

Going back to Congressman Stewart's comment. Utah has great public lands besides the national parks. There is all the focus on the icons, and there are other places. And we can work with our other public land agencies, State parks, and others to help distribute this.

That is why the Find Your Park campaign is "find your park." It does not say "find your national park." It is "Find Your Park." We looked at this as a big tent for all of our parks and partners.

TICK-BORNE ILLNESSES

On the public health side, you may not know that the National Park Service has had a direct relationship with the Public Health Service for almost 100 years. We have public health officers embedded in the National Park Service that directly monitor. These are uniformed officers of the Public Health Corps that are actively engaged in the issue of maintaining public health when it comes to visiting parks.

Tick-borne illness, Lyme disease and others, are one of those key resource issues that we really want the public to know. Particularly in our East Coast parks, where we are struggling with Lyme disease.

Three times I have gone through treatment for Lyme disease, so I know what it is all about.

This is an area where we really want to emphasize public information, to wear the proper repellents, the right clothing, and the like, so visitors avoid this issue.

[The information follows:]

TICK-BORNE ILLNESSES

Our Office of Public Health's Public Health Consultants, assigned in parks and regions throughout the NPS, routinely provide information on relevant tick-borne diseases and intervention strategies to parks as a part of their Public Health Assessments, where the epidemiological evidence supports a specific disease.

Starting in 2014, the Office of Public Health has partnered with the Centers for Disease Control and Prevention to conduct tick-borne disease surveillance in 11 eastern national parks. This long-term, geographically dispersed study provides specific tick-borne disease risk information for visitors and employees and will be a significant contribution to improve scientific understanding of the ecological drivers of tick-borne disease risk, particularly the relationship that biodiversity may have to reducing tick-borne disease risk.

Tick-borne disease prevention materials are available on our websites, and a tick and zoonotic disease prevention app is in development and expected to be released this summer. Over 200 tick-borne disease prevention trail-head signs were distributed to four of the seven easternmost regions. Tick-borne disease prevention trainings were given in-person at parks participating in our surveillance program and educational materials were distributed, with service-wide tick-borne disease prevention webinars for employees and volunteers.

Ms. PINGREE. Thank you, Mr. Chairman.

Mr. CALVERT. Mr. Jenkins.

Mr. JENKINS. Thank you, Mr. Chairman.

Director, thank you for the visit yesterday, and thank you for your testimony today. And thank you for the good work of the National Park Service in my State of West Virginia. I am proud to have some very beautiful, scenic, cherished lands.

BOY SCOUT JAMBOREE

West Virginia, in the Third Congressional District, we have the Bechtel Summit Boy Scout camp. There is now going to be a second National Jamboree in 2017 and a World Jamboree in 2019.

Just as an expression of appreciation, I hear pretty consistently about the work of the Boy Scouts with the local community, because this area of the Boy Scouts butts up against a national park, the New River Gorge.

As a matter of fact, if you go onto the Boy Scouts Web site, they promote the Jamboree by talking about the Summit Reserve's 14,000 acres up against the 70,000 acres of the national park. So some of this cobranding, comarketing, is well at work.

Do you have any sense of the positives or challenges in your national park relationship with the Boy Scout jamborees, national and world, that will be in that area?

Mr. JARVIS. I see no challenges, just great opportunities, Congressman. As you know, the development of the new site in West Virginia adjacent to New River Gorge National River, was the largest volunteer effort in the history of the National Park Service with extraordinary support from literally tens of thousands of Boy Scouts and troop leaders across the country. There is an integrated trail system. And this is the sort of new permanent home for these kinds of gatherings.

We have not, to be blunt about it, started planning for the 2019 World Jamboree, but I see it as a huge opportunity to really highlight the long history of the relationship between the Boy Scouts of America and the National Park Service, and to really expand that.

As I mentioned to you, I have probably done hundreds of Eagle Scout projects myself with young scouts looking for projects in national parks, and I know rangers across the system have done as many as well.

Mr. JENKINS. Those involved know that one of the commitments the Boy Scouts have made is essentially requiring the scouts to do

community service projects in conjunction with their participation with these jamborees. I hope we can continue to see that collaborative relationship as an opportunity to help improve our national parks. When you talk about deferred maintenance, you have literally 30,000, 40,000 Boy Scouts attending the jamborees that are ready to get to work.

NATIONAL HERITAGE AREAS

Secondly, I noticed from the budget, about a 50 percent cut in the category of national heritage areas. In my neck of the woods, we have two National Heritage Areas, one actually in my district, the other in another part of the State. I notice from the budget about a 50 percent cut to those line items.

I heard you reference priorities. If we as a committee recommended restoring funds because we think it is a priority for the National Heritage Areas' support, do you have any opposition?

Mr. JARVIS. No opposition to that.

CO-MARKETING OF NATIONAL PARKS

Mr. JENKINS. You mentioned the Mighty 5. We talked about this yesterday, and it came up again today. It sounds to me that when States do some unique marketing and branding about the assets that they have, in particular national parks, that is a true win-win situation.

I want to reiterate I welcome feedback from you, Director, and your staff about those State and national park co-marketing efforts, where they are working like the Mighty 5, and maybe where we can provide some assistance to encourage them.

I want to be able to go back to my tourism folks and hold out some best-practice examples. Let's make sure that we are, at the State level, doing everything we can, in working with the National Park Service, to promote these wonderful resources.

Mr. JARVIS. We look forward to working with the State of West Virginia on that. We built this marketing campaign around the centennial in a way that any State or tourism destination organizations can benefit. We just received a destination tourism foundation hospitality award for this work on the centennial. Brand USA is using it in international tourism.

We have really done this in a way that any State can take advantage of it. Certainly, with the incredible assets that are in West Virginia, this is a real opportunity to market the parks that you have, the heritage areas', Appalachian Trail, some great resources.

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

Mr. JENKINS. My last question for this round is, we have a historically black college in my district, Bluefield State. From a quick look at the National Registry of Historically Black Colleges, there appears to be about 107 colleges on that list. Your budget line item was about $3 million.

I would like to have some follow-up with that volume of historically black colleges, to what extent that $3 million can really make an impact. I welcome the opportunity to have a more detailed dis-

cussion about your line item and your priorities within that category.

Mr. JARVIS. We will be glad to come back and follow up with you individually as we go forward with that.

Mr. JENKINS. Thank you.

Thank you, Mr. Chairman.

Mr. CALVERT. Mr. Israel.

Mr. ISRAEL. Thank you, Mr. Chairman.

Director Jarvis, welcome.

Ms. McDowall, thank you for your work.

ROOSEVELT ISLAND

One very specific curiosity, and then a broader question about how you sustain funding over the long term.

Specifically, the Theodore Roosevelt Association has been in a conversation with the park service about placing some interpretive markers on Roosevelt Island here in Washington. I want to thank you for that engagement and encourage you to continue to work and consult with them, so that we can develop what I think could just be a masterpiece here in Washington. Thank you for that.

I assume that you will continue to have conversations with them.

Mr. JARVIS. Absolutely. I think it was actually a really great idea that was brought forward by Tweed Roosevelt, a direct descendant of Teddy. We do not do a particularly good job of telling the legacy story of President Roosevelt on the island. So his concept is creating a series of interpretive displays around the trail.

That trail is heavily used. If you go over there coming out of Rosslyn and out of the District, it is an opportunity to really tell Teddy's story and his contributions to conservation in this country. We will be working directly with our friends group there from Theodore Roosevelt and with the National Park Foundation and our own resources.

SUSTAINABLE FUNDING

Mr. ISRAEL. Thank you. Sagamore Hill is located in my district, so I have a very strong and deep interest in this.

Going a little bit broader, I am concerned about the ability of the park service to sustain a massive infrastructure, and to conserve, while it relies on sometimes good years, sometimes bad years in appropriations. I perhaps should not be saying this as an appropriator, but it seems to me that a long-range plan for the park service needs to consider some sustained funding levels.

I am curious as to whether you have given any thought to what future funding may look like and where you may go for sustained budgetary support and new revenues?

Mr. JARVIS. Thank you, Congressman, for that question.

As I look out into the future of our second century, I am with you. I have the same sort of concerns. We are a perpetuity organization on an annual appropriation. That makes it very difficult for us to plan and to manage these resources for the American people.

So we need your help, and the authorizers as well, to help us create essentially a more sustainable financial model for the National Park Service. I think there are multiple components to that.

One is obviously appropriations. If we had a more predictable appropriation, or even a multiyear appropriation, that would be one aspect of this.

I think another is our fee program. Right now our fee program is hard to predict because we are on an annual reauthorization. That is $230 million a year that we rely on to address deferred maintenance and provide visitor services. If there is any way we could get a much longer authorization of our fee program, that would give us a much greater ability to plan and predict.

We do have some requests for some new fee authorities within the authorizer's side, as submitted officially from the Secretary of Interior to both the Senate and the House. We would like to see those come through.

The third piece of it is philanthropy. I think we have really worked on this over the last couple years. Our National Park Foundation is on the path to raising $350 million privately. And our other friends groups, which we have recently just analyzed, are also showing extraordinary success in raising philanthropic support at the individual park level, and they are raising somewhere over $300 million themselves for individual parks. Our ability to continue to grow that is a big part of it.

Then, believe it or not, corporate support and corporate sponsorship is an area we just ventured into. But as a part of the centennial, we have raised over $45 million from individual corporate sponsorships, from Subaru, Disney, American Express, and Budweiser. They put up hard cash and their marketing support. That has driven a lot of the marketing effort out of this as well.

Ultimately, this institution needs an endowment, and we need a way to feed that endowment and let that endowment grow.

The Second Century Commission, which was a bipartisan group that got together and studied the park service starting in the Bush administration, released their report in the beginning of this administration. They said if they looked back 100 years from now, the number one thing that they think would have a long-term effect is if they could create an endowment for the National Park Service.

If you think about major institutions like colleges and universities that are very successful, they have endowments. I think this is an area where we would love to work with you.

How do we create that? How do we feed it? How do we let it grow? So that 50 or 75 years from now, the service has a corpus upon which it can rely?

Mr. ISRAEL. Thank you, Mr. Chairman.

Mr. CALVERT. Thank you.

Speaking of endowments, how much does Harvard have in their endowment account right now?

Mr. ISRAEL. $40 billion.

Mr. CALVERT. $40 billion, so at 4 percent a year, that is significant.

Mr. Simpson.

Mr. SIMPSON. Thank you, Mr. Chairman.

Thanks, Director. I am sorry I missed our appointment yesterday, but around here, they make us vote occasionally. It just screws up our whole schedule. So anyway, I am sorry about that, but it is good to see you again.

It is nice that you brought Grace along, back to her old stomping grounds on the committee. It is good to see you again.

One thing about an endowment is that we are appropriators and what happens is you all of a sudden get automatic funding through an endowment, and then the funding from the appropriators goes down, because you have this funding. So that is something you have to watch when you are pursuing an endowment.

I was going to ask about the annual collecting fees process that we authorize through this appropriation versus a long-term reauthorization by the authorizing committee, and the need for that. However, I think you answered that with Mr. Israel's question.

GROWTH OF THE NATIONAL PARK SYSTEM

What concerns me to some degree is, A, the number of new units we are putting in the park service without the thought of how we are going to maintain those and how that impacts the backlog of maintenance and so forth in the current parks that exist.

I will give you an example. In Idaho, they are having a discussion right now. There are a lot of people who would like to make Craters of the Moon a national park.

I view the national parks as the jewels, the Yellowstones, the Glaciers, even Yosemite, and other major national parks.

There are places for national monuments, for unique characteristics. Everybody agrees that Craters of the Moon is a unique landscape and characteristics. I do not know that a national park necessarily is justified there. But a lot of people look at it as, if it was called a national park, it would bring in a lot more visitors and it would get a lot more unappropriated dollars to maintain it. I do not know that you are going to get more dollars.

But we seem to be expanding and thinning out your ability to address the maintenance in the current parks that we have by adding new units.

TRANSPORTATION FUNDING

In your testimony, you said, "Of this increase, $150.5 million will address the deferred maintenance backlog. Together with the mandatory proposal discussed below, this will provide the National Park Service the resources to restore and maintain all currently identified, highest priority nontransportation assets in good condition over the next 10 years."

What about, A, the transportation backlog, and the non-high priority? What is going to happen to the backlog overall?

Mr. JARVIS. No, I got it. Let me take your last question first, and then I will go back to the growth in the system a little bit.

Congress passed a 5-year transportation bill and the park service's allocation for that was $268 million, and that grows to $300 million over the 5-year term of the transportation bill.

It is not enough, but it is a pretty good start. And it allows us, now that there is a 5-year plan, to really put in place our planning efforts for the restoration and repair of our transportation systems, our roads, paved and unpaved, bridges, all that sort of access component that is so necessary.

We have some really serious issues, as you know. We talked briefly about Memorial Bridge here in Washington, D.C., which is

estimated at a $250 million project. The Grand Loop Road and three out of five entrance roads in Yellowstone is another one. That is $850 million to $1.25 billion. It is a big project as well.

The transportation bill did allow the National Park Service to compete for these large projects with the States, so we would have to go in, and that is what we are going to do with Memorial Bridge. We will go in for a request along with the Commonwealth of Virginia and the District of Columbia, to request funding from that pot to fix Memorial Bridge. We have to really get started by 2018, at a minimum, to get that bridge repaired so it does not turn into a footbridge by 2021.

So we are addressing our transportation assets.

DEFINING ASSET PRIORITY

The high-priority, nontransportation assets are those that are essential to visitor use, so those are the water systems, the wastewater systems, the prime visitor centers, some of our lodges and hotels, and the historic core of the historic resources. In a triage, those have to be considered.

The low-priority assets, some of them we are going to lose, and some of them we will tear down and remove, just to get them off the books, because of their condition. If they are in very poor condition and they are a low-priority asset, then we will remove them from the inventory and from the park. That is just the way we have to face it.

We are really focusing our fee program, our philanthropy, on those assets you can market to a potential donor, like the iconic sites here in Washington, supported by individuals like David Rubenstein. The request we have in the fiscal year 2017 budget relates to those high-priority assets.

GROWTH OF THE NATIONAL PARK SYSTEM

In terms of the growth in the system, let me just say that I am as concerned I think as you are about growth in the system that has a direct financial impact on the National Park Service. Every one that I have promoted and supported, I have worked very, very hard to minimize the footprint of the National Park Service and required that there are partners willing to pony up before we even say yes.

For instance, at Harriet Tubman National Monument in Maryland, the State of Maryland is building the visitor center, completely doing all of the infrastructure development. All they ask is that we have a ranger in that building. The physical resource that we have obtained has no real requirements. It is just an open set of fields.

When we did Pullman, we raised $8 million in the Chicago area before we even said yes. We own the footprint of one building. We minimized our ownership, again, so that we are not taking on huge additional maintenance backlog or operational responsibilities.

But I think the system is always going to grow. It does not stop. The defense authorization bill gave us a bunch of new parks. Presidents, every one of them, regardless of their party affiliation, like to give us new parks as well.

We will continue to grow, but I think we have to manage that growth in a way that does not impact the broader system.

Mr. SIMPSON. Thank you.

Mr. CALVERT. Thank you.

Mr. Kilmer.

Mr. KILMER. Thank you, Mr. Chairman.

And thanks for being with us. I echo Mr. Simpson's apologies that votes blew up our meeting yesterday, but I thank you for the effort.

I also want to say thank you for what the service does. As someone who grew up in the shadow of the Olympic National Park I know it is an extraordinary asset that draws a whole bunch of people to our region. I am often reminded of what an economic driver it is, and not just in terms of hotel stays and restaurants. My grandfather helped pave the road up Hurricane Ridge, so I know it has been an extraordinary asset.

Our neck of the woods has had a really tough winter, and we are now facing some real access challenges that are already posing problems for researchers who are studying the Elwha, and for homeowners and private landowners within the region, not to mention the fact that it could have some impact in terms of visitation this summer.

I was happy to see that the park service budget makes some key efforts to address maintenance needs because I know just how critical it is to maintain these roads and trails so visitors can get out there and enjoy the parks.

OLYMPIC HOT SPRINGS ROAD

That said, I was hoping I could just get an update on one pressing issue, the washout of the Olympic Hot Springs Road. I know there are a lot of balls in the air with the whole alphabet soup of agencies that get involved with the impacts to salmon habitat, not to mention the continuing difficult weather conditions. But we have a lot of private landowners, park users, research scientists, and park service staff who are very heavily impacted by the loss of this single access point.

So I was hoping you could just discuss what the service is doing to expedite the repairs to the road and ensure that access is restored as quickly as possible. Can you give us some sense of the timeline? Also if there is anything that the park service needs to expedite repairs, I would love to know that, too.

Mr. JARVIS. Thank you for that question, and thanks for the support for Olympic National Park. It really is a fantastic resource. I know you have been getting a lot of rain up there. If you could just capture it, that would be the other thing. At least we are getting some snowpack, both in the Cascades and the Olympics and Sierras this year, which is a good thing.

The good thing on the Elwha is that it has helped flush out all that sediment that was backed up on the rivers. The photographs of the delta that have been created and the restoration of the beaches and the quahog sandspits down to Dungeness are really fantastic. But there has been impact to the road system.

So the plan is right now we have requested funding from the Federal Highway Administration for what they call the Emergency

Relief for Federally Owned Roads funds, which are emergency funds, to put in a one-lane bridge at that washout. We expect that to take about 6 to 8 weeks to get installed, after the estimated two month compliance process is complete.

That will serve, not great, but it will serve as access for the landowners who are up that road and our own administrative access. We have park housing. We have a maintenance facility up there. And the public access as well.

Then we are going to have to go in for a reprogramming request to the Federal highways. The road was in for a resurfacing. We are going to have to rethink that, obviously.

But now that we do have a 5-year bill, we can go in for a major reconstruction on that site. But we are probably talking, three, four years before we can actually get to that and get the work done. So we will be living with that temporary fix for three to five years.

Mr. KILMER. Do you have what you need in terms of being able to move forward with the temporary fix?

Mr. JARVIS. Yes, we do.

Mr. KILMER. Okay, thank you.

Thank you, Mr. Chairman.

Mr. CALVERT. Thank you.

Mr. Amodei.

Mr. AMODEI. Thank you, Mr. Chairman.

QUAGGA AND ZEBRA MUSSELS

Thanks, Mr. Director. Hey, I want to talk with you about quagga mussels and zebra mussels for a minute, Lake Powell, Lake Mead.

In the omnibus last year, which was signed I think about the middle of December, NPS was asked to give a report on what you guys are planning on doing with regarding other water bodies in the West becoming infected with vessels leaving those two. I think the report is due here pretty quick. Is it out already? Have I missed that?

Mr. JARVIS. My staff says it is in review.

Mr. AMODEI. So you expect it to be kind of out in the time frame of the 90 days? We gave you a couple million bucks to do that.

Mr. JARVIS. Yes.

Mr. AMODEI. Okay. So my last question on that is, can you let us know when it is out? I assume we do not have to go to the SCIF to see it, so we can come over and pick one up.

Mr. JARVIS. Yes.

Mr. AMODEI. Okay, great. One last question.

ACQUISITIONS AND RECONNAISSANCE STUDIES

I need to know who handles acquisitions or reconnaissance studies, since we were talking about acquisitions and expanding the system and that sort of stuff, because I have been approached by somebody in western Nevada. And I do not know whether it works or not, but we want to kind of hook up with whoever handles that for NPS.

What do you do to see whether this is something that is a potential fit? Small footprint thing, but anyhow. So if you get that information to my office, just to say, here is who you should talk to in

my outfit in terms of a potential acquisition in western Nevada that is not thousands of acres or hundreds of acres, stuff like that.

Mr. JARVIS. Absolutely. We will get the information to your office.

Mr. AMODEI. Thank you.

I yield back, Mr. Chairman.

Mr. CALVERT. Thank you.

Mr. Israel brought up an interesting point. These budget battles, I am afraid, are not going to end. The growth of entitlement spending is squeezing discretionary accounts, we have the same problems with defense spending and interior. And certainly Mr. Simpson's bill, all of our bills, we have this challenge.

But you have the honor and privilege to represent probably the most popular government agency in the United States Government. I read somewhere the Marine Corps and the park service are tied. You are popular.

So the endowment, I am very pleased that we are moving that way. I know the authorizers are moving with the centennial bill to get language to do that.

I think you are going to find that there are going to be a lot of people who are interested in leaving some legacy to the National Park Service. I think, long term, it will have a positive effect on the national parks.

TRANSPORTATION FUNDING

A couple questions. Obviously, you mentioned the Memorial Bridge, the necessity to move forward on that. Obviously, we have a lack of funds. We are hoping that next year, no matter who is President, we can come to some agreement on repatriation and put money into the transportation bill, which will increase those allocations, including to the National Park Service, so hopefully we can see that happen.

WHITE HOUSE FENCE

The other issue is in the newspaper, the White House fence. It looks like we have had a number of incursions of late. It seems like it is a growing phenomenon. Obviously, the security there is important.

I do not know if you want to get into that briefly, but I know there are artistic ramifications. And of course you manage the grounds, then you have the Secret Service and Homeland Security and everybody else.

But how is that coming along?

Mr. JARVIS. I have met with the director of the Secret Service. We have talked about it. Our teams are working together to come up with several design alternatives to provide better security to the White House while at the same time recognizing the value of the public to be able to see the White House. I mean, you really do not want a 30-foot-tall concrete wall around the White House. You want the public to feel the People's House is still visible.

There are a variety of ideas being cast about. We did a temporary fix, which has added some level of security. The bike racks are still out, giving some distance to the fence, which is not really acceptable either.

We are working toward a design. At some point, we will be coming up and talking to you about it.

Mr. CALVERT. Okay, good. And obviously centennial funding is important. I am going to make a wild guess here that we are going to be level-funded in our allocation. We hope. We will find out.

But we are going to do the best we can with the hand we are dealt, so we will try to work with you and the park service to make sure that we fund your top priorities and work on that. I know you have significant deferred maintenance issues that we have to deal with, and we want to help as much as we can.

Anyway, with that, are there any additional questions?

Ms. McCollum.

Ms. MCCOLLUM. I have two.

YOSEMITE NAMING RIGHTS

First reading the newspaper a while ago, I read the Federal Government is currently involved in an outrageous lawsuit over naming rights at Yosemite Park. It just took my breath away.

My understanding is the corporation that formerly held the park's concession contract is trying to claim trademark rights in the names associated with a national park.

To me, it sounds like they are mad that their concession contract did not go the way they wanted it to. To me, it is extortion of the American taxpayer.

I am distressed that the National Park Service is changing the name of five of the park's attractions. If you could, tell me why did the Service feel it had to rename those attractions?

This has a ripple effect with local businesses that rely on this to sell visitor guides and souvenirs. When Voyageurs National Park was going forward, that was one of the things that we told communities, that they can be part of successful economic opportunities being adjacent to a park.

What steps is the National Park Service taking to make sure that does not happen again? And then after you answer that, I have one other question I would like to ask.

Mr. JARVIS. Thank you, Congresswoman, for that question.

In a nutshell, Delaware North Corporation, which was the concessionaire at Yosemite National Park, in 2002 filed with the Patent and Trademark Office and obtained the trademark names of not only the individual facilities, like The Ahwahnee, and Wawona, and Badger Pass, but Yosemite National Park as well. They obtained those rights legally. We did not know. It is not something that we thought we needed to monitor.

As a result, this is in court. We have a vigorous defense of our position on this through the Department of Justice. And the Delaware North Corporation owns, according to them, the right to put those names on any product, so a T-shirt, a coffee mug, anything in the park right now cannot have that name on it, nor can we call The Ahwahnee Hotel "The Ahwahnee Hotel" because those names are, according to Delaware North, owned by them, and they are demanding to be paid $51 million for the rights to use those names.

Mr. CALVERT. Will the gentlelady yield on this?

Ms. MCCOLLUM. I would be happy to.

Mr. CALVERT. I am as outraged about this as you are.

Ms. MCCOLLUM. I imagine you are.

Mr. CALVERT. As a businessman, to me, there are ethical issues involved here by some concessionaire who took advantage obviously of not notifying you of this change. How long were they the concessionaire for this location?

Mr. JARVIS. I am going to let Lena jump in here, because she has been very active in this case as well.

Ms. MCDOWALL. They have been there since 1993.

Mr. CALVERT. So this operation was going on for many, many years prior to 1993——

Ms. MCDOWALL. Correct.

Mr. CALVERT [continuing]. With the names that are iconic associated with Yosemite National Park. And they took it upon themselves to, in effect, take those names for their own purposes in order to, in effect, blackmail you into renewing the contract. Would that be an accurate statement?

Ms. MCDOWALL. It essentially would protect them from a competitor coming in.

Mr. CALVERT. People talk about corporate ethics. This is just terrible.

Anyway, Ms. McCollum.

Mr. JARVIS. So let me just tell you what we are doing about that. We are vigorously defending it. We have filed with the Patent and Trademark Office to void their claims. Unfortunately, that is a process that probably could take up to a year or more for them to go through their analysis.

So in the interim, we do not have the authority to use our own names within these facilities, so we had to go through a renaming process in order to not validate their claims.

So they also offered us to use those names, to license them to us, which was, to be blunt, offensive. On our part, we chose not to do that, to have them license our own names to us.

Mr. SIMPSON. Will the gentlelady yield?

Ms. MCCOLLUM. I would be happy to yield to the gentleman from Idaho.

Mr. SIMPSON. Just out of curiosity, I do not know who the concessionaire is, is this the only park that they have been in? Or are they in other parks also?

Mr. JARVIS. No, they are one of our major concessionaires. They are in other parks.

Mr. SIMPSON. Really? Okay.

Mr. JARVIS. Including the Grand Canyon and Yellowstone.

Mr. CALVERT. Have they taken possession of those names also?

Mr. JARVIS. Under the new contracts that we have awarded them, they are prohibited from doing that. This was an old contract that did not have specific language that prevents it. But we have gotten smarter about this, so we actually prevent them in their contracts from filing the names on this.

One of the other concessionaires at the Grand Canyon did attempt to obtain the rights to Grand Canyon, but we backed them off on that.

Mr. CALVERT. This gives the legal profession a bad name.

Mr. JARVIS. We have proposed in the centennial legislation some intellectual property rights protection language to give protection

to all of the park names across the system, to prevent this from happening in the future. That is something that is working its way through markup as we speak.

Ms. MCCOLLUM. Thank you, Mr. Chair.

Before I ask my second question, was it $51 million that they were asking—I am going to say trying to extort—from the Park Service? That is my term, not yours.

Mr. JARVIS. What they wanted was us to force the incoming concessionaire to pay them the $51 million. So as Lena indicated, that was to make it noncompetitive, that any incoming concessionaire would have to pay them $51 million.

They sued us to force the incoming concessionaire to pay them.

Ms. MCCOLLUM. It sounds like blackmail to me.

GRAND TETON LAND ACQUISITION

Moving on, we were talking about acquisitions and how careful you are when you are looking at making acquisitions to our national park system. The budget does include a significant land acquisitions request for $22.5 million to purchase 640 acres of state-owned land in the Grand Teton National Park.

The size of the project is somewhat unusual. I think I understand it pretty well. As we move forward, putting the budget together, could you please explain for us why this purchase is so large? Is it scalable at all? The project will require a match, assuming funds are appropriated. What happens to that parcel of land if you are unable to raise the matching funds necessary to complete the purchase?

What happens if the State of Wyoming does not extend the date by which the sale must be completed? You are running into a potential problem if we are not getting things done on time, even if it is in our proposed budget to go to conference and get to the President's desk. Can you explain how sensitive this timeline is?

Mr. JARVIS. Thank you for those questions.

There are two full sections, 640 acres each, inside the boundaries of Grand Teton National Park that are owned by the State of Wyoming that are part of their State school lands. So revenues generated from those lands support the State schools.

The State of Wyoming has let us know that unless we acquire these properties to incorporate into the park, they will sell them at auction for development. These are in the heart of the park, very developable properties right on the flats. They are in the Snake River Valley looking right up at the grand. They could either be mega homes or a mega resort, easily developable into that.

They are appraised, one at $46 million and one $39 million. The $46 million property called Antelope Flats is probably the most vulnerable, the most developable. So we have requested half of that funding in the fiscal year 2017 Land and Water Conservation Fund, and then the proposal is to raise the other half privately. We have a coalition with our National Park Foundation and Grand Teton Foundation, to raise the match of $22.5 million to purchase the property.

If we do not purchase that property by December 31, 2016, the Governor's authority to sell it to us expires, and then the property will be subject to auction by the State of Wyoming for development.

So we are under a great deal of pressure. We are pretty concerned, to be very blunt about it, about going into a CR, into a continuing resolution into fiscal year 2017, because then we would not be able to have the full amount, the $22.5 million, to match the fundraising side.

So it is absolutely, as you can see, our number one priority in our Land and Water Conservation Fund for fiscal year 2017.

Ms. MCCOLLUM. Mr. Chair, there are some things that are even beyond our control. We would like to see everything done, as Chairman Rogers has said, in regular order and in good time. But there are some conversations that we might need to have. If this becomes a priority, if this committee and the Senate are in agreement on it, and it looks like something that would be included, we might be able to have conversations with the State of Wyoming to figure out if there is some way we can work with the Governor or the legislature there in extending that deadline for moving forward.

From what I am hearing from you, there is our decision as legislators and appropriators whether or not this becomes something we fund on the priority list. It is something that I support. And then if it looks like we are not going to be able to get things done in regular order, we have to figure out how we have those conversations with the State of Wyoming on this.

So, thank you, Mr. Chair.

Mr. CALVERT. Thank you.

Just on that subject, thinking out of the box a little bit, is it possible a third party could acquire that property with an agreement for future acquisition back from the National Park Service?

Mr. JARVIS. It is possible, but the deed would have to be secured with us because the Governor's authority is specific to selling it to us.

Mr. CALVERT. Could a third party, in effect, loan the National Park Service the money to acquire the property with a payback provision?

Mr. JARVIS. That is what we are looking at right now.

Mr. CALVERT. Okay. Thank you.

With that, we certainly appreciate you coming—anything more?

Mr. JARVIS. Yes, if I could make one final comment I am serving in my last year with the National Park Service. I just want to express my great appreciation to this committee, to you, Chairman, to all the members. This committee has been always very, very good to the National Park Service. Bruce Sheaffer was before this committee the first time in 1976, which is the same year I joined the National Park Service. I want to compliment Lena McDowall, who is the new and improved Bruce Sheaffer, CFO of the National Park Service. She did not get much chance to speak today, but is a fantastic new addition to the system. I think you will enjoy working with her into the future.

But again, my compliments to this great committee. You have always been great to us.

Mr. CALVERT. Thank you for your service. We appreciate you every year coming to this committee. We will miss you.

But with that, we are adjourned.

U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Budget Hearing: National Park Service
March 16, 2016

Questions for the Record – Director of the National Park Service

Questions from Mr. Calvert

Sales Ban of Bottled Water in National Parks

I want to discuss for a few minutes the Service's ban on bottled water in national parks. In December 2011, the National Park Service issued Policy Memorandum 11-03, which authorizes park superintendents to ban bottled water sales on a park-by-park basis. That Memorandum requires that proposals for bans be based upon a rigorous written impact analysis, considering certain specified factors relating to health and safety, waste reduction, cost, and impacts on concessioners.

The fiscal year 2016 Omnibus included a directive for the Service to report on the justification each affected Park Service unit has used to ban bottled water. The report was due on February 16th and is now one month overdue.

Calvert Q1: What is the status of the report and when can the Committee expect it? Are you able to share with the Committee any details of the report relating to the impact of these restrictions?

Answer: The report was delivered to the Committees in early April.

Calvert Q2: What many of my colleagues and I don't understand is how the Service can ban the sale of bottled water in our national parks—which is arguably the healthiest option for park visitors—but yet continue to sell soft drinks, juices, and sports drinks. That just doesn't make sense. This position directly contradicts the National Park Service's *Healthy Parks, Healthy People* initiative which encourages healthy food and beverage choices in national parks.

Why the inconsistency? Does the Service have any plans to ban the sale of soft drinks, juices, and sports drinks in national parks?

Answer: The NPS does not believe there is an inconsistency between the sales elimination component of the policy and promoting health through a National Park Service initiative. The NPS policy is consistent with (and created in concert with) the NPS Healthy Parks, Healthy People initiative. The analysis requirements of the policy are designed to assure that ready access to drinking water is provided and the negative impacts of packaged water products are reduced.

It is also important to note that the NPS policy does not eliminate water as a hydration option in any national park; the policy reduces the waste stream associated with packaged water in places where plentiful unpackaged water is readily available. To date, of the 22 parks that no longer sell disposable plastic water bottles, only nine parks that have concessioner managed retail and food service operations no longer sell bottled water, and in all nine parks there is now equal or greater access to drinking water as required by the policy.

As part of the sales elimination approval process of the policy, each Regional Director evaluates:

- Infrastructure costs and funding source(s) for filling stations
- Operational costs of filling stations including utilities and regular public health testing
- Cost and availability of safe, reusable containers
- Availability of water within concession food service operations
- Visitor education in the park and online so that visitors come prepared with their own water bottles, or know where to purchase them
- Signage plans that also educate visitors about the program, helping visitors to easily locate and use filling stations

By evaluating the above (and other) criteria, the NPS ensures that free, potable water is readily available before sales elimination programs are approved. The Park Service has no plans to ban the sale of soft drinks, juices, and sports drinks in national parks.

Calvert Q3: How do you reconcile this policy with the Administration's focus on healthy eating and the Service encouraging concessioners to offer, and visitors to choose, healthier food and beverages.

Answer: By ensuring free potable water is readily available to visitors and employees before participation in the sales elimination option is approved, the NPS is supporting the Administration's focus on healthy eating.

Calvert Q4: The bottled water industry is actively working to build partnerships to increase recycling efforts across the country—and is having great success.

Rather than banning the sale of bottled water, wouldn't it make more sense for the Park Service to partner with industry to strengthen recycling programs and encourage greater recycling within our national parks?

Answer: The existing NPS policy encourages recycling at parks; however, recycling programs have operational, environmental, and financial costs to the park. Many of our national parks are located in remote areas, without recycling facilities nearby. While we have established formal recycling programs for plastic bottles in these locations, it is inefficient to transport them often hundreds of miles to the nearest recycling center. Bottled water sales elimination programs ultimately reduce the size of the waste stream generated and recycling costs within the park.

Unfortunately, despite recycling programs, plastic water bottles are often discarded as litter and trash. Sales elimination programs are among the best, least expensive methods to shrink the waste stream. Elimination programs provide ancillary benefits as well, by reducing waste

transport vehicle emissions and plastic production emissions. It is also important to note that, because the NPS eliminates sales only if reasonable drinking water alternatives exist, the sales elimination programs often lower the consumer cost of potable drinking water.

Calvert Q5: Is the Service tracking the impact of banning the sale of bottled water at affected units on waste reduction or recycling?

Answer: The NPS is not currently tracking the waste stream reduction at the Servicewide level. As part of the sales elimination approval process, the Regional Directors evaluate the estimated amount of waste that will be eliminated, the pros/cons to overall park operations, and system for annual evaluation of the program, including public response, visitor satisfaction, buying behavior, public safety, and plastic collection rates.

Memorial Bridge Repairs

The Federal Highway Administration recently reported that deterioration of the historic Memorial Bridge between Northern Virginia and Washington, DC has accelerated since it was last inspected in 2015. Estimates for these critical repairs are $250 million. Short of making these repairs over the next five years, the bridge will have to be closed by 2021. I understand that the Park Service has already spent $5 million on temporary repairs since 2010 with another $5 million of necessary emergency repairs scheduled for this year.

Calvert Q6: How does the Service plan to fund these critical repairs? Does the highway authorization bill passed last year provide funding? What specific sources of funds will be used and what is the timeline for completion of this project?

Answer: Since 2010, the National Park Service has spent nearly $10 million on temporary emergency repairs to Arlington Memorial Bridge in order to prolong its lifespan. Another temporary repair is required by 2017 at a cost of $5 million. This repair is the final stopgap measure that can be undertaken. The bridge will then require a complete rehabilitation or else it will be closed to all vehicular traffic by 2021.

The Fixing America's Surface Transportation Act (FAST Act) includes an opportunity for the NPS to compete for up to 60 percent of the $250 million required to repair the bridge. Through the Fostering Advancements in Shipping and Transportation for the Long-term Achievement of National Efficiencies (FASTLANE) Grant Program, the NPS submitted an application for $150 million to support the project. The NPS and the Department of the Interior are exploring all funding options, but will work with Congress to identify the remaining matching funds. Consistent with the FAST Act, a portion of the remaining matching contribution will come from the NPS Federal Lands Transportation Program and non-Title 23 or 49 funds.

Assuming funding can be obtained, the current schedule plans for a design/build contract to be advertised in 2018 followed by two years of construction to be completed in 2020.

Calvert Q7: What steps is the Service taking to ensure public safety now and leading up to the actual work being completed?

Answer: As a result of the advancing deterioration of the bridge, the Federal Highway Administration (FHWA) has increased the frequency and intensity of their inspections from once every other year to twice per year. In 2015, the National Park Service, at the recommendation of the FHWA, temporarily closed both curbside lanes at the bascule span and also implemented a 10-ton load restriction. While the lane closures were lifted upon the completion of emergency repairs, the load restriction will remain in effect indefinitely. Previous stabilization projects replaced failing support beams, and temporary bridging was installed over sections of the failing sidewalk sections.

The bridge is currently safe to operate within the restrictions provided for vehicles, pedestrians, cyclists and emergency equipment. It is anticipated that additional load restrictions will be implemented by 2019 which will restrict traffic to passenger vehicles only.

White House fence

Securing the perimeter of the White House has become an issue of concern following a series of incidents in which intruders have scaled the fence to gain access to the White House grounds. The Homeland Security Appropriations Subcommittee provided funds in fiscal year 2016 for "facility improvements including upgrades in the White House fence complex." My understanding is that the Park Service and Secret Service are supposed to present a design for approval by the National Capital Planning Commission and the Commission on Fine Arts for approval before moving forward.

Calvert Q8: What is the status of efforts to address the White House fence including the timeline for completion of the design and construction of the fence itself?

Answer: The United States Secret Service (USSS) and the NPS have been collaborating for more than a year to study improvements to the existing fence. A joint study completed in May 2015 identified options for altering or replacing the existing fence to meet specific criteria for blast resistance and preventing an athletic adult to climb over the fence within a specified amount of time. The USSS and the NPS are now working together to design an improved perimeter security fence for review and approval by the National Capital Planning Commission (NCPC) and Commission on Fine Arts (CFA). The project began in October 2015, but was put on hold in December while the USSS reassessed fence requirements. Design work restarted in February 2016, and preliminary review of fence concepts with NCPC and CFA staff indicates support for a permanent replacement fence and foundation of a similar character to the existing fence, but with enhanced resistance to climbing and blast. The NPS and the USSS will provide an informational briefing on the initial design concepts to the CFA on April 21, 2016 and to the NCPC on May 5, 2016.

The current schedule calls for concept design to be completed in 2016, full design to be completed in 2017, and construction to start in late 2018 or in early 2019. The USSS has stated

its intention to provide additional funding for construction documents and for construction as needed to maintain the proposed schedule.

Calvert Q9: What Federal entity serves as the lead agency and who ultimately will pay for the fence?

Answer: The United States Secret Service (USSS) and the National Park Service are working cooperatively as co-lead agencies on this improvement. The USSS paid for the November 2014 White House Fence Study and subsequently for the design contract for permanent fence improvements. Additionally, the USSS is expected to seek funding for the construction of the proposed perimeter security fence upon final development and approval from the appropriate design review agencies.

FY17 NPS Centennial Funding

The Park Service is seeking an additional $191 million in discretionary funding increases to support the Centennial. This request comes on top of significant increases in fiscal year 2016 including a $94 million increase in Park Service operations, a $54 million increase in line item construction, and a $5 million increase for the Centennial Challenge program. While there is a great deal of bipartisan support for the Park Service, it's highly unlikely that this subcommittee will be in a position to provide a 9 percent increase next year as the budget request proposes. Let's assume that our 302(b) allocation is relatively flat overall and the subcommittee has to make some hard choices.

Calvert Q10: Can you summarize your overall priorities for the Park Service as well as specific budget priorities for the Centennial? I'm assuming that park operations remain your highest priority overall and that deferred maintenance tops your list of Centennial priorities? Is this accurate?

Answer: The top priority for the FY 2017 request is the +$12.1 million requested for fixed costs, and the +$8.1 million requested to cover the cost of extending health insurance to seasonal and temporary employees. If these fixed costs are not supported, national parks will absorb them in FY 2017, reducing their operational capacity and flexibility. When fixed costs go unfunded, reducing or eliminating seasonal employees provides one of the only resources available to parks to absorb these costs. Between FY 2015 and 2016, the Committees provided +$16 million for seasonal employees. To protect that investment and ensure that the historic number of visitors at national parks is met with exceptional service and programming in the second century, the NPS must be able to fund increasing fixed costs, including the cost of health insurance for those seasonal employees. Also critical to ensuring stable park operations is the +$10.7 million requested in operations to support new parks and critical responsibilities. These funds will ensure the newest units of the system can begin to develop operations and welcome visitors, as well as ensuring the NPS can meet critical responsibilities such as the costs of the 2017 Presidential inauguration.

Addressing the deferred maintenance backlog is among the National Park Service's priorities. The FY 2017 budget proposes a discretionary increase of $150.5 million and a mandatory

increase of $300 million for three years. These requests build on the additional $89.6 million provided by the Committees in the FY 2016 enacted appropriation, and taken together, would restore and maintain the current 7,186 highest priority non-transportation assets in good condition over ten years. These assets account for $2.4 billion of the total $11.9 billion backlog.

As the NPS prepares to enter its second century of stewardship and engagement, the FY 2017 Request reflects a balanced approach to meeting all of our highest priority needs, from asset repair and protection to fighting the effects of climate change, from protecting our cultural and historic resources to meeting the needs and expectations of the over 300 million visitors to our nation's greatest treasures.

Deferred Maintenance Backlog

Like other members of the subcommittee, I'm very concerned about the growth of the Park Service deferred maintenance backlog which is now estimated to be nearly $12 billion. The budget request proposes a $151 million increase for deferred maintenance needs including a $47 million increase for cyclic maintenance and a $49 million increase for repair and rehabilitation projects. The request also includes a $55 million increase to support line-item construction projects.

Calvert Q11: Again, to help guide our decision making, how would you prioritize these three buckets of funding in the budget request—cyclic maintenance, repair and rehabilitation, and construction? Which is the most important and why?

Answer: All three fund sources are of equal importance as they serve different functions that complement one another. In general, all sources address the deferred maintenance issue and improve the condition of assets. Line item construction funds are used to complete major repairs to facilities and infrastructure and repair rehabilitation funds are used to complete smaller scale repairs. Cyclic maintenance funds are used to maintain assets at acceptable condition, retain the results of prior facility investment, and avoid deferred maintenance.

The National Park Service's proposed deferred maintenance buy-down strategy has two distinct components. First, the FY 2017 Budget requests a $150.5 million increase in discretionary funding - $46.6 million for cyclic maintenance, $49.2 million for repair and rehabilitation, and $54.9 million for line item construction and project support. Cyclic maintenance is the central element of life-cycle management and is the key component in the effort to curtail the continued growth of deferred maintenance. The repair and rehabilitation program directs funding to parks' highest priority mission critical non-transportation assets; most often these projects are deferred maintenance. Line item construction projects fund the construction, rehabilitation, and replacement of assets. The FY 2017 Line Item Construction list includes only the most critical life/health/safety, resource protection, and emergency projects, and does not propose funding any new facility construction.

Additionally, this is complemented by a legislative proposal within the National Park Service Centennial Act to provide new, mandatory funding of $300 million annually for three years, for Second Century Infrastructure Investments projects. This funding would allow the NPS to

efficiently program and execute projects for phased delivery and completion and expeditiously complete a large number of projects, improving the condition of NPS assets.

Currently, 4,300 of the 7,186 highest priority non-transportation assets have quantified deferred maintenance needs. Building on the $89.6 million provided in FY 2016 for this effort, together, the mandatory and discretionary requests would bring all of the highest priority non-transportation assets into good condition over ten years and provide funding to maintain these assets in good condition.

Calvert Q12: How much of the deferred maintenance backlog is actually infrastructure projects within national parks? How much consists of needed repairs to roads, bridges, and other arteries which would be funded largely through the highway bill and other legislative vehicles?

Answer: Of the $11.9 billion deferred maintenance backlog, $6.0 billion is due to paved roads and associated structures, including parking lots, bridges and tunnels. Maintenance of these assets is largely, though not entirely, supported by the NPS Federal Lands Transportation Program, which is funded through the Fixing America's Surface Transportation Act (FAST Act). The remaining nearly $6.0 billion of the deferred maintenance backlog is attributable to assets including waste water and water systems, utility systems, trails, campgrounds, unpaved roads and buildings.

National Park Service Endowment

Every member of this subcommittee believes that deferred maintenance must be addressed and plans must be developed to fund the Service's long-term infrastructure needs. Given the size and scope of the Service's deferred maintenance backlog, it appears that some creative, visionary thinking is in order. It's unlikely that the deferred maintenance needs of the Service could ever be adequately addressed using discretionary funds alone.

Director Jarvis, you and I have had extended conversations about the Service emulating large institutions like universities by establishing an endowment to address long-term capital and infrastructure needs. The Chairman of the House Resources Committee, Rob Bishop, has recently introduced legislation that would establish an endowment for the Park Service using donations and an increase in lodging fees of less than five percent. I'm assuming that the Service and other partners have been working with the Resources Committee on this proposal.

Calvert Q13: If Congress established an endowment, what is your expectation in terms of its size and scope? How would the endowment be funded?

Answer: Both the Administration's proposed National Park Service Centennial Act, introduced by Representative Grijalva (H.R. 3556) and the bill with the same title introduced by Representative Bishop (H.R. 4680) would establish a Second Century Endowment that would be managed by the National Park Foundation for the benefit of national parks. However, under H.R. 3556, the only source of funds would be donations, while under H.R. 4680, the endowment would be supported by both donations and revenue generated by new fees on lodging within units of the National Park System. Under both versions, interest would accrue on unspent

funds. We have not estimated the size and scope of the endowment under either version, but in either case we would expect the size of the endowment to grow over time.

Calvert Q14: What specific needs or priorities would the endowment address?

Answer: Under both versions of the legislation, funds deposited in the endowment would be used for projects and activities approved by the Secretary of the Interior that further the mission and purpose of the National Park Service. As examples, the kind of projects that might be funded could include addressing deferred maintenance and other deficiencies in park assets and infrastructure, updating interpretive displays or improving visitor contact stations, improving signage, trail projects, supporting youth/volunteer programs, supporting education programs in diverse communities, improving accessibility to park areas, and refurbishing historic buildings.

OIG Report

Director Jarvis, last month, the Office of Inspector General (OIG) released a report related to your work on a recently published book titled, "Guidebook to American Values and Our National Parks." I understand from the OIG report that you did not consult with the Department's ethics office prior to undertaking this project. I further understand that your intent was to write a book promoting the value of our nation's parks and to direct all proceeds to the National Park Foundation.

Calvert Q15: Can you help clear the air on this issue? What is your response to the OIG report? Did you compromise your role in any way as Director of the Park Service in writing this book?

Answer: As stated in the OIG's report, I received no compensation for writing this book and specifically wanted any proceeds from the book to benefit the national parks through the National Park Foundation. As also stated in the OIG's report, I intended that the publishing rights to the book would be given to the National Park Foundation.

Calvert Q16: In retrospect, do you regret not consulting with the Ethics Office and other DOI officials prior to authoring the guidebook?

Answer: I regret that I did not seek guidance on the most appropriate path forward to publish this book. I wrote the book to inspire and engage more Americans in our national parks, particularly during the National Park Service's centennial year. I consider it a good lesson learned and will ask for guidance if and when similar situations arise in the future.

Use of Technology to Enhance Visitor Services

In fiscal year 2016, Congress recognized that the National Park Service Centennial offers a unique opportunity to build national and international awareness of tourism and recreation opportunities at our nation's public lands by providing a 9 percent increase in the agency's budget. This subcommittee especially wants assurances that Service is doing all it can to enhance site operations and maximize visitor services.

There is a broad stakeholder community that is concerned not enough is being done to leverage and implement readily available technology solutions within the Park Service. For example, you can purchase airfare and board a plane using a smartphone. You cannot purchase park passes this way. During peak seasons, visitors often sit in their cars in very long lines just to enter parks. Within our national forests, outfitters and guides still have to submit paper applications for use permits. The Park Service is not keeping pace with changes in technology. This is especially important as the Service enjoys record visitation. Many of these visitors are millennials who are highly connected.

Calvert Q17: As you work to capitalize on the increased visitation created by the Centennial, what are your priorities for technology to enhance site operations and visitor services?

Answer: The NPS will continue with efforts to expand the communications bandwidth of parks while working to identify and address other infrastructure requirements in order to increase the services provided and improve the overall visitor experience. Additionally, the NPS will continue to work toward incorporating technological enhancements to maximize the efficiency of fee-collection and the permitting process through Recreation.gov, and will continue toward the implementation of an electronic pass program. Moreover, the NPS is providing mobile apps, interactive displays, and downloadable media, while also deploying free Wi-Fi at more than 90 sites with plans to offer this service at all capable visitor centers by the end of 2017. These enhancements will further improve the overall experience for visitors seeking more modern services.

Calvert Q18: Does the FY17 budget propose sufficient funds for the Service to make the necessary investments in technology in order to maximize the efficiency of fee collection, the permitting process, and visitor services, as well as increasing the convenience of paying fees and accessing sites?

Answer: The FY 2017 request includes $2.6 million for parks to increase their communications bandwidth. The demand in parks for network and internet access is outpacing the currently available bandwidth, making it difficult and impossible at times to upload data to property, financial, procurement, and other systems, negatively impacting park operations. This funding would provide for critical upgrades for approximately 63 parks per year.

Additionally, revenue generated from recreation fees would continue to support efforts toward maximizing the efficiency of fee-collection and improving the permitting process through Recreation.gov.

Calvert Q19: Does the Service believe "technology" is an authorized use of funding under The Federal Lands Recreation Enhancement Act (FLREA)?

Answer: Yes, as long as there is a direct visitor connection, technology would be authorized under the Federal Lands Recreation Enhancement Act.

Promoting Park Service within Gateway Communities

The Organic Act of 1916 includes promotion as part of the National Park Service's mission. This provides the Service with the opportunity to partner with State and local partners.

Calvert Q20: How is the Service using the funds it collects under the Federal Lands Recreation Enhancement Act (FLREA) to advance the mission of the Service by dedicating funds for collaborative promotional activities with States and gateway communities?

Answer: The law does not authorize any Federal agency to use FLREA revenue to fund promotional activities. Therefore, the NPS does not do so. FLREA authorizes the NPS to expend fees collected on purposes such as maintenance and facility enhancement directly related to visitor enjoyment and access, habitat restoration directly related to wildlife-dependent recreation, law enforcement related to public use and recreation, and interpretation and visitor information. Typical activities generally funded with FLREA funds include deferred maintenance projects like campground restoration, trail maintenance, accessibility upgrades, sustainability improvements, and utility system repairs; visitor services projects like youth programs, education programs, and providing educational materials and brochures; and natural resources projects like invasive species eradication and habitat restoration, all for the use and enjoyment of visitors.

Calvert Q21: Is the Service actively coordinating with state and local tourism agencies?

Answer: The NPS maintains ongoing and collaborative relationships with many state, local, and regional tourism agencies. Much of this work focuses on the marketing and promotion of parks, with park staff providing information, resources, and ideas that tourism agencies use for developing marketing and PR campaigns. Parks also coordinate with tourism agencies on social media and digital promotion. In some destinations, NPS staff regularly attend partner meetings coordinated by tourism agencies, and in many states staff regularly attend and present at governors' tourism conferences. Many parks work with their local tourism agencies to plan and execute special events and programs.

Current examples of collaboration with the tourism sector include the Find Your Park campaign, which many tourism agencies have helped to promote, especially on social media. The Las Vegas Convention and Visitors Bureau, for example, launched a special Find Your Park From Vegas mini-campaign, complete with website, social media, and press outreach. Montana Tourism is promoting a special event in Gardiner on August 25th (Founders Day) as well as other ways to celebrate the NPS centennial in the state. In West Virginia, the Visit Southern West Virginia tourism office is working closely with three parks to deploy a unifying marketing campaign shining a spotlight on these lesser-known parks. The NPS also regularly engages with regional tourism agencies such as the Southeast Tourism Society as well as national organizations such as U.S. Travel Association, Destination Marketing Association International, and Brand USA.

Centennial Challenge

The Omnibus provided $15 million in fiscal year 2016 for the so-called "Centennial Challenge." This program is designed to leverage public/private partnerships through at least a 1-to-1 matching requirement, targeting funds at high priority programs and projects. The Committee has noted with interest that the Administration is proposing a $20 million increase for the Centennial Challenge in fiscal year 2017.

Calvert Q22: What is the current status of those fiscal year 2016 funds and what types of projects are being funded? Are you meeting and/or exceeding the 1-to-1 matching requirement?

Answer: In FY 2016, the Centennial Challenge program will leverage $15 million in federal funds with nearly $33 million in partner funds for projects that address youth engagement, deferred maintenance and other infrastructure improvement needs in parks across the country. Of the 70 Centennial Challenge projects, more than half have a match greater than 1:1. These projects work with over 90 partners in more than 60 parks. Projects include the restoration of the Mariposa Grove at Yosemite National Park ($1.2 million federal; $9.2 million partner), construction of new exhibits at Mississippi National River and Recreation Area ($150,000 federal; $150,000 partner), trail rehabilitation at Santa Monica Mountains National Recreation Area ($65,000 federal; $91,000 partner), and rehabilitating a campground for accessibility at Glacier National Park ($76,000 federal; $76,000 partner).

Calvert Q23: Is funding for the Centennial Challenge a higher priority than other Centennial – related priorities within your budget request?

Answer: As the NPS prepares to enter its second century of stewardship and engagement, the FY 2017 Request reflects a balanced approach to meeting all of our highest priority needs, from asset repair and protection to fighting the effects of climate change, from protecting our cultural and historic resources to meeting the needs and expectations of the over 300 million visitors to our nation's greatest treasures, our national parks.

Centennial Fundraising

I know that the Service has been working aggressively to identify non-Federal sources of funding to support the Centennial.

Calvert Q24: Can you provide us with a summary of your fundraising efforts to date? How much has been raised? From whom?

Answer: The National Park Foundation and the National Park Service are working to leverage the support of major corporate partners and private philanthropy. The Foundation has already raised more than $200 million through gifts from individuals, foundations, corporations, and other donors as part of its larger fundraising campaign goal of $350 million for the Centennial. The money raised will provide for transformative investments in protecting special places, connecting people from all backgrounds to parks, and inspiring future generations of national park stewards. Projects include regional opportunities and large, national-level investments like

wildlife conservation, trail rehabilitation, Every Kid in a Park, and the 21st Century Conservation Service Corps. Major corporate sponsors of the National Park Service Centennial include premier partners American Express, Budweiser, Subaru, REI, Humana, and Disney, national sponsors Coca-Cola and Coleman, and a supporting sponsor, Accenture. We have also secured large individual donations such as the $18.5 million gift from philanthropist David Rubenstein to support the restoration of the Lincoln Memorial in Washington, DC.

Calvert Q25: Have you secured large donations or significant corporate sponsorships? How are these funds being used?

Answer: As noted above, a number of corporate sponsors and private individuals have made significant donations.

Everglades Restoration/Tamiami Trail Bridging Project

House Members, and the Florida delegation in particular, remain very interested in the Everglades Restoration and Tamiami Trail Bridging Project. While there is funding for ongoing Everglades restoration work in your budget request, funding for this bridging project is not included in the request. I understand that you have a successful partnership with the State of Florida to complete the Tamiami Trail project.

Calvert Q26: What is the current status of the Tamiami Trail project? When can we expect total construction of the Tamiami Trail Bridging to be completed?

Answer: The Tamiami Trail Bridging project is a $144 million project that will remove the "plug" in the Tamiami Trail roadway to improve flood conditions in the Water Conservation Areas north of the trail to provide increased water flow to Everglades National Park. The project is managed and implemented through a partnership between the National Park Service, Federal Highway Administration, and the State of Florida. The project includes constructing a western 1.43 mile bridge, an eastern 0.88 mile bridge, the associated bridge approaches, and down ramps near Everglades Safari Park. The project also includes raising the 0.84 mile of roadway two feet near Everglades Safari Park, removing the access road to the Lincoln Financial Media radio tower facility in the future upon sunset of tower life, and removing the existing roadway section north of the bridge opening.

The NPS and Florida are jointly and equally funding the project. In FY 2014, NPS received appropriations of $7.5 million in the Construction account for this project, which was made available to the State of Florida via an interagency agreement with the Federal Highways Administration. In the same year, NPS competed for a $20 million Transportation Investment Generating Economic Recovery (TIGER) grant which was then awarded to the State by the U.S. Department of Transportation. The NPS committed another $2.5 million in FY 2015 and will commit $8.0 million in FY 2016, $8.0 million FY 2017, and $26 million in subsequent years from the NPS allocation under the Federal Lands Transportation Program (FLTP). The project is currently on schedule to be substantially complete by January, 2020.

FLREA/Expiration of Recreation Fee Authorization

The Park Service's authority to levy entrance fees through the Federal Lands Recreation Enhancement Act (FLREA) expires at the end of this fiscal year. The fiscal year 2017 budget request seeks to have this authority extended by another year. We know that this authority—which is also important to the Forest Service and other DOI land management bureaus—is critical to providing revenue to our national parks for maintenance and improving maintenance facilities. The Service has been in a similar position the last several years—facing the expiration of this authority—and the Appropriations Committee has extended the recreation fee authority on an annual basis each of the last three years. This is an area of particular importance to our authorizers, specifically Chairman Bishop and the House Resources Committee.

Calvert Q27: Is the Park Service working with the Resources Committee on a long-term extension of this authority and, if so, what is the status of those efforts?

Answer: We appreciate that the Appropriations Committee has continued to extend FLREA. Enacted in 2004, FLREA has been highly successful in leveraging recreation fees to implement thousands of projects that directly benefit visitors. In October of last year, the Department testified on Chairman Bishop's discussion draft to reauthorize FLREA. We appreciate that many of the provisions of the discussion draft address issues and concerns that have been identified by the Administration and by stakeholders regarding implementation of FLREA, and we support the general goal of reauthorizing FLREA. However, the Department had a number of concerns regarding some of the provisions of the draft. We appreciate Chairman Bishop's and the Committee's leadership on this issue and we will continue to work with the House Resources Committee on reauthorization.

Calvert Q28: Are you optimistic that the authorizers will pass a rec fee extension this year?

Answer: We will continue to work with the House Resources Committee on the long term reauthorization of FLREA. However, the Committee has not informed us of their plans for any additional hearings or how they plan on proceeding with reauthorization this year.

Calvert Q29: How much annual revenue do these entrance fees generate for our national parks? What percentage of these fees does the Service presently use to address deferred maintenance needs?

Answer: Entrance and other recreational fees are estimated at approximately $232 million in revenue in FY 2016, of which $100 million or about 43% of that will be spent on deferred maintenance projects with a direct visitor connection. That number will rise over the next few years as new policies regarding recreation fee funding on deferred maintenance are being implemented.

National Mall

The Park Service continues to make considerable investments on the National Mall which attracts millions of visitors each year. The enacted fiscal year 2017 budget request proposes additional funds for projects on the Mall.

Calvert Q30: Can you give us an update of the projects presently underway on the Mall and their projected completion dates? Are there additional projects the Service will undertake in the near future? Please submit for the record a comprehensive list of National Mall projects, the nature of the work being undertaken, and anticipated costs.

Answer: Several major projects are nearing completion. For example, construction of the closure structure for the 17th St levee was completed in 2014; the NPS has contracted with the U.S. Army Corps of Engineers to complete certification of that structure in summer 2016. The landscaping and sidewalk south of the structure is under separate contract, which is expected to be awarded summer 2016. Its design was coordinated with the Constitution Gardens Rehabilitation project currently under development with the Trust for the National Mall. A second future phase of levee improvements will need to be implemented by the U.S. Corps of Engineers to raise the levee along the Reflecting Pool at 23rd St and Fort McNair from the 100 year flood level to the congressionally-authorized level, but scheduling for this phase has not yet been determined.

The rehabilitation of the National Mall is also proceeding. This $43 million project includes providing new infrastructure to support drainage, collection and reuse of stormwater, replacing the irrigation system to better support the establishment and care of turf, and rebuilding the soil sub-base and turf to withstand heavy use. Phase I of this project (from 3rd St to 7th St) is complete; completion of Phase II (from 7th St to 12th St) is anticipated for summer 2016. Phase IIIa (from 12th St to 14th St) began in early 2015, and Phase IIIb (finish work from 12th St to 14th St) was awarded in December 2015. All work is anticipated to be complete by the January 2017 Presidential inauguration.

The FY 2017 President's Budget requests several high-priority projects for the National Mall and Memorial Parks in the 5-Year Plan for Line Item Construction. In FY 2017, this includes $2.2 million to replace the roof of the Lincoln Memorial, $9.5 million to replace the Washington Monument screening facility, and $7.6 million to complete the rehabilitation of the National Mall's water conveyance systems for emergency and potable water.

The current 5-Year Plan includes the following planned construction. In FY 2018, this includes $22.1 million to restore the roof and portico of the Jefferson Memorial, and $2.5 million to rehabilitate the Lincoln Memorial exhibits. In FY 2020, this includes $16.4 million to rehabilitate the walkway systems of the National Mall to accessible standards, and $9.3 million to correct settlement and drainage problems below the colonnade at the Jefferson Memorial. In FY 2021, this includes $2.0 million to replace the lighting system at the Roosevelt Memorial.

Related to projects in the 5-Year plan discussed above are projects to repair and restore the Lincoln Memorial that will be funded with an $18.5 million donation from David Rubenstein.

Mr. Rubenstein's gift to the National Park Foundation's Centennial Campaign for America's National Parks will allow the NPS to repair damaged brick and marble masonry and clean the Memorial; conserve the Jules Guérin murals located above the memorial's inscriptions; create approximately 15,000 square feet of functional space including exhibit, education and research areas; and add an elevator to improve accessibility. A special project will provide future visitors with a glimpse of the memorial's foundational pillars, which anchor the memorial to the bedrock, and of the graffiti of the workers who built the monument in the early twentieth century.

Yosemite National Park Intellectual Property

The Committee has heard a great deal about some of the most iconic symbols of Yosemite National Park—the Ahwahnee Hotel, Curry Village—having been renamed because of a trademark dispute between the Service and Yosemite's most recent operator—Delaware North. As a result, the historic Ahwahnee Hotel has now become the Majestic Yosemite Hotel. And Curry Village—a group of cabins at the center of Yosemite—is now known as Half Dome Village. Many people, including myself, view this as a tragedy.

Calvert Q31: What was the nature of the intellectual property dispute? Was a settlement reached between the Service and Delaware North or was it settled in the courts?

Answer: From 1993 to March 1, 2016, DNC Parks & Resorts at Yosemite, Inc. (DNCY), a subsidiary of Delaware North Co., held the major concessions contract at Yosemite National Park. A prospectus was released on July 9, 2014 and closed on January 21, 2015. In June, 2015, the NPS announced that Yosemite Hospitality, LLC, a subsidiary of Aramark had been awarded the contract. On March 1, 2016, the National Park Service turned these concessions operations over to Yosemite Hospitality, LLC. This is the NPS' largest single concession contract, generating in excess of $160 million in gross revenue in 2015.

Without prior National Park Service approval, DNCY, and its predecessor trademarked or service-marked several nationally significant properties in the park including the Ahwahnee Hotel, Curry Village, Wawona Hotel, Yosemite Lodge, and Badger Pass. DNCY also trademarked the phrase "Yosemite National Park" on certain merchandise. DNCY is claiming that its contract requires Yosemite Hospitality, LLC, to purchase these trademarks and DNCY has valued them at up to $51 million. Although the NPS is of the view that the new concessioner is obligated to purchase trademarks from DNCY, the NPS believes that DNCY's valuation is grossly inaccurate and fundamentally flawed. In particular, the goodwill DNCY associates with the trademarked names is a result, not of the concessioner's management of the facilities, but of the properties themselves and their unique location within Yosemite National Park, both of which are owned by the United States.

In September 2015, Delaware North filed suit of damages resulting from breach of contract. No settlement has been reached between the parties and the NPS in the litigation with DNCY in the Court of Federal Claims in part over these trademarks, service-marks, and other intellectual property. The NPS also recently filed a petition for cancellation of the marks in the US Patent and Trademark Office (USPTO). The NPS alleges that, since the expiration of the DNCY concession contract, any registration is based on a false association of a relationship with the

NPS and DNCY has effectively abandoned the marks. The NPS has filed a motion to stay the court action until the USPTO case has been resolved and DNCY has filed a similar motion in the USPTO case to have that action stayed.

As a result and until resolution is reached, the NPS has changed the names of the facilities trademarked by DNCY.

Calvert Q32: Is it possible or likely that this could happen at other national parks and affect other iconic park symbols?

Answer: It is possible that intellectual property disputes with respect to national park concessions could arise in the future, but they are less likely to do so than in the past due to several actions undertaken by the Service. First, all newly-awarded concession contracts now contain a provision requiring the concessioner to agree not to assert any claim to the names of, among other things, the park and the Concession Facilities, such as any hotels. Second, the Service is in the process of seeking to amend all existing contracts to contain a similar provision. Finally, the Service now regularly reviews certain key names on the USPTO Gazette to try to learn if anyone has filed a registration application with respect to a Service-owned property, so that it can object in a timely fashion.

National Heritage Areas

Again this year, the Park Service budget request proposes a $10 million reduction for heritage areas. In recent years, Congress has rejected large cuts to the heritage partnership program.

Calvert Q33: Why has the Service again proposed such deep cuts to heritage areas? Is it feasible that heritage areas will one day reach self-sufficiency as Congress intended when heritage areas were formed?

Answer: To address competing priorities in a constrained Federal budget environment, the FY 2017 request reduces funding from $19.8 million in FY 2016 to $9.4 million in FY 2017. While this represents a decrease in funding levels, it does provide an appropriate level of continued support for the NPS' valued National Heritage Area partners. The NPS continues to collaborate with National Heritage Areas on sustainability planning efforts, including the development of business plans, fundraising plans, and financial resource development plans, and to work with areas on implementing those plans and forming networks of operational and financial partnerships to further long-term sustainability of NHA operations.

Grand Teton National Park Land Acquisition Proposal

The National Park Service has ranked its number one priority land acquisition project as the Grand Teton National Park, with a $22.5 million price tag.

Calvert Q34: Given that this land is currently State-owned, please explain the rationale for the ranking of this project and the overall cost? Please elaborate on why this land is at risk for development or from other factors that would destroy the integrity of the land.

Answer: At the time of statehood in 1890, the Federal government granted certain lands to be held in trust by the State of Wyoming to provide revenue for its schools. Four parcels, or approximately 1,400 acres of these school trust lands are located in what later became Grand Teton National Park. Because of their location within the park, the State is not realistically able to maximize the economic value of the lands, as required by its constitution, and currently receives about $2,000 annually from grazing leases. Public Law 108-32, enacted June 17, 2003, authorized the Secretary of the Interior to acquire these lands by purchase, donation or exchange.

In 2010, the State notified the park that it planned to sell one of the parcels at public auction unless the NPS and Department of the Interior made progress in the acquisition. The State and Department entered into an agreement later that year to acquire the state trust lands on a parcel-by-parcel basis. The first two parcels were acquired in a timely manner; however, attempts at conducting land exchanges failed, leaving acquisition of the remaining two parcels (known as the Kelly parcel and the Antelope Flats parcel) as the only viable option to acquire the lands. The FY 2017 request for $22.5 million would cover roughly half the total $46.0 million appraised value of the Antelope Flats parcel, with the other half coming from NPS partners. The authority for the State of Wyoming to directly sell the parcels to the Federal government expires on December 31, 2016.

If not acquired by the United States, it is likely that these lands will be offered for sale by the State and acquired for the purpose of recreational or residential development incompatible with the park mission: to protect and preserve the Teton Range, its surrounding landscapes, ecosystems, cultural and historical resources. The tracts are located in highly visible and scenic areas of the park. They are within rich and sensitive areas of the park which contain wildlife migration corridors used for both summer and winter grazing. If this land was developed, it would have significant impacts and consequences such as irreparably affecting water quality, vegetation, wildlife habitat, and the visual integrity of the entire park.

Land and Water Conservation Fund (LWCF)

With the FY16 Omnibus, the Committee began moving the needle toward a more balanced ratio of Federal to State land acquisition investments. More than 50 percent of FY16 LWCF funds were directed to state and local recreation, conservation, and battlefield protection programs.

The Committee continues to believe that it can fulfill the commitments of the Land and Water Conservation Fund by protecting our country's natural, historic, cultural and recreational outdoor places, without continuing to vastly expand the Federal estate. The Administration's request retains the Federal to State LWCF ratio funded in the FY16 Omnibus.

Calvert Q35: How have the States and partners responded to the FY16 funding ratio? Will when FY16 NPS State Assistance funding be apportioned to the States?

Answer: States and local partner organizations appear to be pleased with the increased funding for the State and Local Assistance grant program in FY2016 and the recognition by Congress of the importance of close to home park and recreation opportunities. The Secretary announced the

FY 2016 distribution on April 18. A State-by-State list of the funding allocation is available here: https://www.doi.gov/sites/doi.gov/files/uploads/2016%20LWCF-GOMESA%20Apportionment.pdf

Calvert Q36: Does the Service track the spending status of NPS State Assistance funds apportioned to the States? If so, please provide for the record a status of balances, by State and by fiscal year, appropriated dollars.

The Department, at all levels, must be mindful of the effects its land acquisition decisions have on States, communities, and the public. It is imperative that the Department be sensitive to the needs and concerns of rural counties with large amounts of public lands within their boundaries. The FY16 Omnibus included language requesting that any proposed land acquisition projects demonstrate the support of Federal, State, and local officials.

Answer: The NPS does track the spending status of individual State Assistance grants, although this aspect of grant performance is the responsibility of the States and local sub-awardees. The NPS also tracks the States' unobligated apportioned funds balances to help ensure they are used. By law, States have up to three years to obligate their apportionments: the year in which the funds were appropriated plus the two following. Thus, currently active LWCF funds available to the States include those appropriated in FY2014 and FY 2015, and the FY2014 funds must be obligated before the end of this fiscal year. The attached table shows the amount apportioned to each state in FY 2014 and 2015 (appropriated funding was level so the apportioned amounts were the same) and how much remains.

States have not yet obligated significant amounts of FY2015 funding. There are several reasons for this. First, due to the relatively low funding levels for State grants in recent years, many States have switched to every other year grant cycles, for efficiency as well as to be able to offer larger or a greater number of grants to localities. Thus, in FY 2015 many States submitted applications that were obligating their FY 2013 and FY 2014 funds. In addition, some States cannot release requests for proposals until they receive the apportionment certificate from the Secretary. This creates a lag between the time of apportionment and obligation. Finally, last year's apportionment was signed on August 11, 2015 which was also the due date for FY2015 applications, which impacted obligation rates. If Congress is able to sustain the current, higher funding level for State Assistance, the NPS anticipates States will return to annual competitions, which would increase the annual obligation rate.

State	Total	2015		2014	
		Apportioned	Balance Remaining	Apportioned	Balance Remaining
Alabama	$591,190	$660,833.00	$591,189.57	$660,833.00	$0.00
Alaska	$413,019	$381,100.00	$381,100.00	$381,100.00	$31,918.50
American Samoa	$0	$50,000.00	$0.00	$50,000.00	$0.00
Arizona	$1,555,302	$869,453.00	$869,453.00	$869,453.00	$685,849.00
Arkansas	$527,469	$527,469.00	$527,469.00	$527,469.00	$0.00
California	$403,478	$3,571,192.00	$403,477.82	$3,571,192.00	$0.00
Colorado	$1,490,516	$745,258.00	$745,258.00	$745,258.00	$745,258.00
Connecticut	$1,109,943	$628,179.00	$628,179.00	$628,179.00	$481,764.00
Delaware	$804,794	$402,397.00	$402,397.00	$402,397.00	$402,397.00
District of Columbia	$192,354	$96,177.00	$96,177.00	$96,177.00	$96,177.00
Florida	$1,891,108	$1,930,399.00	$1,891,107.72	$1,930,399.00	$0.00
Georgia	$1,981,697	$1,077,582.00	$1,077,582.00	$1,077,582.00	$904,115.10
Guam	$45,595	$50,000.00	$45,595.00	$50,000.00	$0.00
Hawaii	$790,696	$445,757.00	$445,757.00	$445,757.00	$344,938.95
Idaho	$830,332	$447,012.00	$447,012.00	$447,012.00	$383,319.57
Illinois	$1,405,082	$1,405,082.00	$1,405,082.00	$1,405,082.00	$0.00
Indiana	$1,034,125	$821,781.00	$821,781.00	$821,781.00	$212,344.00
Iowa	$548,114	$548,114.00	$548,114.00	$548,114.00	$0.00
Kansas	$1,060,074	$548,537.00	$548,537.00	$548,537.00	$511,537.00
Kentucky	$1,219,522	$628,896.00	$628,896.00	$628,896.00	$590,626.00
Louisiana	$712,119	$675,326.00	$675,326.00	$675,326.00	$36,792.90
Maine	$445,186	$408,194.00	$408,194.00	$408,194.00	$36,992.00
Maryland	$1,469,715	$809,774.00	$809,774.00	$809,774.00	$659,941.26
Massachusetts	$1,628,000	$889,569.00	$889,569.00	$889,569.00	$738,430.70
Michigan	$1,090,291	$1,090,291.00	$1,090,291.00	$1,090,291.00	$0.00
Minnesota	$1,087,642	$734,347.00	$734,347.00	$734,347.00	$353,295.00
Mississippi	$521,005	$521,005.00	$521,005.00	$521,005.00	$0.00
Missouri	$484,573	$778,283.00	$484,573.12	$778,283.00	$0.00
Montana	$758,008	$396,485.00	$396,485.00	$396,485.00	$361,523.46
Nebraska	$468,722	$468,722.00	$468,722.00	$468,722.00	$0.00
Nevada	$534,338	$563,403.00	$534,338.34	$563,403.00	$0.00
New Hampshire	$294,229	$421,515.00	$294,228.82	$421,515.00	$0.00
New Jersey	$1,020,164	$1,093,287.00	$1,020,164.00	$1,093,287.00	$0.00
New Mexico	$490,834	$490,834.00	$490,834.00	$490,834.00	$0.00
New York	$1,816,363	$1,948,131.00	$1,816,363.00	$1,948,131.00	$0.00
North Carolina	$1,458,370	$1,023,685.00	$1,023,685.00	$1,023,685.00	$434,685.00
North Dakota	$376,334	$376,334.00	$376,334.00	$376,334.00	$0.00
Northern Marianas	$100,000	$50,000.00	$50,000.00	$50,000.00	$50,000.00
Ohio	$1,236,596	$1,236,596.00	$1,236,596.00	$1,236,596.00	$0.00
Oklahoma	$602,834	$602,834.00	$602,834.00	$602,834.00	$0.00
Oregon	$460,560	$636,533.00	$460,560.05	$636,533.00	$0.00
Pennsylvania	$2,018,274	$1,332,859.00	$1,332,859.00	$1,332,859.00	$685,415.00
Puerto Rico	$1,116,790	$581,957.00	$581,957.00	$581,957.00	$534,832.50
Rhode Island	$837,638	$418,819.00	$418,819.00	$418,819.00	$418,819.00
South Carolina	$795,626	$666,725.00	$666,725.00	$666,725.00	$128,901.26
South Dakota	$384,910	$384,910.00	$384,910.00	$384,910.00	$0.00
Tennessee	$752,737	$792,417.00	$752,737.00	$792,417.00	$0.00
Texas	$4,760,701	$2,390,618.00	$2,390,618.00	$2,390,618.00	$2,370,083.00
Utah	$730,888	$563,975.00	$563,975.00	$563,975.00	$166,913.00
Vermont	$556,564	$366,596.00	$366,596.00	$366,596.00	$189,967.50
Virgin Islands	$50,000	$50,000.00	$50,000.00	$50,000.00	$0.00
Virginia	$948,853	$948,853.00	$948,853.00	$948,853.00	$0.00
Washington	$839,708	$878,476.00	$839,708.40	$878,476.00	$0.00
West Virginia	$428,507	$448,487.00	$428,507.00	$448,487.00	$0.00
Wisconsin	$754,862	$754,862.00	$754,862.00	$754,862.00	$0.00
Wyoming	$339,481	$370,080.00	$339,480.54	$370,080.00	$0.00
Total	**$50,265,830**	**$42,000,000**	**$37,708,994**	**$42,000,000**	**$12,556,836**

Calvert Q37: What changes has the Service made to its LWCF land acquisition project selection process in response to the Committee's concerns?

Answer: The land acquisition projects in the FY 2017 President's Budget Request reflect consideration of several important criteria, including threat to the resource from development or other incompatible uses, and local support for the acquisition and involvement of partners or availability of matching funds. Land parcels proposed for acquisition with LWCF funds are publicly reported in several locations. The FY 2017 NPS Greenbook includes the details of each project, with full page profiles of each acquisition, including cost, acres, location, and the ecological, economic, and cultural values the project conserves.

Included in the project profile of each acquisition is a list of contributors known to the NPS that are partners or supporters of the proposed acquisition. These identified contributors include, but are not limited to: States, county or local governments or agencies, national, State or local non-profit organizations, Federal government partner agencies, charitable foundations, land and battlefield trusts, local and regional committees or networks, and private individuals.

Historic Preservation Fund – Grants to HBCUs

In FY16, Congress provided $8.5 million for competitive grants within the Historic Preservation Fund to restore properties and landmarks in under-represented communities and to preserve historical sites and stories associated with the Civil Rights Movement. These competitive grants came with no matching requirement. This year, the Administration has requested an additional $17 million in grants for the Civil Rights Initiative. There is a separate request within the Park Service budget for $3 million to fund grants for Historically Black Colleges and Universities (HBCUs). HBCUs received over $565 million in fiscal year 2016 through various accounts in other Appropriations bills.

Calvert Q38: What grants have been funded with the $8 million Congress provided in the fiscal year 2016 Omnibus? Have all of these funds been obligated?

Answer: In FY 2016, the NPS received $8.0 million for grants to support the preservation, documentation, and interpretation of the sites and stories of the Civil Rights Movement and the African-American experience. The appropriations report included language instructing the NPS to submit a spending plan prior to executing funds, and the NPS has complied with this request. The NPS expects to announce grant solicitation in summer 2016, with grant recipients selected by winter 2016.

In FY 2016, the NPS also received $0.5 million to address the under-representation of certain communities and groups in properties on the National Register. This funding supports surveys, inventories, and nomination development to help ensure that the makeup of the National Register fully reflects the diversity of the American story. The NPS will be announcing these grants in April 2016 and expects to award them in fall 2016.

Calvert Q39: What additional projects does the Park Service hope to fund if additional funds are made available in fiscal year 2017?

Answer: The FY 2017 request includes an increase of $17.0 million to further support the preservation, documentation, and interpretation of the sites and stories of the Civil Rights Movement and the African-American experience. This funding would build on the $8.0 million received in FY 2016, and would support surveys and documentation associated with the Historic American Buildings Survey, Historic American Engineering Record, and Historic American Landscapes Survey and the development of place-based interpretive and educational materials associated with the survey and documentation of these sites. Bricks and mortar projects for rehabilitation and preservation of historical properties associated with the Civil Rights Movement and the African-American experience would also remain eligible for grants under this program. Eligible costs for bricks and mortar projects would include: predevelopment preparation of architectural plans and specifications, historic structures reports, and bricks and mortar repair and rehabilitation of historic properties. Any historic property receiving grant assistance through the program would be required to place a preservation covenant on the property to preserve the significance and integrity of the features, materials, appearance, workmanship, and environment which made the property historic. Eligible costs for planning projects would include: survey, documentation, planning, as well as development of interpretive and educational materials for historic sites associated with the Civil Rights Movement and the African-American experience. Funds would also support the administration of this grant program.

Calvert Q40: Do HBCUs need a separate line item in the Park Service budget or are they eligible to compete from Civil Rights initiative grant funding?

Answer: Historically Black Colleges and Universities are eligible to apply for competitive grants funding either directly (non-profits) or as partners with State or local governments. While traditional grants-in-aid have been successful in increasing the capacity of States, Tribes, and Certified Local Governments to engage in preservation activities under the National Historic Preservation Act, there remain pressing historic preservation needs and issues not easily addressed within these frameworks. Competitive grants allow for the award of grants across the boundaries of traditional grant models, including award of grants to local governments and non-profits, allowing different communities and organizations to work together on over-arching issues and preservation needs. These grants also encourage community engagement and innovative approaches, and can be directed towards the most pressing needs to make focused investments and progress in these areas.

Biscayne Marine Reserve Zone

A number of my colleagues from the State of Florida have grave concerns about Park Service actions regarding Biscayne National Park and, more specifically, the Biscayne Marine Reserve Zone. I have a series of questions that reflect these ongoing concerns.

As you know, on June 5, 2015, the Park Service released its final General Management Plan (GMP) for Biscayne National Park which included a highly controversial 10,000-acre Marine

Reserve Zone closed to all commercial and recreational fishing. After hearing concerns from the Florida Fish and Wildlife Conservation Commission about the implementation of a Marine Reserve Zone and despite agreeing to seek out the least restrictive actions necessary for fisheries management, the Park Service went ahead with the Reserve in its final GMP.

Calvert Q41: Given that fishing regulations for the park fall under the State of Florida's jurisdiction, was implementing a Marine Reserve Zone as a fisheries management tool under the General Management Plan without consent from the State of Florida authorized?

Answer: Per the 1968 enabling legislation, the NPS has authority to regulate fishing within the boundaries of the original 1968 monument. The State of Florida has authority to regulate fishing for lands north and south of the original monument boundaries that were transferred to the NPS upon establishment of Biscayne National Park in 1980. The marine reserve zone's goals include ecosystem restoration to enhance the conditions of declining coral reefs and the overall improvement of the visitor experience. The marine reserve zone excludes fishing to enhance coral reef ecosystem function, and is not a specific fisheries management tool. Since the planned marine reserve is within the boundaries of the original 1968 monument, the NPS acted within its authorities.

Calvert Q42: In 2004, Biscayne National Park established a fisheries working group to help identify deficiencies in the fisheries resources within the park and craft methods for their restoration. The working group identified comprehensive recommendations to improve the condition of the park's fisheries resources, including a boating permit that would help fund management activities, more stringent species-specific fishing regulations, and improved enforcement and education. The working group specifically did not recommend a Marine Reserve Zone (MRZ).

Why did the Park Service ignore the advice of its own fisheries working group?

Answer: The Working Group was established in order to provide stakeholder input to the park and Florida Fish and Wildlife Conservation Commission (FWC) by recommending desired future conditions for the park's fishery resources to inform the Fishery Management Plan (FMP). The FMP was developed as a joint effort with the State of Florida to manage the park's declining fisheries resources. Approved by the State of Florida and NPS in 2014, it incorporated nearly all the recommendations of the working group. The objective of the General Management Plan (GMP) is to improve visitor experience and ecosystem management. The planned marine reserve for Biscayne National Park will help the park meet this objective by enhancing visitor experience and aquatic resources.

Calvert Q43: The Park Service has cited successes with a marine reserve in the Dry Tortugas National Park as justification for the MRZ in Biscayne National Park. However, in testimony provided to the House Natural Resources Committee, the Florida Fish and Wildlife Conservation Commission (FWC) argued that the characteristics that made the Dry Tortugas closure effective are not present in Biscayne.

Does the NPS dispute the scientific and management expertise of the FWC on this issue?

Answer: The objectives of the Dry Tortugas Research Natural Area and the planned marine reserve for Biscayne National Park are different. The objectives of the Dry Tortugas Research Natural Area are to protect spawning fish, fish diversity, and near-pristine habitats and processes to ensure high quality research opportunities. The objectives for the planned marine reserve for Biscayne National Park are resource restoration and enhanced visitor experiences.

Calvert Q44: FWC and NPS had a memorandum of understanding that covered the management of Biscayne National Park for a number of years.

Was FWC a good partner during the time period covered under the MOU? Was FWC competent? Did FWC fulfill its commitments under the MOU? Did NPS trust FWC? If FWC was a good partner, was competent, and fulfilled its commitments, then why did NPS act on its own to implement a General Management Plan they knew FWC opposed?

Answer: The FWC is a valued partner and NPS has and will continue to consult, cooperate, and coordinate with them extensively. Indeed, we work together on a number of species within the park, including fish, coral, state-listed birds, butterflies, and other wildlife concerns. The referenced MOU between the State, the FWC, and the NPS was originally developed for the Fishery Management Plan to facilitate the management, protection and scientific study of fish and aquatic resources within the park, but both plans are wholly consistent with the MOU. The FWC acknowledged in the MOU, signed in 2002 and renewed in 2007 and 2012, that the NPS would consider one or more marine reserves via the GMP. The objective of the GMP is to establish a long-term management philosophy for guiding management decisions for park resources and how visitors experience those resources. The objectives for the planned marine reserve are tiered from the overarching GMP objective and include resource restoration and enhanced visitor experiences.

Following the initial release of the draft GMP, NPS worked closely with FWC and the National Marine Fisheries Service to develop two additional alternatives. These were incorporated into a Supplemental Draft GMP/EIS, released in September 2013. In October 2014, FWC withdrew its support for one of the alternatives. The NPS carefully considered the remaining alternative (seasonal closure) that had the support of FWC, but ultimately selected a different action that more closely met the defined objectives for the GMP. The NPS did include numerous FWC recommendations in the final GMP, including the design of sensitive resource zones to ensure their consistency with the State's Species Action Plan for Six Imperiled Wading Birds (FWC 2014). Additionally, the names of boat speed zones were changed in the final plan to ensure consistency with State boating regulatory zone terminology and management.

Calvert Q45: Why did the Park Service abandon plans to work with FWC to develop less restrictive management options in favor of its original marine reserve plan?

Answer: The NPS carefully considered the FWC recommendation to select Alternative 7, the seasonal closure, as its final alternative. This alternative was chosen because literature from other marine protected areas show that when a closed area re-opens, fishing pressure in the closed area may amplify and therefore rapidly deplete reef stocks which took years to rebuild,

and because most harvested reef fish species have a life cycle of many years and a closure period would need to be considerably long. Rapid depletion of reef species following a reopening of a closed area has been documented in the Dry Tortugas, Australia, and the Philippines.

Calvert Q46: What is the status of NPS's special regulations for establishing the Marine Reserve Zone (MRZ)? What is the expected timeline of completion, and when will they be made available for public comment?

Answer: The NPS has not yet completed a draft federal regulation. The normal process would include a 60 day public comment period. Prior to publishing any draft federal regulations, the NPS will coordinate with appropriate members of Congress and FWC.

Calvert Q47: It is my understanding that in a July 2015 meeting, you personally offered Reps. Ros-Lehtinen, Diaz-Balart, and Curbelo the opportunity to submit suggestions for the language of the Final General Management Plan Record of Decision that NPS could incorporate to address their concerns. In particular, they asked for an adaptive management process in consultation with FWC for the design, implementation, and continuance of any MRZ, combined with regular public reporting of data to improve transparency and public involvement.

Why did NPS choose to reject this significant compromise on the part of these Members of Congress regarding adaptive management?

Answer: The NPS included language suggested by Representatives Ros-Lehtinen, Diaz-Balart, and Curbelo on initiating an interagency memorandum of understanding, performing monitoring, reporting monitoring reports to the public, providing technical assistance to the Small Business Administration for businesses that might be affected by the planned marine reserve, and consideration of recommendations for management of the planned marine reserve in the Record of Decision for the GMP from various agencies, including FWC, NOAA Fisheries, and others. The language in the Record of Decision closely mirrors the language proposed by Members of Congress.

Calvert Q48: Is NPS concerned that the environmental and economic data collected before and after MRZ implementation for use in adaptive management would conflict with or undermine NPS's stated reasons and goals for establishing the MRZ?

Answer: The NPS is committed to managing the planned marine reserve using the monitoring results as its guide. We do anticipate benefits to the coral reef ecosystem, which would be in keeping with results found in marine reserves all over the world. The consensus in the scientific literature is that when properly designed and enforced, no-take marine reserves yield significant increases in the size and numbers of fishes and some invertebrates.

Public-private Partnerships to Benefit National Mall

In September 2015 there was a paid ticketed for-profit music event held on the National Mall called the Landmark Music Festival. The event was marketed as an event to raise awareness and revenue to support the restoration and preservation of the National Mall. As noted in a

Washington Post article, dated September 22, 2015, questions were raised about how this for-profit event was developed and structured. The Committee is aware that the Service is seeking to expand its use of public-private partnerships to meet deferred maintenance and other funding needs of the National Mall. It is essential that the Service create those partnerships in a fair and transparent manner that maximizes return to the Parks for the use of the National Mall and that minimizes environmental impact. At the same time, the Services needs to ensure a level playing field for interested participants.

Calvert Q49: As this was the first event of its kind, can you describe the bidding process that occurred for this event?

Answer: The 2015 Landmark Music Festival was organized and sponsored by the Trust for the National Mall (the Trust), the primary philanthropic partner of the National Mall and Memorial Parks. While it was a paid ticketed event, it was not a "for-profit" event. The intent of the event was to connect a younger and diverse population to national parks, and for the Trust to raise funds to support their mission to preserve and revitalize the National Mall. As this event was held by the Trust, the Trust retained responsibilities associated with its implementation, including any bidding or competitive process to organize or promote the event. The NPS was not involved in any of these activities.

The Trust applied for and received a special event permit as outlined in the process described by 36 C.F.R. § 7.96(g) and NPS' *Management Policies 2006*. A ticketed event may be permitted in specially designated locations if the superintendent determines that (1) there is a meaningful association between the park and the event, and (2) the event will contribute to visitor understanding of the significance of the park. In this case, it was determined by the park superintendent that West Potomac Park could be used for a ticketed music event because the event satisfied the above criteria. As the primary partner responsible for raising awareness and funds for the National Mall and Memorial Parks, the Trust was in a unique position to satisfy these criteria.

While it was deemed appropriate in this instance for the concert to occur in West Potomac Park, activities on the Mall and within the memorial core must remain free and open to the public. Future applications for special event permits will be reviewed against the criteria listed above.

Calvert Q50: How many vendors competed to host the event?

Answer: As noted in response to the prior question, the 2015 Landmark Music Festival was organized and sponsored by the Trust for the National Mall (the Trust), the primary philanthropic partner of the National Mall and Memorial Parks. As this event was held by the Trust, the NPS was not involved in any bidding or competitive process to organize or promote the event.

Calvert Q51: Who at the Park Service gave permission to hold a for-profit event on the National Mall?

Answer: The Trust applied for and received a special event permit as outlined in the process described by 36 C.F.R. § 7.96(g) and NPS' *Management Policies 2006*. As noted in response to

an earlier question, the park superintendent determines if an event meets the criteria set forth by these guidance documents.

Calvert Q52: How does the Park Service intend to manage these types of for-profit events on the National Mall in the future?

Answer: While it was deemed appropriate in this instance for the concert to occur in West Potomac Park, activities on the Mall and within the memorial core must remain free and open to the public. Future applications for special event permits will be reviewed against the criteria listed above.

NPS Financial Health

This committee has a history of responding to the needs of the Park Service and has consistently given priority to meeting those needs.

Calvert Q53: How would you judge the overall financial health of the Service as you near the end of your 8th year as Director and as a 40-Year career NPS employee?

Answer: The additional funding provided by this Subcommittee in FY 2016 stabilized park operations, following years of fixed costs absorptions and across the board rescissions, including sequestration. In particular, the funding provided in FY 2016 for fixed costs and park operations ensured parks across the national park system could restore seasonal rangers to provide services for a growing number of visitors, and that the newest units could begin their operations. However, these gains do not restore the other losses of the preceding years. For example, between FY 2010 and FY 2015, NPS actual FTE levels fell by more than 2,600 FTE, or 12 percent. While a portion of this FTE decrease (543 FTE) is attributable to staff that were hired to conduct work funded by the Recovery Act, there is still a steep decrease of over 2,100 FTE, of which more than 1,000 FTE were permanent park employees. As a result, as visitation and requirements grow, parks are straining to meet the responsibilities with fewer staff. The drop in FTE is particularly acute in park facility operations and maintenance, and law enforcement, though every area of park operations has seen a drop. While park managers are moving to refill some of those positions, the increased average cost of an FTE means many have been permanently lost within available budget.

Calvert Q54: What will your message be to park managers as they plan for the future?

Answer: As park and program managers think about the next century of operations, including mission critical resource protection and exceptional visitor services, I would remind them of the struggle of recent years and how inflexibilities in their budgets oftentimes forced short-term decision making and a loss of the people and programs that are the heart and soul of their mission. The seasonal rangers, whose restoration was supported with funding provided by this Subcommittee in FY 2015 and FY 2016, is instrumental to their success, as is increased attention to business, workforce, and strategic planning. While our seasonal hiring is returning to an acceptable level, our permanent workforce has yet to recover from the effects of

sequestration and cost absorptions. Managers should be mindful of this and plan for a flexible, nimble workforce to address the highest priorities of their park.

ABPP Land Acquisition Grant Program

The ABPP Battlefield Land Acquisition Grant program is a model private-public conservation partnership, focusing funding on targeted, high priority acquisitions of historical American Battlefields. We were expecting completion of a National Programmatic Agreement on the ABPP Land Acquisition Grant Program by the end of 2015.

Calvert Q55: Are applications under the Land Grant Program being processed obligated and dispersed in a timely manner?

Answer: Applications are being processed and obligated per ABPP guidelines and NPS procedures. As of April 2016, the ABPP has awarded 31 Land Acquisition Grants in FY 2016. In FY 2014, the ABPP awarded 27 and in FY 2015, the ABPP awarded 24.

While the Interim Programmatic Agreement (IPA), which was extended from December 31, 2015 to June 30, 2016, allows for grants to be disbursed in advance of Section 106 review completion in the nine states that signed the IPA, there are still other grant products/deliverables that must be prepared, submitted, reviewed, and approved by the ABPP before funds are approved for disbursement. In other states, compliance must be completed prior to disbursement, in addition to the other grant products and deliverables.

Prior to the IPA, the average time between award and disbursement was 4.5 months. Grants awarded since May 2015 have an average time of 6.9 months between award and disbursement. This calculation was based off the 16 grants awarded between February 2014 and August 2014 and the 16 grants awarded between May 2015 and October 2015.

Once the program reviews and approves an application, final approval by the Director occurs within three to four weeks. Often, there are multiple parties involved in the preparation and review of those grant products, including ABPP, the applicant, government sponsor/pass-through, and easement holder. The other parties are not required by statute to provide a timely turnaround.

Funds are disbursed to the government grantee/pass through, who then, through a sub-grant agreement, disburses the funds to the non-profit. The government grantees have their own policies, procedures, and time frames for passing through those funds to the non-profit.

Calvert Q56: What is the status of the National Programmatic Agreement?

Answer: The development of the National Programmatic Agreement (PA) is still ongoing and is expected to be executed by June 30, 2016. By the end of April a draft will be sent to the State Historic Preservation Offices (SHPO) and consulting parties for review and comment and by mid-May the draft will be revised to include comments from SHPOs, consulting parties, and the

public. Public comments are gathered via the NPS Planning, Environment and Public Comment site: www.parkplanning.nps.gov/ABPPNationwidePA.

Calvert Q57: If the agreement has not been completed, why is it not yet completed?

Answer: The development of the National Programmatic Agreement (PA) is still ongoing and expected to be executed by June 30, 2016. The National Program Agreement covers two distinct grant programs – Battlefield Preservation Planning Grants and Battlefield Land Acquisition Grants – and as such, requires an increased amount of consultation. To improve the process, ABPP has held meetings which only focus on one grant program at a time and by creating more background info/guidance about the two programs for the working group.

Calvert Q58: Will the National Programmatic Agreement include a provision similar to the Interim Programmatic Agreement, allowing grants to be disbursed in advance of Section 106 review?

Answer: The current draft of the National Programmatic Agreement allows for the award and disbursement of grant funds for the fee simple acquisition of land before the Section 106 review is successfully completed; however, ABPP has heard concerns from SHPOs regarding risks of disbursing grant funds prematurely when a project may not be able to be completed.

Calvert Q59: How is NPS allocating staff resources to administer the ABPP program?

Answer: NPS has several employees supporting administration of this program. The FY 2017 President's Budget requests an increase of $252,000 and two FTE to support administration of this program in the Land Acquisition and State Assistance account. Administration and oversight capacity needs have grown due to an increase in grant funding, as well as expansion of eligibility to sites of the Revolutionary War and the War of 1812.

Calvert Q60: Has the ABPP program office allocated sufficient staff to both award grant monies and complete the National Programmatic Agreement?

Answer: ABPP has placed the highest priorities on the Battlefield Land Acquisition Grants and the Nationwide Programmatic Agreement. The FY 2017 President's Budget requests an increase of $252,000 and 2 FTE to support administration of this program in the Land Acquisition and State Assistance account. Administration and oversight capacity needs have grown due to an increase in grant funding, as well as expansion of eligibility to sites of the Revolutionary War and the War of 1812. In addition to the request, the program is working to bring in detailees and interns to assist with the growing administrative and oversight capacity needs.

Calvert Q61: As a high-profile land acquisition program, would the ABPP Land Acquisition Grants program work more efficiently as an office within the NPS Lands Division, which has more staff resources to quickly approve grants under the program?

Answer: At this time, there is no plan to move administration of the ABPP grant program to the NPS Lands Division. The FY 2017 President's Budget requests an increase of $252,000 and 2 FTE to support administration of this program in the Land Acquisition and State Assistance account, to address the increased workload associated with the increase in grant funding and expansion of eligibility to sites of the Revolutionary War and the War of 1812.

Questions from Mr. Simpson

NPS Technology and Visitorship

On January 27th, NPS sent out a press release touting record setting visitation in 2015 — 305 million people. The release attributed "much of the increase" to the "Find Your Park" media campaign, which has millennials as its target demographic. As we all know millennials are a highly connected generation.

Simpson Q1: What investments of technology is NPS making to ensure that this trend of visitation and engagement by a new generation continues beyond the Centennial year?

Answer: The NPS has established information technology standards and practices which ensure the effectiveness of the existing infrastructure and support the integration of innovative and modernizing advancements. As one component of this framework, the NPS has developed a digital strategy which enhances our capacity for modern communications and strives to better connect parks with the next generation of stewards. Targeted efforts, such as partnering with Recreation.gov, have helped create new opportunities for engaging visitors. This service offers visitors an online platform that streamlines park reservation services, provides tools for trip planning, and facilitates the discovery of recreation opportunities. Additionally, the NPS is currently deploying free Wi-Fi at more than 90 sites with plans to offer this service at all capable visitor centers by the end of 2017. Visitors will be able to download maps and guides, and will be able utilize enhanced educational opportunities to further improve the overall visitor experience.

The NPS is also working to further invest in its infrastructure. The FY 2017 request included $2.6 million to increase bandwidth and improve internet access at parks. This funding would support critical advancements in the information technology capabilities of parks, and would enhance their ability to reach new and diverse audiences across the country.

Simpson Q2: Does the Administration's FY17 budget propose sufficient funds for the agency to make the necessary investments in technology in order to maximize the accountability and efficiency of fee collection, the permitting process, and visitor services, as well as increasing the convenience of paying fees and accessing sites?

Answer: The FY 2017 request includes $2.6 million for parks to increase their communications bandwidth. The demand in parks for network and internet access is outpacing the currently available bandwidth, making it difficult and impossible at times to upload data to property, financial, procurement, and other systems, negatively impacting park operations. This funding would provide for critical upgrades for approximately 63 parks per year.

Additionally, revenue generated from recreation fees would continue to support efforts toward maximizing the efficiency of fee-collection and improving the permitting process through Recreation.gov.

Simpson Q3: As you work to capitalize on the increased visitation created by the Centennial, what are your priorities for technology to enhance site operations and visitor services?

Answer: The NPS will continue with efforts to expand the communications bandwidth of parks while working to identify and address other infrastructure requirements in order to increase the services provided and improve the overall visitor experience. Additionally, the NPS will continue to work toward incorporating technological enhancements to maximize the efficiency of fee-collection and the permitting process through Recreation.gov, and will continue toward the implementation of an electronic pass program. Moreover, the NPS is providing mobile apps, interactive displays, and downloadable media, while also deploying free Wi-Fi at more than 90 sites with plans to offer this service at all capable visitor centers by the end of 2017. These enhancements will further improve the overall experience for visitors seeking more modern services.

Simpson Q4: Does NPS believe 'technology' is an authorized use of funding under FLREA?

Answer: Yes, as long as there is a direct visitor connection, technology would be authorized under the Federal Lands Recreation Enhancement Act.

Quagga Mussels

FY 2016 federal omnibus spending bill directed the National Park Service to provide within 90 days, a progress report on steps taken in recent years to address the quagga/zebra mussel threat to western watersheds. This report must be completed in a timely manner to ensure that our federal partners are doing everything feasible to reduce the threat of the spread of quagga and zebra mussels and other invasive species to uninfested waterways in the west.

Simpson Q5: Is this report close to be being completed?

Answer: The draft report has been completed and is currently being circulated for review and approval.

Simpson Q6: Every year, watercraft contaminated with quagga mussels leave Lakes Mead and Lake Powell posing a threat to uninfested waterbodies throughout the west. To stop this threat, as a matter of policy, the Department of Interior and National Park Service need to require the implementation of mandatory inspections and decontaminations of watercraft before leaving federal and inter-jurisdictional waters of the lower Colorado River as called for by western states, QZAP and the National Park Service's Quagga/Zebra Mussel Infestation Prevention and Response Planning Guide (2007).

In every western state, state laws make it illegal to possess quagga mussels, why is there not a rule at national parks and recreation areas, particularly at Lake Mead and Lake Powell, for at least the mandatory decontamination of watercraft fouled with mussels?

Answer: Staff from Lake Mead NRA and Glen Canyon NRA (Lake Powell) consulted the Department of the Interior Office of the Solicitor in determining how to respond to the problem

of quagga / zebra mussels on incoming and outgoing watercraft. The NPS was advised it does not have regulatory authority to require the inspection and / or cleaning of boats that are leaving NPS areas. However, quagga mussel program staff at both parks make every effort to ensure that park visitors, including boaters, are aware of state laws pertaining to boat inspection and cleaning and the transport of quagga mussels on trailered boats.

Questions from Ms. McCollum

Park Operations-Staff Levels

Years of budget austerity have taken a toll on the National Park System, causing a growing deferred maintenance backlog and reduced staff levels that have not yet recovered. I am pleased that the FY 2017 budget builds on last year's investments and proposes an additional 170 FTEs; however, I am still concerned about the long-term operations challenges the Park Service is facing.

The FTE level in the FY 2017 request would still be 1,400 FTE less than it was in FY 2010.

McCollum Q1: What are the impacts of fewer staff? What services are limited or not being provided?

Answer: Between FY 2010 and FY 2015, NPS actual FTE levels fell by more than 2,600 FTE, or 12 percent. While a portion of this FTE decrease (553 FTE) is attributable to staff that were hired to conduct work funded by the Recovery Act, there is still a steep decrease of over 2,100 FTE, of which more than 1,000 FTE were permanent park employees. While the additional funding provided by this Subcommittee in FY 2016 stabilized park operations, the increased average cost of an FTE means many of those positions have been permanently lost within available budget.

FY 2015 represented the lowest level of appropriated FTE usage since the 1990s. While the NPS has attempted to mitigate the impacts that reduced staffing has on visitors, these losses have made it difficult for parks to maintain operations and provide the desired level of services. In an operations based organization, every activity is affected by these losses. Fewer law enforcement rangers results in fewer patrols and longer response times; fewer maintenance personnel mean that facilities and visitor use areas are serviced less frequently and that there are longer intervals between mowing, debris removal, and grounds upkeep.

McCollum Q2: What types of positions have been most affected by the reductions? Are they concentrated at certain parks?

Answer: The drop in FTE is particularly acute in facility operations and maintenance, law enforcement, and interpretation, though every area of park operations is impacted. The overall magnitude of these losses is such that all aspects of operations have experienced a decline in staffing, and all parks have been required to strategically manage these losses while also working toward re-establishing a flexible workforce that aligns with the recent budget landscape and prepares the NPS for its' second century of stewardship.

McCollum Q3: What progress will this increase make toward rebuilding staff capacity?

Answer: The FY 2017 Request would continue to build on the support provided in FY 2016 through a balanced, but limited approach to addressing the highest priority needs of the Service. In addition to providing $10.7 million to support new responsibilities and critical needs, the

Request would provide $12.1 million for fixed costs and $8.1 million to cover the cost of extending health insurance to seasonal and temporary employees. Funding for these required costs is critical as parks are otherwise forced to absorb them into their base budgets, reducing operational capacity and flexibility, and hindering their ability to maintain the workforce gains achieved in FY 2016. This funding would ensure that recent investments made by the Committee to restore the seasonal workforce would not be diminished, and that the historic number of visitors at national parks will be met with exceptional service and programming in the second century. However, the requested funding will not restore the larger erosion of permanent park staff since 2010. The budget estimates FTE funded through discretionary appropriations would reach 16,713.

Maintenance Backlog

The 2017 Budget requests an additional $151 million in operations and construction to conduct cyclic maintenance and begin tackling the deferred maintenance backlog.

McCollum Q4: How much do you estimate the total backlog to cost?

Answer: As of the end of FY 2015, the NPS deferred maintenance backlog was $11.927 billion.

McCollum Q5: Is the amount requested enough to at least stop the growth of the backlog?

Answer: Of the total $11.9 billion deferred maintenance backlog, the subset of highest-priority non-transportation assets accounts for $2.4 billion. The President's Budget Request focuses on this subset of assets; the amount requested would nearly eliminate the deferred maintenance backlog on these assets over ten years, and once restored, would maintain them in good condition over ten years. However, the assets outside of this subset would continue to deteriorate and the portion of the deferred maintenance backlog attributable to these assets would continue to grow.

McCollum Q6: At the rate that the backlog is currently growing, at what point will the National Park Service reach a crisis?

Answer: The NPS does not have sufficient funding levels to restore and maintain its entire asset portfolio in good condition. The FY 2017 President's Budget Request reflects the current set of construction priorities to address the most urgent programmatic needs. To maximize construction investments, the NPS uses the Capital Investment Strategy (CIS), which focuses capital investments on the subset of NPS facilities that represent the highest priority needs with a commitment to long-term maintenance. The CIS helps to accomplish four objectives: protect cultural and natural resources and promote environmental sustainability; provide rewarding visitor experiences; protect health and safety of visitors and employees; and achieve a financially sustainable portfolio of constructed assets. Of these, paramount consideration for funding is given to those projects that will correct critical health and safety problems.

Centennial Challenge

The budget requests $35 million in discretionary funding for the Centennial Challenge program, which provides a federal match to complete signature projects throughout the park system.

Last year, we provided $15 million for the Centennial Challenge program.

McCollum Q7: How will the Centennial Challenge funds be used and what kinds of projects will they support?

Answer: In FY 2016, the Centennial Challenge program will leverage $15 million in federal funds with nearly $33 million in partner funds for projects that address youth engagement, deferred maintenance and other infrastructure improvement needs in parks across the country. Of the 70 Centennial Challenge projects, more than half have a match greater than 1:1. These projects work with over 90 partners in more than 60 parks.

- Mississippi National River and Recreation Area – redesign and construct visitor center exhibits ($150,000 federal; $150,000 partner)
- Indiana Dunes NL – provide recreation opportunities for underserved youth ($11,750 federal; $50,000 partner)
- Missouri National Recreational River – improve park trails by enhancing accessibility and replacing trail signage and waysides ($50,500 federal; $59,000 partner)
- Kenilworth Park and Aquatic Gardens – support urban youth spring break programs ($7,500 federal; $7,800 partner)
- River Raisin National Battlefield Park – conduct a maritime day camp for underserved students ($21,000 federal; $21,000 partner)

McCollum Q8: What has been the response from partners? Are you able to fully leverage these dollars?

Answer: NPS partner interest in the Centennial Challenge program is strong and growing. Submissions to the program from parks and partners far outstrip available funds, ensuring each year's federal investment is fully leveraged. In FY 2015, Congress appropriated $10 million, which the NPS leveraged with $12 million in non-federal funds, for a combined impact of $22 million. In FY 2016, the NPS leveraged $15 million in federal funds with nearly $33 million in partner funds, more than doubling the federal investment. There continues to be strong interest among parks and partners to compete for the $35 million requested in the FY 2017 President's Budget Request.

Extension of Recreation Fee Authority

For the past several years, this Committee has extended the authorization for the Federal Lands Recreation Enhancement Act. This authority allows the National Park service to collect and expend recreational fees. Last year, the Service collected $256 million in fees, so this is not an insignificant revenue source.

Once again, we are facing the expiration of the Act at the end of this fiscal year.

McCollum Q9: What progress has the Service made with the authorizing committee?

Answer: On October 28, 2015, the Deputy Assistant Secretary for Budget, Finance, Performance and Acquisition at the Department of the Interior, testified before the House Natural Resources Committee on the proposed legislation for the Federal Lands Recreation Enhancement Modernization Act. The Department is generally supportive of reauthorizing FLREA but has a number of concerns about the draft in its current form. The Department and NPS believe that agencies' ability to retain fees and reinvest fee dollars where they are collected is important to the success of the program. Second is the ability of the agencies to develop an interagency program, creating efficiency, enhanced customer services, and consistency in fee collection and expenditure. Also important to the success of the program is the ability to establish recreation fees for a range of activities, including flexibility to charge for unique services or amenities. Lastly, long-term authority would enable agencies to efficiently implement the program and to manage multi-year projects that improve visitor safety, experience, and opportunities. Long-term authority would also allow for the development of key partnerships with outfitters, other vendors, and communities that rely on economic benefits of visitation and investments made by agencies.

The committee has not informed us of their plans for any additional hearings or how they plan on proceeding with reauthorization this year.

McCollum Q10: What would the impact be on the Service if this critical authority were allowed to expire?

Answer: The sunset of FLREA would detrimentally impact the National Park Service and other agencies' ability to support many recreation fee projects that improve visitor safety, experiences, and opportunities; allow for key partnerships; and provide key programs such as interagency passes and Recreation.gov. Through the end of FY 2015, the National Park Service obligated more than $2.7 billion in recreation fees. In addition to being one of the only flexible fund sources available to park managers, about half of the recreation fee obligations go toward deferred maintenance projects, making it an important factor in reducing the $11.9 billion deferred maintenance backlog. In coming years, the investment in facilities will increase as new policies are implemented and more of the recreation fee dollars that are collected are spent on high priority deferred maintenance projects.

If the FLREA authority were to expire, the NPS would lose this valuable fund source, the primary purpose of which is to fund projects with a direct visitor connection. Visitors would be directly impacted as restrooms and water systems deteriorate, amenities available at campgrounds decline, interpretive tours and programs are reduced, and fewer rangers are available to assist them.

McCollum Q11: How much would you lose in annual fee revenue?

Answer: Entrance and other recreational fees are estimated at approximately $232 million in revenue in FY 2016. FLREA is the primary authority for the NPS to collect and retain fees. If the authority expires, NPS would need to stop collecting most types of fees.

Questions from Mr. Kilmer

NPS Deferred Maintenance Backlog

The National Park Service reported $11.9 billion in deferred maintenance in 2015, including $132.8 million for Olympic National Park.

Kilmer Q1: How does the Park Service plan to address this significant backlog and ensure that the most critical projects addressing public safety, access, and historical preservation are prioritized?

Answer: The National Park Service's proposed deferred maintenance buy-down strategy has two distinct components. First, the FY 2017 Budget requests a $150.5 million increase in discretionary funding - $46.6 million for cyclic maintenance, $49.2 million for repair and rehabilitation, and $54.9 million for line item construction and project support. Cyclic maintenance is the central element of life-cycle management and is the key component in the effort to curtail the continued growth of deferred maintenance. The repair and rehabilitation program directs funding to parks' highest priority mission critical non-transportation assets; most often these projects are deferred maintenance. Line item construction projects fund the construction, rehabilitation, and replacement of assets. The FY 2017 Line Item Construction list includes only the most critical life/health/safety, resource protection, and emergency projects, and does not propose funding any new facility construction.

Additionally, this is complemented by a legislative proposal within the National Park Service Centennial Act to provide new, mandatory funding of $300 million annually for three years, for Second Century Infrastructure Investments projects. This funding would allow the NPS to efficiently program and execute projects for phased delivery and completion and expeditiously complete a large number of projects, improving the condition of NPS assets.

Currently, 4,300 of the 7,186 highest priority non-transportation assets have quantified deferred maintenance needs. Building on the additional $89.6 million provided by the Appropriations Committee in FY 2016 for this effort, together, the mandatory and discretionary requests would bring all of the highest priority non-transportation assets into good condition over ten years and provide funding to maintain them in good condition.

Facility projects within the NPS are prioritized using the Capital Investment Strategy (CIS), which focuses on an asset's importance to the unit's mission, its condition, the financial sustainability of managing and maintaining it, its visitor use, its cultural/natural resource protection requirements, and its importance to life/safety/health. This ensures that the NPS optimizes funding to preserve mission-critical assets.

WEDNESDAY, MARCH 16, 2016.

BUREAU OF INDIAN AFFAIRS/BUREAU OF INDIAN EDUCATION BUDGET OVERSIGHT HEARING

WITNESSES

LAWRENCE "LARRY" ROBERTS, ACTING ASSISTANT SECRETARY, INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

CHARLES "MONTY" ROESSEL, DIRECTOR, BUREAU OF INDIAN EDUCATION

MICHAEL BLACK, DIRECTOR, BUREAU OF INDIAN AFFAIRS

OPENING REMARKS OF CHAIRMAN CALVERT

Mr. CALVERT. The committee will come to order. Good afternoon, and welcome to today's hearing on the Fiscal Year 2017 budget proposal for Indian Affairs. I am going to be brief because we have a lot of ground to cover, and obviously we have votes coming up.

Funding for Indian Country has been and will continue to be a nonpartisan funding priority for this subcommittee for Fiscal Year 2017. Today we have been making a concerted push over the past several years to make incremental improvements in the lives of American Indians and Alaska Natives, particularly in healthcare, education, and law enforcement.

It has been a partnership. I want to thank several of our key partners for being here today to testify. Our first panel includes Larry Roberts, acting assistant secretary for Interior for Indian Affairs, Mike Black, director of the Bureau of Indian Affairs, Monty Roessel, director of the Bureau of Indian Education. Gentlemen, thank you for being here today.

For the past few years at the subcommittee's request, the Government Accountability Office has been another key partner on Indian education matters. What started in 2012 with a seemingly simple question of comparing per student funding inside and outside of BIE has grown into something much more complex. The GAO recently completed another study on BIE facilities' condition and management, and I have asked them to be here today on a second panel to report their findings and recommendations.

Before we begin, I will just make a few comments about the Fiscal Year 2017 budget proposal for Indian Affairs. This Administration put its partners on the subcommittee in a tight spot by raising expectations throughout Indian Country that we will struggle to meet. The President's budget circumvents the discretionary spending caps that were signed into law. That is how the President is able to propose $136 million increase for Indian Affairs, and a $377 million increase for the Indian Health Service with no realistic offset.

But currently law requires discretionary spending to stay relatively flat in Fiscal Year 2017. So this subcommittee's challenge

will be to find the money from within to pay for the have-to-do's without cutting the popular nice-to-do's by so much that we cannot pass a bill.

Before I turn to the first panel, let me first ask our distinguished ranking, Ms. McCollum, for any opening remarks she would like to make. Thank you.

OPENING REMARKS OF RANKING MEMBER MCCOLLUM

Ms. MCCOLLUM. Thank you, Mr. Chairman, Assistant Secretary Roberts. I join the Subcommittee Chairman in welcoming you to the committee. Thank you to the other witnesses who are here as well.

This Subcommittee is united in its commitment to the social and economic wellbeing of Native Americans, so I am pleased that the President's budget in 2017 proposes investments to better address Native American issues and needs, both in their communities and in their environment. I do support the President's budget. Some of the initiatives that the President has proposed, well, I think the chairman is correct that they are not likely to see the light of day. But they are good to have in here, so that we can have a discussion on the way we move forward and invest in the United States of America and in Indian Country.

The budget expands the Administration's TIWAHE initiative which leverages BIA funds and other Federal programs to support families and communities' health in a culturally appropriate way. It increases this initiative by $17 million. In the discussions that we have had with youth who have been here about some of the challenges that they and their families face, what we heard about rising suicide rates among the very young in Indian Country makes these investments in tribes and tribal families and communities very important to me.

The budget also invests in tribal natural resources, supporting climate resilience, management, conservation, and utilization of reservation and water resources. The budget request advances Indian education by investing an additional $60 million in programs that support students from elementary through post-secondary education, and by providing $138 million to continue the robust education construction program that was enacted last year.

Together we are taking important steps to build towards a construction budget that is dedicated to repairing our schools and education facility replacement. These investments are a good start, but there is much more to be done.

Having said that, I have to admit I was appalled to learn that the Bureau of Indian Education is failing to conduct safety and health inspections for all of its schools. The Bureau of Indian Education is responsible for 48,000 Indian students and 183 campuses. Each and every one of those schools is supposed to be inspected annually, but GAO found last year that BIA failed to inspect 69 out of the 180 school locations. GAO also determined that 54 school locations have not been inspected in the past 4 years. So I am glad we are going to have another panel with GAO, because if there is something that needs to be repudiated on that, we need to know. But I was absolutely appalled reading that report.

On March 2nd, 2016, Secretary Jewell testified before this committee, and agreed that BIE schools were in a deplorable condition, and that we have a responsibility to provide these students with a safe learning environment. So it is unconscionable that, if true, the Bureau is not demanding full accountability from the inspection program because one of the most basic elements of children's safety is to be in a school facility that is safe. GAO's study shines a light on what I see as huge failures. We can and we must do better for those children. I know that will be a goal that we all share.

So, Mr. Chair, with that, I do not have anything more to add to an opening statement.

Mr. CALVERT. Thank you. I thank the gentlelady. I think we have time to have your opening statement. So, Mr. Roberts, if you will do that, then we will recess until after votes. You are recognized.

OPENING REMARKS OF ACTING ASSISTANT SECRETARY ROBERTS

Mr. ROBERTS. Good afternoon, Chairman Calvert, Ranking Member McCollum, other members of the committee. It is an honor to be here before you all here today.

I am Larry Roberts, acting assistant secretary for Indian Affairs. I'm a member of Oneida Nation of Wisconsin, so near your neck of the woods, Ranking Member. I want to begin by thanking of each of you for your dedication to Indian Country. I know that you visited the Navajo Nation and saw issues there. I want to say thank you to this committee for your leadership with the Fiscal Year 2016 budget and the resources that this committee provided because it is sorely needed throughout Indian Country, and we thank you for that.

The increase in successes in Indian Country are due in large part to the work of tribal leaders. Since 2008, our staff within Indian Affairs has decreased by approximately 1,600 employees. That's nearly 17 percent of our workforce within Indian Affairs. What we're seeing is that whether you're a direct service tribe or a self-governance tribe, tribal leadership is proving with the increased funding Congress is providing, they can deliver results. We've seen it in the reduction of violent crime. We've seen it in the reduction in recidivism, and we're seeing in our Tiwahe Initiative.

The President's budget is built in coordination with tribes through the Tribal Interior Budget Council. The President's budget, again, requests full contract support cost funding, and also requests that it be mandatory funding in Fiscal Year 2018. It includes an increase of $21 million to support TIWAHE objectives including additional money for social services, additional money for implementation of the Indian Child Welfare Act, improved access to suitable housing, and also job training and placement.

The President's budget includes investments for Native youth through increased funding for scholarships and schools like Haskell and SIPI, the United Tribes Technical College, and Navajo Technical University. BIE is focused on serving as a capacity builder and service provider to support schools and tribes in educating their youth. The budget proposes full tribal grant support cost funding for tribes which choose to operate their schools for BIE

schools. And finally, the budget provides $138 million for construction of BIE facilities.

In terms of managing natural resources, we've heard from tribes about the importance of trust real estate services and increasing funding for that. And so, the President's increase requests approximately $7 million to address probate backlogs, title land and record processing, and database management.

We thank the committee for the Fiscal Year 2016 money to start the Indian Energy Service Center, where tribes can go to one location to get energy services from BLM, BIA, OST, and ONRR. That's being implemented now, and the President's request in 2017 continues that funding.

We're also working with tribes to promote cooperative management, and the President's request includes a $2 million increase to address subsistence management and Alaska issues. And finally, the President's budget request includes a $15 million increase to assist tribal communities in preparing and responding to impacts of climate change.

I know, Mr. Chairman, in this difficult fiscal climate we have budget caps. The President's budget overall, includes a less than 1 percent discretionary increase for the Department of the Interior, but a 4.9 percent increase for Indian Affairs. And so, we're really proud of the President's budget.

Within the Department as a whole, the National Park Service has the largest increase, followed by Indian Affairs. There are other agencies within the Department that are taking a decrease.

So, again, Mr. Chairman, we appreciate this committee's leadership on the budget. We are thankful for the 2016 budget. And we stand ready to answer any questions you may have.

[The statment of Acting Assistant Secretary Roberts follows:]

STATEMENT
OF
LAWRENCE S. ROBERTS
ACTING ASSISTANT SECRETARY – INDIAN AFFAIRS
DEPARTMENT OF THE INTERIOR

BEFORE THE
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
COMMITTEE ON APPROPRIATIONS
U.S. HOUSE OF REPRESENTATIVES
ON THE PRESIDENT'S FISCAL YEAR 2017 BUDGET
FOR INDIAN AFFAIRS

March 16, 2016

Good morning Chairman Barrasso, Vice Chairman Tester, and members of the Subcommittee. Thank you for the opportunity to provide a statement on behalf of the Department of the Interior on the President's Budget Request for Indian Affairs for Fiscal Year (FY) 2017. The FY 2017 budget request for Indian Affairs programs totals $2.9 billion, which is $137.6 million more than the FY 2016 enacted level.

Within Indian Affairs, our funding priorities are guided by careful coordination with tribes through a regional-to-national planning process through the Tribal Interior Budget Council. These and other sources of tribal input have informed legislative and programmatic initiatives and funding priorities in the FY 2017 budget, including full funding for contract support costs and a proposal to fund contract support costs through a mandatory account beginning in FY 2018.

The Indian Affairs budget provides significant increases across a wide range of Federal programs that serve tribes and supports improved tribal access to Federal program and resources. Indian Affairs plays a unique and important role in carrying out the Federal trust responsibility and in serving tribes. The budget makes the most out of each dollar dedicated to Indian Country programs by proposing further development of a one-stop shop approach for facilitating tribal access to Federal funds and programs across the U.S. government.

Supporting Indian Families and Protecting Indian Country
Supporting Indian families and ensuring public safety are top priorities for the President and tribal leaders. As part of the President's commitment to protect and promote the development of prosperous tribal communities, BIA will continue to expand the Tiwahe initiative. Tiwahe, which means family in the Lakota language, promotes a comprehensive, integrated and community-based approach to support child welfare, family stability, and strengthening tribal communities as a whole. The initiative directly supports the President's Generation Indigenous initiative launched in 2014 to address barriers to success for Native youth by leveraging BIA programs in concert with other Federal programs supporting family and community stability and cultural awareness.

Children living in poverty are far more likely to be exposed to violence and psychological trauma, both at home and in the surrounding community. Many Indian communities face high rates of poverty, substance abuse, suicide, and violent crime, leading to serious and persistent child abuse and neglect issues. Child maltreatment often leads to disrupted extended family support networks and broken families when children are placed outside the community. Solutions lie in addressing the interrelated problems of poverty, violence, and substance abuse faced by many communities to help improve the lives and opportunities of Indian families. This requires tribally-initiated coordination of social service programs; steps to maintain family cohesiveness; preparation of family wage earners for work opportunities; and rehabilitative alternatives to incarceration for family members with substance abuse issues.

Currently, four tribal communities (the Ute Mountain Ute Tribe, Colorado; the Spirit Lake Tribe, North Dakota; the Association of Village Council Presidents (AVCP), Alaska; and the Red Lake Nation, Minnesota) are participating in the Tiwahe initiative as the initial pilot sites. The BIA will be adding two additional sites in FY 2016.

The Ute Mountain Ute Tribe has developed a "Tour de Ute" concept – a "one stop" Tiwahe Center that centralizes services at Ute Mountain Ute. The Center will provide culturally relevant services which incorporate tribally specific practices, traditions and approaches for intervention and prevention. The Ute Mountain Ute's Tiwahe team also supported production of a short film entitled "Escape," which was made by Ute Mountain Ute youth and which discusses serious issues faced by tribal youth, such as bullying, identity, and suicide. The film premiered in Durango, Colorado in October of 2015 and was also screened later in the fall at the LA SKINS FEST, a film festival in Los Angeles, California.

Further, the BIA Division of Human Services, through a partnership with selected Schools of Social Work, is creating a Center for Excellence. The Center will provide opportunities for learning, cross-training, and information sharing for tribes in the areas of leadership, best practices, research, support and training. Additionally, the Center for Excellence will allow Tiwahe tribes the opportunity to train other tribes and tribal organizations on a comprehensive approach for a coordinated service delivery model. Tiwahe tribes will also be able to share best practices and lessons learned from implementation of year one and two of the Tiwahe Initiative.

The FY 2017 budget proposes $21.0 million in program increases to support Tiwahe objectives, including $12.3 million for social services programs to provide culturally-appropriate services with the goal of empowering individuals and families through health promotion, family stability, and strengthening tribal communities as a whole. The budget also includes increases of $3.4 million for Indian Child Welfare Act programs that work with social services programs and the courts to keep Indian children in need of foster care in Indian communities where possible; an additional $1.7 million to improve access to suitable housing for Indian families with children; and a $1.0 million increase for job training and placement. The budget includes an additional $2.6 million for tribal courts to implement a comprehensive strategy to provide alternatives to incarceration and increase treatment opportunities across Indian Country.

As a Departmental priority goal, the BIA Office of Justice Services (OJS) works to support rehabilitation and reduce recidivism by promoting alternatives to incarceration.

The BIA OJS, responding to concerns raised by tribes, law enforcement and tribal courts about high rates of alcohol- and drug-related offenses, in 2014 created the Diversion and Re-entry Division (DRD). The DRD is transforming institutional practices to focus on recidivism reduction and solution-focused sentencing initiatives. These initiatives are intended to create alternatives to incarceration that build onto existing treatment services in tribal communities.

As part of DRD's efforts to reduce recidivism, three reservations were selected to implement a pilot initiative, with the goal of reducing recidivism in a pre-identified cohort of 150 repeat offenders at these sites by three percent by September 30, 2015. At the end of FY 2015, the three tribes participating in the pilot experienced a combined average reduction in recidivism of 46%.

The BIA OJS will continue pilot programs at five sites that seek to lower rates of repeat incarceration, with the goal of reducing recidivism by a total of three percent within these communities by September 30, 2017. The pilot programs will continue to implement comprehensive alternatives to incarceration strategies that seek to address the underlying causes of repeat offenses—including substance abuse and social service needs—through alternative courts, increased treatment opportunities, probation programs, and interagency and intergovernmental partnerships with tribal, Federal, and State stakeholders. These efforts will promote public safety and community resilience in Indian Country.

In FY 2017, the BIA OJS will continue to provide technical assistance and training to tribes to amend tribal legal codes to reflect provisions in the Tribal Law and Order Act and reauthorization of the Violence Against Women Act, both of which expanded tribal court jurisdiction and responsibilities in all states. Updated codes will provide stronger protections and safety for vulnerable populations and will expand the jurisdiction of tribal law enforcement and justice systems over domestic violence altercations in Indian Country. The FY 2017 budget proposes $1.8 million to build on the work with Indian tribes and tribal organizations to assess needs, consider options, and design, develop, and pilot tribal court systems for tribal communities subject to full or partial State jurisdiction of law enforcement activities under Public Law 83-280. The BIA is also implementing training for its law enforcement staff in the areas of law enforcement, social services, victim services, and courts. The BIA is making this training available to tribes operating these programs under self-determination contracts and self-governance funding agreements.

Creating Opportunities for Native Youth

The FY 2017 budget includes key investments to support Generation Indigenous, which takes an integrative, comprehensive, and culturally-appropriate approach to help improve lives of and opportunities for Native American youth. The FY 2017 budget maintains President Obama's vision for a 21st century Indian education system, grounded in both high academic standards and tribal values and traditions. The proposal invests in improving educational opportunities and quality from the earliest years through college so as to afford Native American youth world-class opportunities in today's global economy.

The Interior budget proposes $1.1 billion in Indian education programs to support the implementation of the comprehensive transformation of the Bureau of Indian Education (BIE). The BIE is focused on serving as a capacity builder and service provider to support tribes and schools in educating their youth and delivering a world-class and culturally-appropriate education across Indian Country. As part of the transformation, the BIE has invested in areas that promote educational self-determination for tribal communities. The BIE issued the first Tribal Education Department grants in 2015 and Sovereignty in Education awards in 2014 and 2015 to foster the capacity of tribes to determine the educational needs of their youth and improve the operation of tribally managed school systems. Furthermore, the budget proposes full funding of Tribal Grant Support Costs for tribes which choose to operate BIE-funded schools to serve their students. The FY 2017 budget request builds upon this progress with increased program investments totaling $49.3 million to improve opportunities and outcomes in the classroom; expand multi-generational programs to advance early childhood development; provide improved instructional services and teacher quality; and promote enhanced native language and cultural programs. The budget also proposes investments to further enhance broadband and digital access and support tribal control of student education.

The budget provides $138.3 million for education construction programs to replace and repair school facilities in poor condition and address deferred maintenance needs at the 183 campuses in the BIE school system. The FY 2016 enacted appropriation funds replacement of the remaining two BIE school campuses on the priority list created in 2004 and supports planning for schools on the 2016 list. Finalization of the 2016 replacement school construction list is expected soon, once the rigorous process created through negotiated rulemaking is completed. The FY 2017 request for BIE school construction continues the momentum launched with the FY 2016 appropriation and provides the funding stability necessary to develop an orderly construction pipeline.

Post-secondary education is a priority for tribes which see advanced education as the path to economic development and a better quality of life for their communities. The FY 2017 budget continues recognition of the important role tribal post-secondary schools play in empowering Indian students and tribal communities. The budget includes an increase of $2.0 million for the BIE-operated Haskell Indian University and Southwestern Indian Polytechnic Institute. The budget also includes an additional $500,000 for tribal technical colleges–United Tribes Technical College and Navajo Technical University–which were forward funded for the first time in FY 2016. In addition, the BIE budget includes $6.8 million in increases for tribally-controlled scholarships for post-secondary education, with a focus on recipients seeking degrees in the fields of science, technology, engineering, and mathematics.

To foster public/private partnerships to improve student experiences at BIE-funded schools, the FY 2017 budget proposes appropriations language enabling the Secretary to reactivate the National Foundation for American Indian Education. The proposed bill language will initiate a foundation focused on fundraising to create opportunities for Indian students in and out of the classroom. The budget also includes an increase of $3.6 million for Johnson O'Malley grants to

provide additional resources to tribes and organizations to meet the unique and specialized educational needs of American Indian and Alaska Native students.

Further supporting Native youth, the budget reflects an additional $2.0 million to support youth participation in natural resources programs focused on the protection, enhancement, and conservation of natural resources through science, education, and cultural learning. Tribal youth will benefit from the mentoring and positive role models provided by tribal personnel who work to manage and protect tribal trust resources. Programs aimed at tribal youth help to open future job opportunities, instill respect for resources, and develop an appreciation of the importance of natural resources to tribal cultures and livelihoods. Funds will support approximately 60 new tribal youth projects and training programs throughout Indian Country and supplement existing training programs within the forestry, water, and agriculture programs.

Tribal Nation-Building

Programs run by tribes through contracts with the Federal government support tribal nation-building and self-determination. The FY 2017 budget continues the Administration's commitment to fully fund contract support costs with an increase of $1.0 million above the FY 2016 enacted level to fully fund estimated requirements for FY 2017. The budget also includes a legislative proposal to fully fund BIA and Indian Health Service (IHS) contract support costs as mandatory funding, beginning in FY 2018. Indian Affairs will continue to work with tribes and consult on policies to address long-term programmatic and funding goals to advance tribal self-determination.

Tribes and tribal organizations have expressed long-standing concerns about the need for accurate, meaningful, and timely data collection in American Indian/Alaska Native communities. Tribal leaders and communities need access to quality data and information as they make decisions concerning their communities, economic development, and land and resource management. It is also critical that the Federal government collect and analyze quality data to ensure that Federal agencies and programs are delivering effective services to meet tribal needs and deliver on Federal responsibilities.

The FY 2017 BIA budget supports this effort with an increase of $12.0 million to enable the Department of the Interior to work with tribes to improve data quality and availability for the benefit of tribes and programs, create a reimbursable support agreement with the Census Bureau to address data gaps in Indian Country, and to create an Office of Indian Affairs Policy, Program Evaluation, and Data to support effective, data-driven, tribal policy making and program implementation.

To implement an all-of-government approach to delivering programs and funding to Indian Country, the BIA budget proposes an increase of $4.0 million to continue development of a Native American One-Stop website to make it easier for tribes to find and access the hundreds of services available to tribes across the Federal government. The funding will also support efforts at the regional and local levels to assist tribes to find services and receive consistent information about programs available to them. The website and support center will reduce costs by eliminating duplication of outreach efforts and services by Federal government agencies. The

Native One-Stop website currently has a portal focused on programs that serve Native American youth, in support of the Generation Indigenous initiative.

Sustainable Stewardship of Trust Resources
The BIA's trust programs assist tribes in the management, development, and protection of Indian trust land and natural resources on 56 million surface acres and 60 million acres of subsurface mineral estates. These programs assist tribal landowners to optimize sustainable stewardship and use of resources, providing benefits such as revenue, jobs, and the protection of cultural, spiritual, and traditional resources. To facilitate management of trust resources, the budget includes a total increase of $6.9 million for Trust Real Estate Services activities to expand capacity to address the probate backlog, land title and records processing, geospatial support needs, and database management.

The Indian Energy Service Center received initial funding in FY 2016. Income from energy is one of the larger sources of revenue generated from trust lands, with royalty income of $826 million in 2015. The Center will expedite the leasing, permitting, and reporting for conventional and renewable energy on Indian lands and provide resources to ensure that development occurs safely, protects the environment, and manages risks appropriately. Technical assistance will be provided to support assessment of the social and environmental impacts of energy development. The Center includes staff from BIA, Office of Natural Resources Revenue (ONRR), Bureau of Land Management (BLM), and the Office of the Special Trustee (OST)–all of which have responsibilities related to tribal energy advancement. Working with the Department of Energy's Office of Indian Energy, the Center will provide a full suite of energy development-related services to tribes nationwide. The Center will coordinate and enhance BIA's ability to process leases, BLM's responsibility to approve and monitor Applications for Permits to Drill, and the ONRR responsibilities for royalty accounting; and will institute streamlined processes, standardized procedures, and best practices for development of conventional and renewable energy at various locations.

The BIA has taken several steps to help tribes proactively steward Indian resources to support economic stability, promote tribal cultural heritage, and protect the environment in Indian country. The Department is requesting a $2.0 million increase to address subsistence management in Alaska. Alaska Native communities, among the most under-resourced in the country, are also at the highest risk of negative impacts to their basic cultural practices due to environmental changes, including climate change. The Department is committed to helping Alaska Native leaders build strong, prosperous and resilient communities. The funding will target areas across the state that promote tribal cooperative management of fish and wildlife and improve access to subsistence resources on Federal lands and waters. The budget also invests in stewardship of assets maintained by the BIA for the benefit of tribes. The budget proposes an additional $2.0 million for the Safety of Dams program. The program is currently responsible for 136 high or significant-hazard dams located on 42 Indian reservations in 13 States. The program maintains and rehabilitates dams to protect communities in the floodplain downstream and to maintain the functions for which the dam was built. The program contracts with tribes to perform many aspects of the program. The budget also includes $1.0 million for deferred maintenance needs at regional and agency facilities to address safety, security, and handicap

accessibility issues.

Increasing Resilience of Natural Resources in Indian Country
Tribes throughout the U.S. are already experiencing the impacts of a changing climate including drought, intensifying wildfires, changes in plants and animals important to subsistence and cultural practices, impacts to treaty and trust resources, and coastal erosion and sea-level rise. Executive Order 13653, *Preparing the United States for the Impacts of Climate Change*, called on the Federal government to partner with tribes across the U.S. in planning, preparing for, and responding to the impacts of climate change.

With input from hundreds of tribal leaders, the budget provides a $15.1 million increase over FY 2016 across eight BIA trust natural resource programs to support tribal communities in preparing for and responding to the impacts of climate change. Funds will provide support for tribes to develop and access science, tools, training, and planning and to build resilience into resource management, infrastructure, and community development activities. Funding will also be set aside to support Alaska Native villages in the Arctic and other critically vulnerable communities in improving the long-term resilience of their communities.

Tribal lands, particularly in the West and Alaska, are by their geography and location on the frontline of climate change, yet many of these communities face immense challenges in planning for and responding to the far-reaching impacts of climate change on infrastructure, economic development, food security, natural and cultural resources, and local culture. Some communities are already experiencing increasingly devastating storms, droughts, floods, sea-level rise, and threats to subsistence resources. The budget supports climate change adaptation and resilience by funding training, studies, scenario planning, natural resource and infrastructure projects, public awareness and outreach efforts, capacity building, and other projects.

Indian Settlements
The FY 2017 budget request for Indian water rights settlements continues the Administration's strong commitment to resolve tribal water rights claims and ensure that tribes have access to use and manage water to meet domestic, economic, cultural, and ecological needs. Many of the projects supported in these agreements bring clean and potable water to tribal communities, while other projects repair crumbling irrigation and water delivery infrastructure on which tribal economies depend. These investments not only improve the health and well-being of tribal members and preserve existing economies but, over the long term, also bring the potential for jobs and economic development.

The FY 2017 Departmental budget for authorized settlements and technical and legal support involving tribal water rights totals $215.5 million, an increase of $4.6 million from the FY 2016 enacted level. In FY 2016, the Department completed funding for the Taos Pueblos water settlement and, in FY 2017, will complete the funding requirements for the BIA portion of the Aamodt water rights settlement.

To strengthen the Department's capacity to meet its trust responsibilities and more effectively partner with tribes on water issues, the FY 2017 budget includes a $13.7 million increase across

the operating budgets of BIA, Reclamation, BLM, the Fish and Wildlife Service, and the U.S. Geological Survey. This funding will support a robust, coordinated, Interior-wide approach to working with and supporting tribes in resolving water rights claims and supporting sustainable stewardship of tribal water resources. Funds will strengthen the engagement, management, and analytical capabilities of the Secretary's Indian Water Rights Office; increase coordination and expertise among bureaus and offices that work on these issues; and increase support to tribes.

The FY 2017 budget request also continues the Administration's strong commitment to honor enacted land settlements. The budget includes $10.0 million to provide the Yurok Tribe in Northern California funds to acquire lands as authorized in the Hoopa-Yurok Settlement Act. The Act authorizes funding for the purpose of acquiring land or interests in land within, adjacent to, and contiguous with the Yurok Reservation from willing sellers. This one-time funding satisfies the Federal contribution. This funding for land acquisition supports efforts by the Yurok Tribe and partners in conservation to conserve 47,097 acres of the Klamath-Siskiyou ecoregion which will be managed as a salmon sanctuary and sustainable community forest. The conservation will ensure the health of the ecoregion and assist the Yurok community to revitalize its cultural heritage and develop a natural resource-based economy that supports and employs tribal members.

Summary
This FY 2017 budget maintains strong and meaningful relationships with Native communities, strengthens government-to-government relationships with federally recognized tribes, promotes efficient and effective governance, and supports nation-building and self-determination. The FY 2017 budget request delivers community services, restores tribal homelands, fulfills commitments related to water and other resource rights, executes fiduciary trust responsibilities, supports the stewardship of energy and other natural resources, creates economic opportunity, expands access to education, and assists in supporting community resilience in the face of a changing climate.

Thank you for the opportunity to appear before you today. I am happy to answer any questions the Committee may have.

Lawrence S. Roberts
Acting Assistant Secretary – Indian Affairs
U.S. Department of the Interior

Lawrence S. "Larry" Roberts, an enrolled member of the Oneida Tribe of Indians of Wisconsin, was named acting Assistant Secretary of Indian Affairs on January 1, 2016, after serving as the Principal Deputy Assistant Secretary – Indian Affairs since July 2013. He joined the Assistant Secretary's office as the Deputy Assistant Secretary – Indian Affairs on September 6, 2012, after having served as General Counsel of the National Indian Gaming Commission.

Mr. Roberts began his legal career with the U.S. Department of Justice as a trial attorney in the Indian Resources Section. He handled a variety of federal Indian law cases for the benefit of tribal interests including the protection of tribal reserved treaty hunting and fishing rights.

Mr. Roberts subsequently joined the Environmental Protection Agency's Office of General Counsel, where he provided counsel on the implementation of federal environmental programs by federally recognized tribes.

After leaving the EPA in 2002, Mr. Roberts worked in private practice on federal Indian law and environmental matters until he joined the National Indian Gaming Commission in July 2010. As the Commission's General Counsel, Mr. Roberts advised on matters involving the Indian Gaming Regulatory Act and other applicable laws and regulations.

From 2003 to 2005, Larry served as Chair of the Native American Resources Committee of the American Bar Association's Section of Environment, Energy and Resources. In 2011, he co-chaired the Federal Bar Association's Federal Indian Law Conference in Washington, D.C.

Mr. Roberts graduated from the University of Wisconsin-Madison in 1992 with a double major in Political Science and Sociology and from the University of Wisconsin Law School in 1995. He is a member of the Washington, D.C. Bar and the Wisconsin Bar.

Michael S. Black
Director of the Bureau of Indian Affairs
U.S. Department of the Interior

Michael S. Black, an enrolled member of the Oglala Sioux Tribe in South Dakota, was named the Director of the Bureau of Indian Affairs on April 26, 2010. Mr. Black directs is responsible for carrying out the core BIA mission to enhance the quality of life, promote economic opportunity, and protect and improve the trust assets of American Indians, Indian tribes and Alaska Natives in 566 federally-recognized tribes.

As Director, Mr. Black oversees BIA programs that support Tribal sovereignty and self-determination across Indian Country. The Office of Indian Services operates the BIA's general assistance, disaster relief, Indian child welfare, tribal government, Indian Self-Determination, and reservation roads programs. The Office of Justice Services directly operates or funds law enforcement, tribal courts, and detention facilities on Federal Indian lands. The Office of Trust Services works with tribes and individual American Indians and Alaska Natives in the management of their trust lands, assets, and resources. The Office of Field Operations oversees 12 regional offices and 83 agencies which carry out the mission of the Bureau at the tribal level.

Mr. Black was the Regional Director for the BIA's Great Plains Regional Office in Aberdeen, South Dakota, which oversees 12 agencies that together serve 16 Federally-recognized tribes in three states (Nebraska, North Dakota and South Dakota) from 2008-2010. He served as the as the Deputy Regional Director for Indian Services in the Bureau's Rocky Mountain Regional Office in Billings, Montana from 2004-2008, during which time he also served a period of eight months as the acting Great Plains Regional Director.

Mr. Black began his Federal career in 1987 with the BIA's Aberdeen Area Office (now the Great Plains Regional Office) as a General Engineer in the Branch of Facilities Management. He went on to hold regional facility and engineering management positions in the Billings Area Office (now the Rocky Mountain Regional Office) until being named the Deputy Regional Director.

Charles M. Roessel
Director of the Bureau of Indian Education
U.S. Department of the Interior

Charles M. "Monty" Roessel was named the Director of the Bureau of Indian Education on December 11, 2013 after serving as the Acting Director for BIE since February 2013. As the Director of the BIE, Dr. Roessel oversees three Associate Deputy Directors who are responsible for education line offices serving 183 BIE-funded elementary and secondary day and boarding schools and peripheral dormitories located on 64 reservations in 23 states. These facilities provide schooling for more than 40,000 American Indian and Alaska Native students from the country's federally-recognized tribes.

Dr. Roessel served as the BIE's Associate Deputy Director for Navajo Schools from October 2011 until his appointment as Director, BIE. He was responsible for overseeing 66 BIE-funded schools on the Navajo Nation reservation in Arizona, New Mexico and Utah. From 2007 to 2011 he was superintendent of the Rough Rock Community School, a BIE-funded, tribally operated K-12 boarding school near Chinle, AZ on the Navajo Nation reservation.

From 2010 to 2011, Dr. Roessel served as chair of the Department of the Interior's No Child Left Behind School Facilities and Construction Negotiated Rulemaking Committee and on the Sovereignty in Navajo Education Reauthorization Task Force with the Navajo Education Department of Diné Education.

Dr. Roessel has been a prominent figure in Indian education for many years. The Rough Rock Community School, at which he served for more than a dozen years from 1998 to 2011, had been the first American Indian-operated, and the first Navajo-operated, school when it opened in 1966 within what was then the Bureau of Indian Affairs school system. Today that system is administered by the BIE, established in 2006. During his tenure as superintendent at Rough Rock, Dr. Roessel helped to oversee a major school replacement and improvement project funded under the American Recovery and Reinvestment Act of 2009 and carried out by the Indian Affairs Office of Facilities, Environmental and Cultural Resources. The official opening of the replacement school and facilities was held on August 15, 2011.

Dr. Roessel started at Rough Rock in August 1998 as the Director of Community Services developing programs for teacher recruitment and student enrollment in addition to coaching baseball and teaching photography to students. In July 2000, he became the school's executive director, where he served until he was named the superintendent in 2007.

Prior to working for the Rough Rock Community School, Dr. Roessel served from September 1997 to December 2000 as Director of the Navajo Nation Round Rock Chapter AmeriCorps program where he developed partnerships to improve education and housing within the Round Rock Chapter community. Dr. Roessel also has worked as a photographer, writer and editor for various publications and projects including vice-president and editor of the *Navajo Nation Today* newspaper (1990-1992), which he also co-owned; managing editor of the *Navajo Times Today* (1985-1987); a photojournalist with the *Greeley (CO) Tribune* (1985) and a photographer/writer with the Navajo View of Navajo Life Project (1984).

In addition, since 1987 he has worked as an author and photographer on various projects, and has written extensively about Navajo life and culture. He also served on the Visual Task Force board for the first annual gathering of minority journalists associations, including the Native American Journalists Association, known as the UNITY conference.

Dr. Roessel holds a Bachelor of Science degree in Photo-Communication/Industrial Arts from the University of Northern Colorado-Greeley (1984), a Master of Arts degree in Journalism from Prescott (AZ) College (1995) and a Doctorate of Education degree in Educational Administration and Supervision from Arizona State University in Tempe (2007).

Mr. CALVERT. I thank the gentleman for his testimony. We are going to recess until the votes, and then we will come back immediately after the last vote. Thank you.

[Recess.]

INDIAN EDUCATION FACILITIES INSPECTION

Mr. CALVERT. The committee will come to order. Ms. McCollum in her opening testimony mentioned the GAO report on the Bureau of Indian Education schools, and I share her concern about the 69 of the 180 BIE school locations that were not inspected for health and safety in Fiscal Year 2015. This, as she has said, is clearly unacceptable.

In the entire $2.9 billion Indian Affairs budget, I cannot imagine a higher priority than protecting the health and safety of children attending schools and sleeping in dormitories. Why did some BIA regions inspect all schools while others inspected no schools in recent years? Specifically, why some regions with a large number of schools and significant travel distance were able to conduct all the inspections in 2015 while others not? What is going on out there?

Mr. ROBERTS. Thank you, Chairman, for the question. We agree with you that it is unacceptable. We need to make sure all of these schools are inspected. We are making sure all facilities will be inspected this year. We are in the process of advertising job vacancy announcements for additional safety inspectors. We expect to have six new people come online.

Part of our overall reform of BIE, we will have a school operations division. That school operations division will look at this more proactively.

Mr. CALVERT. On this subject, I would hope—well, not hope. We expect that we will have reports from time to time, at least quarterly, on how these inspections are going, and that you are meeting the target of inspecting all schools in this Fiscal Year. And I would like to get also a report on which employees are responsible for not inspecting these schools, and has anybody been discharged because of this? Is there any reprimand that has been done because of the inactivity of BIE to inspect these schools?

Mr. ROBERTS. Mr. Chairman, we're happy to provide quarterly updates. You have my commitment that we will have all inspections for the facilities this year. In terms of why those inspections did not occur, my sense is that some of that was probably due to vacancies, but I do not have the specifics on that.

Mr. CALVERT. Well, somebody should be held responsible for something like this. If it had been one of my restaurants when I was in the restaurant business, a manager would be out of a job. And this is much more important than that. It is the health and safety of children.

PUBLIC SAFETY AND JUSTICE FUNDING

Ms. McCollum, you are recognized.

Ms. MCCOLLUM. Thank you, Mr. Chairman. I would like to talk about the decision that was made in this budget to cut law enforcement by $7 million and tribal justice support by $8 million. The majority of that funding goes directly to tribes to be used at a local level. Some tribal nation are on reservations that cover areas the

size of a State. We are working to make VAWA a success in bringing to an end to violence against women. That is going to be an ongoing battle that we face. We are going to need ongoing support for tribes in doing that.

I have to believe that a cut of this size will be felt with impact. In fact, your budget states that increases to law enforcement funding have "represented some of the best opportunities for BIA to strategically impact the allocation of public safety resources in Indian Country."

So there must be a reason why you chose this cut. We need to understand it. We are going to be hearing public testimony from tribal nations over the next few days, and I know this is going to come up because it is coming up with me already. So could you address that?

Mr. ROBERTS. Thank you, Ranking Member, for the question. As part of the great work that this committee and the Congress did with the 2016 budget, we received an additional $10 million over and above the President's budget request. That $10 million was focused on taking proactive steps for tribal courts in Public Law 280 States like Minnesota, Wisconsin, Alaska, and California.

When we received that appropriation from Congress at the end of 2015, we worked within our budget to see how we could maintain the $10 million appropriated for this specific purpose, and we were able to refrain some of the funding because we do not disagree there is a need out there. The funding overall for law enforcement, for police officers on the ground, that has not changed. This $10 million is specific to tribal courts in Public Law 280 States.

The topline message, Ranking Member, is that for law enforcement, we did not take a decrease over what we asked for in the 2016 President's budget. Our request is actually $1.8 million over what we asked for in the President's 2016 budget. We tried to maintain the great work that this committee did. We just did not have time to maintain that full $10 million, but we do think there is a need there.

Ms. MCCOLLUM. Thank you.

Mr. CALVERT. Mr. Amodei.

DETENTION FACILITIES

Mr. AMODEI. Thank you, Mr. Chairman. Mr. Secretary, we have never met before, and I do not come from "Indian Country," but we have got a significant population. We have got reservations. We have got tribes. I come from the part of Nevada where we say if you have only been to Las Vegas, you have not been to Nevada, so north of there.

And I got to tell you, I am going to give you a compilation of emails that the person on my D.C. staff has compiled over a period of 5 months trying to get two basic administerial questions answered on behalf of two tribes in my district that deal with detention. I am also going to give you the first couple of pages of my memo. I can just sum it up with in summary; over 5 months, the BIA has only been able to answer one-half of one question that two tribes in Nevada have been asking. This is only one of many examples of times where our office has had to advocate on behalf of our

tribes when it is the job of the BIA. We have been trying to resolve these issues for one of the pending calls for 2 years, and the tribes have been trying far longer

REAL ESTATE SERVICES

The BIA mission statement is to enhance the quality of life, to promote economic opportunity, and carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes, and Alaska Natives. But when push comes to shove, the most basic administerial functions of ensuring that tribes are helped when they have questions or concerns, the BIA has dragged their feet and allowed a congressional office to be more of an advocate.

And I know you are new, and I want to let you know that I think the Agency head in western Nevada is a bright light. But we are sitting here, basic questions where you are going to get a quarter inch of paper where it was just saying, hey, we need to set up a conference call, get everybody on the same line, please. And it astounds me more to think when the majority of your workforce is Native Americans, it is like, come on, folks, we are doing this to ourselves.

I have got contacts from multiple tribes in Nevada about real estate operations, people who had paid their homes off years prior. And I am not talking 2 or 3. I am talking 6 or 7. Well, "it has always been a problem." Really? If anybody else in the title business would take 6 or 7 to convey property after it is paid off?

And so, I know the standard answers are, you know, it is Santa Fe, it is Phoenix, it is whatever the title plan is. It is like these are basic administerial functions. This is not we got to get a ruling from somebody, or this, that, or the other. This is they paid it off, convey it to them. And I got to tell you, maybe it is my fault. I am not doing a good enough job. But we keep knocking our head against this, and I will just say there is this culture that I have experienced at least for these small little dots on the map of indifference.

And so, I guess my question is, and, you know, honestly, well, tell me about the culture at BIA. You are like, well, okay, that will be a nice thing to talk about after that lead in. I guess what my request is, I would like if possible to have somebody on your staff to meet with directly and go, here it is, guys, girls, men, women. Here it is. Here is what we think the problem is. Can we do something about this where these folks can have some level of service, or tell me where I have screwed it up or something like that, because as you can probably tell, even though we have not met, I am pretty frustrated. But we are not really going to work that out here.

I would like somebody on your staff to work about responsiveness generally and about that realty problem because this is not Indian County. I mean, it is not like, hey, we got thousands of conveyances in northern Nevada. We need to get that stuff wrapped up. Can I please have that person? Can you designate that person?

Mr. ROBERTS. The Director of the Bureau of Indian Affairs, Mike Black, oversees operations of all of the regions within the Bureau of Indian Affairs. He will be the point of contact here.

You know, it embarrasses me that you have to raise these issues that should not even come to your level, quite frankly.

Mr. AMODEI. Agreed.

Mr. ROBERTS. And so, we will work with your staff to either get them solved as quickly as possible, or let your staff know, there is bigger issue here we are running into——

Mr. AMODEI. I appreciate it. And, Mr. Black, here is kind of where we are starting, so thank you guys. Thank you, Mr. Chairman. I yield back.

Mr. CALVERT. Thank you. Mr. Kilmer.

CLIMATE RESILIENCE

Mr. KILMER. Thank you, Chairman, and thanks for being with us. As someone who represents 11 tribes, I appreciate the role that BIA plays.

I guess I wanted to focus on a couple of things at the top of the long list that keep me up at night. One of the big ones being the resiliency challenges facing the coastal tribes in the region I represent where we have seen increasingly harsh storms and rising sea levels, not to mention the threat of tsunami, which can literally wipe out some of the villages that I represent, and certainly threaten some of these historic sites where people have lived since time immemorial.

I was glad to see in the BIA budget you requested an additional $15 million to support climate resiliency in Tribal Country, including an additional $3 million for tribal climate resilience projects. I guess I wanted to get some sense of how those investments are going to be used, and how will it be decided where the money goes.

Further, I know that HUD recently awarded a grant to a tribe in Louisiana that is facing similar challenges to focus on relocation. Can you talk a little bit about how BIA is working with other Federal agencies on this issue? You know, even $15 million it is a drop in the bucket when you are talking about potentially having to move entire villages that are facing existential threat.

Mr. ROBERTS. Thank you for the question. My understanding, if we were to receive this money through the 2017 budget, is that we would continue to build upon the good work that we are doing with tribes. Tribes apply to the Department for grants for a wide variety of purposes addressing climate change. So it could be something like relocation that you have discussed, or it can be overall planning, that is how we are going to address these climate impacts we know are coming, or building capacity within the tribal governments themselves to address these issues.

With regard to your second question about how BIA is working with other agencies to address these issues, we have the White House Council on Native American Affairs. They have a subgroup on environment and climate. The subgroup is looking across agencies about how we can collaborate better between EPA, HHS, Interior, and other agencies that work in the environment field. That is one way we are working across agencies to make sure we are coordinated when we are providing services to Indian Country.

ACCESS TO BROADBAND

Mr. KILMER. Thank you. I would love to follow up with you on that at some point. The other thing I wanted to ask about was access to broadband. One of the most memorable experiences I have had in this job was meeting with one of the tribal chairmen from my district, and he said, you want the good news or the bad news. I said, tell me the good news. He said, every one of our high school seniors is going to graduate this year. And I said, well, what is the bad news. He said, for the first time, the State of Washington is going to require students to take the State-mandated exam over the internet. Since they do not have high-speed internet they tried to sample the test. It was one of those where you answer a bunch of questions, and then click "next page." He told me it took a minute and 44 seconds to get to the next page so they are going to bus the kids to a neighboring community, about 90 minutes away to take the exam.

This is such a big issue in terms of both educational opportunity and economic development, not to mention the ability to start a business. I was hoping you could talk about what steps BIA is taking to ensure tribes have access to high-speed internet.

Mr. ROBERTS. The President's budget in Fiscal Year 2017 includes an increase request of a little under $17 million to provide broadband to BIE schools. And obviously when we provide broadband to BIE schools, that broadband is going to be accessible to the community where that school is located. And so, that is one step we are doing to increase broadband. I believe the FCC is also taking steps. Monty, is there anything you want to add in terms of broadband at BIE schools?

Mr. ROESSEL. We are trying to get to a level that is comparable to other schools. We are attempting to achieve a level of 100 megabytes per second, just like other schools. Even though we may have schools that are very small, we still have that target so you do not have that lag time of a minute and you cannot take those assessments.

Also, broadband allows us to expand curriculum. Our small schools sometimes have a very limited curriculum because they do not have the teachers or a lot of different teachers. Broadband allows us to actually have a broader curriculum for our students in some of these small places.

Mr. KILMER. Thank you. Thank you, Mr. Chairman.

Mr. CALVERT. Thank you. And I would hope that BIE would be looking into the other programs. The Department of Agriculture has a Rural Assistance Program on broadband, and the Gates Foundation has been, I would hope in the State of Washington, would be looking at that. And certainly Microsoft directly, and maybe assisting on something like this.

Mr. Joyce, you are recognized.

LAW ENFORCEMENT: RECIDIVISM

Mr. JOYCE. Thank you, Mr. Chairman. Mr. Roberts, how are you, sir? One of the Fiscal Year 2017 priority goals is to reduce rates of repeat incarceration in five target tribal communities by 3 percent through a "comprehensive alternatives to incarceration" strat-

egy that seeks to address underlying causes of repeat offenses, including substance abuse and social service needs, through tribal and Federal partnerships.

Can you tell the members of the subcommittee how you will specifically work with the tribal communities to accomplish this goal?

Mr. ROBERTS. Thank you for the question. We have had great success in working with the tribal communities on this recidivism reduction initiative. We are working directly with tribal leadership on how to implement it so it looks a little bit different at Mountain Ute than it does at Red Lake. The focus is working with tribal leadership to build those services to address recidivism itself.

We have been focused on reducing recidivism over the last 2 years. The early results show a 70 percent decrease in recidivism at one location, which is huge. I just saw Chairman Siki from Red Lake yesterday, and he really, really appreciates this committee's support and the Department's support in implementing the reduction in recidivism project there because it is giving them for the first time the tools to address these issues long term.

Mike, do you want to talk a little bit about specifics at any particular location?

Mr. BLACK. I do not know much about specifics, but some tribes have chosen to focus on the juvenile population, and other tribes have focused on the adult. What they are doing is really looking at the treatment programs that are or are not available, working within their tribal courts for alternative sentencing opportunities, and then also for reentry. A lot of times, for individuals that are our repeat offenders, we can give them a certain amount of treatment, but then they go back to that same environment without any support. So the tribes are trying to build all of those components into the recidivism reduction effort. And as Larry mentioned, it has been very successful so far, so we are very encouraged.

Mr. JOYCE. Great. I am glad to hear that efforts are being made, Mr. —and I apologize if I screw this up—Roessel.

BIE GRADUATION RATES

Mr. ROESSEL. Roessel.

Mr. JOYCE. Roessel, okay. The percentage of tribal students completing high school in the 2014–2015 school year who were within 4 years of their 9th grade entry in BIE schools was 55 percent. One of the Fiscal Year 2017 strategic objectives, again, of the Department of the Interior is to increase the percentage of tribal students attending Bureau-funded schools who complete high school with a regular diploma within 4 years of their 9th grade entry date by 5 percent (relative to the 2014–2015 school year).

Can you tell the members of the subcommittee what additional resources are proposed in the Fiscal Year 2017 budget to assist teachers in these schools to accomplish this goal?

Mr. ROESSEL. A big part of that is not a specific program. We are trying to get away from a program to fix whatever ails us, but to look at issues comprehensively. What we are looking at doing is trying to get an expanded curriculum.

So much of what we have done over the years has just narrowed the curriculum. So students are bored. They do not want to go to school, so we need to expand that curriculum.

Also, Tribes want to be a part of the equation in terms of solving their school problems, but they also want to teach their native language, history, and culture, and make school relevant to the students there.

A big part of it is not saying individually this is our program, but trying to expand what education means.

We are also working with our teachers. We have a program to get 1,000 National Board certified teachers that will raise the quality of instruction so that kids are more engaged. If we can just get kids to be engaged, they will want to come back to school. A comprehensive look at trying to improve graduation by also improving attendance, will have an impact on graduation rates.

Mr. JOYCE. Thank you, Mr. Chairman.

Mr. CALVERT. Thank you. Ms. Pingree.

SCHOOL CONSTRUCTION

Ms. PINGREE. Thank you, Mr. Chair. Thank you for being here today and for the work that you do.

We spent a long time last year talking about the Beatrice Rafferty School in my State, and I am always grateful for the way this committee can work together in a very bipartisan way. I appreciated the help from the chair, and ranking member, and the President in making sure that the funding was available. But as you know, there were some disagreements along the way about the design and cost, and it has taken a long time to resolve that disagreement around the square footage and the design.

I am very grateful that we have made progress, and in recent weeks I have heard that the school is on track for a construction start date in 2017 in the spring. But I do think it is amazing that it was 11 months since our last hearing until the sign-off last month. It took that long to get this approved. That is a very long delay, and I think we all thought it would be under construction by now.

So I just want to say I know the BIE is putting a lot of effort into restructuring the Agency to work better with tribal support of schools. But I want to make sure that in the process, it does not take so long, but also that there is still consideration for space for native language instruction and cultural activities. In particular at Beatrice Rafferty, part of the disagreement was about this additional cultural space.

So, again, I am happy we seem to have worked it out, but it has been a really long time, and it seems like it should not take so long. Can you share a little bit about the lessons that you have learned in the past few years of school construction so we do not keep repeating these delays, and disagreements on design and community input.

It seems to me a 3-year delay from appropriation until groundbreaking when the need is this high is unacceptable.

Mr. ROBERTS. Thank you for the question. I do agree with you, it is unacceptable. I know that we need to work very closely with the school and the tribe right now because we have obligated the funding to them to start construction. Quite frankly, because there are so many schools in poor condition, we should be moving as quickly as possible. Dr. Roessel and myself are planning to reach

out to the Beatrice Rafferty school to see what we can do to start moving this year. We should not be waiting until Fiscal Year 2017.

As to some of the lessons learned, I am relatively new to the school construction world, but it feels like we are going in fits and starts when we ought to be moving more in a streamlined fashion. And we should share with this committee our plan not only for the schools on the 2004 replacement list which are fully funded now, and we thank the committee for that, but also our schedule for the next 5 to 10 schools that need repair so that this committee knows and Indian Country knows what the schedule is moving forward. Let us lay out a strategic game plan to address this.

Kids cannot be in these schools. It is just unacceptable. And so, when Congress provides us the money, we need to work with tribes and move as quickly as possible to get that money working and new schools on the ground. Monty, is there anything you want to add in terms of lessons learned?

Mr. ROESSEL. I think one of the biggest lessons learned responds to just what you mentioned. What happens is the school will make a request to one office, which turn to my office, and then they turn to another office, you know the drill. Moving forward, we are going to all meet as a team from the very beginning.

The Division of Facility Management will meet with the school and with BIE at the same time so we do not have a letter lost in transit, so we get together and we can move. It will help us when we move forward to the new list so we can actually get moving quicker, and it will save a lot of time because that is one of the problems we have here. We are bouncing between offices, and that was a simple lesson to learn, but also a simple lesson to fix that we have already implemented moving forward.

Ms. PINGREE. I appreciate your thoughts, and I am glad that you see this as an opportunity to do things differently being relatively new to this committee and hearing so much about the need for construction throughout the country. I do hope you will report back to us and let us see how you are moving forward in the future because it seems unacceptable that we would finally get the construction funds for schools, which is hard enough to do in the first place and then that does not even move forward.

So I hope we will hear back from you, and that going forward, we actually see these things in action and at work.

Mr. ROESSEL. Absolutely.

Ms. PINGREE. Thank you. Thanks, Mr. Chair.

Mr. CALVERT. I agree with the gentlelady. You know, we want to do these projects as quickly as possible. We want to build a school that people expect, and we also want to make sure that the plans are done, and we do not get into change orders, in a VA kind of a situation where things spiral out of control as far as costs are concerned.

That is why I think it is always important to have somebody, a person, a project manager responsible that we can call and be held responsible for getting these projects done in a timely and economical fashion, and with the community's support. I cannot think of anything more important.

ALTERNATIVE FUNDING SOURCES FOR EDUCATION CONSTRUCTION

While we are on school construction, we have urged the Department and the Treasury to explore different ways to fund schools. We have a deplorable situation out there where we are way behind on school construction, and these schools are the Federal government's responsibility. And we are failing in that responsibility. They are in deplorable condition.

And our solution cannot be to just hope for funds to come available. And we have a lot of smart people out there in the finance world. We have gone through in the Department of Defense where we rebuilt all of the schools in the Department of Defense to great standards, and we owe no less to the Native Americans in this country.

We need to figure out a way to weave some kind of a tax, spending program. I am not quite sure what that is, but we have talked about it for the last year or so, where we can do something to get these schools under construction and built where we do not have these conditions.

Is the Department exploring these alternatives? And, if so, would you please update the committee on these efforts?

Mr. ROBERTS. Thank you, Chairman, for the question. We are exploring those opportunities. Kris Sarri from our Policy Management and Budget Office, principal deputy, is working directly with the Department of Treasury to figure out what options there may be. I do not have any updates for this committee today, but I know that our staff will be wanting to talk to your staff as soon as we do have some ideas moving forward, because it is an extremely complicated issue, and like you said, it is the Federal government's responsibility to fund those schools.

Where we struggle quite frankly is there have been other models out there which, you know, have provided bonds to school districts, for example. Obviously that raises a challenge here. But we do have someone that we have brought in on a temporary basis from the Department of Defense Education Office to assist us in looking at ways to fund these schools.

Mr. CALVERT. Well, you know, obviously there is a way forward. Every day that goes by not doing something, we just dig ourselves into a deeper hole. And I would expect that this would be a high priority within the Department to get this done. This is a bipartisan effort. We want to make sure this is completed. We do not want to talk about this again next year. We would like to figure out a way to do this and get it done, and maybe, if it is necessary, to have language in this year's appropriation bill.

Mr. ROBERTS. Okay.

Mr. CALVERT. Hoping we get through an appropriation bill, but that is another subject.

HOUSING NEEDS FOR EMPLOYEES & TRIBAL TRANSPORTATION

But with that, Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair. One of the things that we have found, whether it is in recruiting healthcare employees or employees to deliver education, two issues keep coming up. Both the tribes raise them as well as conversations that I have had with

people who might be looking at a career opportunity serving in Indian Country. One is a lack of housing.

Housing needs to be good for the people in the tribal nations. I want to make that very clear, and the roads need to be good for the people in the tribal nations. But the second issue is being able to recruit and hire permanent staff so there is consistency and continuity in care, continuity in education.

There are staff quarters at many locations, and when we talk to folks, they talk about the transportation issue, how far that they drive, and the condition of the roads. That also affects school transportation. Mr. Simpson is not here, but we have two different brands of fitness trackers that we wear to keep track of our activities, how much we are moving around during the day.

When we were in Navajo Country, Mike and I both noticed something. We laughed about it, but it really was not funny. We were on a school bus, and we both did 500 steps on each one of our different brands, so we knew that they tracked the same way. 500 steps sitting in a bus. Those are kids being jostled around every day, but that is also wear and tear on the equipment.

Can you talk about how the Administration is working on the Tribal Transportation Program, which is part of Fixing America's Surface Program? What are some of the things that we can be looking at to be more innovative for housing, whether it is rental or like some of the construction that they did on some of the military bases? If this is for staff, we can look at staff housing differently than we do the tribal nation members' housing perhaps, with the permission of that tribal nation and consultation with them.

So what are some of the ideas that you might have moving forward? Or if you can, get back to the committee with more information.

Mr. ROBERTS. I am happy to provide information. I am actually going to turn it over to Director Black. He is an engineer by trade, and road engineering is his background. I do know after talking with our transportation folks, for those roads that are already in good condition, the funding will cover the maintenance of those roads, so long as there are no catastrophic events, such as weather-related events. But roads are an extreme challenge for us, as well as housing.

But I am going to turn it over to Mike to provide a little more detail.

Mr. BLACK. Let me address the housing question first. We have identified that, just like many other agencies, as a serious need in our remote locations, especially for recruitment and retention of law enforcement and social services personnel.

We have been able to carve out some funding over the last few years to build some quarters for our law enforcement staff at some of our high priority locations. We will be looking at a couple more locations this year to try and get some new housing in there. It is just a matter of going through and trying to prioritize with the limited funding that we have, those areas with the most need right now. And we will continue to do that and evaluate that.

We have had conversations in the past with some of our tribes about the economic development opportunity it could be to build some apartments or duplexes or something that BIA could enter

into an agreement with a tribe to lease. So we are looking at our alternatives realizing the budgets are what the budgets are. We do have to get a little bit more creative in how we approach that.

PROCESS FOR PRIORITIZING SCHOOL CONSTRUCTION LISTS

Ms. MCCOLLUM. Thank you. Mr. Chairman, with your indulgence, I want to go back to the school inspections just for a second. We are going to have another panel, and I want to be able to hear some of your thoughts on some of the questions that are going to be put to them.

In Minnesota we have the Bug-O-Nay-Ge-Shig School, the Bug School we call it on the reservation. Secretary Jewell visited that school, and, I mean, she saw deplorable conditions. It was never built to be a building to house students. It was built to be something that you put snowplows in and things like that. It was not for built for people.

There are dozens of school facilities in need of replacement literally all over Indian Country. That is why we increased the replacement construction funding, and you know the dollars: school replacement construction by $25 million, facility replacement by $12 million.

We understand that you are finally close to finalizing a new list of priority replacement schools, and I have to say, as Mr. Amodei was saying, sometimes this is agonizing. "It will be next month," or, "we are going to have it next week." So I am going to point blank ask you: when can this committee expect to see a list? Because we are getting ready to mark up our bill.

Now since the GAO report is out, there are two things I need to understand beyond the status of these school and facility replacement lists. Can you explain to us, as you went through developing this new list, how inspections were done? I am not saying you should throw out this list. Even if you answer in a way that does not make me happy or proud of the inspections done, we still need a list that we can start working off of. Then, we can figure out how to fix that list later.

Can you explain whether the inspection process for creating these two lists that you are going to be working off of was the same one that GAO evaluated? If it was not, can you please let this committee know how you went about developing the list? Our understanding—and Mr. Calvert and I and others serve on the Defense Committee—was that you were going to go through a review very similar to what the Department of Defense did, and that is why you brought someone in from DODEA.

Seriously, gentlemen, if you say we need to go back and do more due diligence, that is an okay answer. It is an acceptable answer because when we know we can do better, then we should do better. Or is this list the gold standard for how you are going to do inspections in the future?

Mr. ROBERTS. So, Ranking Member, I will need to get back to you specifically on that question.

Ms. MCCOLLUM. That is fair enough.

[The information follows:]

There are three sources for facilities condition data input into the Indian Affairs Facilities Management System (IAFMS) that help calculate the Facilities Condition

Index (FCI). Schools that have an FCI indicating a school in poor condition were eligible to apply for ranking on the new replacement school list. The prioritization for projects on the new replacement facilities list will also be founded on the FCI based on data from the three sources.

The three sources of facilities condition data include: 1) Facility Condition Assessments (done by a contractor every three years), 2) annual safety inspections (performed by Regional Safety staff and referenced in the GAO report), and 3) local facilities or school staff. The majority of the data in IAFMS come from the Facility Condition Assessments. The condition of the facility, as measured by the FCI based on data from the three sources, was one of the seven criteria used in ranking applications for the school replacement list and was worth 65 points out of 100. Other criteria included crowding, declining or constrained enrollment, inappropriate educational space, accreditation risk, school age, and cultural space needs.

Mr. ROBERTS. But I will say on the list for campus-wide replacement, we had 10 schools that presented. I need to prioritize those schools in terms of the list. I hope to do that within weeks, not months. I understand that through negotiated rulemaking, the Department did not set the criteria for those lists, and that is why I need to get back to you about how they match up with GAO's list, because for the list of the 10 campus-wide replacement schools, a negotiated rulemaking process came up with the criteria. I hope to get the list out as soon as possible.

With regard to the Bug School, there is a whole other category of individual building replacements.

Ms. MCCOLLUM. Right.

Mr. ROBERTS. In terms of the Bug School and talking with everyone that has either been there or our career folks who are responsible for inspections, they know of no other building out there in as bad a condition as the Bug School, that was never intended to be used as a school.

Ms. MCCOLLUM. It was supposed to be temporary.

Mr. ROBERTS. Exactly. And so, on the facilities replacement list, I have asked my team for the information on individual buildings. We will use the money that this committee appropriated for facilities replacement to address a building in the very near future, and then we will need to work with Indian Country to come up with some sort of process to prioritize additional facilities replacement projects.

I am new to the negotiated rulemaking process that they put together so many years ago. In my mind, there were things that were not considered, like how many kids are being served by a particular school, or how close a school in very poor condition is to a new BIE facility. I think those types of things ought to be considered, but for this next 10 schools, for the campus-wide replacement, I am bound to follow the process that was part of the negotiated rulemaking.

Ms. MCCOLLUM. Thank you, Mr. Chair.

Mr. CALVERT. Thank you. If there are no further questions, we are going to wrap this up in a minute. Just one last comment. Do you have anything additional?

ROAD MAINTENANCE

Mr. CALVERT. Going back to what Ms. McCollum was saying when we were on the Navajo Reservation on that memorable bus ride. You would have thought with four senior members somebody

would have got a motor grader out there and graded that road out to the school. [Laughter.]

Mr. CALVERT. Or maybe they did that on purpose to send us a message, but it comes back to maintenance. The Navajo's reservation is, what, 17 million acres, and there are a lot of roads out there, a lot of dirt roads. I would assume that there is a crew of people that that is all they do is grade out these, because, it is impractical, I get it, to pave every road on the Navajo Reservation, for instance, or Pine Ridge, and some of these large reservations.

But you would certainly think they would have some kind of a maintenance program where they would, you know, have a motor grader go out on a normal maintenance schedule and maintain those roads because that is cost effective because the equipment would get blown up over a period of time, tires, everything else. Is that happening?

Mr. BLACK. Yes. I believe that is a 638 contract by the tribe, so they look at the priorities of what they need to do for maintenance activities. There again, as you said, you've got 17 million acres out there, and a lot of roads to cover out in Navajo with limited road maintenance funding. And then you also have to throw in that the funding is also used for ice and removal, not just maintenance and blading of the roads.

So you are looking at all those factors. You have a really bad winter, it really affects the amount of actual maintenance you can do on those roads.

I am still waiting to get a briefing on the new FAST Act to see exactly what is all in there. Under the previous transportation authorization bills, tribes had the ability to use 25 percent of their construction funding to put toward maintenance activities. That was solely up to the tribe to decide if they wanted to do that.

And it honestly became a rob Peter to pay Paul situation because construction is just as important out there as maintenance is. I mean, if we have better construction, we have reduced maintenance.

Mr. CALVERT. All right, thank you. And, gentlemen, I thank you again for being here today, for your continued efforts to lead in the face of tremendous adversity, the traditionally high turnover in all three of your positions, a testament to the challenges you face. We want to see you succeed. We hope that we can continue to be helpful partners so that you will stick around for a while to see through the many improvements that you are trying to make.

At this time, you are excused from the table and invited to take a seat in the front row while we call up our second panel. Thank you.

WEDNESDAY, MARCH 16, 2016.

INDIAN AFFAIRS AND OVERSIGHT OF BUREAU OF INDIAN EDUCATION SCHOOLS

WITNESS

MELISSA EMREY-ARRAS, DIRECTOR, EDUCATION, WORKFORCE, AND INCOME SECURITY, GOVERNMENT ACCOUNTABILITY OFFICE

OPENING REMARKS OF CHAIRMAN CALVERT

Mr. CALVERT. So we are going to shift gears and focus on more detail on oversight of BIE facilities, condition, and management. I would like to welcome back our witness from the Government Accountability Office, Melissa Emrey-Arras, if I pronounced that correctly.

Ms. EMREY-ARRAS. Yes, sir.

Mr. CALVERT. Okay. Director of Education at GAO's Education, Workforce, and Security team. Thank you for being here today and for GAO's continued efforts to spotlight the Bureau of Indian Education, including agreeing just yesterday to another study that digs down even deeper into accountability issues we will be discussing today. No doubt that your work has raised awareness on both sides of Capitol Hill, and awareness helps make our job a little less difficult.

Three years ago in this room, then Chairman Simpson convened a similar BIE oversight hearing in which GAO testified prior to finalizing a study we asked it to do regarding per people spending. GAO's testimony at that time helped the subcommittee push this Administration to make Indian education a much higher priority than before.

To its credit clearly, the Administration has stepped up, but we still have a long way to go. And I recognize the funding can help close part of that distance, but not all of it. As we see today, there continue to be some management and accountability issues, and perhaps even some legislative issues that must be addressed before significant funding can follow.

Before we turn to our witness, let me allow first our distinguished ranking member, Ms. McCollum, for any opening remarks that she may like to make.

OPENING REMARKS OF MS. MCCOLLUM

Ms. MCCOLLUM. Thank you, Mr. Chairman, and as you rightly pointed out, this committee over the past 16 years has been working with due diligence with two Administrations. The Obama Administration only stepped up to the plate after problems were pointed out.

This is not blaming anybody who is up here trying to solve the problem. This is the result of decades and decades and decades of neglect and failure of the Federal government to live up to its obligations. Anybody who was listening at all today to the previous panel who were testifying, knows we are working together to solve this problem and this issue.

That having been said, GAO has been closely investigating what seems like the endless challenges of the Bureau of Indian Education and providing safe schools. Management issues and lack of accountability are recurring themes, and I believe that GAO's involvement has helped us to really put a spotlight on the reform that is needed.

I would like to thank you and your colleagues for doing this important investigation, and for valuable recommendations to help us on this committee as we are working with the BIE and working in partnership with tribal nations to address what needs to happen,

because Indian students deserve a quality education. We must protect their rights to safe and healthy schools, not only so that they can succeed and so their nations succeed, but so that the United States of America can succeed in the future as well.

I look forward to discussing your findings in the spirit of cooperation and working with one and all to finally have a plan to bring this to an end. Thank you.

Mr. CALVERT. And thank you. Ms. Emrey-Arras, you are welcome to address our committee today. Thank you.

OPENING REMARKS OF MS. EMREY-ARRAS

Ms. EMREY-ARRAS. Chairman Calvert, Ranking Member McCollum, and members of the subcommittee, thank you for inviting me here today to discuss the results of the report we issued just last week on safety and health conditions of BIE schools.

For context, last year we testified before this subcommittee on the continued challenges Indian Affairs faces in overseeing and supporting BIE schools. Subsequently, we testified on Indian Affairs' systematic management challenges with BIE schools. We concluded that such challenges undermine its mission to provide Indian students with safe environments that are conducive to learning. We further noted that unless steps are promptly taken to address these challenges, it will be difficult for Indian Affairs to ensure the long-term success of a generation of Indian students.

My remarks today cover findings and recommendations from our recent report. Specifically, I will focus on two findings: one, the extent to which Indian Affairs has information on the safety and health conditions at BIE school facilities, and, two, the extent to which Indian Affairs has supported schools in addressing any safety and health deficiencies.

Regarding the first finding, we found the Indian Affairs does not have complete and accurate information on safety and health conditions at all BIE schools because of key weaknesses in its inspection program. In particular, Indian Affairs does not inspect all BIE schools annually as required by its own policy. Safety inspectors in BIA regional offices are responsible for conducting these annual inspections of all BIE schools to ensure compliance with Federal and Interior safety and health requirements.

Nevertheless, we found that 69 out of 180 BIE school locations were not inspected in Fiscal Year 2015. Further, 54 school locations received no inspections during the past four Fiscal Years, and some of these schools have not been inspected since 2008. Indian Affairs' own Division of Safety and Risk Management, which does not oversee BIA regional safety inspectors, knows that lack of inspections is a key risk to Indian Affairs' safety and health program.

We also found that Indian Affairs does not have complete and accurate information for the two-thirds of schools that it did inspect in Fiscal Year 2015 because it has not provided BIA inspectors with updated and comprehensive inspection guidance and tools. Accordingly, we have recommended that Indian Affairs, one, ensure all BIE schools are annually inspected for safety and health, and, two, revise its inspection guidance and tools. Indian Affairs agreed with these recommendations.

In terms of our second finding, we found that Indian Affairs is not providing schools with needed support in addressing deficiencies. Of the schools inspected in Fiscal Year 2014, about one-third or less had developed required abatement plans by June of 2015, outlining how they would correct the deficiencies cited in the inspections.

Furthermore, among the 16 schools we visited, several schools had not abated high-risk deficiencies within the timeframes required. Indian Affairs requires schools to abate high-risk deficiencies within 1 to 15 days. Examples of these include fire alarm systems that were turned off and missing fire extinguishers. At one school we visited, the inspection report listed over 160 serious hazards that should've been corrected within 15 days. However, the hazards went unaddressed and were still present during the next year's inspection.

Similarly at another we visited, we found significant delays in the response to the school's urgent safety issues. Specifically, a school boiler inspector found elevated levels of carbon monoxide and a gas leak in 50-year-old boilers in a student dorm. Although Indian Affairs' policy requires the school to address these serious deficiencies within 1 day, school officials told us most repairs were not completed until 8 months later, subjecting students living in the dorm to potentially critical safety hazards in the meantime.

Indian Affairs has not taken steps to build the capacity of school staff to abate safety and health deficiencies, such as offering basic training on how to conduct repairs to school facilities. We recommended that Indian Affairs develop a plan to build schools' capacity to promptly address these safety and health issues. Indian Affairs agreed.

Until Indian Affairs takes steps to implement our recommendations, it cannot ensure that the learning environments at BIE schools are safe, and it risks causing harm to the very children that it is charged with educating and protecting. Thank you.

[The statement of Ms. Emrey-Arras follows:]

United States Government Accountability Office

GAO

Testimony

Before the Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives

For Release on Delivery
Expected at 1:00 p.m. ET
Wednesday, March 16, 2016

INDIAN AFFAIRS

Key Actions Needed to Ensure Safety and Health at Indian School Facilities

Statement of Melissa Emrey-Arras, Director
Education, Workforce, and Income Security

GAO-16-391T

Chairman Calvert, Ranking Member McCollum, and Members of the Subcommittee:

I am pleased to be here today to discuss the findings from our recently issued report, entitled *Indian Affairs: Key Actions Needed to Ensure Safety and Health at Indian School Facilities*.[1] The Department of the Interior's (Interior) Office of the Assistant Secretary-Indian Affairs (Indian Affairs) is responsible for ensuring safe and healthy learning environments for over 47,000 Indian students at schools funded and overseen by the Bureau of Indian Education (BIE). Currently, there are 185 elementary and secondary schools at 180 locations on or near Indian reservations across the country.[2]

Indian Affairs oversees multiple bureaus and offices at the national and regional level that play a key role in ensuring safe and healthy conditions at BIE school facilities. The Division of Safety and Risk Management, within the Office of the Deputy Assistant Secretary of Management, provides technical assistance and leadership for Indian Affairs' safety and occupational health program.[3] This program is designed to ensure BIE schools are free from conditions that pose a threat to the safety and health of students and staff, among other purposes. The program includes safety requirements for BIE schools, including annual safety and health inspections, timely abatement of safety and health deficiencies, boiler inspections by certified inspectors, fire protection, and establishment of safety committees for all schools. Bureau of Indian Affairs (BIA) regional offices are responsible for administering this program, including conducting annual safety inspections at all BIE school locations. Ten BIA regions have school safety inspection responsibilities (see fig. 1).[4] BIA's Safety and Health Handbook for Field Operations lays the foundation for incorporating safety and health into the planning of all

[1] GAO, *Indian Affairs: Key Actions Needed to Ensure Safety and Health at Indian School Facilities*, GAO-16-313 (Washington, D.C.: March 10, 2016).

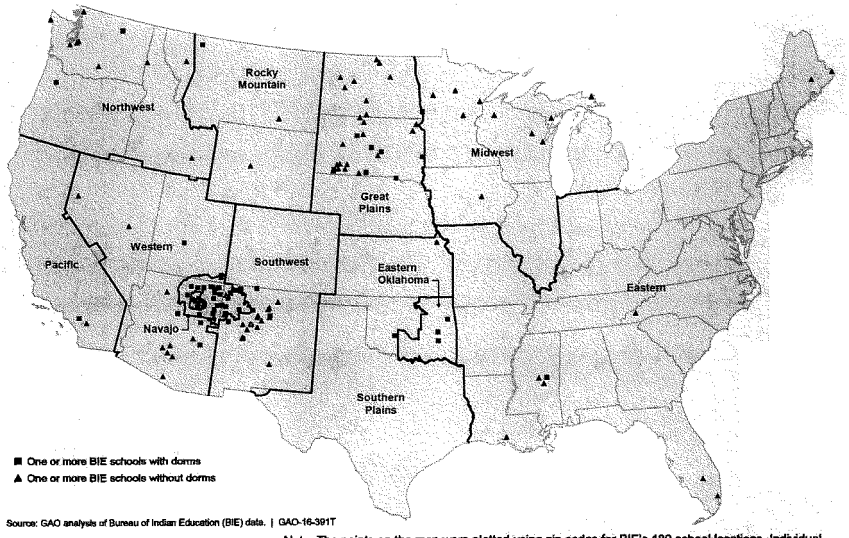
[2] For our analysis of BIE schools, we used Indian Affairs data on 180 school locations, which counts schools that are co-located as one school location. For more information, see GAO-16-313.

[3] In this testimony, we refer to the Division of Safety and Risk Management as Indian Affairs' safety office.

[4] Of the two remaining BIA regions, the Alaska Region does not have any schools, and the Pacific Region's inspection responsibilities are handled by the Western Region.

BIA work activities, including those related to schools.[5] Lastly, BIE oversees various educational functions for schools and works directly with schools to provide technical assistance on facility matters.

Figure 1: Locations of Bureau of Indian Education Schools by Bureau of Indian Affairs Region



Source: GAO analysis of Bureau of Indian Education (BIE) data. | GAO-16-391T

Note: The points on the map were plotted using zip codes for BIE's 180 school locations. Individual schools that are co-located and/or reside in the same zip code were grouped together.

[5] The Handbook also provides guidance on providing safe environments for students at all BIE-funded schools.

Over the past four decades, we have conducted a body of work on challenges related to Indian education, including longstanding issues with Indian Affairs' management of school facilities. Our work on BIE school facilities conducted in 1997 and 2003 highlighted the poor conditions at Indian schools and the need for more reliable national data to assess the condition of school facilities.[6] In February 2015, we testified before this committee on the continued challenges Indian Affairs faces in overseeing and supporting BIE school facilities.[7] Later in 2015, we testified on Indian Affairs' systemic management challenges with BIE schools and concluded that such challenges undermine its mission to provide Indian students with quality education opportunities and safe environments that are conducive to learning.[8] We further noted that unless steps are promptly taken to address these challenges, it will be difficult for Indian Affairs to ensure the long-term success of a generation of Indian students. In recent years, Interior's Inspector General and others have also reported issues with Indian Affairs' management of BIE schools, including some related to their facilities, and some of these reports have highlighted safety hazards at certain schools with the potential to seriously harm students.[9]

My statement today—summarizing findings from our recent report—addresses the extent to which Indian Affairs (1) has information on the

[6] GAO, *Bureau of Indian Affairs Schools: New Facilities Management Information System Promising, but Improved Data Accuracy Needed*, GAO-03-692 (Washington, D.C.: July 31, 2003); and GAO, *School Facilities: Reported Condition and Costs to Repair Schools Funded by Bureau of Indian Affairs*, GAO/HEHS-98-47 (Washington, D.C.: Dec. 31, 1997).

[7] GAO, *Indian Affairs: Preliminary Results Show Continued Challenges to the Oversight and Support of Education Facilities*, GAO-15-389T (Washington, D.C.: Feb. 27, 2015).

[8] GAO, *Indian Affairs: Further Actions on GAO Recommendations Needed to Address Systemic Management Challenges with Indian Education*, GAO-15-597T (Washington, D.C.: May 13, 2015); GAO, *Indian Affairs: Further Actions on GAO Recommendations Needed to Address Systemic Management Challenges with Indian Education*, GAO-15-539T (Washington, D.C.: April 22, 2015).

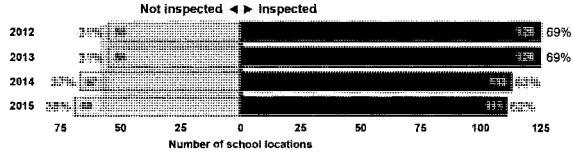
[9] Department of the Interior, Office of Inspector General, *Condition of Bureau of Indian Affairs Facilities at the Pine Hill Board Boarding School*, Report No.:C-IS-BIE-0023-2014-A (Washington, D.C.: Jan. 11, 2016); Department of the Interior, Office of Inspector General, *Bureau of Indian Affairs and Bureau of Indian Education: Schools in Need of Immediate Action*, C-IN-BIA-0008-2007 (Washington, D.C.: May 31, 2007); No Child Left Behind School Facilities and Construction Negotiated Rulemaking Committee, *Broken Promises, Broken Schools* (Washington, D.C.: December 2011).

safety and health conditions at BIE school facilities and (2) supported schools in addressing any safety and health deficiencies at school facilities and monitored whether schools have established required safety committees.[10] To conduct this work, we analyzed agency data from fiscal years 2012 through 2015 to determine the frequency of school safety and health inspections, visited 16 BIE schools across the country, examined Indian Affairs' practices against its policies and federal standards for internal control, and interviewed agency and school officials. Our recent report, on which this testimony is based, was prepared in accordance with generally accepted government auditing standards.

Indian Affairs Does Not Have Complete and Accurate Information on School Safety and Health

We found that Indian Affairs does not have complete and accurate information on safety and health conditions at all BIE schools because of key weaknesses in its inspection program. In particular, Indian Affairs does not inspect all BIE schools annually as required by Indian Affairs' policy, limiting information on school safety and health. We found that 69 out of 180 BIE school locations were not inspected in fiscal year 2015, an increase from 55 locations in fiscal year 2012 (see fig. 2). Further, we determined that 54 school locations received no inspections during the past 4 fiscal years.

Figure 2: Number of Bureau of Indian Education School Locations Inspected Annually by Indian Affairs for Safety and Health, Fiscal Years 2012-2015



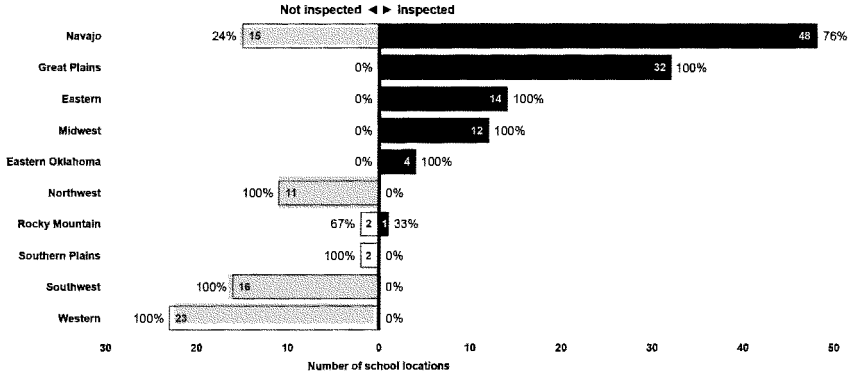
Source: GAO analysis of Indian Affairs data and documentation. | GAO-16-391T

At the regional level, Indian Affairs did not conduct any annual school safety and health inspections in 4 of BIA's 10 regions with school facility responsibilities—the Northwest, Southern Plains, Southwest, and Western regions—in fiscal year 2015, accounting for 52 of the 180 school

[10] GAO-16-313.

locations (see fig. 3). Further, the same four regions did not conduct any school inspections during the previous 3 fiscal years. In the Western region, we found three schools that had not been inspected since fiscal year 2008 and three more that had not been inspected since fiscal year 2009. Indian Affairs' safety office considers the lack of inspections a key risk to its safety and health program.

Figure 3: Number of Annual Safety and Health Inspections of Bureau of Indian Education School Locations by Bureau of Indian Affairs Region, Fiscal Year 2015



Source: GAO analysis of Indian Affairs data and documentation. | GAO-16-391T

BIA regional safety officers that we spoke with cited three key factors affecting their ability to conduct required annual safety and health inspections: (1) extended vacancies among BIA regional safety staff, (2) uneven workload distribution among BIA regions, and (3) limited travel budgets. Officials told us that one BIA region's only safety position was vacant for about 10 years due to funding constraints. As an example of uneven workload distribution, one BIA region had two schools with one safety inspector position, while another region had 32 schools with one safety inspector position.

Currently, Indian Affairs has not taken actions to ensure all schools are annually inspected. Without conducting annual inspections at all school locations, Indian Affairs does not have complete information on the

frequency and severity of safety and health deficiencies at all BIE school locations and cannot ensure these facilities are safe for students and staff and currently meet safety and health requirements.

We also found that Indian Affairs does not have complete and accurate information for the two-thirds of schools that it did inspect in fiscal year 2015 because it has not provided BIA inspectors with updated and comprehensive inspection guidance and tools. In particular, we found that Indian Affairs' inspection guidance lacks comprehensive procedures on how inspections should be conducted, which Indian Affairs' safety office acknowledged. For example, BIA's Safety and Health Handbook—last updated in 2004—provides an overview of the safety and health inspection program but does not specify the steps inspectors should take to conduct an inspection. Further, according to some regional safety staff, Indian Affairs does not compile and provide inspectors with a reference guide for all relevant current safety and health standards.

At the same time, BIA inspectors use inconsistent inspection practices, which may limit the completeness and accuracy of Indian Affairs' information on school safety and health. For example, at one school we visited, school officials told us that the regional safety inspector conducted an inspection from his car and did not inspect the interior of the school's facilities, which include 34 buildings. The inspector's report comprised a single page and identified no deficiencies inside buildings. Concerned about the lack of completeness of the inspection, school officials said they arranged with the Indian Health Service (IHS) within the Department of Health and Human Services to inspect their facilities. IHS identified multiple serious safety and health problems, including electrical shock hazards, emergency lighting and fire alarms that did not work, and fire doors that were difficult to open or close.

Currently, Indian Affairs does not systematically evaluate the thoroughness of school safety and health inspections and monitor the extent to which inspection procedures vary within and across regions. According to federal internal control standards, internal control monitoring should be ongoing and assess program performance, among other aspects of an agency's operations.[11] Without monitoring whether safety

[11] GAO, *Standards for Internal Control in the Federal Government*, GAO/AIMD-00-21.3.1 (Washington, D.C.: November 1999) and *Internal Control Standards: Internal Control Management and Evaluation Tool*, GAO-01-1008G (Washington, D.C.: August 2001).

inspectors across BIA regions are consistently following inspection procedures and guidance, inspections in different regions may continue to vary in completeness and miss important safety and health deficiencies at schools that could pose dangers to students and staff.

To support the collection of complete and accurate safety and health information on the condition of BIE school facilities nationally, we recommended that Interior (1) ensure all BIE schools are annually inspected for safety and health, as required by its policy, and that inspection information is complete and accurate and (2) revise its inspection guidance and tools, require that regional safety inspectors use them, and monitor safety inspectors' use of procedures and tools across regions to ensure they are consistently adopted. Interior agreed with these recommendations.

Indian Affairs Is Not Providing Schools with Needed Support in Addressing Deficiencies or Consistently Monitoring Whether They Have Established Safety Committees

We also found that Indian Affairs is not providing schools with needed support in addressing deficiencies or consistently monitoring whether they have established safety committees, which are required by Indian Affairs. In particular, according to Indian Affairs information, one-third or less of the 113 schools inspected in fiscal year 2014 had abatement plans in place, as of June 2015.[12] Interior requires that schools put in place such plans for any deficiencies inspectors identify.[13] Because such plans are required to include time frames, steps, and priorities for abatement, they are an initial step in demonstrating how schools will address deficiencies identified in both annual safety and health and boiler inspection reports.

Among the 16 schools we visited, several schools had not abated high-risk deficiencies within the time frames required by Indian Affairs. Indian Affairs requires schools to abate high-risk deficiencies within 1 to 15 days, but we found that inspections of some schools identified serious unabated deficiencies that repeated from one year to the next year. For example, we reviewed inspection documents for two schools and found numerous examples of serious "repeat" deficiencies—those that were identified in the prior year's inspection and should have been corrected soon afterward but were not. One school's report identified 12 repeat

[12] For more information on abatement plans, see GAO-16-313.

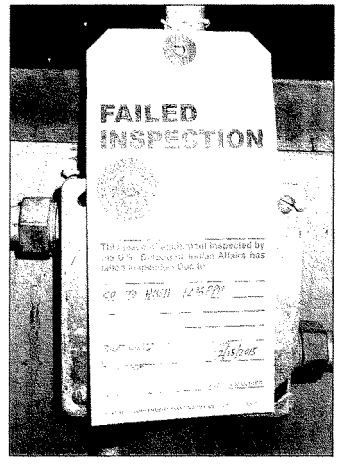
[13] Indian Affairs regards abatement plans that are finalized and approved by schools to be "in place" and ready to be implemented.

deficiencies that were assigned Interior's highest risk assessment category, which represents an immediate threat to students' and staff safety and health and require correction within a day. Examples include fire doors that did not close properly; fire alarm systems that were turned off; and obstructions that hindered access/egress to building corridors, exits, and elevators. Another school's inspection report showed over 160 serious hazards that should have been corrected within 15 days, including missing fire extinguishers, and exit signs and emergency lights that did not work.

Besides these repeat deficiencies, we also found that some schools we visited took significantly longer than Indian Affairs' required time frames to abate high-risk deficiencies. For example, at one school, 7 of the school's 11 boilers failed inspection in 2015 due to various high-risk deficiencies, including elevated levels of carbon monoxide and a natural gas leak (see fig. 4).[14] Four of the 7 boilers that failed inspection were located in a student dormitory. The inspection report designated most of these boiler deficiencies as critical hazards that posed an imminent danger to life and health, which required the school to address them within a day. School officials told us they continued to operate the boilers and use the dormitory after the inspection because there was no backup system or other building available to house the students. Despite the serious risks to students and staff, most repairs were not completed for about 8 months after the boiler inspection. Indian Affairs and school officials could not provide an explanation for why repairs took significantly longer than Indian Affairs' required time frames.

[14] Carbon monoxide is a gas that can cause poisoning where there is exposure. According to Indian Affairs officials, it is typically measured in the exhaust stack of the boiler. Natural gas is the fuel supply for the boiler, and a leak in the supply line can present an explosion hazard.

Figure 4: A Boiler in a Bureau of Indian Education Classroom Building That Failed Inspection Because of Elevated Levels of Carbon Monoxide Gas



Source: GAO. | GAO-15-391T

Limited capacity among school staff, challenges recording abatement information in the data system, and limited funding have hindered schools' development and implementation of abatement plans, according to school and Indian Affairs officials. Additionally, Indian Affairs has not taken needed steps to build the capacity of school staff to abate safety and health deficiencies, such as by offering basic training for staff in how to maintain and conduct repairs to school facilities. While some regional officials told us that they may provide limited assistance to schools when asked, such ad hoc assistance is not likely to build schools' capacity to abate deficiencies because it does not address the larger challenges faced by schools. Several officials at Indian Affairs' safety office and BIA regional offices acknowledged they do not have a plan to build schools' capacity to address safety and health deficiencies. Absent such a plan, schools will continue to face difficulties in addressing unsafe and unhealthy conditions in school buildings.

Finally, we found that Indian Affairs has not consistently monitored whether schools have established safety committees, despite policy requirements for BIA regions to ensure all schools do so. Safety committees, which are composed of school staff and students, are vital in preventing injuries and eliminating hazards, according to Indian Affairs guidance. Examples of committee activities may include reviewing inspection reports or identifying problems and making recommendations to abate unhealthy or unsafe conditions. However, BIA safety officials we interviewed in three regions estimated that about half or fewer of BIE schools had created safety committees in their respective regions, though they were unable to confirm this because they do not actively track safety committees. Without more systemic monitoring, Indian Affairs is not in a position to know whether schools have fulfilled this important requirement.

To ensure that all BIE schools are positioned to address safety and health problems with their facilities and provide student environments that are free from hazards, we recommended that Interior (1) develop a plan to build schools' capacity to promptly address safety and health problems with facilities and (2) consistently monitor whether schools have established required safety committees. Interior agreed with these recommendations.

In conclusion, because Indian Affairs has neither conducted required annual inspections for BIE schools nationwide nor provided updated guidance and tools to its safety inspectors, it lacks complete and accurate safety and health information on school facilities. As a result, Indian Affairs cannot effectively determine the magnitude and severity of safety and health deficiencies at schools and is thus unable to prioritize deficiencies that pose the greatest danger to students and staff. Further, Indian Affairs has not developed a plan to build schools' capacity to promptly address deficiencies or consistently monitored whether schools have established required safety committees. Without taking steps to improve oversight and support for BIE schools in these key areas, Indian Affairs cannot ensure that the learning and work environments at BIE schools are safe, and it risks causing harm to the very children that it is charged with educating and protecting. Interior agreed with our recommendations to address these issues and noted several actions it plans to take.

Chairman Calvert, Ranking Member McCollum, and Members of the Subcommittee, this concludes my prepared remarks. I will be happy to answer any questions you may have.

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MELISSA EMREY-ARRAS—U.S. Government Accountability Office (GAO)

Melissa Emrey-Arras is a Director of education issues in GAO's Education, Workforce and Income Security team. She oversees national studies on both K-12 and higher education issues. In November, her team published a report examining oversight of school spending at Bureau of Indian Education (BIE) schools and she is currently leading a review of the conditions of BIE school facilities. Prior to coming to GAO in 2001, Ms. Emrey-Arras worked at a consulting company that assisted state and local government clients. She also worked for a number of years in non-profit agencies serving children and families. Ms. Emrey-Arras received a master's degree in public policy from Harvard's Kennedy School of Government, where she was awarded the Manuel C. Carballo prize for graduate research affecting the poor and disadvantaged. She also has a bachelor's degree from Swarthmore College.

Mr. CALVERT. Thank you. I am going to ask some simple questions here and get this going.

SCHOOL INSPECTIONS

Why is it important that the BIA inspect BIE schools annually?

Ms. EMREY-ARRAS. We are dealing with really fundamental safety issues, like fire safety. We want to make sure that if there is a fire that there are sprinklers, that there are alarms, and that children and staff can get out.

Mr. CALVERT. What effect has uneven workload distribution had on BIA safety inspections?

Ms. EMREY-ARRAS. That is a really good question. We heard that was one of the reasons why inspections were not occurring, though it is a bit of a mystery to us because there were regions that had far more inspections on their plates and they managed to get them done while others that only had a couple did not. There was one region that only had two schools but did not inspect either of them, and one was within walking distance.

So, we heard the issue about workload, but it is somewhat of a mystery to us given some of the circumstances we have learned about.

Mr. CALVERT. In that view, were there any example schools that were not inspected during the past 4 Fiscal Years that were within driving distance of regional offices?

Ms. EMREY-ARRAS. Definitely. In addition to the one that was within 300 yards. Specifically, in the southwest region where no inspections took place over 4 years, six of the schools are within the 50 miles of the regional office. Similarly, in the western region there were no inspections for the last 4 Fiscal Years, though three schools are within 50 miles of the regional office. While we heard that travel budgets were an issue, and that may be an issue for schools that are farther away, we had trouble understanding why it was an issue for schools that were relatively closer to the regional offices.

PERFORMANCE EVALUATIONS

Mr. CALVERT. What authority does Indian Affairs' safety office have over BIA regional safety inspectors?

Ms. EMREY-ARRAS. None.

Mr. CALVERT. And this question, I guess, to cap it off. Is it reasonable to expect that every employee, having line authority over facility inspections also have 100 percent inspection rate criterion in his or her annual performance evaluation?

Ms. EMREY-ARRAS. That is an excellent question, and I am really glad that this subcommittee has asked us to do further work around performance management so we can really dig in deep. I would tell you that a high-level official from the Agency told us that in his opinion, he felt that people should be held completely accountable for doing 100 percent of the inspections. He said it should be rated as "unacceptable"if they do not.

Mr. CALVERT. Thank you. Ms. McCollum.

FIRE INSPECTIONS

Ms. MCCOLLUM. Thank you. Not that this would be a good fit everywhere because of distance, but could a tribal nation work with a local fire department to come out and do fire safety inspections? Could the Bureau, for basic fire inspections, figure out some way to make that happen, so that at least at a minimum, fire inspections are taking place?

Ms. EMREY-ARRAS. I would defer to the Department on the interpretation of their own policy. But, I would think that you would want at a minimum someone checking to make sure that the systems were working.

Ms. MCCOLLUM. Mr. Chair, we would have to work with the tribal nations and work with the Bureau on that, but that might be a quick way to do fire inspections, and the reimburse fire departments for travel. There are plenty of places we have been where there is not a local fire department nearby, but there were other places in Indian Country where you can see the fire station across the way.

That would not be for every safety inspection, but at a minimum to have fire, life, health, and safety, and occupancy inspections done. But that would have to be done in partnership, and it might not work everywhere.

What happens to a school when it cannot properly address these deficiencies? What steps should the BIE be taking to ensure that they do, and how is the tracking done? You have started doing these inspections. You turn them over. What has been the follow-up?

Ms. EMREY-ARRAS. Right. I think what is of greatest concern to us is the repeat violations, especially the serious ones. You have a smaller group that are being inspected, and let us say you have one that is inspected from year to year. To see in one case 160 serious hazards reappearing, that is a significant concern. Those hazards should have been addressed within 15 days, and should not reappear a year later.

Inspections need to happen annually so you know what the issues are to begin with. If you do not have an inspection, you do not know what you are starting with. Once you have an inspection done, you need to make sure that it is done in a complete way.

There is tremendous variability right now, which is not a good thing. We heard about an inspector, for example, who did a drive-by inspection of a school from his car, never got out of the door and never looked into the 34 school buildings, did a one-page report, and reported no issues, not surprisingly, with any of the interiors of the buildings.

So, it is not enough just to have an inspection. You need to have a good inspection, and that is why we recommended that the Agency require guidance and instructions to make sure that they are of a high standard. So you need to have inspections done, and then you need to be able to document what those deficiencies are and target the most serious ones and address them, and work with the schools.

We recommended that the Agency work with the schools to build capacity to address these deficiencies. The Agency agreed but did

not put forth a plan for doing so. We think it is important that the Agency develop a plan to build that capacity, provide training, provide assistance so that people can, in fact, address the problems.

Ms. MCCOLLUM. Mr. Chair, I have been a schoolteacher in my past life, and I was in a building in North St. Paul that the fire marshal told the school district either replace it, or you have to cordon it off and not use certain classrooms anymore because they could not get folks out. It led the school district to have to pass a bond referendum to build a new high school. Part of the impetus of that was that the Minnesota fire inspector along with our local fire inspector finally said enough is enough.

The chairman was saying, we are going to work together, and I want to stress this. We have a willing partner in trying to fix this. But we have to have a plan to fix it, because as more of these inspections bring things to light, there is going to be more pent-up demand to do it right. We are not going to want these children to be sitting there waiting, once we identify the schools as unsafe.

I want to thank you for your work. Once again, to the people who were here earlier, this is something that everybody is working on together. But any inspector that did a drive-by inspection and said that was a good job is a person who needs to be held accountable. That is a person who needs to be, in my mind, disciplined for not doing their job properly, because that puts a bad reflection on every single Federal employee who is working so hard to solve this problem. It just paints everybody with a brush.

At a minimum these fire inspections and occupancy inspections need to be done. We need to figure out a way to make those happen, but we also need to know that when we get that report back, it is going to mean even more work for all of us to solve this problem. Thank you, Mr. Chair.

Mr. CALVERT. Thank you. Okay, Ms. Pingree, and then there was something I was going to clarify, but I will do it later. Ms. Pingree.

Ms. PINGREE. I will pass.

BIE SCHOOL CONSTRUCTION

Mr. CALVERT. You pass? Okay. I just want to clarify one point from your testimony and from the questions. Indian Affairs is wrapping up a new construction list. Is that correct?

Ms. EMREY-ARRAS. Yes.

Mr. CALVERT. Which is based on school condition, which is based on inspections, which are not getting done. Is that accurate?

Ms. EMREY-ARRAS. Safety inspections feed into a larger facility data system, along with other types of inspections, but are limited to looking at fire safety issues, OSHA standards, and the like. They do not cover everything related to a building, but the deficiencies that are identified are supposed to be entered into the larger system, which does bring up a concern that if you do not have that inspection, you do not have that data in the system, or if you have the inspection, but that information is not entered in regarding the deficiencies, then you are also at a loss and not benefitting from that knowledge. There are a lot of gaps in the system.

Mr. CALVERT. I think that we all should be concerned about culturally. If an institution is not doing its most basic responsibilities,

this is a basic responsibility, school safety, what does that mean to the rest of the institution? I mean, that begs that question.

Ms. EMREY-ARRAS. It does not send a promising signal to those children.

Mr. CALVERT. No. Any other questions?

[No response.]

GAO RECOMMENDATIONS

Mr. CALVERT. Okay. I guess I have an additional question here my staff wants me to ask. GAO has built a significant body of work over the last 3 years on Indian education. Can you take a few minutes to recap or update us on some of your prior recommendations that are changing too slowly in your opinion?

Ms. EMREY-ARRAS. Certainly. Prior to this report that we released last week, we had several other reports that we have done for this subcommittee, and we thank you for your leadership on this front. I think we have made a big difference because of your efforts.

Of those prior reports, seven of our nine recommendations are still open. They have not been implemented, and many of them have to deal with really fundamental issues. For example, we had done a report on oversight of school spending, making sure that money is not going, to an offshore account, for example, and that money is going directly to help students, and not just sitting around.

And we put forward really basic recommendations, like having written procedures to oversee school expenditures a risk-based approach to make sure you are focusing on the highest risk situations and targeting your oversight there. To our knowledge, nothing has been done on those, and we think that those are really critical, especially when funding is limited to make sure that the funds that are available are being spent the way that they are intended.

Mr. CALVERT. Thank you. This is disturbing. Ms. McCollum.

Ms. MCCOLLUM. Mr. Chair, this goes to our institutional responsibility as the House of Representatives. I serve on the Legislative Branch Appropriations Subcommittee. That bill continues to cut GAO and CRS, which are direct extensions to our offices. It prohibits us from doing the oversight that we want to do, that we need to do. I think we need to start talking to our colleagues on the Appropriations Committee, and our colleagues in general, as to how much not only have we cut our personal offices from being able to do things, but we have cut to the bone, GAO, and inspector general offices, and CRS. We will start making it impossible for us to do the great oversight that was done here today, so that we can work in partnership to solve problems and move things forward for taxpayers and for people who depend upon us to do our jobs right.

So, I want to thank you for the report, but I am sure that there are other things that GAO has been asked to do that they are not able to do because of cuts that have happened in the Legislative Branch appropriations over the past several years. I just wanted that on the record and out there.

Mr. CALVERT. I thank the gentlelady, and I hope at some point we can come up to a budget agreement, and we can move on down

on some of these issues. That is above my pay grade right now, but I am working on it.

But I certainly thank you for coming here today and sharing this information with us, and hopefully we will get the various agencies to act the proper way. They are all here. They listened. So hopefully when we asked them for a report here in a couple of months, we have some positive information that they can share with the committee.

With that, we are adjourned.

U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Budget Hearing: Indian Affairs
March 16, 2016

Questions for the Record

Questions from Mr. Calvert

School Inspections

Last week, GAO released its most recent report on Bureau of Indian Education schools. Most alarmingly, the report says that 69 out of 180 BIE school locations were not inspected for health and safety in fiscal year 2015. That is unacceptable. In the entire $2.9 billion Indian Affairs budget, I cannot imagine a higher priority than protecting the health and safety of children attending our schools and sleeping in our dormitories.

Calvert Q1: Why did some BIA regions inspect all schools, while others inspected no schools in recent years? Specifically, why were some regions with large numbers of schools and significant travel distances able to conduct all inspections in 2015 while others were not?

Answer: The number of safety inspections is driven by the number of qualified inspectors available to conduct the inspections at the Regions. In recent years, the number of qualified inspectors at several regions has been limited by retirements and the difficulty in hiring qualified replacements.

Calvert Q2: Does your fiscal year 2017 budget proposal contain enough funding to ensure that all 180 school locations are properly, and annually, inspected?

Answer: The President's 2017 Budget request includes a $1.3 million increase in funding for Regional Safety Management. This budget request includes an increase of 19 FTE for the Regional Safety Management Program which will enable Indian Affairs to complete the necessary inspections of BIA and BIE facilities.

Calvert Q3: If not, how much additional funding do you need to ensure that the inspections and every other recommendation in this GAO report have been completed by the end of fiscal year 2017?

Answer: BIA's budget request for FY 2017 (+$1.3 million for the Regional Safety Management Program) is sufficient to complete annual inspections required at all BIA and BIE facilities during FY 2017.

Calvert Q4: Will you work with the subcommittee to identify lower priorities in the Indian Affairs budget to help pay for inspections, if necessary?

Answer: Indian Affairs is committed to completing all required safety inspections in 2016 and will make available the necessary resources to do so within available funds. The 2017 budget request includes an increase of $1.3 million for 19 FTE for the Regional Safety Management Program to provide funding sufficient to complete annual inspections required at all BIA and BIE facilities during FY 2017 so that resources will not be diverted from other vital Indian Affairs programs in future years.

Calvert Q5: How many employees of Indian Affairs or its bureaus have been fired or otherwise reprimanded because of failures to inspect in fiscal year 2015?

Answer: To date, no employees have been fired due to a failure to complete inspections during FY 2015, although BIA continues to evaluate the Inspector General's report and the Safety Management program. If it is determined disciplinary action is necessary, appropriate actions will be taken at that time.

Indian Affairs has tasked a responsible official and safety officer to complete 100 percent of the safety inspections at BIE facilities in FY 2016. Regions are being required to develop a schedule to complete inspections of all BIE facilities under their respective jurisdictions, and to communicate the resulting safety deficiencies to the appropriate line officer. In order to facilitate the success of this objective, a specific performance standard is being developed for senior executives, responsible officials, and safety officers that will hold these employees accountable for completion of safety inspections for all BIE facilities in FY 2016.

Calvert Q6: Is there a plan and timeframe in place for Bureau of Indian Education to assume the responsibility from the Bureau of Indian Affairs for managing school facilities?

Answer: Yes, there is a plan. The FY 2017 budget request proposes to build capacities in the School Operations Division - Facilities Operations within the Bureau of Indian Education (BIE). Upon enactment of the FY2017 budget, full operational capability under the BIE Director is anticipated by the end of FY 2017.

Public Safety and Justice

I'm concerned about your proposed $4.6 million net decrease in funding for public safety and justice. The subcommittee consistently hears from tribes that funding is insufficient to implement the Tribal Law and Order Act and the Violence Against Women Act.

Calvert Q7: In a budget that proposes an overall increase of $138 million, why are you cutting back on public safety and justice?

Answer: The 2017 Budget supports public safety and justice programs in Indian Country with $373 million for BIA. BIA justice services programs continue investments to reduce violent crime in Indian Country and support continued implementation of a strategic goal to reduce repeat incarceration in targeted communities through a comprehensive "alternatives to incarceration" strategy, which seeks to address underlying causes of repeat offenses, including substance abuse and social service needs through tribal and Federal partnerships.

At $20.6 million above the FY 2015 enacted level and $9.0 million above the FY 2016 President's Budget, the FY 2017 request for Public Safety and Justice programs enables IA to apply an additional $2.6 million into Tribal Courts (TPA), the number three FY 2017 tribal priority, while continuing to strengthen and support tribal judicial systems, including those in P.L. 280 States. The resources added for Tribal Justice Support by the Congress to our FY 2016 budget request are valuable in making progress toward more functional tribal justice systems throughout the nation. The FY 2017 budget request was able to maintain $1.8 million of this increase to further these efforts. Indian Affairs' FY 2017 budget was developed through an extensive process that takes into account various inputs including, extensive engagement with tribal leaders from all levels of Indian Affairs leadership, current budget realities and constrains, and program evaluations and capacity considerations. In addition, the appropriation of extra Tribal Justice Support funding occurred as the FY 2017 formulation process was reaching its conclusion which made it difficult to account for the full amount in the budget.

Calvert Q8: Assuming your proposed increases for detention/corrections and tribal courts are enacted, what would be your remaining highest underfunded priorities within the Public Safety and Justice budget activity? In other words, if Congress can restore the proposed cut, where should we focus the funding?

Answer: The operational costs of public safety programs grow every year for the BIA and tribes. Despite our ongoing efforts to maximize the efficiency of program operation, we are faced with ever increasing costs in wage and benefits, training, fuel, and replacement vehicles, technology, firearms, and tactical equipment. Our Criminal Investigation and Police Services (CI&P) program line is the largest within the PS&J budget activity, and accordingly, it is where the impact of cost increases on our level of service is felt most severely. With approximately 75% of CI&P funding going directly for salaries and benefits, increases to this funding lead directly to more police officers detecting and deterring in their communities, more criminal investigators solving crimes, and more disruptions to criminal activity which ultimately result in safer Indian communities. Further, the BIA and tribes continue to face resource challenges resulting from the FY 2013 permanent five percent sequester reduction of $9.2 million to the CI&P program.

Violence Against Women Act

It is my understanding that as of today, 8 tribes have met the requirements to exercise special domestic violence criminal jurisdiction (SDVCJ) over non-Indians under the pilot program authorized by the Violence Against Women Act of 2013. I also understand that 45 other tribes are working towards implementation through their involvement in the Intertribal Technical-Assistance Working Group on Special Domestic Violence Criminal Jurisdiction (ITWG). But despite seeing this increased interest from tribes, Secretary Jewell testified a few weeks ago that the pilot project was going "frustratingly slow."

Calvert Q9: Can you provide us with a status update on the pilot program and explain why Secretary Jewell might have expressed concern over the speed of implementation? How are you defining success within the parameters of the pilot program?

Answer: The Violence Against Women Act of 2013's section 908(b)(1) provided that Indian tribes generally could not exercise special domestic violence criminal jurisdiction (SDVCJ) until at least two years after the date of VAWA enactment—namely on or after March 7, 2015. However, section 908(b)(2) established a "Pilot Project" that authorized the Attorney General to grant an Indian tribe's request to be designated as a "participating tribe" on an accelerated basis, and to commence exercising SDVCJ prior to March 7, 2015. The Attorney General granted these requests and set dates after coordinating with the Secretary of the Interior, consulting with affected tribes, and concluding that the tribe's criminal justice system had adequate safeguards in place to protect defendants' rights under the Indian Civil Rights Act of 1968, as amended by VAWA 2013.

BIA-OJS's tribal court assessments provided important information on whether a tribe had adequate safeguards in place to merit approval for Pilot Project phase participation. Under VAWA SDVCJ authority, an Indian tribe must protect the rights of defendants under the Indian Civil Rights Act of 1968, including the right to due process, which requires a fair cross-section of the community in jury pools which does not systematically exclude non-Indians. Further, due process also requires informing defendants detained by a tribal court of their right to file federal *habeas corpus* petitions. During the Pilot Project phase, it was our opinion that the extent to which each Indian tribe moves through the approval process and demonstrates they had met these particular requirements is the most appropriate measure of success.

The Department of Justice approved five Indian tribes to exercise SDVCJ on an accelerated basis during the Pilot Project phase of VAWA SDVCJ implementation. Three of those five (Confederated Tribes of the Umatilla Indian Reservation; Pascua Yaqui Tribe; and The Tulalip Tribes) have been exercising SDVCJ since February 20, 2014. The Fort Peck Assiniboine and Sioux Tribes, along with the Sisseton-Wahpeton Oyate, were approved on March 6, 2015. The Pilot Project phase of VAWA SDVCJ implementation ended once Indian tribes officially began exercising special domestic violence criminal jurisdiction (after March 7, 2015). Since the fully effective date on March 7, 2015, several other Indian tribes have implemented SDVCJ, including the Eastern Band of Cherokee Indians.

The Intertribal Technical-Assistance Working Group (ITWG) is a voluntary working group of designated tribal representatives launched by the Department of Justice as part of the Pilot Project phase of VAWA SDVCJ implementation. The Department of Interior's federal representatives included the Bureau of Indian Affairs Office of Justice Services (BIA-OJS) and the Solicitor's Office. The Department of Justice (DOJ) representatives included the Office on Violence Against Women, Office of Tribal Justice, Executive Office for United States Attorneys, Office of Justice Programs, and others. Tribal and Federal participants alike found the ITWG discussions to be truly collaborative and the highlight of the Pilot Project phase.

At this point, it is up to each Indian tribe to decide whether or not to exercise special domestic violence criminal jurisdiction. The most significant barrier to implementation is consistently identified by tribes as recurring annual funding to meet requirements of the tribal court under the law such as law-trained judges.

Calvert Q10: Are there certain issues, not related to funding, that tribes are consistently facing when working towards implementation?

Answer: Indian Tribes consistently identify the lack of recurring annual funding for tribal courts as the primary barrier to implementation. Another fundamental challenge identified by tribes is training for tribal court personnel. In FY 2015, the BIA's appropriation included $1.0 million to provide training to Indian tribes pursuant to VAWA 2013, as tribal justice systems are the core to successful implementation of special domestic violence criminal jurisdiction (SDVCJ). The ability of a tribal court—including judges, prosecutors, defenders, advocates, court administrators—to effectively process a SDVCJ case is imperative to the safety of victims and communities.

The BIA Office of Justice Services has partnered with Indian tribes to enable tribal experts to train other tribes interested in prosecuting under VAWA SDVCJ, and protecting their communities using protection orders. The BIA Office of Justice Services has partnered with the Pascua Yaqui Tribe, The Tulalip Tribes, Association of Village Council Presidents, and Sisseton-Wahpeton Oyate to host VAWA-focused trainings tailored to include tribal leaders, judges, prosecutors, defenders, and law enforcement. The court advocacy training sessions are tailored from real life SDVCJ situations already experienced by these Indian tribes. Future trainings are in development and being coordinated with the Eastern Band of Cherokee Indians and the Aleut Community of Saint Paul Island.

Calvert Q11: How many tribes do you expect to begin exercising SDVCJ by the end of this year?

Answer: Though we support their efforts with technical assistance and training, we cannot accurately predict when additional Indian tribes will begin to exercise SDVCJ.

Calvert Q12: In fiscal year 2016, Congress provided $1 million within the Office of Tribal Justice Support to help implement the Violence Against Women Reauthorization Act of 2013.

Please provide an update on how BIA is using these funds to support implementation.

Answer: The funds will be used to continue critical tribal court training sessions specific to VAWA 2013 prosecutions, as well as support tribal efforts to exercise special domestic violence criminal jurisdiction by providing Indian tribes funds to update criminal codes, provide counsel to indigent defendants, and support victims.

Calvert Q13: Your request for Tribal Justice Support was slightly scaled back this year (-$8.2M). Will this hinder the BIA's ability to provide tribes with technical assistance, computer management systems, and trainings for tribal courts, judges, and prosecutors? Even as more tribes work towards implementation?

Answer: The 2017 Budget supports public safety and justice programs in Indian Country with $373 million for BIA. At $20.6 million above the FY 2015 enacted level and $9.0 million above the FY 2016 President's Budget, the FY 2017 request for Public Safety and Justice programs

enables IA to apply an additional $2.6 million into Tribal Courts (TPA), the number three FY 2017 tribal priority, while continuing to strengthen and support tribal judicial systems, including those in P.L. 280 States.

The resources added for Tribal Justice Support by the Congress to our FY 2016 budget request are valuable in making progress toward more functional tribal justice systems throughout the nation and the FY 2017 budget request was able to maintain $1.8 million of this increase to further these efforts. Indian Affairs' FY 2017 budget was developed through an extensive process that takes into account various inputs including, extensive engagement with tribal leaders from all levels of Indian Affairs leadership, current budget realities and constrains, and program evaluations and capacity considerations. In addition, the appropriation of extra Tribal Justice Support funding occurred as the FY 2017 formulation process was reaching its conclusion which made it difficult to account for the full amount in the budget.

Lastly, the $1.0 million in the budget to support VAWA 2013 implementation will not be affected by the $8.2 million reduction.

Calvert Q14: How are you collecting and reporting data on the cost of implementation, so that we may accurately fund the needs associated with implementation?

Answer: The BIA is not currently collecting or reporting data specific to the cost of VAWA implementation. In reality, the cost would be unique to each Indian tribe based on the court resources they currently have in place and the extent to which they chose to implement special domestic violence criminal jurisdiction (SDVCJ) as a sovereign entity. The BIA does, however, enter into commercial contracts on an annual basis to conduct court assessments for tribes that request them. Each assessment results in a report presented to the Indian tribe that documents critical aspects of the court. We have found that functional deficiencies due to lack of funding is the most common barrier to tribal VAWA implementation. The BIA is also provided a copy of the report for general data collection and reporting purposes. If implementing SDVCJ is a priority for the tribe, then estimated costs associated with its implementation would generally be included in the report.

Calvert Q15: How are you working with the DOJ to ensure that funds are not duplicative and unnecessary?

Answer: Since P.L. 93-638 is designed to support tribal self-determination, it allows Indian tribes a great deal of discretion on how to use recurring annual funding from BIA to support tribal courts or other programs. For this reason, the potential for overlap with DOJ resources is difficult to estimate. However, the funds distributed on an annual basis by BIA to tribal courts for specific purposes are generally supported by a recently completed tribal court assessment. The court assessment report would include a section that identifies functional deficiencies such as those that could preclude VAWA implementation, as well as court funding sources such as DOJ grants, BIA self-determination contracts, or tribal revenues. In such cases, the potential for BIA to provide duplicative funding to the Indian tribe for VAWA implementation or other specific purposes is minimal.

Detention Centers – OIG Report

On February 11, 2016, the Office of Inspector General (OIG) released its final evaluation report on the current conditions of detention programs funded and/or operated by the BIA. This report was done in response to a 2015 request from Congress to update the OIG's 2004 evaluation entitled "Neither Safe Nor Secure: An Assessment of Indian Detention Facilities" and to address serious understaffed and poorly managed facilities. While the report noted that conditions and operations at detention centers have improved since 2004, the OIG noted several ongoing concerns and also solutions for improving these detention facilities.

Calvert Q16: The report noted serious concerns regarding overcrowding and recruitment of qualified correctional officers. What new methods are you are exploring to address these issues?

Answer: Since the 2004 report was published, the operation and condition of detention facilities in Indian Country have improved. BIA has improved its management of Indian detention programs through implementing a BIA corrections handbook and a detention program inspection process. In addition, the overall condition of detention facilities has improved through replacing 24 facilities with newly constructed facilities, closing six older facilities, and adding 16 new juvenile detention facilities. Finally, as the OIG report states, staffing levels have grown since 2004 and the percentage of certified correctional officers has increased. From 2010 to 2015 alone there was a 16% increase in Federal FTE in the corrections programs.

The OIG offered nine recommendations in this update to help BIA further improve detention programs in Indian Country. Indian Affairs concurred with all of them. The OIG considers two of the recommendations resolved and implemented and the other seven resolved and unimplemented. The Principal Deputy Assistant Secretary for Policy, Management and Budget is currently tracking implementation of the remaining seven recommendations.

Calvert Q17: How is it possible that 17 of 26 facilities went uninspected for over 3 years? Are the same staff responsible for inspecting schools? After visiting 26 BIA detention facilities, the OIG found that the BIA did not conduct 73% of the required annual health and safety inspections at these sites.

Answer: A confluence of factors played a role, including low funding available for staffing and higher priority use of available resources. For example, BIA's Northwest and Western Regions did not have full time safety inspectors to perform the required inspections and other regional offices planned and scheduled inspections but did not conduct them as required.

Calvert Q18: How does the BIA, specifically the Office of Justice Services (OJS), ensure that detention facilities are inspected annually and that they are adhering to the standards set forth in the BIA corrections handbook?

Answer: The OJS works with the BIA Division of Safety and Risk Management to schedule facility inspections. Inspections are conducted by appropriately qualified BIA safety inspectors who utilize the OSHA, National Fire Codes, ADA, and IA Safety and Risk Management policies.

Calvert Q19: Given the oversight mechanisms you just mentioned, how is possible that 17 facilities went uninspected for over 3 years?

Answer: A confluence of factors played a role, including low funding available for staffing and higher priority use of available resources. For example, BIA's Northwest and Western Regions did not have full time safety inspectors to perform the required inspections and other regional offices planned and scheduled inspections but did not conduct them as required.

Calvert Q20: If safety and health inspections are not being carried out annually due to a staffing issue, is it possible for the BIA to contract out this work? What sort of cost implications might this have?

Answer: Facilities used by OJS programs require 55 separate annual safety inspections. In FY 2010, the Division of Safety and Risk Management implemented a commercial contract to conduct 172 safety inspections across all Indian Affairs operational areas, including OJS. The cost per inspection in FY 2010 was approximately $5,000 to $10,000 per inspection. The cost of Indian Affairs regional safety officers to conduct inspections, not including salaries, varies from a few hundred dollars to approximately $2,000 per inspection depending on the time and travel required.

Calvert Q21: Did the development of peer review inspections in 2014, known formally as Corrective Action Support Teams (CAST), point to this lack of oversight from OJS? Were detention facilities forced to take inspections and safety measures into their own hands because they could not rely on the BIA to hold them to such standards?

Answer: A CAST review concerns operational compliance with OJS program policies and procedures, evaluating a program's compliance with the 43 mandatory and 93 non-mandatory standards included in BIA's corrections handbook. CAST members identify areas of strengths and weaknesses in BIA corrections programs, and provide support through a corrective action process. The teams are made up of corrections personnel from across BIA, and their goal is to teach, model, and empower BIA corrections program personnel with the tools to develop or enhance professionalism at their locations.

CAST reviews are not intended to, nor do they, address the safety of the facility in which the program is housed. Only qualified safety inspectors are able to properly inspect and determine the safety of BIA facilities.

Calvert Q22: This year, once CAST reviews are completed at the 24-BIA operated detention facilities, the OJS plans to conduct follow-up inspections at each location 200 days after the review.

How can we expect the OJS to complete follow-up inspections within 200 days of a CAST review if many facilities have not even been inspected by OJS in over three years?
As a Committee we understand that facility maintenance, whether that pertains to schools, detention centers, or courts, continues to be an ongoing issue in Indian Country. In order to

properly fund these needs, the BIA and BIE must be able to provide our Committee with accurate data regarding the conditions of these facilities. Last year, Kevin Washburn noted that the Bureau does not have a detention center replacement priority list because new construction of tribal detention centers is currently funded in the DOJ budget. While I understand that you are not responsible for building detention centers, facility maintenance falls under your construction jurisdiction.

Answer: Indian Affairs is committed to having the BIA Division of Safety and Risk Management complete all required safety inspections in 2016 and will make available the necessary resources to do so within available funds. The 2017 budget request includes an increase of $1.3 million for 19 FTE for the Regional Safety Management Program to provide funding sufficient to complete annual inspections required at all BIA and BIE facilities during FY 2017 so that resources will not be diverted from other critical Indian Affairs programs in future years.

Calvert Q23: Do you think that developing a detention center replacement priority list, or working with the DOJ to maintain one, would allow you to have a better understanding of your maintenance needs? Perhaps generating and maintaining such a list would allow you to better target maintenance needs, address backlogs, and delay replacement of facilities.

Answer: Indian Affairs is continuing to implement and provide training on the Indian Affairs Facilities Management System (IA-FMS) to field and regional facilities personnel. Full implementation of IA-FMS with trained facilities maintenance personnel utilizing it will improve the accuracy of facilities condition data and identify critical needs of detention facilities.

Calvert Q24: Do you think maintaining a list with internal reporting requirements would also encourage better communication among agency and regional facility managers? Encourage consistent data collection on facilities?

Answer: As recommended in the OIG Report, DFMC is developing a communication plan for IA-FMS. The plan is being developed to provide user assistance in multiple formats: classroom, online computer based training, handbooks, guides, FAQs, train-the-trainer program, and help desk services. Just last week IA hosted the first stakeholder conference in Albuquerque, NM to provide a forum to discuss the current and future issues and capabilities of IA-FMS. The communication plan also includes DFMC-hosted weekly coordination meetings with the regions, OJS, and BIE to discuss current issues and needs impacting operations.

Calvert Q25: Would this help to also hold the OJS accountable for carrying out annual health and safety inspections?

Answer: As previously noted, safety inspections are conducted by qualified regional safety officers, not OJS program personnel. The IA-FMS is the mechanism used to record, track, and address safety inspections and abatement plans throughout Indian Affairs. Continued training on this system, improved communication throughout the bureau, and better coordination among personnel are all expected to improve accountability.

School Construction

In the FY16 Omnibus, the House and Senate Appropriations Committees urged the Department of the Interior and the Department of the Treasury to explore alternative ways to finance Bureau of Indian Education school construction. These schools are the Federal government's legal responsibility, and too many are in deplorable condition. The solution cannot simply be to reactivate a foundation and hope for donations. There has got to be a way to weave together the myriad Federal tax and spending programs instead of relying solely on this subcommittee to pay in full and up front with cash.

Calvert Q26: Is the Department continuing to explore alternatives, and, if so, would you please update the Committee on these efforts?

Answer: The Department agrees BIE school construction needs are simply too large to address solely through annual appropriations and require consideration of alternative financing options. The 2017 budget maintains the 2016 increase for Education Construction provided by the Committee, however, even if the Department is fortunate enough to maintain the $138.3 million funding level each year, it is not sufficient to address the backlog of requirements at an appropriate pace.

Last month, Secretary Jewell discussed this issue with Treasury Secretary Lew. The Department's team is currently collaborating with Treasury experts in exploring alternative funding sources for BIE construction projects.

Indian Education Foundation

Your budget proposes for the second year in a row to reactivate a foundation created by Congress in 2000 to generate private donations in support of the mission of the Bureau of Indian Education.

Calvert Q27: Please explain what previously happened to this foundation to cause it to no longer function, and why it should be reactivated.

Answer: In 2002, former Secretary Norton appointed the initial Board of Directors of the National Fund for Excellence in American Indian Education, pursuant to her authority under the Federal Statute establishing the Fund (25 USC 458ddd(f)(2)). Due to various factors, the Board was unable to launch a viable fundraising program. Although the Fund continues to exist as a legal entity- and to our knowledge the last known directors have not formally resigned- the Board has not met since 2007 and several of the Fund's key corporate filings have lapsed.

Secretary Jewell has embarked on an ambitious plan to reform Indian education, and reactivating the Fund could significantly aid BIE's transformation by providing supplemental funding for facilities, technology, educational programming, and more. As part of her initiative to improve Indian education, Secretary Jewell would like to reactivate the Board with new directors who are skilled fundraisers and willing to contribute their own assets. The Fund's governing statute strictly limits the support the Department may provide to the Fund, and allows the Board to

expend only 10% or less of the total donations it received in the prior fiscal year for administrative costs. Because the Board has never secured any donations, it currently has no available funds for administrative costs.

Calvert Q28: How much are you asking this subcommittee to appropriate for FY17 to help get the foundation going again?

Answer: There is no dedicated funding requested in the FY 2017 President's budget.

Calvert Q29: Have you met with the authorizing committees of jurisdiction, and have they scheduled hearings on the proposal?

Answer: The Department has requested the language as part of the general provisions in the appropriations bill. The authorizing committees have not scheduled hearings on this.

Calvert Q30: Why does the proposal change the name of the foundation from "National Fund for Excellence in American Indian Education" to "National Foundation for American Indian Education"?

Answer: The Department has been advised that the original entity may not be able to regain its status as a tax-exempt public charity because it has not remained in good standing. Therefore, the Department seeks authority to reactivate by establishing an entity with an unblemished record that is certain to qualify for tax-exempt status.

Calvert Q31: Why does the proposal eliminate the requirement that the Board of Directors shall have at least 11 members?

Answer: The Department believes a smaller Board can be launched more quickly and will function more effectively.

Calvert Q32: Why does the proposal eliminate the requirement that members of the Board be knowledgeable or experienced in American Indian education?

Answer: The Department would like to expand the pool of potential directors to include individuals who are most likely to succeed in making the Board a successful fundraising entity.

Calvert Q33: Why does the proposal eliminate the requirement that the foundation's chief operating officer be knowledgeable and experienced in matters relating to education in general and education of American Indians in particular?

Answer: Because the officers of the Foundation are elected from among the members of the Board of Directors this requirement would have to be eliminated for the Chief Operating Officer position to ensure that there would be a qualified candidate for the position.

Questions from Mr. Simpson

6th Grade Expansion

I understand that you and your staff recently met with leadership from the Shoshone-Bannock Tribes to clarify an earlier misinterpretation by the BIE on funding for the 6th grade at the Shoshone-Bannock Jr/Sr High School and to confirm that funding for the 6th grade will continue to be provided as part of the School's base funding going forward and is not limited to just 3 years. I appreciate your efforts on this matter on which the Tribal leadership and I have worked on for over 6 years and would like to finally resolve once and for all. With that said, I would like to make certain that this is definitely the case and request that the BIE provide written confirmation of this permanent funding for the 6th grade to avoid any further misrepresentation or confusion in the future.

Simpson Q1: Could you please provide this information in writing as soon as possible?

Answer: Former Assistant Secretary – Indian Affairs, Kevin Washburn, approved the Shoshone-Bannock Jr./Sr. High School's request for one grade expansion on June 25, 2014. On March 13, 2015, he also approved the funding for the one grade level expansion.

Current Indian School Equalization Program (ISEP) regulations, published in 2005 through the negotiated rulemaking process, require funding to be based on the average student enrollment for the previous school three school years (see 25 CFR §§ 39.202 and 39.230). The regulation resulted in an unintended consequence in the case of adding a grade to the school, that is, since there was zero enrollment in the expanded grade for the previous three school years, the funding formula for the first year the grade existed would have resulted in a zero dollar funding allocation for the new grade. The second year funding would only be allotted for a third of the class size and the third year would have resulted in funding for two thirds of the class size. Only in the fourth year of funding would the new grade student enrollment be fully accounted for in the funding formula.

To allow funding which reflected enrollment in the sixth grade to start in School Year (SY) 2014-2015, AS Washburn waived strict application of 25 CFR §§ 39.202 and 39.230 for the Shoshone-Bannock Jr./Sr. High School for three years. This allowed the Bureau of Indian Education to include the sixth grade count for SYs 2011-2012, 2012-2013, and 2013-2014 with the existing seventh through twelfth grade ISEP count to calculate the Shoshone-Bannock funding for SY 2014-2015.

After three years, the sixth grade will be automatically included in the Shoshone-Bannock ISEP student count and funding, and no waiver will be required to meet the requirements of 25 CFR §§ 39.202 and 39.230 regulations. This information has been provided to the Shoshone-Bannock Jr./Sr. High School and the Shoshone-Bannock Tribe.

BIE School Construction

I want to thank you for the strides we have taken in Indian country, specifically BIE schools. School construction was a point of emphasis last year and you had 9 schools on your list.

Simpson Q2: What does your budget request propose this year to finish construction of the 9 schools on the list and when might we see a new list?

Answer: The 2004 School Replacement list included 14 schools. The 2016 appropriations funded the last two schools on that list. The FY 2016 budget also included $8 million for necessary planning for all schools identified on the 2016 school replacement list, with the remaining funds being used to start design of schools that are able to complete the planning process this year.

The FY 2017 budget request includes $6 million to continue design efforts for the schools on the 2016 school replacement list. The 2016 school replacement list released on April 5, 2016 includes 10 schools. The 2017 budget request includes funding for the school replacement program equal to the average estimated cost of replacing one school on the list.

Simpson Q3: Is there anything you would like to highlight in the BIE budget that continues to build on commitments to Indian education?

Answer: In education construction, the budget includes $138.3 million to improve school infrastructure and facilities. The Indian Affairs FY 2017 budget request continues the FY2016 request for $45.5 million for campus-wide replacements, $11.9 million for individual building replacement, $7.5 million in Employee Housing, and $73.2 million for Facilities Improvement and Repair, an 86% increase over education construction funding appropriated in 2015. These four programs all play important roles in bringing and maintaining BIE schools in good condition. The programs facilitate the management of the facility portfolio by allowing for complete campus-wide replacements where needed, targeted replacement of individual buildings where feasible and major building system replacements.

The FY 2017 BIE operational budget request supports a comprehensive redesign and reform of the BIE to provide students attending BIE-funded schools with a world-class education, and transform the agency to serve as a capacity- builder and service-provider for Tribes in educating their youth. Total funding for BIE elementary, secondary and post-secondary schools is $912 million, an increase of $60 million (7 percent) over the 2016 enacted level. The budget supports this transformation with investments to increase opportunities and improve outcomes in the classroom; provide excellent instructional services and teacher quality; promote enhanced Native language and cultural curricula and programming; enhance broadband and digital access; and incentivize creative solutions to school transformations.

GAO Report on School Safety

The report seems to generally find that BIA is lacking oversight when responding to the safety needs of BIE. The report also finds that safety inspection and maintenance employees typically have competing roles. To that end:

Simpson Q4: What accounts would best help BIA get resources to the ground to help with maintenance and safety for BIE schools?

Answer: There are two funding sources that contribute to maintenance and safety at BIE-funded schools:

- The BIE activity includes funding for education facilities operations and maintenance. In FY 2016, these budget line items received a combined increase of $14.5 million. The FY 2017 request includes a total $6.0 million increase request for these programs.
- The Safety and Risk Management program provides funding for safety inspections. The President's 2017 Budget request includes a $1.3 million increase in funding for Regional Safety Management to hire 19 FTE for the Regional Safety Management Program. The increased staffing level will enable Indian Affairs to complete the inspections of BIA and BIE facilities as promulgated.

Simpson Q5: What are BIA and BIE doing to ensure that the schools which are being built now are structurally sound?

Answer: New construction projects are reviewed at various stages throughout the planning, design, and construction phases to verify compliance with building and safety codes as defined and identified in the School Facilities Design Handbook.

- During the planning phase, site analysis is performed to determine suitability for construction.
- During the design phase, the Architect-Engineer contractor reviews construction documents for structural integrity and site conditions and the BIA Division of Safety and Risk Management (DSRM) reviews design submittals for life safety code and Americans with Disabilities Act (ADA) accessibility compliance.
- During new construction, independent third party inspectors conduct regular on-site inspection activities throughout the project. DSRM conducts a final inspection for compliance with adopted safety and health codes, policy, and mandatory standards. If all requirements are met, DSRM issues a Certificate of Occupancy.

Simpson Q6: Is BIE taking proactive measures during the school construction process recognizing that schools don't have an adequate maintenance and safety process?

Answer: Maintenance and safety issues are addressed throughout the project, including establishing maintenance operation and safety procedures and schedules for the new occupant/tenant/owner to implement. Insuring these procedures are utilized greatly enhances the life and safety of the building.

Questions from Mr. Amodei

New Tribal Recognition Policy

On June 29 of 2015, the BIA released a final rule on a new set of standards for recognizing new native tribes. The most notable changes include shifting the date of identification, and political authority from the previous rule which was 'first European contact" to a fixed date, 1900. This date has been highly controversial because it is so late in the American timeline. The argument for that date is that it's one of the latest the BIA previously used when looking at more western tribes, and they wanted to make the date consistent. However, this late of a date of record allows a much bigger opening for new tribes to be recognized.

Amodei Q1: Keeping in mind my concerns that the BIA has not been able to efficiently fulfill its fundamental realty responsibilities to its current tribes, how does the BIA plan to take care of and advocate for any new tribes?

Answer: The superseded regulations and the 2015 regulations are the same with regard to how a petitioner with a positive final determination is integrated into Federal programs as a federally recognized Indian tribe. Under section § 83.46, it states:

> "Within six months after acknowledgment, the appropriate Bureau of Indian Affairs Regional Office will consult with the newly federally recognized Indian tribe and develop, in cooperation with the federally recognized Indian tribe, a determination of needs and a recommended budget. These will be forwarded to the Assistant Secretary. The recommended budget will then be considered with other recommendations by the Assistant Secretary in the usual budget request process."

Once a positive decision is final and effective, the Bureau of Indian Affairs advocates for the newly acknowledged Indian tribe on the same level as the other 567 federally recognized Indian tribes.

Amodei Q2: How many new tribes do you estimate will be approved for federal recognition under the new federal recognition rules that would not have been approved under the old rules?

Answer: It is not possible to answer this hypothetical question without prejudging the petitioning groups, which have not yet completed the process under the 2015 regulations. Each petitioning group must meet the seven mandatory criteria demonstrating continued existence as a distinct social and political community from 1900 to the present, as well as demonstrating descent from a historical Indian tribe (or from historical Indian tribes that combined and functioned as a single autonomous political entity).

Amodei Q3: How many tribes have resubmitted their information, or submitted new information, since the new rules were adopted?

Answer: Three petitioning groups have submitted "documented petitions" as defined and required since July 31, 2015, when the 2015 regulations became final and effective for the

Department. The initial 120-day public comment period just ended on March 28, 2016, and a 90-day response period ends on June 25, 2016. At the end of the comment and response periods, the Department then begins its 180-day Phase I review and other phases of the process will follow. For transparency, the Office of Federal Acknowledgment has posted documents and information regarding these three petitioners.

Amodei Q4: How many tribes is the BIA now currently actively considering for federal recognition under the new federal recognition rules?

Answer: Three groups are currently under initial comment and response periods as required under the 2015 regulations before active consideration of them begins at the end of June 2016.

Amodei Q5: How many new tribes does the BIA expect to grant federal recognition by the end of 2016?

Answer: Again, without prejudging any petitioning groups, the 2015 regulations define a process that takes more than two years which results in either a positive or negative determination. The Department anticipates no final determinations by the end of 2016.

Realty: Title Conveyances

The tribes in our area have regularly reported that they have to wait years to get titles that have been paid off conveyed back to the tribe and the tribal member. In one instance, one of the larger and better organized tribes of our region submitted applications for conveyance on land meant for development and two years later hasn't even heard a response from the agency.

The positon responsible for processing these realty claims is stationed out of the Western Nevada Agency in Carson City. That position went unfilled for at least two years and finally there is a staff member who is meant to start this month thanks to the proactive leadership of the new Western Nevada manger, who our region greatly appreciates. During that time, the Western Regional Office (in Phoenix) who was supposed to be in charge of oversight was made responsible to function as the operational administrator of the program. Similarly, the positions in that office were often not fully staffed and for part of the time there was only one staff member designated for this task for the entire region.

BIA plans to improve this issue

Last year, I addressed this issue with the BIA during the FY16 budget hearing season. I asked the BIA about its reported performance metric which alleged with was turning around conveyances in 48 hours. I asked if they took into consideration the time to convey when the BIA returned the applications to tribes for various documentation reasons. I asked if they did not, what their plan was to identify ways to streamline the process to stop paperwork technicalities from drawing out the conveyance process. The BIA responded in saying the following:

" In the near term, the BIA Division of Real Estate Services (DRES) and the Division of Land Titles and Records (DLTR) propose to assemble a team consisting of Realty Specialists

and Land Titles and Records Offices (LTRO) subject matter experts to investigate, identify, and report on potential backlogs not captured in the current internal control performance metric. This team will work on a detail basis at the agencies where backlogs are reported. Additionally, based on findings in the field, DRES will schedule training sessions with tribal housing authorities and land offices on how to submit complete documentation to prevent title defects and avoid time delays in processing.

The programs may also propose a performance metric to track and monitor processing of documents submitted for recording from notice of defect to corrective action and recording to evaluate timeframes for processing and improving service.

Additionally, the Southwest LTRO has two employees encoding conveyances for all three regions that it serves including the Western Region. To ensure the LTROs continue to meet performance timeframes once this effort is completed, three additional support staff will help to manage conveyances processing."

Amodei Q6: Did the BIA Division of Real Estate Services and Land Title and Records assemble a team of realty specialists and LTRO experts to investigate and report on backlogs not captured in the current internal control performance metric and standard?

Answer: Yes, the BIA Real Estate Services and Land Titles and Records Offices assembled a team composed of two realty specialists and one LTRO specialist. The team has made several site visits to the Western Nevada Agency and has investigated three areas of potential backlogs: 1) Real Estate Services administration of homesite leases; 2) fee to trust transactions; and 3) LTRO document recording and encoding.

The primary reason for the time delays in leasing activities at the Western Nevada Agency was due to research needed because survey maps of the homesite lots or subdivisions were not submitted to the Agency or were incomplete. This information is not a paperwork technicality but critical information necessary for many land management functions and is required as part of the recording process.

To remedy this the team recommended that the Tribe provide survey plats for all master leases to include acreages for each lot which can be included with leases.

LTRO processing and recordation of deeds, assignments and releases, including recording conveyances transactions, was the last stage of review. The LTRO review reported nine Western Nevada Agency cases which have to be plotted, and for which LTRO cartographic staff have to compute the acreage. Once completed, they will be recorded and encoded into TAAMS. The LTRO has no pending probate tract certifications or Title Status Report requests for the Western Nevada agency. Properly submitted and complete documents are able to be recorded and encoded into TAAMS within 48 hours or two business days.

Amodei Q7: Is the Southwest LTRO now fully staffed with five staff members you indicated would be located out of that office last year?

Answer: The Southwest LTRO has two employees encoding conveyances for all three regions that it serves, including the Western Region. As stated previously, the Southwest LTRO completed training on ownership certification processing in 2014 to address backlogged transactions. Today, three other staff members may be temporarily assigned to help manage conveyance processing, as the need arises, and to ensure the LTROs continue to achieve performance timeframes.

Questions from Ms. McCollum

Tiwahe Initiative

In the Human Services area of the budget, the entire $17 million increase is targeted toward the Tiwahe Initiative. The Tiwahe Initiative focuses on a holistic approach to addressing overall tribal community needs. This is the third year you are requesting funds for this initiative.

McCollum Q1: At this point, what are the lessons learned?

Answer: One of the biggest lessons learned so far from the Initiative is that systematic change takes time and requires getting community buy-in and community engagement. Each Tiwahe site has been engaging their community members through out-reach activities, community meetings, district meetings, community needs assessments, etc. Through these activities, the sites have been able to identify strategies to improve collaboration and coordination between the tribes and other local agencies (state, county, federal).

To identify and document the best practices that result from the Initiative, Indian Affairs is establishing a Center for Excellence. The Center is a response to feedback we received from tribes expressing their common interest in developing an avenue to access training and share best practices. The Center will:

- Provide opportunities for learning, cross-training, and information sharing for tribes in the areas of leadership, best practices, research, support and training.
- Begin to institutionalize training and curricula in the various social services fields.
- Develop training tracks and curricula with a focus on the development of core competencies and the use of pre-test and post-test assessments in the areas of Child Protection, Child Welfare, Indian Child Welfare Act (ICWA), Individual Indian Money (IIM) Accounts, Welfare Assistance – General Assistance, Burial Assistance, Emergency Assistance, and Family Advocacy.
- Serve as a platform that allows each Tiwahe tribe the opportunity to train other tribes and tribal organizations on their comprehensive approach for a coordinated service delivery model and share best practices and lessons learned from implementation of year one and two of the Tiwahe Initiative.

Although not formally part of the Tiwahe Initiative, the Tribal Justice Support program has been engaged in planning and preparation for the Tiwahe Initiative. Specifically, the program has been providing input on how to best integrate the Tribal Courts program into the Tiwahe Initiative. This planning has been occurring for approximately 18 months. One of the most important lessons learned is the need for training and technical assistance to tribes in organizing, planning, and coordinating their Tiwahe plan. The Tiwahe Initiative brings in new personnel, such as Guardians Ad-Litem, as well as other basic court personnel and new types of portals for data. Thus it is necessary that court infrastructure be stable, which requires that necessary court procedures and policies be in place first, as well as training on roles and responsibilities before positions are filled. This type of infrastructure is vital to effective Tiwahe implementation.

The Tiwahe funding specific to recidivism reduction has been a critical infusion to an infrastructure development process that has been ongoing for a year prior to receiving the funding. The Office of Justice Services has been working on an Agency Priority Goal of Reducing Recidivism in the Tribal Justice System. Prior to the Tiawahe Initiative, BIA had been working with limited resources to implement this goal, with modest success. With the implementation of the Tiwahe Initiative and additional funding, BIA has been able to greatly step up our efforts to assist tribes in their recidivism reduction efforts. For example, BIA has established a standardized screening, assessment and referral protocol that more effectively identifies need, risk levels, responsiveness to services and follow up evaluation. BIA has begun developing a common data infrastructure to guide the tribal efforts and have formed multiple internal and external partnerships that are moving toward developing integrated service delivery systems and systems of care. This "braiding of efforts" and resources has empowered the tribes to be able to deliver services to those in need in a more comprehensive manner while remaining consistent with their culture and community values.

The OJS Tribal Justice Support program continues to work with tribes on solution-focused sentencing as alternatives to incarceration, such as community based healing, wellness courts for those that are appropriate to be served in the community, and regional detention-based treatment for those more in need of clinical stabilization. OJS is also working to strengthen re-entry efforts that link more effectively to the existing community infrastructure. Continued Tiwahe funding is critical to the ongoing success of this service and data infrastructure development effort.

McCollum Q2: When will the principles of the Tiwahe Initiative be expanded nationwide and what is the estimated cost of this expansion?

Answer: In FY15, BIA conducted a prorata distribution of approximately $7 million in Tiwahe funding to all tribes that operated social services and ICWA programs. Presently, this distribution is the only "nationwide" allocation of Tiwahe funding that has occurred - the remainder of the tribally distributed funding has been made to the Tiwahe pilot sites. Four sites were established in FY2015, two additional sites will be added in FY2016, and the plan is to add five more in FY2017. In addition, the FY2017 budget request includes $5 million to hire additional tribal and BIA social workers at various human services sites that are suffering from severe staff shortages. The current Tiwahe tribal court funding of $5 million will only support the existing Tiwahe sites. Lessons learned from the Recidivism Reduction effort will be available to other tribes by the end of FY2017.

The aforementioned Center for Excellence will serve to expand the principles of Tiwahe nationwide, as the Center will provide a forum for all tribes to learn about the concepts of the Initiative. The aim of the Tiwahe Initiative is to identify best practices, supported by data, that can be used to improve service delivery and outcomes for all tribes.

Mental Health

There is a mental health crisis in Indian Country and Native youth have been profoundly affected. To address this issue, it will take cooperation from all stakeholders – a partnership

between tribes and all parts of the Federal government. Discuss the role you play in this effort, specifically:

McCollum Q3: How you identify youth at risk of a mental health emergency and how you work with healthcare providers to get them appropriate care?

Answer: BIA social services, child protection, and law enforcement programs work in close collaboration with IHS health professionals and tribal communities to ensure that children and families with mental health needs are identified and provided appropriate assistance and access to resources. This collaborative effort is critical to creating a unified response and more favorable outcomes.

BIA, IHS, DOJ also have responsibilities for addressing Indian alcohol and substance abuse through the Indian Health Care Improvement Act (IHCIA) and the Tribal Law and Order Act of 2010. These agencies have a Memorandum of Agreement that establishes a framework for collaboration and coordination of resources and programs to offer a truly holistic approach to address these issues in Indian Country.

McCollum Q4: Given that certain mental health emergencies, suicide for example, exhibit a contagion effect, what procedures do your agencies have in place to work with communities after a mental health crisis?

Answer: Addressing the chronic issues faced by AI/AN families and communities requires a holistic approach centered on the tribal culture and tradition. To address the social welfare and health of children, youth, and families, BIA is implementing the Tiwahe Initiative. Tiwahe (ti-wah-hay) means family in the Lakota language, and symbolizes both the interconnectedness of all living things and one's personal responsibility to protect family, community, and the environment. Launched in 2015, the Tiwahe Initiative seeks to demonstrate the importance of service coordination between BIA programs that deliver critical services to children, youth, and families within tribal communities so they most effectively and efficiently reach native families The initiative emphasizes integration in service delivery in order to help promote family stability, safety, and wellness to support tribal communities.

The initiative is being implemented at six pilot sites across Indian Country, with each site developing and implementing a strategy to address the unique needs of its community regarding the child abuse and neglect, unemployment, poverty, family instability, domestic crime, substance abuse, housing shortages/homelessness, barriers to accessing appropriate services, and a lack of capacity in providing counseling and treatment programs. In 2016, the BIA will also add a Center for Excellence to provide tribes an opportunity to access training, and share best practices.

McCollum Q5: After a mental health emergency, how do you work with the tribe, the family, and the youth to integrate them back into their community?

Answer: BIA service providers are trained in early identification and effective responses to help children and their families receive the appropriate supportive services. In addition, BIA programs

are part of Multi-Disciplinary Teams (MDTs) that focus on coordinating the services of several agencies, including the Departments of Justice and Health and Human Services, to ensure a seamless transition and continuum-of-care for children and families. Most MDTs have memoranda of understanding that outline each agency's roles and responsibilities which promote coordination and open communication between programs and agencies. The MDTs also provide community education.

Questions from Ms. Pingree

Natural Resources

The BIA program entitled Fish, Wildlife and Parks is one of the funding streams available for Tribes. Dollars are mostly allocated to tribes that are operating fish hatcheries. Because funding has been frozen for several years in this area, there are not additional dollars for non-hatchery fishery programs. I commend your work to bring additional resources to fish hatchery programs as a result of climate adaptation, but there is so much else that tribes need to be able to do with their Tribal Management/Development funding.

Pingree Q1: This year you propose a $2 million increase to lift this program to $15 million, can you tell us a bit about what you will be able to do with this increase and what more you could do with robust Natural Resources funds, particularly in Tribal Priority Wildlife Allocation?

Answer: The Fish, Wildlife, and Parks Projects program provides fish-producing tribes support for associated hatching, rearing, and stocking programs. Program operations and production is a critical component to comprehensive landscape conservation with close consideration of environmental health and safety, water quality, economic benefits, rights protection, and habitat restoration and enhancement. A number of future climatic scenarios could drastically affect water availability and usage at hatcheries. Altered hydrological regimes can have numerous impacts to hatchery operations that are dependent on these water sources, as well as the streams where fish are released. Hatcheries will also face ongoing challenges as air and water temperatures increase during rearing cycles. The proposed increase will enable tribes to prepare for these emerging micro and macro climate issues, and ensure resilience in planning, development, and operations with climate management considerations.

The Fish, Wildlife and Parks (TPA), Tribal Management Development, and Right Protection Implementation programs all provide direct funding to various tribal fish and wildlife organizations and individual Tribes throughout Indian country. The funding provides support for a myriad of programs to support tribal natural resource management objectives and goals that serve to preserve and protect tribal economies and culture. Many of these programs also contribute significantly toward meeting the growing national demand for outdoor recreation and tourism, and ensure the protection of millions of acres of habitat necessary for the conservation of fish, wildlife and plant resources. Increased funding for the Fish, Wildlife, and Parks (TPA), Tribal Management Development, or RPI programs provides tribes additional support to allow for improved access, enhancement and protection of their natural resources.

Questions from Mr. Kilmer

Tribal Detention and Corrections Facilities

The BIA is requesting an additional $1 million for Detention/Corrections programs within the Office of Justice Service (OJS). The OJS oversees 96 detention programs nationwide, of which 71 are operated by Tribes via Indian Self-Determination Act Compacts or contracts (PL 93-638). Unfortunately, these 71 facilities are chronically underfunded, with some receiving less than 30% of their documented level of need.

Kilmer Q1: Can the BIA document for the Committee the current level of funding received by each of the 71 detention facilities operated by Tribes under the Indian Self-Determination Act, as a percentage of each facility's level of need?

Answer: The estimated total cost to operate fully staffed detention/corrections programs at all existing public safety and justice facilities in Indian Country, operated both by BIA and the Tribes is $222.8 million. The 2016 budget appropriation for this program is $95.3 million. BIA appropriations cover about 43% of estimated costs.

Tribal Broadband Access

Rural tribes living on the Olympic Peninsula and other remote parts of the US lack adequate access to high speed internet which severely limits educational opportunities, economic development, and capacity building.

Kilmer Q2: What steps is BIA taking to ensure that rural tribes have access to high speed internet connections?

Answer: Indian Affairs is currently working on two initiatives with other Departments to help address the issue of broadband access in rural tribal communities. Indian Affairs is working with the Department of Commerce's Broadband Opportunity Council. An initial listening session was held on November 6, 2015. The council includes members representing the First Responder Network Authority and the Departments of Commerce, Education, Interior, and Agriculture. The Broadband Opportunity Council is planning a Native American Broadband Summit for 2016.

Indian Affairs is also participating in the Native Youth Metrics and Budget Working Group to address bandwidth in Native American Communities. The working group includes representatives from the Office of Management and Budget, First Responder Network Authority, and the Departments of Justice, Housing and Urban Development, Health and Human Services, Commerce, Education, Interior, Agriculture.

TUESDAY, MARCH 22, 2016.

ENVIRONMENTAL PROTECTION AGENCY BUDGET OVERSIGHT HEARING

WITNESSES

GINA MCCARTHY, ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY

DAVID BLOOM, ACTING CHIEF FINANCIAL OFFICER, ENVIRONMENTAL PROTECTION AGENCY

OPENING REMARKS OF CHAIRMAN CALVERT

Mr. CALVERT. Good morning. The committee will come to order.

Today, we are joined by Administrator Gina McCarthy and Acting Chief Financial Officer David Bloom to discuss EPA's fiscal year 2017 budget. Welcome to both of you.

First, we all woke up this morning to hear about the events in Brussels. It serves as a reminder that we must maintain our vigilance and remain united in our common goal of combating terrorism and fighting extremism. Certainly, our thoughts and prayers are with the people of Belgium today.

Last year, the budget the President proposed ignored the spending caps that were then in place. As a result, it offered unrealistic expectations and created a challenge for agencies and departments to identify true needs. We need to start this discussion for the fiscal year 2017 budget on no better footing with a budget that seemingly abides by the bipartisan spending caps set forth in October, but half full of gimmicks.

Unfortunately, the President's budget has shifted billions of dollars from discretionary programs to the mandatory side of the ledger. This allows the administration to circumvent the budget constraints while touting support for key investments. Again, it offers unrealistic expectations about what we can afford.

On the Interior Subcommittee, we must balance a wealth of important issues—Indian health care, education, fighting wildfires, management of lands and resources, protection of human health and environment. When challenges arise from natural disasters, manmade disasters, health crises, rising debt, we need to be strategic and have well-defined plans for tackling the problems before us. Simply throwing money at problems has rarely resolved such issues.

It is our job to identify common-sense, long-term solutions and to prioritize all these issues without adding to our $19 trillion debt. Mandatory spending continues to rise faster than any portion of the Federal budget, something that they are discussing at this very moment. Therefore, a budget that proposes more mandatory spending is woefully out of touch.

In an effort to rebalance expectations, I would like to explain where we actually are. Under the current budget agreement, nondefense discretionary spending for fiscal year 2017 has increased by $40 million government-wide. That is $40 million over the entire discretionary government.

Meanwhile, the EPA proposed budget requests $127 million more than last year. That number excludes another $300 million proposed outside of the discretionary caps.

Within the budget, the agency is proposing to work on more regulations while proposing cuts for water infrastructure and Great Lakes funding. The budget proposes more funding to implement regulations the courts have put on hold.

Meanwhile, the budget again proposes deep cuts to the diesel emissions reduction grants, despite the fact that only 30 percent of trucks and other heavy-duty vehicles have transitioned to cleaner technologies. We need to follow the science and increase discretionary funding for the DERA program to accelerate the replacement of older engines with newer, cleaner engines that actually show progress.

With so much left to do, we are not prepared to cut discretionary funding for the DERA program by 80 percent, nor eliminate funding for radon grants when 21,000 lung cancer deaths per year are directly attributable to exposure to radon.

I hope in today's discussion you can help the committee understand why the administration does not place a higher priority on the radon exposure issue, given these startling statistics.

Turning to policy, it is unavoidably clear the administration is intent on making select forms of energy uneconomical or even obsolete. We have seen this play out in Chairman Rogers' district for the last 7 years, and certainly Mr. Jenkins' district, via refusal to approve permits to operate.

The policy continues to spread as the administration imposes a moratorium on operations on public lands; designates new monuments; precludes offshore energy development in the Atlantic and Arctic; adds costs to existing operations via EPA ozone, methane, and water regulations. And the White House, with one foot out the door, has promised to double-down on an antijobs agenda driven by a desire to keep it in the ground as the clock runs out on this administration.

In the meantime, statutory obligations are put on hold or given insufficient attention. It is time for a new perspective.

You have a tough job, Administrator McCarthy. We all want clean air and clean water and a strong, robust economy. It is not a Republican or Democratic issue. I know that is something we have often said. We both want a healthy environment and job creation, and we need a real debate regarding the best way to incentivize those outcomes rather than a rewrite of regulations.

But it starts by proposing and operating within a budget that lives within our means. The people I represent in California have to live on a budget that reflects what they can afford, and so too does the Federal Government.

I know all members are interested in discussing various issues with you today, so I will save my additional remarks for the period following your testimony.

I am pleased to yield to my friend and our distinguished ranking member, Ms. McCollum.

OPENING REMARKS OF MS. MCCOLLUM

Ms. MCCOLLUM. Thank you. Thank you, Mr. Chairman, for your words of solidarity with the people in Belgium this morning. Terrible conversations parents are having with their children again as they find themselves under siege, so thank you for recognizing that tragedy. And we do need to stand together.

I would like to join Chairman Calvert in welcoming Administrator McCarthy to the Subcommittee. The Environmental Protection Agency was created to protect human health, the health of our environment, and to ensure clean air and clean water is there for our families and children.

In the 1970s, when communities across this Nation saw the effects of mass pollution on the rivers and in the skies, the EPA was a bipartisan solution to address this public health crisis.

I remember how excited both my Republican mother and Democratic father were that the Federal Government was working on this.

Because of the success of the EPA, today we often take for granted the quality of the water we drink from our taps and the air that we breathe.

This year, however, the critical need for the EPA once again was unmistakable. Our Nation watched a tragedy unfold in Flint, Michigan, where children were poisoned by the lead in their drinking water. The residents of Flint were betrayed by their State Government and, to this day, still do not have safe drinking water available from their taps.

The scandal shines a bright light on why it is necessary to have Federal protections for our environment, our water, and our public health. Critics often argue that States are the best able to regulate themselves, but Flint shows us that the Federal Government working with States has a role to play in protecting those communities.

And we here in Congress need to look at the underlying law to ensure that the EPA can step in—can step in—when a State is ignoring the public health of its residents, the United States of America's citizens.

Parents should be able to trust that their children are not being poisoned at school, at their places of worship, and especially in their own homes.

While the situation in Flint is unique because it was created by a State's failure to implement existing protections for its residents, the issue of aging water infrastructure and lead pipes is pervasive all across this country. It is time for us to have a serious discussion about infrastructure. It is unconscionable that in America, the richest country in the world, there are children whose physical and cognitive development is being harmed because they lack access to clean drinking water, which is a basic human right.

Now turning to the budget request, the President's fiscal year 2017 budget request includes $8.27 billion for the EPA. That amount is $127 million above the fiscal year 2016 enacted level.

The request includes increases for core programs, targeting resources toward those programs that matter most to public health

and our environment. Unfortunately, I do not think the budget goes far enough.

The budget requests an additional $77 million for grants to support States and tribes so they can implement their environmental programs. However, this increase would not even bring the grants back to 2012 levels.

Furthermore, we all realize the Nation's water infrastructure is in crisis. Yet, sadly, the Clean Water Act State Revolving Fund, which is a major funding source for municipal water infrastructure projects, is slashed by $414 million.

I also must express my disappointment once again that the administration is proposing to cut $50 million from the Great Lakes Restoration Initiative. The Great Lakes Restoration Initiative has made measurable strides in protecting and restoring the Great Lakes ecosystem, but much more work needs to be done.

With the great unmet demand for both water infrastructure and restoration projects, I have to wonder if these cuts were proposed not on their merits but because the agency was trying to fulfill requests for other increases within their already terribly strained budget.

The SRF and the GLRI programs are among the few in EPA that have strong bipartisan support, so I will be working with Chairman Calvert to restore these cuts.

I only wish we could have the same kind of bipartisan support, though, to restore the cuts that the agency core operations have faced. For 5 years, the EPA has been under attack and its budget has been slashed. Opponents of the EPA view this as a victory, but the crisis in Flint, Michigan, shows what they really were: irresponsible cuts that jeopardize the EPA's ability to provide State oversight and protect public health.

I truly hope that something positive can come from this tragedy, and that it will inspire both sides of the aisle to come together, as we did in the creation of the EPA, and ensure proper funding for environmental regulations and for infrastructure so that no mother or father has to worry that the water that they are giving their baby is poisonous.

Administrator McCarthy, I really do appreciate the work that you and all the employees at the EPA do, and I look forward to your testimony.

Mr. Chairman, I yield back.

Mr. CALVERT. Thank you. I learn something new every day. Was your mom a Republican?

Ms. MCCOLLUM. You betcha. [Laughter.]

Mr. CALVERT. She voted for Richard Nixon.

Ms. MCCOLLUM. She did. My father did not. [Laughter.]

Mr. CALVERT. Well, one out of two is not bad.

I know Chairman Rogers would have loved to been here this morning, but we have a conference going on right now, and he has to be there. I would like to submit his full opening statement for the record.

Without objection.

[The statement of Chairman Rogers follows:]

Chairman Hal Rogers
House Committee on Appropriations

Fiscal Year 2017 Budget Hearing: Environmental Protection Agency
March 22, 2016
Opening Statement as Prepared

Mr. Chairman, thank you for yielding. Administrator McCarthy, thank you for being here today.

The Environmental Protection Agency plays an important role in ensuring that Americans are able to live and work in healthy communities, safeguarded from harmful pollutants and environmental threats. Your agency is tasked with providing people all across the country with access to clean air and water, and doing so by promulgating regulations grounded in the laws enacted by Congress. Over the last 45 years, the EPA has created numerous programs that deliver much needed assistance to the rural communities in my District in Eastern Kentucky. Grants administered by your agency have helped these small towns reduce the incidence of radon-related lung cancer, improve wastewater systems, and provide clean drinking water in places where infrastructure is lacking. I remain supportive of these programs and appreciate your partnership in these efforts.

However, recent events call into question whether the EPA is serving as a responsible steward of our environmental resources and taxpayer dollars. Just last summer, 3 million gallons of toxic waste were released into the Animas River under EPA's watch. Today, almost eight months later, EPA has still not responded to claims made by local residents who were impacted by the spill. I am perplexed as to why the agency is not working more diligently to restore this egregious breach of the public's trust, particularly as you make the case to the American people that you should be allowed to regulate more of our nation's air and water resources.

These very regulations, as you know, are decimating the economy of small communities in my District and are forcing businesses to lay off workers or simply close their doors altogether. Industries that are crucial to our economy, including mining, manufacturing, and transportation, are struggling to make ends meet under your agency's regulatory scheme, and thousands of stable, well paying jobs are hanging in the balance. Nearly every day now, we hear about another major employer filing for bankruptcy or announcing another round of layoffs. Good jobs are disappearing day by day, and we know that onerous regulations coming out of your agency are largely to blame. I have to imagine that you understand how these regulations have led to many counties in my district grappling with 15% unemployment. But can you honestly imagine what it must be like for a miner whose father, and his father before him, all supported their families through this honorable profession – to suddenly be handed a pink slip with no employment prospects in sight?

As I have noted to you many times, there are over 10,000 of these miners in my District who have found themselves unemployed as a result of your single-minded agenda to kill coal in this country. Year after year, Congress has acted to protect these industries and the hardworking people that they employ from the devastating impact of the EPA's actions. Nevertheless, you have come here today asking for more taxpayer dollars to put toward this job killing, anti-coal campaign. In fact, you have asked for an additional $50 million for the EPA Clean Power Plan, even though the Supreme Court has ordered a stay of the rule and States all over the country are halting their implementation plans in hopes that this rule will be thrown out before it causes any further damage.

Employers rely on the reliable, affordable energy provided by the coal industry to stay competitive in this challenging economic environment. Households in every state depend on this cheap energy source to keep their bills low and their lights on when the unexpected occurs. Distorting the market to ensure that coal cannot compete with more expensive and less reliable commodities is a losing strategy for economic recovery and energy independence. We are feeling the impact of this wrongheaded strategy in my District in Eastern Kentucky, and thousands of miners and their families are suffering as a result.

Adding insult to injury, your budget request reduces or eliminates state grants that are important to rural communities, like those in Appalachia. Congress pushed back on your agency's attempt to do the same last year, and made clear that we would not allow the EPA to shift funding away from important infrastructure programs to pay for EPA priorities such as the Clean Power Plan and other damaging regulations. These issues have a direct impact on the livelihoods of countless families throughout Appalachia and in coal communities across the country.

Casting aside the regulatory agenda that has been rejected on a bipartisan basis here in Congress, there are a number of proposals in your budget request that we simply cannot accept. First, you have proposed significant mandatory and discretionary funding increases for your agency, despite the fact that this Committee has reduced your budget each year for the past six years. While you request another $127 million in discretionary funds, which constitutes almost a 2% increase over FY2016 levels, you have also asked for $1.65 billion in new mandatory spending over the next 10 years to advance EPA's own priorities. At a time when Americans are struggling to cope with higher energy costs, I am truly perplexed as to why you think Americans will be receptive to the President's proposal to offset this steep mandatory spending plan with a $10 per barrel tax on oil. You and I both know that these costs will be borne by the consumer, meaning tighter budgets and harder choices for people all over the country. Like so many others across the budget request, this tax increase is dead on arrival in Congress. It is disappointing that the Administration continues to employ gimmicks like this to skirt the Bipartisan Budget Agreement that the President signed into law late last year. I look forward to hearing your testimony and discussing how EPA is working to address the concerns of those that are struggling to cope with the burdensome requirements put forth by this Administration. Thank you.

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Mr. CALVERT. The ranking member is here this morning, Ms. Lowey, and I am happy to recognize her.

And her grandson is in attendance, so we are very proud to have him here.

Ms. Lowey, you are recognized for your opening statement.

OPENING REMARKS OF MS. LOWEY

Ms. LOWEY. Thank you very much, Mr. Chairman. I am happy to be here today. And I want to thank Ranking Member McCollum for your hard work on this committee as well.

I would like to welcome Administrator McCarthy back before the subcommittee today.

Before I share my remarks, I, too, Mr. Chairman want to express our heartfelt prayers for all the families who lost loved ones in another evil act of terrorism and express our determination to bring the perpetrators to justice.

Thank you.

The Environmental Protection Agency is tasked with ensuring that our Nation's air and water is safe. I know my constituents are grateful for your agency's work to clean up the Hudson River and the Long Island Sound, especially given the economic significance of those bodies of water to our region and the Nation as a whole.

The EPA has done good work under your leadership on lowering carbon emissions and helping the United States do its part in the global fight against climate change.

Today, I want to talk about an issue that is of great concern, and that is the Flint water crisis. It is a public health emergency—8,000 children under the age of 6 could have been exposed to lead contamination. The long-term ramifications of that exposure are severe and will not end when the water is clean. Decades or even a lifetime of difficulty may plague those affected.

As ranking member of the House Appropriations Committee, I want to make it clear that I am absolutely committed to making sure that the Federal Government supports the people of Flint and the Federal Government holds up our end of the bargain.

I would like to hear from you what went wrong in Flint and what the EPA will do in both the short term and the long term to prevent another crisis like this happening on our watch.

We must also ensure that the EPA has the resources to carry out your mission. You come before us today with a budget request of nearly $8.27 billion, an increase of $127 million above current funding. This increase is badly needed.

At a time when we face the glaring threat of climate change, when the public health and quality of the air and water are at risk, EPA funding, my colleagues, is nearly 20 percent below its fiscal year 2010 level—below.

Despite high demand, I am concerned that attacks on EPA funding will continue to restrict its ability to get the job done. I hope that this committee can move beyond politics, look at the science, and provide an increase for the EPA, so it can adequately protect our public health.

I look forward to your testimony.

Thank you, Mr. Chairman.

Mr. CALVERT. Thank you.

I think it is a point well-made—excuse me. I should get to your opening statement, and then I will make my comments.

You are recognized, Ms. McCarthy.

OPENING REMARKS OF ADMINISTRATOR MCCARTHY

Ms. MCCARTHY. Thank you, Chairman Calvert, Ranking Member McCollum, Ranking Member Lowey. It is great to be here, and I appreciate the members of the subcommittee giving me time today.

I would like to just briefly discuss EPA's proposed fiscal year 2017 budget. I am joined by the agency's Deputy Chief Financial Officer David Bloom.

EPA's budget request of $8.267 billion for the 2017 fiscal year lays out a strategy to ensure some steady progress in addressing environmental issues that are crucial to public health. For 45 years, our investments to protect public health and the environment have consistently paid off many times over. We have cut air pollution by 70 percent, and we have cleaned up half of the Nation's polluted waterways. All the while, our national economy has tripled.

Effective environmental protection is a joint effort. It is a joint effort of EPA, the States, as well as our tribal partners. That is why the largest portion of our budget, $3.28 billion, or almost 40 percent, is provided directly to our State and our tribal partners.

In fiscal year 2017, we are requesting an increase of $77 million in funding for State and tribal assistance categorical grants and in support of critical State work in air and water protection, as well as continued support for our tribal partners.

This budget request also reinforces EPA's focus on community support by providing targeted funding and support for regional coordinators to help communities find and determine the best programs to address their local environmental priorities.

The budget includes $90 million in brownfields project grants to local communities. That is an increase of $10 million, which will help to return contaminated sites to productive reuse.

This budget prioritizes actions to reduce the impacts of climate change. It supports President Obama's Climate Action Plan. It includes $235 million for efforts to cut carbon pollution and other greenhouse gases through common-sense standards, guidelines, as well as voluntary programs.

The EPA's Clean Power Plan continues to be a top priority for the EPA and for our Nation's inevitable transition to a clean energy economy.

Though the Supreme Court has temporarily stayed the Clean Power Plan rule, States are not precluded from voluntarily choosing to continue implementation planning. EPA will continue to assist those States that voluntarily decide to do so.

As part of the President's 21st century clean transportation plan, the budget also proposes to establish a new mandatory fund at the EPA, providing $1.65 billion over the course of 10 years to retrofit, replace, or repower diesel equipment, and up to $300 million in fiscal year 2017 to renew and increase funding for the successful diesel emissions reduction grant program.

The budget also includes a $4.2 million increase to vehicle engine and fuel compliance programs, including critical testing capabilities.

We also have to confront the systemic challenges that threaten the country's drinking water and the infrastructure that delivers it. This budget includes a $2 billion request for the State Revolving Fund and $42 million in additional funds to provide direct technical assistance to small communities, loan financing to promote public-private collaboration, and training to increase the capacity of communities and States to plan and finance drinking water and wastewater infrastructure improvements.

The EPA requests $20 million to fund the Water Infrastructure Finance and Innovation Act program, which will provide direct financing for the construction of water and wastewater infrastructure by making loans for large, innovative projects of regional and national significance.

This budget also provides $22 million in funding to expand the technical, managerial, and financial capabilities of drinking water systems. Included is $7.1 million for Water Infrastructure and Resiliency Finance Center and the Center for Environmental Finance that will enable communities across the country to focus on financial planning for upcoming public infrastructure investments, to expand the work with States to identify financing opportunities for rural communities, and enhance partnership collaboration with the United States Department of Agriculture.

EPA is also seeking a $20 million increase in the Superfund remedial program, which will accelerate the pace of cleanups, supporting States, local communities, and tribes in their efforts to assess and cleanup sites and return them to productive reuse.

EPA's fiscal year 2017 budget request will let us continue to make a real and visible difference to communities and public health every day, and provide us with a foundation to revitalize the economy and improve infrastructure across the country.

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

[The statement of Administrator McCarthy follows:]

TESTIMONY OF
GINA MCCARTHY

ADMINISTRATOR
U.S. ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES OF THE HOUSE APPROPRIATIONS COMMITTEE

Chairman Calvert, Ranking Member McCollum, and members of the Committee, thank you for the opportunity to appear before you to discuss the Environmental Protection Agency's proposed FY 2016 budget. I'm joined by the agency's Acting Chief Financial Officer, David Bloom.

The EPA's budget request of $8.592 billion [in discretionary funding] for the 2016 fiscal year starting October 1, 2015 provides the resources vital to protecting human health and the environment while building a solid path for sustainable economic growth. Since the EPA was founded in 1970, we have seen over and over again that a safe environment and a strong economy go hand in hand. In the last 45 years, we have cut air pollution 70 percent and cleaned up half of our nation's polluted waterways. Meanwhile, the U.S. GDP has tripled, which shows that investments in public health and environmental protection are consistent with strong economic growth. Economic prosperity and quality of life depends on public health protection that ensures clean air; clean water; and safe, healthy land.

This budget will let us continue that trend. It funds essential work to address climate change, improve air quality, protect our water, safeguard the public from toxic chemicals, support communities' environmental health, maintain core enforcement strength and work toward a sustainable future for all Americans. Central to this work is supporting our state, local, and tribal partners, working with them to deliver on our environmental and health improvements as a shared responsibility. We are doing this while supporting a strong workforce at the EPA with the tools necessary to ensure effective use of the public funds provided to us.

Making a Visible Difference in Communities Across the Country

We are focused on continuing our work with partners to make a visible difference in communities and across the country—especially in areas overburdened by pollution—including low-income neighborhoods, rural communities, and communities of color.

This budget proposes a multifaceted effort to enable communities of all sizes, rural and urban, to find needed assistance and support for capacity building, planning, and implementation of environmental protection programs. In FY 2016, EPA will support this effort by providing targeted funding and regional coordinators to help communities find the best programs to address local environmental priorities. This budget also provides for a network of "circuit riders" to provide on-the-ground assistance to communities to build and strengthen the adaptive capacity and resilience to climate change. EPA will also a support community revitalization and economic redevelopment by investing $110 million dollars, an increase of $30 million from last year, to plan, assess, clean up and reuse brownfields.

This request also includes an additional investment of $16.2 million over our current resources to help local communities improve safety and security at chemical facilities, and to prevent and prepare for oil spills. This investment will improve compliance outreach to industry, emergency planning assistance to local communities, updates to existing guidance and regulations, and enhancements to software used by emergency responders.

The EPA will also work to limit public exposure to uncontrolled releases of hazardous substances and make previously contaminated properties available for reuse by communities through a request of close to $540 million in the Superfund Remedial program and another $191 million in the Superfund Emergency Response and Removal program, which is an increase of $48 million across the two programs.

Addressing Climate Change and Improving Air Quality

The fiscal year 2016 budget request for the agency's work to address climate change and to improve air quality is $1.1 billion. These resources will help protect those most vulnerable to climate impacts and the harmful health effects of air pollution through commonsense standards, guidelines, and partnership programs.

Climate change is one of the greatest challenges of our time. Climate change is not just an environmental challenge, it is a threat to public health, to our domestic and global economy, and to our national and international security. The U.S. has already and will continue to shift the international discussion on climate change from one that focuses on mitigation costs to one that embraces new investment opportunities. If done right, we can cut the carbon pollution that is fueling climate change and position the business community, its entrepreneurs, and its innovators to lead the world in a global effort while at the same time, expanding the economy. States and businesses across the country are already working to build renewable energy infrastructure, increase energy efficiency, and cut carbon pollution—creating sustainable, middle class jobs and displaying the kind of innovation that has enabled this country to overcome so many challenges.

This request supports the President's Climate Action Plan and makes climate action a priority. In particular, the Clean Power Plan, which establishes carbon pollution standards for power plants, is a top priority for the EPA and will help spur innovation and economic growth while creating a clean energy economy. The Plan gives states the flexibility they need to design and implement plans that reduce their carbon pollution while meeting the needs of their residents and businesses. The budget request includes an increase of $25 million in direct grant support to states to establish the programmatic infrastructure necessary for effective implementation as well as resources for EPA to provide critical support to the states through technical assistance, developing guidance, modeling, and other tools.

In addition, the President's Budget calls for a $4 billion Clean Power State Incentive Fund to be administered through a mandatory spending account to support state efforts to accelerate carbon pollution reductions in the power sector. This funding will enable states to invest in a range of activities that complement and advance the Clean Power Plan, including but not limited to direct investments and financing for renewable energy and energy efficiency programs; funding for low-

income communities to address disproportionate impacts from environmental pollution; and assistance and incentives for businesses to expand infrastructure for innovative projects that reduce carbon pollution.

The President's Climate Action Plan also calls for greenhouse gas reductions from the transportation sector by increasing fuel economy standards. With input from industry and stakeholders, the EPA, working with the National Highway Transportation Safety Administration, expects to finalize Phase II greenhouse gas and fuel efficiency standards for heavy-duty vehicles. These standards will deliver significant savings at the pump, reduce carbon pollution, and reduce fuel costs for businesses while improving the efficiency of moving goods across the United States.

Protecting the Nation's Waters

Protecting the nation's waters remains a top priority for the EPA. We will continue to build upon decades of efforts to ensure our waterways are clean and our drinking water is safe. Water pollution endangers wildlife, compromises the safety and reliability of our drinking water sources and treatment plants, and threatens the waters where we swim and fish. In FY 2016, we will begin implementation of the Clean Water Rule, which will clarify types of waters covered under the Clean Water Act and foster more certain and efficient business decisions to protect the nation's waters.

Aging systems and the increasing impacts of climate change create opportunities for innovation and new approaches for drinking water and wastewater infrastructure. Building on the strong funding level of $2.3 billion provided through the Clean Water and Drinking Water State Revolving Funds, $50 million is included for technical assistance, training, and other efforts to enhance the capacity of communities and states to plan and finance drinking water and wastewater infrastructure improvements. The EPA will work with states and communities to promote innovative practices that advance water system and community resiliency and sustainability. Dedicated funding through the Clean Water SRF will advance green infrastructure design and practices such as incorporating permeable permanent natural structures, green roofs, and wetlands which can help cost-effectively meet Clean Water Act requirements and protect and restore the nation's water resources.

In January 2015, the agency launched a key component of this expanded effort, the Water Infrastructure and Resiliency Finance Center. We will work with our partners to help communities across the country by focusing on issues such as financial planning for future public infrastructure investments and expanded efforts with states to identify financing opportunities for resilient drinking water, wastewater and stormwater infrastructure. We will enhance our partnership and collaboration with the U.S. Department of Agriculture on training, technical assistance, and funding opportunities in rural areas. The Water Infrastructure and Resiliency Finance center is part of the Build America investment initiative, a government-wide effort to increase infrastructure investment and promote economic growth by creating opportunities for state and local governments and the private sector to collaborate on infrastructure development.

Separately, EPA will continue efforts to protect and restore ecosystems through its geographic programs. EPA and its federal partners are making steady progress on reducing unexpended balances of Great Lakes Restoration Initiative funding, and will continue and strengthen efforts to

further reduce these balances and examine potential ways to increase expenditure rates in future years.

Protecting Our Land

The EPA strives to protect and restore land to create a safer environment for all Americans by cleaning up hazardous and non-hazardous wastes that can migrate to air, groundwater and surface water, contaminating drinking water supplies, causing acute illnesses and chronic diseases, and threatening healthy ecosystems. We preserve, restore, and protect our land, for both current and future generations by cleaning up contaminated sites and returning them to communities for reuse. Our funds will assist communities in using existing infrastructure and planning for more efficient and livable communities, and encouraging the minimization of environmental impacts throughout the full life cycle of materials.

In FY 2016, we will increase the Superfund Remedial program by $39 million to accelerate the pace of cleanups, supporting states, local communities, and tribes in their efforts to assess and cleanup sites and return them to productive reuse, and encourage renewable energy development on formerly hazardous sites when appropriate. We will expand the successful Brownfields program, providing grants, and supporting area-wide planning and technical assistance to maximize the benefits to the communities. In FY 2016, the EPA is investing $110 million in funding for Brownfields Project grants to local communities, an additional $30 million over the FY 2015 Enacted Budget, increasing the number of grants for assessment and cleanup of contaminated sites. This investment builds on the program's successful community-driven approach to revitalizing contaminated land and further supports the agency's efforts to make a visible difference in communities.

Taking Steps to Improve Chemical Facility Safety

In support of the White House Executive Order 13650 on Improving Chemical Facility Safety and Security, the EPA is requesting $27.8 million for the State and Local Prevention and Preparedness program, an increase of $12 million above the FY 2015 enacted level. This increase will allow the EPA to continue to improve the safety and security of chemical facilities and reduce the risks of hazardous chemicals to facility workers and operators, communities, and responders.

These efforts represent a shared commitment among those with a stake in chemical facility safety and security: facility owners and operators; federal, state, local, Tribal, and territorial governments; regional entities; nonprofit organizations; facility workers; first responders; environmental justice and local environmental organizations; and communities. In FY 2016, we are implementing actions to strengthen community planning and preparedness, enhance federal operational coordination, improve data management, modernize policies and regulation, and incorporate stakeholder feedback and best practices.

Continuing EPA's Commitment to Innovative Research & Development

In building environmental policy, scientific research continues to be the foundation of EPA's work. Environmental issues in the 21st century are complex because of the interplay between air quality,

climate change, water quality, healthy communities, and chemical safety. Today's complex issues require different thinking and different solutions than those used in the past. In FY 2016, we are requesting $528 million for research and development to evaluate and predict potential environmental and human health impacts including impacts related to air pollution, water quality, climate change and biofuels. This will allow all decision makers at all levels of government to have the science needed to develop and implement environmental policies and strategies. This request will also support expanding the EPA's computational toxicology effort—which is letting us study chemical risks and exposure exponentially faster and more affordably than ever before. We are also providing support tools for community health, investigating the unique properties of emerging materials, such as nanomaterials, and research to support the nation's range of growing water-use and ecological requirements.

Supporting State and Tribal Partners

Effective environmental protection is a joint effort of EPA, states and our tribal partners, and we are setting a high bar for continuing our partnership efforts. That's why the largest part of our budget, $3.6 billion dollars or 42 percent, is provided directly to our state and tribal partners. In FY 2016, we are requesting an increase of $108 million in funding for State and Tribal Assistance categorical grants. The increase for State and Tribal assistance includes an additional $31 million over the FY 2015 enacted level for the Tribal General Assistance Program, supporting Tribes in the development of sustainable and robust environmental regulatory programs for Indian country.

As one example of our efforts, we are also including opportunities for closer collaboration and targeted joint planning and governance processes. One example is the E-Enterprise approach, a transformative 21st century strategy to modernize the way in which government agencies deliver environmental protection. With our co-regulatory partners, we are working collaboratively to streamline, reform, and integrate our shared business processes and related systems. These changes, including a shift to electronic reporting, will improve environmental results, reduce burden, and enhance services to the regulated community and the public by making government more efficient and effective. State-EPA-Tribal joint governance serves to organize the E-Enterprise partnership to elevate its visibility, boost coordination capacity, and ensure the inclusiveness and effectiveness of shared processes, management improvements, and future coordinated projects. Projects following the E-Enterprise approach will yield the benefits of increased transparency, efficiency, and burden reduction for communities, businesses, and government agencies when implemented.

Maintaining a Forward Looking and Adaptive EPA

The EPA has strategically evaluated its workforce and facility needs and will continue the comprehensive effort to modernize its workforce. By implementing creative, flexible, cost-effective, and sustainable strategies to protect public health and safeguard the environment, the EPA will target resources toward development of a workforce and infrastructure that can address current challenges and priorities.

We are requesting funding in this budget to help us fast-track efforts to save taxpayer dollars by optimizing and renovating critical agency space. That includes our laboratory buildings across the

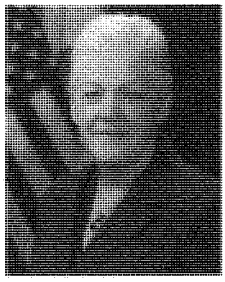
country, where we conduct critical scientific research on behalf of the American public. In the past three years, the EPA realized $8.3 million in rent avoidance by releasing over 225 thousand square feet of space nationwide. We've taken a careful look at our workforce and facility needs so we can continue to optimize and update our physical footprint in FY 2016. We'll also target resources to prepare our outstanding agency workforce for the future, and continue our E-Enterprise effort with states to improve and modernize joint business processes—for instance, replacing outdated paper processes for regulated companies with electronic submissions.

The EPA continues to examine its programs to find those that have served their purpose and accomplished their mission. The FY 2016 President's Budget also eliminates some mature programs where state and local governments can provide greater capacity. Those grant programs are the Beaches Protection categorical grants, the State Indoor Air and Radon grants, the Targeted Airshed grants and the Water Quality Research and Support grants, totaling $44.6 million.

The EPA's fiscal year 2016 budget request will let us continue to make a real and visible difference to communities every day. It will give us a foundation to revitalize the economy and improve infrastructure across the country. And it will sustain state, Tribal, and federal environmental efforts across all our programs.

Mr. Chairman, I thank you for the opportunity to testify today. While my testimony reflects only some of the highlights of the EPA's FY 2016 budget request, I look forward to answering your questions.

Administrator Gina McCarthy



Gina McCarthy is the Administrator of the U.S. Environmental Protection Agency.

Appointed by President Obama in 2009 as Assistant Administrator for EPA's Office of Air and Radiation, Gina McCarthy has been a leading advocate for common-sense strategies to protect public health and the environment.

Previously, McCarthy served as the Commissioner of the Connecticut Department of Environmental Protection. During her career, which spans over 30 years, she has worked at both the state and local levels on critical environmental issues and helped coordinate policies on economic growth, energy, transportation and the environment.

McCarthy received a Bachelor of Arts in Social Anthropology from the University of Massachusetts at Boston and a joint Master of Science in Environmental Health Engineering and Planning and Policy from Tufts University.

When she is not in D.C., McCarthy lives in the Greater Boston area with her husband and dog, just a short bike ride away from their three children, Daniel, Maggie, and Julie.

David Bloom
Acting Chief Financial Officer



David Bloom is the Acting Chief Financial Officer at the EPA, having oversight of EPA's annual budget and performance plan, strategic planning efforts, and financial operations, policy, and financial information systems for the agency. He also oversees environmental finance activities and the E-Enterprise for the Environment initiative.

David began his federal career at the Office of Management and Budget in 1985. In 1991, David joined the EPA's Office of Budget, where he worked in a number of capacities until his appointment as Budget Director in 2003. As Director of the Office of Budget, he managed and directed staff overseeing the budget execution and budget formulation activities for the agency and was responsible for the preparation of the Agency's Annual Plan and Budget. David was appointed the agency's Deputy Chief Financial Officer in September, 2014, and he also served from April, 2013 to August, 2014 as the Acting Deputy Chief Financial Officer for the agency.

During this period, he was at the forefront of improving the agency's financial efficiencies and accountability, working closely with the Office of Management and Budget, Congressional staff, and the EPA's State, local, and tribal partners.

David received a Bachelor's degree in Business Administration from the University of Florida and a Master's Degree in Business Administration from The George Washington University. He was a recipient of the Presidential Rank Meritorious Executive Award in 2012. David makes his home in Virginia with his wife Kelly and two daughters – Elizabeth and Katherine.

Mr. CALVERT. Thank you.

TARGETED AIRSHED GRANTS/DERA

A point was made about the bipartisan effort, and I think that is true, about the environment over the years. Obviously, EPA was signed into law by Republican President Richard Nixon. In my own home State, California, Cal EPA was signed into law by Ronald Reagan. We also created the South Coast Air District. Our former colleague, Jerry Lewis, wrote that legislation back when he was in the State Assembly. Of course, it was signed into law by then-Governor Ronald Reagan.

Now the Inland Empire, where I live, it is part of the South Coast air quality district and has been in nonattainment for ozone as about as long as the Federal standard for ozone has existed. As I am sure you know, it is not for lack of trying.

The South Coast Air District has a long history of implementing some of the most stringent air pollution measures in the country. We broke ground in many of these instances.

When I played football, I can remember in my early days, I could not see the goalposts on the other side of the field, because air quality was so bad. Today, that has totally changed, and yet the population has tripled in my area in Southern California.

Nearby, we have two of the busiest ports in the United States, the Port of Los Angeles and the Port of Long Beach, which are responsible for 40 percent of all U.S. container imports and exports. These containers are loaded onto trucks. They travel through my district and the rest of the country, so mobile sources contribute about 80 percent of the air pollution in the South Coast.

We have made significant progress in improving air quality, however, as I mentioned. But largely due to topography and the large volume of transportation that occurs in and around the Inland Empire, we need some additional resources to make improvements.

That is why the fiscal year 2015 omnibus renewed our Targeted Air Shed Grant program to provide additional resources to areas across the Nation that are similarly struggling to meet air quality standards and need additional help. The 2016 omnibus built on that by doubling those grants.

With EPA's latest ozone standard of 70 parts per billion, the South Coast air quality basin will invariably remain out of compliance. It also may cause other counties to fall out of attainment with air quality standards.

Unfortunately, I am struggling to understand why this budget, with all these increases elsewhere, cuts discretionary funding for DERA by 80 percent and also proposes to eliminate the Targeted Air Shed Grant program. These programs help communities work toward the 2008 ozone mandates.

Meanwhile, the budget proposes a $50 million increase for the Clean Power Plan, which, as you know, the courts have put on hold.

Can you explain that, Ms. McCarthy?

Ms. MCCARTHY. Mr. Chairman, thank you for the question.

I would congratulate the South Coast for all the work that it has done and the work that it has done that has improved air quality

tremendously. We will keep working with them, as we have in the past.

I think the challenge we have for DERA—and we have, as you indicate, offered a request for $10 million in that account. Both you and I understand how valuable that program is. One of the reasons why the President has looked for a mandatory effort to continue to fund DERA at a much more significant level is because of that. We know that this program has had great impact. We are going to continue to support it as best we can, but there is an opportunity that the President has offered to have that be done in a different way outside of EPA's budget, and we would be supporting that effort tremendously.

Mr. CALVERT. It is one of the few times that Senator Feinstein and Senator Boxer and I agree on anything, is the DERA program, which has been remarkable in its ability to improve especially particulate pollution in the South Coast basin, fine particulate pollution.

As you know, we are not going to be getting into mandatory spending. Realistically, that is not going to happen. So we are going to have to find money within the discretionary budget to do that.

With that, Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chairman. I would defer to my ranking member of the full Appropriations Committee for any questions she may have.

FLINT

Ms. LOWEY. You are very kind. Thank you very much for your consideration. This is the busy appropriations season. I think we have about eight hearings today.

So I welcome you again.

However, I am outraged, as are many of my colleagues, at the neglect and criminal incompetence that resulted in the Flint water crisis. It is imperative that the Federal Government hold up our end of the bargain to end the crisis and help the community heal.

EPA, as I understand it, is currently on the ground in Flint assisting with the emergency response, providing technical assistance. This work is essential to making the city water supply safe.

This is an emergency, and as a result, EPA could not plan a budget for the costs associated with this work.

Can you share with us how you much you estimate EPA will have spent or will continue to spend on Flint this year?

Ms. MCCARTHY. Ranking Member, as you know, EPA is committed and we are there in full force in Flint, and we are going to be there until that water is once again stabilized and it can be consumed by people with confidence.

So I cannot estimate exactly what the costs are. We know that we have already identified the need for millions of dollars of our current budget to be dedicated there. We will keep at it, and we will find a way to continue to meet our obligations there.

But as you indicate, it is a long-term strategy. That is why the Federal Government is there in full force, not just EPA. So we will be working on the water quality, but we have Health and Human

Services running a Federal emergency response there that is going to look at some of those longer-term challenges.

Ms. LOWEY. What I am looking at now is what is needed in addition to what you have already budgeted. It would seem to me that in order to respond appropriately and adequately, you would have to take those resources from other programs and further weaken EPA's ability to protect public health.

Mr. Chairman, I do hope we can act quickly to pass an emergency supplemental to address not only the Flint crisis, but also Zika and the opioid crises.

LEAD PAINT RULE

EPA has received a lot of criticism for not updating its Lead and Copper Rule quickly enough. In fact, it has been an amazing about-face for my colleagues across the aisle who spent years filling appropriations bills with policy riders to block the EPA from regulating. Now, there is unanimity in admonishing the EPA for not regulating enough.

Frankly, protecting children from lead should not be a partisan issue.

If you could share with us, how does EPA's Lead Renovation, Repair and Painting Rule protect children from exposure to lead?

And, frankly, I remember years ago, even working at the State level, dealing with the issue of paint with lead in it, and we were so concerned.

Could you share with us your program?

Ms. MCCARTHY. There are two ways in which we are responding to this, Ranking Member.

One is, as you indicated, we are taking a look at lead exposure from water. So we are looking at our Lead and Copper Rule. But I want everybody to understand that the challenges that we faced in Flint were actually a lack of complying with the current rule. That is essential for us to make sure that everybody is implementing the current rule while we look at the next one.

In terms of lead paint, that is a significant exposure route for lead in our kids, as well as lead in soil. We are working on all of those issues.

The way that the rule works is to require that when we have homes that are of a certain age, you have to look and see whether or not, and test whether or not, you have lead paint. If you do, you have to use certain work practice standards to ensure that there is a sealing of the area where you are working on that lead paint, and that it is removed appropriately, and it does not provide a route of exposure for the family moving forward.

The challenge for that rule is that in moving that forward, it requires every State to pay attention. It requires training to be done. It requires certification.

For the most part, what we are seeing is that when you have an older home, they are going ahead and using those work practice standards, as opposed to relying on the test, because the test, as you know, continues to be a challenge for us.

So we are going to continue to move that forward, but it will take a concerted effort. Frankly, we are not moving at a pace that, certainly, all of us would be comfortable with in terms of getting lead

paint out of kid's homes and getting it out of the soil, never mind the challenges we are facing in water.

Ms. LOWEY. I want to thank you.

Mr. Chairman, if you recall, in last year's appropriations cycle, there was a rider, and I offered an amendment to strike the rider that would have prohibited the EPA from implementing the Lead Renovation, Repair and Painting Rule. While, frankly, my amendment did not pass in this committee, the ranking member and I were able to remove it from the final omnibus spending bill.

I do not think I have any time, but at some point, you can let us know, had that rider been implemented, how it would have weakened EPA's tools for protecting children from lead exposure. It would be very helpful if you can respond to that in writing, so I can graciously thank the chairman for your time.

Ms. MCCARTHY. I would be happy to do that, Ranking Member.

[The information follows:]

The text of the rider prohibits the use of any funds to implement the lead Renovation, Repair and Painting (RRP) rule until the agency publicly recognizes a commercially available lead test kit that meets both criteria under 40 CFR 745.88(c) (i.e., a test kit currently available that would meet the positive criterion as well as the negative criterion).

EPA recognizes three lead test kits that meet the false negative criterion of the rule. As clearly stated in 40 CFR 745.88(a), these kits can be used unless and until industry develops a test kit that also meets the false positive criterion. Furthermore, the RRP rule does not require the use of lead test kits. They are optional on the part of the renovator.

A funding cutoff would prevent EPA from carrying out its ongoing statutory mandate under TSCA Title IV to develop and implement a program to ensure that renovation, repair and painting activities are conducted in a lead-safe manner. It is unnecessary to risk these adverse consequences. A list of specific impacts is provided below.

Programmatic Impacts

- Firm Certification Would Stop – No new renovation firms will be certified, applications that have been submitted will not be issued, and overpayment refunds will not be issued.

- Renovators Forced Out of Compliance – Renovators will be unable to obtain Cleaning Verification Cards that are required to be used by every certified renovator.

- Accreditation of New Training Providers Would Stop – No new Training Providers will be accredited nor will Training Providers be able to expand their training programs – both of which will impede the training of new renovators. In addition, training providers have begun to apply for re-accreditation because their original accreditation expires four years after being granted; these providers will be forced to discontinue their business because re-accreditations will not be approved. The EPA will also be unable to keep training materials current.

- Authorization of New State Programs Would Stop – TheEPA has authorized 14 states and one tribe to administer and enforce the RRP rule in lieu of the federal program. Without implementation funding, the agency will not be able to authorize additional programs.

- Critical Funding for State Programs Would Stop – Authorized state programs receive grant funds from EPA. Without funding these states may be forced to cease operations and return the program to EPA, putting jobs at risk and requiring thousands of renovators to comply with the Federal regulation instead of their own state's tailored program.

- Building Demand for Certified Renovators and Firms Would Stop – EPA would stop providing up-to-date information on RRP to the public, such as the search tool for locating certified renovation firms.

Health/Environmental Impacts:

- Environmental Health Goals Will Not Be Met – Key health and environmental goals of the program will not be achieved, including reducing the number and percentage of young children with unsafe levels of lead in their blood and reducing the disproportionate incidence of lead-based paint exposure among low-income children.

- Potential Exposure to Dangerous Lead Dust – The number of renovations performed without using lead-safe work practices would increase, compromising public health. Evidence clearly shows that renovations performed *without* using common sense lead-safe work practices can result in exposure to dangerous levels of lead dust; an estimated 1.64 million children in homes, schools and child-care facilities covered by the RRP rule may be affected.

Economic/Employment Impacts:

- Homeowners' Choice Diminished – With no new renovation firms being certified, homeowners will be less likely to find a trained and certified renovator, limiting their choice of renovators. With a limited number of certified firms, the cost of lead-safe renovations may increase.

- Trained Renovators Face Unfair Competition, Regulatory Uncertainty – With EPA unable to enforce the Lead RRP program, the more than 93,000 certified renovation firms will be placed at a competitive disadvantage. Without an ongoing enforcement program, non-compliant contractors will be free to undercut legitimate contractors while potentially exposing their customers to dangerous levels of lead in dust. This language would be a disservice to the legitimate firms and the more than 500,000 individual renovators who have followed the requirements of the law to become trained and certified to advantage the few who have not. In addition, the RRP rule will continue to remain in effect, causing widespread confusion that would likely result from news that EPA is unable to enforce the rule.

- State Employees Impacted – Without critical grant funding, authorized state programs will feel an impact. All of the 14 authorized state programs have one or more positions funded by EPA grants. Without continued grant funding, these positions are at risk of being eliminated, and the states will face the difficult choice of abandoning their programs or administering them at a greatly reduced level.

- Private Businesses Stop or Lose Work – Without enforcement of the RRP program, compliant, certified contractors would likely lose work to non-certified firms, operating illegally but without facing the threat of enforcement. Firms that need proof of certification in order to apply for certain federal or state contracts would lose the ability to bid for jobs unless they are already certified. The overall impact would disproportionately affect small businesses, because they make up the majority of entities in these fields.

- Government Contractors Stop Work – EPA uses government contractors and grantees to perform many of the administrative functions associated with implementing the RRP program. EPA will no longer pay for these contractor or grantee services.

Mr. CALVERT. I thank the gentlelady.

Mr. Simpson.

Mr. SIMPSON. Thank you, Mr. Chairman.

Welcome back to the committee. It is always an exciting time on our committee when the EPA comes here. As you can tell, there are sometimes differences between Republicans and Democrats, and sometimes an agreement between Republicans and Democrats on such things in the Pacific Northwest.

I will have some questions that I will submit for the record on fish consumption and where we are on the arsenic rule and the difficulty of small communities complying with the 10 parts per billion, down from 50, and what means of assistance might be available to some of these very small communities that essentially cannot do it.

FLINT

But I want to ask something else. I watched with some interest, the hearing last week with the Government Oversight Committee with you and Governor Snyder of Michigan. Quite frankly, I was dismayed.

There is a lot of finger-pointing going on, a lot of finger-pointing that is going to be going on for quite some time. They will write books about this in the future, about what happened, and what did not happen, and who did what.

The problem is that does not solve the problem.

Ms. MCCARTHY. Right.

Mr. SIMPSON. What we need to do is solve the problem.

What I want to know from you is, what should the City of Flint, the State of Michigan, and the Federal Government, Congress, be doing to address this problem in Flint? And then, what are the lessons learned from this moving on? As I understand it, there are as many as 2,000 communities out there that might be facing the same type of situation.

If in that answer you could tell me, because I do not know that people have the solid background on what the demand is out there in water and sewer systems in this country, what the total backlog of maintenance of water and sewer systems is in the country? And how much the Feds along with State and local communities spend trying to address that backlog each year? Because at the rate we are going, it is going to take 100 years to address the backlog that exists today.

I will turn it over to you.

Ms. MCCARTHY. Congressman, thank you for talking about what went wrong and what we need to do about it. I think everybody needs to be accountable for this, including the Environmental Protection Agency, in terms of how we responded to it.

But getting to the crux of the matter, Flint was a fairly unique situation. So while we are actively, and I have written to every Governor and every primacy agency, and I have all of my regions working with the many over 68,000 systems that actually are regulated under the Lead and Copper Rule, to take a look at where they are in their process. How do we get more transparent?

If people have lost faith in government, let's put the information out, make sure they are following protocols, a map where those

lead lines are. Let's really get more serious about this and more transparent. So we are working hand-in-hand with those States and those cities that continue to have challenges.

It is not an easy issue, and it is going to take a while. And we have 10 million lead lines out there, so it is a challenge just to make sure that the water is properly treated. But also, over time, getting at those lead lines is going to be essential.

So we are working also on updating the Lead and Copper Rule, making sure we are implementing but also strengthening that rule.

But we are looking at a significant challenge in terms of water infrastructure, as you noted. It is important for us not to just look at lead but at the system itself, because if you look at Flint, that was part of the challenge as well. It is twice as big as it needs to be because of disinvestment in that community. It has not been invested in in decades.

So you have a system problem that is essential to correct, which is why I think it is going to take a while before Flint is back in action. We will get the system stabilized for corrosion control. But beyond that, there is much work to be done.

Across the U.S., we took a look at this in 2011 and 2012, and we estimated that the backlog of need for drinking water up through 2030 was something on the order of $300-some-odd billion. I do not have exact figure in my head. But I think that is a low-ball estimate now. I have heard others estimating upwards of $600 billion.

Mr. SIMPSON. That is just water systems?

Ms. MCCARTHY. This is for drinking water. So we have a real challenge here.

We also have technologies that were done in the 1950s and earlier. I love the 1950s, do not get me wrong. It was a good decade, as far as I am concerned. But we need to keep up that investment. And we have new, emerging concerns, like arsenic. How are we going to get those small systems, because the technology is expensive and we have to resolve this?

We have new contaminants coming in, like PFOA and PFOS, all of these chemicals that we are finding in pharmaceuticals.

We need not just an upgrade of what used to be, but we need technologies developed that can actually address the problems of today and the future.

So we have some real challenges that EPA is operating money is not going to resolve. It is very good to have $2 billion, and then to shift that to get more into drinking water, but there does have to be a larger conversation about how we keep this core need and right of people in place, as this country has for decades. We just need to take a step back and think this through.

RURAL WATER TECHNICAL ASSISTANCE

Mr. SIMPSON. I appreciate that. One quick question. You mentioned in your opening statement that you had $42 million in technical assistance for water systems in small communities. You have done away with the rural water technical assistance program.

Ms. MCCARTHY. Yes.

Mr. SIMPSON. Does that mean those funds are transferred over to this account?

Ms. MCCARTHY. No, it means that we are going to continue to provide as much resources as we can, but we have different strategies to try to leverage that a little bit further. We are working very closely with USDA in our new financing center to try to figure out how we can work more directly with communities, rural communities. We have funding that is going to tribes. We have funding that is going to the Alaskan Native villages. We have funding that is also dedicated to the Mexico-U.S. border.

So we are trying to be a little bit more selective to get at the critical issues as well as more forward-leaning in terms of how we leverage those funds.

Mr. SIMPSON. Okay. I appreciate it. Thank you.

Mr. CALVERT. Thank you.

Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair.

FLINT

About 9 months ago, Congressman Kildee approached me, and I am sure he approached others on this subcommittee, saying we need help from the EPA. I said we cannot do that. That is an earmark for Flint. We did some investigation and we found out that the Governor could have asked for funding directly and then that would not have been an earmark.

I have two little follow-ups on Flint, and then I want to get to another question.

You referenced 10 million miles of pipes, correct? But that is the public pipe. That is not the pipe that goes from where the right-of-way ends on a street into somebody's home. I have communities in my district, St. Paul and Stillwater, with older homes, and people are now paying a little more attention to make sure that they are testing for brass and lead.

As your budget has been cut over the years, how has that affected your ability to do not just a State audit, but an in-depth State audit—really dig in the way that you would like to? If you could just take a second to answer that, because I have another question.

Ms. MCCARTHY. Okay. Just a second.

There is lead and mostly it is the service lines into the homes that we have concerns with, as well as lead in the homes. We are working with that.

You know, everybody's resources are limited. We try to work with States to make sure that we marry our resources and effectively get at these issues. We have also tried to provide some flexibility in State drinking water funds so that we can use those not just for the public portion, but also you can use those to help support that private system going in, that lead line going into the homes.

So we are doing what we can with the budget we have. But clearly, it is a larger problem that we are facing than we are able to support and take care of in a short period of time. It is going to take a long time.

GOLD KING MINE

Ms. MCCOLLUM. Thank you. I want to talk about a different kind of backlog, the abandoned mines issue. Last August, while you were investigating the Gold King mine, EPA caused an uncontrolled release that spilled contaminated water from a mine into Cement Creek, a tributary of the Animas River.

EPA's actions triggered these releases. However, I think it is really important to be clear that the EPA was only doing that work because it was stepping in to clean up an abandoned mine that had been polluting the area for decades. In fact, that mine was already releasing a steady stream of over 300 million gallons of contaminated water each year.

This country has a legacy of abandoned mines that pose safety risks to the public and leach pollutants that contaminate the soil and water. The universe of abandoned mines is huge. In Colorado, Utah, Arizona, and New Mexico alone, there are at least 44,000 abandoned mines with no one to hold liable. It falls on the taxpayer to pay for the cleanup for these mines. They mine their profits; they close up their mines; and they have left.

As you are dealing with these issues that we are talking about today with Flint, you also have a role in cleaning up pollution from abandoned mines. How many abandoned mines is the EPA currently working on? What has the EPA been doing for the Navajo Nation to ensure that their water is properly monitored? How much assistance, monetary and technical, has the EPA been giving?

And if I might add, while we are cleaning up these legacy mine pollution issues, what is EPA doing to make sure that we do not create another legacy of polluted mines?

Ms. MCCARTHY. First of all, let me try to quickly answer your questions.

At this point, I am aware that we are working directly on probably a little more than a dozen mines, in particular, working with States. We put that work on hold when Gold King Mine happened. We are still talking about how we not only make sure that incident and a release does not happen again, but we are called in to deal with issues that the States cannot.

That is what happened with Gold King Mine. Everybody was concerned about a blowout. That is why we were there.

It is challenging. And there are, as you indicate, thousands of these abandoned mines. We are working on as many as we can with the resources that we have and our expertise allows. But we are working on it carefully, and making sure that that does not happen again, and that we have notification procedures that are much better than we had when Gold King Mine happened.

But is, as you indicate, challenging.

We have already, in terms of the answer to the Navajo Nation, we have already reimbursed the Navajo Nation for their expenses, which is about $158,000. We have done the same for La Plata County, San Juan County.

We have an obligation to work with the States as well, and we are doing that.

But in addition to that, we have been working with the States and with the affected tribes to put together a long-term monitoring plan that EPA would support. We have identified $2.4 million, and we are working with States on how best to allocate that and how we can do that in a way that looks not just at the Animas River that was directly impacted, but the San Juan River that was impacted downstream as well.

So we are working through these issues, but you are pointing out a very large problem that needs a much broader solution. I think everybody acknowledges that on both sides of the aisle, that we have abandoned mines that I cannot find responsible parties for, that States do not have the resources to address, and we sort of get called in at the last minute to try to resolve these. It is certainly not an effective cleanup strategy.

Ms. MCCOLLUM. Thank you, Mr. Chairman.

Mr. CALVERT. Mr. Stewart.

Mr. STEWART. Thank you, Mr. Chairman.

It is good to see you. I wish we had more time. This is a target-rich environment, there is no doubt. There are so many things that many of us would like to talk to you about.

Ms. MCCARTHY. That makes me nervous when you use the word "target." [Laughter.]

Mr. STEWART. Well, having seen just parts of some of the other hearings, I recognize this is not your favorite thing to do. I get that. But we also feel compelled to engage with you in some ways about things that many of us are very, very concerned about.

Ms. MCCARTHY. Sir, it is an honor to be here.

Mr. STEWART. I appreciate that.

GOLD KING MINE: ANIMAS RIVER

Just an observation, and then I want to get to a specific question.

The breakdown in trust between just normal folks, just people, and the Federal Government is something that I think troubles all of us. I think the approach and the aggressiveness of the EPA is one of the keys to that. I really do.

I think we have to find a way to do better than we have done at this, and not to give people the feeling the Federal Government is going to do what they are going to do regardless of how local people feel and the concerns that they may have.

I would like to pick up on a line of questioning. I was not going to do this, but since it came up, I would like to talk about the Gold King Mine.

To review what I know about that, that came out in recent hearings, 88,000 pounds of metals released in the Animas River, which affected Western States, including my own.

Just as a second observation, it is interesting to me how little media has been paid to this. If a private company had done this, I cannot help but believe it would have been a very different media story than what we are seeing now under the reality that it was the EPA who did it, not a private company.

When you review the EPA's assumptions, from the layout of what they thought the mine consisted of—I know you know this, but to state it for the record—that contradicted public records, assuming the water was only halfway up the mine. They did not test

for water pressure. Even things like the onsite commander leaving on vacation, leaving instructions that were apparently discarded or not adhered to.

My question is, can you tell us where your investigation is and who has been held accountable for what I believe is at least the dereliction of responsibilities in this? It has been long enough now. We should know what happened and who was responsible and how they have been held accountable.

Ms. MCCARTHY. Sir, we have both done an internal investigation at EPA that has been provided publicly. The Office of Inspector General has looked at it. We looked for and received an independent investigation by the Department of the Interior. So we believe we have provided information to folks.

Just for a factual basis, EPA was there working with the State and with the Animas River group to try to figure out how to be helpful here. There is no question that the work that we did resulted in the blowout. But I do not want anyone to think that EPA was there at the time of the blowout to do anything other than to continue the preparatory work for when the lead was coming back and we are going to continue to consult with BLM and others on how best to address this issue.

It was a mistake. Have I found anyone that did not act responsibly and that should have known better? So far, the independent analysis that we are seeing has not identified negligence. But we are still continuing to look at the issue, and we would welcome anyone else doing that as well.

Having said that, we had a release there, and it was a large release. That is what we were trying to avoid. It was 3 million gallons, and we are going to make good on making sure that that did not have a long-term impact.

We do not see a short-term impact as a result of that, because, frankly, 300 million gallons of contaminated water is released into that Cement Creek and into the Animas River every single year. So 3 million sounds like a lot, but in the context we are trying to get at these things in a piecemeal way. Certainly, it was not successful in terms of the preparatory work, and it did cause this spill.

Mr. STEWART. Well, in conclusion, I think the challenge you have is to fight the perception, if it is only a perception, and I am not certain that it is, but to fight the perception that the Federal Government treated themselves differently than they would have treated a private company. Because I think there is a consensus among at least my constituents that there is a double standard here, and that this is evidence of a double standard.

Ms. MCCARTHY. I really appreciate it, sir. You are absolutely right that we need to make it very clear that we are holding ourselves fully accountable for this.

I do wish that some of these abandoned mines had individuals we could hold accountable, but that is not the way the law and the process is structured.

But I thank you. You are absolutely right. We need to be clear about what we are doing and why, and be held fully accountable for this.

Mr. STEWART. Thank you. I yield back.

Mr. CALVERT. Thank you.

Mr. Kilmer.

Mr. KILMER. Thank you, Mr. Chairman.

And thanks for being back with us.

PUGET SOUND

I think you know one of the most important challenges in the region I represent is the recovery of Puget Sound. In recent years, we have taken some steps in the right direction. For that, I want to recognize the EPA and your regional administrator Dennis McLerran, and Peter Murchie, who is the Puget Sound program manager, for the hard work they have done.

You got to see just how important Puget Sound is to our region when you came to visit in 2014. We would like to invite you back this year. Your local team has done an excellent job with the resources that they have available.

Having said that, I think we can all agree that we have a long way to go on addressing this challenge. I hope you had a chance to see a recent study that was done by NOAA and Washington State University that documents the fatal impacts of stormwater runoff on coho salmon as they are entering the sound.

Unfortunately, the study confirms what a lot of us already knew, which is that toxic runoff is damaging water quality and hurting key resources like salmon and shellfish that are not just important from an environmental ethic, but are critical drivers of our economy.

Chairman, Ranking Member, if there is no objection, I would ask for a copy of this report to be submitted into the record.

Mr. CALVERT. Without objection.

[The information follows:]

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Coho salmon spawner mortality in western US urban watersheds: bioinfiltration prevents lethal storm water impacts

Julann A. Spromberg[1], David H. Baldwin[2], Steven E. Damm[3], Jenifer K. McIntyre[4], Michael Huff[5], Catherine A. Sloan[2], Bernadita F. Anulacion[2], Jay W. Davis[3] and Nathaniel L. Scholz[2]*

[1]Ocean Associates, Under Contract to Northwest Fisheries Science Center, National Marine Fisheries Service, NOAA, 2725 Montlake Blvd. E., Seattle, WA 98112, USA; [2]Environmental and Fisheries Science Division, Northwest Fisheries Science Center, National Marine Fisheries Service, NOAA, 2725 Montlake Blvd. E., Seattle, WA 98112, USA; [3]U.S. Fish and Wildlife Service, Washington Fish and Wildlife Office, 510 Desmond Dr. S.E., Lacey, WA 98503, USA; [4]Puyallup Research and Extension Center, Washington State University, 2606 W. Pioneer Ave., Puyallup, WA 98371, USA; and [5]Suquamish Tribe, PO Box 498, 18490, Suquamish Way, Suquamish, WA 98392, USA

Summary

1. Adult coho salmon *Oncorhynchus kisutch* return each autumn to freshwater spawning habitats throughout western North America. The migration coincides with increasing seasonal rainfall, which in turn increases storm water run-off, particularly in urban watersheds with extensive impervious land cover. Previous field assessments in urban stream networks have shown that adult coho are dying prematurely at high rates (> 50%). Despite significant management concerns for the long-term conservation of threatened wild coho populations, a causal role for toxic run-off in the mortality syndrome has not been demonstrated.

2. We exposed otherwise healthy coho spawners to: (i) artificial storm water containing mixtures of metals and petroleum hydrocarbons, at or above concentrations previously measured in urban run-off; (ii) undiluted storm water collected from a high traffic volume urban arterial road (i.e. highway run-off); and (iii) highway run-off that was first pre-treated via bioinfiltration through experimental soil columns to remove pollutants.

3. We find that mixtures of metals and petroleum hydrocarbons – conventional toxic constituents in urban storm water – are not sufficient to cause the spawner mortality syndrome. By contrast, untreated highway run-off collected during nine distinct storm events was universally lethal to adult coho relative to unexposed controls. Lastly, the mortality syndrome was prevented when highway run-off was pretreated by soil infiltration, a conventional green storm water infrastructure technology.

4. Our results are the first direct evidence that: (i) toxic run-off is killing adult coho in urban watersheds, and (ii) inexpensive mitigation measures can improve water quality and promote salmon survival.

5. *Synthesis and applications*. Coho salmon, an iconic species with exceptional economic and cultural significance, are an ecological sentinel for the harmful effects of untreated urban run-off. Wild coho populations cannot withstand the high rates of mortality that are now regularly occurring in urban spawning habitats. Green storm water infrastructure or similar pollution prevention methods should be incorporated to the maximal extent practicable, at the watershed scale, for all future development and redevelopment projects, particularly those involving transportation infrastructure.

Key-words: habitat restoration, non-point source pollution, Pacific salmon, run-off, storm water, urban ecology, urban streams

*Correspondence author. E-mail: nathaniel.scholz@noaa.gov

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Introduction

In recent decades, non-point source run-off has become the leading pollution threat to aquatic habitats in the USA and similarly developed countries. In highly built watersheds, the transport of toxic chemical contaminants via storm water contributes to the well documented 'urban stream syndrome', as evidenced by various indicators of biological and ecological degradation (Walsh *et al.* 2005). These include declines in species abundance, species diversity and the proliferation of non-native, pollution-tolerant taxa.

Nevertheless, field assessments in urban watersheds rarely report fish kills or similar acute mortality events for aquatic life. A notable exception is the recurring die-off of adult coho salmon that return from the ocean to spawn each year in large metropolitan areas of northern California, western Oregon and Washington in the USA, and southern British Columbia in Canada. The coho mortality phenomenon has been studied most extensively in lowland streams of the greater Seattle area of Puget Sound. Coho begin the freshwater phase of their spawning migration with the onset of autumn rainfall. Typically within days of arriving at stream reaches suitable for spawning, affected fish become stricken with symptoms that progress from a loss of orientation (surface swimming) to a loss of equilibrium and death on a time-scale of a few hours (Videos S1 and S2, Supporting information; Scholz *et al.* 2011). Year-to-year mortality rates within and across urban watersheds are typically high (~50–90%), as measured by the proportion of unspawned females for an entire annual run (Scholz *et al.* 2011).

As might be expected, initial modelling indicates that such high mortality rates at the critical spawner life stages pose a significant extinction risk for wild coho populations (Spromberg & Scholz 2011). Coho distinct population segments, or evolutionarily significant units (ESUs; Waples 1991), are comprised of metapopulations that span large river basins with varying degrees of urban and suburban land use (e.g. Pess *et al.* 2002; Bilby & Mollot 2008). This population structure and the highly migratory life histories of salmonids have generally constrained ecotoxicological studies (Ross *et al.* 2013). Nevertheless, if urban run-off is killing adult coho, ongoing regional development pressures may present an important obstacle to the recovery of coho ESUs, including those designated as threated (Lower Columbia River) or a species of concern (Puget Sound) under the US Endangered Species Act.

To date, the evidence linking urban storm water run-off and coho spawner mortality has been indirect. The uniform nature of the symptoms, over many years and across many streams, is consistent with a common and prevalent form of toxicity. A forensic investigation spanning nearly a decade ruled out several other potential causes, including conventional water quality parameters (e.g. dissolved oxygen, temperature), habitat availability, poor spawner condition and disease (Scholz *et al.* 2011). Moreover, an initial geospatial land cover analysis found a significant positive association between the severity of the coho die-off phenomenon and the extent of impervious surface within a watershed (Feist *et al.* 2011).

The aim of the present study was to explore the connection between water quality and coho mortality more directly by experimentally exposing freshwater-phase spawners to both artificial and actual highway run-off. Although urban storm water is chemically complex, field collected samples consistently contain motor vehicle-derived mixtures of metals and polycyclic aromatic hydrocarbons (PAHs), many of which are toxic to salmon at other life stages (e.g. copper, McIntyre *et al.* 2012; Sandahl *et al.* 2007; PAHs, Meador *et al.* 2006; Heintz *et al.* 2000). If the mortality syndrome could be reproduced with an environmentally realistic mixture of metals and PAHs, it would then be possible to identify the causal agents by removing different components of the mixture. To account for the possibility that some other contaminant(s) may be causal, we also exposed adult coho to storm water collected from a dense urban arterial road (i.e. highway run-off). Lastly, we exposed adult coho to highway run-off which was pre-treated with a conventional green storm water infrastructure (GSI) technology (bioinfiltration through soil columns) to remove pollutants, with the aim of lessening or eliminating any overtly harmful impacts of unmitigated storm water.

Materials and methods

ANIMALS

Adult coho salmon were collected at the Suquamish Tribe's Grovers Creek Hatchery near Poulsbo, Washington. Hatchery coho are an appropriate surrogate for wild coho given that field observations have documented the mortality syndrome in spawners of both wild and hatchery origins (Scholz *et al.* 2011). At Grovers Creek, returning coho migrate <4 km in freshwater from Miller Bay in Puget Sound to a hatchery pond via a fish ladder. The pond was seined on Monday, Wednesday and Friday of each week, and thus the fish were in the pond for a maximum of 72 h prior to capture. The coho were strays from a net-pen operation designed to provide a terminal fishery to the south of Miller Bay. When available, females were used for the controlled storm water exposures. For trials with an insufficient number of females, males were also included, as the urban mortality syndrome affects males and females alike (Scholz *et al.* 2011). Only fish exhibiting normal behaviour and with no obvious signs of trauma, disease or poor condition were included. One set of exposures was conducted on a given day.

Each individual coho spawner was placed in a holding tube constructed of PVC, of either 15·2 × 76·2 cm (diameter × length) or 20·3 × 106·7 cm with 1·1-cm-thick polyethylene gates fitted into slots at either end. Ventilation was provided by six 2·5-cm-diameter holes on either side of the anterior (head) end of each tube and five 1·75-cm-diameter holes in each gate. A ventilation hose attached to a pump (for 2011–12, a Flotec Tempest 1/6 HP, 4·5 $m^3 h^{-1}$ (Flotec Water, Delavan, WI, USA); for 2013–14, a Lifegard Aquatics Quiet One 3000, 3·1 $m^3 h^{-1}$ (Lifegard Aquatics, Cerritos, CA,

USA)) submerged in the polyethylene tank supplied a minimum of 4 L min^{-1} flow through the forward gate and over each fish in an anterior–posterior direction.

For each trial, four separate coho holding tubes were placed in a large polyethylene tank containing 440 L of clean well water, artificial storm water, highway run-off, or run-off pretreated with soil infiltration. Adult coho were exposed for 4–48 h depending on the treatment (see below). Aeration was provided with air stones attached to an air pump (Coralife 05146 Model SL-38 Super Luft Air Pump, Central Aquatics-Coralife, Franklin, WI, USA). Exposure waters were maintained at temperatures below 14 °C by flow-through (2011) and Aqua Logic® Cyclone® Drop-In Titanium Chillers (2012). Smaller ventilation pumps that produced less heat were used in 2013–14, and thus, chillers were not needed.

EXPOSURES TO ARTIFICIAL STORM WATER

In the autumn of 2011, returning adult coho were exposed to artificial storm water containing mixtures of PAHs and metals. The mixtures were comprised of individual compounds at concentrations at or above those measured during autumn storm events in Seattle-area urban streams (Seattle Public Utilities 2007), or at levels representative of urban storm water run-off more generally (Stein, Tiefenthaler & Schiff 2006; Gobel, Dierkes & Coldewey 2007; Tiefenthaler, Stein & Schiff 2008). The PAH profile of urban run-off is compositionally similar to that of crude oil, particularly for toxic three- and four-ring compounds (McIntyre *et al.* 2014). The exception is a lack of dissolved pyrene and fluoranthene in crude oil (Incardona *et al.* 2009). Thus, the PAH portion of the mixture was generated from a water-accommodated fraction (WAF) of Alaska North Slope crude oil, to which pyrogenic pyrene and fluoranthene were added (Table S1). The WAFs were prepared in a 3-speed commercial blender with a 3·8-L stainless steel container (Waring CB15; Waring Commercial, Torrington, CT, USA), following a protocol developed to yield fine oil droplets and bioavailable PAHs in the dissolved phase (Incardona *et al.* 2013). In brief, the stainless steel container was cleaned with acetone and dichloromethane, the rubber lid was lined with dichloromethane-rinsed heavy-duty aluminium foil, and the container was filled with 1 L of deionized water. The volume of crude oil added to the WAF (1 mL) was intended to produce a final maximum phenanthrene exposure concentration of 0·384 μg L^{-1} (Stein, Tiefenthaler & Schiff 2006). Pyrene and fluoranthene were then added to coequal final target exposure concentrations of 0·584 μg L^{-1}. Water and oil were blended for 30 s on the lowest speed four times. The oil–water mixture was then poured into a 1-L separatory funnel and allowed to sit for 1 h. With care to leave the surface slick undisturbed, 789·3 mL at the bottom were then drawn off and added to the exposure chamber.

The metals fraction of the PAHs/metals mixture consisted of cadmium, nickel, lead, copper and zinc (anhydrous $CdCl_2$, $NiCl_2$, $PbCl_2$, $CuCl_2$ and $ZnCl_2$; Sigma-Aldrich, St. Louis, MO, USA, > 98% purity) added to clean well water at nominal concentrations (Table S1) that were in the upper range of metal detections in urban streams (Stein, Tiefenthaler & Schiff 2006; Gobel, Dierkes & Coldewey 2007; Seattle Public Utilities 2007; Tiefenthaler, Stein & Schiff 2008). Moreover, the concentrations of metals in urban run-off are transiently elevated during the first flush interval (Kayhanian *et al.* 2012). To capture this exposure scenario, experiments in the autumn of 2012 used relatively higher nominal concentrations of metals only (Table S1). Temperature and dissolved oxygen were monitored and maintained at physiological ranges for adult salmon, and water samples were collected for analytical verification of exposure concentrations.

EXPOSURES TO HIGHWAY RUN-OFF

Storm water was collected from the downspouts of an elevated urban principal arterial road in Seattle, WA. The downspouts receive run-off from the on-ramp to a four-lane (70 m wide) highway over which approximately 60 000 motor vehicles travel each day (WA DOT 2013a). The highway, paved with Portland cement concrete (WA DOT 2013b), is a conventional urban impervious surface. All of the flow to the downspouts originated from precipitation falling on the active arterial road.

The captured run-off was transported to the hatchery facility in either covered glass carboys or in a stainless steel tank. The holding interval prior to exposures varied with the timing and intensity of autumn storm events, but did not exceed 72 h. While some collections took place after an extended antecedent dry interval and therefore included the first flush for a given storm, others spanned periods of intermittent rainfall. Daily and cumulative rainfall for each autumn season is shown in Fig. 1, with each storm water collection interval superimposed (solid rectangular boxes). Collected run-off was used for one exposure only. Temperature, pH and dissolved oxygen were measured at the outset of each exposure, and water samples were collected for chemical analyses to quantify concentrations of metals and PAHs (2012–13 but not 2014 storms). After exposures, the run-off was transported to a Kitsap County Wastewater Pump Station for disposal.

EXPOSURES TO FILTERED RUN-OFF

In the autumn of 2013, four 200-L bioretention columns were constructed and plumbed with outflow drains following conventional guidelines for green storm water infrastructure (WA DOE 2012). The filtration columns were composed of a 30·5-cm drainage layer of gravel aggregate overlain by 61 cm of bioretention soil media (60% sand: 40% compost) and topped with 5 cm of mulched bark. In the autumn of 2014, the bioretention columns were emptied and fresh media installed. In each year, the bioretention media were conditioned by passing seven pore volumes (660 L) of clean well water from the hatchery facility through each column at a rate of 2 L min^{-1}; equivalent to 2 months of summer rainfall on a contributing area 20 times the size of the treatment area. Urban highway run-off was collected as described above, and the homogenized volume was evenly divided to flow through one of the four bioretention columns at a rate of 2 L min^{-1}, with the outflows from the four columns recombined into a single post-treatment exposure volume. Adult coho spawners were exposed to either untreated urban storm water or the same run-off post-filtration for 4–24 h. Water quality was measured, and samples were collected for chemical analyses as described above.

OBSERVATIONS OF SYMPTOMATIC FISH

Hallmark characteristics of the adult coho spawner mortality syndrome include a progression from lethargy to a loss of orientation, a loss of equilibrium, followed by death (Scholz *et al.* 2011). Individual fish were examined for these symptoms during and after each exposure. Fish were moved from the large exposure

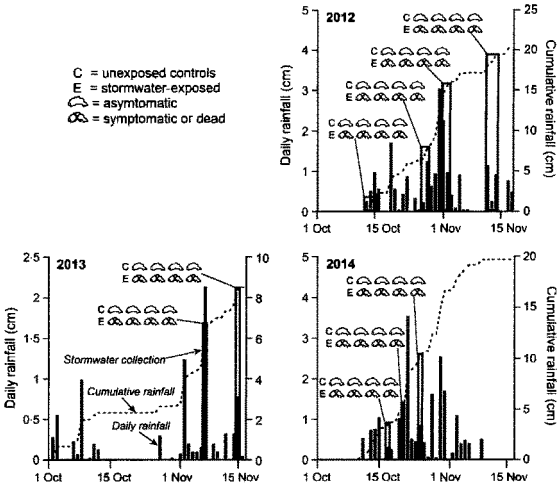


Fig. 1. The presence or absence of the pre-spawn mortality syndrome in adult coho salmon exposed to unfiltered highway run-off (E) or clean well water (C). Paired exposures spanned three consecutive autumn spawning seasons, 2012–14. Shown in each panel are daily rainfall (shaded bars), cumulative rainfall (dotted lines), highway run-off collection intervals for each separate exposure event (black rectangles) and the presence or absence of symptomatic (or dead) fish in each individual treatment (4–24 h duration; see Materials and methods). Symptoms included lethargy, loss of orientation or loss of equilibrium.

tank and released from their holding tubes into an observation tank containing clean well water at a minimum depth of 50 cm. Swimming ability and evasiveness (responses to light and gentle prodding) were recorded over a 1- to 3-min observation interval. For the trials using artificial storm water, symptomology was assessed at 24 h and then again at the end of the exposure. Coho exposed to highway run-off were visually examined at 2, 4 and 24 h. Live fish at 2 and 4 h were returned to their holding tubes and exposure chambers for the remainder of the trial.

WATER QUALITY ANALYSES

Conventional water quality parameters, including pH, dissolved oxygen, alkalinity, total suspended solids, N-ammonia, nutrients and organic carbon, were measured for selected trails using standard instrumentation or by outside laboratories using US EPA-approved methods (Analytical Resources Inc., Tukwila, WA, USA or Am Test Inc., Kirkland, WA, USA). Total and dissolved concentrations of cadmium, copper, nickel, lead and zinc were determined by inductively coupled plasma mass spectrometry (ICP-MS) by Frontier Global Sciences (Bothell, WA, USA; EPA method 1638) or Am Test Inc. (EPA method 200.8). Briefly, samples were preserved in 1% (v/v) nitric acid (total metals) or passed through a 0·45-μm filter (dissolved metals) and then oven-digested prior to analysis by ICP-MS. Duplicate samples and laboratory blanks were included to ensure quality control. Selected water samples for PAH determinations were preserved with 10% dichloromethane and stored at 4 °C in amber glass bottles until analysis at the NOAA Northwest Fisheries Science Center by gas chromatography/mass spectrometry (GC-MS) with additional selected ion monitoring for alkyl-PAHs (Sloan *et al.* 2014).

TISSUE SAMPLING AND ANALYSES

At the conclusion of each exposure, fish length, weight, reproductive status and origin (i.e. hatchery or wild spawned) were assessed. To confirm the bioavailability of PAHs in exposure waters, bile was screened for PAH metabolites in a subset of 2011 and 2012 trials with both artificial storm water and highway run-off. Fish were killed, and bile was collected from the gall bladder and stored in amber glass vials at −20 °C until analysis for PAH metabolites using high-performance liquid chromatography with fluorescence detection (Krahn *et al.* 1986; da Silva *et al.* 2006). The concentrations of fluorescent PAH metabolites in bile are determined using naphthalene (NPH), phenanthrene (PHN) and benzo[a]pyrene (BaP) as external standards and converting the relative fluorescence response of bile to NPH, PHN and BaP equivalents, and reported as ng g^{-1} bile or ng mg^{-1} biliary protein.

Coho gills were sampled to confirm uptake of metals in selected 2011 and 2012 artificial and collected storm water exposures. Tissues were excised with Teflon or titanium scissors and plastic forceps, placed in plastic Whirl-paks, and stored at −80 °C. Metals analyses were determined by inductively coupled mass spectroscopy (ICP-MS) at the Trace Elements Research Laboratory (TERL; College Station, TX, USA) using standard methods (TERL Method Codes 001, 006). Briefly, gill tissues were wet digested with nitric acid, freeze-dried, and homogenized by ball-milling in plastic containers. Samples were ionized in high-temperature argon plasma, and positively charged ions were separated on the basis of their mass : charge ratios by a quadrupole mass spectrometer. Student's *t*-tests assessed differences in the tissue concentrations between exposures and their respective paired control.

Results

ADULT COHO RESPONSES ACROSS TREATMENTS

Coho spawners exposed for 24 h to mixtures of PAHs and metals at concentrations slightly higher than those previously measured in urban run-off were asymptomatic

– that is behaviourally indistinguishable from controls exposed to clean well water (Table 1). Although there was some mortality across the four independent trials ($n = 4$ of 30 fish total), this was not significantly different by treatment (Fisher exact tests, two-tailed, $P \geq 0{\cdot}21$) and was therefore apparently attributable to handling stress. Extending the exposures to 48 h did not increase the incidence of mortality or symptomology ($n = 4$ of 22 fish total, two control and two exposed). Increasing the concentrations of metals fivefold or 10-fold in metal-only mixtures was also insufficient to elicit the symptoms of the pre-spawn mortality syndrome (Table 2). As with the PAHs/metals mixture, there was a small but insignificant amount of mortality across treatments ($n = 2$ of 38 fish; Fisher exact tests, two-tailed, $P = 1$).

Although the artificial storm water preparations were designed to have a similar composition to highway run-off for many PAHs and metals, the effects on coho spawners were very different. Whereas the artificial mixtures did not elicit the distress characteristic of the mortality syndrome, coho exposed to the unfiltered highway run-off rapidly became symptomatic. For every discrete rainfall collection interval ($n = 9$; 2012–2014), all of the exposed fish were either symptomatic or dead within 4 h (Fig. 1, Table 3). Those that survived the initial 4-h exposure were dead by 24 h. All of the paired control coho in clean well water survived, showing no behavioural symptoms at 4 or 24 h (Fig. 1, Table 3). Each exposure showed a statistically significant difference in mortality (Fisher exact tests, two-tailed, $P = 0{\cdot}006$). Examples of asymptomatic control fish and symptomatic, run-off-exposed spawners are shown in Video S3. For the purpose of comparing symptoms, digital movies of affected coho in Seattle-area urban watersheds are shown in Videos S1 and S2. Thus, despite the event-to-event variation in rainfall duration and intensity, and a corresponding variation in water chemistry (conventionals, metals and PAHs, Tables S2, S3 and S5), urban run-off was 100% lethal to otherwise healthy adult coho salmon. The contribution of handling stress was evidently minimal, as the survival rate for controls across treatments in 2012–2014 was 100%.

The constructed bioretention columns effectively treated the highway run-off in terms of both toxic chemical exposure and salmon spawner survival. Although the focal (measured) contaminants were not completely removed by infiltration, the overall improvement in water quality was sufficient to completely prevent the lethal effects and sublethal symptomology caused by untreated storm water. All of the adult coho exposed to filtered run-off survived and showed no behavioural symptoms at either 4 or 24 h (100% survival, $n = 20$; Table 3; Video S3). Thus, urban storm water contains an as-yet unidentified chemical component(s) that, while lethal to salmon spawners, can be removed using inexpensive bioinfiltration.

Table 1. Adult coho salmon spawner mortality following a 24-h exposure to either clean well water (unexposed) or a mixture of polycyclic aromatic hydrocarbons (PAHs) and metals. Shown in parentheses are the numbers of symptomatic or dead fish as a proportion of the total numbers of spawners in each exposure. The PAH/metal exposures were based on measured levels in urban creeks during storm events (see Materials and methods). Relative to environmental samples, the artificial mixture contained higher concentrations of both total PAHs and metals. Each exposure was conducted on a separate day

	Mortality	
Exposure (h)	Unexposed	PAHs/Metals mixture
24	25% (1/4)	0% (0/4)
24	33% (1/3)	0% (0/3)
24	0% (0/4)	50% (2/4)
24	0% (0/4)	0% (0/4)

Table 2. Exposures to relatively high levels of metals in artificial mixtures are not sufficient to elicit the coho spawner mortality syndrome. Similar to unexposed controls, nearly all of the adults survived exposures to mixtures of metals (Cd, Cu, Pb, Ni, Zn) that were fivefold (Low) or 10-fold (High) higher than measured concentrations in urban creeks where coho mortality syndrome was observed. Shown in parentheses are the numbers of symptomatic or dead fish as a proportion of the total numbers of spawners in each exposure. Each exposure was conducted on a separate day

	Mortality		
Exposure (h)	Unexposed	Low metals	High metals
24	0% (0/4)	0% (0/4)	
24	0% (0/4)	0% (0/3)	
24	0% (0/4)		0% (0/4)
24	25% (1/4)		25% (1/4)
24	0% (0/3)		0% (0/4)

Table 3. Proportion of adult coho displaying the spawner mortality syndrome after placement in clean well water (unexposed) or highway run-off that was either unfiltered or filtered through an experimental soil bioretention system (during 2013 and 2014). Shown in parentheses are the numbers of symptomatic or dead fish as a fraction of the total number of coho in each treatment. Each exposure was conducted on a separate day

	Mortality		
Exposure (h)	Unexposed	Unfiltered	Filtered
4	0% (0/4)	100% (4/4)	0% (0/4)
24	0% (0/4)	100% (4/4)	0% (0/4)
24	0% (0/4)	100% (4/4)	0% (0/4)
24	0% (0/4)	100% (4/4)	0% (0/4)
24	0% (0/4)	100% (4/4)	0% (0/4)

MEASURED LEVELS OF METALS, PAHS AND CONVENTIONAL WATER QUALITY PARAMETERS ACROSS TREATMENTS

The chemical properties of highway run-off were evaluated for the six distinct collection events in the autumn of 2012

and 2013. As expected, conventional water quality parameters varied across storm water collections, as did concentrations of PAHs and metals. The analytical results are shown in Tables S2, S3 and S5. As expected, suspended solids (TSS: 23–220 mg L^{-1}) and organic matter (DOC: 8–92 mg L^{-1}) were elevated in urban run-off relative to control water (TSS < 1·1 mg L^{-1}, DOC < 1·8 mg L^{-1}). In contrast, run-off had lower Mg ($t(8) = 6·072$, $P < 0·001$), alkalinity ($t(8) = 6·201$, $P < 0·001$) and phosphate ($t(8) = 3·547$, $P = 0·008$). The pH values for run-off were circumneutral (6·12–7·47) and consistently lower than those for control water ($t(8) = 2·691$, $P = 0·027$). Other conventional chemistry parameters were not significantly different among treatments, including Ca ($t(8) = -0·121$, $P = 0·907$) and hardness ($t(8) = 1·159$, $P = 0·280$). At the outset of exposures, dissolved oxygen levels ranged from 8·1 to 10·7 mg O_2 L^{-1} and were maintained above 6·5 mg L^{-1} with additional aeration as needed.

Collected highway run-off had a more pyrogenic (or combustion-driven) PAH profile relative to the artificial storm water mixtures, as evidenced by a relative enrichment of higher molecular weight (5- and 6-ring) compounds and fewer low molecular weight (2- and 3-ring) compounds (Fig. 2). Bile PAH metabolites were not significantly different between fish exposed to control well water or storm water run-off after a 4-h exposure (Fig. 3). Although the measured concentrations of PAH metabolites in the bile of fish exposed for 24 h to the PAHs/metals mixture were elevated relative to paired controls, the difference was not significant (Student's *t*-test; $P = 0·1$, 0·14, 0·11 for phenanthrene, benzo-a-pyrene and naphthalene metabolites, respectively). This indicates that low-level PAH exposures typical of urban run-off do not produce large increases in measurable bile metabolites, consistent with bile PAH metabolite measurements from symptomatic coho previously collected during field surveys of urban spawning habitats (Scholz *et al.* 2011).

Notably, in 2012, the levels of 2- and 3-ring PAHs in the control exposure water were unexpectedly elevated relative to all other control treatments (Fig. 2, arrow). This was attributed to the recent drilling of a new well at the Suquamish hatchery facility. Measured PAH levels in the well water declined sharply over a time span of 2 weeks (Fig. 2), and adult coho controls that were exposed during the interval did not exhibit behavioural symptoms (Fig. 1).

Whereas the levels of dissolved-phase Cd and Pb were generally lower in collected run-off relative to all of the artificial storm water mixtures (Fig. 2), Cu and Ni in run-off spanned the range of these two metals in the environmentally relevant mixture. Zinc levels in run-off were

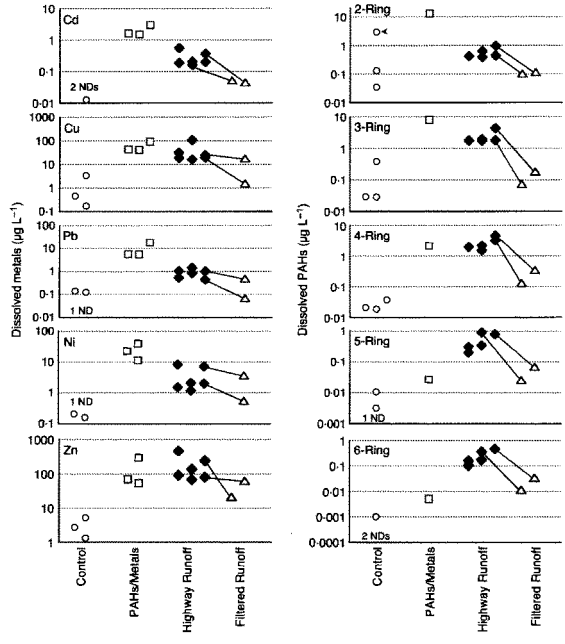


Fig. 2. Dissolved metal (left column) and dissolved polycyclic aromatic hydrocarbon (right column) concentrations summarized by ring number for adult exposures to well water controls, polycyclic aromatic hydrocarbons (PAHs)/metal mixtures, highway run-off and filtered run-off. Closed symbols indicate dead or symptomatic individuals were observed in the exposure. Lines connect paired highway run-off and filtered run-off from the same collection. Control points are the mean of samples collected each year. The number of mean values below the reporting limits (i.e. non-detects) is indicated by # ND.

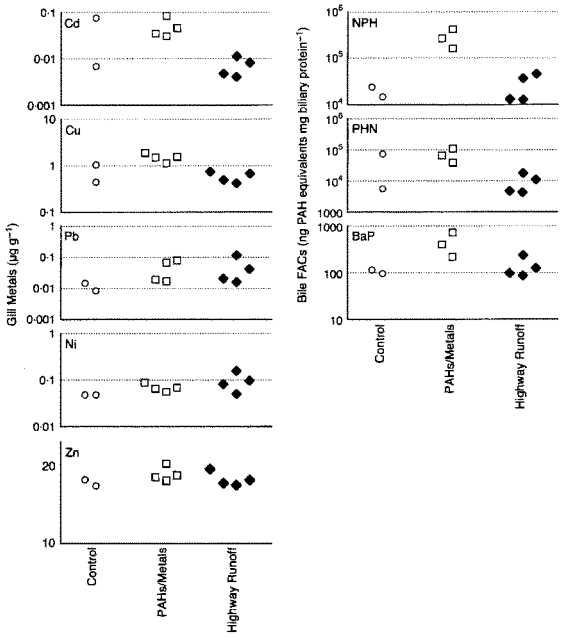


Fig. 3. Left column shows the relative measured concentrations of metals in adult coho salmon gill tissue for Cd, Cu, Pb, Ni and Zn (µg g^{-1}). Control values are means of control tests run in 2011 and 2012. Closed symbols indicate dead or symptomatic individuals observed in the exposure. The right column shows bile fluorescent aromatic compounds (FACs) detected at naphthalene (NPH), phenanthrene (PHN), benzo-a-pyrene (BAP) wavelengths shown as protein corrected polycyclic aromatic hydrocarbons (PAH) equivalents (ng mg^{-1}).

higher, and within the range of corresponding Zn levels in the high-metal mixture. The concentrations of metals in the gills of storm water-exposed and unexposed coho (4 h) were not significantly different (Student's *t*-tests, $P > 0{\cdot}05$; Fig. 3) and, in both cases, were lower than gill metal levels measured from symptomatic spawners collected from the field (Scholz *et al.* 2011). Similarly, exposures to the environmentally relevant artificial storm water mixture of PAHs/metals did not produce a significant accumulation of metals in the gills, with the exception of Ni (Student's *t*-test, $P = 0{\cdot}017$). For the high metals mixture, only gill Cd, Cu and Pb levels were significantly elevated relative to controls (Student's *t*-test; $P = 0{\cdot}002$, 0·018, 0·003 for Cd, Cu and Pb, respectively).

Filtering collected highway run-off through the bioretention columns reduced total PAHs by 94% and total metals by 58%. As expected, removal efficiency varied for different contaminants. For example, the soil columns removed lower molecular weight PAHs less efficiently than higher molecular weight PAHs (e.g. 81–89% for 2–3 ring PAHs vs. 93% removal of 4- to 5-ring PAHs; Table S5). Notably, the medium in the bioretention columns was a source (i.e. an exporter) of total Ni to the treated run-off, resulting in a 57% increase over the pre-filtration input (Table S3). All other total metals decreased by an average of 48–88% across the two events in the order of Cd < Pb < Cu < Zn. For each of the metals, concentrations in the dissolved phase also declined after soil column infiltration (Table S3). In addition to exporting Ni, the bioretention columns were also a source of DOC (post-/pre-filtration increase of 164%), alkalinity (+29%), Ca (+60%), Mg (+372%), ortho-P (+4000%) and increasing hardness (+107%). By contrast, column infiltration reduced the ammonia content of storm water by 92% (Table S2).

Discussion

We have confirmed that controlled exposures to untreated urban run-off are sufficient to reproduce the coho spawner mortality syndrome. Adult coho became symptomatic and died within a few hours of immersion in collected storm water. Mortality rates were 100% for exposed fish vs. 0% in control fish held in clean well water, and these results were consistent across nine distinct rainfall intervals that spanned three consecutive autumn spawning runs. As evidence that one or more toxic chemical contaminants are causal, pre-treating the highway run-off with soil bioinfiltration completely prevented the acutely lethal impacts on coho spawners. Surprisingly, coho did not develop symptoms in response to artificial mixtures of PAHs and metals, even at concentrations that were higher

than those typically measured in storm water, including the first flush. Urban run-off is chemically complex, with many chemical constituents that are very poorly characterized in terms of toxicity to fish. While it may take years of additional assessment to identify precisely which of these agents is killing coho, our initial results suggest that simple GSI technologies hold promise as a means to improve water quality and effectively prevent coho mortality in urban spawning habitats.

Our finding that road run-off alone is sufficient to induce the spawner mortality syndrome aligns with previous evidence for a positive association between the amount of impervious surface within an urban watershed and the year-to-year severity of coho die-offs (Feist *et al.* 2011). It appears that other forms of water quality degradation are not necessary to produce the phenomenon. Consistent with this, symptomatic spawners do not show evidence of neurotoxic pesticide exposure (Scholz *et al.* 2011), and adult coho are not unusually vulnerable to low-level mixtures of currently used pesticides (King *et al.* 2013). The link to impervious run-off also discounts a role for personal care products, pharmaceuticals, and other classes of compounds that are transported to some urban streams via combined sewer overflows in heavy rains.

As noted above, urban road run-off contains a complex mixture of chemicals, many of which originate from motor vehicles in the form of exhaust, leaking crankcase oil and the wearing of friction materials (i.e. brake pads) and tyres. We assessed the toxicity of PAH and metal mixtures because these compounds are ubiquitous in storm water and are known to be disruptive to the fish cardiovascular system (PAHs: Brette *et al.* 2014), as well as the respiratory and osmoregulatory functions of the gill (metals: Niyogi & Wood 2004). Although bile and gill tissue results suggest that PAHs and some metals are bioavailable to the coho spawners (this study; Scholz *et al.* 2011), artificial mixtures of PAHs and metals did not produce the symptoms of the mortality syndrome. Our results appear to rule out many of the PAHs that are common to urban run-off and crude oil spills (e.g. phenanthrenes). However, there may be a role for the higher molecular weight pyrogenic PAHs found in particulate vehicle exhaust (i.e. soot), other than pyrene or fluoranthene. The remaining list of potential causal chemicals is long and includes other organic hydrocarbons such as methylphenols, quinones, thiazoles, thiophenes, furans and quinolines. Given the logistical challenges associated with adult coho exposures – seasonal availability of animals, large volume assays, limited number of fish, etc. – it may be years before the causal agent(s) is identified. Notably from a water resource management perspective, this will likely be a chemical or chemicals for which there are no existing water quality criteria.

Biological indicators play an important role in field assessments to document the urban stream syndrome in affected watersheds world-wide. Common examples are benthic indices of biological integrity (B-IBIs), which are used to characterize the health of streams based on the diversity and abundance of macroinvertebrates (Karr 1999). Although poor B-IBI scores are diagnostic of aquatic habitat degradation, they do not necessarily differentiate between drivers that may be chemical (i.e. pollution) vs. physical or biological. Conversely, biological indicators that are specific to toxic run-off may not have directly meaningful implications for individual survival, as a basis for guiding species conservation at the population and community scales. This includes, for example, the upregulation of sensitive and responsive cytochrome p450 enzymes in the livers of fish exposed *in situ* to certain PAHs and other contaminants that act via the aryl hydrocarbon receptor (van der Oost, Beyer & Vermeulen 2003).

Coho spawners, by contrast, appear to be very sensitive ecological indicators, with a response metric that is directly attributable to toxic storm water. Moreover, the implications of widespread and recurring mortality are relatively clear at higher scales (e.g. Spromberg & Scholz 2011). Although the highway run-off used in this study (at the point of discharge) presumably contained higher concentrations of chemical contaminants than surface water conditions in urban spawning habitats, it is evident that run-off in urban waterways is not sufficiently diluted to protect many or most coho from premature death (Scholz *et al.* 2011). By establishing a direct link between non-point source pollution and the mortality syndrome, our findings set the stage for future indicator studies in western North America. This includes, for example, more refined predictive mapping of vulnerable habitats as a function of impervious land cover, at present and with future urban growth scenarios (Feist *et al.* 2011). Coho survival in urban streams can also indicate the success of pollution control programmes, via GSI or other strategies. Intensive control measures will almost certainly be necessary, across large spatial scales, to: (i) recover viable coho populations in the built environment, and (ii) prevent the rapid future loss of coho as a consequence of expanding impervious cover in watersheds that are currently productive but primarily non-urban.

In the future, it may be possible to narrow the focal list of chemicals by determining more precisely why storm water-exposed coho are dying. The gaping, surface swimming and disequilibrium of affected spawners suggest adverse physiological impacts on the gill, the heart, the nervous system or some combination of these. An earlier forensic study found no evidence of physical injury to the gills or other tissues (Scholz *et al.* 2011). An alternative approach would be to screen the target organs of symptomatic fish for changes in gene expression, and specifically gene sets that are diagnostic for specific categories of physiological stress (e.g. respiratory uncoupling). If the cause of death is ultimately found to be heart failure, for example, the candidate chemicals could be screened for cardiotoxic potential. It may also be possible to develop alternative exposure methods that reflect different sources of contaminants on roadways. This includes, for example,

large-volume suspensions of particulate soot from motor vehicle exhaust, dust from brake pad wear or fine particles from tyre wear.

Lastly, toxic run-off is likely to represent an increasingly important conservation challenge for west coast coho populations in the coming years. Extant population segments are generally at historically low abundances, as evidenced by current US Endangered Species Act threatened designations in central and northern California, as well as north-western Oregon and south-western Washington. Land cover change has been extensive in some lowland watersheds where coho spawn, as a consequence of sprawl in recent decades (e.g. Robinson, Newell & Marzluff 2005). Over a similar period of time, coho habitat use in areas affected by urbanization has declined sharply (Bilby & Mollot 2008). Resource managers have been aware of the urban pre-spawn mortality syndrome among adult coho since at least the 1980s (Kendra & Willms 1990). However, the extent to which recurring adult die-offs have driven down wild coho numbers in urbanizing watersheds is not presently known. Initial modelling has shown that local populations in urbanizing watersheds cannot withstand the rates of mortality observed in Puget Sound urban stream surveys since 2000 (Spromberg & Scholz 2011). However, in terms of recovery planning, this storm water-related threat has yet to be mapped out for actual coho conservation units at the sub-basin scale.

In conclusion, a core objective of GSI is to slow, spread and infiltrate storm water. As anticipated from recent studies (e.g. McIntyre *et al.* 2015), the experimental soil columns used here effectively prevented the acutely lethal toxicity of run-off from a dense urban arterial road. This extends the range of aquatic species and life stages that demonstrably benefit from storm water bioinfiltration. These include the early life stages of zebrafish (McIntyre *et al.* 2014), juvenile coho salmon and their macroinvertebrate prey (McIntyre *et al.* 2015), and adult coho spawners (this study). Bioretention is therefore a promising clean water technology from the standpoint of installation cost, reliability, reproducibility and scalability. However, the science of GSI effectiveness is still relatively young (Ahiablame, Engel & Chaubey 2012), and fundamental questions remain as-yet unanswered, for example how much treatment will be needed, over what spatial scales, to ensure coho salmon survival? Whereas bioretention may work well for small-footprint sites that receive modest inputs of storm water, they are but one of many evolving non-point source pollution control and prevention methods that are currently under development (Hughes *et al.* 2014). For the urban watersheds of the future, the coexistence of humans and wild coho will likely hinge on the success of these innovations.

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Data accessibility

Data generated from this study are included in the text, tables, figures and uploaded online supporting information.

References

Ahiablame, L.M., Engel, B.A. & Chaubey, I. (2012) Effectiveness of low impact development practices: literature review and suggestions for future research. *Water Air and Soil Pollution*, **223**, 4253–4273.

Bilby, R.E. & Mollot, L.A. (2008) Effect of changing land use patterns on the distribution of coho salmon (*Oncorhynchus kisutch*) in the Puget Sound region. *Canadian Journal of Fisheries and Aquatic Sciences*, **65**, 2138–2148.

Brette, F., Machado, B., Cros, C., Incardona, J.P., Scholz, N.L. & Block, B.A. (2014) Crude oil impairs excitation-contraction coupling in fish. *Science*, **343**, 772–776.

Feist, B.E., Buhle, E.R., Arnold, P., Davis, J.W. & Scholz, N.L. (2011) Landscape ecotoxicology of coho salmon spawner mortality in urban streams. *PLoS One*, **6**, e23424.

Gobel, P., Dierkes, C. & Coldewey, W.C. (2007) Storm water runoff concentration matrix for urban areas. *Journal of Contaminant Hydrology*, **91**, 26–42.

Heintz, R.A., Rice, S.D., Wertheimer, A.C., Bradshaw, R.F., Thrower, F.P., Joyce, J.E. & Short, J.W. (2000) Delayed effects on growth and marine survival of pink salmon *Oncorhynchus gorbuscha* after exposure to crude oil during embryonic development. *Marine Ecology Progress Series*, **208**, 205–216.

Hughes, R.M., Dunham, S., Maas-Hebner, K.G., Yeakley, J.A., Harte, M., Molina, N., Shock, C.C. & Kaczynski, V.W. (2014) A review of urban water body challenges and approaches: (2) mitigating effects of future urbanization. *Fisheries*, **39**, 30–40.

Incardona, J.P., Carls, M.G., Day, H.L., Sloan, C.A., Bolton, J.L., Collier, T.K. & Scholz, N.L. (2009) Cardiac arrhythmia is the primary response of embryonic Pacific herring (*Clupea pallasi*) exposed to crude oil during weathering. *Environmental Science & Technology*, **43**, 201–207.

Incardona, J.P., Swarts, T.L., Edmunds, R.C., Linbo, T.L., Aquilina-Beck, A., Sloan, C.A., Gardner, L.D., Block, B.A. & Scholz, N.L. (2013) Exxon Valdez to Deepwater Horizon: comparable toxicity of both crude oils to fish early life stages. *Aquatic Toxicology*, **142–143**, 303–316.

Karr, J.R. (1999) Defining and measuring river health. *Freshwater Biology*, **41**, 221–234.

Kayhanian, M., Fruchtman, B.D., Gulliver, J.S., Montanaro, C., Ranieri, E. & Wuertz, S. (2012) Review of highway runoff characteristics: comparative analysis and universal implications. *Water Research*, **46**, 6609–6624.

Kendra, W. & Willms, R. (1990) Recurrent coho salmon mortality at Maritime Heritage Fish Hatchery, Bellingham: a synthesis of data collected from 1987–1989, 28 pp. Washington State Department of Ecology Report 90-e54, Olympia, Washington, USA.

King, K.A., Grue, C.E., Grassley, J.M. & Fisk, R.J. (2013) Pesticides in urban streams and early life stages of Pacific coho salmon. *Environmental Toxicology and Chemistry*, **32**, 920–931.

Krahn, M.M., Rhodes, L.D., Myers, M.S., Moore, L.K., MacLeod, W.D. Jr & Malins, D.C. (1986) Associations between metabolites of aromatic compounds in bile and the occurrence of hepatic lesions in English sole (*Parophrys vetulus*) from Puget Sound, Washington. *Archives of Environmental Contamination and Toxicology*, **15**, 61–67.

McIntyre, J.K., Baldwin, D.H., Beauchamp, D.A. & Scholz, N.L. (2012) Low-level copper exposures increase visibility and vulnerability of juve-

nile coho salmon to cutthroat trout predators. *Ecological Applications*, **22**, 1460–1471.

McIntyre, J.K., Davis, J.W., Incardona, J.P., Anulacion, B.F., Stark, J.D. & Scholz, N.L. (2014) Zebrafish and clean water technology: assessing soil bioretention as a protective treatment for toxic urban runoff. *Science of the Total Environment*, **500–501**, 173–180.

McIntyre, J.K., Davis, J.W., Hinman, C., Macneale, K.H., Anulacion, B.F., Scholz, N.L. & Stark, J.D. (2015) Soil bioretention protects juvenile salmon and their prey from the toxic impacts of urban stormwater runoff. *Chemosphere*, **132**, 213–219.

Meador, J.P., Sommers, F.C., Ylitalo, G.M. & Sloan, C.A. (2006) Altered growth and related physiological responses in juvenile Chinook salmon (*Oncorhynchus tshawytscha*) from dietary exposure to polycyclic aromatic hydrocarbons (PAHs). *Canadian Journal of Fisheries and Aquatic Sciences*, **63**, 2364–2376.

Niyogi, S. & Wood, C.M. (2004) Biotic ligand model, a flexible tool for developing site-specific water quality guidelines for metals. *Environmental Science and Technology*, **38**, 6177–6192.

van der Oost, R., Beyer, J. & Vermeulen, N.P.E. (2003) Fish bioaccumulation and biomarkers in environmental risk assessment: a review. *Environmental Toxicology and Pharmacology*, **13**, 57–149.

Pess, G.R., Montgomery, D.R., Bilby, R.E., Steel, E.A., Feist, B.E. & Greenberg, H.M. (2002) Landscape characteristics, land use, and coho salmon (*Oncorhynchus kisutch*) abundance, Snohomish River, Washington, USA. *Canadian Journal of Fisheries and Aquatic Sciences*, **59**, 613–623.

Robinson, L., Newell, J.P. & Marzluff, J.M. (2005) Twenty-five years of sprawl in the Seattle region: growth management responses and implications for conservation. *Landscape and Urban Planning*, **71**, 51–72.

Ross, P.S., Kennedy, C.J., Shelley, L.K., Patterson, D.A., Fairchild, W.L. & Macdonald, R.W. (2013) The trouble with salmon: relating pollutant exposure to toxic effect in species with transformational life histories and lengthy migrations. *Canadian Journal of Fisheries and Aquatic Sciences*, **70**, 1252–1264.

Sandahl, J.F., Baldwin, D.H., Jenkins, J.J. & Scholz, N.L. (2007) A sensory system at the interface between urban stormwater runoff and salmon survival. *Environmental Science and Technology*, **41**, 2998–3004.

Scholz, N.L., Myers, M.S., McCarthy, S.G., Labenia, J.S., McIntyre, J.K., Ylitalo, G.M. *et al.* (2011) Recurrent die-offs of adult coho salmon returning to spawn in Puget Sound lowland urban streams. *PLoS One*, **6**, e28013.

Seattle Public Utilities. (2007) *City of Seattle State of the Waters 2007: Volume I Seattle Watercourses*, 240 pp. Seattle Public Utilities, Seattle, WA.

da Silva, D.A., Buzitis, J., Krahn, M.M., Bicego, M.C. & Pires-Vanin, A.S. (2006) Metabolites in bile of fish from Sao Sebastiao Channel, Sao Paulo, Brazil as biomarkers of exposure to petrogenic polycyclic aromatic compounds. *Marine Pollution Bulletin*, **52**, 175–183.

Sloan, C.A., Anulacion, B.F., Baugh, K.A., Bolton, J.L., Boyd, D., Boyer, R.H. *et al.* (2014) *Northwest Fisheries Science Center's Analyses of Tissue, Sediment, and Water Samples for Organic Contaminants by Gas Chromatography/Mass Spectrometry and Analyses of Tissue for Lipid Classes by Thin Layer Chromatography/Flame Ionization Detection*, 61 pp. U.S. Dept. Commerce, NOAA Tech. Memo. NMFS-NWFSC-125, Seattle, Washington, USA.

Spromberg, J.A. & Scholz, N.L. (2011) Estimating the future decline of wild coho salmon populations due to early spawner die-offs in urbanizing watersheds of the Pacific Northwest. *Integrated Environmental Assessment and Management*, **7**, 648–656.

Stein, E.D., Tiefenthaler, L.L. & Schiff, K. (2006) Watershed-based sources of polycyclic aromatic hydrocarbons in urban storm water. *Environmental Toxicology and Chemistry*, **25**, 373–385.

Tiefenthaler, L.L., Stein, E.D. & Schiff, K.C. (2008) Watershed and land use-based sources of trace metals in urban storm water. *Environmental Toxicology and Chemistry*, **27**, 277–287.

Walsh, C.J., Roy, A.H., Feminella, J.W., Cottingham, P.D., Groffman, P.M. & Morgan, R.P. II (2005) The urban stream syndrome: current knowledge and the search for a cure. *Journal of the North American Benthological Society*, **24**, 706–723.

Waples, R.S. (1991) Pacific salmon, *Oncorhynchus* spp., and the definition of "species" under the Endangered Species Act. *Marine Fisheries Review*, **53**, 11–22.

Washington Department of Ecology (2012) Stormwater Management Manual for Western Washington Volume V: Runoff Treatment BMPs. Publication No. 12-10-030, 301 pp. Washington Department of Ecology, Olympia, Washington, USA.

Washington State Department of Transportation (WA DOT) (2013a) *2012 Annual Traffic Report*, 231 pp. WA DOT, Olympia, Washington, USA.

Washington State Department of Transportation (WA DOT) (2013b) State Highway Log Planning Report 2012: SR2 to SR 971, 1781 pp. WA DOT, Olympia, Washington, USA.

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Supporting Information

Additional Supporting Information may be found in the online version of this article.

Table S1. Nominal concentrations ($\mu g\ L^{-1}$) for metals and selected polycyclic aromatic hydrocarbons (PAHs) in the PAHs/metals mixture and the metals-only mixture exposures.

Table S2. Measured conventional water chemistry parameters in treatments used in adult coho experiments during 2012–2013.

Table S3. Measured metal concentrations in treatments used in adult coho experiments during 2012–2013.

Table S4. Abbreviations and polycyclic aromatic hydrocarbon (PAH) analytes, including sums of alkyl PAH isomers measured in water samples.

Table S5. Measured parent and alkylated homologue polycyclic aromatic hydrocarbons (PAHs) ($\mu g\ L^{-1}$) in treatments used in adult coho experiments during 2012–2013.

Video S1. Video 1 of a symptomatic adult coho spawner in a Seattle-area urban stream.

Video S2. Video 2 of a field observation of a symptomatic adult coho in a Seattle-area urban stream.

Video S3. Adult coho spawners exposed under controlled experimental conditions to either clean well water, unfiltered urban run-off, or run-off treated using bioinfiltration.

Mr. KILMER. Sadly, this is just one of the challenges we have facing Puget Sound. Stormwater is one piece of it—habitat loss, ocean acidification, coastal erosion, the list goes on.

The impacts of these challenges are being felt throughout our communities, certainly felt throughout our economy, with the impact to our fisheries. It is perhaps most acutely felt by the Native American tribes with treaty rights to harvest fish and shellfish from this watershed, 11 of which are in my district.

So let me ask a question. The funds provided through the Puget Sound Geographic Program and the National Estuary Program are critical to supporting the recovery effort.

Can you discuss how the investments made in the EPA's fiscal year 2017 budget will advance this work and whether requested funding levels actually get us there?

Ms. MCCARTHY. First of all, let me say that your leadership has been incredibly important, and the Puget Sound program is filled with incredibly dedicated people. I am happy that we are able to at least seek some additional support for that, which we see primarily dedicated towards riparian buffers, because as you indicate, that is a significant challenge.

But there is much work that remains. I think the region is intimately involved in understanding what we need to do to protect Puget Sound. It is going to take a variety of actions that we are engaged in and things we have not even begun to do.

So this is in no way a done deal, but frankly, the geographic programs have been a great opportunity for us to focus attention on critical estuaries and resources that otherwise would get lost competing for money. So we are perfectly happy to continue to work with the Puget Sound program to see how we could support that effort in a variety of different ways, including using our other statutory tools that are available to us.

Mr. KILMER. So in that regard, I know the EPA is not alone in this effort. There are other Federal players, State players, tribal players, local partners. Can you talk about how the EPA is coordinating those recovery efforts, and if there are any additional resources or authorities that you think are needed to better align those activities?

Ms. MCCARTHY. Well, I certainly know that there are other Federal agencies involved in the program and coordinating with us. They provide resources. For example, NOAA is certainly intimately involved in these issues, as is DOI and USDA. We align our resources as best we can.

I think that it is a good collaboration and one in which I think the Puget Sound program helps to identify, but always improvements can be made. We would certainly be open to suggestions of how we may do that.

Mr. KILMER. Thank you.

Thank you, Mr. Chairman.

Mr. CALVERT. Thank you.

Mr. Jenkins.

Mr. JENKINS. Thank you, Mr. Chairman.

CLEAN POWER PLAN: WEST VIRGINIA COAL MINES

Today, we have before us the President's request to fund what I see as the final chapter in this administration's war on coal. For almost 8 years, the administration has unapologetically and systematically worked to shut down our country's most abundant, reliable, and cheapest form of energy: coal.

What this administration and the EPA do not understand is what their actions have done to the people of West Virginia.

So, Ms. McCarthy, in your official role as the head of the EPA, have you actually been to West Virginia in the last 3 years?

Ms. MCCARTHY. I cannot recall.

Mr. JENKINS. I know you were invited. So since you have refused to come to West Virginia, you simply do not understand, in my opinion, how your agency has devastated my State.

Here is what life is like for many families in southern West Virginia. Coal jobs have plunged more than 50 percent in just the last 5 years. These are good jobs. According to the Bureau of Labor Statistics, the average wage of a coal miner is over $84,000 a year. Compare that to our State average wage, which is less than $37,000 a year.

Coal jobs provide a true living wage that can support a family. Coal jobs also come with really good benefits, a pension, and health care benefits a retiree can count on. But not anymore. The bankruptcies of our country's largest coal companies have left pensioners and widows desperate for help.

And because of your actions, West Virginia now has one of the highest unemployment rates in the entire country.

For the past few months, I have been sharing the stories of West Virginia families on the House floor as part of my West Virginia coal voices project. Mothers, fathers, coal miners, small-business owners, they are all worried about their future.

April Brooks of Mercer County is the wife of a coal miner. She says she wonders if her family has a future in West Virginia. Here is what she wrote me: Like every family that depends on coal for a living, we live day to day, worrying about what will happen tomorrow. You cannot plan for the future because of the uncertainty. We love our State, but how does one stay here and survive, if the jobs are not there?

Administrator, your war on coal impacts so many more people and businesses than just the thousands of direct mining jobs.

Teresa Haywood of McDowell County, she owns a small business and her customers are affected by the coal layoffs. Here is what she wrote me: Our business has dropped majorly, and I am struggling day to day just to try to decide to pay the bills or to restock. People keep asking me, am I going to keep my business open?

The war on coal also affects our schools, our police, our fire departments, all of which are funded by coal severance taxes. In just the last few years, severance tax revenue has dropped by nearly $150 million in West Virginia.

As coal mines shut down, communities have less and have to make tough decisions.

Stacy Walls of Boone County reached out to me concerned about her son's future. Here is what she wrote me: My County is closing

my son's school due to not having coal tax revenues that help keep it open. My son's education is now going to suffer because of the war on coal.

This Congress is trying its best to stop your agenda, an ideologically-driven agenda hell-bent on shutting down the use of fossil fuels for energy production.

We have used the power of the purse and included policy riders on funding bills. We have supported the legal challenges brought by a majority of the States, led by Democrats and Republicans alike, trying to stop your regulatory overreach.

The Supreme Court has already said you erred in not considering the economic costs of your regulations, the kinds of things I have been talking about.

And the Government Accountability Office said you used covert propaganda and grassroots lobbying in violation of Federal law.

But despite our best efforts, you have succeeded in wrecking our economy and ruining the lives and livelihoods of thousands of our citizens.

Regardless of one's belief in the President's climate change agenda, his drive—your drive—to succeed has been devastating to the people of West Virginia and to the tens of thousands of others across this country who work to fuel this Nation.

Administrator, West Virginians are a proud people. We want to work. We want to provide a better future for our children. Let us do the work we have done for generations, work that provides a good paycheck and keeps the lights on.

And until you actually visit the coalfields of West Virginia, you will never understand the impact of your actions.

Mr. Chairman, I yield back.

Mr. CALVERT. I thank the gentleman.

I guess the question is, are you planning on visiting West Virginia before the end of the year?

Ms. MCCARTHY. I will take that under consideration, Mr. Chairman.

Mr. CALVERT. It is a beautiful State to visit, by the way.

Next is Mr. Israel.

Mr. ISRAEL. Thank you, Mr. Chairman.

LONG ISLAND SOUND

Administrator McCarthy, I want to shift from one sound to another sound, from Puget Sound to Long Island Sound.

Not to belabor Mr. Jenkins' point about you not visiting West Virginia, but I have to say I am disappointed that you were not able to visit Long Island Sound. I understand that you had a crisis in Colorado that you had to attend to. I hope that the book is not closed on that. You can come to Long Island and get a flight to West Virginia. It is not that hard. Maybe it is hard. [Laughter.]

Mr. ISRAEL. So I do hope that you will consider visiting Long Island Sound.

The Long Island Sound, which is important particularly to Ms. Lowey and I and so many others, generally receives funding of about $4 million a year. The President's budget requests $3 million. $4 million is about half of what the Long Island Sound actually needs. $3 million is $1 million less than it has been getting.

I am very deeply concerned about the adequacy of those resources. The Long Island Sound is the biggest economic generator in my region. It may not be coal for us, it is the Long Island Sound. Billions of dollars of economic activity. If we were a company town, the Long Island Sound would be our company.

The declining level of Federal resources is not just a problem for us in terms of protecting our environment. It is a problem for us in terms of protecting our economy.

The good news is that there is bipartisan legislation introduced by my colleague on Long Island, Mr. Zeldin, and I that would reauthorize the Long Island Sound Restoration and Stewardship Act. We were able to pass this legislation about 10 years ago with a former Republican Member from Connecticut, Mr. Simmons. It was signed by President Bush and approved by the House of Representatives.

The bill was passed unanimously in the Senate Environment and Public Works Committee. We are hoping that it will be on the floor, before too long, in the House.

The problem that I have is, if this bill is passed, and I expect that it will be because it has always been bipartisan, we are looking at the potential of $65 million of grant opportunities and the Long Island Sound Geographic Program office is inadequately funded the task.

So I am hoping that you can talk to us about, why $3 million? What do we need to do to increase that investment? And will the Long Island Sound Geographic Program office have the resources necessary to attend to the tasks?

Ms. MCCARTHY. First of all, thank you, Congressman. I think you know how much I care about Long Island Sound as well. It is an incredible resource for the region, but it is an incredible ecological resource.

And it is challenged. It is challenged because so many people live around it that depend on it.

So the funding is not a reflection of the agency's lack of interest and enthusiasm for its protection. It is just budget realities in terms of how we can continue to move forward.

You are right that we are proposing a decrease in that funding, but we also are maintaining $2.8 million, almost $3 million in investment there. We are confident that the program can continue to run, but I think you are right in terms of looking at what are the opportunities for additional funding that is needed to be brought to the table to make sure that we can continue to make steady progress.

We are making some difficult choices, and I cannot apologize for that but I certainly know that EPA cannot turn around Long Island Sound and protect it without significantly more resources from the neighboring States, as well as other ways in which we can potentially leverage those funds.

Mr. ISRAEL. Thank you. I do hope that your staff and my staff can review the invitation and that you can find time to visit. Thank you.

I yield back, Mr. Chairman.

Mr. CALVERT. Thank you. I am sure we will be working together on that issue.

Next, Mr. Joyce.

Mr. JOYCE. Thank you, Mr. Chairman.

GLRI

I would like to ask you, Administrator McCarthy, a few questions about the Great Lakes.

Ms. MCCARTHY. Yes, sir.

Mr. JOYCE. The Great Lakes are the largest system of surface freshwater on Earth, containing 20 percent of the world's surface fresh water, and 95 percent of the United States' surface fresh water. The watershed includes two nations, eight U.S. States, two Canadian provinces, and more than 40 tribes.

How will the administration's proposed $50 million cut to the GLRI impact our ability to restore and maintain the environmental integrity of the Great Lakes ecosystem?

Ms. MCCARTHY. As I indicated, there are some difficult decisions. It is still proposing $250,000—I am sorry, $250 million. You know that. That would be a real dramatic change.

Mr. JOYCE. Yes, it would be. Considering we started at $475 million, and you have been proposing cuts was ever since.

Ms. MCCARTHY. Yes.

We understand the value of the Great Lakes. We are trying to coordinate, and I think we have done a good job at enhancing coordination across the Federal family to support the effort there, because that is what it needs to be.

There are remaining challenges. The $50 million that we are suggesting in a cut is just a reality of trying to face our budget constraints. But we are certainly open, and we know that there will continue to be a lot of push for that to be restored. We are happy to talk about what other kind of leveraging we can do.

We know we have work to do. We have done great so far, but the work remains in terms of looking at harmful algal blooms, looking at invasive species, looking at those areas of concern and continuing to make progress. There are a lot of challenges that are being faced that are worthy of significant investment, if that money was available.

Mr. JOYCE. I want to discuss areas of concern.

Since 2010, three areas of concern have been delisted, one of the areas being the Ashtabula River in my district. As EPA personnel were on site, as though it was on cue, an eagle flew overhead.

Which areas of concern will have to postpone restoration work, if you cut the GLRI by $50 million?

Ms. MCCARTHY. I actually am not aware that any of those sites would be postponed, but I certainly can get back to you. I think mainly we are looking at maintaining those resources to those efforts. We have a number that are targeted this year, but let me go back and I will get you that information, if I could.

[The information follows:]

Great progress has been made in cleaning up Areas of Concern. Since the start of the Great Lakes Restoration Initiative, the Presque Isle Bay (PA), Deer Lake (MI), and White Lake (MI) Areas of Concern have been delisted and the remediation and restoration actions necessary for delisting were completed at an additional four Areas of Concern, including Ashtabula River (OH), Sheboygan River (WI), St. Clair River (MI), and Waukegan Harbor (IL). These Areas of Concern will be delisted once all of their beneficial use impairments have been removed. Because the EPA has

prioritized Areas of Concern restoration, the EPA does not expect that restoration at any areas of Concern will have to postponed in the near future.

Mr. JOYCE. I learned a great lesson from Representative Kaptur. She has pictures of the Asian carp, which are ugly fish, and unfortunately I do not have any pictures with me today. The GERI has been central to the efforts to keep self-sustaining populations of silver, bighead, and black carp out of the Great Lakes, the GLRI Invasive Species' laws area received $57 million in FY 2016 to combat invasive Species such as Asian carp. Your budget would cut Invasive Species' funding to $43.6 million. In 2015, juvenile Asian carp advanced 66 miles closer to Lake Michigan. How will the proposed funding reduction impact efforts to prevent carp from spreading further?

Ms. MCCARTHY. Again, sir, I do not have exact identification of where the funding cuts would be made. I appreciate your concern for this.

A video is even better than pictures, because it is pretty frightening.

I know that is one of the areas of priority for funding moving forward.

ALGAL BLOOMS

Mr. JOYCE. In the past 2 years, there have been harmful algal blooms on Lake Erie that have impacted access to safe drinking water for residents, including, in Toledo, which is in Ms. Kaptur's district.

The 2015 harmful algal bloom on Lake Erie was recorded as the largest bloom this century. The GLRI 'Nonpoint Source Pollution Impacts on Nearshore Health' focus area received $49 million in FY 2016, in part to address the situation on Lake Erie. The administration's FY 2017 budget would cut Nonpoint Source Pollution Impacts on Neighbor Health funding to $43.5 million.

In February, you joined Canada's Environment and Climate Change Minister, Catherine McKenna, to announce that Canada and the U.S. adopted targets to reduce phosphorus entering affected areas of Lake Erie by 40 percent. How will the proposed fiscal year 2017 funding level help us achieve this goal?

Ms. MCCARTHY. Well, it certainly will continue the momentum moving forward. There certainly has to be a larger conversation about how quickly we can achieve those goals working with State and local communities, and how best to do that. But it maintains, I think, the emphasis on the program in a way that our budget accommodates.

Certainly, we are still open to whether or not those budgets are aligned effectively, whether they are targeted appropriately, how we can work with USDA on some of these issues.

I sympathize with what is going on in western Lake Erie, but it is also happening in many other parts of the country, and we have to address this issue systemically as well as in a targeted way as the GLRI done this.

Mr. JOYCE. Obviously, this really bothers me. Until people lose a potable water supply, they do not understand and appreciate the fact that there is not a redundant water supply.

For years, every year I have been here, we have watched the administration cut funding for GLRI. We have tremendous bipartisan support for the GLRI, we are doing our best to protect and preserve not just a lake or a series of lakes, but a national treasure, and we need to treat it that way. We need to continue to treat it that way.

The administration should be out front on the issue and work with our international partners to make sure that these efforts are coordinated.

Ms. MCCARTHY. I appreciate that, sir. I am not trying to put you in a position of doing heavy-lifting, but we are trying to meet the Bipartisan Budget Act numbers.

I would also just, as an aside, recognize that part of the challenge we had in Toledo, it was twofold. It was one of the harmful algal blooms, but it was also a lack of investment, so it goes back to that overall look at what we do with water infrastructure and how we get resources that can help communities address these challenges to update, because that is what essentially was missing in that scenario.

Mr. JOYCE. Also, dredging the channel and dropping the sediment back in the lake, instead of placing the sediment aside.

Ms. MCCARTHY. That is another challenge as well. I know you have been active in that. You have been active in many ways that I think recognize the value of the Great Lakes to your region, and it is of enormous concern to all of us.

Mr. JOYCE. Thank you. I Have no further questions.

Mr. CALVERT. I thank the gentleman.

Ms. Pingree.

Ms. PINGREE. Thank you very much, Mr. Chair.

Thank you, Administrator, for being with us today. I know this is not an easy job, and you certainly have had a lot of challenges in recent times.

I want to take us on a somewhat different path. I am interested in the topic of food waste. I know the EPA has set some interesting goals.

I know my colleagues are riveted by this topic. [Laughter.]

FOOD RECOVERY ACT

Ms. PINGREE. But 40 percent of the food in this country is wasted, and we have a lot of hardworking farmers and others who spend a lot time to produce that food and we have a lot of people going hungry in this country, so it is a very serious issue. I have introduced a bill called the Food Recovery Act, because I do think this is something that we have to take on and challenge.

I am very pleased that the EPA and the USDA have set national food waste reduction goals, which is a 50 percent reduction by 2030 in the amount of food we waste. I was very happy to be on a panel the other day with Mathy Stanislaus, the assistant administrator in the Office of Solid Waste in your organization.

Clearly, you have people out there working hard on it. But now you have this big goal. I know a little bit about how hard it is to tackle some of these issues at all levels of how we waste food.

Can you talk to me a little more about what the EPA's goals are and what you are doing to make this a reality?

Ms. MCCARTHY. As you indicated, we have embraced with USDA an opportunity to look at food waste more successfully, given how much is actually wasted, and how many people in this country have food insecurity. There has to be a way to mix and match in making sure that we are recovering that waste and shipping off what is usable to reach those families in need. That is what the challenge is all about.

We are working on it in a number of different ways. I think the program I would most note is our Food Recovery Challenge, which is really just about connecting with supermarkets to see how they buy, how they donate, working with local restaurants, working with food shelters, connecting those dots.

We have now done extensive outreach to the faith community, to try to activate them, because, as you know, poverty and food issues are central to most faith constituencies. So they are great in working with us both on water quality, as well as this effort.

We are open to any suggestions on how we move this forward, but there seems to be a building momentum on this. That is a good thing. It is all the way upstream to agriculture where the food is produced to getting it to the tables where the food can be consumed, especially by those most in need.

But it is a big lift to go from where we are today, which is close to 40 percent wasted, to actually meeting and having that in a fairly short period of time.

But people seem energized and engaged. It is not a largely resourced effort of EPA or USDA. I think both Secretary Vilsack and I are committed to making sure we leverage our resources wisely, but really do it in a way that engages outside constituencies who see this as such a core effort moving forward. It is exciting to see it building some momentum.

Ms. PINGREE. Thank you for that. I appreciate that you are trying to look at it at all levels and work with the USDA.

Along with the challenges of making sure our food gets into the hands of people who need it and are hungry, there are some serious environmental challenges of how to dispose of food waste and the gases produced.

Ms. MCCARTHY. And the methane it produces.

Ms. PINGREE. Right, which is much more toxic than many of the gases we worry about. Plus, it is a huge cost to municipalities.

One of the challenges when we try to do something about a problem with limited resources is how the agencies coordinate. How is that going between you and the USDA, since you are kind of the two key agencies on this?

Ms. MCCARTHY. I think we are coordinating well, but we also are looking at having a much more robust strategy. I think it goes well beyond the few people we are dedicating to food recovery. It is just not commensurate with the challenge or, frankly, the real opportunity that we see.

But we will continue to work. We need a strategy that will get us to meet that 2050 goal, and we are working on how best to do that.

Ms. PINGREE. I appreciate that. I will have another question, if we get a second round, but I did want to make just a quick comment on Mr. Jenkins. I am sorry he is no longer here.

I feel very, very sympathetic for any rural State that has to deal with the loss of high-paying jobs. I know in the State of Maine, we have lost a tremendous number of our paper mills. It seems to be happening at a rate higher than people can even fathom.

Those are the same kinds of jobs. They are high-paying jobs. They come with benefits. It is staggering, particularly in a rural State, when those things change.

CLEAN POWER PLAN

But I just wanted to add sort of another perspective, since Maine tends to be the State at the end of the tailpipe, and coal-fired power plants have been a huge issue for our State for a long time. You think about going to Maine and you think about, pristine air, this wonderful State on the ocean. But, frankly, we have some of the worst air in the country.

One in 10 people in Maine have asthma. We have a tremendous number of children with asthma. It is one of the biggest reasons for emergency room admission, and it is the fourth most common reason that people miss going to work. So people who have jobs often cannot go because they have asthma.

So I just wanted to add in the other perspective, that while I am very sympathetic about the loss of jobs, and Mr. Rogers is here too, and he represents so many important coal country communities, but it is a huge challenge, making sure that those of us who really suffer from the air at the other end are also able to have clean air. We must reduce the amount of very costly illnesses and tragic situations that many people are in because of that.

So I wanted to thank you from the other side, and I know it is not easy. I know we are always trying to deal with that balance. It is tricky. So thank you for that.

Mr. CALVERT. With that, I am happy to recognize our full committee chairman, Mr. Rogers.

Mr. ROGERS. Thank you, Mr. Chairman.

CLEAN POWER PLAN: KENTUCKY COAL MINES

There are over 10,000 miners in my district who found themselves unemployed as a result of your keep it in the ground strategy when it comes to coal. This committee has acted time and again to protect the mining industry and the hardworking people who they employ from the devastating impact of the actions of your agency.

I have to imagine that you understand how these regulations have led to many counties in my district grappling with 15 percent or 20 percent unemployment. But can you imagine what it must be like for that miner, that father with small children, formerly making $70,000, $80,000, all of a sudden trying to find a job at McDonald's, unsuccessfully, at minimum wage with small children, car payments, home payments, house payments, and school payments.

It is devastating. Nevertheless, here you are, asking for more taxpayer money to put toward this job of killing coal. In fact, you have asked for an additional $50 million for the EPA's Clean Power Plan.

Since the Supreme Court issued that stay of your final regulations implementing the Clean Power Plan last month, I have seen

conflicting reports regarding the deadlines for State actions that were included in the final rule. My understanding is that the Justice Department, in opposing the stay, advised that the deadlines would be delayed for the duration of the stay. But Acting Assistant Administrator McCabe recently indicated that the deadlines may remain in effect.

Can you assure us today that the agency will, as you have done when implementing other rules, delay the deadlines and the rule until the courts have issued their final decision?

Ms. MCCARTHY. I am happy to answer that question.

The Supreme Court did stay the rule. They did not speak to any tolling of the deadlines. This is a rule where compliance is quite far off into the future. So that issue will clearly be decided either by the Supreme Court or if they choose to give it to the lower court or to EPA to work through. There are a variety of ways that those issues get resolved. But it was not spoken to by the Supreme Court in its decision.

EPA LOBBYING

Mr. ROGERS. In December, the Wall Street Journal reported that the Energy and Environment Legal Institute obtained emails indicating that EPA worked with environmental lobbyists in secret to craft its Clean Power Plan. The correspondence they obtained made it clear that this group of lobbyists with ties to extreme environmental groups like the Sierra Club, NRDC, and Clean Air Task Force, worked with the agency to craft a CO2 emissions standard that would be impossible for existing coal plants to meet.

Essentially, EPA worked with these extreme environmentalists to ensure that under the rule all existing coal-fired power plants would have no choice but to close.

There is no question that the Clean Power Plan will fundamentally alter the energy economy in this country and put thousands of hardworking men and women who are employed in the coal industry out of work.

Why is the EPA allowing these individuals who are not employees of this agency to be so heavily involved with the drafting of rules with such significant impact?

Ms. MCCARTHY. Sir, I will assure you that EPA drafted this rule. We had an open-door policy from day one, and we worked for years before we even proposed a rule, to make sure we heard from everyone.

We believe the standards are reasonable and not just appropriate but cost-effective as well, or else we would not have established them. So we are not looking to preclude coal from being a significant part of the energy system. Indeed, we project it will continue to be.

But we do believe that facilities can comply, and we think States will be able to meet the requirements under the Clean Power Plan.

Mr. ROGERS. Well, the truth is that power plants cannot possibly physically do what you would require, so they have no choice but to switch to something else. It is impossible, physically impossible, for them to meet your requirements.

What do you say to that?

Ms. MCCARTHY. Sir, the way the Clean Power Plan works is that States make decisions instead of individual utilities on how they are going to comply, because that is the way the energy system works. It is done regionally, primarily.

We just wrote it in a way that we thought would be the least expensive, the less invasive, get us significant pollution reductions, but work within the energy system rather than EPA imposing on that energy system a new structure of decision-making.

So we think it is consistent with the way the energy system works, that utilities will be able to work with this, that States should be able to manage this. And we are working hard to continue with States voluntarily looking to move forward to continue to support those actions.

Mr. ROGERS. Thank you, Mr. Chairman.

Mr. CALVERT. Thanks, Chairman.

Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chairman.

I was going to ask another question, and I really would like to get that in after this, but right now I want to follow up on what Chairman Rogers was saying.

CLEAN POWER PLAN

In my own congressional district in St. Paul, I had an electric utility that made the decision to convert from coal to gas. But they also have a coal-fired plant in Stillwater, Minnesota on the St. Croix River. We also have nuclear. We have solar. We have wind. We just would like to have more funding going to R&D, so we can capture it and store it in a battery.

In Minnesota, Governor Dayton and our Legislature has decided to move forward, as have other States, knowing that coal will be part of the mix, but also making sure that we do what we can to protect our air and water.

Could you please let us know how many States are responding in a way that moves forward with emissions reduction? And are you going to have the resources available to help those States move forward that are choosing to do so?

And then I have a question regarding tribal issues.

Ms. MCCARTHY. Thank you so much for letting me respond.

There are about 25 States that at least have sent signals or continue to work with us directly. Frankly, most States continue to talk about this and work on it, because the Clean Power Plan is legally solid, and I think everybody wants to get a jump on how they are looking at planning to respond to that. So about 25 States are continuing to voluntarily ask us for assistance and work on——

Ms. MCCOLLUM. And in my State, my utility is working hand in hand.

Ms. MCCARTHY. Utilities are very engaged in this issue, because, frankly, the energy system is transitioning already, and they are trying to understand what their investment should look like now so that they prepare for what is inevitably a low-carbon future.

So we are going to continue to work with that. This budget reflects about $50.5 million, $25 million of which would be supplied to States that continue to voluntarily want to move forward, and the other $25.5 million is really about us continuing to develop

tools that respond to their requests and continue to work with those States that want to voluntarily work with us.

But it in no way is running contrary to the Supreme Court stay. We are not implementing or enforcing the law while it goes through the courts. Everybody sort of expected it would go through the courts anyway.

Ms. MCCOLLUM. Thank you.

GLRI-TRIBAL GRANTS

Last week, the subcommittee spent 2 days listening to Native American tribal leaders in public witness testimony. One thing we heard concerns about was the discrepancy on how the tribes are requesting and what they are actually receiving from the Great Lakes Restoration Initiative. Tribes are an essential partner in restoring the health of the Great Lakes. The process of solidifying grants must be fair for all applicants, especially tribes.

I believe, and I think there are other committee members here who would agree, that is imperative that tribal nations have the resources and the staff to develop competitive grant proposals, so that they are able to manage and protect their natural resources. Speaking for many of the tribes in the Great Lakes area, they have terrific working relationships with their State partners.

Could you either tell us now or later how many grants have been awarded to tribes since 2010 when GLRI was launched? What has been the total amount of funding awarded to tribes? What kind of engagement is EPA doing with tribes to ensure that their grant proposals are competitive?

This also affects another issue, and here again I commend Governor Dayton. He proposed legislation to work with tribal nations to secure rights to hunt and gather to support their traditional diet in the Ojibwe culture. He has heard, I am sure, from tribal leaders, as I have, that they want to make sure that the habitat that they hunt and fish in is not damaged.

Can you tell me how the EPA is working to keep waterways healthy enough to support tribal treaty rights, traditional subsistence foods, and how aggressively you are making sure that tribal consultation is moving forward, especially in the area of the sulfide mining?

Ms. MCCARTHY. I am happy to follow up with you. Thank you.

[The information follows:]

Since 2010, over 820 GLRI projects totaling more than $305 million are conducted on reservations and ceded territories. This represents more than 28% of the total of 2,930 GLRI projects and over 19% of the approximately $1.58 billion in GLRI project funding. These amounts include over 300 projects from grants totaling more than $40 million that have been awarded directly to 31 tribes and Tribal organizations.

The EPA regional grant staff conduct regular training events for Tribal governments to improve their general grant writing, grant management, and grants.gov abilities. For example, in 2015, the EPA grants staff conducted an in person training at Prairie Island Indian Community near Red Wing, Minnesota. The training was a review of grants management requirements and procedures, as well as policy updates. It also provided a good dialogue to strengthen the EPA's partnership with the Tribe. The EPA program staff, including staff from the EPA's Great Lakes National Program Office, join the grants team to present funding opportunities and provide program-specific information. The EPA uses Great Lakes Restoration Initiative (GLRI) resources to consistently provide specialized capacity funding to tribes so that they may fully participate in the GLRI. Tribes are encouraged to use some of the capacity funding to support their grant-writing and management. The EPA also invites tribes to attend the Great Lakes Restoration Initiative applicant webinars where GLNPO staff provide advice and tips for creating a competitive application for funding. All applicants, including tribes, that are not selected for competitive funding opportunities are invited to discuss the strengths and weaknesses of their applications so that they can make applicable changes in future applications.

The EPA recognizes the critical cultural and ecological importance treaty rights provide for tribes. The EPA is committed to honor and respect tribal rights and resources protected by treaties in our actions, as outlined in our December 1, 2014 memorandum commemorating the 30th anniversary of the EPA's Indian Policy. The EPA explicitly recognized the role treaty reserved rights can play in our actions by issuing the EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights in February 2016. Currently 42 of the more than 300 federally recognized tribes with reservations have completed the process of obtaining the EPA's approval to be treated in a manner similar to a state (TAS) and adopted standards for their waters that the EPA has approved under the Clean Water Act. The EPA has proposed a rule to streamline the application process for TAS for the water quality standards program. The proposal would reduce the burden on applicant tribes and advance cooperative federalism by facilitating Tribal involvement in the protection of reservation water quality. Additionally, it will allow tribes to develop water quality standards, in consultation with the EPA, that are protective of aquatic-dependent resources.

The EPA follows our national Tribal consultation policy issued on May 4, 2011. In order to ensure adherence to this policy, certain EPA Regional offices dealing with mining issues and Tribal consultation sometimes go a step further and develop regional consultation guidance and standard operating procedures for specific programs. Typically, the water quality standards (WQS) program, National Environmental Policy Act (NEPA), National Pollutant Discharge Elimination System (NPDES) and Total Maximum Daily Load (TMDL) programs are involved in Tribal consultations or informational meetings related to sulfide mining as well as iron-ore mining.

In the Region 5 WQS program, any WQS action submitted to the EPA for formal agency approval involves an analysis of whether or not to invite consultation with tribes. Region 5 has routinely consulted with tribes on a variety of state WQS actions including nutrient criteria, human health criteria methodologies, BEACH Act guidance, and WQS variances for mercury, copper and chloride. Invitations to consult are offered to tribes that may be directly downstream of a state WQS action, adjacent to a WQS action, including where an action may have the potential to affect rights in ceded territory of those tribes which have retained hunting, fishing and gathering rights outside their reservations.

In the Region 5 impaired waters list/TMDL program, tribes are invited to consult on certain state impaired waters lists and TMDLs. EPA/tribal discussions have included concerns related to wild rice waters and the potential deleterious impacts of elevated sulfate concentrations.

Specific interactions with tribes involving sulfide mining as well as other mining issues date back to well before the 2011 EPA consultation policy and covers approximately eight mines. Thus far, EPA is aware of concerns related to mercury in fish, methylation of mercury due to increased sulfates, impacts to downstream tribes with EPA-approved WQS and adverse impacts to treaty resources including wild rice and migratory waterfowl. EPA actions have included formal consultation with tribal leaders and representatives, as well as informational meetings with tribal staff. In addition, the Region holds several sets of monthly calls with tribal staff to discuss water program, mining and WQS issues. Tribes in Region 5 are aware that they do not need to wait for a consultation invitation from the various EPA programs, but may request consultation on any EPA action at any time

CLEAN POWER PLAN

Mr. CALVERT. Just a comment, and then I have a question. I have been charting the coal industry for some time. From the book value of those corporations, they have been driven to near zero. Bankruptcies, you obviously read about in the newspaper.

So if the administration plan was to destroy that industry, it appears that you have succeeded.

Ms. MCCARTHY. The only thing that I can tell you, sir, if you look back to the 1980s, you will see that there has been a consistent decline in that industry, and that is well before we had a climate plan.

Mr. CALVERT. Nothing like we have seen in the last number of years.

Ms. MCCARTHY. Well, it is very challenging for particularly the coal from the Appalachia area to be competitive right now in the market.

But EPA specifically tried to identify a way to deliver the Clean Power Plan in a way that would not interrupt the pattern of how the market works, but it does underpin it. But it does not change the direction in which we think the energy system is happening on its own, as a result of market forces.

Mr. CALVERT. I am going to change directions entirely and talk about pesticides.

Ms. MCCARTHY. Yes.

CITRUS GREENING

Mr. CALVERT. This may be something that may be going to the top of your to-do list, because of the numbers of problems that are coming to the United States.

I do not want to be an alarmist but obviously we know about the citrus industry in Florida and the psyllid issue. That is also moving across the country, including to my home State of California. We have already experienced the Pierce's disease, which has another insect, glassy-winged sharpshooter, which is the vector.

EPA had granted waivers in order for us to fight that disease, or the grape industry would have been crushed in the wrong way. And we would have had a devastating effect on our wine industry, and we need wine right now as a country to get through from day to day. [Laughter.]

ZIKA VIRUS

Mr. CALVERT. Lastly, and more seriously, now the Zika virus. The chairman and I were just recently in South America. We visited laboratories that are working on trying to get ahead of this problem. I think the chairman would agree we were very concerned after the briefings we received that the spread of this mosquito across certainly right now in Puerto Rico and moving into Florida, that there may be a need for pesticides to be used.

I know at some point you have to make decisions. You have to balance the health and welfare of the citizens versus maybe in some respects the environment, to fight this mosquito, which apparently is a very hard mosquito to kill.

I am sure you probably have had briefings on this already, but maybe you can share with us what activities EPA is involved in, whether they need to grant waivers to fight this. It seems like we have to get on this immediately.

Ms. MCCARTHY. Mr. Chairman, thank you for raising this issue, because it is something that the entire Federal family has been working together on.

EPA's role really is reflective of how we mitigate the challenge, how can we mitigate an impact, the habitats that would be mosquito breeding and take care that issue. But we are also looking at what we need to do to make sure that we have pesticides approved that can attack this and how we do training. We are focusing that training.

Thankfully, Florida is very strong in terms of their ability to be able to manage this issue and have certified applicators and a strong regulatory system. We are focusing a lot of attention on Puerto Rico as well as the Virgin Islands, where their sort of regulatory system is not quite as strong, and we want to make sure that when pesticides are used, they are applied carefully.

There are a number of pesticides that are approved by EPA and effective, as well as they can be, both on outside spraying, as well as indoor use. We are continuing to work with NIH to see if there are others that we can bring into the system. As a Federal family, we are looking to make sure that those pesticides will work, are properly manufactured, and at levels that can be distributed, as this Zika virus is progressing.

It is an enormous challenge to work on this, and it is one that I think the Federal Government is looking for appropriate support from this body, but also EPA is looking to make sure we do our work with NIH to get the products out in the market that we believe can be safely applied and can help in this effort.

Mr. CALVERT. I appreciate the answer.

Next, Mr. Kilmer.

Mr. KILMER. Thank you, Mr. Chairman.

CWSRF REDUCTION

Ms. McCollum mentioned the significant cut made to the and Clean Water State Revolving Fund. Given the significant infrastructure needs across the country, can you discuss how you anticipate this cut will impact State, local, and tribal governments that are working to invest in clean water infrastructure?

Ms. MCCARTHY. It is definitely a shift in what we see, and it is based on the needs out there, long term. It is a shift a little bit more toward the drinking water side than it is the clean water side.

Part of the challenge we have is to make sure that we certainly live within our budget, and we have done our best to reflect where we think the priorities need to be.

But beyond that, we are trying to look at how in this fiscal year start supporting WIFIA, because that leverages or has an opportunity to leverage private sector dollars as well in a way that is a much larger leveraging opportunity than we have under the State Revolving Fund.

So we are looking at a $20 million investment there. We are also looking at our Water Infrastructure and Resiliency Finance Center to continue to support that effort, because they are providing a lot of opportunity to work with rural communities and small systems to think more creatively about what opportunities are available.

We are looking at continuing to look at the flexibilities that we have under the State drinking water fund.

But I think, all in all, we are also looking at using I think some visibility and concern that have arisen as a result of Flint to sort of raise the flag, if you will, to say that all of these efforts are good, and we are directing more efforts to the Mexico-U.S. border and to Alaska, tribes, but we need to do more.

We really need to step back and recognize that our water infrastructure is old and investments are not being made at a rate that would keep that to be the modern system that we once had. There are challenges both with legacy and emergent contaminants that really require us to think about new technologies, on how to drive those and invest in them.

So there does need to be a larger discussion and opportunity to take a deep breath and see whether or not clean water remains a core need and value of this country, and whether or not we are providing the investments we need for that.

Mr. KILMER. Thank you.

Thank you, Mr. Chairman.

Mr. CALVERT. Mr. Simpson.

Mr. SIMPSON. Thank you.

Following up on that answer, we had a hearing here 3 years ago—on alternative financing methods to address this backlog of unmet needs, because, quite frankly, the way we are going at it now, it is going to grow. We are never going to get to the end of this backlog of maintenance needs in water and sewer programs.

So I think the industry and regulators and others need to get together with Congress and look at alternative methods of financing these.

REGION 10 EMPLOYEE APPRECIATION

But I just want to agree with Mr. Kilmer that Dennis McLerran does a great job out in Region 10. We are having a little difference with Region 10 and the State on fish consumption. But we have differences, and we will hopefully work those out.

But again, I will submit that for the record.

But I just wanted to point out, as we are kind of getting ready to wrap things up here, I think the chairman said that nondefense discretionary spending under the budget deal is at $40 million. Is that right?

Mr. CALVERT. I think. Approximately.

FY 2017 BUDGET PROPOSAL

Mr. SIMPSON. That is assuming we can accept a budget deal at some point in time and get a budget passed, under the best of all possible worlds, given the budget deal that was passed last year.

So nondefense discretionary spending is about $40 million. You have asked for an increase of $127 million. There are gimmicks in it, as in the energy and water bill and other bills, shifting things

into mandatory funding, things that we know are not going to happen, tax increases that we are pretty sure are not going to happen. I do not see putting on an oil barrel tax, or some of the other things that are used to pay for the budget request.

So we have all of those conflicts, yet you sit here and you listen to all of us. We talked about the Long Island Sound needing more funding, the Puget Sound needing more funding, the Great Lakes initiative needing more funding, DERA needing more funding, rural water technical programs needing more funding, STAG grants needing more funding, and given the circumstances that we are probably going to have at least a flat and maybe even a reduced budget in certain appropriations bills this coming year.

That is the challenge that we are going to face. We are going to have to balance those competing interests and try to put together a bill because it is not just the EPA and the programs within the EPA that we will have some differences on. It is all the myriad and different programs that are under Chairman Calvert's purview in that bill.

It is going to be a tough one to write, a lot tougher than most people think. So I just wanted to bring that into reality here.

Ms. MCCARTHY. None of us have an easy job with this. I really appreciate the subcommittee, and obviously the committee chair being here to try to identify a path forward. It is always a respectful and good conversation here, and I thank you for it.

Mr. SIMPSON. Thank you.

Mr. CALVERT. Ms. Pingree.

POLLINATORS—PESTICIDES

Ms. PINGREE. I thank you, Mr. Chair.

Both of my last two colleagues mentioned the clean water revolving fund. I just want to add that for many of the municipalities in our State, that is critically important. I think you know that.

And I will just throw in brownfields, too, because that is another thing that has just been really beneficial to economic development.

I do not have to tell you, but those are really critically important when it comes to funding. I will just bring up one last topic, and that is about bees and pollinators.

I know that you take that very seriously. Mr. Calvert brought up one of the issues around pesticides and allowing new pesticides. All of us are very concerned about the Zika virus and many of these things and making sure that we really do have a way to control them. The reverse of that is the impact on pollinators.

I know Mr. Simpson is deeply concerned about the Monarch butterfly. We have our own mini-caucus here that has never been formalized but is there.

But I just want to bring up the fact that this recent GAO report criticized the EPA for ignoring the assessment of the impacts of multiple pesticides on bees. This is not an easy topic, but we know that neonicotinoids are one of the biggest issues. In some areas, they are banned, in other countries.

It is critically important, given the fact that 80 percent of all flowering plants around the world need to be pollinated by bees. We have already had a few crises.

We are very worried about the impact of glyphosate-resistant weeds in our agricultural system. We have 70 million acres of the United States that are infested with them. We are worried about their impact on the Monarch butterfly through milkweed. I do not have to tell you all this.

Ms. MCCARTHY. It makes me feel good that you share the pain.

Ms. PINGREE. I am sharing your pain.

And the GAO just has a brand-new report out, saying USDA and EPA have to do more on this. You have to coordinate better.

Frankly, this is very complex, particularly with the use of multiple chemicals in the same agricultural setting. So it is a tough balance, because we want to make sure we have those pesticides available when it comes to disease control and other things like this mosquito-borne virus. But on the other hand, we cannot afford to lose our pollinators.

So how can you do a little more on this? How are you going to address the concerns the GAO just brought out?

Ms. MCCARTHY. I think the GAO is always right in that we need to continue to collaborate. That is why the White House pulled together the National Pollinator Health Strategy that was announced back last year in May.

I mean, it is extremely important for us to look at sending all the right signals to the industry itself, so that you have beekeepers and the agriculture community able to communicate with one another and develop a strategy that both protects the pollinators as well as allows us to utilize pesticides and other things that are vital to agriculture moving forward.

These are not easy issues. One of the things we did, as I think you know, is we are really requiring registrants to look at conducting new bee safety studies as they are looking at new types of pesticides.

We are doing the best we can to start building it into the system as a fundamental look, and we are looking to work more effectively with USDA, as well as the services, at the full range of impacts, not just health, but ecological impacts and impacts to the pollinators as well.

So we are doing the best we can and we are getting more information. As the attention has gone up, the science is getting better. As the science gets better, we utilize it in our decisionmaking. We are looking forward to collaborating more effectively in the future with our Federal family.

Ms. PINGREE. Great.

Thank you, Mr. Chair.

POLLINATORS—PESTICIDES

Mr. CALVERT. I do not disagree with Ms. Pingree. Obviously, if there are other alternatives to pesticides, I am all for it.

As a matter fact, in my own area at the University of California, we have I think the largest laboratory in the United States on beneficial insects. We in California have used those over 100 years to combat various types of insects.

But if there is a health emergency, we all here agree that we do not want that to happen, but sometimes decisions have to be made. I would hope that you plan for the worst-case scenarios as well as

to be prepared if, in fact, we have to react quickly, because you may be in a situation here shortly where you have to. This may not be as bad a problem as we think, but it may be a lot worse than we think.

Ms. MCCARTHY. I think we are doing a pretty good job, sir, when these emergencies arise at approving exemptions that are in the system. We did that with the State of Florida as they were approaching their next season when they had to look at how to apply pesticides in a way that would address citrus greening. So you are absolutely right.

Fortunately, the law allows us to have that type of expedited review, and we do the best we can to make sure we do it in a timely manner.

Mr. CALVERT. Florida now, I think they have lost a third of their citrus throughout the State. The citrus industry believes they will be totally out of citrus business here, if this continues, in the next 5 years.

We have psyllid in California, but we do not yet have the disease associated with it, except in a very defined area, which we are trying to control.

So we are sometimes asking for those waivers to get in there and deal with this issue as rapidly as we can.

Ms. MCCARTHY. We are really trying to respond to them, as is USDA in looking at how we do research to get a better solution on the table than these interim exemptions provide.

Mr. CALVERT. I think it was Albert Einstein who once said, if you want to destroy the human race, destroy the bee population of the world, and it will all be over.

So I understand that we need to make sure that we do not do that.

Any additional questions?

DRINKING WATER AND WASTEWATER TREATMENT TECHNOLOGIES

Ms. MCCOLLUM. Mr. Chairman, just if I could, this is going to be Administrator McCarthy's last time testifying before the committee. I think of what has happened in my lifetime on emerging issues: microbeads in personal care products, hormones, superbugs, antibiotics. These are all pollutants that have been added to our waterways.

Mr. Simpson pointed out how tight the budget is around here, but as you look back on what you have worked on, and as you look forward to some of the challenges the next EPA administrator is going to have, are there areas where regulations have not caught up with what you are facing? What are some of the emerging issues you would say that we as a committee should be prepared to grapple with as we figure out how to improve our drinking water and our water treatment systems?

Ms. MCCARTHY. Big question. I am not sure that I am going to be able to answer the question and give it the thought that it deserves.

But I think what you mentioned in terms of the challenges for drinking water and wastewater treatment technologies are some that keep me up at night because I just think that we are seeing things and contaminants now where we are not properly protecting

our source waters, where we have to look at our discharges into those waters carefully to understood what is in there, to look at what is getting into our wastewater treatment and what we are not prepared to treat, what those systems have not been designed to effectively get out before it then gets back into the source water and potentially into our drinking water source.

So having that in mind as we are looking at not just upgrading but new technology solutions. We have to stop pretending that we can fix all those and start accommodating them through technology investments and getting those technologies into the market.

I think that you all know that I have spent a great deal of my time on climate change. I would be I think not doing my duty if I did not continue to raise that. I think in the energy world, you see a lot of opportunity and transition already happening, but we need more solutions on the table, more investment, more understanding of how we take action on climate that is commensurate with the risk.

Frankly, part of the challenge the EPA faces is you have given us a lot of opportunity to prevent problems before they arise, but we need more. You need investment, if you are going to stop from having to do these emergencies in Flint, the emergency in Toledo. Every time we do that, we spend more time on one incident than infrastructure investment would have been for three, four, five, six other facilities. Do you know what I mean? We have to stop thinking crisis by crisis and start looking more systemically at these issues.

And EPA as well needs to do that, working hand in hand with Congress. I appreciate the opportunity to have been able to work with you for as long as I have. I think you have been a terrific sort of adviser to the work that we are doing. You remind us constantly of how important that work is. And I know you have a difficult job, and I appreciate it very much that you have given it such tremendous attention.

Mr. CALVERT. Thank you. We certainly appreciate your attendance here, and thank you for your service. We wish you well in the future. We are adjourned.

U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Budget Hearing: Environmental Protection Agency
March 22, 2016

Questions for the Record – Administrator of the Environmental Protection Agency

Questions from Mr. Calvert

Buy America – EPA's Interpretation affecting US jobs in California

For EPA water infrastructure projects, the "American Iron and Steel" provision in the Interior appropriations bill requires that all steel be "produced in the United States." EPA has interpreted this language to require that all steel manufacturing processes, including "melting," occur in the U.S. This interpretation excludes all steel sheet and plate mills in the western U.S. and their downstream manufacturing customers from participating in SRF and WIFIA projects. Steel slabs – a partially manufactured item under EPA's interpretation, yet the raw material of production for western U.S. slab converter mills – are rarely available for purchase domestically. These U.S. slab converter mills have no choice but to import slabs to begin their steel production and EPA's interpretation is impacting California manufacturers.

Last month a mill near my district had to turn down an order for 8,000 tons of pipe, which will have to be filled by one of its competitors. Meanwhile if the substantial transformation criteria were applied under the definition of "produced in the United States" then more US jobs would be supported. Communities continue to highlight significant challenges with respect to implementation of the current Buy America provisions.

Calvert Q1: In EPA's estimation would a program that allows for substantial transformation afford communities with greater flexibility and ease of implementation?

Answer: The EPA is implementing the American Iron and Steel requirement using the existing definition of iron and steel production used in the Federal Acquisition Regulations and historical precedent set by similar requirements (for example, Federal Highway Administration's Buy American requirements). This definition of iron and steel production requires that all manufacturing processes, except coating, must take place in the United States. The EPA applied the same definition of iron and steel production during implementation of the Recovery Act.

EPA Budget and Personnel

EPA's budget documents show actual personnel levels of 14,725 staff in 2015. This is 275 FTE below the 15,000 ceiling authorized by Congress. With the average estimated cost of roughly $150,000 per FTE, then that amounts to approximately $41 million of unused payroll.

Calvert Q2: How is the unused payroll repurposed if not spent on those intended activities, and which programs had the highest unused payroll in fiscal year 2015?

Answer: The EPA remains committed to fully utilizing our FTE ceiling to accomplish the mission of the agency. Where unanticipated attrition and slower than expected hiring left positions vacant in FY 2015, unused pay was typically applied to meet non-pay needs of the intended program area. In a small subset, resources supported critical funding gaps in other priority areas: Chemical Facility Safety, the Water Infrastructure Resiliency Finance Center, the Environmental Finance Centers, and modernizing agency processes through ongoing E-Enterprise projects. Funds also supported space consolidation activities at the Potomac Yard and Federal Triangle facilities and will yield significant long-term rent and operations and maintenance cost avoidance for the agency. All reprogrammings were within the Congressional reprogramming thresholds and reported to the Committee.

The relative size of the programs is important when looking at the impact of attrition and slow hiring. We've used a threshold of 25 FTE or greater to identify programs with the highest unused payroll in FY 2015. These also tended to be larger value programs where staff pay comprises a significant portion of total program budget. Program projects with a shortfall of 25 FTE or greater against FY 2015 Operating Plan levels include Civil Enforcement, Compliance Monitoring, RCRA Waste Management, Surface Water Protection, EPM Facilities Infrastructure & Operations, Research—Chemical Safety & Sustainability, OIG Audits Evaluations & Investigations, and Superfund Remedial. These FTE shortfalls have challenged the agency's ability to carry out critical activities. The EPA is fully engaged in restoring FTE to levels authorized by Congress.

Radon

Approximately 21,000 people per year die of non-smoking related lung cancer that is directly attributable to radon exposure. For five consecutive years the President's budget proposes to eliminate funding.

Calvert Q3: If budgets are a reflection of priorities, why is reducing radon related deaths not a higher priority for the Administration?

Answer: Reducing radon related deaths continues to be a priority for the EPA and the Administration. In FY 2017, the EPA will continue to focus on reducing radon risk in homes and schools using partnerships with outside stakeholders. The EPA successfully led the Federal Radon Action Plan partnership with other federal agencies and recently expanded this effort in collaboration with non-profit and private sector groups under the National Radon Action Plan. For over 25 years, the EPA has provided federal funding to states and technical support to transfer best practices among states that promote effective program implementation across the nation. The EPA will continue to support states and other interested parties with technical assistance and participate in building codes and standards development, disseminate information, and utilize social marketing techniques to inform the public about the lung cancer risk fromradon as resources allow.

Calvert Q4: Has EPA identified possible solutions to lower the number of radon related deaths? What would be required to reduce that number by half in 5 or 10 years?

Answer: Approximately 1,100[1] lives are saved annually by radon mitigation that has taken place to date. In FY 2017, the EPA will continue to partner with the private sector, public health groups, and other Federal agencies, to implement the National Radon Action Plan launched together earlier this fiscal year. The Plan outlines a framework for reducing radon risk and sets an ambitious goal of reducing radon in 5 million homes and saving 3,200 lives annually by 2020. This framework for action is aimed at incorporating radon testing, radon mitigation and radon-resistant construction into systems that govern purchasing, financing, constructing and renovating homes, schools, and other buildings. This framework builds on earlier federal action (under the Federal Radon Action Plan) that generated new progress by driving radon action, testing for and mitigating high radon levels, and radon-resistant new construction and also increased radon risk awareness.

[1] EPA National Residential Radon Survey (NRRS); Summary Report (EPA 402-R-92-011, October 1992)

Technical Support Document for the 1992 Citizen's Guide to Radon (EPA 400-R-92-011, May 1992)

EPA Assessment of Risks from Radon in Homes (EPA 402-R-03-003, June 2003/Revised February 2004)

Citations:

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Waters of the United States / "Navigable Waters"

In December 2015, the GAO determined that EPA had violated the law by expending funds on a social media campaign to promote the Waters of the United States Rule, or the Clean Water Rule as the Administration has attempted to redefine it. You have repeatedly stated that you don't believe you did anything wrong. Nevertheless, the decision is not yours.

Calvert Q5: When will the Agency transmit a notice of an Anti-Deficiency Act violation as required under law?

Answer: The agency transmitted a draft Anti-Deficiency Act report to the Office of Management and Budget (OMB) for coordination pursuant to the process described in OMB Circular A-11. The EPA will finalize the report after OMB provides its comments on the draft report.

The Small Business Association recommended that EPA withdraw the proposed rule and conduct a panel prior to re-proposing the rule. With a stay on the rule, EPA still has an opportunity to do this.

Calvert Q6: Will EPA use this as an opportunity to convene a Small Business panel to discuss the impacts of the rule?

Answer: The Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), mandates application of certain analytic and procedural requirements, including the convening of a Small Business Advocacy panel, as part of an agency's regulatory development process unless the head of an agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. Under SBREFA, the impact of concern is any significant adverse economic impact on small entities. The Clean Water Rule as finalized reduces the scope of jurisdiction compared to the rule it replaces. Because fewer waters will be subject to the Clean Water Act under the rule than under the existing regulations, this action will not affect small entities to a greater degree than the existing regulations. As a consequence, this action will not have a significant adverse economic impact on a substantial number of small entities, and therefore a panel was not required. In addition, the rule does not subject any entities of any size to new regulatory requirements or specific regulatory burden. Rather, it is a definitional rule that imposes no direct costs.

Nevertheless, the EPA and the Army Corps voluntarily sought input from representatives of small entities while developing the Clean Water Rule, which enabled the agencies to hear directly from small business representatives. A report summarizing our small entity outreach, the results of this outreach, and how those results informed the development of this rule is available in the docket (Final Summary of the Discretionary Small Entity Outreach for the Revised Definition of Waters of the United States; Docket Id. No. EPA-HQ-OW-2011-0880-1927).

Superfund Needs

The 2017 budget proposes $1.13 billion for the Superfund program, a $35 million increase over the FY16 enacted level. This includes a $30 million increase "to accelerate the pace of cleanups" in the long-term, remedial program. With 1,323 sites on the National Priority List, accelerating the pace of Superfund cleanups is a shared goal.

Calvert Q7: Does EPA have estimates for what is required to cleanup all of the Superfund sites currently on the National Priority List?

Answer: Remedial activities at Superfund National Priorities List (NPL) sites are funded with annually appropriated funds out of the Superfund: Remedial program project where special account funding from settlements with responsible parties is not available and responsible parties are not directly cleaning up the site. Approximately 60 percent of NPL sites are cleaned up by potentially responsible parties (PRPs) and PRPs are not required to report their expenditures to the EPA. For those PRPs who self-report their spending, we do have some cost estimates. For

example, General Electric has reported that it spent more than $1.5 billion to clean up the Hudson River Superfund site's contaminated sediments.

For fund-financed sites, the EPA requests $521 million for this program in FY 2017, which is an increase of $20 million over FY 2016 enacted levels. The EPA's current estimate for fund-financed sites, is that a typical NPL site cleanup costs around $15 million to cleanup; however, many of the remaining sites are likely to cost more. For example, the record of decision recently issued for the Passaic River site estimated $1.4 billion in cleanup costs. While some of these costs are expected to be incurred by PRPs the exact costs to complete construction at large sites like these are difficult to calculate.

Although we do not have a definitive cost estimate for the cleanup of all sites on the NPL, through site management plans, the EPA has determined that there are at least 20 unfunded construction projects that will be added to the already existing queue of on-going construction projects to be funded in FY 2017. The total cost for these new remedial action projects is estimated to be almost $500 million. This adds to the on-going construction portfolio of over $200 million annually. These costs range from approximately $1.5 million at Alabama Plating Company, Inc. to approximately $110 million at Velsicol Chemical, Michigan.

In 2010, the Government Accountability Office (GAO) analyzed responses to a survey of the EPA regional officials and estimated that, as of September 30, 2009, the cost to conduct remedial construction at non-federal NPL sites in 2015 and beyond was $3.036 billion. (GAO Report 10-380, p.20 – May 2010). Since that time, we have added another 99 sites to the NPL and will incur additional significant costs for these sites

Superfund Special Accounts

EPA has roughly $3.4 billion in settlement agreements that reside in Special Accounts for the cleanup of Superfund sites. That's roughly three times the budget request for the program, and it's a balance that continues to grow.

Calvert Q8: What assistance is required to accelerate the use of these funds to make progress cleaning up some of the most toxic sites?

Answer: Special account funds are used before annually appropriated funds for response actions at sites identified in the terms of the settlement agreements. The EPA's Special Accounts Senior Management Committee comprises of agency senior managers responsible for the management and use of special accounts. The committee continues to monitor the use of special account funds to ensure we are conducting cleanups and using the funds as quickly and efficiently as possible to address Superfund sites.
Funds retained in special accounts must be used site specifically, and are not available for use at sites outside the scope of the settlement agreement. As of the end of FY 2015, the EPA has spent more than $3.3 billion of special account funds for response actions at specific sites. Over the past 6 years alone, we have spent more than $1.7 billion from special accounts, more than double the amount spent cumulatively from special accounts as of the end of FY 2009.

The EPA has multi-year plans to spend the approximately $3.45 billion remaining in special account funding for site-specific response actions. However, work at Superfund sites often takes

several years to complete. It's important to note that in some instances when special accounts funds are received, work may not be immediately initiated due to other circumstances, including the specific requirements for fund use as set forth in the negotiated settlement agreement, the stage of site cleanup, the stage of enforcement actions, and the nature of the site contamination.

Additionally, our successful enforcement efforts to recover costs from potentially responsible parties adds to the total amount of outstanding deposits in special accounts for future response costs. Special accounts are crucial to the EPA's ability to continue to fund construction projects at sites across the country and saves appropriated dollars for those sites where no viable or cooperating responsible party has been identified.

Bluon – SNAP Program Approval

A California company, Bluon, has had an application before your Agency for more than a year for approval from the SNAP program for an economic and cleaner drop-in refrigerant and coolant product. They have been waiting for the issuance of a Completion Letter for the refrigeration application of Bluon TdX 20, and Final Acceptability Determination for the HVAC application.

Calvert Q9: Can you please update me on when Bluon can expect a response from your Agency?

Answer: The EPA works to review submissions of alternatives as expeditiously as possible. The EPA responded to Bluon's Significant New Alternatives Policy (SNAP) submissions and issued a letter confirming that the application for TdX20 to be used as a retrofit refrigerant in residential and light commercial air conditioning systems is complete. The agency continues to evaluate their additional submissions with respect to other refrigeration end-uses, and will continue outreach with them as we work to complete the review.

Gold King Mine/Colorado Mine Spill – Reimbursement of Tribes

Last summer, the Gold King Mine spill sent millions of toxic gallons of water into the Animus River. This affected many residents out West including the Navajo Nation. Recently EPA announced it would provide the Navajo Nation with $150,000 in cost reimbursement. This is a very small fraction of documented costs.

Calvert Q10: Is this just the first step in the reimbursement process? Can the Navajo expect more to come?

Answer: The Navajo Nation accepted the award for $157,756 on April 13, 2016. We are continuing to work with the Navajo Nation and discuss additional requests for cost reimbursement. The EPA needs additional information about the requested costs that were not included in this award to determine whether these costs are eligible under the EPA's response authorities and allowable under federal grant cost principles.

Calvert Q11: What funds in your budget will be used to finance the repayment. Which accounts would you use? Water? Superfund?

Answer: The cooperative agreement with the Navajo Nation for $157,756 is being funded out of the Hazardous Substance Superfund account and comes from funds that are budgeted to respond to the release of hazardous materials to address environmental and public health risks.

Treatment of Veterans – Training for Management

Over the past year, there have been reports of personnel and management issues at the Agency – extended Administrative leave, false CIA agents, and employee misuse of internet sites. While the Administration's goals for hiring of Veterans has been laudable, perhaps more could be accomplished. Some of these Veterans – once hired – require some additional attention and there are concerns that a level of sensitivity is not being shown in the workplace.

Calvert Q12: What sort of training is provided for EPA managers, and staff, to prepare them to understand and address the special needs of veterans?

Answer: The U.S. Environmental Protection Agency remains committed to the hiring of veterans and ensuring they are successful in the workplace. We provide a number of training and other programs that are designed to integrate veterans into the EPA workforce and ensure their retention. Recently we sponsored a training session for our hiring managers entitled, "Veteran Mental Health in the Workplace: What should you know and what can you do to help?" by Dr. Wendy Tenhula, Department of Veteran Affairs. This session was meant to help hiring managers support veterans who may be experiencing long-term effects of active duty and combat. The session sensitized managers to the special needs of veterans retuning from combat and provided managers with information on tools that are available to support employees.

All newly hired or appointed EPA supervisors and managers are required to complete a mandatory development program known as the Successful Leader's Program (SLP) within their first year in their new position. Included in the SLP is a full day of instruction and exercises pertaining to the topic of human resources which addresses special hiring authorities. Through this program, supervisors are provided information pertaining to the hiring and special needs or our nations veterans.

The EPA also sponsors programs to make employees aware and appreciative of the contributions of the EPA's veteran employees. Each year the Veterans Employment Program hosts a Veterans Day Celebration that acknowledges the accomplishments of our veterans. We educate our agency workforce on the great sacrifices made by veterans through our keynote speakers and special guests. These speakers have included, Congresswoman Tammy Duckworth, Admiral Michelle Howard, Judge Robert Rigsby, and Jaspen Boothe. The EPA's YouTube channel features a number of videos that feature the important work of some of our veteran employees. These videos were designed to educate EPA employees on the contributions veterans are making to EPA's work.
(https://www.youtube.com/results?search_query=environmental+protection+agency%2C+veterans, https://www.youtube.com/watch?v=le2OyGC1wrk)

Calvert Q13: Describe the steps taken by the Agency to ensure the success of veterans once they have been hired with emphasis on the specific programs or activities designed to address the unique physical and psychological needs of veterans due to their service as war fighters.

Answer: Approximately five years ago, the EPA established the "Vet2Vet" mentoring program. This voluntary program provides mentors for veterans to assist them as they become accustomed to their new EPA work environment and with the transition from military to civilian culture. The Veterans Employment Program Manager works with each participant to ensure a positive partnership that will benefit all involved. Participants complete a short questionnaire and a veteran employee who has successfully made the transition is identified to serve as a mentor to the newly-hired veteran. Program participants mutually determine the amount of time they spend together. Feedback from program participants indicates it has been valuable to both the mentees and the mentors involved.

Question from Mr. Simpson

Arsenic in Drinking Water

Just recently my office has heard from the small town of Filer, Idaho that expressed concern with the economic burden the standards will have on their community and rate payers.
Since the rule became enforceable in 2006, the Joint FAO/WHO Expert Committee on Food Additives (JEFCA) has re-evaluated the effects of arsenic on humans. Attached is a letter from the town of Filer I would like to submit for the record. I also have two questions.

Simpson Q1: Has EPA looked at this data and have they taken it into account?

Answer: The EPA has reviewed the Joint FAO/WHO Expert Committee on Food Additives (JEFCA) data and has taken the data into consideration.

Simpson Q2: In 2012 this committee asked for a report on arsenic that was originally requested in 2005. Is that report available and if it is not available, why?

Answer: The agency understands the importance of this issue and is working to finalize the report.

Fish Consumption Rate and Water Quality Standards

Administrator McCarthy, under the Clean Water Act (CWA), States have the primary responsibility to develop water quality standards, including the Human Health Water Quality Criteria (HHWQC or what some refer to as "fish consumption") that are an important part of many of those standards. Human Health Water Quality Criteria must be approved by EPA, and in 2010 EPA rejected Idaho's HHWQC, even though they were based on EPA's national guidance. In the last few years, Idaho has undertaken a transparent and thorough stakeholder process to develop new criteria, yet EPA has consistently provided negative comments, and many in my state expect EPA to again reject the final criteria when they are officially submitted for approval, because EPA believes they are not stringent enough.

EPA's national Human Health Water Quality Criteria assumes that everyone in the US is drinking 2.4 liters of raw, untreated surface water from rivers, lakes, and streams, each and every day for 70 years; AND is eating 22 grams/day of fish every day for 70 years AND those fish are contaminated at the criteria level; AND none of the pollutants in the fish were lost due to preparation or cooking; AND, that 100% of these pollutant chemicals are available in the body upon ingestion.

Simpson Q3: Does EPA agree that this exposure scenario is extremely conservative (protective) and by percentage, does not accurately describe the vast majority of the U.S. population. If so, why are we doing this at all, and at such a high cost with no appreciable return?

Answer: The EPA's approach for developing human health criteria is based on science and policies that have been thoroughly vetted publicly. Human health criteria are designed to

minimize the risk of adverse effects occurring to humans from lifetime exposure to substances through the ingestion of drinking water and consumption of fish obtained from surface water. Following the EPA's Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health (2000), the EPA used a combination of median values, mean values, and percentile estimates for the parameter value defaults to calculate its updated 2015 Ambient Water Quality Criteria. The EPA's assumptions afford an overall level of protection targeted at the high end of the general population (i.e., the target population). This approach helps achieve the EPA's target goal of protecting the majority of the population, and appropriately meets the goals of the Clean Water Act and the 304(a) criteria program.

Additional information can be found in the EPA's Response to Scientific Views from the Public on Draft Updated National Recommended Water Quality Criteria for the Protection of Human Health (https://www.epa.gov/sites/production/files/2015-10/documents/epa-response-to-public-comments-to-human-health-final-criteria.pdf).

Simpson Q4: Despite how conservative and extremely protective the national criteria are, EPA wants Idaho to assume everyone in the state eats 175 grams per day of fish every day (about 6 ounces a day or 30 cans per month) for 70 years so that the resulting criteria would be even more stringent. Idaho instead took the best-science approach and through new research adopted a Fish Consumption Rate of 66.5 grams per day. Do you believe that this rate is not scientifically defensible?

Answer: Idaho has not yet submitted its human health criteria to the EPA, and the EPA has not yet reviewed the criteria and associated rationale to determine if they are scientifically defensible and protective of Idaho's uses, consistent with Clean Water Act section 303(c) and the EPA's implementing regulations. The EPA last reviewed and commented on Idaho's proposed human health criteria at the state's December 10, 2015, Board of Environmental Quality meeting. At that meeting, the EPA expressed concern that Idaho's decisions to 1) use a mean fish consumption rate for high consuming populations, 2) to calculate the fish consumption rate based only on current consumption of fish (which does not consider suppression), and 3) to couple that fish consumption rate with an excess cancer risk of 1 in 100,000, will not adequately protect tribes with treaty-protected subsistence fishing rights in the state.

Consistent with existing guidance, Idaho chose an excess lifetime cancer risk level of 10-5. Yet EPA has told Idaho it needs to adopt criteria based on 10-6, even though the additional health protection between the two levels can't be measured, but the added costs would be astronomical. In addition, a 2013 study conducted by industries, counties, and municipalities in Washington State found that even with the most advanced technology available, and with billions of dollars in upgraded resources, few facilities would be able to meet the new extreme levels EPA is pushing in Washington, which are similar to the standards EPA imposed in Oregon and wants in Idaho.

Simpson Q5: Please explain the scientific basis for this position, when EPA's existing guidance clearly provides states the risk management discretion to choose its risk level.

Answer: EPA's guidance gives states' discretion to select the cancer risk level, either 10-5 or 10-6. At the same time, in EPA's scientific and policy judgement, an appropriate fish consumption rate should reflect any avoidance of fish consumption due to contamination or other factors, consistent with the restoration goals of the Clean Water Act. If a state does not use an unsuppressed fish consumption rate for whatever reason, including data unavailability, and couples that rate with a 10-5 cancer risk level, the pollution level for the water body might actually be set at levels that protect at less than a 10-5 cancer risk level. EPA is encouraged by efforts underway by tribes and others to account for fish consumption suppression, which can be of use in a variety of regulatory contexts. EPA's new fish consumption rate survey guidance, which should be released in coming weeks after peer and state agency review, should better assist tribes and states in such efforts.

Flint

Simpson Q6: Generally speaking where does most lead contamination in water systems come from?

Answer: The primary contribution of lead and copper to drinking water is corrosion from lead service lines and in-home plumbing materials that contain high levels of lead. This typically occurs when the water has high acidity or low mineral content that corrodes pipes and fixtures.

Simpson Q7: Does the Safe Drinking Water Act allow for funds to be used to fix some of those issues in homes, schools and other private properties?

Answer: Yes, removal of lead service lines, including the privately-owned portion of the line, may be funded by a State's Drinking Water State Revolving Fund (DWSRF) so long as the loans are made to an eligible entity and all other requirements of the DWSRF are met. However, state and local laws may further limit eligibility for DWSRF funds. In most cases, a utility would need to obtain consent from the private owner of the property to replace privately-owned lead service lines.

Simpson Q8: Are individuals able to apply for grants or loans to assist with replacement costs?

Answer: No, under the DWSRF statute, individuals are not eligible to receive assistance directly from a state DWSRF. The utility serving the impacted homeowners could choose to finance the entire cost of lead service line replacement through a DWSRF agreement. However, state and local laws may further limit eligibility for DWSRF funds. In most cases, a utility would need to obtain consent from the private owner of the property to replace privately-owned lead service lines.

WOTUS

You told the subcommittee last year that you believe the states are primary in issues related to water and water quality. You said that there were issues you recognized in the rule that caused some concern for the states and you would resolve that in the final rule.

Simpson Q9: Recognizing the rule is on hold and your agency has honored the stay the courts put on the rule: Can you tell me if you made those changes to this rule?

Answer: Yes, the final Clean Water Rule reflects the EPA and the U.S. Army Corps of Engineers responses to concerns expressed by states, as well as by other stakeholders, regarding several issues they identified in the proposed rule. As your question notes, we are not implementing the Clean Water Rule during the stay but instead are using prior regulations defining "Waters of the U.S." when implementing Clean Water Act programs.

Simpson Q10: And if so what were they and how do they help us to clarify the states are primary in jurisdiction over water?

Answer: In addition to modifying the proposed rule and reflecting many state concerns in the final Clean Water Rule, the final rule preamble also speaks directly to the role of states and tribes under the Clean Water Act. The preamble acknowledges the vital role states and tribes play in implementation and enforcement of the Clean Water Act, citing Clean Water Act Section 101(b) that "it is the Congressional policy to preserve the primary responsibilities and rights of states to prevent, reduce, and eliminate pollution, to plan the development and use of land and water resources, and to consult with the Administrator with respect to the exercise of the Administrator's authority under the CWA." (80 Fed.Reg. 37059 (June 29, 2015)). The preamble continues with a discussion of state and tribal roles under the Clean Water Act. The final Clean Water Rule preamble also notes that nothing in the rule limits or impedes any existing or future state or tribal efforts to further protect their waters.

The EPA and the U.S. Army Corps of Engineers made numerous changes to the proposal in response to comments received from states and others before finalizing the Clean Water Rule. For example, several states and other commenters expressed concerns over the potential for inconsistent application of significant nexus analyses. To address this concern, the final Clean Water Rule provides more detail regarding the definition of significant nexus and lists the specific functions that will be considered in the analysis. The final Clean Water Rule also provides more regulatory certainty by narrowing the scope of waters that can be assessed under a case-specific evaluation as compared to the proposal.

In addition, several states and other commenters suggested the final rule be clearer regarding which ditches would not be considered jurisdictional, and the final Clean Water Rule identifies several categories of ditches that are not waters of the United States, more clearly stating the flow regimes in ditches that are excluded from jurisdiction. States and other commenters also expressed concern that some of the exclusions, such as that for artificial lakes or ponds, required an exclusive use. The final Clean Water Rule removes language regarding "use" of the ponds, including the term "exclusively." The final Clean Water Rule also provides other additional clarifications and exclusions requested by states and other commenters, such as an exclusion for certain stormwater control features and wastewater recycling facilities.

Buy America, Aderholt-Visclosky Bipartisan Language

The last three budgets proposed to remove the Buy America requirement for iron and steel used in EPA drinking water state revolving fund projects. Congress puts it in and you take it out.

Simpson Q11: Can you provide an update on EPA's or community challenges to implement the provision?

Answer: The Administration is not opposed to Buy American requirements in the SRFs, but generally deletes legislative riders from prior years in its requested appropriations language for the Budget. The EPA continues to proactively engage and implement the American Iron and Steel requirements for State Revolving Fund programs. The agency provided training, outreach, and education for states, communities, manufacturers, and all stakeholders on the AIS requirements since their inception. While some states and communities have shown concern for the potential burden of implementing the requirements, the provision allows sufficient flexibility for waivers, including public interest waivers, to address situations as they arise.

Ecolabels

Simpson Q12: I do have some concerns that Sustainable Forestry Initiative and American Tree Farm System were left out of the EPA recommendations of environmental standards and ecolabels for use in federal procurement. I know there is a bipartisan coalition that is interested in this issue so I hope we can bring all the interested parties together to discuss this issue to resolve the differences.

Answer: The EPA has provided robust and meaningful opportunities for stakeholder engagement at multiple stages in the process to develop and refine the EPA's draft guidelines for environmental performance standards and ecolabels for voluntary use in federal procurement. In addition to traditional opportunities created through the Federal Register process, stakeholders and experts have been engaged in developing evaluation criteria which will be used in a pilot to assess existing environmental standards and ecolabels against these draft guidelines. On April 25th, via Federal Register Notice found at https://federalregister.gov/a/2016-09519, the EPA publicly requested standard development organizations and ecolabel programs to volunteer for assessment against the pilot criteria for potential EPA recommendations to federal purchasers. The EPA strongly encourages any relevant organizations to submit their standards for assessment.

In addition, the agency is working with its federal colleagues, including the Department of Energy and U.S. Department of Agriculture, to gain further information. The EPA's standards executive will reach out to the Sustainable Forestry Initiative, the American Tree Farm System and the other forestry labels that stakeholders have requested the EPA consider. The agency will be in touch with these groups regarding the review of forestry labels and their alignment with the National Technology Transfer and Advancement Act, Office of Management and Budget Circular A119, and related federal policies that guide the EPA's use of voluntary consensus standards and private sector conformity assessment activities.

Stakeholder and expert input (see list below), including input from the lumber/wood sector, received during the pilot, as well as input from our federal colleagues will inform the EPA's further refinement and finalization of these guidelines and recommendations.

We received the congressional letter sent to Administrator Gina McCarthy dated March 2, 2016 that expresses concerns with the interim recommendations. The Assistant Administrator for the Office of Chemical Safety and Pollution Prevention is sending a letter in response to this inquiry and you should receive it soon. We will keep you informed as this work progresses, and we appreciate your input.

2014 Forest Product Expert & Stakeholder Public Commenters:

- Jeff Miller, President & Executive Director, Treated Wood Council (TWC)
- Robert W. Glowinski, President & CEO, American Wood Council (AWC)
- Paul Noe, Vice President, Public Policy, American Forest & Paper Association (AF&PA)
- Nadine Block, COO and Vice President, Government Affairs, Sustainable Forestry Initiative® Inc. (SFI®)
- Paige Goff, Vice President, Domtar Paper Corporation
- Gary Dodge, Director of Science and Certification, Forest Stewardship Council – United States (FSC)
- Martha Stevenson, Director, Forests Strategy & Research and Vanessa Dick, Senior Program Officer, US Government Relations, World Wildlife Fund (WWF)

2015-2016 Pilot Criteria Development Panel and Governance Committee Participants (Forestry Sector Interests Only):

Governance Committee Members

- Jeff Bradley, American Wood Council
- Martha Stevenson, Director, Forests Strategy & Research, World Wildlife Fund (WWF)

Flooring Panel Members

- Brian Sause, Hardwood Plywood and Veneer Association
- John Forbes, National Wood Flooring Association
- Nadine Block, Sustainable Forestry Initiative Inc.

Furniture Panel Members

- Josh Hosen, HPVA Laboratories

Comprehensive Environmental Response, Compensation, and Liability Act

In committee report language accompanying the Consolidated Appropriations Act, 2016 (H.R. 2029), Congress directed EPA to "collect and analyze information from the commercial insurance and financial industries regarding the use and availability of necessary instruments (including surety bonds, letters of credit, and insurance) for meeting any new financial responsibility requirements and to make that analysis available to the House and Senate Committees on Appropriations and to the general public on the Agency website 90 days prior to

a proposed rulemaking." Congress directed EPA to conduct this analysis because of concerns with whether the financial and insurance markets could provide affordable financial assurance instruments to cover the compliance costs associated with new financial responsibility requirements under Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).

Simpson Q13: Who has the agency consulted with in the commercial insurance and financial industries to conduct this analysis?

Answer: As specifically directed, the EPA has been collecting and analyzing information from the commercial insurance and financial industries regarding the use and availability of necessary instruments. We also are considering significant amounts of publically available, attributable information from industry representatives, financial rating and trade associations, and government bodies including the U.S. Department of Treasury and the U.S. Government Accountability Office. We have also met with and sought advice from representatives of the insurance industry, the surety community, and the banking community. The EPA will consider the information provided in those meetings as it seeks to enhance the availability of the instruments.

Simpson Q14: Can you please describe the consultation process to date, including number of meetings held in 2015 and in 2016, and describe the consultation process for the rest of the year?

Answer: As part of the EPA's ongoing efforts to develop the proposed Hard Rock Mining rule under CERCLA 108(b), the EPA has met with members of the financial community - one meeting in 2015 and three meetings in 2016 to date. A total of 13 industry participants were consulted with over this two year period. Each of these meetings included multiple representatives of particular segments of the financial industry involved in the provision of financial assurance instruments. During discussions with representatives from those sectors, we focused on the agency's current thinking related to the mechanics of the financial responsibility instruments that owners and operators would need to obtain under the rule.

In 2015, the EPA also met with representatives from states, tribes, federal land management agencies, environmental groups, industry groups, and all litigants and intervenors. The EPA conducted several meetings and teleconferences and one general informational webinar that was attended by stakeholders. Going forward in 2016, EPA has at least two additional informational webinars scheduled and will meet with federal land management agencies, other federal agencies, states, tribes, and small entities that may be regulated under the proposed rule.

Epidemiology Studies

EPA now relies primarily on three epidemiology studies and some journal articles which EPA, I am told, had not had access to until recently seen the raw data, making it impossible for the Agency to determine if these studies are reliable or accurate. I am told that Columbia University - who conducted the key study – had refused to provide the raw data to EPA even though EPA partially funded the study.

Simpson Q15: Is EPA relying on information based on raw data that cannot be reviewed for accuracy?

Answer: The agency has not limited the number of studies reviewed to the three epidemiology cohorts. In fact, the agency has reviewed hundreds of studies from laboratory animals, cell systems (including human), biomonitoring, and epidemiology on a variety of scientific areas related to human health effects. These studies were evaluated together in a weight of evidence analysis.

While the EPA strives to ensure that data underlying research it relies upon are accessible to the extent possible, it does not believe that it is appropriate to refuse to consider published studies in the absence of underlying data. The EPA frequently relies on peer reviewed studies in the public literature across agency programs without possessing underlying data and the federal courts have made clear that the EPA is not required to obtain or analyze the raw data in order to rely on such studies. If the EPA and other governmental agencies could not rely on published studies without conducting independent analyses of the raw data underlying them, then much relevant scientific information would become unavailable for use in setting standards to protect public health and the environment.

In the past, the EPA sought to obtain the original raw data used to support certain epidemiological analysis of in utero exposure to chlorpyrifos and subsequent adverse neurodevelopmental health outcomes in children generated by the Columbia Children's Center for Environmental Health (CCCEH) to support the human health risk assessment of chlorpyrifos. Prior to the 2013 meeting with CCCEH investigators, the EPA thought this data would be important to both clarify the exposure-response relationship observed in the epidemiology study relative to acetylcholinesterase inhibition, and also to resolve uncertainties regarding study participants co-exposure to other environmental contaminants, among other areas of uncertainties. CCCEH researchers did not agree to provide this data; however, the researchers met with the EPA and discussed the agency's questions about the data to help determine whether further review of the raw data might assist the EPA in resolving uncertainties. As a result of this meeting, the EPA concluded that access to the raw data would not provide answers to the EPA's questions. Indeed, based on discussions in that meeting as well as further work conducted by agency staff, the EPA has gained additional information to better clarify and characterize the major areas identified as uncertainties.

Simpson Q16: If this is true, does EPA plan to make public the data from the contractors and universities that performed the study?

Answer: In the summer of 2015, the EPA made another attempt to obtain the raw data from Columbia University. The investigators provided additional summary information on the blood biomonitoring data. The agency has made this additional information publicly available.

In addition, the agency is holding a meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Science Advisory Panel on April 19-21, 2016 to review a new analysis using the blood biomonitoring data from the Columbia University epidemiology study.

Simpson Q17: How many rules or regulatory actions have been influenced by this Columbia University research?

Answer: The following interim agency actions took the research in question into consideration: chlorpyrifos tolerance revocation proposal (October, 2015); preliminary risk assessments for seven organophosphates (September, 2015); and, revisions to the Certification of Pesticide Applicators (August, 2015). The EPA accepted public comment on all of these actions and there is a publicly available docket for each action available. These actions are not considered final at this time.

In addition, the EPA took the research into account when revising the Worker Protection Standard, which was finalized in September, 2015. In all instances, the research was part of a broader body of scientific evidence that the EPA relied on for each action.

Pesticide Product Label Registration

Simpson Q18: Administrator McCarthy, will your agency finalize the registration for new uses of dicambia by the end of this summer such that corresponding state registrations will enable farmers to have the full flexibility of weed control options for the 2017 growing season?

Answer: On April 1, 2016, the EPA released the proposed decision to register dicamba for public comment. The public comment period, originally 30 days, has been extended to May 31, 2016. After the closure of the comment period, the EPA will consider the comments received and make a registration decision. The EPA expects to issue a decision by late summer or early fall of 2016.

Simpson Q19: Administrator McCarthy, I understand you have been reviewing a new mode of action to control corn rootworm for a number of years, and recently completed a preliminary step. As growers need additional modes of action to most effectively deal with this pest, can you please provide the Committee with an update on when registration might be expected?

Answer: The EPA recognizes that the corn rootworm is one of the most troublesome pests confronting the nation's corn growers. At this time, the use of Plant Incorporated Protectants (PIPs), including Bt corn, is one of the safest methods of insect control. If used properly, PIP crops greatly reduce the need for conventional pesticides and the risks they may pose to human health and the environment. For these methods to continue to be available, it is essential that they remain effective. Recognizing this, on February 18, 2016, the EPA released new requirements to address corn rootworm resistance to Bt corn. The goal of the requirements is to maintain the effectiveness of Bt corn by delaying resistance and applying corrective measures if resistance is confirmed. The EPA believes that these requirements will help growers effectively deal with the corn rootworm now and in the future. Meanwhile, we continue to review the new mode of action PIP. We plan to consult with the FIFRA Scientific Advisory Panel in the fall and hope to make a decision in the spring of 2017.

Questions from Mr. Amodei

Hardrock Mining Financial Assurance

EPA states in the "CERCLA Section 108(b) Hardrock Mining Rule Structure Overview" filed with the D.C. Circuit on August 31, 2015: "To determine the amount of financial assurance responsibility required for response costs, the Agency is developing a model that would identify an amount of financial responsibility to reflect the primary site conditions that may result in future costs. The model would assign values for a facility based on facility and unit characteristics (e.g., open pits, waste rock, tailings, heap leach, process ponds, water management, and operations, maintenance, and monitoring). These values would correspond to calculated cost levels, and in turn be aggregated to form the basis for the financial responsibility amount."

Amodei Q1: Has the agency shared a draft of the model, or at minimum elements of the model, with the financial and insurance sectors?

Answer: The cost formula is currently under development. We have not shared a draft of the formula with the financial and insurance sectors. During discussions with representatives from those sectors, we focused on the agency's current thinking related to the mechanics of the financial responsibility instruments that owners and operators would need to obtain under the rule.

Amodei Q2: If not, please provide a detailed explanation of why such materials were not shared. Please also identify and provide the agency's materials that were shared with these sectors to assess the availability of necessary instruments.

Answer: As part of developing the proposed rule, we met with and sought advice from representatives of the insurance industry, the surety community, and the banking community. At most meetings with the financial industry, we provided an overview of the proposed rule, as currently envisioned. That overview included information that has previously been publically communicated on the EPA's general approach to the cost formula, which is currently under development. Those materials also included the agency's current thinking on when the instruments would pay, the costs for which they would pay, and to whom they would pay. These meetings and materials were not specifically designed to assess the availability of instruments; however, we are providing the materials that we shared.

Perchlorate

In early 2011, the EPA published a Regulatory Determination on Perchlorate, concluding that perchlorate should be regulated under the federal Safe Drinking Water Act (SDWA). The EPA did not, however, demonstrate that perchlorate meets any of the statutory criteria in its Regulatory Determination on Perchlorate. In early 2013, the EPA issued a notice of their intent to set a Maximum Contaminant Level for perchlorate.

Perchlorate is both a manufactured chemical that is also found naturally in low concentrations in water systems in certain parts of the country. Perchlorate was also used as a pharmaceutical until it was determined to be ineffective at impacting thyroid functions and, for this reason, has been the focus of study for decades.

The levels of perchlorate currently present in affected water systems are generally between 1-6 parts per billion, far below the well documented levels where there is any affect on the human body, let alone an adverse effect. Moreover, the EPA has not collected updated occurrence data on the presence of perchlorate in water systems since 2004. Basing a regulatory determination on data that is over ten years old fails to account for the well documented trend of declining perchlorate levels in the affected water systems largely in the Western United States.

As a result of this, when the EPA's own inspector general looked at the proposed regulation, he determined that it would be the most disruptive and expensive action the EPA could possibly take--with no positive impact on the health and welfare of Americans. He called it a $70-100 billion dollar decision for the EPA, almost entirely because of the impact it would have on water systems, farmers and ranchers.

Administrator McCarthy has stated her commitment to basing the EPA's decisions on the best available science. This is consistent with what the law requires. At present, the EPA is attempting to finalize its regulation for perchlorate in drinking water. The overwhelming scientific evidence, however, is that there is no public health benefit in additional federal regulation of perchlorate.

Amodei Q3: How will the EPA redeploy resources toward contaminants that are clearly established by science to pose a high risk? Should fewer resources be applied to prospective regulation, such as the ongoing consideration of perchlorate that does not have a strong scientific basis?

Answer: The Agency makes every effort to ensure that appropriate resources are allocated to identifying contaminants in drinking water that may require regulation, making determinations to regulate new contaminants as appropriate and reviewing existing regulations and revising them if warranted. In February 2011, the EPA made a determination to regulate perchlorate because it met the three statutory requirements: 1) perchlorate may have adverse health effects because scientific research indicates that perchlorate can disrupt the thyroid's ability to produce hormones needed for normal growth and development; 2) there is a substantial likelihood that perchlorate occurs with frequency at levels of health concern in public water systems because, among other considerations, monitoring data show over four percent of public water systems have detected perchlorate, and 3) there is a meaningful opportunity for health risk reduction for the 5.2 to 16.6 million people who may be served drinking water containing perchlorate. Further information regarding these findings can be found at 76 Federal Register 7762 (February 11, 2011). The EPA has not yet proposed a National Primary Drinking Water Regulation (NPDWR) for perchlorate. After the EPA's regulatory determination, the Agency collaborated with scientists at FDA to develop a Physiologically-Based Pharmacokinetic (PBPK) model as recommended by the Science Advisory Board. The agency is in the process of conducting a peer review of this model prior to moving forward with development of a proposed rule.

Questions from Mr. Jenkins

Clean Power Plan

On February 9, 2016 the U.S. Supreme Court granted five separate motions to stay the CPP. One of these granted motions specifically requested the court to extend "all" compliance dates by the number of days between the rule's publication and a final decision by the courts, including the Supreme Court, relating to the rule's validity.

Jenkins Q1: In view of these granted stay motions, does EPA have a different legal opinion regarding the tolling of "all" compliance dates contained in the CPP including the tolling of the emission compliance deadlines by the amount described above? If so please cite legal authorities and relevant case holdings supporting this position.

Answer: The ultimate effect of the stay on the Clean Power Plan deadlines will be determined when the stay is lifted. The Court's orders are ambiguous because different applicants requested different relief. The government interpreted the stay applicants' opening briefs as requesting that all CPP deadlines be tolled, and it opposed the stay in part on the grounds that such relief would be extraordinary and unprecedented. In their reply brief, however, the States clarified that they were only seeking a stay that would relieve States of the obligation to comply with CPP deadlines during the litigation and that the stay would not necessarily provide for day-for-day tolling of the deadlines. The Supreme Court's orders granting the stay did not discuss the parties' differing views of whether and how the stay would affect the CPP's compliance deadlines, and they did not expressly resolve that issue. In this context, the question of whether and to what extent tolling is appropriate will need to be resolved once the validity of the Clean Power Plan is finally adjudicated.

Jenkins Q2: Twenty-two states have ceased work on compliance plans as an outgrowth of the Supreme Court stay of the Clean Power Plan. Several others are evaluating whether to continue working on plans. Given that, why is EPA continuing to spend taxpayer dollars in assisting the minority of states that are going forward with plans which are currently not required by law?

Answer: Addressing carbon pollution is a part of the EPA's obligations under the Clean Air Act. Further, the Clean Air Act directs the EPA to engage with states and other stakeholders and to provide technical and financial assistance on all aspects of air pollution prevention and control. States may regulate greenhouse gases under their own authorities whether or not the CPP is in effect. Since the stay was issued, many states have said they intend to move forward voluntarily to continue to work to cut carbon pollution from power plants and are seeking the agency's guidance and assistance. Thus, we will move forward to support states' voluntary efforts in a way that is consistent with the stay.

Jenkins Q3: Is the EPA still developing programs under the Clean Power Plan such as the Clean Energy Incentive Program during the Supreme Court ordered stay?

Answer: The EPA has sent a proposal with details about the optional Clean Energy Incentive Program (CEIP), a component of the Clean Power Plan, to the Office of Management and

Budget for interagency review. Many states and tribes have indicated that they plan to move forward voluntarily to work to cut carbon pollution from power plants and have asked the agency to continue providing support and developing tools that may support those efforts, including the CEIP. The agency will be providing such assistance, which is not precluded by the stay.

Jenkins Q4: How much money will the agency spend this year in implementing the Clean Power Plan in terms of agency manpower; outside consultants and experts; and contracts and grants to non-profits and states?

Answer: Addressing carbon pollution is a part of the agency's obligations under the Clean Air Act. The EPA expects to continue to use agency funds to protect human health and the environment consistent with its authorities under the Clean Air Act. For the states that choose to voluntarily continue to work to cut carbon pollution from power plants and seek the agency's guidance and assistance, the EPA will continue to provide tools and support and, as requested, make available expert teams to provide technical assistance to states on particular topics. The EPA also expects to continue to develop electronic systems to support state plan development activities, and other guidance, as appropriate, to support and respond to state needs. Such guidance may include information regarding evaluation, measurement, and verification of energy savings and emissions reductions. The EPA will also be responding to litigation. The agency does not budget to the specific activities included in the question.

Ozone

Jenkins Q5: EPA projects that by 2025 nearly the entire country will achieve the 2015 ozone standard through already existing measures, including the 2008 ozone standard. If the nation is already making significant reductions to ozone levels, why not just give states more time to finish work on the previous standard rather than forcing a new one on them?

Answer: The Clean Air Act governs the process and timing for initial area designations and associated compliance deadlines after the EPA establishes a new or revised NAAQS. Following Clean Air Act requirements, the EPA anticipates the following schedule for the 2015 ozone NAAQS:

- By October 2017: The EPA issues final area designations; those designations likely would be based on 2014-2016 air quality data. If preconstruction permitting program requirements for the nonattainment area do not already exist, federal permitting regulations apply until they are replaced by state-adopted programs.

- 2019: States submit area-specific inventories of ozone-producing emissions.

- 2020 to 2021: For nonattainment areas classified as "Moderate" and above, states, and any tribes that choose to do so, complete development of implementation plans, outlining how they will reduce pollution to meet the standards. State and tribal plans can include federal measures, and any local or statewide measures needed to demonstrate that a nonattainment area will meet the standards by its attainment date.

- 2020 to 2037: Nonattainment areas are required to meet the primary (health) standard, with deadlines depending on the severity of an area's ozone problem.

A delay in implementation of the 2015 health-based ozone standard would jeopardize progress toward cleaner air and delay health protections for millions of Americans, including children, older adults, and people with asthma. For ozone, the EPA estimates that meeting the 70 ppb standard will yield health benefits valued at $2.9 billion to $5.9 billion annually in 2025 nationwide, not counting the health benefits that will be achieved in later years in California. These benefits include the value of avoiding 320 to 660 premature deaths, 230,000 asthma attacks in children and 160,000 days when kids miss school. Delaying the designations process would also deny citizens in potential nonattainment areas the information they need about air quality to protect their families from ozone exposure.

Planning and implementation work to meet the 2015 ozone standard will build on progress states already have made to plan for and meet the 2008 standards. The overall framework and policy approach reflected in the implementing regulations for the 2008 ozone standards provide an effective and appropriate template for the general approach states would follow in planning for attainment of the revised ozone NAAQS. In particular, for areas where states are still actively working toward attaining the 2008 ozone NAAQS, the EPA is committed to continue helping air agencies identify and take advantage of potential planning and emissions control efficiencies that may occur within the horizon for attaining the 2015 standards.

Jenkins Q6: EPA delayed work on the 2008 ozone standard for two years while it pursued, and then abandoned, reconsidering that standard. After waiting on EPA, states are just now starting new emissions reductions under the 2008 ozone standard. Doesn't it make sense to give states time to implement the 2008 standard before advancing yet another standard on them?

Answer: Planning and implementation work to meet the 2015 ozone standard will build on progress states already have made to plan for and meet the 2008 standards. The overall framework and policy approach reflected in the implementing regulations for the 2008 ozone standards provide an effective and appropriate template for the general approach states would follow in planning for attainment of the revised ozone NAAQS. In particular, for areas where states are still actively working toward attaining the 2008 ozone NAAQS, the EPA is committed to continue helping air agencies identify and take advantage of potential planning and emissions control efficiencies that may occur within the horizon for attaining the 2015 standards.

Jenkins Q7: Several states warned that imposing a new ozone standard would unnecessarily burden state agencies already working on the 2008 ozone standard. On top of the many other new EPA regulations that states are currently implementing, why is EPA making states waste valuable administrative resources to implement two ozone standard schedules at the same time?

Answer: The EPA and state co-regulators share a long history of managing ozone air quality under the Clean Air Act (CAA), underpinned by previously issued EPA rules and guidance. The overall framework and policy approach reflected in the implementing regulations for the 2008 ozone standards provide an effective and appropriate template for the general approach states would follow in planning for attainment of the 2015 ozone NAAQS. Planning and

implementation work to meet the 2015 ozone standard will build on progress states already have made to plan for and meet the 2008 standards. In particular for areas where states are still actively working toward attaining the 2008 ozone NAAQS, the EPA is committed to helping air agencies identify and take advantage of potential planning and emissions control efficiencies that may occur within the horizon for attaining the 2015 standards. Following past precedent, the EPA intends to propose revoking the 2008 standards and provide transition rules intended to help avoid any potential inefficiencies as states begin implementing the Clean Air Act's requirements for the 2015 standards.

Jenkins Q8: The 2015 ozone standard immediately applies to PSD permits that businesses need to grow and create jobs. That means businesses will have to immediately show their projects meet the 2015 ozone standard, something hard to do in an area that already fails it. What PSD permit relief will EPA provide for new nonattainment areas in this situation?

Answer: After an area is designated non-attainment for ozone and the designation becomes effective, the PSD permit requirements will not apply to ozone in that area. Instead, the nonattainment NSR permitting requirement will apply to ozone. In accordance with statutory requirements for that program, preconstruction permits may be obtained under that program if the applicant offsets its increase in emissions of ozone precursors. Prior to the effective date of a nonattainment designation, ozone will remain subject to the PSD requirements. During this period, a source may obtain a PSD permit by demonstrating that any increase in ozone precursors does not cause or contribute to a violation of the ozone standards, or by obtaining sufficient offsetting emissions to compensate for any adverse ambient impact anywhere the source would cause or contribute to a violation. The EPA proposed a comprehensive update to the Guideline on Air Quality Models in Appendix W of 40 CFR part 51 (80 FR 45340, July 29, 2015). The agency intends to finalize the proposed rule in summer 2016. At the same time, the EPA plans to issue guidance providing PSD compliance demonstration tools to streamline the required demonstration that the proposed source will not cause or contribute to a violation of the ozone NAAQS. In addition, the final ozone NAAQS rule contained a grandfathering provision to address certain pending permit applications received prior to the effective date of the new or revised NAAQS. The grandfathering provision allows such applications to be subject to the prior applicable NAAQS and not the 2015 Ozone NAAQS.

Jenkins Q9: Legislation has been introduced to revise the 2015 ozone standard's implementation schedule to provide states time to complete work on the 2008 ozone standard. Isn't this a common-sense approach to continuing air quality improvements without unnecessarily draining administrative and economic resources?

Answer: Although the Administration does not have an official position on this bill, the EPA views delay as unnecessary and harmful to public health and the environment. Delaying the implementation schedule for the 2015 ozone standard would jeopardize progress toward cleaner air and delay health protections for millions of Americans, including children, older adults, and people with asthma. For ozone, the EPA estimates that meeting the 70 ppb standard will yield health benefits valued at $2.9 billion to $5.9 billion annually in 2025 nationwide, not counting the health benefits that will be achieved in later years in California. These benefits include the value of avoiding 320 to 660 premature deaths, 230,000 asthma attacks in children and 160,000

days when kids miss school. Delaying the designations process would also deny citizens in potential nonattainment areas the information they need about air quality to protect their families from ozone exposure. Forty-five years of clean air regulation have shown that a strong economy and strong environmental and public health protection go hand-in-hand. The EPA is committed to ensuring that success will continue. In addition, when designing their state implementation plans, state and local officials have the authority to consider economic factors as part of their implementation strategies to attain the NAAQS.

Questions from Ms. McCollum

Water Infrastructure Financing

The budget requests an increase of $157 million for the Drinking Water State Revolving Fund and $20 million for a new Water Infrastructure Finance and Innovation Authority (WIFIA) loan program, but cuts the Clean Water State Revolving Fund by $414 million. Focus needs to be on both sides of water infrastructure, conveying and treating waste water so that it doesn't contaminate drinking water.

McCollum Q1: What is the status of the WIFIA program?

Answer: The EPA has received appropriations for each of the last two fiscal years for development of the WIFIA program. The EPA has been working toward the final development of all aspects of a federal credit program, including credit subsidy model development, application and guidance development, the creation of agency credit policies, and draft rulemaking. These essential program elements are expected to be fully developed by the end of FY 2016.

McCollum Q2: When do you expect to award the first loans?

Answer: If funds are appropriated for implementation of the WIFIA program in FY 2017, the EPA expects the first obligation under the program to occur by the end of FY 2017.

McCollum Q3: How much additional funding do you anticipate loan recipients will be able to leverage?

Answer: According to the EPA's credit subsidy model, which has been preliminarily approved by the OMB, a $20 million appropriation, with $15 million used for credit reserve, will allow the EPA to make up to $1 billion in loans.

McCollum Q4: The Department of the Interior recently announced a new Natural Resource Investment Center that will develop new financing approaches for critical water infrastructure. How is EPA collaborating with the Department of the Interior so there is no duplication of effort?

Answer: The EPA's Water Infrastructure and Resiliency Finance Center and DOI's Natural Resource Investment Center are both part of the Administration's Build America Initiative, a government-wide initiative to increase investment in different types of infrastructure across the country. The EPA, DOI, USDA, and DOT have finance centers, and other federal agencies including DOE, HUD, and Treasury participate in this initiative. In addition the EPA, DOI, and USDA finance centers are identifying water-related areas for future collaboration.

State Oversight

The tragedy in Flint has emphasized the importance of EPA's role to conduct state oversight and ensure states are appropriately implementing pollution control programs.

McCollum Q5: How have the significant resource constraints you've been operating under affected your state oversight?

Answer: The EPA conducts a range of oversight activities of all authorized state programs. For example, for the Safe Drinking Water Act, these activities include reviewing state compliance monitoring strategies and the completion of grant commitments, holding regular meetings with state enforcers to review violations and enforcement cases, conducting oversight inspections and taking direct enforcement action where appropriate. Over the past decade, more states have received primacy authorization for more environmental programs. Resource constraints have challenged the EPA's ability to maintain the high level of engagement with states necessary to ensure appropriate program implementation. In light of these challenges, the EPA is developing streamlined efficiencies and electronic reporting tools, including reporting under the Clean Water Act, to maintain robust state oversight.

McCollum Q6: Has the frequency or depth of state audits changed in the past few years since the Agency's workforce, despite your requested increases since FY 2015, is still close to staffing levels in the 1980's? How many Full Time Equivalents (FTE) have worked in state oversight in each of the past 10 years?

Answer: The EPA does not have specific program areas in its budget for state oversight, so no specific estimate is available. The EPA undertakes a range of oversight activities (e.g., planning, priority setting, grant performance review) as well as independent action within states (e.g., targeting, inspections and enforcement) that seek to ensure authorized state programs are implemented appropriately across all programs including the Safe Drinking Water Act (SDWA). The EPA uses a nationally consistent and transparent process, the State Review Framework (SRF), to review the three largest: Clean Air Act (CAA) Title V, Clean Water Act (CWA) National Permitting Discharge Elimination Systems (NPDES), and RCRA Subtitle C programs. For several years, resource constraints have significantly challenged the EPA in a variety of areas, including state oversight and enforcement. For example, the frequency of SRF reviews has been reduced from every three years in 2004 to every five years today.

E-Manifest and Cybersecurity

Despite unprecedented improvements in securing federal information systems, the government has experienced an increasing number of security breaches and attempts to gain unauthorized access to compromise these systems.

McCollum Q7: How will the Agency assure adequate protection of information on hazardous materials collected through the e-manifest program? Does the budget request provide sufficient resources to do so?

Answer: Cybersecurity is a significant concern for the agency overall and for e-Manifest. In August 2015, the e-Manifest program hired a dedicated, in-house cybersecurity expert to oversee the cybersecurity requirements associated with the system design, development, and deployment. The focus is to ensure compliance with all currently applicable, requisite cybersecurity policies (i.e. FISMA 200, NIST 800-53, etc.). Additionally, e-Manifest will be subjected to the federal accreditation process and will be granted an Authority to Operate (ATO), only after successful cybersecurity controls implementation, and the successful review, and concurrence from the designated Authorizing Official. Through employing these measures, e-Manifest will provide and maintain a significant cybersecurity posture against known/emerging threats and the current budget request does provide sufficient resources to achieve these goals. The requested funds include resources to address IT security requirements.

Decentralized Wastewater Treatment Systems

More than one quarter of the U.S. populations relies on onsite-decentralized systems to treat wastewater.

McCollum Q8: How is EPA working with communities served by these decentralized systems to ensure health and safety standards are achieved?

Answer: The EPA has numerous activities focused on working with communities to ensure health and safety standards are achieved by decentralized systems. Over time, the EPA has invested over $35 million for wastewater demonstration projects that highlight decentralized technologies, management, and education and training programs in more than 25 states. Similarly, the EPA compiled a compendium of case studies to help community planners, elected officials, health department staff, state officials, and interested citizens explore alternatives for managing their decentralized wastewater treatment systems. In addition, the EPA has developed several documents, such as guidance and technical information, to help communities establish comprehensive septic (onsite) management programs. The EPA also has provided policy and helpful information to support communities and home owners in the management of decentralized systems.

McCollum Q9: How many FTEs at the Office of Water are currently assigned to perform this work and how is this workload divided among them?

Answer: The EPA's Headquarters and Regional staff are supporting the program by working on specific issues and events. The EPA typically has between 10 and 12 employees participating in various elements of the decentralized program. In the case of specific events, such as SepticSmart week, additional staff are involved to support planning and communication activities.

McCollum Q10: How is EPA engaging stakeholders at the national and regional levels to ensure decentralized wastewater systems are appropriately managed and not posing a risk to water quality and public health?

Answer: In 2005, the EPA formed a Decentralized Memorandum of Understanding (MOU)

Partnership with various organizations as a means to promote sustainable decentralized wastewater treatment. The MOU Partnership renewed its commitment in 2014 and has grown to include 19 organizations. The Partnership brings together water sector stakeholders (e.g., the Association of Clean Water Administrators and the Centers for Disease Control and Prevention) for data sharing, education on specific topics and convening of joint partner events. The Partnership focuses on public health, sustainability, drinking and source water, standards and codes, and wastewater operations and maintenance. A complete list of the EPA Decentralized Wastewater MOU Partners and activities is available at https://www.epa.gov/septic/decentralized-system-partners

Questions from Mr. Kilmer

EPA Procurement Policies

Wood is a cost-effective, energy efficient, renewable and sustainable solution for building construction. I am pleased that the EPA recognized the value and sustainability of certified wood products in its "Interim Recommendations on Specifications, Standards and Ecolabels to Use in Federal Procurement" published on September 25, 2015. Unfortunately these recommendations only recognize the Forest Stewardship Council (FSC) certification for wood and lumber procurement and overlook the Sustainable Forestry Initiative (SFI) and American Tree Farm System (ATFS) certifications which collectively represent 70% of all certified forests in the US.

Kilmer Q1: I understand Dept. of Energy criteria were used to make this recommendation. How do these criteria differ from those used by the USDA for its BioPreferred program?

Answer: The EPA's Interim Recommendation of Specifications, Standards and Ecolabels for the lumber/wood category are based on the Department of Energy's (DOE) GreenBuy program Fiscal Year FY2016 priority products list. The DOE GreenBuy Program and USDA's BioPreferred program operate under different policy contexts. DOE's GreenBuy program aims to take a leadership approach in addressing multiple sustainability impacts over the life of products purchased by DOE facilities, and has identified toxic chemical reduction as a key priority area. The USDA BioPreferred program is more inclusive in recognizing responsible wood sources based on its purpose of spurring the purchase of products derived from plants and other renewable agricultural, marine and forestry materials as an alternative to conventional petroleum derived products. The USDA Biopreferred program does not address the multiple environmental and sustainability considerations of the DOE GreenBuy program.

We received the congressional letter sent to Administrator Gina McCarthy dated March 2, 2016 that expresses concerns with the interim recommendations. The Assistant Administrator for the Office of Chemical Safety and Pollution Prevention is sending a letter in response to this inquiry and you should receive it soon. We will keep you informed as this work progresses, and we appreciate your input.

Kilmer Q2: Why were the SFI and ATFS certifications not included in the interim recommendations?

Answer: Sustainable Forestry Initiative (SFI) and American Tree Farm System (ATFS) were not included in DOE's FY 2016 priority products list based on their analyses of the sector. As a result of your inquiry and others that we have received, the EPA has met and continues to work with the U.S. Department of Agriculture's Natural Resources and Environment and the DOE's Office of Sustainable Environmental Stewardship to gain further information.

Kilmer Q3: Is the EPA going to revisit its lumber recommendations and specifically reconsider whether the SFI, ATFS and other PEFC-endorsed certifications should be included in the final recommendations?

Answer: The EPA is currently engaged in a pilot process that includes a specific request for environmental standard and ecolabel organizations to volunteer their standards for assessment against the pilot criteria for potential EPA recommendations to federal purchasers. Stakeholders and experts have been engaged in developing evaluation criteria which will be used to assess existing environmental standards and ecolabels against draft guidelines. On April 25th, via the Federal Register notice found at https://federalregister.gov/a/2016-09519, the EPA publicly requested standard development organizations and ecolabel programs to volunteer for assessment against the pilot criteria for potential EPA recommendations to federal purchasers. The EPA strongly encourages SFI, ATFS, other PEFC-endorsed, and any other relevant environmental standard or ecolabel development organizations to submit their standards for assessment using the stakeholder developed criteria.

In addition, we are working with our federal colleagues, including DOE and USDA to gain further information. The EPA's Standards Executive will reach out to SFI, ATFS and the other forestry labels that stakeholders have requested EPA consider. The agency will be in touch with these groups regarding the agency's review of forestry labels and their alignment with the National Technology Transfer and Advancement Act, Office of Management and Budget Circular A119, and related federal policies that guide the EPA's use of voluntary consensus standards and private sector conformity assessment activities.

Stakeholder and expert input, including input from the lumber/wood sector, received during the pilot as well as input from our federal colleagues will inform the EPA's further refinement and finalization of these guidelines and recommendations.

We recognize the congressional letter sent to Administrator Gina McCarthy dated March 2, 2016, that concerns with the interim recommendations. The Assistant Administrator for the EPA's Office of Chemical Safety and Pollution Prevention (OCSPP) is sending a letter in response in response to this inquiry and you should receive it soon. We will keep you informed as this work progresses, and we appreciate your input.

Questions from Mr. Israel

"Household Action Level" for lead

EPA committed over a year ago to developing a health-based "Household Action Level" for lead. This level will help parents, pediatricians, and local health officials understand the risk to a formula-fed infant so they can act to protect the child. These infants are most vulnerable to lead in drinking water.

Israel Q1: Why hasn't EPA released this value?

Answer: The EPA received the recommendation from the National Drinking Water Advisory Council (NDWAC) in December 2015 and is working on health-based modeling of lead in drinking water. The EPA is analyzing data on lead exposure, blood lead level models and exposure pathways.

Israel Q2: When will you release it?

Answer: The public will have the opportunity to review the draft Household Action Level when it is submitted for independent external peer review later this year.

WEDNESDAY, MARCH 23, 2016.

SMITHSONIAN INSTITUTION BUDGET OVERSIGHT HEARING

WITNESS

DR. DAVID SKORTON, SECRETARY, SMITHSONIAN INSTITUTION

OPENING REMARKS OF CHAIRMAN CALVERT

Mr. CALVERT. The committee will come to order.

Dr. Skorton, I would like to welcome you to today's hearing. We appreciate you joining us this morning to share your vision for the future of the Smithsonian and to discuss your budget priorities for fiscal year 2017.

The members and staff are also grateful that you have brought some interesting historical items for show and tell. It is always one of the highlights of our hearing season. You clearly have one of the most interesting jobs in town. I think most of us around this table would love to trade places with you, but something tells me it wouldn't be in the best interests of the Smithsonian. So we will all keep our jobs.

The Smithsonian's mission is to increase diffusion of knowledge. As the 13th Secretary of the Smithsonian, you are entrusted with the challenging responsibilities of operating and managing one of our country's most revered institutions. The Smithsonian is often referred to as America's attic, and no wonder. You are the steward of more than 138 million objects, and the national collection reflects America's artistic, cultural, and scientific heritage.

The Smithsonian provides education and outreach programs in art, culture, history, and science for visitors and scholars alike. It is governed by a board of regents consisting of the Chief Justice of the Supreme Court, the Vice President, nine private citizens, and six Members of Congress, including our good friend Tom Cole, who serves on this subcommittee.

Overall, the proposed funding level in the Smithsonian's fiscal year 2017 budget request is $922.2 million, which is $82 million, or about 10 percent, above fiscal year 2016 enacted level. Compared with other major accounts under this subcommittee's jurisdiction, your request is one of the most ambitious as measured on a percentage basis.

Like most big organizations, the Smithsonian faces some enormous challenges, which we will be discussing at some length today. The subcommittee recently learned of the need for enormously costly repairs to the National Air and Space Museum. If approved, this effort will place extraordinary burdens on the Smithsonian's annual budget for the foreseeable future.

The subcommittee congratulates the Smithsonian on the news of the opening of the National Museum of African American History

and Culture on September 24 this year. The committee has met its funding commitment, providing $270 million, or one-half the total cost toward construction of the museum. We are pleased that this extraordinary public-private partnership, enabling the museum to be built, has proven successful and the construction is now nearly complete.

The construction of the African American Museum and the proposed repairs of the National Air and Space Museum are illustrative of the very real challenges this subcommittee faces. There is both increasing demand for and shrinking supply of Federal dollars to address many legitimate priorities. For this reason, it is essential that the Smithsonian outline and clearly communicate its highest and greatest priorities.

Every member of this subcommittee would like to support a 10 percent increase for funding for the Smithsonian, but given the incredible demands across this bill, it is probably not realistic. Difficult funding decisions will have to be made. The subcommittee will do its very best to address the Smithsonian's most urgent priorities. I look forward to your testimony and continuing to work together.

In closing, I want to commend you for the Smithsonian's efforts to improve the display and storage of your vast collections. Based on the input this committee receives from Members from both sides of the aisle, it is very clear that the preservation and the care of these priceless and irreplaceable collections remain a high priority of this committee and this Congress.

I am now happy to yield to my good friend and the subcommittee's ranking member, Ms. McCollum, for any opening remarks she would like to make.

OPENING REMARKS OF MS. MCCOLLUM

Ms. MCCOLLUM. Thank you.

I would like to also join the Chairman in welcoming you here this morning, Doctor. This is going to be your first budget hearing before the Subcommittee. You were officially installed as Secretary of the Smithsonian this past October, and I am pleased to have an opportunity on the Subcommittee to learn more about your vision for the Institution and how you plan on working through some of the challenges the Chairman has pointed out.

The Smithsonian was created for an increase in the diffusion of knowledge. It has the ability to capture the imagination and the curiosity of both children and adults. It has something for everyone. In particular, the unique ImagiNATIONS children's space at the National Museum of American Indians is truly a delight for families, with the interactive crafts, Native book stories, and the exploratory learning that is there. I have to tell you, it is a destination for some young children I know well whenever they go to the Nation's Mall.

I also want to applaud you for the triumphant reopening of the Renwick, which is providing a true experience of wonder and joy for the record number of visitors, young people and adults alike. I got to be there for the opening exhibit. It was fabulous.

The Smithsonian Institution's fiscal year 2017 budget request is $922 million. It is an increase of $82 million over the 2016 enacted

level. These increases will help support the Smithsonian's robust research programs, strengthen its diverse collections, and make essential investments for both the facility and the workforce.

In regards to your collection, I would note that the administration has not proposed funding for the Save America's Treasures program. That National Park Service program began in 1999, and was instrumental in partnering with others to preserve national historic collections, some of which are housed in your museums at the Smithsonian. For example, the Star-Spangled Banner flag was a recipient of Save America's Treasures.

I hope, if given an opportunity, the Smithsonian will support efforts to restore this important Park Service program, which has a direct connection to being able to preserve your collections.

Like other agencies in this subcommittee's jurisdiction, the Smithsonian is facing challenges with its facility and maintenance backlog. Many of the museums are still operating under the original major buildings systems and equipment and some are more than 50 years old.

Currently, the Smithsonian's overall facilities condition index rating from the National Research Council is considered poor. In order to achieve an acceptable facilities condition index score and ensure the health and safety for visitors, staff, and, yes, at the zoo, the animals in its care, the budget requests $163 million. This amount would continue major renovations and efforts at the National Zoo and other priority areas, including the National Museum of American History and the National Museum of Natural History.

It also provides a $50 million increase for the National Air and Space Museum, beloved by millions and one of the most visited museums in the world. Unfortunately, the museum is facing significant challenges with a deteriorating facade, which allows moisture into the building, and I am sure we will hear more about that, Mr. Chairman.

This funding is the first of several significant increases the Smithsonian will be requesting to address the issues at the Air and Space Museum. It will fund preconstruction activities at the museum and construction of offsite storage.

Although these are large investments, they are in the long-term interests of the Nation. It is also the Federal Government's responsibility to provide the necessary funding to ensure the 28 million annual visitors to the Smithsonian are welcomed each year and have a safe and enriching experience.

I am pleased that the National Museum of African American History and Culture will be opening this fall. The museum will provide a place to learn about the rich history and cultural experience and achievements of Americans of African descent. It will also be the first digital museum on the National Mall. That means anyone can share the experience. When Lonnie Bunch, the Museum's Director, was out in Minnesota, we were talking about it. People in Minnesota are so excited that they are going to be able to be there as part of the opening.

Virtual collections provide amazing educational opportunities for millions of children. You are bringing the museum right into classrooms, and I say that as a social studies teacher.

So, Doctor, I appreciate the work that you and all of the employees at the Smithsonian do to enhance the civic, educational, scientific, and artistic life of this Nation and preserve it. So I look forward to your testimony.

I yield back, Mr. Chairman, and thank you for the time.

Mr. CALVERT. Thank you.

Dr. Skorton, I am happy to yield to you for your opening statement. You are recognized.

OPENING REMARKS OF DR. SKORTON

Dr. SKORTON. Mr. Chairman, members of the subcommittee, thank you for this opportunity to testify. On behalf of the entire Smithsonian Institution, we appreciate the continuous generous support of Congress. This support makes our huge and varied collections of national treasures accessible to the American public.

From care and display of the Star-Spangled Banner, to research on the evolution of T.rex, we take our obligation to the American people very seriously. We leverage the Federal dollars with private support to expand our reach and capabilities. This unique public-private partnership is working well.

In July, I was privileged to begin my tenure as the 13th Secretary of the Smithsonian. I am most honored and humbled to be a part of this great institution.

Today, I would like to share just a few of our recent achievements and then touch on the two major objectives, the two major categories of funding: strengthening our intellectual foundation and programs, and strengthening our physical infrastructure.

Your support advances the civic, educational, scientific, and artistic life of our Nation. Just a few recent highlights.

Our stunning new National Museum of African American History and Culture opens on the National Mall this September.

Smithsonian scientists use our collections to provide important and very practical insights on a variety of topics. Consider the Zika virus. The Department of Defense is working with our National Museum of Natural History to study and map the Zika outbreak. The National Zoo is exploring how it might spread through nonhuman vectors. And the Smithsonian Tropical Research Institute in Panama is examining the Zika-carrying mosquito's genetic makeup.

Always, but perhaps especially in an election year, the National Museum of American History and the National Portrait Gallery offer revealing insights into our Nation's leaders.

Our diverse music-related collections would comprise the largest music museum in the world if they were all in one place, and now, in a sense, they are, at a new Web site called Smithsonian Music.

The Smithsonian American Art Museum's Renwick Gallery reopened to the public in November following a 2-year renovation. Its debut exhibition, "Wonder," has attracted more than 368,000 visitors in just the first 4 months.

And, in 2015, we welcomed a new panda cub, Bei Bei, at the National Zoo. Beloved by the public, Bei Bei represents our extensive work in species biodiversity.

In the addition to the nearly 30 million visits at our museums in Washington and New York City, we are extending access and

education around the country. We now have 208 affiliate museums in 46 States, Puerto Rico, and Panama, and the Smithsonian Traveling Exhibition Service reaches more than 4.5 million people annually.

We offer online educational materials in K through 12 to students at all ages and teachers with more than 2,000 learning resources available online and all of them for free. Our Science Education Center has been helping to transform formal science education on the K through 12 level for more than 30 years, and this curriculum is used in every State in the country and in 25 other countries around the world.

We have more than 138 million objects in our collections, and to expand access we have created millions of digital images and electronic records, and we have become leaders in the field of three-dimensional scanning.

I was recently at the National Air and Space Museum as our experts carefully climbed into the Apollo 11 command module to create a three-dimensional scan of its interior, revealing for the first time notes and a calendar written inside by American astronauts. What a discovery. All of this information we will offer online this summer for everyone to explore for free.

Such treasures explain why the Air and Space Museum is always among the top three most visited museums in the world, and we are gearing up to transform it so that it will be there for generations to come. And this is a perfect example of one of our major objectives, strengthening our physical infrastructure.

Our request also includes funds for construction of the Air and Space Museum's collections module at the Udvar-Hazy Center in Virginia, funds for revitalization projects, and funds for planning and design of future projects. These funds will enable the institution to continue major revitalization work at the National Museum of Natural History, the National Zoo, and the National Museum of American History.

And as mentioned, our other priority is strengthening our intellectual foundation and programs. Our ranks of curators throughout the institution have shrunk substantially, especially in some of our museums. We need to reverse this long-term trend in the loss of curatorial and research staff. We need new experts who can continue to acquire and exhibit our unique collections while also ensuring the availability of the collections for critical research.

The Smithsonian does face a future that holds both exciting opportunities and imposing challenges, and working with the Congress and the administration, we will aggressively address these challenges and take full advantage of many new opportunities.

Again, I thank you for the opportunity of testifying. Thank you, Mr. Chairman.

[The statement of Dr. David Skorton follows:]

Statement of Dr. David J. Skorton, Secretary of the Smithsonian Institution
On the Fiscal Year 2017 Request
Subcommittee on Interior, Environment and Related Agencies
Committee on Appropriations, U.S. House of Representatives
March 23, 2016

Thank you for the opportunity to testify before your subcommittee today. On behalf of the entire Smithsonian Institution, we appreciate the continued generous support of the Congress and your confidence in us to understand, preserve and tell the story of America. Your investment in the Smithsonian is an investment in advancing the civic, educational, scientific, and artistic life of our nation. This unique public-private partnership has worked well since the Smithsonian was founded in 1846. From care and display of the Star-Spangled Banner to research on the Zika virus, we take our obligation to the American people seriously and leverage federal dollars with private support to greatly expand and enhance our reach and capabilities.

As a public trust, the Smithsonian addresses some of the world's most complex issues, preserves many of our nation's greatest treasures, educates and enlightens millions, conducts ground-breaking research, and uses new technologies to broaden access to information for the public, and for policy makers. In keeping with our mission, "the increase and diffusion of knowledge," the Smithsonian is a world leader in research and discovery, addressing today's relevant issues and helping the American people understand our role in the world through science. We are also leaders in understanding the human condition and adding meaning to life through the arts and humanities.

In July, I was privileged to begin my tenure as the 13th Secretary of the Smithsonian. I am honored to be a part of this great Institution, I have learned so much from the talented staff, committed volunteer corps, and the first rate research and educational efforts that touch millions of Americans, including millions who are unable to visit the museums in Washington and New York each year. There is no other institution like the Smithsonian in the world. As a friend of mine once said, "It is everything under the sun."

The Smithsonian is a resource of extraordinary value for the American people and the world. So, I am not only proud of what the Smithsonian has done, but am excited by what we are planning to do with your continuing support.

Today, I would like to share just a few of the Smithsonian's achievements over the past year and then discuss with you the two bases for our Fiscal Year 2017 (FY) appropriations request: (1) strengthening our intellectual foundation and programs; and (2) strengthening our physical infrastructure.

Within these two categories, our FY 2017 request builds on the progress and achievements made over the past few years, and addresses some of the biggest challenges to our continued success. For example, we are gearing up for a major revitalization of the National Air and Space Museum and working to improve our physical infrastructure in many other areas. In addition, the budget request improves our collections stewardship; addresses the significant loss of curatorial staff; supports several important research efforts; and continues the digitization of our collections to

greatly enhance the public's access to the collections. We recognize this is a time of limited resources and appreciate your consideration of our requests in the context of the many difficult decisions you make.

SELECTED ACHIEVEMENTS IN THE PAST YEAR

The Smithsonian is large and diverse, encompassing art, history, science, education, and culture, and our reach is extensive. We operate 19 museums and galleries, 20 libraries, nine research centers, the National Zoo, have more than 138 million objects in our collections, and partner with 208 affiliate museums in 46 states, Puerto Rico, and Panama. We are open 364 days a year, and (with one exception) admission is free. We have research and education facilities in eight states and the District of Columbia, and are involved in more than 145 countries. For the last full fiscal year, our museums had more than 28 million visits and another 4.5 million people visited our traveling exhibition.

In 2015, we welcomed our panda cub Bei Bei at the Smithsonian National Zoo. The Renwick Gallery, home to the Smithsonian American Art Museum's craft and decorative arts program, reopened to the public in November 2015 following a comprehensive two-year renovation, featuring restored historic features and an entirely new infrastructure. Its debut exhibition "WONDER" has hosted more than 367,900 visitors in its first 4 months and has become a sensation on social media, with more than 177 million audience-generated social media impressions in that same timeframe.

Overall, our visitors enjoyed nearly 100 new exhibitions, including: "The Great Inka Road" at the National Museum of the American Indian; multiple exhibitions in the National Museum of American History's (NMAH) renovated West Wing, including "American Enterprise," "Giving in America," and the Smithsonian Libraries exhibition "Fantastic Worlds: Science and Fiction, 1780–1910"; the high-tech Immersion Room at the renovated Cooper Hewitt, Smithsonian Design Museum; "Shirin Neshat" at the Hirshhorn Museum and Sculpture Garden; "Peacock Room REMIX" and "Sōtatsu" at the Arthur M. Sackler Gallery; "The Divine Comedy" at the National Museum of African Art; "Bridging the Americas" and "Twelve Years that Shook and Shaped Washington" at the Anacostia Community Museum; "New York City" at the National Postal Museum; and "Richard Estes' Realism" at the Smithsonian American Art Museum.

Many exciting things loom on the horizon, none of which could happen without your support. Most notably, the stunning new National Museum of African American History and Culture that will open on the National Mall on September 24, 2016. The Freer Gallery of Art recently closed for major renovations and is scheduled to reopen in spring 2017.

The Smithsonian's diverse music-related collections are so extensive that they would comprise the largest music museum in the world if they were all in one place. A new initiative, Smithsonian Music, is bringing together all of our museums' rich musical resources for the first time: nearly 16,000 musical instruments from every style of music, extensive scholarship, numerous signature programs, exhibitions, education, and performing artist ensembles. The new website at the heart of this initiative will help teach about our nation's history and culture and its worldwide connections.

If you can't come to us, we're coming to you. In FY 2015, the Smithsonian Traveling Exhibition Service sent large and small exhibitions to museums and provided educational materials to schools and libraries for a total of 44 exhibitions in 386 communities across 49 states, Australia, Canada, Guam, and Puerto Rico, reaching a diverse audience of 4.5 million people.

A DIVERSE NATION

As a steward and ambassador of cultural connections, the Smithsonian's work helps to build bridges of mutual respect and understanding of the diversity of American and world cultures. The National Museum of the American Indian (NMAI) cares for one of the world's most expansive collections of Native artifacts, including objects, photographs, archives, and media covering the entire Western Hemisphere, from the Arctic Circle to Tierra del Fuego.

The Smithsonian Latino Center was created to promote Latino presence within the Smithsonian and, thus, better tell the story of Latinos in America. The Smithsonian is grateful to the members of the subcommittee for their on-going support of the Latino Initiatives Pool, a federal fund managed by the Smithsonian Latino Center that provides financial support to Smithsonian units for exhibits, research, collections, conservation, archival work, and school and public programs. Since 1995 more than 400 Smithsonian programs and projects have received Latino Initiatives Pool support totaling more than $20 million.

The Smithsonian Center for Folklife and Cultural Heritage supports the understanding and sustainability of cultural heritage and diversity in communities across the United States and around the world. The Center produces the annual Smithsonian Folklife Festival and Smithsonian Folkways Recordings, maintains and makes accessible the Ralph Rinzler Folklife Archives and Collections, produces extensive research and educational materials and promotes cultural heritage policy for the benefit of communities around the United States and the world.

Established in 1997, the Smithsonian Asian Pacific American Center is a national resource for discovering and showcasing the consequence and complexity of the Asian Pacific American experience through exhibitions, programs, and digital experiences.

We are international and local. I am working with the Mayor and her colleagues to establish a D.C. Youth Advisory Council to help the Smithsonian reach a new generation of local followers and to hear directly from them about how we can most effectively reach and inspire this generation. Our first meeting is coming up in a few weeks.

We reach an ever-increasing group of interested and engaged members of the public through our business arm, Smithsonian Enterprises (SE). It is more entrepreneurial than ever as our Smithsonian magazines are now read by more than eight million people, the Smithsonian Channel is distributed by the top-ten cable and satellite TV operators and reaches a total of 34 million households. Our multiple digital offerings attract more than 9 million followers per month. Across all SE media, we're reaching more than 50 million people a month.

INTERNATIONAL IMPACT

Joseph Henry, the first Secretary of the Smithsonian, felt limiting the scope "to one city, or even to one country," would be "an invidious restriction" of the institution. In 1850 he wrote, "The worth and importance of the Institution are not to be estimated by what it accumulates within the walls of its building, but by what it sends forth to the world." So, for 170 years we have cast a wide net.

We are active in more than 145 countries by coordinating with strategic partners across the Federal government, and working with foreign governments and private sector partners.

We leverage our strengths with international partners for greater impact. One example is our work in cultural heritage preservation. After the devastating earthquake in Haiti in 2010, the Smithsonian collaborated on the recovery effort, helping to save more than 35,000 cultural objects. International collaboration allowed us to come together more quickly to launch recovery efforts following the destruction of historical treasures in Mali, the April 2015 earthquake in Nepal, and the ongoing destruction of cultural heritage in Syria and Iraq. In October 2015, we convened a group of leading international cultural heritage preservation specialists at the National Museum of American History for a symposium, "Uniting to Save World Cultures." We recently partnered with the Federal Emergency Management Agency on the Heritage Emergency National Task Force, a network of more than forty government and non-profit organizations dedicated to protecting cultural heritage from the damaging effects of natural disasters and other emergencies here in the U.S. And in May 2016, the Smithsonian will for the first time host the training course *First Aid to Cultural Heritage in Times of Crisis*, an effort to train an international group of first responders to protect cultural heritage.

CUTTING EDGE RESEARCH, COLLECTIONS AND CONSERVATION

Our exhibitions, outreach, and public programs are known to many Americans but perhaps less well known to the general public are our collections, conservation work, and scholarly research across many disciplines.

Conservation

Smithsonian experts work to preserve stories and species, artifacts and artworks. Coral and plant samples are cryogenically preserved. Languages in danger of being lost are meticulously studied, detailed and safeguarded for future generations. Priceless paintings worn by the ravages of time are painstakingly restored to their original beauty. Asian elephants are tracked and conserved using satellites in Myanmar.

Collections

Much of our expertise derives from the care and study of our collections, which total 138 million objects, including 127 million scientific specimens, 340,000 works of art, and two million library volumes. We also care for 157,000 cubic feet of archival material, millions of photographs, and more than 2,000 live animals. We are constantly improving storage conditions and balancing the preservation of and access to these collections as well as strengthening our collections care staff. We have leveraged our federal support in this area through philanthropic fundraising for additional positions for

collections staff to address our pressing needs and to maintain our vital national assets. These collections are a boon to scholars and learners of all ages.

Digitization

Our museums and libraries have created digital images of approximately two million objects, specimens, and books, and electronic records for more than 26 million artifacts and items in the national collections. We are leaders in the field of 3D scanning in museums, allowing our treasures and specimens to be seen in an entirely new manner.

Digital technology also allows us to reach new, diverse audiences more than ever before. In 2015, our more than 200 websites attracted more than 100 million unique visitors. In social media, we have more than eight million followers on Facebook and Twitter, with tens of thousands more engaging with us on other Internet platforms.

Cutting Edge Scientific Discovery

The Smithsonian's 500 scientists are tackling vital issues of the day, making important discoveries - and sharing them with the public. For example, scientists at the Harvard-based Smithsonian Astrophysical Observatory are using telescopes in outer space to discover new planets. They have discovered an exoplanet dubbed a "mega-Earth." Found in the constellation Drago, Kepler-10c is a rocky world weighing as much as 17 Earths.

Smithsonian scientists work to help save endangered, vulnerable, and threatened species around the globe, such as Asian elephants, giant pandas, Panamanian golden frogs, African kori bustards, Asian tigers, Przewalski's horse, the African scimitar-horned oryx, coral reefs, North American black-footed ferrets, Cuban crocodiles, Asian clouded leopards, and more.

Preventing Pandemics

In today's world of long-distance travel and new technologies, deadly viruses can reach around the globe very quickly, and nearly 75 percent of emerging pathogens in humans come from animals. With that in mind, the Smithsonian is working with the USAID-funded Emerging Pandemic Threats Program to help public health officials avoid the next major pandemic. Veterinary scientists and pathologists from the National Zoo are conducting regional wildlife pathology workshops to train biologists and conservationists to recognize and identify the next global health threat in its initial stages. These actions, in turn, will prove vital to help prevent potential pandemics from occurring.

Biodiversity

With our international partners and worldwide reach, the Institution is particularly well connected to study biodiversity issues. The Smithsonian's ForestGEO (Global Earth Observatories) network is a worldwide partnership of more than 95 institutions working to monitor the health of six million trees (10,000 species) on 63 plots in 24 countries. Our new initiative, Tennenbaum Marine Observatories, or MarineGEO, seeks to replicate this success and assess the health of coastal areas and the oceans at large, with the goal of determining how to manage these critical resources.

The National Museum of Natural History (NMNH) is the leading partner in a global effort called the Encyclopedia of Life (EOL), a 10-year project that will become a key repository of scientific information about virtually every form of life on Earth. EOL is an online database that has financial, logistical, and research support from numerous partners, including the MacArthur and Sloan Foundations. The NMNH also houses the Consortium for the Barcode of Life, an international initiative that uses our premier collections to develop DNA barcoding as a global standard for the identification of biological species.

Smithsonian scientists and collections help the world to respond to new global challenges. Right now, as we scramble to learn more about the spread of the Zika virus, the Department of Defense partners with the National Museum of Natural History to study and map the outbreak, while the National Zoo examines how it might spread through non-human vectors, and our Tropical Research Center — originally founded to study mosquito-borne disease during construction of the Panama Canal — is examining the Zika-carrying *aedes aegypti* mosquito genomics. All of these separate components will improve our understanding of the virus and inform public health strategies.

At the National Museum of Natural History and the Museum Support Center that houses much of its collections, you will find researchers from over 40 different federal agencies; at the Smithsonian Astrophysical Observatory, we operate NASA's Chandra X-ray telescope; at the Smithsonian Environmental Research Center, we collect data for the Coast Guard to prevent the spread of invasive species; and at the Museum Conservation Institute, our advancements in artifact preservation inform the State Department on the best techniques for cultural recovery in disaster and combat zones. By sharing access to our collections and data, we prevent costly duplication of efforts and improve the ability of other agencies to fulfill their missions.

EXTENSIVE EDUCATIONAL REACH AND IMPACT

As part of our mission for the "diffusion of knowledge," the Smithsonian serves millions of people annually with many educational offerings at a wide variety of ages and educational attainment. We deliver educational materials to students of all ages and teachers in all 50 states each year. More than 2,000 learning resources, all tied to appropriate standards, are available online for free.

This summer, the Smithsonian's Center for Learning and Digital Access (SCLDA) will launch a major digital initiative, a web-based Smithsonian Learning Lab providing extensive digital access to Smithsonian collections to inspire the transmission and transformation of knowledge resources for the public good. The lab will offer a focused experience targeted to educators and students, but open to all.

Similar to our research efforts, many of our examples of educational outreach involve productive partnerships. The Smithsonian partnered with the Bill & Melinda Gates Foundation to create a $30 million Youth Access Endowment at the Smithsonian to fund innovative, multidisciplinary education projects that reach students and teachers in underserved regions around the country using digital strategies for outreach, collaboration, and outcome-based evaluation. "The Smithsonian is a national treasure," Bill Gates said. "We must support its place in American education, culture and world history."

The recent passage of the Every Student Succeeds Act cements the importance of science, technology, engineering and mathematics (STEM) for a 21st-century education. The Smithsonian Science Education Center recently concluded a five-year Investing in Innovation (i3) grant from the U.S. Department of Education validating our Leadership and Assistance for Science Education Reform (LASER) model as a systemic approach to transforming STEM. Our study demonstrates that inquiry-based science improves student achievement not only in science but also in reading and math in elementary and middle school. The Smithsonian's LASER model can play an important role in bolstering student learning, especially among underserved populations, including children who are economically disadvantaged, require special education or are English-language learners. We also realize and promote the power of the arts and humanities to galvanize and cultivate the creative thinking so necessary to succeed in a global marketplace.

For more than 25 years, the Smithsonian Early Enrichment Center (SEEC) has provided a high-quality pre-K educational program for children ages 2 months-Kindergarten using a museum-based curriculum. With three sites, two inside the National Museum of Natural History and one inside the National Museum of American History, SEEC provides leadership within the educational community. SEEC is also a model laboratory school, sharing its expertise with museums and early childhood educators around the world through the Center for Innovation in Early Learning. Our Smithsonian Early Enrichment Center is supporting "Wegmans Wonderplace," a new space at our National Museum of American History that inspires the imaginations of young children from across the country and the world.

FY 2017 SUMMARY OF REQUESTED FUNDS

The Smithsonian's FY 2017 budget request continues to reflect the implementation of our Strategic Plan, which provides the framework for the Institution's programs and operations. The FY 2017 request totals $922.2 million, including $759.2 million for Salaries and Expenses (S&E) and $163 million for Facilities Capital projects.

The Institution's FY 2017 request for S&E reflects an increase of $63.2 million from the FY 2016 appropriation for increases, including fixed costs such as pay, utilities and rent, and support for program goals and objectives, in addition to facilities and security support for the new National Museum of African American History and Culture that will open to the public in September 2016.

The request for fixed costs increases totals $16.5 million, including $6.3 million to address additional salaries and benefits costs from the proposed 1.6 percent pay raise in January 2017, and $1.7 million for annualization of the January 2016 pay raise. These amounts are offset by a decrease of $303,000 in Workers' Compensation costs. The fixed costs request also includes an increase of $8.8 million for utilities, rent, communications, and other accounts. More specifically, the request includes an increase of $4.8 million for consumption and rate changes in the utilities accounts and $2.7 million for inflationary increases and program needs in rent accounts. In addition, we are requesting increases of $1.3 million for Communications and Other Support to provide for fixed software licensing and maintenance costs, cover inflationary increases for library subscriptions, and meet other regulatory compliance requirements.

As indicated above, our budget request encompasses two categories: (1) strengthening our intellectual foundation and programs and (2) strengthening our physical infrastructure.

INTELLECTUAL FOUNDATION AND PROGRAMS

Workforce Challenge

One of our foremost priorities is to reverse the long term trend in the loss of curatorial and research staff. The hiring strategy requires new employees to have skill sets that enable the creative acquisition and exhibition of our vast and unique collections while ensuring the availability of collections for critical research within the scope of our mission.

In addition to the federal request in this budget, we recently launched "The Smithsonian Secretarial Scholars" initiative with a goal of hiring 40 new curators in 5-year term positions funded through philanthropic support. We already have nine positions pledged in the first few months of this initiative.

Another program priority request includes $508,000 to staff a Smithsonian Cultural Crisis Recovery Center. The additional funding will strengthen and enhance the Smithsonian's ability to respond to requests for assistance with cultural heritage recovery and preservation in the United States and around the world, often working with such partners as FEMA, USAID, the Departments of State and Defense.

The Institution acknowledges support from the subcommittee during the FY 2016 budget cycle, and includes a request of $342,000 to increase the number of program staff specializing in the history, art, and culture of Latino/Hispanic Americans. They will support exhibitions, public programs and educational activities, and connect networks of Latino cultural, scholarly, and educational organizations throughout the U. S. The request also includes $300,000 to support the Asian Pacific American Center to increase programming that promotes a better understanding of the Asian American experience by coordinating activities across the Institution and with external partners.

Basic Research

The requested program increase for Smithsonian research activities for FY 2017 is $5.2 million. The increase includes $2 million for the Smithsonian Astrophysical Observatory, in partnership with the National Science Foundation, to complete the first phase of the Greenland Telescope project. When completed, the telescope, a 12-meter radio antenna, will form the northernmost node of a Very Long Baseline Interferometer that will allow scientists to observe supermassive black holes and conduct very high frequency observations of the cold universe.

The request also includes an increase of $360,000 to coordinate efforts in genomic research across the Institution and with federal, national, and global partners. Dedicated resources will support researchers who will develop standards, implement protocols for collection, analyses and maintenance of data, and provide for the curation of public data repositories and bioinformatics pipelines. An additional $800,000 is requested to support the Forest Global Earth Observatories for data collection in tropical and temperate forests, and $640,000 for Marine Global Earth Observatories to expand the network of data collection sites dedicated to understanding changes in marine

ecosystems. The request also includes $300,000 to initiate efforts in microbial research to fill in significant gaps in the Smithsonian's research priority areas, and $600,000 for staff to coordinate scientific activities across disciplines and locations throughout the Institution. These activities focus on environmental change, habitat fragmentation, and other areas of conservation research.

Care of Our National Treasures

Smithsonian collections, obtained over 166 years, serve as the intellectual basis for scholarship, discovery, exhibition, and education. Stewardship of the collections includes the systematic development, documentation, management, preservation, and use of collections. The requested increase of $4.7 million for FY 2017 supports activities within this priority. This amount includes $2.7 million for curatorial and collections management staff at several units for high-priority positions which have remained vacant for extended periods due to competing budgetary priorities.

The request includes $1.5 million that will allow the Collections Care and Preservation Fund to build on important planning initiatives to address collections management, emergency preparedness, and space needs throughout the Institution. The highest funding priority continues to be projects that improve the preservation, storage, and accessibility of collections currently at risk of loss or damage. The request includes an additional $500,000 to provide needed resources for the National Zoological Park's Smithsonian Conservation Biology Institute (SCBI) in Front Royal, Virginia, a facility for the welfare of the animals in our living collection. The request includes funding for veterinarian and animal keeper positions to care for quarantined or hospitalized animals and to minimize the risk of transferring disease to other animals or people. The request for SCBI is a key element of the Zoo's mission of saving species.

Digitizing collections and supporting documentation broadens access to the Smithsonian's vast resources. In FY 2015, more than 400,000 images were created for existing collections, more than doubling the rate of digitization at the Smithsonian. The request includes $2.1 million to accelerate existing digitization activities by turning time-limited, mass-digitization prototypes into production and providing staff to the digitization efforts at several units.

STRENGTHENING PHYSICAL INFRASTRUCTURE

The Institution's request includes an increase of $14.5 million to enable the Smithsonian's facilities maintenance staff to continue stabilizing and standardizing the overall condition of approximately 12 million square feet of owned and leased buildings and structures, including 19 museums and galleries, nine research centers and the National Zoological Park. The request provides funding for maintenance required to keep facility systems performing in accordance with their design criteria and also enable the staff to react to emergencies in a timely manner. The broad range of ages, uses, and locations of Smithsonian's buildings has a major impact on the overall cost of their maintenance. The request also provides the necessary resources to maintain building systems, structures, and equipment at the new National Museum of African American History and Culture on the National Mall.

The FY 2017 request includes an increase of $15.6 million to address high-

priority operating, safety, and security requirements of the Smithsonian's physical infrastructure. The amount includes $5.0 million for cleaning, operations, safety, and routine repairs of facilities, and $6.1 million to increase security at the most visited museums. The request includes an increase of $4.5 million for the National Museum of African American History and Culture that will open to the public in September 2016. The request also responds to facility analyses that identified areas throughout the Institution where higher levels of security will reduce risk to staff, visitors, and collections.

The Institution's expanding reliance on information technology (IT) requires continuous investment to upgrade and replace aging IT security infrastructure. The request of $2 million includes funds for security monitoring, response and assessment, and replacement of the Internet firewall. The request will also enable the Institution to update intrusion-detection systems and Web proxy servers.

Management

The Institution's FY 2017 request for management operations totals $1.8 million. The request includes $338,000 for a comprehensive, mandated training program that will provide supervisor training for the myriad rules, regulations, and policies governing employee supervision, and $289,000 to expand the Smithsonian's Office of Equal Employment and Minority Affairs' Supplier Diversity Program. The program demonstrates support for the Institution's use of small, disadvantaged, women - and veteran-owned businesses in Smithsonian operations. In the areas of legal services and the protection of sensitive data, the Internal Controls request of $1.1 million provides additional resources of $1 million for the Office of the General Counsel to manage increasing activities in cybersecurity, privacy, risk management, ethics, international activities, and complex business transactions. The request also includes $143,000 for a privacy specialist to deliver essential support to the Smithsonian community.

Facilities

The Institution's FY 2017 request for the Facilities Capital is $163 million. The amount includes $50 million for construction of the National Air and Space Museum's collections module at the Udvar-Hazy Center in Virginia; $83.6 million for revitalization projects; and $29.4 million for planning and design of future projects.

The requested funds for FY 2017 will enable the Institution to continue major revitalization work at the National Museum of Natural History ($19.1 million), the National Zoological Park ($26.0 million), and the National Museum of American History ($5.0 million). In addition, these funds will allow the Smithsonian to perform revitalization work at the National Air and Space Museum (NASM) ($3.0 million); National Museum of the American Indian ($2.05 million); Anacostia Community Museum ($1.2 million); Cooper Hewitt, Smithsonian Design Museum ($2.7 million); Hirshhorn Museum and Sculpture Garden ($1.0 million); Museum Support Center ($2.25 million); Smithsonian Astrophysical Observatory ($1.75 million); Smithsonian Environmental Research Center ($1.5 million); Smithsonian Tropical Research Institute ($2.85 million); and the Suitland Collections Facility ($2.0 million). The request also provides for revitalization projects throughout the Institution costing under $1 million each, and for program support ($13.25 million). Furthermore, this request accounts for planning and design of future

projects ($29.35 million).

As noted earlier, the Facilities Capital request includes $50 million to construct the Dulles Storage Module at the National Air and Space Museum's Udvar-Hazy Center in Chantilly, Virginia, adjacent to Dulles International Airport. The expansion of collections space at the Smithsonian's Dulles site establishes a permanent facility to take collections from the aging "temporary" buildings of the Garber facility in Suitland, Maryland, which are being phased out after 60 years of service. In the near term, the first storage module will serve the Museum's immediate need for temporary collections swing space during the upcoming National Air and Space Museum's Revitalization project.

MAKING A DIFFERENCE

The Smithsonian can do all that we do because, since its founding in 1846, it has been a successful public-private partnership. Public funds help secure private funds. In FY 2015, we raised $229.6 million in philanthropic funds, the largest amount ever raised by the Institution in a single year. Our first-ever national philanthropic fundraising campaign has so far raised $1.35 billion — more than 90 percent of the $1.5 billion goal. Our fundraising efforts are made vastly easier thanks to federal support.

We can do all this important work for the American people thanks to more than 6,500 dedicated employees: scientists and scholars, curators, researchers, historians, and experts in fields from astrophysics to zoology, along with the talented and committed support experts from security personnel to facilities maintenance professionals, as well as 6,300 on-site volunteers, 767 research fellows, 1,263 research associates, 1,606 interns, and 6,000 digital volunteers — brain power that benefits the Smithsonian and the world many times over. They are all committed to their work and the Smithsonian.

The Institution is becoming more innovative, disciplined, focused, nimble, and self-reliant. We are determined to expand access to all we offer to new and diverse audiences — regardless of where they live. We face a future that holds both exciting opportunities and imposing challenges. Working with the Congress and the Administration, the Smithsonian will aggressively address these challenges and take full advantage of many new opportunities. Thank you for the opportunity to testify today.

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Smithsonian Institution

New

January 2016

David J. Skorton
Secretary of the Smithsonian Institution

Dr. David J. Skorton is the 13th Secretary of the Smithsonian. He assumed his position July 1, 2015.

As Secretary, Skorton oversees 19 museums and galleries, 20 libraries, the National Zoo and numerous research centers, including the Smithsonian Astrophysical Observatory, the Smithsonian Tropical Research Institute and the Smithsonian Environmental Research Center. He is responsible for an annual budget of $1.3 billion, 6,500 employees and 6,300 volunteers. The Smithsonian's federal appropriation for fiscal year 2015 is $819.5 million, which accounts for 62 percent of the Institution's funding. The Smithsonian generates additional funding from private contributions and business revenues.

Skorton, 65, a board-certified cardiologist, previously was the president of Cornell University, a position he held from July 2006. He was also a professor in the Departments of Medicine and Pediatrics at Weill Cornell Medical College in New York City and in Cornell's Department of Biomedical Engineering at the College of Engineering. His research focus is congenital heart disease and cardiac imaging and image processing. Skorton is the first physician to lead the Smithsonian.

Under Skorton's leadership, Cornell partnered with Technion-Israel Institute of Technology to win an international competition to create a new type of graduate school, Cornell NYC Tech, under development on Roosevelt Island in New York City. The graduate school, currently operating in space donated by Google Inc. in Manhattan, combines deep technical knowledge with real-world experience and an entrepreneurial culture.

Skorton was also a highly effective fundraiser at Cornell, leading his team to raise more than $5 billion during his presidency.

Before becoming Cornell's president, Skorton was president of the University of Iowa from 2003 to 2006 and a member of its faculty for 26 years. At the University of Iowa, he completed the first billion-dollar fundraising campaign in the state.

An ardent and nationally recognized supporter of the arts and humanities, Skorton has called for a national dialogue to emphasize the importance of funding for these disciplines. He asserts that supporting the arts and humanities is a wise investment in the future of the country.

Skorton is a strong proponent of business–university partnerships. He has been active in innovation and economic development at the state and national levels to bring business and

universities together toward diversifying regional economies. He is a member and past chair of the Business-Higher Education Forum, an independent, nonprofit organization of industry CEOs, leaders of colleges and universities, and foundation executives.

Skorton is a pioneer in applying computer analysis and processing techniques to cardiac imaging; he has published two major texts and numerous articles, reviews and book chapters on cardiac imaging and image processing.

Since 1980, he has been part of a cohort of physicians around the world who specialize in caring for adolescents and adults with congenital heart disease. At the University of Iowa, he co-founded the university's Adolescent and Adult Congenital Heart Disease Clinic. He also helped found the Society for Adult Congenital Cardiac Disease, now the International Society for Adult Congenital Heart Disease.

Skorton was elected to the Institute of Medicine of the National Academies (now the National Academy of Medicine) and is a fellow of the American Academy of Arts and Sciences. A national leader in research ethics, he was the charter president of the Association for the Accreditation of Human Research Protection Programs Inc., the first group organized specifically to accredit human research protection programs.

His memberships and board service have included the American College of Cardiology, American Heart Association, Council on Competitiveness and Korea America Friendship Society. He is a life member of the Council on Foreign Relations.

Skorton is an avid amateur musician who plays the flute and the saxophone. He worked as a musician in the Chicago area and cohosted "As Night Falls—Latin Jazz," a weekly program on the University of Iowa's public FM radio station.

He is currently a Distinguished Professor at Georgetown University. Skorton earned his bachelor's degree in psychology in 1970 and his M.D. in 1974, both from Northwestern University. He completed his medical residency and fellowship in cardiology at the University of California, Los Angeles in 1979. He was born in Milwaukee, Wis., and moved to Los Angeles with his family when he was 9 years old. He is married to Robin L. Davisson, The Andrew Dickson White Professor of Molecular Physiology at Cornell University. Davisson is also on the faculty of Georgetown University Medical Center.

Skorton succeeds Wayne Clough, who retired from the Smithsonian in December 2014. Albert Horvath, the Smithsonian's Under Secretary for Finance and Administration and CFO, served as Acting Secretary for the six-month period between Clough's departure and Skorton's arrival.

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NATIONAL AIR AND SPACE MUSEUM RENOVATION

Mr. CALVERT. Thank you, Doctor.

As you mentioned in your opening statement, the National Air and Space Museum, which is the most visited museum in the United States and second most visited in the world behind only the Louvre in Paris, is in need of some major repair work. The projections I have seen project the total cost to be extraordinary, nearly $600 million. This amount exceeds the total cost of the new Museum of African American History and Culture.

Can you explain in some detail the nature of the repairs needed and why the estimated cost to address them is so high?

Dr. SKORTON. Thank you, Mr. Chairman.

The museum, as you know, is about 40 years old, and so we have projected for a long time the need to update mechanical systems in the building, and that accounts for something on the order of magnitude of $200 million of the projected cost.

Much of the rest of the cost is due to an unanticipated problem that was found in the cladding, or exterior, of the building, which will require replacement by new cladding for the safety of the public going into the building and for the building's own integrity.

It will also be necessary, from my perspective, to keep as much of the museum open during the revitalization as possible, given the enormous appetite that the American public has to visit the museum and to gain from its collections. So some of the funding will go for the necessity to move items to offsite storage while a particular part of the museum is being worked on, and then move it back at that right interval. And when you add all these things up, it does come out to an extraordinary number.

Our plan is to continue planning for this project for approximately another year and then to actually do the construction over a 5-year period, from fiscal year 2018 through fiscal year 2022.

Mr. CALVERT. I am going to ask this question, because if I don't, somebody's going to ask me, "Why didn't you ask it?" What would be the replacement cost to just tear the existing museum down and rebuild it?

Dr. SKORTON. Thank you, Mr. Chairman. This was the very first question I asked when I was brought onboard and they told me about the very challenging price tag on repairing this building. And although it is counterintuitive, although at first you would think it would be much more parsimonious to replace the building, it turns out to be much more expensive, on the order of magnitude of $2 billion. And please bear with me while I explain a bit about why that would be.

We would have to have a place to move the entire collection. And since it is such an enormous building with such an enormous collection, all the objects that are in there, including some very large objects, we would have to rent or build a massive storage facility. We would have to shut the museum down for years. And in addition to the very generous steadfast support that Congress has given us across the whole Smithsonian, we also have been able to raise some considerable funds through retail operations—IMAX theater, the shops, and so on—and, of course, that would all be off, we would lose that revenue.

And so when you add it all up, although, as I say, it is counter-intuitive, it turns out that this, even though a very expensive project, to replace it while keeping, let's say, half of the museum open throughout the project is actually much less expensive than it would be to replace the entire building. But I thank you for the question.

Mr. CALVERT. Sure. And of the $600 million, how much do you anticipate would be funded through Federal appropriations and how much would be addressed through non-Federal funding sources?

Dr. SKORTON. In this particular case, I have to ask that the entire amount be funded through Federal means. And may I please expand on that, Mr. Chairman?

I have had the great opportunity in my career to participate in fundraising of a variety of distinguished nonprofit institutions, and the Smithsonian also uses the leverage that you supply by such steadfast support to do philanthropic fundraising. In my experience, it is difficult to raise philanthropic funds for a repair or replacement type of procedure as opposed to something new.

And I must hasten to add that in the planning for the future of the National Air and Space Museum, we have plans for approximately $250 million of changes to the way we show exhibits to the public, increased use of interactive and electronic technology, a whole different approach, and we intend to raise those funds, the additional $250 million, through philanthropy, and we are already on our way to do that.

But the actual reconstruction of the building itself, I am asking be done completely through Federal funds.

Mr. CALVERT. Well, before I ask Ms. McCollum to take over and ask a few questions, why don't you explain some of the items that you brought here to show us and to show everyone.

EXAMPLES OF SMITHSONIAN COLLECTIONS

Dr. SKORTON. Thank you, Mr. Chairman. Although I gave you an amateur's run through it before, I would like to introduce some professionals who can give you more in-depth, although succinct, discussion. I am going to name them all, and then they will get up in the order in which I named them. And I want to thank you on all of our behalf for allowing us to share a bit of the collection with you today.

Dr. Harry Rubenstein of the National Museum of American History has brought the inkwell used by President Abraham Lincoln to sign the Emancipation Proclamation. Ms. Ann Shumard of the National Portrait Gallery has the so-called cracked-plate portrait of Abraham Lincoln taken by the President's favorite photographer. Dr. Kelly Korreck of the Smithsonian Astrophysical Observatory has brought a prototype of a protective heat shield, part of NASA's Solar Probe Plus spacecraft. And Dr. Eleanor Harvey of the Smithsonian American Art Museum has brought Thomas Moran's beautiful watercolor of the Excelsior Geyser at Yellowstone National Park.

Mr. SIMPSON. America's first national park, right?

Dr. SKORTON. I have been warned to stay out of this argument. So it is above my pay grade.

Harry.

Mr. ISRAEL. Thomas Moran was from Long Island.

Dr. SKORTON. Whatever you say, I agree with completely.

Mr. ISRAEL. Okay.

Mr. RUBENSTEIN. Hi. My name is Harry Rubenstein. I am the chair of the Division of Political History at the National Museum of American History. And this is an inkstand that sat on the desk of Thomas Eckert, Major Thomas Eckert, at the War Department's telegraph office. And as you know, Abraham Lincoln would go to the telegraph office once or twice a day to keep tabs on what was happening during the Civil War. And in the summer of 1862, rather than swapping stories and jokes with the telegraph operators, he sat quietly at Major Eckert's desk and began to work on what became the Emancipation Proclamation. And so Major Eckert kept this and eventually saved it and presented it to the government.

The inkwell will be in the opening of the African American Museum and will then move back to American History for our exhibition on American democracy.

Thank you.

Ms. PINGREE. Just quickly, are those little movable—

Mr. RUBENSTEIN. So what these are, so you can see that these are part of the stand, but these are little inkwells.

Ms. PINGREE. Okay.

Mr. RUBENSTEIN. And what is on top are little figures of griffins.

Mr. ISRAEL. Little figures of what, sir?

Mr. RUBENSTEIN. Griffins.

Mr. ISRAEL. Beautiful.

Dr. SKORTON. Thank you, Harry.

Ms. SHUMARD. Hello. I am Ann Shumard and I am the senior curator of photographs at the National Portrait Gallery. And this is one of the Portrait Gallery's and one of the Smithsonian's genuine treasures. It is a portrait of Abraham Lincoln that was taken by Alexander Gardner at Gardner's studio here in Washington, D.C., which was located at the corner of 7th and D Streets, Northwest.

It was taken on February 5 of 1865, just a month before Lincoln's second inaugural. And at the time, of course, that the picture was taken, there was the expectation that there would be many opportunities to photograph the President during his upcoming second term.

The large glass plate negative that was used to produce this print cracked probably when a varnish was applied to it after it was developed, and so just one print was made from this large glass negative before the negative was discarded. It was irreparably damaged.

What, of course, makes this image so evocative, I think, today is the expression that we have on Lincoln's face. This is a man who has seen so much trial and tragedy, but there is that hope, I think, you almost see in that sort of faint smile that the war that has torn the Nation asunder is drawing to a close and there is hope for the future.

The portrait came to the Portrait Gallery's collection in 1981, and it is, as I say, one of the true treasures of our holdings.

Dr. SKORTON. Thank you so much.

Mr. CALVERT. Thank you.

Ms. KORRECK. Hi. I am Dr. Kelly Korreck, and I brought with me today a prototype of the Solar Probe Cup. This cup is going to fly in 2018 on NASA's Solar Probe mission. This is a mission to actually touch the sun. And here in the picture, you will see that the cup is actually sticking out there and is going to collect parts of the sun.

And it is not just a scientific enterprise, but it is also somewhat practical. Understanding the sun and what it throws at us actually will help us understand space weather, which can help us save our national power grid, as well as communication satellites. And so this is a part of one of the four instrument suites; there are other instrument suites aboard here, and they are all going to fly in 2018.

Dr. SKORTON. Thank you so much.

Ms. HARVEY. Good morning. My name is Eleanor Harvey. I am the senior curator of 19th century art at the Smithsonian American Art Museum. And as a former geologist, as well as an art historian, I bring to you today Thomas Moran's watercolor of Excelsior Geyser in Yellowstone painted in 1873, the year after Congress in its wisdom set aside Yellowstone as America's first national park.

The park behind you, Yosemite, was set aside by Abraham Lincoln as a protected preserve at the middle of the Civil War as a post-war sanctuary, recognizing the power of nature as something we hold dear as part of America's cultural infrastructure.

This watercolor was reproduced, along with a suite of others, to help promote visitorship to Yellowstone. I also see the See America proposals from the WPA. They were based on a Northern Pacific Railroad campaign called See Europe, But See America First. In order to get people out to places like Yellowstone, they created both the railroads and the infrastructure so that you could go watch Old Faithful and Excelsior Geyser erupt in full display.

So it was a patriotic moment in America when we recognized that we have such unique features in this country that actually instill a kind of civic pride and make people want to explore the vastness of the country that we have here.

Dr. SKORTON. Thank you.

And I want to be quick to indicate that the comment on that park, the first one, was a historical, not a political comment.

Mr. CALVERT. Well, since we have the portrait of Abraham Lincoln here, who wisely designated Yosemite to be the first federally acquired eventual park, that was very wise of him.

Mr. SIMPSON. Yes, it was.

Dr. SKORTON. As Secretary, Mr. Chairman, I must say that I and the entire Smithsonian family values every single aspect of the American park system and the Park Service itself, celebrating its 100th anniversary.

Mr. CALVERT. We have a private joke going.

Ms. McCollum.

LONDON OPPORTUNITY

Ms. MCCOLLUM. Thank you. I am sure Ms. Pingree is going to make a plug for her park, but we have some great ones in Minnesota, too.

We met in my office, and since then I have been doing more and more homework. I want to better understand where you see the Institution going in the future, especially now that we have all these surprises, should I say, for the Air and Space Museum renovation.

Last January, the Board of Regents gave the Smithsonian permission to explore creating an exhibit space in London. It is my understanding such a venture would be done completely using private funds, but you have been talking about leveraging a lot of private funds here today for current collections and current buildings.

I am concerned that Congress has not been a full part of this discussion. I bring this up because, at a minimum, the Smithsonian is an establishment of the United States and its funds are held in the U.S. Treasury. In the event of a lawsuit, it is represented by the Department of Justice. So we are intertwined here.

In 2006, the Smithsonian entered into a business venture with Showtime network that drew the ire of Congress because of a lack of consultation. Former Secretary Small later admitted that in hindsight, the Smithsonian should have consulted with the Congress. Can you tell us when we can expect to learn more about the Smithsonian's finance plan regarding London, if it is on hold, and how you plan on consulting with Congress?

As you look around and are addressing the problems, as I said earlier, at your domestic facilities like the National Zoo, can you really rely on having enough private contributions from private foundations like the Friends of the National Zoo to assist you with the deferred maintenance operation? If not, we have to come back and ask the Federal Government to address some of these problems.

Please give us an update of where you are on London and elsewhere. Then, if time permits, I have a question on the Arts and Industries Building as well.

Thank you, Mr. Chair.

Dr. SKORTON. Thank you very much. I would like to try to answer what I heard were three questions.

First of all, on the extremely important matter of consultation with Congress, not only do we get two-thirds of our funding because of your generosity and foresight, but we are an organization in the public trust. So I couldn't agree with you more. It is hard for me to look backwards on what might or might not have happened in earlier consultation, but I will pledge to you today and to the entire subcommittee that we will make consultation and transparency a hallmark of our administration. I think it is very, very important, for all the reasons that you stated, including but not limited to the issues that you brought up.

Secondly, I heard you raise the very, very important issue of leveraging Federal funds in other ways. And I will be very quick about this, but we do that in two ways, in what I am going to call roughly business or retail operations, like the shops in the museums, the IMAX theaters, and the magazine, other things that you can purchase something or derive a benefit; and then secondly, philanthropy, outright gifts.

And the Smithsonian has been very effective in both the retail and philanthropic side of the house, but as you mentioned and as the chairman mentioned, the needs are very challenging and it is

going to take everything that we can do to keep faith with the very strong support that you have given us and keep faith with those who purchase things from us and those who give philanthropic donations.

So I take that very seriously. And I believe, as a personal comment, a personal observation, still new at the Smithsonian and new in Washington, I believe part of the reason that my predecessors, especially Secretary Clough and Secretary Horvath, were so successful in raising philanthropic funds is because of the stalwart congressional support.

And it has been my experience in other public institutions raising philanthropy that when there is solid public funding, other people will also join in. So I thank you very much for that, because you have made the philanthropy possible.

But now, getting to the main focus of your question about London, it ties together a lot of these issues that you raised up. And I think the opportunity for the United States to tell its story overseas in a time of—obviously today is one of those terrible days where we are thinking so much about the international situation. I think being able to tell the story of America overseas would be a good thing for the Smithsonian and a good thing for the country.

However, given the pressure on Federal funds that the chairman has indicated and the pressure on us that you, Congresswoman, have indicated, we have to make sure, and I have already pledged earlier and will pledge again today, that we will not use Federal funds from the United States for this project and we will not do the project unless the finances can stand completely on their own, including not interrupting other flows of funds that we have to do, and I believe that is what you are asking me.

I can't tell you today whether the project will in fact come to fruition. I hope to be able to have an answer for you through our Board of Regents on the second week in April at our next full Board of Regents meeting. But I think it is an exciting prospect. We have to have it stand completely on its own bottom, and I am not there yet.

ARTS AND INDUSTRIES BUILDING

Ms. MCCOLLUM. The Smithsonian Arts and Industries Building is an icon on the National Mall and is right next to the Castle. It is an important role, part of the history of the Smithsonian. At one time it was included by the National Trust for Historic Preservation as one of the most endangered historic sites in the United States. The building was closed in 2004 for renovations. In fact, it was just last spring, almost 10 years later, that the Smithsonian announced that it was opening the building for short-term exhibits.

Could you please update the committee on how you see the Arts and Industries Building fitting into your south campus, and the current condition of the building? When will you finally be able to host events? Is the challenge still of adequate plumbing and HVAC systems there? Then I hope that you also talk to Congress about renovating the gardens there, right adjacent to the building, because we are already starting to hear about that.

Dr. SKORTON. Thank you very much. And let me talk specifically about the Arts and Industries Building, and then if you have more

specific questions about the garden or the areas around, I am very glad to answer those as well.

I have one of these dream jobs, and one of the parts of my dream jobs is I have a dream office that looks right at the Capitol. And in my line of sight to the Capitol is the Arts and Industries Building, and also the carousel, which I am watching a lot of young people enjoy.

As I look at those three objects, I often focus on the Arts and Industries Building, and I asked myself the first time I came for interviews nearly 2 years ago: What are we going to do with this beautiful Victorian building, second oldest building in the Smithsonian universe?

And as you said, only very recently has the building been reopened.

[The information follows:]

The systems that you mentioned—plubming and HVAC—have not yet been refurbished, though we have installed restrooms.

I asked for my installation to be there. It was last October. Thank you for recognizing that. And it was a beautiful chance to use the building.

And so it is ready for those occasional uses right now. We are opening it for those kinds of uses this year. We are beginning to plan, and are not at the point yet where I have something concrete and intelligent to share with you, about some more strategic uses of the building going forward. But it is another one of those areas, Congresswoman, where we need to stay in touch with this and the other subcommittees who oversee and appropriate funds for the Smithsonian.

But this will be the year, this very calendar year that we are in, where you will begin to see more use made of that building.

Ms. MCCOLLUM. Thank you, Mr. Chair.

And I will follow up with your staff on the questions on the gardens. Thank you.

Dr. SKORTON. Thank you very much.

Mr. CALVERT. Mr. Joyce.

Mr. JOYCE. Thank you, Mr. Chairman. I have no questions at this time.

Thank you for being here, to gather these wonderful exhibits for our observation.

Dr. SKORTON. Thank you for all that you do for us.

Mr. CALVERT. Ms. Pingree.

OCEAN RESEARCH AND OUTREACH

Ms. PINGREE. Thank you, Mr. Chair.

Thank you very much for being here, Dr. Skorton, and thank you to everyone who brought such interesting exhibits for us to see. That was really a pleasure. We are very appreciative of the work that you do. And I echo all the things that my colleagues have said earlier.

I just want to talk a little bit about some of the things that you do through the Smithsonian outside of D.C. I represent Maine, and we have been very fortunate to work with you on a variety of things.

Recently the Portland Museum of Art had a major retrospective on Richard Estes' realism, which they were able to do with the cooperation of the Smithsonian. And that is really important for small States like ours that are lucky to access your resources.

I want to talk a little bit about the MarineGEO program that is growing within the Smithsonian, and is a very important part of what you do in research. I have a lot of coastal communities, of course, that are interested in things like climate change. But we don't have a MarineGEO site in Maine, and I want to talk a little bit about some of the additional funds that are requested for MarineGEO staff.

Will you be able to expand the number of partner sites? Have you thought about how you could work with small and more narrowly focused organizations that are interested in becoming research sites either by providing additional financial resources to help them expand their research or encouraging a consortium model, which would allow them to contribute?

Dr. SKORTON. Thank you very much. And I hear two important questions embedded in what you asked me. If I may take just a moment to talk about our activities outside of D.C.

It is very, very important. It is really a lucky subset of the United States that can get to the Mall, and it is expensive to get here. One of the reasons that my predecessors began this very vigorous thrust on digitization is so that people anywhere who have access to the Internet, which is most, but not all, can have a chance to view major parts of the collection.

And also being in the public sector for most of my career, I think for a federally funded institution where the taxpayers are paying for it in every corner of the country, it is exquisitely important that we are responsive to their appetite to taste the Smithsonian.

Besides the 208 affiliate museums and the Traveling Exhibition Service, both of which were embedded in your comment about the Portland museum, we have other projects that through the research end of it touch the Nation and the world. And our mission, which was part of the letter that James Smithson wrote to establish the endowment 170 years ago, our mission is the increase and diffusion of knowledge.

We talk a lot about the diffusion of knowledge, that is, the interface between the public and these unbelievable collections, but the increase part, the research part is unbelievably important, whether we are talking about Zika, climate change, you name it.

And so the Forest and MarineGEO consortia, I am going to call them consortia, was set up to do just exactly what you said, that is, to have the benefit of the research thinking of the Smithsonian touching communities everywhere and to help gain knowledge that would raise all the ships.

And so for those who are not familiar with it, the MarineGEO is a project that studies coastal waterways. And coastal waterways are very, very important because that is the area where there is a tremendous concentration of life forms, and in our country a tremendous concentration of population. And so the interaction between the human population and the wildlife that lives at the edge of the coastal areas is very important to study.

We do not have enough funding so far to expand to the extent that I would like to expand. We do have a request as part of this budget request to continue staffing and planning for MarineGEO. MarineGEO was made possible actually through a combination of your support and a very generous contribution of an individual from our Smithsonian National Board.

And so it is my hope to leverage, again, the funds that you give us through philanthropy so that we can begin to think more broadly about bringing more partners on. And so we have very good intentions in that regard. And I need to be cautious in what I promise, because we do need to raise more funds.

But I think, having spent my whole career in science, that it is very important that that scientific research touches not only different parts of the country, but that scientists and people who want to participate be able to in areas far spread. So I am totally with you in intention, and will work to do my best to make that a reality.

Thank you very much.

Ms. PINGREE. Great. We will look forward to staying in touch about that. Thank you very much.

Dr. SKORTON. Thank you.

Ms. PINGREE. Thank you very much, Mr. Chair.

Mr. CALVERT. Thank you very much.

Mr. Simpson.

NATIONAL AIR AND SPACE MUSEUM RENOVATOIN

Mr. SIMPSON. Well, thank you, Mr. Chairman.

And thank you for being here today. We have votes that have just started and are going on, so come by my office and talk to me. I would like to talk to you about some of the things. What is going on in Panama, and what the Smithsonian does there is obviously important. I want to talk to you about the cladding. Is this the same thing that happened with the National Art Gallery that needed to be replaced? The exterior of it?

Dr. SKORTON. Can I answer that piece of it?

Mr. SIMPSON. Yeah.

Dr. SKORTON. In a sense yes, in a sense no. Isn't that a helpful answer?

Mr. SIMPSON. Yeah. It is a political answer. I give that answer all the time.

Dr. SKORTON. I am going to stay away from the National Park on this one.

But it turns out that the cladding when it was cut for the National Gallery of Art, of which I serve as a board member, was cut to a thickness about twice as thick as the thickness of the cladding on the National Air and Space Museum. Our thinner cladding was done, as I understand it, to save funds and speed along construction at a time when they were trying to get the building done for the Bicentennial.

And so in the case of the National Gallery of Art, Congressman, it was possible to reuse that thicker cladding. It is not going to be possible to reuse this cladding. It will be discarded and we have got to start from scratch. And it is part of the reason, in my answer

to the chairman's most important and reasonable question, why it is such an expensive project.

Mr. SIMPSON. Is it the same issue relative to what caused the necessity for replacing it?

Dr. SKORTON. In part it is, yes.

[The information follows:]

The issue at the National Gallery was the fasteners that held the cladding to the building. The issue at the Air and Space Museum is the cladding itself, which is too thin and is warping and cupping.

LATINO PROGRAMS AND MUSEUM

Mr. SIMPSON. Okay.

And the other thing I would like to talk to you about at some point in time when we have some time is, are you getting pressure on the Arts and Industries Building to use it for the Hispanic museum? Or is that a question you don't want to answer?

Dr. SKORTON. No, no. I want to answer any question you have. I just want to give you the right answer.

So, first of all, part of our charge, part of what you expect us to do is tell the story of America in all its completeness and beauty, and the story of the American Latino has to be a very important part of telling that story.

So, as you know, in recent history a new museum for the Smithsonian is always established by an act of Congress. That act has not occurred. However, my predecessors have already begun some years ago to begin to gear up our efforts to tell the story of Latinos in America, again, through the two Secretaries who preceded me.

We have a project that you have been very generous in funding for a Latino fund that allows us to fund some projects within the Smithsonian. That has been very, very effective. We also have been hiring, even though we don't have a specific museum, we have been hiring curators with expertise in telling the story of Latinos in America, and they are working in various places throughout the institution through the Smithsonian Latino Center. And we have multiple exhibits, something on the order of five or six in this last year, touching on some of those areas.

So it will be in your hands to decide should we have a National Museum of the American Latino, but in the meantime, we are pushing ahead and I am pushing ahead to tell more completely the story of the American Latino.

Mr. SIMPSON. Thank you. I appreciate that.

And I have got to tell you, it is not fair that you get to bring in all this neat stuff and it distracts us that so that we don't even listen to your testimony or care about your budget. And, the EPA could bring in something with Quagga mussels all over it, but it is not very exciting. You have an advantage that others don't.

Dr. SKORTON. It is true. The world isn't fair, but I am so glad to be on my side of it.

Mr. SIMPSON. Thank you.

Dr. SKORTON. Thank you. Thank you very much.

Mr. CALVERT. Thank you.

Mr. Israel.

Mr. ISRAEL. Thank you, Mr. Chairman.

Dr. Skorton, thank you for your work and for bringing these treasures.

I want to follow up on Ms. Pingree's question and your comments on the value of outreach and education. I think that we are in an environment right now in this country where we are witnessing a historic breakdown in people's faith in all institutions across the board, the institution of government and institutions just across our social spectrum. And part of that, I believe, is because there is a lack of civic engagement. Part of that is because we just don't teach civics anymore in our classrooms and in our schools.

There is this famous quiz that is circulating that when you ask a certain age cohort who won the Civil War, a majority will say the British. That is a function of just not having access to history and not having access to the traditional civics lessons that we all were taught when we were growing up.

So I would like you to amplify your comments on the importance of education, not just in Washington, and whether the Smithsonian has a mission—or would consider having a mission—with respect to greater civic engagement and civic education across the country.

Dr. SKORTON. Thank you very much, Congressman.

First of all, before, when I quoted the mission statement of the increase and diffusion of knowledge, I think it is unbelievably important that the diffusion of knowledge not just involve people crossing the thresholds of our beautiful museums here and in New York City and elsewhere. We have to go out and help people where they live.

And as I mentioned just very briefly in my opening remarks, the education work of the Smithsonian, for example in STEM disciplines, and I am going to get back to the social sciences in a moment, is very, very well established throughout the country, as people wish to use it. As you know, our K through 12 system is a local phenomenon largely and, therefore, varies a lot. But we are there for people who want to use it, and, in fact, that use occurs in every single State of the United States.

However, I think we could be doing even more in terms of outreach, and I think that outreach could and should occur in two directions. It is one thing for us to go out and offer—all we can do is offer—educational services and arts and culture and history and science, for that matter, where it is a partner with people who want to do scientific research, as Congresswoman Pingree brought up. It is something else to get their input.

And one of the hallmarks that I hope to bring to this Smithsonian, which has already been a part of it, but I hope to strengthen it, is to listen more to the public about what they want. And the first thing I am going to do, I am going to start small and close to home. I think we owe some focus on the city of Washington, since the city of Washington is where our home base is.

So with the help of Mayor Bowser, I am establishing a Youth Advisory Council to meet from among high school students in Washington, D.C. I am hoping that those high school students will be able to tell me what they are interested in, what they believe they

need, and I want to go directly to the place where we would like the education to occur. The first meeting of this group I hope is going to be this very next month, and I hope to ask them the very question that you are asking me indirectly, and that is, what do you think you need that we could do for you?

In terms of a more direct answer to your question about the lack of focus on civics, as I am sure you know, because it is an area of interest of yours and everyone on the subcommittee, there is a lot of consternation about where American youth are in terms of their knowledge of American history and civics. There are other organizations, nonprofits, that have been brought up to actually deal specifically with the civics problem. And I think that what we can do is really three things at the Smithsonian.

We can offer the exposure to the history of the United States and its culture through the collections themselves.

Secondly, these museums already offer enormous numbers and very effective types of public programs, public outreach programs. Some of those are done through the Smithsonian Associates, some of them are done individually in different ways. And, again, all we can do is offer and hope that they will come.

And then thirdly, I want to go out and find out what the public would like from us, and in asking those questions ask, what could we do to be helpful in broadening your perspectives.

And just one quick end to this very long, windy answer. When I have a few minutes in my daily schedule, I like to walk away from my office and go to the museums and talk to the visitors, talk to the families and the tourists who come. And one of the things that they ask most consistently, it is not a scientific sample, but just in my 9 months of asking them, is that parents will ask, what can you do to help my kids understand a bewilderingly changing world? And if they don't specifically ask about civics, they do ask, what can you do to help us to bring our kids along? So I really appreciate the question and your thrust.

Mr. ISRAEL. Well, if you would find some time to visit with me in my office, I would love to follow up on this and specifically understand what kind of outreach you have to teachers and schools across America and how we could be helpful.

Thank you, Mr. Chairman.

Mr. CALVERT. Thank you.

And we would love to spend the day with you, Doctor, but, unfortunately, we have to go vote.

Mr. ISRAEL. Saved by the bell.

Mr. CALVERT. Saved by the bell.

I would like to get into more depth, somewhere down the road I will visit the Air and Space Museum with you, because that is a huge number, as you know, and we need to find out how we are going to do this. I know it has to be done, it is your most visited museum and it is certainly a national treasure.

With that, we are adjourned.

Dr. SKORTON. Thank you very much.

U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Budget Hearing: Smithsonian Institution
March 23, 2016

Questions for the Record – Secretary of the Smithsonian Institution

Questions from Mr. Calvert

Smithsonian Facilities Capital Priorities

Without question, the estimated total cost of the National Air & Space Museum project would put enormous pressure on the rest of Smithsonian's budgets in future years.

Calvert Q1: What is the current maintenance backlog for Smithsonian buildings and facilities? Do you have a long-range plan to address this backlog?

Answer: The Deferred Maintenance and Repair (DM&R) total for Smithsonian facilities was $808.9 million at the end of FY 2015. To address the backlog, the maintenance program establishes 5 year plans with proposed investment levels intended to prevent accumulating new DM&R requirements and also, in coordination with the capital program, reduce them over time. To do this, the National Research Council recommends an annual maintenance budget in the range of 2 to 4 percent of a physical plant's aggregate current replacement value (CRV). The Smithsonian's FY 2016 maintenance budget represents 1 percent of the CRV. To make best use of the funding available, the Institution utilizes a Reliability Centered Maintenance (RCM) philosophy to ensure the right maintenance is done on the right piece of equipment at the right time employing smart technologies for condition-based monitoring. This is supported by our Facility Condition Assessment process, which analyzes facilities conditions and helps prioritize maintenance and repair projects.

Calvert Q2: Can you describe ongoing facilities capital projects at other museums? What is this nature and scale of this ongoing work?

Answer: Facilities capital projects are currently underway at the National Zoo, the National Museum of American History, and the National Museum of Natural History.

National Zoological Park
At the National Zoo, critical animal containment, life safety and life support systems upgrades, security, and site and utility infrastructure continue to be addressed systematically throughout both the Rock Creek and Front Royal properties. Completion of the Police Station renovation and the start of the Bird House renewal are priorities in FY 2017. The Bird House experiences one of the highest frequencies of "Code Green" (animal escapes) events at the National Zoo due to vulnerabilities in the primary containment for birds on the interior of the building. Existing secondary containment systems are often successful in preventing escape to the outside; however, they are inconsistent in some areas around the perimeter. The renovation design

provides proper primary containment, secondary containment and tertiary containment systems and meets modern animal care standards. It also includes all required infrastructure, envelope and systems upgrades and replacements that will restore this 1928 pre-Public Works-era building to full functionality.

National Museum of American History
At American History, breaches in the building roof and terrace systems exposed valuable collections to water damage from leaks, and damaged stone terrace pavers created tripping hazards. In addition, the roof and terrace levels lack adequate fall-protection for maintenance staff and contractors and the existing lighting and security cameras do not provide adequate coverage, thereby creating a security risk. In addition, the Museum needs to replace perimeter light fixtures in the central core to improve the available lighting and replace the vestibule doors on the north and south public entrances to better accommodate the high public visitation. The FY 2017 budget request provides the resources to fix the roof leaks, improve drainage, and eliminate tripping hazards from broken terrace pavers, as well as add security cameras and fall protection. The budget request will also replace the central core lights and the entrance doors to the Museum.

National Museum of Natural History
At Natural History, the Institution is slowly completing a comprehensive renovation program which will replace the HVAC equipment, ductwork, electrical equipment and wiring, piping systems, and windows of the main building. Asbestos and lead will be abated or encapsulated; the fire-protection, communications, alarm, and emergency power systems will be upgraded; and storm-water systems and a hazardous-chemical control facility will be installed. Specific work in FY 2017 will include continuation of renovations in Halls 2–6 and the start of renovations to the South Entrance.

Calvert Q3: What other Smithsonian sites do you anticipate needing major repairs in the near future?

Answer: Just as the building systems in the National and Air Space Museum have reached the end of their useful life, there are several other Smithsonian facilities that have reached an age where envelope repairs, systems renewal, and modernization are required. These include the Hirshhorn Museum and Sculpture Garden, the Museum Support Center at the Suitland Collections Center, the Smithsonian Environmental Research Center, and the Smithsonian Tropical Research Center.

Museum of African American History and Culture

I understand that the Museum of African American History and Culture will be opening on September 24th. This is good news. As you know, this Committee has been very supportive and has made significant contributions—roughly $270 million—to this effort. I understand that you are making progress in raising the remaining 50 percent of funds needed for construction from non-federal sources.

Calvert Q4: How much non-federal funding has been raised for construction of the museum thus far and how much do you plan to raise?

Answer: Through January 31, 2016, the National Museum of African American History and Culture (NMAAHC) has raised $252 million in non-federal funding for the Museum, with $216 million of that allocated to construction and exhibition installation.

Calvert Q5: What are the non-federal sources of this funding—Individuals? Corporations? Businesses?

Answer: Of the $252 million raised for NMAAHC, 38 percent from corporate support, 33 percent from foundations, 26 percent from individuals, and 3 percent coming from in-kind gifts.

Smithsonian Capital Campaign

I understand that the Smithsonian has been undertaking an ambitious capital campaign over the last several years and is within striking range of meeting its goal.

Calvert Q6: Can you describe the nature of your capital campaign and the progress you are making? What is the goal? How much have you raised? How will these funds be used?

Answer: Publically launched in 2014, the Smithsonian Campaign is the first campaign we have undertaken that touches every part of the Smithsonian as a whole. Its $1.5 billion goal is the largest in history for a cultural institution, and we are on track to surpass that goal with nearly two years before the campaign ends. Through February 2016, we have raised $1.36 billion or 91 percent of our overall goal.

Within that large number are many smaller goals identified by each museum and research center, some of which have been met and some which are still forging ahead over the remaining time of the campaign. Funds raised through the campaign are restricted in their use — supporting specific initiatives, including construction and renovation projects; endowed staff positions; educational programs and spaces; and program or acquisition endowments. The funds raised so far have already been directed to significant requirements to include:

- In partnership with federal funding, building the National Museum of African American History and Culture and renovating of the Renwick Gallery of the Smithsonian American Art Museum
- 49 endowed positions, including 6 directors, 13 curators, and 30 fellowships
- 6 new education centers, including Q?rius at the National Museum of Natural History

Preservation of Collections

As I said earlier, the Smithsonian is to be commended for efforts to strengthen the preservation and care of priceless collections. Your FY17 budget request continues this effort by including a $4.7 million increase within the salaries and expenses account for strengthening the Smithsonian's collections. This is an area of great interest to Members of the Committee.

Calvert Q7: Can you describe efforts taken to address concerns raised by the Committee in recent years about the preservation and care of Smithsonian collections?

Answer: With targeted collections care funding, the Smithsonian has made significant strides in improving the management, care, and accessibility of collections. In recent years, the Institution has raised the level of collections stewardship in a pragmatic, strategic, and integrated manner by prioritizing and systematically addressing collections care needs. More specifically, the Smithsonian has succeeded with an approach to collections care that is based on sound collections assessment data, current collections care methodologies, economies of scale, and project-driven activities, including collections moves and digitization. For the first time in the Institution's history, the Smithsonian has developed robust Institution-wide data on the state of collections, their physical condition, accessibility, and collections space conditions as a result of three recent planning initiatives: 1) collections physical assessment; 2) digitization assessment; and 3) a collections space survey. Holistic collections-level management has enabled the Institution to make comprehensive improvements that benefit the greatest number of collection items and collecting units in an efficient, practical, and cost-effective way.

Recent increases in collections care funding have enabled the Smithsonian to improve collections management, mitigate collections deterioration, and support Smithsonian-wide initiatives which strategically address the Institution's most critical collections care needs, such as:

- Addressing the Smithsonian's Inspector General audit recommendations regarding specific deficiencies in collections management, particularly at the National Museum of American History;
- Stabilizing, re-housing, and inventorying millions of collections for long-term preservation and accessibility, ranging from national icons such as the Jefferson Bible and U.S. Military History uniforms to frozen biomaterials, time-based media, and digital art;
- Purchasing space-efficient storage equipment and replacing substandard cabinetry that placed collections at risk of loss or damage and is hazardous to collections, researchers, and staff;
- Supporting the continued move of the National Air and Space Museum's (NASM) collection from the Garber Facility in Suitland, Maryland, to the Udvar-Hazy Center in Chantilly, Virginia, including the purchase and installation of storage cabinets and shelving, and the preservation, conservation, re-housing, and relocation of nearly 21,000 small and medium artifacts; and
- Conducting collections and preservation assessments to establish priorities and action plans for the most cost-effective allocation of limited collections care resources.

Several Facilities Capital projects over the last decade have also improved collections care and provided safer environments for millions of collections items, including: the construction of Pod 5 at the Museum Support Center, with state-of-the-art protection for our "wet" collections; renovation of Pod 3 for storage of selected Smithsonian art collections, physical anthropological collections, and frozen-tissue collections requiring cold and liquid-nitrogen storage; development of the Pennsy Drive Collections and Support Center in Landover, Maryland, providing improved

and consolidated collections space for multiple Smithsonian units; construction of the Udvar-Hazy Center I and II, providing high-quality exhibition and collections storage; move of Cooper-Hewitt collections to an off-site facility in Newark, New Jersey; and numerous revitalization efforts at Mall museums and the National Zoological Park. Collectively, these investments include a total of approximately $300 million in capital expenditures.

To address near-term collections space requirements, our FY 2017 Facilities Capital request supports the planning and design of a collections storage module adjacent to the NASM Udvar-Hazy Center to enable the continued move of collections at the Garber Facility and to serve the immediate need for temporary collections swing space during the NASM Mall Building revitalization project; the planning and design of Pod 6 at the Museum Support Center; continued remediation of collections currently stored in contaminated conditions in Garber Buildings 15, 16, and 18; and various museum revitalization projects which will vastly improve collections storage, preservation, accessibility, and space efficiency.

Smithsonian senior leadership acknowledges that an effective strategy for addressing our collections-related challenges depends on a coordinated, Institution-wide approach. Accordingly, our pan-Institutional collections initiatives inform our strategies, budget requests, and allocation of resources throughout the Smithsonian community. These initiatives enable the Institution to prioritize collections and facilities improvements and establish an organizational strategy to ensure improved preservation and accessibility of physical and digital collections.

Calvert Q8: What is the total overall budget for the preservation of your collections? What would the funding included in the budget request allow you to do in the coming year?

Answer: The Smithsonian's FY 2016 base for strengthening collections is $75.5 million. This amount includes salaries and benefits and support costs for all federally funded collections activities such as preservation and documentation of the national collections. Collections care and preservation are also indirectly supported by funding in other program budgets, such as exhibitions at the National Zoo, research, and Facilities Capital projects. The FY 2016 base funding for the Collections Care and Preservation Fund is $6,697,000. The FY 2017 request of $1,500,000 would bring the total for the fund to $8,197,000.

The FY 2017 budget submission continues to build on and address vital collections management and space needs. In particular, the FY 2017 budget increase (+$1,500,000) will support the purchase of new storage cabinetry and the costs of required maintenance for specialized equipment such as compact storage units and freezers for safety and operability. The requested funding will vastly improve deficient aspects of collections care by replacing substandard storage equipment, which is the most effective and efficient way to minimize physical and security risks to collections, improve collections accessibility to the public, and correct unacceptable collections space conditions where equipment is the only deficiency putting objects at risk. Furthermore, making these improvements constitutes a lasting infrastructure investment for the long-term preservation of the national collections. The funding will also support a special team of personnel who can be deployed to various collecting units to improve inventory control, process backlogs, update collections information records, digitize collections, conduct preservation assessments, and stabilize and re-house collections for long-term preservation and accessibility.

As outlined in our answer to the previous question, the Smithsonian has — for the first time — developed rich Institution-wide datasets on the state of collections, their physical condition, accessibility, and collections space conditions. This budget request has been prepared to provide vital resources to build on and implement important pan-Institutional planning initiatives for strategically addressing critical collections management and space needs, based on an integrated, Institution-wide approach to collections care.

Digitization of the National Collections

As you mentioned in your opening statement, the Smithsonian has more than 138 million objects in its national collection. I understand that a long-term goal is to digitize each and every object.

Calvert Q9: How many objects have been digitized thus far? What percentage of the entire national collection does this represent?

Answer: Digitization supports collections care by strengthening inventory control through electronic record keeping, and by providing visual documentation of collection items. Digitization also increases access to our collections for those audiences unable to visit our museums and collections in person, and prolongs the life of a collection object by minimizing handling. Digitization extends access to collections items in storage.

To anchor the direction of the central strategy, all Smithsonian collecting units have created digitization plans, detailing priorities and goals at a more granular level. Priorities include inventory control, compelling research interest, education, and preservation as the primary drivers of the digitization program.

Digitization refers to the both the creation of electronic records and the creation of digital images. When we say a collections object is digitized, we refer to both the electronic records that document the collections and the creation of digital images of the collection objects.

The national collection includes 138 million objects, specimens, and library volumes, and the goal is to have electronic records to represent all of them. To date, 26 million (18.7%) of these items are now covered by electronic collection records. Of the 138 million objects and specimens, 13 million items have been selected for digital imaging, and to date, 2.5 million (or 19.2%) of those digital images have been completed.

The answer to McCollum Q4 details how we leverage private financial support, but we also leverage volunteer time to advance Smithsonian's digitization goals. We created a platform to engage volunteers in our effort to create electronic records for our collections. [http://transcription.si.edu] Since this effort began in June 2013, this volunteer community has grown to more than 6,000 people from around the world. The digital volunteers have completed more than 1,000 projects from 14 of our museums, archives, and libraries. The projects the volunteers have completed include the 275,000 objects from the Numismatics collection at the National Museum of American History and more than 40,000 bumblebees from the National Museum of Natural History entomology collections.

Calvert Q10: What is the Smithsonian's timeline for completing this process? How many additional objects would be digitized if Congress approved your funding request for an additional $2.1 million in fiscal year 2017?

Answer: The funding increases to support digitization over the past few years have enabled the Institution to create a central Digitization Program Office. After establishing the framework and methodology to prioritize objects to be digitized, the program office initiated a series of pilot projects to demonstrate methods to dramatically increase the rate of digitizing collections while simultaneously reducing the cost of digitizing each object. In FY 2015, these pilot programs led to the first mass-digitization efforts, including the paper portion of the Numismatics collections at the American History Museum and the digitization of the entire collection of the Cooper Hewitt, Smithsonian Design Museum, which will be completed in July of this year. These centrally-driven mass digitization projects represent improved efficiency over previous museum-based efforts. For example, the Freer Gallery of Art and Arthur M. Sackler Gallery, the Smithsonian's museums of Asian art, released their entire collections online Jan. 1, 2015, providing unprecedented access to one of the world's most important holdings of Asian and American art (40,000 artworks) — but that discrete process took 15 years. The mass-digitization projects run by the Digitization Program Office, and made possible by federal funding, have created a new paradigm with rapid-capture workflows. The projects managed to digitize 398,000 of the approximate 500,000 objects digitized in FY 2015. These projects created both electronic records of the collections and digital images of the objects. In FY 2016, mass-digitization projects will digitize more than 800,000 additional collections objects.

The additional $2.1 million requested in FY 2017 will enable the Smithsonian to further increase the rate of digitization, increasing the number of objects digitized to more than one million in 2017, which will include objects that are part of a new initiative to complete the collections of eight museums over a four-year period, beginning in FY 2017. The funding will also support an initiative to apply the technologies and processes used for our mass-digitization projects to our 3D digitization work. This will enable us to digitize approximately 1,000 objects and make them available online to be experienced and explored through an updated website and 3D viewer that will be launched in July of this year. The Apollo 11 Command Module and the nation's T-Rex dinosaur fossil have been 3D digitized and are being post-processed and prepared for the July launch of the new 3D viewer.

With continued federal support, the Smithsonian will leverage these resources to secure private funding and improve the technology available to digitize the national collections, so that we will complete the digitization of the prioritized objects within 10 to 15 years. (See McCollum Q4 on how we leverage the federal contribution.)

Arts and Industries Building

In recent years, a great deal of renovation and repair work has been done on the historic Arts and Industries Building adjacent to the Smithsonian Castle.

Calvert Q11: What is the nature of the work completed and has a future use for this building been determined?

Answer: The major focus of renovation work at the Arts and Industries Building in the past five years has been in stabilizing the shell of the building to maintain its integrity. This included removing building systems, repairing the façade and replacing the roof, and replacing all windows. The cost of this work was approximately $50 million, the majority of which came from federal capital.

In addition, a modest amount of work (installation of bathrooms, basic air handling/heating, some painting) was just completed on the interior of the building, enabling special events and temporary exhibitions/programs to be held. This work was enabled by trust funding.

The permanent future use for the Arts and Industries Building has not been determined. In the meantime, we are searching for ways to make the building as accessible to the public as possible. This includes the special events and temporary exhibits and programs mentioned above, as well as other possible broader uses that would not preclude a different permanent use.

Calvert Q12: What is your timeline for this building to be put back into productive use again?

Answer: We have begun to use the building for special events and other programs. In July, a portion of the Folklife Festival will be housed in the Arts and Industries Building. We are also currently assessing other programmatic ideas that could be a more continuous presence in the building and reopen it to the public on a more frequent basis.

Preservation of Cultural Heritage

Working with a variety of partners, I understand the Smithsonian is playing a leading role in cultural heritage preservation in the United States and around the globe. This includes recovery efforts following the earthquake in Haiti in 2010, the 2015 earthquake in Nepal, and the continuing destruction of cultural heritage in countries like Iraq and Syria.

Calvert Q13: With whom do you partner within our federal government and other foreign governments? What is the nature of the Smithsonian's efforts in cultural heritage preservation?

Answer: The Smithsonian works on cultural heritage preservation every day in its stewardship of the national collections within the museums. Smithsonian's work in emergency situations — natural disaster and human conflict — traces to the World War II period when it joined with other U.S. museums to arrange for the evacuation and safe storage of art and artifacts in the face of possible attack. This group also worked with the U.S. military to create the Monuments Men.

The Smithsonian's current disaster response initiative arose in the wake of the 2010 earthquake in Haiti. The Smithsonian worked with the White House, Departments of State and Defense, USAID, NEA, NEH, the Haitian government, UNESCO, the Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), the U.S. Committee of the Blue Shield, the American Institute for Conservation and some three dozen Haitian cultural

organizations to save Haiti's important collections of paintings, sculpture, wall murals, artifacts, archives and rare volumes damaged and endangered in the devastating earthquake. Smithsonian used federal and private funds in the effort, established a cultural recovery center in a U.N. building, equipped it with conservation labs, deployed dozens of its own staff and dozens more conservators from the U.S. and around the world to treat and stabilize some 35,000 items and train more than 100 Haitian cultural heritage professionals in basic conservation and collection management. The project led to the construction and opening of the Cultural Conservation Center at Quisqueya University in Port-au-Prince in 2015 (supported with funding from the Ben Stiller Foundation) and a series of Haitian conservation apprenticeships at Yale University.

Given the success of this project and the compelling need to save heritage in light of natural disasters and human conflicts, the Smithsonian expanded its institutional capabilities and developed formal cooperative relationships with the State Department for international projects and with FEMA for domestic scenarios. In order to reduce the impact of disaster on cultural heritage, the Smithsonian focuses on four priorities; (1) disaster response — with capacity building, (2) preparatory training, (3) research — data gathering and analysis, and (4) awareness raising.

1. Disaster Response. The Smithsonian only considers on-the-ground disaster response when the endangered heritage is particularly significant and there is little or no extant local capacity to preserve it. The Smithsonian will only respond if it is safe to do so, and hosting governments or authorities give appropriate permission. Smithsonian coordinates closely with State Department to assess these conditions. The Smithsonian has responded on a number of projects.

a) *Safeguarding the Heritage of Syria and Iraq Project.* Since 2013, the Smithsonian has worked with the University of Pennsylvania, the American Association for the Advancement of Science, the U.S. Institute of Peace, and several other partners, to promote emergency response projects for at-risk Syrian heritage in areas outside Syrian government control. The project works in border countries (not Syria) with refugee scholars and dedicated in-country heritage professionals, providing emergency training, equipment, and supplies for multiple projects that are then carried out in Syria to preserve ancient archaeological remains and other collections.

b) *The Iraqi Institute for the Conservation of Antiquities and Heritage in Erbil, Iraq.* Smithsonian collaborates with the U.S. Department of State and the Kurdish regional authority, and offers short-term education programs for heritage professionals from across Iraq to develop improved skills to document, protect, and recover from the current threats. Lectures, group activities, laboratory workshops, library research, and local heritage field trips stress current methods of preserving cultural heritage in crisis and also examine how heritage can be used for community recovery and development.

c) *Nepal Earthquake – Response and Recovery.* Smithsonian teamed with the International Council of Museums (ICOM), ICCROM, and the International Council on Monuments and Sites (ICOMOS) after the 2015 earthquake to crowd map damage to heritage on social media. This consortia undertook a joint assessment mission and followed up with in-country "First Aid to Nepal Cultural Heritage Recovery and Risk Reduction" activities. Staff members from multiple museums and sites, Nepalese police and military all participated; key areas of activity included

planning and preparation, damage assessment, risk assessment, prioritization, security, evacuation, salvage and triage, and temporary storage.

d) *Mali Regional Workshop.* In 2013, the Smithsonian was asked by Mali's national museum and UNESCO to assist with damage assessment and recovery from the intentional destruction of heritage by Islamic extremist groups. The Smithsonian provided emergency support for securing museum collections and with UNESCO, the Malian Ministry of Culture, ICOM organized "Museums Facing Situations of Armed Conflict: A Regional Workshop for West African Museum Professionals" for cultural workers from eight West African countries.

e) *Museum of Islamic Art Damage Assessment Mission to Cairo.* In 2014, Smithsonian staff joined with colleagues from the Metropolitan Museum of Art and ICOM to assess collections damage caused by a massive truck bomb at the Museum of Islamic Art in Cairo. With Egyptian staff, the team identified priorities and assessed needs for collections rehousing. The Met and Smithsonian continue to work with the museum and Egyptian conservators.

f) *Superstorm Sandy.* In 2012, the Smithsonian worked in coordination with the Heritage Emergency National Task Force (HENTF) to provide emergency equipment, supplies, and expertise for New York collections damaged during Hurricane Sandy. After ensuring our own collections at the National Museum of the American Indian–New York, George Gustav Heye Center and the Cooper Hewitt, Smithsonian Design Museum were stabilized and safe, Smithsonian staff assisted the American Institute for Conservation with creating and equipping the Cultural Crisis Recovery Center in Brooklyn, NY (modeled after the Haiti Cultural Crisis Recovery Center). The Smithsonian also directly assisted the Martha Graham Dance Company with salvage and conservation expertise for their damaged costumes, Isamu Noguchi sets, and paper-based ephemera collections and helped them arrange freeze drying for their collections.

2. Training. Smithsonian training programs provide expertise, instill a sense of readiness among heritage workers, and also help create an active and connected community of practitioners. Examples include:

a) *First Aid for Cultural Heritage in Crisis.* The Smithsonian and ICCROM annually present a multi-disciplinary course on disaster risk reduction for groups of international participants, many from countries at risk. The next course will take place at the Smithsonian in Washington, June 2-29, 2016.

b) *Cultural Property Protection Training for U.S. Military Personnel.* The Smithsonian, with Blue Shield and others, provides cultural property protection training for U.S. military personnel. Participants learn about cultural heritage and International Humanitarian Law, including the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. They also receive instruction on Disaster Risk Management for cultural heritage and emergency salvage and stabilization for collections and sites.

c) *Preventing Illicit Trafficking – Protecting Cultural Heritage.* The Smithsonian's Museum Conservation Institute and Office of International Relations, with the support of the State Department's Cultural Heritage Center and Homeland Security Investigations (HSI) organize

regular training events for HSI staff at the Smithsonian. The course covers legal and investigative methods and procedures appropriate for international cultural property cases, as well as Smithsonian specialists' perspectives on identifying, determining provenance and assessing authenticity of cultural heritage materials. Participants are provided a behind-the-scenes introduction to objects from regions that are at greatest risk of looting and trafficking, as well as practical skills training in handling, photographing, recording and packing objects.

d) *National Conference on Cultural Property Protection.* The Smithsonian founded the National Conference on Cultural Property Protection nearly 40 years ago and now annually unites more than 150 participants from museums and cultural properties around the nation and the world. Heritage preservation is the core focus, with interdisciplinary training and best practices in security, facilities construction and management, risk assessment, and collections stewardship. The next Conference will take place at the Smithsonian in Washington, June 1-3, 2016.

3. Research. Smithsonian scholars and scientists are engaged in a wide range of projects and specialties that bear on cultural heritage preservation, from conservation and material science to cultural studies, from work on climate change to underwater archaeology. Of special note: Cultural Heritage in Armed Conflict. This is a suite of data gathering and analytic projects with the Smithsonian, the University of Pennsylvania Cultural Heritage Center and the American Association for the Advancement of Science funded by the National Science Foundation and other grants. Projects range from monitoring and analysis of cultural site destruction and looting in Syria and Iraq via satellite photography to the development of incident coding standards with the University of Maryland Center for International Development and Conflict Management to help build datasets for analytic and predictive models.
As co-chair of the Heritage Emergency National Task Force with FEMA, the Smithsonian seeks to collect data and increase our understanding of the impact of disasters on cultural heritage in America. We are publicly sharing resources from our 2015 conference "Uniting to Save World Cultures" on our http://culturalrescue.si.edu/ website, including papers from colleagues at FEMA, NEH, the Tulane Disaster Leadership Academy, and many other institutions. We are working with other interagency and academic colleagues on advancing climate change adaptation research for heritage sites and developing historical mapping models of the impact of disasters on heritage.

4. Awareness Raising. Smithsonian has produced several exhibitions, documentary features on Smithsonian Channel, and articles in the Smithsonian magazine and on-line, highlighting its efforts. Smithsonian experts have presented project methods and results at professional meetings, in public programs, and in high level forums such as Congressional briefings and at conferences like the World Economic Forum.

Calvert Q14: What is the extent of the Smithsonian's work presently in Iraq and Syria where ISIS is widely known to have destroyed numerous cultural heritage sites?

Answer: The Safeguarding the Heritage of Syria and Iraq (SHOSI) Project (see above), supports Syrians and Iraqis in their efforts to protect cultural heritage in conflict affected areas. The Smithsonian works with other universities and non-profit humanitarian and scientific organizations and directly with Syrians and Iraqis.

Smithsonian has trained Syrians in Turkey and provided them with materials to go back to Syria and save ancient mosaics. Smithsonian trains Iraqis at the Institute for the Conservation of Antiquities and Heritage in Erbil. Smithsonian and its partner organizations monitor and analyze satellite imagery of cultural sites in the region in terms of damage and looting.

Through the SHOSI Project, Smithsonian is supporting educational, documentation, and emergency conservation efforts for internally displaced communities in and around the Ancient Cities of Northern Syria World Heritage Site damaged by bombing by the Assad regime or defaced by ISIS and other al-Qaeda affiliated groups. The SHOSI Project has also undertaken emergency conservation efforts at the site of Ebla (Tell Mardikh), famous for its libraries of cuneiform tablets. Ebla has suffered from illicit excavations during Syria's civil war, and the SHOSI Project's efforts documented what has been looted and prevented any further damage to the ancient palace exposed by the looters.

The Smithsonian provided information on religious site damage for consideration in the Secretary of State's recent genocide determination. Smithsonian is working with the State Department Special Advisor for Religious Minorities in the Near East and South/Central Asia, Bureau of Democracy, Human Rights, and Labor to develop emergency collections training for religious minorities at the Iraqi Institute for Conservation of Antiquities and Heritage as well as providing heritage protection information to U.S. military personnel in Iraq responsible for training Iraq Army and Kurdish Peshmerga.

Smithsonian experts have also briefed Congressional members and staff and provided information on pending legislation H.R.1493 — Protect and Preserve International Cultural Property Act.

Questions from Ms. McCollum

Preserving Cultural Heritage

The Smithsonian has been a leader in cultural heritage recovery and preservation in areas affected by natural and man-made disasters. The Smithsonian's January 4, 2016 Torch online journal focused on protecting priceless cultural artifacts from damage and decay after the earthquake in Haiti; particularly a woman formerly with the Minneapolis Institute for the Arts who was the impetus behind saving Haitian heritage. For that effort, the Smithsonian raised $4 million, established an on-the-ground presence in Haiti, deployed 70 experts, and trained 150 Haitians in preservation. As a result, they were able to save 35,000 artworks, artifacts, rare books and historical archives. The Smithsonian has built upon these successes and is now helping combat heritage destruction in Syria and Iraq.

The FY 2017 budget requests nearly $1 million for a Cultural Crisis Recovery Center.

McCollum Q1: What activities will this Center support and how will you collaborate with other agencies like the Library of Congress?

Answer: The FY 2017 budget request for preserving cultural heritage is $508,000 and includes the salaries and benefits for three staff members.

The Smithsonian is a member of the State Department's Interagency Task Force on Cultural Heritage Preservation. The task force also includes representatives from the National Archives and Records Administration, the Library of Congress, the National Park Service, and the Department of Defense. We attended both meetings of the Task Force held thus far, including one to coordinate efforts on disaster response for Nepal after the 2015 earthquake. The Smithsonian also participates with the President's Committee for the Arts and the Humanities which includes the other federal cultural agencies, and it was that Committee that provided a vehicle for inter-agency collaboration.

Corine Wegener is the curator from the Minneapolis Institute of the Arts referenced in the statement question. She served in the U.S Army and helped restore the Iraqi Museum in Baghdad after the U.S. invasion in 2003. She now is a cultural preservation officer for the Smithsonian and is leading the efforts to be undertaken by the Cultural Crisis Recovery Center. The types of activities to be supported — on the ground response, training, research and awareness raising are covered in the answer to Calvert Q13.

Research

The FY 2017 budget aptly states, "The Smithsonian is a world leader in research and discovery, addressing today's relevant issues and helping the American people understand our role in the world through the arts and the humanities." You provide many opportunities for the public to benefit from your research, such as from your over 200 websites, which attracted more than 100 million unique visits last year.

McCollum Q2: How will you leverage the $5 million increase you are requesting for Excellent Research and what is the expected return on investment?

Answer: Our general approach is to use federal funds to provide core operations and long-term stability, which allows leveraging grants, contracts, and donations for additional activities. As an example of the way core federal funding can have a great multiplier effect, the SI Barcode Network activity is now routinely generating high-quality DNA sequence data that is made public on GenBank with more than 100 percent co-funding from other sources (e.g., private foundation grants, intramural support, NSF grants).

Greenland telescope
The increase of $2 million of federal funds for the Greenland Telescope will leverage significant investments in assets and non-federal funds through the Smithsonian Astrophysical Observatory (SAO) and SAO's partners. The telescope has been provided at no cost to SAO by the National Science Foundation (NSF) (worth approximately $6 million). SAO's partner, Academia Sinica Institute of Astronomy and Astrophysics (ASIAA, Taipei) has provided approximately $10 million to date to retrofit the telescope for cold weather operations and plans to provide an additional $8 million. There is also $7 million of instrument development planned, including an instrument to be delivered by the University of Cambridge, UK. During the second phase of the project, SAO will leverage significant infrastructure funding for the operation of the telescope on the Greenland ice sheet that will be provided by NSF and SAO's partners. The funds requested in FY 2017 are essential to enable SAO to complete the assembly of the telescope in Thule, Greenland, and ensure continued investment by SAO's partners.

ForestGEO
ForestGEO depends on donations from dozens of foundations, government agencies, corporations, and individuals both within the US and around the world. During the 26-year history of ForestGEO, the Smithsonian has acquired more than $30 million in donations and grants directly supporting ForestGEO. University partners in the US have acquired an additional $10 million in grants to support ForestGEO. International ForestGEO partner institutions also depend on the financial and logistical support of their home institutions. An estimated $7 million is contributed annually to ForestGEO partners in 24 countries. ForestGEO is also a key member of the ten-year, $100 million Next Generation Ecosystem Experiments-Tropics program supported by the Department of Energy's Office of Science. Lastly, the long-term stability of the ForestGEO network that core federal funding supports, is vital to the willingness of granting agencies, private foundations, and partners to invest in this critically important enterprise.

MarineGEO
MarineGEO was founded with an endowment pledge of $10 million, matched by existing Smithsonian marine endowment funds. In FY 2016, the payout to the program from these endowments exceeds $1 million, which supports the MarineGEO leadership core of Director and Program Manager, four research technicians, modest operating support for the Smithsonian's four coastal observatories, and a select few innovative postdoctoral fellowships. This investment has been used to leverage substantial in-kind support from partners at several institutions worldwide. Many additional partners have expressed interest in joining MarineGEO but

managing this demand is beyond our current capacity. The MarineGEO FY 2017 request will substantially increase our capacity to recruit and manage partners around the nation and the world in the first comprehensive, global early warning system for managing climate and other impacts on nearshore ecosystems. As has been the success in ForestGeo, the return on this investment in MarineGeo is likely substantial in the form of additional in-kind support from new partners (estimated at $25,000 to $100,000 each depending on staffing) and the economy of scale in management of data, instrumentation, collections, and outreach as additional partners are added. Federal investment also increases the attractiveness of the program for philanthropic support, which we continue to pursue actively.

Microbial
This increase will support an improved understanding of the roles played by microbes in tropical forests and near-shore marine ecosystems, environments that are the world's most diverse ecosystems, providing food and livelihood for more than a billion people, as well as being incubators of agents of disease that threaten humanity. Core federal support is fundamental because understanding the functional roles of microbes at varying spatial scales is complex and requires a sustained long-term commitment. The support will be leveraged by funding from the Simons Foundation, which has already committed to provide $5 million over 10 years. We are currently in discussion with another large foundation for funding marine microbial research, which will further leverage the federal commitment.

McCollum Q3: What portion of the funding dedicated for this research will be used to develop complementary education and outreach programs?

Answer: These requests focus on the core research and long-term sustainability of the programs, for example data management costs that need stable funding and are hard to obtain from private sources. Some of these funds will be used for internships and fellowships that are critical to accomplish the core research while also building the next generation of STEM workforce. The knowledge from these programs will sustain other Smithsonian outreach activities, for example, MarineGEO informs the Ocean Hall and Ocean Portal at the National Museum of Natural History.

McCollum Q4: The budget requests an increase of $3 million to broaden access, how will you leverage those funds?

Answer: The requested funding will support three access initiatives: Digitization, the Latino Center and the Asian Pacific American Center.

Digitization
Smithsonian's digitization priorities advance strategic goals of strengthening collections and broadening access of Smithsonian resources, including the support of collection stewardship through inventory control and preservation, facilitation of compelling research interests, and fostering continuous education. The approach seeks economies of scale (collaboration, shared expertise) to create quality experiences for users (high resolution online content) and to attract external investment (leadership, industry partnerships).

Smithsonian has had some success in fundraising for digitization activities and will continue to pursue creative solutions to a primarily resource-driven concern. We have supplemented federal funding of digitization through grants and corporate or private philanthropy. For example:

- The Archives of American Art has received two multi-million dollar grants from the Terra Foundation to support the digitization of a substantial cross-section of the Archive's most important holdings. These include the papers of a diverse range of artists and arts-related figures, from the 18th century to the present.
- In August 2015, a community of backers around the world came together to help the Smithsonian conserve, digitize, and display Neil Armstrong's and Alan Shepard's spacesuits. In the Smithsonian's first Kickstarter campaign, 9,477 supporters pledged $719,779 to help bring this project to life—#RebootTheSuit.
- Numerous Smithsonian museums and collecting units have "adopt an object" programs where online visitors can donate to support the preservation, conservation, and digitization of their collections.
- The Digitization Program Office has a 10-year $250,000 training program funded by the two of the largest medium format camera companies (Hasselblad & Phase One) to train Smithsonian digital imagers on the state-of-the-art technology in imaging hardware and software. The program began three years ago, and is ongoing.
- Smithsonian Libraries have leveraged federal funding for the Biodiversity Heritage Library to create a global partnership of US and international biodiversity collections to digitize over 48 million pages of biodiversity literature. The Smithsonian and its BHL partners have generated over $13.3 million in external grants to support the project over the past 10 years (2006-2016). Grant sources include private foundations, other US funding agencies (NSF, IMLS, NEH), and non-US governmental sources (The European Union, Government of Singapore, Government of Australia, etc.).
- The Smithsonian Center for Learning and Digital Access (SCLDA) has received $500,000 in funding from Carnegie Corporation of New York for a two-year study of teacher and student use of the Smithsonian Learning Lab's digital learning resources. The Smithsonian Learning Lab is a new Web-based digital platform for educators and students to find and interact with more than 1 million digital learning assets and tools from the Smithsonian's collections, including digitized collection objects, videos, podcasts, lesson plans and project-based learning experiences. The project is also intended to build on the findings of previous studies to ensure that educators can locate and make effective use of online educational resources provided by cultural institutions and ensure those resources have the potential to improve student learning outcomes.

In general, corporations, foundations, and private individuals continue to shift their interest away from the infrastructure investment of funding digitization to supporting educational experiences based on digitized collections. A notable recent exception has been the significant digitization funding made possibly by a board member at the Cooper Hewitt Smithsonian Design Museum. The Smithsonian has been more successful in gaining corporate support, particularly in-kind support, for its cutting-edge 3D digitization pilot, such as the donation of web-infrastructure to display 3D data online at http://3d.si.edu/. Fundraising efforts supplement federal funding, but at present, privately raised funds cannot support sustained, large-scale (and therefore cost-effective)

digitization commensurate with the Smithsonian's goal of digitizing 13 million collection objects and specimens.

Smithsonian Latino Center
The increase in support staff enables the Smithsonian Latino Center to: (1) improve its direct support to Smithsonian units implementing programs and collecting initiatives that increase Latino representation, inclusion, and audience engagement throughout the Smithsonian; (2) expand pipeline programs intended to increase the number of Latino content experts at the Institution (e.g., curators, educators, project managers); (3) implement interactive and innovative educational programs that increase Latino engagement with museums and informal learning environments and enhance educational success: (4) implement strategic community programs, both virtually and onsite, that educate Latinos and the broader public about Latino contributions to the United States, including exhibitions and family programs conceived and implemented in collaboration with Smithsonian units and outside Latino and Latino-serving institutions; and (5) establish exhibits and programming that communicate, to both external audiences and the internal SI community, the Center's stake in a Smithsonian presence in Latino population centers.

For FY 2016, Smithsonian Latino Center staff has leveraged $650,000 in private source funding to support the above-referenced strategic objectives. The addition of programmatic staff will enable the Latino Center not only to continue, expand and strengthen the impact, particularly regional, of program initiatives, they will also help position the center to increase the level of leveraged, outside funding.

Asian Pacific American Center
In the *Consolidated and Further Continuing Appropriations Act of 2015* that was enacted last December, Congress acknowledged a recent report requested from APAC on its progress, and stated that *"The [Appropriations] Committees support the Center's goal of developing a more robust program, both within the Institution and through external partnerships."*

Buoyed by this support and a new strategic plan that was the result of an intense period of program development and operational planning, the Asian Pacific American Center (APAC) has begun implementing the plan in earnest on a specific programmatic and operational vision to transform APAC into a leading national resource for learning about the Asian Pacific American experience. This plan calls for experimental programming grounded in scholarship and knowledge that will redefine what a museum can be and increase the Center's capacity to collaborate across the Smithsonian and around the country. We are launching a series of "gallery labs" (pop-up public events and prototype galleries in cities across the United States) that work in tandem with a robust "digital culture lab" (a cutting-edge, engaging and interactive online space) to shed light on two main themes: Asian Pacific American *Cultural Intersections* and Asian Pacific American *Cultural Activism.*

APAC currently employs a small staff of 2 trust, 2 federal, and 3 gifts-enabled temporary positions; with the recent gift of $2 million from the Ford Foundation, APAC was infused with a transformative increase in our operating budget that adds to a portfolio of roughly $675,000 of restricted gifts and grants that will be applied to our Culture Labs and temporary staff. While

funding needs for staff can continue to be met by raised dollars derived from APAC's advancement efforts as part of the Smithsonian Campaign, the majority of these soft funds have term deadlines, with the recent gift of $2 million expiring at the end of calendar 2017. Therefore, a long-term federal investment in the operational and intellectual infrastructure of APAC is essential to maintaining a sustainable operation, growing our capacity to reach communities across the entire country, and meeting the Smithsonian's responsibility and commitment to Asian Pacific America.
Therefore, APAC is requesting 3 new positions in its FY2017 federal budget request ($300,000) that will form the basis of a strong program and program support team for APAC that will be required to execute multiple programs in multiple cities, while also launching a robust online presence. They also will enable us to leveraging the in-kind support anticipated from corporate and philanthropic sponsors, and partner more effectively and more often with other Smithsonian units and with other organizations across the country.

McCollum Q5: Provide examples of how Smithsonian research is being used to understand and address climate change, pandemics and the decline in pollinators.

Answer 1: Climate change
Smithsonian's research in climate change is data-driven science that documents the impacts of changing environmental conditions on biodiversity and human communities, often with practical implications for management of natural resources. A few examples of the value of our long-term studies follow.

Chesapeake Bay and beyond:
The Smithsonian Environmental Research Center (SERC) has undertaken basic studies in ecological processes in the Chesapeake Bay and beyond for 50 years. A few of the highlights from those studies:

- SERC mangrove research shows northward migration of mangroves from Cape Canaveral to St. Augustine FL as a result of milder winters.
- SERC forest research shows that trees in the Baltimore-Washington region have been growing 2-4 times faster in past 25 years than previous 300 years as a result of higher CO2 levels and longer growing season.
- SERC atmospheric research shows a 20 percent increase in CO2 concentration over last 50 years.
- SERC wetland research shows increased plant growth in response to elevated CO2 in atmosphere, which is affected by interactions with nutrient loading from water pollution.
- SERC estuarine research shows effects of rising sea level on wetland ecosystems and drowning of islands.
- SERC estuarine research developed new instrumentation to measure fluctuations in CO2 concentration aquatic coastal systems, indicating much larger fluctuations than previously appreciated, and with implications for ocean acidification effects on fish and shellfish.

- SERC research on invasive species shows rapid expansion of many species of plants and animals favored by climate change, as well as changing shipping as Arctic sea ice is melting rapidly and opening new port areas and sea routes.

MarineGEO (multiple sites):
Based on our 40 years of experience with the ForestGeo network, a global network of forest research plots and scientists dedicated to the study of tropical and temperate forest function and diversity, in recent years we have launched the MarineGeo marine observation platform using a similar model. In light of society's dependence on marine resources and ecosystem services, MarineGEO's research program includes a unique blend of long-term monitoring and diagnostic testing via experiments of nearshore ecosystem responses to climate and other global change stressors. The program continuously monitors water quality (including temperature, pH, oxygen content, and other variables) and local weather, and links these to regular measurements of nearshore biodiversity, at each of its sites. These linked environmental and biological observations and experiments allow diagnosis of climate and acidification impacts on coral bleaching, submerged vegetation dynamics, non-native species invasions, species geographic range shifts, carbon storage in coastal sediments and vegetation, among others. MarineGEO's program is unique and complements other federal programs in its focus on nearshore waters where people and biodiversity interact most, on the full range of animal and plant diversity, on experimental diagnostics, and on its global focus that links with international partners. All of these contribute to a more holistic understanding of the cascading effects of change throughout linked ecosystems.

Kenya:
Scientists from NMNH are working with National Museums of Kenya to analyze drill cores that penetrated 530 feet into old lake beds at Olorgesailie, Kenya. These cores cover about 700,000 years of history of environmental and physical dynamics, as measured by fossils, chemistry and geology. In addition to providing insight into the evolution of the present landscapes, wildlife, and human communities in East Africa, the data emphasize that climate in East Africa has always been variable on multiple scales. Historically, wildlife and people adapted to periodic droughts by migrating, but increasing human populations and land use changes (including fencing) have made migration difficult or impossible, underlying the political instability in the region, and triggering famines.

Arctic:
Smithsonian Arctic scholars have been researching the topics related to climate change and northern indigenous people for more than 40 years, using archaeological, historical, ethnohistorical, and climatological sources. Since 2000, the focus has shifted to contemporary global change and collaboration with Native communities in the documentation of indigenous observations and knowledge of climate, weather, sea ice, and changes in animal populations. Examples include "Watching Ice and Weather Our Way" study on St. Lawrence Island, Alaska (2000-2003); the SIKU (Sea Ice Knowledge and Use) circumpolar study involving teams working in Alaska, Canada, Greenland, and Russia during the International Polar Year 2007-2008; the 'Arctic Crashes' study exploring human-animal relations during the time of climate change across northern North America), 2014-2015. In 2017 the Natural History Museum will open an exhibit on narwhal, Inuit, and Arctic climate change and a version of "Arctic" at the

U.S. Embassy in Ottawa commemorating Canada's 150th anniversary. These and other studies have created new data on indigenous responses to Arctic change that have been disseminated among polar scientists, U.S. management agencies (National Park Service, National Oceanographic and Atmospheric Administration, BOEM, and others), science planners, indigenous communities, international organizations (including UNESCO, Intergovernmental Panel on Climate Change, and the Arctic Council), and general public. The Smithsonian is active in the Interagency Arctic Research Policy Community's (IARPC) Collaboration Team implementing the U.S. Government's Arctic Plan.

Answer 2: Pandemics
The Smithsonian has diverse resources (collections, expertise, field operations, and outreach) related to emerging infectious diseases, most of which are related to wildlife, and many of which are vectored by arthropods. The Smithsonian is participating in the National Science and Technology Council task force on research and development priorities for Zika vector control.

The Walter Reed Biosystematics Unit (WRBU), a partnership between the Department of Defense and Smithsonian, based at NMNH, curates the National Mosquito Collection and is a World-renowned center of taxonomic excellence, producing effective morphological and molecular tools to verify the identity of vector species world-wide. WRBU guides bio-surveillance activities on a global scale for the military, using three cornerstones of expertise that encompass "entomological intelligence": bionomics, identification and distribution of insect vectors. VectorMap (www.vectormap.si.edu), developed through funding from DOD GEIS and now hosted by the Smithsonian, is the largest freely accessible Internet resource for collection records, distribution models and other associated data designed to inform risk assessment of vector borne diseases. VectorMap currently contains over 500,000 curated and verified distribution records which are gleaned from historical (museum specimens and published literature) and current near real-time data assimilation through our novel field data system. In addition to this huge data resource, VectorMap hosts over 500 ecological niche disease risk models, and hosts environmental and climate layers related to vector ecology. This resource has proven invaluable, as with short notice, we were able to produce highly accurate niche models to predict the distribution of Zika vectors in U.S. territories and beyond, to guide military strategies and provide information to concerned public health workers in Latin America. The VectorMap team aims to serve users' biosurveillance and risk assessment needs by providing support for publishing accurate and precise location data, vector identifications, environmental data and pathogen testing results.

Smithsonian's Global Health program investigates emerging infectious diseases across a range of species in an effort to predict and prevent the next emerging pandemic threat. Approximately 75 percent of emerging infectious diseases are zoonotic and spill over from wildlife populations into the human population. By utilizing our expertise in wildlife health and disease surveillance, coupled with our training, laboratory and diagnostic capabilities, our teams are partnering with governmental agencies and NGOs to build capacity the high risk interfaces between humans, wildlife, and domestic animals. Central to the success of this work is our involvement in USAID's PREDICT-2 program. The research and surveillance modalities that are currently being developed to utilize blood meal analysis from mosquitoes to conduct non-invasive monitoring of wildlife populations, is now being adapted for use in Zika surveillance within the US.

Scientists at the National Zoo's Smithsonian Conservation Biology Institute develop next generation molecular tools to detect and characterize disease agents from arthropod vectors, and wildlife and human hosts. These methods include detection of malaria and viruses from mosquitoes, and Lyme disease bacteria and other pathogens from ticks. In the latter case, a novel DNA capture method was recently developed ("ecto-baits") that is more sensitive than older methods. In a single, powerful assay, it simultaneously identifies the type of tick, its recent host species from blood-meal remains, and any of dozens of pathogens, to species and strain. These new methods provide efficient and inexpensive high-resolution surveillance of vectors of wildlife and human diseases, across landscapes in the Washington, DC, area, and at field sites in Kenya, Panama and potentially worldwide.
Through the Interagency Working Group on Scientific Collections and Scientific Collections International (SciColl), we are working to make historic data from collections more readily available to answer current questions in emerging infectious disease management. A recent editorial in Proceedings of the National Academy of Science stated "Collections can provide short-cuts to public health responders looking for the origins and distribution of disease agents, but only if the collections are accessible and well documented."

Answer 3: Pollinators
The "Arthropod Initiative" of ForestGEO is monitoring key arthropod assemblages over the long term and studying insect-plant interactions over multiple sites, designed to detect long-term changes in native and managed ecosystems driven by climate cycles, climate change, and habitat alteration. NMNH scientists, with USDA colleagues, are conducting taxonomy/species identification and providing identification tools, expertise, and resources for facilitating the accurate identification and taxonomy of pollinators (especially insects, including immature life stages), creating online identification tools/software, conducting training workshops, and building voucher-based species DNA barcode libraries for target taxa (pollinators, major pests and predators (pathogens, parasites, viruses, etc.), and pollen).
We are also mobilizing data from our collections, including 44,000 bumble bee specimens that were imaged and made available on the web (with all the label data transcribed by volunteers through our online transcription center). These occurrence data (location and date of collection) are being examined and analyzed to further understand pollinator-plant relationships, and characterize changes over the last 100 years. DNA barcoding studies of pollen grains on the bodies of insects are being conducted by our scientists to understand which species serve has host plants to the insect visitors.

Strengthening Collections

The FY 2017 budget requests an increase of $3 million to hire sufficient staff to care for your collections and strengthen and share those collections with diverse national and international audiences.

McCollum Q6: Detail the extent of the staff shortage the Smithsonian is facing.

Answer: The Smithsonian has insufficient curatorial and collections management staff to research, interpret, exhibit, and care for the national collections. For more than 10 years, the

Smithsonian has invested significant federal resources for facilities infrastructure to protect/safeguard visitors, staff, and priceless national treasures, from which the Institution has benefited greatly. However, during this same decade, the Smithsonian's curatorial and scholarly staffing levels have decreased significantly, depleting the Institution's scholarly and collections foundation. From 2005 through 2015, excluding increases to support hiring for the National Museum of African American History and Culture, overall staffing declined twelve percent.

McCollum Q7: Is the staff shortage a critical vulnerability for the Smithsonian?

Answer: Yes. The Smithsonian now has insufficient staff to optimally care for its collections, which hinders its ability to interpret and share its collections with a diverse national and international audience. Significant gaps exist in critical subject areas, chronological periods, and program execution. An example is the shortage at the National Museum of American History (NMAH), where there has been a fifty percent decline in overall staffing levels and directly impacting curatorial positions. Similarly across Smithsonian, positions are not filled each year as they become vacant because the funding is redirected to cover items such as the full cost of the annual cost-of-living adjustment (COLA) for employees, pay for within-grade increases, benefit cost increases, promotions and awards, inflationary increases for non-pay expenses to operate Museums, and modest changes in staff composition (e.g., IT, web, or social media staff). Our budget request will allow us to rebuild the scholarly foundation of the Smithsonian using a forward-looking strategy, not an attempt to simply refill vacant positions.

McCollum Q8: What opportunities have you had to forego because of a lack of staff?

Answer: Continuing with the National Museum of American History example, several areas of historical research currently have no curatorial coverage, such as Colonial America, religion in America, physics and chemistry collections, and engineering. These collections have largely been neglected over the last decade, with no new collecting and very limited access or scholarly research. A decade ago, the Museum supported 5 curators to work on the numismatics collection, considered one of the best in the world. By 2013, due to attrition and retirements, the Museum had no curators dedicated to this collection. The impact of the hiatus in curatorial staffing is that no new collecting was done, the richness of the collection was not made available to the research and public communities since no one could oversee the digitization of the collection, and the museum depended on volunteers to support any researchers' request to access the collection, causing some of the collection to be closed and unavailable. Such impacts are seen across the Smithsonian.

The Smithsonian must rebuild its curatorial and collections management strength to support excellent research, exhibitions, programs, preservation, and digitization of its vast and diverse collections. Sufficient collections management staffing is also essential to fully realize the benefits from the facilities infrastructure investments that support improved collections scholarship.

Our budget request will allow us to rebuild the scholarly foundation of the Smithsonian using a forward-looking strategy, not an attempt to simply refill vacant positions. Our hiring strategy

requires new and different skill sets than those held by retiring curators. For example, hiring plans are based on:

- A careful analysis of future needs, based on strategic goals,
- The uniqueness of the collections,
- Chronological gaps as determined by national educational standards,
- Specific plans to develop exhibitions for the newly renovated exhibit areas (NMAH, NMNH, NASM).

Note this is not a 1 for 1 replacement of staff who have retired, but a thoughtful and robust plan to position the Museum for the future.

McCollum Q9: Rising fixed costs are often overlooked during a tight fiscal climate. What has been the effect on the Smithsonian when it does not receive fixed cost increases? How does the Smithsonian meet those demands?

Answer: The committee has supported our request for fixed costs (e.g., pay, rent, utilities) in recent years. However, in the event that fixed costs are not supported, they must still be paid from the Smithsonian's Salaries and Expense resources and would require a congressional reprogramming action. For example, during the recent sequestration, the Institution submitted a reprogramming action that "taxed" all museums and units to cover the shortfall in our utilities account. This resulted in many units not being able to replace essential staff who left the Smithsonian and undermined the Institution's ability to fulfill its mission.
Because most of our museums spend 90 to 95 percent of their annual federal funding on salaries and benefits for current staff, reductions to fund fixed costs would exacerbate the base erosion of the Institution's intellectual capital: that is, its staff of curators, scientists, historians, and collections stewards, as well as critical facilities and management staff. This impacts the Institution's ability to conduct research and to fully protect and preserve the national collections.

South Mall Campus Development

The Smithsonian is developing recommendations and alternatives for a major redesign of the South Mall Campus. This area includes the Castle, Hirshhorn Museum, Freer Gallery, Arts and Industries Building and several gardens.

McCollum Q10: What are the goals of this project?

Answer: The purpose of a proposed South Mall Campus Master Plan is to guide future short-term and long-term renovation and development of a 17-acre area known as the South Campus, which includes the Smithsonian Institution Building (the Castle), the Quadrangle Complex (the Ripley Center, the Arthur M. Sackler Gallery, the National Museum of African Art, and the rooftop Enid A. Haupt Garden), the Freer Gallery of Art, the Arts and Industries Building, the Hirshhorn Museum and Sculpture Garden, the Kathrine Dulin Folger Rose Garden and the Mary Livingston Ripley Garden.

The Master Plan is needed to meet the Smithsonian's long-term space requirements and to address physical and operational deficiencies across the campus that impact visitor use and

experience as well as the Smithsonian's ability to effectively and safely implement its programs. The Smithsonian identified the following needs for the campus: restore, repair and rehabilitate historic properties; replace roofs and building systems that are at the end of their useful lives; improve accessibility and usability by individuals with disabilities; establish a new central utility plant and related infrastructure to reduce energy and operating costs and greenhouse gas emissions; provide expanded below grade loading and delivery facilities serving the Quadrangle, Castle, AIB and Freer buildings; and update security measures to meet Smithsonian and federal requirements; improve circulation throughout the campus, including creation of a clear east-west at-grade pedestrian connection from the east side of the Freer Gallery to the Hirshhorn Museum entry plaza and improved access and visibility from the Mall and the Castle for the African Art Museum and Sackler Gallery entrances; create expanded and linked centralized visitor services and education spaces; provide additional museum and event space.

McCollum Q11: What is the total estimated cost of the master plan and the projected timeframe for completion?

Answer: If all elements of the Master Plan were constructed as currently planned, the shortest possible timeframe for completion would be at least 20 years. The total cost would be on the order of $2 billion in today's dollars. As with previous major renovation projects such as the Patent Office Building, we anticipate that the project will be funded with a combination of federal and trust funds.

McCollum Q12: As work is projected in 2017, what amount of funding is included in the FY 2017 budget for this effort?

Answer: $4.8 million is requested for the first phase design of the revitalization of the Castle.

McCollum Q13: Detail your efforts to reach out to stakeholders and collect feedback on the proposed redesign.

Answer: The Master Plan development was directed by a Steering Committee co-chaired by the Under Secretary for Finance and Administration/Chief Financial Officer and the Chair of the Regents' Facilities Committee. Other members included the Secretary, additional Regents, the executive department heads, and the museum directors. The Smithsonian's facilities, horticultural, museum, education, visitor services, business activities, and other staff contributed to the development of the plan. Once the Plan had been shared with the Board of Regents it was shared with all Smithsonian staff and the public. The Smithsonian presented the Master Plan for the South Mall campus to the press on November 13, 2014.

A public scoping meeting, part of the NEPA (National Environmental Policy Act) and National Historic Preservation Act Section 106 planning process, was held in December 2014 to offer the public an opportunity to submit comments and questions. Four subsequent public Consulting Parties meetings have entailed discussion of various aspects of the Plan and more are planned for the future with approximately 50 people attending each meeting. Consulting Parties engaged in the process include individuals and local preservation and civic organizations as well as staff from the Commission of Fine Arts, National Capital Planning Commission, DC Historic

Preservation Office and Department of Transportation, Advisory Council for Historic Preservation, National Park Service and General Services Administration. The Master Plan has been shared with the Commission of Fine Arts and will require acceptance by the National Capital Planning Commission. The Smithsonian is collaborating with the DC Historic Preservation Office in the evaluation of additional properties potentially eligible for listing on the National Register of Historic Places.

A public website has been established at http://www.southmallcampus.si.edu which invites public comment.

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