INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2016

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

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DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2016

TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

WEDNESDAY, MARCH 18, 2015.

PUBLIC WITNESSES

Mr. CALVERT. Good morning. The committee will come to order, and welcome to the first of two public witness hearings we are having today. The subcommittee will hear from a cross-section of individuals representing a wide variety of issues addressed by the subcommittee.

The chair will call each panel of witnesses to the table one panel at a time. Each witness will be provided with up to 5 minutes to present their testimony. We will be using this little timer here to track the progress of each witness. When the button turns yellow, the witness will have 1 minute remaining to conclude his or her remarks. Witnesses who speak less than 5 minutes will score brownie points.

Members will have an opportunity to ask questions of the witnesses, but in the interests of time, the chair requests that we all keep this thing within the 5-minute rule. So if you want more time for questions, have less testimony.

The chair reminds those in the hearing room that the Committee Rules prohibit the use of outside cameras and audio equipment during these hearings. Anyone using cameras, recording devices or audio equipment must be credentialed through one of the House press galleries.

I am now happy to yield to my friend, Ms. McCollum, for any remarks she may wish to make.

Ms. MCCOLLUM. Mr. Chair, I am glad we are having this and I look forward to hearing all the testimony. Thank you.

Mr. CALVERT. Okay. With that, we are going to start with Dr. Tiffany Lopez, College of Humanities, Arts and Social Science at the University of California, which was in my Congressional district for 20 years, so welcome to Washington, D.C., Tiffany. You are recognized for 5 minutes.

WEDNESDAY, MARCH 18, 2015.

COLLEGE OF HUMANITIES, ARTS, AND SOCIAL SCIENCES AT THE UNIVERSITY OF CALIFORNIA, RIVERSIDE

WITNESS

TIFFANY LOPEZ

Ms. LOPEZ. Thank you so much. Thank you for this opportunity to testify before you today. My name is Tiffany Lopez, and I am the Tomas Rivera Endowed Chair of the College of Humanities, Arts, and Social Sciences at the University of California, Riverside.

I am here today to testify on behalf of UCR in strong support of the National Endowment for the Humanities and the National Endowment for the Arts. But first I would like to begin with my own personal story so that you can see how an education in the arts and humanities can truly be life-changing.

I was raised in a violent family environment headed by a physically and emotionally raging alcoholic father. At the age of 15, I had a startling vision: if I were to remain at home another day, I or someone else in my family would surely die. I remember packing my school bag with a change of clothes, a toothbrush and some books, knowing I would not be back and the world as I knew it would be no more. I called Children's Protective Services. My siblings were removed from our home, and my mother disappeared for 3 years.

I began working full time in fast food and taking classes at a community college. I hoped to one day be a fast food franchise owner. I struggled to overcome various challenges as a first-generation college student. In fact, when I was advised to transfer to a California state university to get my bachelor's degree, I thought only doctors and scientists had such an advanced education. I did not know I could continue my studies majoring in the humanities and arts, and to be honest, I credit literature, theater and visual art for saving my life by showing me that the abusive and toxic story of my childhood was just one story in my life and that there were other stories I could make for myself and share with others as my mentors had with me.

I would like to share with you one of the NEH grants at the University of California, Riverside, that I am a part of, which is for $100,000 to establish a health humanities program to complement the training of health professionals at UCR's new School of Medicine. The idea is to improve doctor-patient interactions by developing an engaged conversation between faculty of the humanities and medicine around the cultural, economic, historical and philosophical complexities of health and medical encounters. This focus will allow doctors and patients to better understand one another and it will better contribute to the community with its notion of its health and wellness.

As you can see, NEA and NEH provide valuable resources to the inland empire that promote productive global engagement, strong communities and cultural heritage. Not only do these programs allow our communities and our students to explore who we are as Americans but they also have the power to change lives. I hope

that you can support both NEA and NEH each at $155 million in fiscal year 2016.

Mr. Chairman, I know that you have been a strong advocate and a great friend to UCR over the years, and UCR and I truly thank you for all of your support. I know you have also been a champion of the arts and the humanities as you have worked diligently to maintain funding for NEA and NEH during these difficult budget times. Our community also thanks you for hosting NEH Chairwoman Jane Chu in Riverside in February. Again, UCR and I thank you for your efforts.

I will be delighted to answer any questions you may have. Thank you.

[The statement of Tiffany Lopez follows:]

Testimony of Tiffany López, Ph.D.
Tomás Rivera Endowed Chair of the College of Humanities, Arts, and Social Sciences
University of California, Riverside

on

Fiscal Year 2016 Appropriations for the National Endowment for the Arts and the National Endowment for the Humanities

Submitted to the
U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

March 18, 2015

On behalf of the University of California, Riverside (UCR), I respectfully submit this testimony for the record in support of funding for the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH). **UCR requests funding for NEA and NEH each at $155 million for fiscal year 2016.** UCR especially requests robust funding at NEH for the "Humanities Initiatives at Hispanic-Serving Institutions" program and the "Awards for Faculty at Hispanic-Serving Institutions" program. NEA and NEH faculty support grants are important, not only to increasing diversity of presence, but also of thought. These funds are vital to encouraging the development of our students to dream about what is possible in their education.

NEH is the lead federal agency focused on the development and support of scholarship in the humanities. It is a vital source of funds for scholars and researchers whose work helps citizens and policy-makers alike better understand and address the social, economic, political, and cultural challenges facing our nation and our world today. Similarly, NEA is the main federal agency that funds local cultural programming and arts education, which provide jobs and attract tourism revenue. But, beyond all of that, the arts and humanities programs funded by NEA and NEH have the power to change lives.

I would like to share my own story to demonstrate how an education in the arts and humanities can truly be life changing. I left an abusive home at 15 and, while working full time in fast food, began taking classes at a community college with the goal of becoming a fast food franchisee owner. I struggled to overcome various challenges as a first-generation college student; in fact, when I was advised to transfer to a Cal State to get my bachelor's degree, I thought only doctors and scientists had such advanced education. I didn't know I could continue my studies majoring in the humanities and arts. I credit literature, theater and visual art for saving my life by showing me that the abusive and toxic story of my childhood was just one story in my life and that there were other stories I could make for myself and share with others as my mentors had with me.

As much of the conversation in higher education emphasizes the science-technology-engineering-mathematics (STEM) disciplines, the humanities and arts are facing significant pressure and, consequently, are being undervalued. However, devaluing the arts and humanities

does not benefit American society. Although STEM fields are critical, our society must stay committed to educating the whole person, which only the arts and humanities can help students achieve. A liberal arts education gives students the tools to be creative thinkers and better communicators—traits that are in high demand from employers. A 2009 report by the Conference Board, entitled *The Ill-Prepared U.S. Workforce* states, "Particularly disturbing are the substantial gaps in training for critical thinking and creativity skills that are crucial to companies' ability to compete in the global marketplace." Reading comprehension and writing skills were also reported to be lacking.

One of the NEH grants at UCR that I would like to highlight is for $100,000 to establish a health humanities program to complement the training of health professionals at UCR's new School of Medicine. The idea is to improve doctor-patient interactions by developing an engaged conversation between faculty of the humanities and medicine around the cultural, economic, historical, and philosophical complexities of health and medical encounters. This focus will allow doctors and patients to better understand one another.

Although UCR recognizes Congress must make difficult financial decisions and that sequestration will only further squeeze non-defense discretionary federal agencies, such as NEA and NEH, I strongly urge you to support increased funding to $155 million for NEA and NEH. Again, NEA and NEH provide valuable resources to our communities in Inland Southern California that promote productive global engagement, strong communities, and our cultural heritage. Additionally, given our close proximity to Los Angeles and the film and arts industries there, supporting the arts and humanities provides an economic boon to our region as well.

Thank you for your consideration of this request. Please do not hesitate to contact me if I can be of any assistance in the future.

Dr. Tiffany López
Tomás Rivera Endowed Chair
College of Humanities, Arts, and Social Sciences
University of California, Riverside

Mr. CALVERT. Thank you, and thank you for what you are doing.

I met Tomas Rivera many years ago, he was a great individual. I want to thank you for what you have done with your life. I came out of the restaurant business also, so it is a good thing, but you have obviously done very well with yourself, and so we are very proud of you.

Ms. LOPEZ. Thank you.

Mr. CALVERT. Ms. McCollum, do you have any comments?

Ms. MCCOLLUM. Great testimony.

Mr. CALVERT. Great. Thank you very much. We appreciate your testimony.

Ms. LOPEZ. Thank you. Thank you so much.

Mr. CALVERT. Next is Dr. Tamara Mann, the John Strassburger Fellow in American Studies at Columbia University, National Humanities Alliance.

Good morning, you are recognized for 5 minutes.

WEDNESDAY, MARCH 18, 2015.

NATIONAL HUMANITIES ALLIANCE

WITNESS

TAMARA MANN

Ms. MANN. Thank you for having me.

My first class as a college professor started at 9 a.m. It was only 7:30 and I was pacing the small seminar room, fretting about a course I had long admired but never imagined I would actually teach. Every summer for the past 6 years, 30 low-income, minority public high school students arrive on Columbia University's campus to take an intensive Great Books course as part of the Freedom and Citizenship Program. For a veteran teacher, the syllabus is challenging: one day Plato, the next Aristotle, and then on to Locke, Jefferson, Lincoln, and King. For a novice, it is completely terrifying.

My students arrived on time. They ambled into the seminar room, some laughing, others stoic, all clutching their copies of The Trial and Death of Socrates. As they sat down, I knew that they desperately, achingly, wanted to be in this room. Their parents had not gone to college and there they were, in high school, sitting around a Columbia University seminar table. I recalled what Professor Roosevelt Montàs said to me when I agreed to take on the course: be quiet and be curious.

That first day of class I sat quietly for a minute or two and then opened our time together with a question: what fills you with a sense of wonder? Their answers were tender and earnest. They ranged from observations about primary colors to the miracle of small acts of kindness. And then came Quanisha. "I will tell you," she offered, "but do not laugh. I wonder what this guy Socrates is saying. I just don't understand him. I have been up all night. I read this three times and I do not know what he is saying, and I wonder about it." So our class really began.

It was Socrates' description of wisdom that caused the most confusion. "I don't get it," Lanique piped, "he is wise and not wise, but

wiser than other people and still ignorant. That does not seem very wise to me." "Look closely at the passage in front of you," I said, "what do you think Socrates is trying to say?" Gabriel spoke up, "I think he is saying that you are not wise if you think you know something that you do not know. It is like a person who knows a lot about one subject and just because of that he thinks he knows about everything." "So how would you describe this definition of wisdom?" I followed. "Maybe wisdom is just knowing what you do not know," he replied. Laura and Genesys smiled. Now we could all remain in the classroom and claim to be wise, just by admitting what we did not know. Fabulous!

"But wait," questioned a soft voice to my left. "Is that enough?" Fatoumata leaned into our seminar table. "How can it be enough to just say you do not know? Do we not have to do more? Don't we have to figure out how we could learn about a subject?" The class found its rhythm, and my students, drawing deeply from their reading of Socrates, debated the contours of wisdom, knowledge, and learning for the greater part of an hour. The morning ended with our own working definition of wisdom that we would try to apply to our future classes: "Wisdom is being upfront about what you do not know and then carefully, ploddingly, figuring out how you would learn more about it."

As the summer progressed, the questions and the wonder continued. "Man is born free and everywhere he is in chains," read Mystery. "Why does Rousseau think we are born free? Is anyone really born free?" My students pounced. Everyone had a contribution. That day their comments did not just come from the text, they came from them. They talked about the challenges of living with a parent suffering from drug addiction, the insecurity they felt in foster care, and the daily hardships of poverty. That summer we did not just discuss freedom as an abstract concept; we discussed what that word meant to us as individuals, as members of families, and as citizens of our shared country.

At the end of class, after a particularly harrowing conversation about all of the challenges my students faced, Heebong sighed and voiced our collective sense of defeat, "But what can we do about these issues. They are so big." We could have ended there. If I were alone, I probably would have. But we were in a classroom and we had started with Socrates. "We need to get wise," said Fatoumata, at first quietly and then emboldened by a chorus of her peers, "We need to get wise." These extraordinary students then started designing a plan of study, a course of intellectual action to learn how to tackle the problems they had faced. Their plan of action required knowledge produced by biologists, physicians, psychologists, philosophers, politicians, and sociologists, to name only a few. These students understood that the great human problems of their generation were at once structural and personal. To solve them, they needed an education in the sciences and the humanities.

My students came to this course because it was a means to an end—college. They left the course almost embarrassed by the shortsightedness of that goal. As one student put it: "Now I want to go to college not just to get there but to really learn something, so that I can give back. It is not just about me and my success but about what we can do with it." This is exactly why we have to sup-

port the humanities. It is courses like these that turn us from students of a topic into citizens of our great country.

Thank you.

[The statement of Tamara Mann follows:]

Public Witness Testimony
Submitted to the Interior, Environment and Related Agencies Subcommittee
Committee on Appropriations, U.S. House of Representatives
Regarding FY 2016 Funding for the National Endowment for the Humanities
Dr. Tamara Mann, John Strassburger Fellow in American Studies, Columbia University
(March 18, 2015)

Mr. Chairman and Members of the Subcommittee:

Thank you for having me. My name is Tamara Mann and I am the John Strassburger Fellow at Columbia University. I am here today to testify on behalf of the National Humanities Alliance in support of the National Endowment for the Humanities.

My first class as a college professor started at 9am. It was only 7:30 and I was pacing the small seminar room, fretting about a course I had long admired but never imagined I would actually teach. Every summer for the past six years, 30 low-income, minority public high school students, arrive on Columbia University's campus to take an intensive Great Books course as part of the Freedom and Citizenship Program. For a veteran teacher, the syllabus is challenging: one day Plato, the next Aristotle, and then on to Locke, Jefferson, Lincoln, and King. For a novice, it is completely terrifying.

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own working definition of wisdom that we would try to apply to our future classes, "Wisdom is being upfront about what you don't know and then carefully, ploddingly, figuring out how you would learn more about it."

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When Professor Montàs reflects on the purpose of a humanities education he explains, "In most disciplines, the subject to be learned is at the center…. In this field of study, the student, the individual as a living growing entity, is at the center." Today, I ask you to support programs like this one. Programs that don't only give students content but actually help them understand the purpose and meaning of that content.

My students came to this course because it was a means to an end – college. They left the course almost embarrassed by the shortsightedness of that goal. As one student put it "Now I want to go to college not just to get there but to really learn something, so that I can give back; it's not just about me and my success but about what I can do with it." This is exactly why we have to support the humanities. It is courses like these that turn us from students of a topic into citizens of our great country.

This is just one of the many programs that provide rich humanities content to underserved populations across the country, paving the way for personal achievement and civic engagement. The National Endowment for the Humanities has been a leader in supporting many of these programs. By way of the state humanities councils, the Endowment has long supported *Clemente Courses in the Humanities*, which provides a rigorous education in literature, philosophy, American history, art history, and critical thinking and writing for adults facing economic hardship. Students receive credit from Bard College, and the course strives to create a bridge to higher education by developing the skills, confidence, and motivation necessary to succeed in that context. Other programs include literacy initiatives for low-income families; research and teaching grants to community colleges, tribal colleges, historically black colleges and

universities, and Hispanic serving institutions; and with FY 2016 funding, grants to museums, libraries and cultural organizations that reach at-risk audiences.

In the past few years, the Endowment has focused particularly on supporting veterans in their transition to civilian life. Since 2013, NEH has awarded grants to the *Warrior-Scholar Project*, which offers a two-week "humanities boot camp" to aid in veterans transition from the military to college. Currently hosted at three universities and—thanks to support from NEH—will be offered to an additional eight campuses in the summer of 2015. Through small grants to all of the state councils, the Endowment has also enabled reading and discussion programs for veterans in VA hospitals, community centers, and public libraries using great works of literature and public performances for and involving veterans that draw on timeless themes from classical Greek dramas of soldiers returning home from war. As noted in the agency's appropriation's request, expanding these programs is one of the Endowment's key goals for FY 2016.

To ensure that programs such as these continue to reach underserved communities—and that the humanities research, K-16 teaching, and historical preservation that underpins them continues as well—I ask you to support full funding for the National Endowment for the Humanities. Thank you very much for the opportunity to speak with you today.

*

Founded in 1981, the National Humanities Alliance advances national humanities policy in the areas of research, preservation, public programming, and teaching. More than one hundred organizations are members of NHA, including scholarly associations, humanities research centers, colleges, universities, and organizations of museums, libraries, historical societies, humanities councils, and higher education institutions.

The Freedom and Citizenship Program at Columbia University enrolls low-income rising high school seniors from New York City schools in a rigorous college-level summer seminar. They read major works of political and moral philosophy from the ancient world to the present and explore the rights and responsibilities of citizenship. In the ensuing academic year, the students collaborate on a project that allows them to apply themes and ideas they explored in the summer to an issue in contemporary public life. Since it was founding in 2009, 100 percent of its participants have attended college.

Mr. CALVERT. Thank you.

I think we are just going to go through the whole panel and then we will see if there are any questions or comments.

Ms. Anita Stewart, Executive Artistic Director, Portland Stage Company. Welcome.

WEDNESDAY, MARCH 18, 2015.

PORTLAND STAGE

WITNESS

ANITA STEWART

Ms. STEWART. Thank you. It is my pleasure to be here talking to you today as the Executive and Artistic Director of Portland Stage Company and a member of Theatre Communications Group.

I believe my experience in Maine is a reflection of what is happening in cities and towns across this Nation where citizens are connecting with art and art-making as a result of NEA funding supported by you.

Support from the NEA helps arts organizations like Portland Stage become economic drivers in our communities. In a city with a population of over 60,000 people, we bring 50,000 people into the theatre each year.

In the City of Portland in 2010, they did a study of attendees, and the aggregate spending by not-for-profit arts organizations and their audiences in the City of Portland totaled $49.2 million. The dollars that arts organizations raised through ticket sales and donations go directly back into the community.

The arts boost the economy. They create a vibrant cultural center drawing people to the region but they do much more as well. The arts engage, inspire and transform communities.

I would like to share with you the impact that the NEA is providing my community right now. Next week, Portland Stage goes into rehearsal for a new play called "Papermaker" by a writer named Monica Wood. It is a story of a true-blooded American mill worker and his well-educated daughter as they meet face to face with a real, live blue-collar family participating in a strike. In this play, Monica deftly weaves a tale of two Americas. Her fictional Maine town provides a backdrop for examining relationships between white-collar workers and blue-collar workers, between parents and children, realists and dreamers. The beauty of "Papermaker" is that it presents both sides of the story of American manufacturing. This story resonates strongly in Maine but it can also be played back in cities and states across this country whether by autoworkers in the Midwest, furniture makers in southern states, or aerospace and technology producers on the West Coast. It is the story of our country, and your support for the NEA has made it possible for this story to be heard.

Because "Papermaker" looks at issues facing mill workers and owners alike, it allows our audience to see two sides of the debate. We see its characters as multidimensional, quirky, complicated human beings. They are people we know and recognize, not stereotypes of what we might think. The issues that they struggle with

are not black and white but shades of gray. "Papermaker" offers perspective.

As Maine divides between the urban south and smaller, more rural communities to the west and north, it is wonderful to be able to share the stories that help us better understand and connect with one another. Through works of art such as "Papermaker", we celebrate our similarities and our differences, and perhaps we as a community, as a state, as a Nation can begin to find common ground.

Theatre provides a place where we can really look at issues, chew on them, debate, celebrate, despise them, but in the end, learn something about them. Characters in plays allow us to see the other, to get inside somebody else's skin, to walk a mile or at least a couple of hours in their shoes. Great plays show us what it means to be human, and as a result, plays like "Papermaker" create room for creative thinking, for collaboration, for innovation, words at the very heart of the mission for the NEA.

I would like to share with you the power that your support provides to your constituents. Producing a play like "Papermaker" is expensive. You cannot automate actors. For this production, the support we receive from the NEA will amount to approximately 5 percent of our total cost, and yet this support is essential. It leverages private support and lets our community know that this government believes art is important. By funding productions such as this, you are allowing our audience to be part of the process. My audience is not a Getty or a Gates, and yet they can take pride in being part of the process of creating great art for this Nation.

Ancient Athens, the cradle of democracy, understood the value of art, making it possible for citizens to attend plays at two major festivals each year. The South African government understood the power of art, making it illegal to present the plays of Athol Fugard until well after Apartheid ended. It is little wonder that ISIS is currently attacking ancient sculptures in a museum in Mosel, tearing them down and breaking them to bits. They too understand the enduring power of art.

The works of Sophocles, Michelangelo, Bach and Shakespeare stand the test of time. It is art that outlives its civilization, art that transcends its time and place. The National Endowment for the Arts allows our citizens to support the next Arthur Miller, the next Susan-Lori Parks. It allows for the creation of the next "Our Town", the next "Angels in America." It allows us to be great.

[The statement of Anita Stewart follows:]

Oral Testimony of
Anita Stewart, Executive & Artistic Director, Portland Stage, Maine;
Appropriations Subcommittee on Interior, Environment and Related Agencies
U.S. House of Representatives
Public Hearing – March 18, 2015

It is an honor and a privilege to speak with you today about the National Endowment for the Arts, whose mission is to advance artistic excellence, innovation and creativity for the benefit of individuals and communities. This agency is, I believe, essential to the health and well-being of our country.

I am the Executive & Artistic Director of Portland Stage, and Portland Stage is a member of Theatre Communications Group, the national organization for the American not-for-profit professional theater. From this vantage point, I believe my experience in Maine is a reflection what is happening in cities and towns across this nation where citizens are connecting with artists and art-making as a result of NEA funding provided by you.

Support from the NEA helps arts organizations like Portland Stage become economic drivers in our communities. In a city with a population of just over 60,000, Portland Stage draws 50,000 individuals to our productions and programs on a yearly basis. We have subscribers and students who regularly travel over 125 miles one-way to attend our productions. This year, we will serve over 13,000 young people through our education programs. Portland Stage spends the majority of its $2.1 million operating budget to pay artists and staff salaries, on travel and housing for artists, to purchase supplies to build shows, and for building repairs, utilities and property tax. A comprehensive study developed by the city of Portland in 2010 shows that arts and cultural organizations in Portland spent $26.5 million in salaries, supplies and goods. In addition, this study found that arts attendees spent an average of $28.25 per person per event in parking, restaurants and shopping as a direct result of their attendance at an event. Those numbers add up so that during fiscal year 2010, the aggregate spending by nonprofit arts and culture organizations and their audiences in the city of Portland totaled $49.2 million dollars. The dollars that arts organizations raise through ticket sales and donations go directly back into the community.

The arts boost the economy. They create a vibrant cultural center drawing people to the region. But they do more as well. The arts engage, inspire, and transform communities.

I would like to share with you the impact that NEA funding is providing in my community right now. Next week, Portland Stage starts rehearsals for a new play called *Papermaker*, written by Monica Wood and funded, in part, by a grant from the National Endowment for the Arts. This new play tells the story of a true-blooded American mill owner and his well-educated daughter as they unexpectedly find themselves face-to-face with real-live blue collar families participating in a strike. In this play, Monica deftly weaves "a tale of two Americas." Her fictional Maine town provides a backdrop for

examining relationships between white collar executives and blue collar workers, between parents and children, and between realists and dreamers.

The beauty of *Papermaker* is that it presents both sides of the story of American manufacturing: that of a mill owner struggling against global competition, and that of the mill workers facing the loss of their once-prosperous rural community. This story resonates strongly in Maine, but also can be played back across this country, whether by auto workers in the mid-west, furniture makers in the southern states, or aerospace and technology producers on the west coast. It is the story of our country. And your support for the NEA has made it possible for this story to be heard.

It has been fascinating to watch as current events coincide with this production. Maine mills have had a tough year. Communities throughout the state are reeling as mill after mill declares bankruptcy or closes. Through this production, our audience will engage in issues that are front page news, seeing the human story behind the headlines.

Because *Papermaker* looks at the issues facing mill workers and owners alike, it allows our audience to see two sides of the debate. We see its characters as multidimensional, quirky, complicated human beings. They are people we know and recognize, not stereotypes of what we might think. They, like the issues they struggle with, are not black and white but shades of grey. *Papermaker* offers perspective.

As Maine divides between the urban south and the smaller, more rural communities to the west and north, it is wonderful to be able to share stories that help us better understand and connect to one another. This play has already been a catalyst for the theater to reach out to people and to document their involvement in past strikes, and to hear the stories of those facing current struggles to remain in the middle class. Through works of art such as *Papermaker*, we celebrate our similarities and our differences, and perhaps we, as a community, as a state, as a nation, can begin to find common ground.

Theater provides a place where we can really look at issues, chew on them, debate them, celebrate them, despise them, but in the end, learn something about them. Characters in plays allow us to see the "other." To get inside someone else's skin, to walk a mile (or at least a couple of hours) in their shoes. Great plays show us what it means to be human. As a result, plays like *Papermaker* create room for creative thinking, for collaboration, for innovation—words at the very heart of the mission for the NEA.

I would also like to share with you the power that the support you provide brings to your constituents. Producing a play like *Papermaker* is expensive. You can't automate actors. Sets, lights, and costumes are still a handcrafted art. For this production, the support we receive from the NEA will amount to approximately 5% of our total cost. Yet this support is essential. It leverages private support and lets our community know that this government believes art is important. When we receive NEA funding for a project, we let everyone know. I make curtain speeches before each performance in which I directly thank the NEA for their support. When I tell the audience that their tax dollars

are supporting a production, I frequently hear an audible gasp of approval and always strong applause. By funding productions such at this, you allow the audience to be part of the process. My audience is not a Getty or a Gates, yet they can take pride in being part of the process of creating great art for our nation.

Ancient Athens, the cradle of democracy, understood the value of art, making it possible for all citizens, no matter how wealthy, to attend plays at two major festivals each year. The South African government understood the power of art, making it illegal to present the plays of Athol Fugard, a policy that did not change until after Apartheid ended. It is little wonder that ISIS is currently attacking ancient sculptures in a museum in Mosel, tearing them down and breaking them to bits. They understand the enduring power of art.

The works of Sophocles, Michelangelo, Bach and Shakespeare stand the test of time. It is art that outlives its civilization, art that transcends its time and place. The National Endowment for the Arts allows our citizens to support the next Arthur Miller, the next Susan-Lori Parks. It allows for the creation of the next *Our Town* or *Angels in America*. It allows us to be great.

A great country deserves great art. It deserves an agency whose mission is to keep that art alive. I ask you, as the Congress of the United States of America, to appropriate $155 million to the National Endowment for the Arts for FY16.

Mr. CALVERT. Thank you for your testimony.

Next, Ms. Karen Hanan, Executive Director, Washington State Arts Commission. Welcome.

WEDNESDAY, MARCH 18, 2015.

WASHINGTON STATE ARTS COMMISSION

WITNESS

KAREN HANAN

Ms. HANAN. Chairman Calvert and members of the committee, Representative Derek Kilmer, I thank you for inviting me to come and testify this morning.

I am here, of course, to support a budget of no less than $155 million for the National Endowment for the Arts and I would urge you all to offer your support there.

There is a quote, unknown, that says "If you always do what you always did, you will always get what you always got."

A few figures. According to the U.S. Department of Commerce, in 2012, the production of arts and cultural goods added more than $698 billion to our economy. So how did that do in contrast with other sectors of our economy? Well, contrasted with construction, who made $112 billion, it did quite well. It surpassed travel and tourism by $270 billion and it surpassed agriculture by $503 billion, so it is a rich sector.

In fiscal year 2014, in a report submitted to the Office of Budget and Management by the NEA, it showed that in their direct grant-making categories alone, the ratio of matching to federal funds, which generally has to be at least one on one is now 9:1. So this is one of the most impactful results to be found anywhere across government. It is a pretty good deal.

An increase of the NEA budget to at least $155 million from the current $146 million would be transformative for state-based organizations like my own organization, the Washington State Arts Commission. As you may know, approximately 40 percent of all NEA funding is assigned directly to the states for local decision-making. Last year we received about $800,000 from the NEA in Washington State where we then re-grant with a similar required match. We made about 137 grants last year with NEA monies included.

The Arts Commission in Washington State, like all of the other agencies across the country, offers a wide array of citizen services but our grant-making focuses on arts participation and innovation, educational success, accessibility, cultural infrastructure, artistic heritage, creative place making and, as a future initiative, we anticipate a focus on the arts as a tool for health for all active-duty military staff, family members and veterans, especially those suffering from PTSD and traumatic brain injury.

Washington is one of the most geographically and culturally diverse states in the country. We speak 163 languages in our 500 towns, which go from the very large to the very tiny, and very often the Arts Commission is the only source of funding available to the small organizations across our state. We have many examples of

Washington State Arts Commission funds combining with NEA funds to make a difference but let me give you one quick example.

Tieton is a sleepy little town of 1,200 people. Sixty-four percent of its population is Hispanic farmworkers. They are set in Washington's Yakima Valley, a tiny agricultural blip essentially. But in the 1940s and 1950s, they were kind of a vibrant town. They had a railroad and a bowling alley and a dance hall and all kinds of things, and the fruit industry was king in Tieton at that point. But as things changed and things consolidated, the fruit industry moved to the larger towns like Yakima, which are actually not very big but they are larger than Tieton, and Tieton was all but forgotten. And jobs, of course, were hard to come by, and apple-picking season was simply that, seasonal.

But fast-forward to 2005 when a Seattle businessman happened to be riding his bike through Tieton and he hit a patch of goathead thorns, which popped his tires, and if you are ever there and you are on a bike, watch out for those. But as he was fixing his tires, he looked around and was really captivated by Tieton—it was very beautiful, it was very rundown. And later on he came back with artist and architect friends in tow, and then they worked with the city officials and with people and stakeholders locally to essentially buy some warehouses and to repurpose some of the buildings, the empty storefronts around the town.

Fast-forward again to 2012. Now we have a Tieton arts and humanities organization. They are small but they are determined, and they applied to our Arts Commission for what we called our capacity-building grant, which was essentially us providing a grant writer to organizations that could not really write a grant to the federal government, which if you have ever done it, it is kind of complicated. But they won the grant writer. They went on to apply for an Our Town grant and they were awarded $50,000 from the NEA. They immediately leveraged that through a couple of other foundations and now they have more than $100,000 for the Tieton Mosaic Project. The project really is aiming to establish an identity for the city through very visual way-making signs but also to give a program for people to develop real skills for a business that will endure, and today, that project engages regional artists and artisans, community members, K–12 students, business owners and civic leaders, and it is an ongoing process in Tieton of planning, education, apprenticeships, and hands-on art-making, and very soon, members of this committee will be able to get themselves a Tieton mosaic sign for your house or your business, but this is a real business in a town that had very little.

The arts and heritage, of course, are front and center, and a dozen new businesses have started up over the last 6 years including the repurposing of an old warehouse into beautiful chic loft condominiums that immediately sold out when they came on the market. Henri Matisse said that creativity takes courage, and the small but mighty town of Tieton embodies that truth.

And I realize I am out of time but just a final note, that the NEA celebrates its 50th birthday this year, so it would be great to show support from all of us, I think, for the NEA. It is a robust organization that bolsters artistic excellence, creativity and innovation, and it benefits people across the country.

So remembering that quote, "If you always do what you always did, you will always get what you always got," I would urge you to throw some support to the NEA because I think you will be amazed by what you get.

Thank you for your support.

[The statement of Karen Hanan follows:]

TESTIMONY TO THE U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES. March 18, 2015
B-308 Rayburn House Office Building. Chairman: Rep. Ken Calvert, California

Testifying: Karen J. Hanan, Executive Director, Washington State Arts Commission (ArtsWA)

STATEMENT:

I urge Congress:

To support a budget of no less than $155 million for the National Endowment for the Arts (NEA) in the fiscal year 2016 Interior Appropriations bill. The work that the NEA does preserves citizen access to the cultural, educational, and economic benefits of the arts and advances creativity and innovation in communities across the United 5tates.

"*If you always do what you always did - you'll always get what you always got.*" *Unknown*

According to the US Department of Commerce, in 2012, the production of arts and cultural goods added more than $698 billion to the U.S. economy. How does this compare to other sectors of our economy? According to the 2012 report:

- Arts and culture surpassed construction by $112 billion,
- Arts and Culture surpassed travel and tourism by $270 billion
- Arts and Culture surpassed agriculture by $503 billion

The FY 2014 financial report submitted by the NEA to the Office of Budget and Management shows that in the NEA's direct grant-making categories alone, the ratio of matching to federal funds generally approaches or exceeds 9:1. This far surpasses the required non-federal match of at least one to one, and is one of the most impactful results to be found anywhere across government.

An increase of the NEA budget to 155 million from the current 146 million would be transformative for state-based organizations like my own organization, the Washington State Arts Commission.

Approximately 40% of all NEA funding is assigned directly to the states where decisions can then be based on local knowledge of a region's unique cultural, social, economic and artistic environment. Because Federal dollars mandate the states match at least one to one, the NEA funding immediately leverages and incentivizes support for arts and culture at the state level.

The Washington State Arts Commission, which received almost $800,000 in 2014 from the NEA, requires a similar match as we re-grant the money to communities and organizations large and small, urban and very rural across our geographically and culturally diverse state. In FY2015, our commission made a total of 137 grants statewide with monies that included National Endowment for the Arts funds. The Washington State Arts Commission, like our fellow arts

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agencies in each of America's 50 states and six jurisdictions, works to make the cultural, civic, economic and educational benefits of the arts available to all communities. As the state arts agency, we offer a wide array of citizen services, including public information, partnership building, technical assistance, and research and planning. Among the most important of our services is grant making, which focuses on

- Arts participation and innovation, by supporting performances, exhibitions and lifelong learning programs
- Educational success, by investing in arts education opportunities and training for students, teachers and artists
- Accessibility, by investing in programs that widen the availability of the arts, especially in rural areas and among underserved populations;
- Cultural infrastructure, by investing in arts organizations, both established and emerging, through general operating support, capacity building, professional development, and technical support.
- Artistic heritage, by investing in the preservation of cultural traditions through projects in the folk and traditional arts;
- Creative place making, by encouraging cooperative partnerships between public, private, not-for-profit, and community sectors to strategically shape, through arts and cultural activities, the physical and social character of a neighborhood, town, tribe, city, or region.

The funding received by the Washington State Arts Commission from the National Endowment for the Arts is critical to our ability to support organizations and communities across our state.

Washington is geographically and culturally diverse. It is the third most linguistically diverse state in America with 163 languages spoken in its almost 500 towns that vary from the largest metropolitan-sized to the tiniest villages. In terms of support, the Washington State Arts Commission is often one of very few, and sometimes the only funding source available to small, operations and culturally diverse arts and cultural groups and organizations located in and around the state.

Examples of Washington State Arts Commission funds combining with National Endowment for the Arts funds to support remarkable programs, events and projects across our state are many, but here is just one example.

Tieton is a sleepy town with a population of 1,200. Sixty-four percent of its population is made up of Hispanic seasonal farmworkers. The town is set amongst apple orchards and fields; a tiny agricultural blip in Washington's Yakima Valley. During the 1940s and 50s, Tieton was a prosperous apple town with a railroad link, a bowling alley, a dance hall, a billiards parlor and a soda fountain. But the fruit industry changed and consolidation favored larger cities like Yakima, leaving Tieton all but forgotten. Traditional retail and service businesses struggled. Jobs were hard to come by, especially out of the apple picking season.

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In 2005, Ed Marquand, a Seattle businessman happened to be riding his bike through Tieton when he hit a patch of goathead thorns and popped his tires. He looked around and saw empty storefronts that flanked a charming town square—though unkempt and weedy. He noticed that the town was surrounded in the distance by gently rolling hills blanketed in orchards. He remarked, "I was just captured by the feel of this place."

Marquand returned later with artist and architect friends in tow. Spurred on by their enthusiasm and encouraging talks with Tieton city officials, Marquand and his partner, bought two warehouses, a former church and six empty storefronts facing the city square. The town became known colloquially as Mighty Tieton as locals and newcomers together set out to revitalize the community. Within a couple of years, the Tieton Arts and Humanities Council was formed, a nonprofit corporation with the mission of sponsoring arts and humanities events in Tieton, for the benefit of the residents of the region as well as anticipated visitors.

In 2012, Tieton Arts and Humanities applied to the Washington State Arts Commission's "Capacity Building Project." This grant program is designed to support organizations like Tieton Arts and Humanities that might be interested in applying for federal grant programs, but lack the institutional capacity to do so on their own.

Tieton's application to the Washington State Arts Commission was successful and we then helped them and their partners, the City of Tieton and Marquand's Mighty Tieton, an incubator for artisan businesses, develop and submit their first federal grant application to the National Endowment for the Arts.

The application to the NEA was successful and Tieton was awarded a $50,000 "Our Town" grant for their ambitious "Tieton Mosaic Project." The organization was then empowered to successfully meet the challenge of leveraging matching funds from the Educational Foundation of America, and also the Yakima Valley Community Foundation.

The project includes mosaic installations, an artisan apprenticeship program, community engagement, and student workshops. Local residents are trained as apprentices to produce and install mosaic signs and designs on public buildings and civic spaces. The project aims to establish a bold visual identity for the city and, with that, an artisan training program for residents to acquire skills in mosaic making.

Today, the Tieton Mosaic Project engages regional artists and artisans, local community members, K-12 students, business owners, and civic leaders in an on-going process of planning, education, apprenticeships, and hands-on art-making. They are focused on twin goals: creating a bold visual identity for the city of Tieton, WA, and establishing this new self-sustaining artisan business called the Tieton Mosaic Project. Things are moving swiftly ahead, and very soon, members of this esteemed committee will be able to purchase a Tieton Mosaic sign for your own house or business.

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With arts and heritage front and center, a dozen new businesses have started up over the last six years in Tieton. Two large warehouses, a church, and a storefront have been developed and refurbished. Studios and production facilities are active and productive. A 1941 fruit warehouse was repurposed into functional living space known today as Tieton Lofts. What was originally nothing more than an oversized cement box, the building has been transformed into 14 urban-chic loft condominiums with energy-efficient updates — all planned around interior common spaces. The $200,000-$250,000 lofts sold quickly as soon as they came on the market.

Henri Matisse said that *"Creativity takes courage."* The small but mighty town of Tieton embodies that truth.

This year, the National Endowment for the Arts will celebrate its 50th birthday. But far from showing its age, the Endowment continues to reinvent and reevaluate itself, determined to work harder and smarter on behalf of all citizens. Its work helps organizations like the Washington State Arts Commission be more effective and relevant to our constituents in a 21st century way. We know that our lives and the modern economy demand skills that are intrinsic to the arts and to arts education; where a curriculum that focuses on teaching critical thinking skills, problem solving, communication, collaboration, creativity and innovation is a valuable asset in the jobs of today. The Arts offer that.

The National Endowment for the Arts, as the largest national funder of the arts in the United States, bolsters artistic excellence, creativity, and innovation for the benefit of individuals and their communities. Let's wish the NEA the happiest of birthdays this year, and remembering the quote I offered at the beginning of this testimony,

"If you always do what you always did - you'll always get what you always got." Unknown

Let's change things in the right direction with support for at least 155 million dollars for the NEA in the next fiscal year; a small but mighty increase that will positively impact our collective capacity to do amazing work at the federal, and by extension, at the state level through agencies like the Washington State Arts Commission.

Thank You.

Karen J. Hanan, Executive Director
The Washington State Arts Commission

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Mr. CALVERT. Thank you for your testimony, and I am sure we have some people from around the country that we represent, are there any comments from Members? Ms. Pingree.

Ms. PINGREE. Thank you, Mr. Chair.

I just want to thank everybody on the panel, and certainly Anita for coming from Portland, Maine, and reinforce a little bit of what you said. In Maine, we have lost a lot of our mill-working towns. We lost a lot of our manufacturing. So much has happened in rural America, and seeing the arts bring back life to Portland or Rockland or so many communities where just a small grant has really added that kind of revitalization that you were talking about. I think sometimes we forget the economic impact of the arts, and certainly in a state like ours, we have seen it, and you guys have been a huge part of it, so thank you, and thanks for your nice testimony.

Mr. CALVERT. Thank you. And Tiffany, if you can get doctors to better interact with patients and families in your program, God bless you. They need help.

I want to thank this panel for coming out this morning, we appreciate it. You are adjourned.

We are going to ask our next panel to come up, and please, as you come up, please sit in order from your perspective will be left to right.

Ms. Melia Tourangeau, President and CEO of the Utah Symphony and Utah Opera, League of American Orchestras. She will sit right there. That would be great. Ms. Judy Salter, Board Member of Cal Humanities.

Mr. SIMPSON. Located in Salt Lake.

Mr. CALVERT. Yeah, it is located in Salt Lake. Mr. Craig Obey—that is a familiar name around here—Senior Vice President of Government Affairs for the National Parks Conservation Association. Mr. Jim Lighthizer, President of Civil War Trust. Yeah, Jim, good to see you.

Thank you all for coming today. You probably heard my admonition about the 5-minute rule. The green is good, yellow means hurry up, and red, stop. We are trying to stay within the 5 minutes. I know many of you. I appreciate your coming out this morning.

And with that, we are going to recognize Melia, the League of American Orchestras and Opera of America, Utah Symphony, you are recognized for 5 minutes.

WEDNESDAY, MARCH 18, 2015.

UTAH SYMPHONY/UTAH OPERA

WITNESS

MELIA TOURANGEAU

Ms. TOURANGEAU. Mr. Chairman and distinguished members of the subcommittee, Utah Symphony/Utah Opera is grateful to present testimony on behalf of its board, our community, the broader fields of U.S. orchestras and opera companies, and the audiences they serve throughout this country in support of an appropriation

of $155 million for the National Endowment for the Arts for fiscal year 2016.

Direct grants, partnerships with state arts agencies, and national research initiatives led by the NEA increase public access to the arts, promote creativity and innovation, and provide lifelong learning experiences in all corners of this country, all while supporting jobs in communities nationwide.

Utah Symphony/Utah Opera has served Salt Lake City as well as many communities throughout the intermountain West for decades. Our reach extends to partnerships with more than 820 schools, community-based organizations and corporations throughout the state, allowing us to serve over 400,000 participants annually. Our performance activities generate approximately $45.5 million in consumer expenditures in Salt Lake City and surrounding areas, but perhaps most importantly, it is estimated that 93 percent of our expenses go directly back into the community. With approximately 120 full-time employees and an additional 200 to 300 contracted artists, craftsmen and part-time employees each year, we provide gainful and meaningful employment to individuals who as consumers and taxpayers contribute in turn to our economy.

The NEA grants competitively awarded to our organization have inspired and enabled us to create unique and enduring works, generate new community partnerships and boost the civic vitality of our community. For example, a fiscal year 2005 NEA grant supported the creation of the opera, the Grapes of Wrath, by American composer Ricky Ian Gordon and librettist Michael Korie. This co-commissioned and co-produced project of Utah Opera and the Minnesota Opera employed a unique approach, combining workshops and public presentations that brought our artists and our audiences together as the opera was being developed. Discussion forums and community reading groups that took place nearly 10 years ago have resulted in partnerships with local libraries, schools, museums and other arts organizations that last up until today.

Most recently, Utah Symphony was awarded a fiscal year 2015 NEA grant to support the world premier commission of EOS by American composer Augusta Read Thomas. During the week of the premier, Utah Symphony partnered with nine surrounding universities bringing students and professionals together with Ms. Thomas to discuss the creative process, career development and new music in modern society.

More than simply providing seed money for presenting a single piece of music, this NEA grant was the lynchpin for meaningful engagement in our community and connecting with the next generation of emerging local artists and students.

As these examples have shown, US/UO is committed to bringing the experience of live arts to many audiences, both those in our regular venues as well as those in remote, underserved parts of the state.

With this in mind, I would like to conclude by mentioning our tour of Utah's mighty five national parks last August, which allowed us to be a conduit for community engagement using great live music. The Utah Symphony performed free concerts in rural areas of Utah against the majestic backdrop of Utah's national

parks. We performed for thousands of individuals, both young and old, many of whom had never heard live classical music before. This tour supported Utah's Office of Tourism goals of promoting our parks locally, nationally and internationally. It contributed to economic development of the state and promoted Utah's national parks in preparation for the Centennial celebration of the National Park System in 2016, which the NEA itself is helping to celebrate this year in conjunction with its own 50th anniversary.

The NEA plays an invaluable role through its direct grants, state partnerships and research on trends in public participation and workforce development. Even more communities could benefit from the myriad of education programs, premiers, free performances and more that would result from increased support to the agency. The value that the NEA provides to communities across this Nation is tremendous, and on behalf of Utah Symphony/Utah Opera, I urge you to support increased funding for the National Endowment for the Arts.

[The statement of Melia Tourangeau follows:]

UTAH SYMPHONY | UTAH OPERA

Written Statement of
Melia P. Tourangeau, President and CEO, Utah Symphony | Utah Opera

Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations United States House of Representatives

FY2016 Funding for the National Endowment for the Arts (NEA)
March 18, 2015

Mr. Chairman and distinguished members of the subcommittee, Utah Symphony | Utah Opera (USUO) is grateful to submit testimony on behalf of its board, the community, the orchestra and opera fields, and music lovers throughout our state. Utah Symphony | Utah Opera urges the House Subcommittee on Interior, Environment, and Related Agencies to appropriate $155 million to the National Endowment for the Arts (NEA) for Fiscal Year 2016. We ask Congress to continue supporting the important work of this agency, which increases public access to the arts, nurtures cultural diversity, promotes the creation of new artistic works, cultivates a sense of cultural and historic pride, and provides lifelong learning experiences to underserved groups, all while supporting millions of jobs in communities nationwide.

Speaking on behalf of my own organization, Utah Symphony | Utah Opera has served Salt Lake City as well as many communities throughout the state for decades, with the symphony celebrating its 75th Anniversary in the 2015-2016 season and the opera preparing to celebrate its 40th season in 2017-2018. Thanks to NEA grants for our opera and symphony, USUO has been able to enhance its provision of high quality musical and cultural programs to more than 820 schools, colleges, universities, libraries, community service organizations, senior groups, and corporations throughout the state of Utah, allowing us to serve over 400,000 people annually.

NEA Opera Grant Supports Community Connection to American Artistry

A FY 2005 NEA grant supported the development of *The Grapes of Wrath*, a co-commissioned and co-produced opera project of Utah Opera and Minnesota Opera, by American composer, Ricky Ian Gordon and librettist Michael Korie. Leading up to the premiere, Utah Opera and Minnesota Opera employed a unique approach to commissioning and developing the opera, which involved combining a series of workshops and public presentations. This innovative idea brought the stage director, conductor, composer, librettist, the entire cast, a full orchestra, and audiences together to thoughtfully develop the opera. The process gave the creative team the chance to revise and improve the work, well in advance of its premiere. This was done over a series of three public presentations held in conjunction with the Utah Arts Festival—an annual event serving approximately 80,000 people with a mission to promote the arts and enhance the quality of life in Utah—and through workshops in Minneapolis and Salt Lake City. Thanks to the interdisciplinary nature of engaging discussion forums and the participation of community reading groups and schools, this project allowed us to form lasting partnerships with local

libraries, academic institutions, museums, arts galleries, and other arts organizations while introducing opera to American literature enthusiasts and other new audiences.

On an artistic level, producing the *Grapes of Wrath* was exciting for Utah Opera because we are part of a growing body of opera companies telling current and timely stories that seek to make deeper connections with a growing audience. Since 1900, 880 new operatic works have been produced across the United States, and of those, nearly half have been produced within the last 15 years alone. This growth in the number and the quality of new American opera repertoire is a direct result of the NEA's investment in the arts.

NEA Orchestra Grant Supports Community Partnership and Young Musicianship

In that same vein of encouraging creativity, the Utah Symphony used a FY 2015 NEA grant to support the world premiere commission of *EOS*, by Augusta Read Thomas, the first woman and second American composer featured by Utah Symphony under its commitment to commission a new work annually. While Ms. Thomas is a composer of international renown, she has a special connection to Utah: the Utah Symphony previously premiered another of her works as part of our Chamber Music Series in 2007, and Ms. Thomas has also been composer in residence at the University of Utah. In a letter to the Utah Symphony following the premier, Ms. Thomas wrote, "Composers throughout history have needed the strong backing of great musicians, conductors, music leaders, and music lovers, who are of the depth, soul, excellence, vision, and care as you all are at USUO -- who program, perform and support music with expertise and sparkle. Without such support, composition is an impossible endeavor at which to improve. As such, I feel deeply fortunate for your personal investments in my life's work ... I loved being with Barbara Scowcroft and her amazing youth orchestra! Doing all of the various lectures and presentations was rewarding."

Commissioning *EOS* not only helped Utah Symphony audiences experience a longstanding tradition of contemporary music programming, but the work's premiere and surrounding events provided a unique opportunity for audiences in the western U.S., where orchestral music premieres are relatively uncommon. Furthermore, the Utah Symphony partnered with composition departments from nine surrounding universities to bring together composition students, professors, and working composers with Ms. Thomas, who discussed the creative process, career development, and new music in modern society. This NEA grant was more than simply providing seed money for presenting a single piece of music–it was the lynchpin for meaningful engagement with our community and connecting with the next generation of emerging local artists and students. We received wonderful feedback from our local composers who found the open rehearsal experience mesmerizing, delightful, and invaluable as a unique, non-lecture learning experience. Participants were able to watch the artistic process unfold and listen to comments from Ms. Thomas and Music Director, Thierry Fischer, to the symphony musicians as they worked on finer details of putting the piece together, such as articulation and balance of instrumentation.

Due to the success of our NEA-supported projects, USUO will be recording three commissions and world premieres by the Utah Symphony throughout the 2015 calendar year, which is the Symphony's 75th year. A federal grant of just $10,000 has helped make it possible for USUO to undertake other projects with composers, such as recordings and community engagement.

NEA Funding Invests in Local Communities

NEA grants demonstrably support public access to and engagement with new and great art, while also representing a valuable investment in the economic growth of communities nationwide. Ron Jibson, CEO of Questar Corporation has supported the arts and identifies USUO specifically as an important contributor to economic development: "Utah Symphony | Utah Opera presents a level of artistry and culture that would otherwise not exist in our community. The organization is unique in having the capacity and artistic vision to perform major orchestral and operatic works of world class quality right here in Salt Lake City. They are a valuable resource in recruiting businesses and talented individuals who seek a quality of life consistent with the best cities in the nation, with economic impact extending far beyond the revenue generated by performances. Where the arts flourish, the people, and the economy, do as well, and this organization contributes to both a skilled work force and the livability index of our state."

The economic impact locally truly is extraordinary. Utah Symphony | Utah Opera's performance activities generate approximately $45.5 million of consumer expenditures in Salt Lake City and surrounding areas. Perhaps most importantly, it is estimated that 93% of USUO's expenses is directed back to the community. With approximately 120 full-time employees and another 200-300 contracted artists, craftsmen and part-time employees each year, USUO draws extensively from our local community to support our efforts, providing gainful and meaningful employment to individuals, who as consumers and tax payers contribute in turn to our economy rather than taking it out of state. Our audiences at the Capitol Theatre, Abravanel Hall, at Deer Valley, and at other venues throughout the state, spend money on transportation, dining, parking, childcare, and other services that further stimulate the economy and provide revenue for our business partners.

The return on the federal government's small investment in the arts is striking. In 2013, the American creative sector was measured by the federal Bureau of Economic Analysis (BEA) in partnership with the NEA, which calculated the arts and culture sector's contribution to the gross domestic product (GDP) at 4%, the performing arts being one of the top 6 contributors. Yet the return on investment is not only found in dollars. In 2012, 2.2 million people volunteered 210 million hours with arts and cultural organizations, totaling an estimated value of $5.2 billion—a demonstration that citizens value the arts in their communities.

Grants from the NEA reach residents in all 50 states and every congressional district. From its grantees, the NEA requires at least a one-to-one match of federal funds, and on average, each NEA grant generates at least nine dollars from other state, local, and private sources, magnifying the impact of the federal investment and showing a network of support for the arts that is broad and interconnected.

Utah Symphony | Utah Opera Broadens Access to Live Music

As our grant examples have shown, USUO is committed to bringing the experience of live arts to many audiences—both those in our back yard as well as remote, underserved parts of the state. Our *Utah Symphony Mighty 5® Tour* last August took the orchestra on tour to all five of Utah's National Parks, allowing us to be a conduit for community engagement using great live music. The symphony performed in rural areas of Utah where many individuals, both young and old, heard live classical music for the very first time. As one audience member observed, "it's pretty

neat to be able to just walk down the road and be able to see the Utah Symphony—for free—at our park that we come to every day. It's quite the opportunity." We also received extremely positive feedback from local businesses and tourism offices. "This was a one of a kind remarkable event and we are so grateful for the opportunity to have been a part of it and appreciate the special funding given to the Utah Symphony for these iconic performances. I believe we will see economic impacts from this project for several years in this rural area. We are excited at the prospects of teaming up and perhaps being able to showcase the Utah Symphony in our Mighty Five National Parks again one day," said Falyn Owens, executive director of Garfield County Office of Tourism. This tour supported the Utah Office of Tourism's goals of promoting our parks locally, nationally and internationally; made efforts toward contributing to the economic development of the state; highlighted our organization as a kickoff to the 75th Anniversary of the Utah Symphony; and promoted Utah's National Parks in preparation for the Centennial celebration of the National Park System in 2016, which the NEA is also helping to celebrate this year in conjunction with its own 50th Anniversary.

Utah Symphony | Utah Opera is proud to be part of two extraordinary artistic disciplines. Our organization is represented on the national boards of the League of American Orchestras and OPERA America. The opera field has grown continuously and the productions, education, and community support that opera companies provide have evolved to meet the needs of their neighborhoods. Opera companies are finding new and exciting ways to bring the essence of opera to local theaters and community centers, frequently with new and innovative work that reflects the diverse cultures of the cities they serve. Strong partnerships with local schools, performances in non-traditional venues, and community-wide events introduce this multimedia art form to youth and adults who may have long held opera at arm's length.

Similarly, orchestras are continually finding new ways to unite and engage people through creativity and artistry. Orchestras now offer more than 10,000 education concerts, more than 4,000 community engagement concerts, and more than 40 kinds of programs, including pre-school learning, in-depth residencies in schools, afterschool partnerships in high-poverty communities, educational classes for seniors, and health and wellness programs. With more than 1,300 nonprofit symphony, chamber, collegiate, and youth orchestras across the country, America is brimming with extraordinary musicians, live concerts, and orchestras as unique as the communities they serve.

Increased NEA Funding Will Grow America's Creative Capacity

The NEA plays an invaluable role through its direct grants, Federal/state partnerships, and research on trends in public participation and workforce development. Communities nationwide have benefited greatly from federal support for the vitality of the arts, and even more communities could benefit from the myriad programs, workshops, residencies, premieres, free performances, and more that would result from increased support to the agency. The national arts community has called for NEA funding in the amount of $155 million for FY 2016.

Thank you for this opportunity to convey the tremendous value of NEA support for opera companies, orchestras, and communities across the nation. On behalf of the Utah Symphony | Utah Opera, I urge you to support increased funding for the National Endowment for the Arts.

Mr. CALVERT. Thank you. Thank you for your testimony.

Next is Judy Salter, the Board Member for Cal Humanities, a federation of state humanities councils. Welcome.

WEDNESDAY, MARCH 18, 2015.

FEDERATION OF STATE HUMANITIES COUNCILS

WITNESS

JUDY SALTER

Ms. SALTER. Mr. Chairman and members of the subcommittee, I thank you for the opportunity to present testimony on the state humanities councils, which are the state affiliates of NEH. I am an independent arts consultant and a Board Member of Cal Humanities, our local council. I am here to request $155 million for the National Endowment for the Humanities and $46 million for the federal-state partnership.

As a Board Member of Cal Humanities, I can attest to the fiscal responsibility we show in administering these grants. As full partners of the NEH, councils receive their core funding through the federal-state partnership line of the NEH budget, which we then use to leverage additional support from foundations, corporations, individuals and state governments.

For the past several years, every dollar of federal funding has leveraged, on average, $5 in local contributions, for every federal dollar that was awarded for these grants, and furthermore, councils have extended their resources in recent years by forming partnerships with more than 9,000 organizations across the state.

Making connections is at the very heart of the humanities, and the councils forge partnerships not just with NEH and other organizations, but also with and among millions of citizens who take part in our programs.

We have all been involved—most of the councils have been involved over the last several years under the auspices of an NEH special initiative calling Standing Together: the Humanities and the Experience of War. Our councils have carried out programs throughout the states that help to reintegrate returning veterans into civic life and educate their communities on the impact of the war experience to all of us. We were not there. We do not really know what it was. This program has allowed the veterans to tell us what they need and what we need to know about their reintegration into society.

In California, we framed it around a book called *'What It Is Like to Go to War'* by Vietnam veteran Karl Marlantes. Grants from Cal Humanities provided two libraries the ability to have over 500 programs that brought together veterans groups, active military groups, libraries, film screenings, art shows to have this important discussion about what it means to a soldier to come back to society.

In Riverside alone, the Riverside Library over the last several years has conducted a program which brings together veteran-led book discussions and oral histories which are conducted by high school and middle school students to cross that generation gap between what is a soldier now, what is a soldier before, and have stu-

dents have that opportunity to engage in this important Democratic discussion.

I had a wonderful opportunity, Ms. McCollum, to talk to the Minnesota council yesterday to kind of get a perspective of the work that goes on in your state. I was very impressed with the program they did called Veteran Voices Awards, and they were telling me about how they recognized 55 veterans around the state and gave them the opportunity to really highlight their experience and share it with the broader community.

Another project that they did that I thought was interesting and also affects us in California was the project Why Treaties Matter that discussed the relationship between the Dakota and the Ojibwe Nations and the federal government. It is a traveling exhibit that went all around the state, and it is critical to where we are in terms of our relationships with Native Americans at this point.

It seems to me that we are an increasingly divided county but the humanities bring us together to talk, to learn, to listen and to find our common ground. For me as a child of the Vietnam era, I finally found my own peace on that tumultuous era by talking to veterans of Afghanistan and Iraq through The War Comes Home program. This veteran initiative brought me together with these veterans, myself personally, and I could finally lay my anger and some of my disappointment aside because of conversations that took place within this last year.

Through the humanities, we are joined by our common story and our shared strengths. We become our best selves by working in community.

I urge your support of the $155 million for NEH and the $46 million for the state-federal partnership. Thank you very much.

[The statement of Judy Salter follows:]

Testimony on behalf of the Federation of State Humanities Councils
Prepared for the House Appropriations Subcommittee on the Interior, Environment, and Related Agencies by Judy Salter, Board Member, Cal Humanities, Addressing the National Endowment for the Humanities, March 18, 2015.

Mr. Chairman and members of the subcommittee, I thank you for the opportunity to present testimony on behalf of the state humanities councils, the state affiliates of the National Endowment for the Humanities. I am an independent consultant and member of the board of Cal Humanities, the California affiliate of the National Endowment for the Humanities. I am here to request **$155 million** for the National Endowment for the Humanities and **$46 million** for the Federal/State Partnership for FY 2016.

As a board member of the humanities council in California, I can attest to the careful stewardship of federal funds by the councils and the remarkable impact they achieve with a very modest investment of those funds. As full partners of the NEH, councils receive their core funding through the Federal/State Partnership line of the NEH budget, which they use to leverage additional support from foundations, corporations, private individuals, and state governments. For the past several years, councils have leveraged, on average, $5.00 in local contributions for every dollar of federal funding awarded through their grants. Councils further extended their resources in recent years by forming partnerships with more than 9,000 organizations throughout their states.

Making connections is at the very heart of the humanities, and the councils forge partnerships not just with the NEH and other organizations, but also with and among the millions of citizens who take part in their programs every year. These partnerships lead to stronger communities, enlivened local economies, healthier families, reinvigorated teachers, and a more engaged citizenry. In just the past few weeks, these partnerships brought together citizens in Jamestown, North Dakota, for the first of three scholar-led discussions of changes in their state since the oil boom. Residents of Bronzeville and Humboldt Park, Illinois, joined in conversation with teams of journalists to talk about how the media can more effectively tell the stories of gun violence. In Providence, Rhode Island, seven fifth-graders premiered their play, "Open for Business," written collaboratively in a council-supported afterschool playwriting class.

These diverse examples only hint at the tapestry of council programs that enrich the individual and civic lives of Americans every day. Several areas of programming deserve special notice. These include programs that serve 1) veterans, 2) diverse populations, 3) rural communities, and 4) teachers, as well as programs that 5) preserve our local and national cultural heritage, 6) boost local economies, and 7) promote lifelong learning.

Veterans and their communities. Over the past year, under the auspices of the NEH special initiative, "Standing Together: The Humanities and the Experience of War," councils have carried out programs throughout their states that help to re-integrate returning veterans into civic life and educate their communities about the impact of the war experience on all of us. As part of Cal Humanities' "War Comes Home" initiative, 43 library systems, encompassing over 240 branch libraries across California, participated in programming developed around *What It Is Like to Go to War* by Vietnam veteran and *New York Times* bestselling author, Karl Marlantes. Grants

from Cal Humanities enabled the libraries to provide over 500 programs, including reading and discussion events, story-sharing projects, art-making activities, community forums and dialogues, presentations and panel discussions, film screenings, oral history projects and civic engagement and community service projects to support veterans and their families. "CA Reads" forged and strengthened connections between libraries and hundreds of community partners, including local veteran- and active military-serving organizations, colleges, museums, cultural organizations, social service organizations, government agencies, and booksellers.

"Serving: Standing Down, " a reading and discussion program developed by the New York Council for the Humanities, brings veterans together around an anthology of readings compiled and published by the Great Books Foundation of Chicago, also using NEH grant funds. This program offers veterans a unique opportunity to use literature to discuss the challenges and opportunities of transitioning to civilian life. Currently running at six locations in New York City, the program has also been adopted by humanities councils in Florida, Georgia, Kentucky, Montana, New Mexico, Tennessee, Virginia, and Washington.

The Oklahoma Humanities Council focused on an often overlooked veteran population, Native American soldiers. In collaboration with Native American tribal members and Oklahoma Educational Television Authority (OETA), which is Oklahoma's statewide public television station, the council planned a documentary video to show tribal traditions that help soldiers and veterans of each tribe to acclimate to service and adjust to civilian life upon their return. Scheduled to be broadcast statewide on Vietnam Veterans Day, March 26, the documentary involves the Cheyenne, Arapaho, Cherokee, Osage, Comanche, Choctaw, and Creek tribes.

Bringing together diverse populations. Learning to live together is one of the great human challenges. The humanities are one of our best tools to help us do this, whether it involves re-integrating returning veterans or crossing cultural borders. The arrival of new neighbors from other parts of the world can unsettle long-time residents of the nation's communities, and immigrants and refugees ean feel alienated and disoriented in their new homes. The Minnesota Humanities Center's "Reading Together Book Project" seeks to ease the transition for Asian-Pacific families, while also educating other residents about this unique culture. In collaboration with the Council on Asian-Pacific Minnesotans, the humanities council provides children's books that explore the experiences of Asian Pacific Islander (API) children and youth in the United States. More than 10,850 copies of the six titles have been distributed to schools and community centers around Minnesota. The audience is elementary age students, and the books are written to be enjoyed by all Minnesotans. The New Hampshire Humanities Council focuses on adults in their "Connections" reading and discussion project, offered in collaboration with adult basic education and ESL classes. The program uses the best of children's literature and council-trained facilitators to reinforce family literacy, promote English language skills, foster a culture of reading, and nurture conversation in which readers contribute their own ideas and stories. Above all, the program enables immigrants and refugees from a variety of cultures to develop skills and tools to adapt to their new culture.

Serving rural communities. The United States may be an increasingly urban nation, but vast stretches of this country are still dotted with thousands of small towns, whose residents actively seek the intellectual stimulation and civic participation offered by humanities council programs. Throughout rural areas, the humanities councils offer what are often the only live cultural

programs available, through speakers bureaus, traveling exhibits, and reading and discussion programs in local libraries. The library in the small western Maine town of Norway became the hub of such programs when the Maine Humanities Council funded a cultural festival with talks, music, food, film and book discussions throughout the summer and fall of 2013. The success of this program led the library to apply for a follow-up grant from the council to conduct a series of thoughtful discussions of Muslim culture, addressing questions residents had about this culture. The long-standing and highly valued Museum on Main Street program, a collaboration between the state humanities councils and the Smithsonian Institution, has been a presence in small rural communities for more than 20 years, bringing portable Smithsonian exhibits to local libraries, museums and community centers in nearly 700 small towns and engaging their citizens in several weeks of community-initiated cultural activities related to the exhibit. Such programs leave behind a vibrant legacy of collaboration and creative programming.

Supporting the nation's teachers. In both rural and urban areas, our nation's teachers are among our most valuable resources, providing the educational foundation for the children who represent the future success of the nation. But many teachers lack professional development opportunities that increase the confidence, collegial connections, and subject knowledge that are vital to their success as educators. For many years, humanities councils have helped to address this need through weekend workshops, online resources, and summer institutes, offering a rich variety of educational opportunities at a remarkably low cost. The Idaho Humanities Council hosts annual, weeklong, residential summer institutes for K-12 teachers to bolster their understanding and teaching of such topics as the history of the Cold War, the presidencies of Thomas Jefferson and Abraham Lincoln, the history of the American West, the works of Ernest Hemingway, Native American Literature, the Harlem Renaissance, Willa Cather and more. The West Virginia Humanities Council offers resources to their teachers through their e-WV state encyclopedia, which includes a selection of lesson plans designed by West Virginia teachers on such topics as the story of statehood, the daily lives and culture of Native Americans, music by mountaineers, and the history of coal mining in West Virginia.

Exploring local history and heritage. Exploring our local and national history not only helps us gain perspective on past challenges and achievements, but also contributes to a sense of community. Throughout the country, humanities council programs educate and inform citizens and increase civic participation. These programs include speaker events, radio broadcasts, traveling exhibits, and reading and discussion of works by local authors. The Georgia Humanities Council helps its residents explore a 100-year arc of the state's history through their "Civil War to Civil Rights" initiative. The Kansas Humanities Council lets community members study the impact of significant moments in their history through the "Turning Points" documentary film initiative. Humanities Montana educates residents about the year their state became a territory through the council-produced "Montana 1864" publication. These programs and many more illuminate the history of the places citizens throughout the country call home. Some councils achieve this through online sources, such as the Online Nevada Encyclopedia (ONE), which offers articles, images, maps, and interactive media about Nevada, drawing on not just subject specialists but also community voices. Together they tell the constantly evolving story of the people, places, and events that have shaped that state's politics, economy, and culture.

Boosting local economies. Council programs help revitalize such institutions as libraries, museums, and schools, creating thriving communities that attract potential investors, as well as new residents and businesses. Councils also support specific programs that bring business to local restaurants and shops. Councils in Ohio, Colorado, and Nebraska conduct weeklong summer Chautauqua programs that not only engage entire communities but also attract tourists. The Ohio Humanities Council brings history to life in four rural or exurban communities each year with its Ohio Chautauqua program, in which scholars present living history portrayals on stage each evening and conduct daytime workshops for both adults and children. Now in its 17th season, the Ohio Chautauqua has appeared in more than 50 towns across the state. Book festivals in Tennessee, Virginia, South Carolina, Utah, Colorado, and South Dakota draw thousands of attendees and multiple sponsors, enriching communities both culturally and economically.

Providing lifelong learning. The most consistent benefit of the partnership councils form with the citizens of their states is the learning that occurs when people gather to engage with ideas, question, converse, and debate. This learning spans generations, ethnic groups, and socio-economic categories. The learning offered through the councils begins early with the many family literacy programs that councils support and conduct. For example, at the library in Port Townsend, Washington, third- and fourth-grade schoolchildren struggling to gain critical reading skills gathered with their parents in recent months for transformative learning experiences offered through the Humanities Washington-sponsored Prime Time Family Reading program. These children improved their reading skills and their comfort discussing complicated social and ethical themes, while also becoming avid library users. Thousands of children and their families throughout the nation have received a critical boost in learning through such council-supported literacy programs.

The Utah Humanities Council recently launched an accredited interdisciplinary humanities course for underserved 10th and 11th-grade students as an offshoot of their long-standing Clemente Course, which offers college level learning for low-income adults. The pilot for this intellectually rigorous course of study, using primary documents, writing, discussion and group projects as the basis for learning, was launched at East High School in Salt Lake City. Illustrating the tremendous leveraging power of the federal investment in humanities council programs, the project is also supported by East High School, the University of Utah Honors College, Westminster College, and University Neighborhood Partners and receives major support from Alternative Visions Fund.

The desire to learn is what draws hundreds of thousands of Americans to council-supported speaker programs, book discussions, community conversations, traveling exhibitions, online encyclopedias, and book festivals. The joy of discovery prompts them to tune in to council-produced radio broadcasts, such as the Virginia humanities council's "Backstory with the American History Guys," and "Ideas Matter," sponsored by councils in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont. It brings them to libraries, museums, and community centers to engage with ideas and discuss issues that matter. We urge you to support our request for $155 million for the NEH and $46 million for the Federal/State Partnership so humanities councils can continue to partner with the citizens of their states to foster these experiences all across the country.

Mr. CALVERT. Thank you for your testimony. I appreciate that. Craig, it is good to see you.

Mr. OBEY. Good to see you, Mr. Chairman.

Mr. CALVERT. You are recognized for 5 minutes. Like I said, this is a familiar name around here, it is good to see you again.

Mr. OBEY. Yes, indeed, good to see you.

WEDNESDAY, MARCH 18, 2015.

NATIONAL PARKS CONSERVATION ASSOCIATION

WITNESS

CRAIG OBEY

Mr. OBEY. Mr. Chairman, Ms. McCollum, members of the subcommittee, on behalf of the one million members and supporters of the National Parks Conservation Association, I want to thank you for allowing me to testify today. Founded in 1919, NPCA is the national independent voice for protecting and enhancing America's National Park System for future generations.

Before focusing on the request for the Centennial, I want to thank you for your support for the parks including the $39 million increase you provided last year beginning to fund again the Centennial Challenge and also extending the authorization for FLREA while we try to get a long-term reauthorization enacted.

Parks, like the humanities, bring people together, and this is a critical time for our parks. The Centennial is upon us. Our Nation is marketing itself to international tourists with parks and the Centennial is the centerpiece. The state of Utah is marketing the parks. Others are as well. Park Service is working aggressively to connect young Americans to the national parks.

We need National Park budgets to be up to the task, and that is why we support the President's Centennial request. The subcommittee has the opportunity to lead the way just as President Eisenhower did in launching Mission 66 as the Nation approached the 50th anniversary and as the 63rd Congress did when it enacted the National Park Service and the National Park System in 1960.

NPCA asks that you support the National Park Service's requested increase of $239 million for park operations, $113 million for construction, and $40 million for the Centennial Challenge. We also support the Administration's mandatory request related to the backlog and the Centennial Challenge. I fully realize the constraints the subcommittee faces, and NPCA is working hard to address some of those.

We greatly appreciate your leadership, Mr. Simpson, and the support of others on the subcommittee and elsewhere for the Wildfire Disaster Funding Act to help ensure that the wildfire emergencies do not burn through Interior bill resources.

We also recognize that the subcommittee's allocation is insufficient to fully address the needs related to things like the Land and Water Conservation Fund, the National Park System backlog and programs like PILT. We support efforts to find a solution for those that goes beyond just the Interior bill.

Of course, the most useful thing this Congress could do for the parks and other appropriated programs is to repeal the mindless sequester, and at a minimum restore the original Budget Control Act caps. The current caps are unreasonable; our request is not. Adjusted for inflation, our operations and construction requests essentially return the parks to fiscal 2010 levels. In fact, the total construction request for the National Park Service is less than 2 percent of the $11.5 billion backlog. The Park Service gets about $350 million less than they need every year just to keep the backlog from growing.

More than half a century ago, to mark the 50th anniversary of the National Park System, President Eisenhower initiated Mission 66, which invested over $1 billion over 10 years in our parks. Today, that would be worth about $7.2 billion. By comparison, the Obama Administration's request from this subcommittee for fiscal year 2016 is equivalent to 6 percent of what Mission 66 provided. But as modest as they are, those proposed increases will make a real difference for park visitors, local economies, maintenance, and the Park Service's ability to connect the next generation to our national parks. With record visitation last year and the expectation that the Centennial will draw more visitors, these are resources the Park Service needs now.

Ironically, Mission 66 occurred in the context of investments in the interstate highway system yet so far neither the Administration nor Congress has taken meaningful steps to address the portion of the backlog that exists because of insufficient funding from the highway bill. That is obviously not in your jurisdiction but we would encourage the committee to focus the Transportation and Infrastructure Committees' attention on that issue and encourage them to increase the meager $240 million annual allocation to the parks through the transportation bill. The Park Service indicates that that needs to be increased by a factor of four.

Finally, NPCA is pleased that the Obama Administration has taken up the mantle and begun to promote the Centennial Challenge, which was first proposed by the Bush Administration and supported by this subcommittee. NPCA is leading the charge to enact the mandatory authorization for the Challenge as part of the National Park's Second Century Action Coalition. Yesterday, 39 member organizations of the coalition sent you a letter expressing support for the proposed increases I have mentioned this morning, and I would be happy to provide a copy of the letter for the record if that would be helpful. As we seek to enact the Challenge legislation, we hope the subcommittee is in a position again this year to invest further resources under the Challenge cost share to keep this innovative program moving during the Centennial.

The Centennial will not wait. It is coming, ready or not. Now is the time to begin reinvesting in our national parks to connect the next generation to them and to be sure that like those who came before us, we leave a legacy that will make our grandchildren proud.

So thank you very much.

[The statement of Craig Obey follows:]

Statement of Craig D. Obey,
Senior Vice President for Government Affairs, National Parks Conservation Association
Before the Appropriations Subcommittee on Interior, Environment and Related Agencies
March 18, 2015

Mr. Chairman, Ranking Member McCollum, and members of the subcommittee, thank you for the opportunity to submit testimony on behalf of National Parks Conservation Association (NPCA). Founded in 1919, NPCA is the leading national, independent voice for protecting and enhancing America's National Park System for present and future generations. On behalf of our one million members and supporters from every state in the union, I greatly appreciate the opportunity to provide our views regarding the National Park Service budget for the System's centennial year.

NPCA requests for Fiscal Year 2016 appropriated funding for the National Park Service of $3,047,707,000, which is equal to the president's appropriated request, but rejecting his request to reduce National Heritage Area funding by $9,737,000. This includes NPCA's priorities this year of meeting the president's request for:

- $239 million in restored funding for park operations;
- $113 million in restored funding for construction; and
- a $40 million increase in appropriated funds for the Centennial Challenge.

This is a critical time for our National Park System and the National Park Service, which celebrate their 100th birthday next year. Our parks, though beloved by Americans from all walks of life and celebrated worldwide, are under significant financial strain. The centennial of this national treasure is a time to redouble our commitment to our national parks, local economies, and to the future generations for whom we hold them in trust.

We are hopeful that Congress will be able to address this year's budget and appropriations cycle through a more orderly and reasonable process than has too frequently been the case in recent years, yet are fearful that the Interior bill could once again face challenges. We acknowledge the tremendous challenge the subcommittee faces in setting thoughtful spending priorities for the varied federal agencies and programs under its jurisdiction, and are grateful for your consistent support for national parks given the constraints you face. NPCA believes the allocation provided to the subcommittee in recent years has been insufficient and emblematic of the unfortunate squeeze that is being forced on domestic discretionary funding in general. NPCA will continue to be a leader in calling for that to change. We are grateful to the full committee for helping to ensure the subcommittee had the resources to cover programs like PILT in FY 15, which was essential to the modest increase you were able to provide our parks. That said, we believe:

- the sequester must be repealed and, at a minimum, the original Budget Control Act (BCA) caps restored;
- the Wildfire Disaster Funding Act should be enacted; and
- the Interior subcommittee allocation is unlikely to ever be sufficient to meet the full needs of the Land and Water Conservation Fund (LWCF), the National Park System

backlog, or the Payments In Lieu of Taxes (PILT) and Secure Rural Schools (SRS) programs, which should receive mandatory support outside of the Interior bill.

Although the subcommittee clearly is facing challenges, we believe our request is modest. To mark the 50th anniversary of the National Park System in 1966, President Eisenhower initiated "Mission 66," which invested over $1 billion in national park enhancements and improvements to visitor facilities throughout the system--$7.2 billion in today's dollars. By comparison, the Obama administration's proposed new three-year investment for the centennial is worth 1/7 of that amount, and the $433 million portion they request from this subcommittee for FY 16 is equivalent to six percent of what Mission 66 provided. Adjusted for inflation, the proposed $239 million increase for park operations and $113 million increase for construction essentially restores park budgets to FY 10 levels.

Visitation to our national parks can fluctuate, but rose 7% from 2013 to 2014, to 292 million people. Joshua Tree, Rocky Mountain, Grand Teton and Glacier National Parks saw record-breaking visitation in 2014. Visitation is expected to continue to grow with increased visibility of our parks for their Centennial, which has obvious implications for National Park Service funding needs.

For many years now, NPCA has shared with the subcommittee the impacts of compounded budget cuts on the National Park Service and the impacts of those cuts to visitors and communities surrounding national parks. We applaud efforts of the subcommittee in FY 15 in securing a $39 million increase in park operations funding, as well as a $10 million reinvestment in the Centennial Challenge, first proposed by the President George W. Bush administration, and now by President Obama, to leverage private donations with federal dollars.

However, even with those modest increases, the budget to operate our national parks has been cut by nearly seven percent in today's dollars compared to five years ago. The National Park Service has experienced operations shortfalls ranging from estimates of $500 million to as much as $800 million annually. The investment in operations in FY 15 provided some relief by addressing fixed cost increases such as cost-of-living adjustments for staff, rent, fuel, utility, and health care benefits. Park managers continue to do the best they can with reduced levels of funding to operate and maintain our national treasures and saving from employee attrition. However, park managers will share with you that operating a park with insufficient staff has started to compromise their ability to protect resources from damages and provide adequate visitor services. The result of chronic funding deficiencies, particularly due to the sequester but not limited to it, have been:

- fewer park rangers and other staff providing day-to-day maintenance of parks;
- parks and park facilities opening later and closing earlier or more frequently;
- visitor centers operating with fewer rangers or closing altogether due to lack of staff;
- compromised science and resource protection and decreased day-to-day maintenance;
- fewer backcountry patrols to ensure visitor safety and prevent poaching and looting; and
- other impacts that compromise resources and public enjoyment and safety.

Additionally, over the past decade, the National Park Service construction budget has been cut by over $227 million, or 62% in today's dollars, contributing to the now $11.5 billion deferred maintenance backlog. Deficiencies in operations and transportation funding have also contributed to the maintenance backlog, with the parks receiving about $350 million less than necessary each year to keep the backlog from growing.

Polling we have shared with this committee several times conducted by Hart Research Associates and North Star Opinion Research indicated that 9 out of 10 likely voters agree that funding for our national parks should be held stable or increased. A strong bipartisan majority of Americans (73%) believe it is important that the parks are fully restored and ready for the national park centennial in 2016. The broad support for our national parks is reflected in the membership of the National Park Second Century Action Coalition, which NPCA chairs and includes the active membership of a broad cross-section of the travel and outdoor industries, historic preservation and conservation interests, national park friends groups and other philanthropic organizations, park concessioners, and other national park supporters.

NPCA and the coalition advocated, and the Obama administration has proposed a multi-year centennial initiative that builds on the one proposed by the George W. Bush administration. The administration proposes to reinvest in national parks and to begin addressing the maintenance backlog both through discretionary and mandatory funding approaches. The fact that Presidents Bush and Obama both have supported strong centennial efforts provides further evidence of broad, nonpartisan support for the parks, which I know this subcommittee shares. The question now is: what will Congress do? We sincerely hope this subcommittee and your colleagues outside this subcommittee will seize this moment to produce a legacy that will be looked upon fondly both now and 50-to-100 years from now.

The proposed $239 million increase for park operations focuses predominantly on enhancing cyclic maintenance funding, while also enhancing the visitor experience, better connecting young people with their natural and cultural heritage, improving the NPS focus on the important impacts of the civil rights movement, and helping to ensure that park visitors can find a park ranger when they need one. The proposed increase of $113 million for the construction account will help address the deferred maintenance backlog by supporting the replacement and repair of water systems essential to public health and the visiting experience, the repair of visitor facilities and trails, and the removal of some excess, dilapidated structures.

Under current allocations established by the BCA and sequester, it is difficult to see how this subcommittee will ever be able to address the $11.5 billion backlog. So, the administration again proposes, and we support, enacting legislation to begin reducing the backlog through a mandatory account. An initiative that attacks the backlog would produce needed construction jobs while restoring America's treasures. A flaw in the administration's proposal, however, is that their budget completely ignores the transportation-related half of the backlog. Ironically, Mission 66 occurred in the context of investments in the Interstate Highway System. Yet, so far, neither the administration nor congressional proposals attempt to improve the current $240 million allocation for national parks under the transportation bill and reduce the backlog.

On the other hand, the administration was correct to propose enacting and funding the Bush administration-proposed Centennial Challenge. As we seek to enact legislation to authorize this innovative program, we hope the subcommittee is in the position again this year to invest discretionary resources to get the Challenge off the ground. By building on last year's $10 million investment with the additional $40 million the administration proposes, the subcommittee can leverage scarce federal dollars to produce even greater non-federal investments for signature projects at parks throughout the country.

We also support the administration's request of $178 million for the National Park Service's portion of the Land and Water Conservation Fund, a critical tool for protecting our national parks. Park Service LWCF funding has declined from $126 million in FY 10 to less than $100 million in FY 15, a decline of more than 20%. The administration proposes partially funding LWCF with mandatory funds in FY 16 and providing full funding with mandatory funding starting in FY 17. The acquisition of inholdings is directly related to better managing the places in which our nation already has made a significant investment. LWCF boosts access and the recreation economy; reduces administrative and management costs; reduces the threat of fire and invasive species introduction; and has many other benefits.

We are grateful that this subcommittee has supported two extensions of the Federal Lands Recreation Enhancement Act (FLREA), which has currently been extended through the end of FY 16. If not reauthorized, public lands could lose over $300 million annually to support maintenance, education, and other priority projects, with national parks making up about 2/3 of that amount. The administration proposes an extension to September 30, 2017 until a long term reauthorization can occur. As NPCA continue to advocate for a long term reauthorization of FLREA with the respective authorizing committees, we hope the subcommittee will continue to support annual extensions, as necessary. Currently, without reauthorization by September 30, 2015, the agencies will lose their authority to issue the annual pass.

Finally, we reject the administration's request to cut the National Heritage Area funding by 50%, or $9,737,000, as well as specifically realign $650,000 of program budget from the Blackstone River Valley National Heritage Corridor to the general National Park Service operations account.

Overall, the budget for the National Park Service constitutes less than 1/15th of one percent of the federal budget, and our research shows that the average American household pays roughly as much in income taxes for their national parks as it would cost to buy a cup of coffee. Now is the time to reinvest in our national parks and prepare them for another hundred years of service. Every member of this subcommittee understands the deep affection the American people feel for our national parks. With the centennial upon us, it is time to make taking care of the national parks a priority. We thank this subcommittee for your leadership and are eager to work with you to build on the investments made last year, and ensure that our national parks are protected for generations to come.

Thank you again for the opportunity to testify. I am happy to respond to any questions you may have.

Mr. CALVERT. Thank you, Craig. I appreciate your testimony.
Jim, good to see you again.
Mr. LIGHTHIZER. Nice to see you, Mr. Chairman.

WEDNESDAY, MARCH 18, 2015.

CIVIL WAR TRUST

WITNESS

O. JAMES LIGHTHIZER

Mr. LIGHTHIZER. Mr. Chairman and Ranking Member McCollum and ladies and gentlemen of the subcommittee, my name is Jim Lighthizer, and it is my privilege to be President of the Civil War Trust. The Civil War Trust is an American heritage land preservation group, and I come before you to speak in support of the American Battlefield Protection program that is authorized at $10 million. It is in the President's budget at about $8.9 million. That is what you more or less have funded it in the recent past. That is fine. I come to you in gratitude. This committee in particular, the Congress in general, has been a tremendous partner with the Civil War Trust and other private sector nonprofit groups in preserving American heritage land, specifically Civil War battlefields. Our reauthorization which you all passed this past Congress now expands it to the Revolutionary War and the War of 1812, the mandate to preserve land. This land, by the way, that we are authorized, or the law authorizes us to save, is outside of National Park Service boundaries.

In the last roughly 15 years, this law, this funding, which is a one-to-one match—you got to get $1 from the private sector or somewhere other than the federal government to get a federal dollar—has saved over 24,000 acres of American battlefields, American heritage land. I do not know of another program in American history that has saved that much American heritage land other than this partnership between the United States Congress and the private sector. It has been an unbelievable program. Like I said, I do not know another program in American history that has done what you all have been able to do in conjunction with those of us in the private sector. So my message is, it is authorized at $10 million, the $8.9 million, fine. It is the real world, and you all have other priorities and things to balance. This is Earth, not Heaven.

So my message is thank you. It has been a terrifically successful program. It preserves our American heritage. They are outdoor classrooms. They teach future generations. There is no residual cost to the United States Government because it stays outside of the Park Service purview unless they want to buy some of it.

I would like to just give you one statistic. In the first 120 years that the United States Government was in the battlefield preservation business with respect to, I will just pick Civil War, the United States Government War Department, Interior Department in the last 100 years, has saved about 75,000 acres of Civil War battlefield land. In the last 15, the Civil War Trust, and there are others but it is mainly us, has saved over 41,000 acres, and as a practical matter, and I think Jon Jarvis would tell you this, in the last 6,

7, 8 years, we are the ones that preserve Civil War battlefield land. It is not the United States Government as an entity through the Interior Department, National Park Service.

So it has been a terrific partnership. We thank you. We hope it continues.

[The statement of O. James Lighthizer follows:]

Testimony of O. James Lighthizer, President
Civil War Trust

Before the Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
United States House of Representatives
March 18, 2015

Introduction

Mr. Chairman and members of the subcommittee, thank you for the opportunity to speak to you today. My name is James Lighthizer, and I am the president of the Civil War Trust. I come before you today to respectfully request that the House Appropriations Subcommittee for Interior, Environment, and Related Agencies fund the National Park Service's American Battlefield Protection Program at its authorized amount of $10 million.

The Civil War Trust is a national nonprofit organization dedicated to preserving America's remaining Civil War, Revolutionary War, and War of 1812 battlefields. Thanks to the generosity of our 200,000 members and supporters, the Civil War Trust has protected more than 40,000 acres of critically important battlefield land in 20 states.

The American Battlefield Protection Program's land acquisition grants program is an authorized competitive matching grants program that requires a 1 to 1 federal/non-federal match, although on most occasions the federal dollars are leveraged much more than 1 to 1. The program promotes cooperative partnerships between state and local governments and the private sector to protect high priority battlegrounds outside National Park Service boundaries.

Battlefield Lands are Our Shared American Heritage

America's battlefields are an irreplaceable part of our shared national heritage. When preserved, these battlefields serve as outdoor classrooms to educate current and future generations about the defining moment in our country's history. They are living monuments, not just to the men who fought and sacrificed there, but to all who have proudly worn our nation's uniform. Preserved battlefields are also economic drivers for communities, bringing in tourism dollars that are extremely important to state and local economies. When these hallowed grounds are lost, they are lost forever.

Origins of the Program

In 1990, Congress created the Civil War Sites Advisory Commission (CWSAC), a blue-ribbon panel composed of lawmakers, historians and preservationists, to exam the status of America's Civil War battlefields. Three years later, the Commission released a report identifying the most important Civil War battlegrounds, prioritizing them according to preservation status and historic significance. In addition, the Commission also recommended that Congress establish a federal matching grant program to encourage the private sector to invest in battlefield preservation. The Commission's proposal for federal matching grants was the genesis of today's American Battlefield Protection Program's land acquisition grants program.

The National Defense Authorization Act for FY 2015 (P.L. 113-291) reauthorized the battlefield acquisition grants program and expanded its eligibility to include Revolutionary War and War of 1812 battlefields, in addition to Civil War battlefields. Similar to the Civil War grants, which are awarded for priority battlefield land identified in the CWSAC report, funding for Revolutionary War and War of 1812

battlefields will target sites listed in a 2007 study by the National Park Service. Among the battlefields that could potentially benefit from the expanded program are: Bennington, N.Y. and Vt.; Brandywine, Pa.; Cowpens, S.C.; Caulk's Field, Md.; Guilford Courthouse, N.C.; Princeton, N.J.; River Raisin, Mich.; Saratoga, N.Y.; and Yorktown, Va.

Since the program was first funded in FY1999, grants have been used to protect 24,000 acres of hallowed ground in 17 states. Among the many battlefields that have benefited from this program are: Antietam, Maryland; Bentonville, North Carolina; Champion Hill, Mississippi; Chancellorsville, Virginia; Chattanooga, Tennessee; Gettysburg, Pennsylvania; Harpers Ferry, West Virginia; Mill Springs, Kentucky; Prairie Grove, Arkansas; and Wilson's Creek, Missouri. It is important to note that grants are awarded for acquisition of lands from willing sellers only; there is — and never has been — any eminent domain authority.

Urgent Need for Funding

The Civil War Trust wishes to thank the Subcommittee for its previous support for this valuable program. We recognize that these are difficult economic times and appreciate the constraints on this Subcommittee. However, we must point out that the clock is ticking on the remaining battlefields of the Revolutionary War, War of 1812 and Civil War. The Civil War Trust estimates that, in the next decade, most unprotect battlefield land will be either developed or preserved. Full funding for the American Battlefield Protection Program at its authorized level of $10 million a year will enable nonprofit groups like the Trust to protect as many key battlefield lands as possible in the limited time remaining.

Conclusion

The Revolutionary War, the War of 1812, and the Civil War were defining moments in our country's history. Our forbearers secured our independence from Great Britain and forged our democratic ideals during the Revolutionary War and War of 1812. During the Civil War, the great armies of the North and South clashed in hundreds of battles that reunited our union and sounded the death knell for slavery. Preserved battlefields help insure that the sacrifices of these turbulent periods in our nation's history are never forgotten

Mr. Chairman Calvert and Ranking Member McCollum, I sincerely hope you and your subcommittee will consider our request to provide funding of the American Battlefield Protection Program's land acquisition program at its authorized level of $10 million. We look forward to working closely with you as we continue our important work to preserve America's sacred battlefield lands. Thank you for the opportunity to address the committee.

Mr. CALVERT. Thank you, Jim, for your testimony, and I thank all of you.

I know that there might be some comments from the panel. I was talking about common ground and fixing the budget cap or sequestration issues. That is a great thing for us to do. But as you know, we are operating under the budget caps. The Budget Committee, I think, is meeting today as a matter of fact to mark up the budget and——

Mr. SIMPSON. You are a former member of it.

Mr. CALVERT. So are you, Mr. Chairman. We were freed, free at last.

But we will see what happens. You know, some things are beyond our pay level around here so hopefully there is maybe a miracle that occurs and there will be some kind of a budget agreement down the road if we can find that common ground. We will see.

But I certainly appreciate all your testimony. Jim, your organization has done a fantastic job preserving American legacy land throughout the United States, and we are very proud of what you do, and certainly the National Park Service is probably the most popular agency in the United States Government. Of course, Congress probably is the least popular, so we appreciate popular folks in the United States Government and we appreciate what you are doing, Judy and Melia in Utah. I saw an opera once out in the middle of nowhere. As a matter of fact, it was in Utah in the Zion National Park many years ago, but it was fabulous.

Any other comments from the panel?

Ms. MCCOLLUM. Thank you all for your testimony. Speaking to what we have heard about the arts and the humanities, we in Minnesota had an Indian war going on while the Civil War was going on. Because work on treaty rights has been mentioned, I want to say how humanities helped the Native American community and the rest of Minnesota come together and the healing that took place. People were able to come together and talk about how both sides had wronged and both sides had tried to do right with individuals, not just looking at the State of Minnesota and the Indian tribes but looking at the individual and how it impacted the individual and how we finally did a public reconciliation. There had been a private one, but to do a public one was very, very impactful, and I am very pleased that the Treaties Matter exhibit is going forward.

We were also talking about celebrating anniversaries. It is the 40th anniversary of the Hmong coming from the refugee camps from the secret war during Vietnam. The biggest round of applause when I was at the Minnesota History Center at a presentation was thanking the Hmong soldiers for saving the lives of so many of our American soldiers and the recognition and the healing that continues to move forward from Vietnam but the lesson was learned not to repeat it with the Afghan and Iraq veterans.

So thank you all for your testimony.

Mr. CALVERT. Mr. Simpson.

Mr. SIMPSON. Thank you all for your testimony. I have been to the Utah Symphony. It is great, and I hope to make it back at some point in time.

Judy, you may give the best testimony because you did the key. You mentioned Riverside, California. That would be the chairman's district. That is brilliance.

Craig, thank you for all that you do in the park conservation, and while we cannot put off the Centennial, we also cannot put off October 1st. We know when that comes every year, and we cannot seem to get our budget done on time, but we are going to try this year to get it done. But you do some incredible work, and it is an important time for the Park Service.

And Jim, you have told me that you were going to take me out to Antietam, and——

Mr. LIGHTHIZER. A standing offer, sir.

Mr. SIMPSON [continuing]. This year I am going to take you up on it this spring.

Mr. LIGHTHIZER. Even though you have been overthrown as chairman, that offer is still out there.

Mr. SIMPSON. We will do it. Okay. And there are several members that want to tag along so——

Mr. LIGHTHIZER. I will get back to you.

Mr. CALVERT. Because Jim came by and told me one of my ancestors was actually killed at Antietam fighting for the Confederacy.

Mr. SIMPSON. For the what?

Mr. CALVERT. For the Confederacy. My family is from Texas, so there you go.

Mr. SIMPSON. Thank you all.

Mr. CALVERT. Our next panel, Mr. Shaw Sprague will sit here in this chair, and then we are going to move in that direction. Elizabeth Hughes, President of the National Conference of State Historic Officers; Derek Crandall, National Park Hospitality, and Jim Ogsbury, Western Governors Association. We got everybody in the right order. It makes it easier for our recorder.

We thank you for coming, you probably heard my discussion about the 5-minute rule. Green means go ahead and talk, and yellow means hurry up and red means stop, so we appreciate your being here, and with that, Mr. Shaw Sprague, National Trust Historic Preservation.

Mr. SPRAGUE. I believe so.

Mr. CALVERT. Okay.

WEDNESDAY, MARCH 18, 2015.

NATIONAL TRUST FOR HISTORIC PRESERVATION

WITNESS

SHAW SPRAGUE, JR.

Mr. SPRAGUE. Chairman Calvert, Ranking Member McCollum, members of the subcommittee, thank you for the opportunity to present the National Trust for Historic Preservation's recommendations for the fiscal year 2016 Interior appropriations bill.

My name is Shaw Sprague. I am the Director of Government Relations and Policy. The National Trust for Historic Preservation is a private, nonprofit organization chartered by Congress in 1949, and we work to save America's historic places to enrich our future.

I wanted to take just a few minutes to highlight a number of the programs that we view as critical to carrying out our work. Foremost among them is the Historic Preservation Foundation, which is the principal source of funding to implement our Nation's historic preservation programs. Like the Land and Water Conservation Fund, it is dedicated funding that is generated from offshore oil and gas lease revenue.

The National Trust applauds the Administration's request of $89.9 million for the HPF, which includes an increase of $33.5 million over last year's enacted level for the Civil Rights Initiative.

The HPF request also includes a much-needed increase of $1 million over last year's enacted level for Tribal Historic Preservation Officers. This modest increase would begin to address the increasing number of tribes that participate in this program.

Among these important increases, however, we were disappointed the Administration did not also request an increase for the State Historic Preservation Officers. We would urge the committee to provide the much-needed funding for both the SHPOs and THPOs, as they provide essential preservation services to our country.

With regard to the operations budget, the National Park Service is responsible for managing 407 units within the system. Worth emphasizing is that the great majority of these parks were created to protect historic and cultural resources. Over the past 20 years, more than 40 new parks have been added to the park system, many of which preserve the places that have been underrepresented within the system. We support the President's requested increase of $239 million for the National Park Service operations budget, and specifically within that account, funding for the repair and rehabilitation program is critical as in the overall deferred maintenance strategy that directs funds to high-priority assets with deferred maintenance needs of less than $1 million. So approximately $4.5 billion of the overall deferred maintenance backlog is for the 27,000 properties that are listed on the National Register of Historic Places and within our national parks.

We also wanted to note that in recent years the committee has included report language encouraging National Park Service to utilize leases as a means of mitigating the maintenance backlog for historic structures. We fully support this approach and recommend that the committee request the Park Service report on its actions and to expand this approach in order to bring more private dollar—private investment into our parks.

The National Trust also supports the Administration's $2 million request to increase volunteer capacity through partner organizations. As part of our commitment to advancing the 21st Century Conservation Service Corps, our interest in reducing the maintenance backlog and our interest in engaging youth, the National Trust launched the Hands On Preservation Experience, or the HOPE Crew Initiative, in 2014 to train young adults in preservation skills while helping protect and restore historic sites.

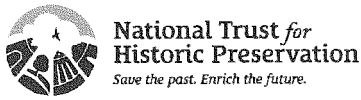
A critical but often overshadowed role for the Bureau of Land Management is to oversee the largest and most diverse collection of historic and cultural resources on our Nation's public lands. This includes over 360,000 cultural sites, nearly 4,000 archaeological

sites, 431 historic structures, and 108 properties that are listed on the National Register. Accordingly, we support the President's request of $17.2 million for BLM's Cultural Resources Management program.

And finally, the National Trust strongly supports robust funding for the Land and Water Conservation Fund. Many of the Nation's most significant historic and cultural landscapes have been permanently protected through LWCF.

Thank you, and I appreciate the opportunity to present the National Trust recommendations for fiscal year 2016.

[The statement of Shaw Sprague follows:]



Statement of the National Trust for Historic Preservation
Fiscal Year 2016 Interior, Environment and Related Agencies Appropriation
Committee on Appropriations, U.S. House of Representatives
March 18, 2015

Mr. Chairman and Members of the Subcommittee, I appreciate this opportunity to present the National Trust for Historic Preservation's recommendations for Fiscal Year 2016 appropriations. My name is Shaw Sprague and I am the Director of Government Relations and Policy. The National Trust is a privately-funded nonprofit organization chartered by Congress in 1949. We work to save America's historic places to enrich our future.

The nation faces a challenging fiscal environment. The National Trust recognizes there is a need for fiscal restraint and cost-effective federal investments. However, we do not believe that preservation, conservation and recreation programs should suffer from disproportionate funding reductions. We look forward to working with you, Mr. Chairman, as you address the ongoing needs for investments to sustain our nation's rich heritage of cultural and historic resources that generate lasting economic vitality for communities throughout the nation.

Historic Preservation Fund. The Historic Preservation Fund (HPF) is the principal source of funding to implement the nation's historic preservation programs. Like the Land and Water Conservation Fund, its dedicated revenues are generated from oil and gas development on the Outer Continental Shelf.

The National Park Service distributes HPF grants that are matched by State Historic Preservation Offices (SHPOs) and Tribal Historic Preservation Offices (THPOs). Inadequate HPF funding limits support for preservation activities such as survey, nomination of properties to the National Register of Historic Places, public education, project review required by the National Historic Preservation Act and for the federal Historic Rehabilitation Tax Credit (HTC). The HTC is the largest federal investment in historic preservation. It has catalyzed the rehabilitation of more than 40,300 buildings. Since its creation more than 30 years ago, the HTC has created 2.49 million jobs and leveraged nearly $117.6 billion in private investment.

The National Trust applauds the Administration's request of $89.9M for the HPF. Most of the $33.5M increase is associated with the Civil Rights Initiative, including a new $30M competitive grants program to document, interpret, and preserve the stories and sites associated with the Civil Rights Movement and the African-American experience, and $2.5M in grants for Historically Black Colleges and Universities. The request would continue for a third year the $500,000 competitive grants program for the survey and nomination of properties associated with communities currently underrepresented in the National Register of Historic Places and National Historic Landmarks. Recent studies have documented that less than 8% of such listings identify culturally diverse properties.

The request also includes a much needed increase of $1M over FY15 enacted for THPOs. This modest increase in funding would address an increase in participation among THPOs from 154 tribes in FY15 to potentially 160 tribes in FY16. We were disappointed that the Administration

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did not request any funding increase to the SHPOs. We urge the Committee to provide the much needed increases for SHPOs and THPOs to provide their essential preservation services.

National Park Service: Civil Rights Initiative. The National Trust strongly supports President Obama's $50 million Civil Rights Initiative in this 50th anniversary year of the Voting Rights Act. In addition to the new competitive grant programs funded through the HPF, the request includes $17.5M in funding for sites within the National Park System, including the Selma to Montgomery National Historic Trail, the Little Rock Central High School National Historic Site and the Martin Luther King Jr. National Historic Site.

National Park Service: Operation of the National Park System and Cultural Resources Stewardship. The National Park Service (NPS) is responsible for 407 units of the National Park System ranging from the battlefields where our ancestors fought and died to places that stir the soul like the Statue of Liberty and Ellis Island, the gateway for millions of new Americans. Three-quarters of our parks were created to protect our most important historic and cultural resources. Over the past 20 years, more than 40 new parks have been added to the park system, many of which preserve historic places and themes that have been underrepresented within the system.

We support the President's Budget proposal of $239 million above the FY15 enacted level for National Park Service Operations. The increase includes several Centennial Initiative requests of great importance to the preservation community, including increases of $66.7M for repair and rehabilitation projects, $64M for cyclic maintenance, $13.5M for new responsibilities and critical needs, $5.5M for the documentation and preservation of Civil Rights history in the National Park System and $3M for the Cultural Resource Challenge.

Repair and Rehabilitation. The Repair and Rehabilitation Program is a part of the overall service wide deferred maintenance strategy that directs funds to high priority mission critical and mission dependent assets with deferred maintenance projects less than $1 million. Approximately $4.5 billion of the overall deferred maintenance backlog is for the 27,000 properties listed on the National Register of Historic Places within National Park units. The deferred maintenance backlog on these properties is the result of cyclic maintenance not being performed in a timely manner.

Cyclic Maintenance. Investing in cyclic maintenance required to maintain historic structures is essential to abate the continued growth of the deferred maintenance backlog. The kind of projects addressed by cyclic maintenance funding includes roofing of buildings, re-pointing masonry walls, painting, sealing and stabilizing archaeological sites.

Leasing Historic Structures in National Parks. In recent years, the Committee has repeatedly included report language encouraging the NPS to utilize leases as a means to mitigate the maintenance backlog of historic structures. The Service is slow to implement the policy changes necessary to facilitate more leasing and catalyze even broader use of this important authority. We recommend that the Committee request the NPS to report on its actions to expand this public-private approach to bring private investment into the parks.

Visitor Services: New Responsibilities and Critical Needs. We support the requested $13.5 million increase to support the operations of newly established units of the National Park System including the recently established Pullman National Monument in Illinois and Honouliuli National Monument in Hawaii. The requested increase would also support the

critical operating needs of parks with Civil Rights stories, including the Selma to Montgomery National Historic Trail and the Carter G. Woodson Home National Historic Site.

Visitor Services: Increase Volunteer Capacity and Engaging the Next Generation
We support the Administration's $2M request to increase increased volunteer capacity through partner organizations. In conjunction with funding enacted in the FY15, this would fund increased partnership opportunities with conservation corps to support an additional 70 volunteer coordinator positions, for a total of 140 positions.

As part of our commitment to advancing the goals of the 21st Century Conservation Service Corps, and assist the NPS reduce the maintenance backlog of historic properties, the National Trust launched the HOPE (Hands-On Preservation Experience) Crew initiative in 2014 to train young adults in preservation skills while helping protect and restore historic sites. Youth and veterans are trained in the preservation skills necessary to perform preservation work in the parks and other federal lands through a cooperative agreement between the NPS, other federal land management agencies, and several NGOs including the Student Conservation Association and The Corps Network. In the first year, nearly 100 Corpsmembers spent 20,000 hours completing 15 projects, including rehabilitation of properties at Shenandoah National Park, LBJ National Historical Park, FDR National Historical Site and Little Big Horn Battlefield National Monument. Projects like this can reduce the maintenance backlog while also providing job skills and education for the next generation of stewards of America's most important historic sites.

National Park Service: Construction. We support the requested increase of $91M over FY15 enacted for the Line Item Construction program. This account addresses the deferred maintenance for the NPS' highest priority non-transportation assets with projects larger than $1M. We also support the President's request that this fund be used for the repair and stabilization of important historic structures as opposed to new construction. Of the 6,735 highest priority non-transportation assets approximately 4,000 have deferred maintenance needs. Examples of these needs include critical health and safety issues in the lobby of the Many Glacier Hotel in Glacier National Park; the rehabilitation of historic cottages, and reroofing Ebenezer Church and seven historic houses at Martin Luther King, Jr. National Historic Site; and the rehabilitation of the Lincoln Memorial to provide accessible spaces, restrooms and pathways.

National Park Service: National Heritage Areas. We recommend funding for National Heritage Areas (NHAs) at the FY15 enacted level or higher. The Administration's repeated proposals to reduce NHA funding, justified as "encouraging self-sufficiency," would severely impair the sustainability of the program and most likely have the exact opposite effect by rendering many NHAs not self-sufficient, but rather unable to function. National Park Service Director Jon Jarvis has described National Heritage Areas as "places where small investments pay huge dividends." We agree.

National Park Service: Centennial Challenge
We support the $10M Centennial Challenge to provide dedicated federal funding to match donations for signature National Park Service projects and programs. This funding will allow the NPS to leverage private contributions to enhance visitor services and improve cultural and natural resources across the parks in the Service.

Bureau of Land Management: Cultural Resources Management
The BLM oversees the largest, most diverse and scientifically important collection of historic and cultural resources on our nation's public lands as well as the museum collections and data

associated with them, including 10 million artifacts and specimens, 366,232 documented cultural sites, 3,965 monitored archaeological sites, 431 maintained historic structures and 108 properties listed on the National Register of Historic Places. This program funds National Historic Preservation Act (NHPA) Section 106 review of 13,000 land use proposals each year, compliance with the Native American Graves Protection and Repatriation Act and Government-to-Government consultation with Indian Tribes and Alaska Native Governments. Since FY03 this program has lost 19 FTEs while the demand for Section 106 compliance has remained even or increased. The loss of personnel has diminished the BLM's ability to review land proposals like transmission lines, energy development and recreation permits.

We support the Administration's FY16 request of $17.2M, a modest increase of $2.075M above FY15 enacted. The increased support is necessary to fulfill BLM's statutory requirements for Section 106 reviews of land use proposals, and NHPA's Section 110 requirements for inventory and protection cultural resources. The increase would support 60 on-the-ground surveys of sensitive areas, site protection and stabilization projects for priority sites vulnerable to unauthorized activities and damage due to fire, erosion and changing water levels. Projects will also update predictive modeling and data analysis to enhance the BLM's ability to address large-scale, cross jurisdictional land-use projects.

Bureau of Land Management: National Landscape Conservation System. The Bureau of Land Management's (BLM) National Landscape Conservation System (National Conservation Lands) includes 30 million acres of congressionally and presidentially designated lands, including National Monuments, National Conservation Areas, Wilderness, Wilderness Study Areas, National Scenic and Historic Trails, and Wild and Scenic Rivers.

As the nation's newest system of protected lands, the National Conservation Lands encompass some of our country's most significant historic and cultural resources, yet the BLM's ability to steward these resources is undermined by insufficient funding. The National Conservation Lands are just one-tenth of BLM managed lands but they host one-third of all BLM's visitors. Without sufficient funding, the BLM struggles to complete essential resource protection, such as signing trails, inventorying and protecting cultural sites from looting and vandalism.

We support the Administration's FY16 request of $81.079 million, a $11.181 million increase over FY15 enacted, in order to prevent critical damage to the resources found in these areas, ensure proper management and provide for a quality visitor experience. This funding level would enable BLM to hire essential management and law enforcement staff, monitor and protect natural and cultural resources, close unauthorized routes that damage fragile cultural sites and undertake needed ecosystem and species restoration projects.

Land and Water Conservation Fund. The National Trust supports robust funding for the Land and Water Conservation Fund. Many of the nation's most significant historic and cultural landscapes have been permanently protected through LWCF investments, including Martin Luther King Jr. National Historic Site, Canyons of the Ancients National Monument and Harpers Ferry National Historic Park. Culturally significant projects in the FY16 request include Cedar Creek and Belle Grove National Historical Park (VA), Pecos National Historical Park (NM), Gettysburg National Military Park (PA) and the Captain John Smith Chesapeake National Historic Trail (DC/DE/MD/VA). We strongly support the Administration's request for the American Battlefield Protection Program Grants.

Thank you for the opportunity to present the National Trust's recommendations for the FY 2016 Interior, Environment and Related Agencies appropriations bill.

Mr. CALVERT. Thank you.

Next, Ms. Elizabeth Hughes, President of the National Conference of State Historic Preservation Officers. Welcome.

WEDNESDAY, MARCH 18, 2015.

NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS (NCSHPO)

WITNESS

ELIZABETH HUGHES

Ms. HUGHES. Thank you. Thank you very much.

My name is Elizabeth Hughes. I serve as the State Historic Preservation Officer in Maryland as well. Thank you very much, Chairman Calvert and Ranking Member McCollum for having us here today. We certainly appreciate your support over the years. I am here to speak specifically to the Historic Preservation Fund.

You may be familiar with SHPOS. That is the State Historic Preservation Officer abbreviation. I am here on behalf of 59 of those that are in our states and territories.

SHPOs, as you may know, really represent a one-of-a-kind federal-state partnership where the National Historic Preservation Act, which will be celebrating its 50th anniversary in 2016, really sets the federal historic preservation policy and the states carry it out. We match funds provided by the Historic Preservation Fund, which is allocated to us to carry out these duties with a 40 percent match. It is a matching grant program. State and Tribal Historic Preservation Offices benefit from the Historic Preservation Fund.

The National Historic Preservation program differs from other conservation programs insofar as it is primarily one of assistance. It is not one of acquisition. So the federal government, as you may know, really is not responsible for most of our Nation's historic properties. Rather, the SHPOs working with individuals, communities, local governments, state agency partners as well as federal agency partners really provide the tools that they need to identify, protect and enhance historic resources that are important to our citizens.

SHPO responsibilities are diverse, and that is one of the beauties of the federal-state partnership. Really, the program can be tailored to each state's particular priorities. It is not a one-size-fits-all policy. States create historic preservation plans every 5 years and so we are hearing directly from our citizens every 5 years to improve our programs.

To give you some sense of the work that was just done in 2014 by SHPOs, we have completed over 103,000 reviews of federal projects within a 30-day review period. We have assisted private developers and approved historic tax credit projects that leverage $4.3 billion in private investment in rehabilitation properties. We have nominated over 1,000 new listings to the National Register, and when you go to Antietam, pass through Sharpsburg, which is a local historic district there listed on the National Register. And we surveyed approximately 16.5 million acres for the presence or absence of cultural resources.

Now, 16.5 million acres might sound like a lot but really, it is just a drop in the bucket—in the budget, I almost said—drop in the bucket calculating just to over half of 1 percent of our Nation's land area, and really, what that tells us is, we are falling behind in terms of the survey work that we are doing and making that survey data available digitally. A recent survey of SHPOs found that only about 55 percent of documents are digitized. Only 29 percent of states have been surveyed for the presence of historic properties, much less archaeological resources, and over 71 percent of states have 10,000 or more resources in need of resurvey. The data simply is old. It is 20 to 30 years old.

Putting this in perspective, you know, as you might imagine, if a constituent comes to you for information, with your staff, if the material is not available electronically, it takes days or weeks to get access to that data, and then when you find the information could be 20 to 30 years old, that simply is not a good business practice. It is not providing great customer service. It does not help with productive decision-making.

This is the situation that many SHPOs really are operating within, and it is why we are requesting $50 million for SHPOs for basic operating funding as well as an additional $10 million for competitive grants to SHPOs to assist us in identifying, documenting and digitizing our Nation's historic resource data. Having accurate and easily accessible digital information really benefits everyone from the private developers who are working with us or other state agencies as well as for large-scale energy development projects and transportation projects.

In addition to the SHPO request, we also support $15 million for our Tribal Historic Preservation Office partners as well as the grants programs that are in the President's budget.

I want to particularly thank the committee for the $500,000 for state and tribal offices, which focused on underrepresented communities. Shaw mentioned that. We would ask if there is a possibility to increase that amount of funding. That would be desirable. Projects awarded under this program really do support mandated activities of survey and documentation for SHPOs and THPOs that have been put on hold because of a lack of HPF funding. I know Maryland received funding to document African American civil rights-related resources in Baltimore City. I believe California, Idaho and New York also receive funding through this grant program. Five hundred thousand does not go very far across the Nation but it is certainly going to make a big difference to the communities that it will benefit.

To conclude, I would like to say the Land and Water Conservation Fund is a sister fund to the Historic Preservation Fund and it is up for reauthorization at the end of this fiscal year. We look forward to working with your committee as well as the authorizing committee on reauthorization at the full and permanent funding level, and these funds will really help us to work with our local communities to preserve the Nation's historic resources.

Thank you.

[The statement of Elizabeth Hughes follows:]

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Elizabeth Hughes, President
National Conference of State Historic Preservation Officers and
Maryland State Historic Preservation Officer
Testimony before the
U. S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
The Honorable Ken Calvert, Chairman

March 13, 2015

Fiscal Year 2016 Historic Preservation Fund (HPF) Total Request:

- $60 million for State Historic Preservation Offices (SHPOs), including $10 million for a competitive grant program for finding and documenting America's historic places
- $15 million for Tribal Historic Preservation Offices (THPOs)
- $32.5 million for competitive grant programs related to Civil Rights
- $10 million for a bricks & mortar competitive rehabilitation grant program

Funded through withdrawals from the Historic Preservation Fund (16 USC 470*h*) U. S. Department of the Interior's National Park Service.

Unique and Successful Federal-State Partnership

Congress, recognizing the importance of our heritage, enacted the National Historic Preservation Act (NHPA16 USC 470) in 1966 which established historic preservation as a priority of the federal government. Recognizing that States are the experts of their own history, the Act's authors directed the federal entities charged with its implementation - the Department of the Interior and the Advisory Council on Historic Preservation – to partner with the States. Duties delegated to the SHPOs include: 1) locating and recording historic resources; 2) nominating significant historic resources to the National Register of Historic Places; 3) cultivating historic preservation programs at the local government level; 4) providing funds for preservation activities; 5) commenting on federal rehabilitation tax credit projects; 6) review of all federal projects for their impact on historic properties; and 7) providing technical assistance to federal agencies, state and local governments and the private sector. HPF grant awards help states carry out these duties and require a forty percent minimum match to the federal appropriation.

Jobs, Economic Development & Community Revitalization

Nationwide, communities have experienced how historic preservation stimulates economic growth, promotes community education and pride, and rescues and rehabilitates significant historic resources. In many cases, historic preservation combats the effects of blight and vacancy by using the historic built environment as a catalyst for community change. These changes result

in historic downtown districts and neighborhoods that are dynamic destinations for visitors and residents alike.

The Federal Rehabilitation Tax Credit (HTC) program, administered by the State Historic Preservation Offices in cooperation with the National Park Service, is an important driver for economic development. Since inception, the HTC has rehabilitated over 40,000 buildings, created nearly 2.5 million jobs and leveraged $117 billion in private investment nationwide. On average, the HTC leverages $5 dollars in private investment for every $1 dollar in federal funding creating highly effective public-private partnerships.

Recent examples of tax credit project successes include the $12 million rehabilitation of the Old Masonic Temple and City Hall in Vallejo, CA. The buildings dated back to California's pioneer days – a time when Ulysses S. Grant was President, the transcontinental railroad had just been completed, and the state population totaled about 560,000 residents. By 2009 the buildings were owned by banks and left neglected and vacant. Their future seemed hopeless and the loss of a combined 240 years of the community's history inevitable. Instead, private developers worked with the CA SHPO and utilized the HTC to turn these historic gems from community liabilities into assets that now provide nine studio residences, 11 one-bedroom and eight two-bedroom residences, and lower floor commercial space.

Salt Lake City is another example of the transformational impact of the HTC. The revinention of the City's Depot District began with the rehabilitation of the W.P. Fuller Paint Building by Big D Construction Company and the historic ZCMI Warehouse by Artspace, a non-profit dedicated to providing affordable housing for artists. Big D's $5.1 million renovation converted the former warehouse into office and storage uses while also earning LEED Gold certification. Artspace's $4.2 million rehabilitation of the former storage space now provides 18 live/work townhouses for artists, plus 20,000 square feet of galleries, art studios, and office space.

Since completion of these two projects, the market value of properties in the area has increased 22.5% and the Salt Lake Redevelopment Authority has established a Tax Increment Financing (TIF) district which reinvests within a neighborhood the additional tax revenues that additional investments generate. The TIF amount totaled $7.5 million in 2013.[1]

Historic preservation stimulates economic development through heritage tourism as well. Cultural and heritage travelers spend an average of $994 per trip and contribute more than $192 billion annually to the U.S. economy.[2] SHPOs are essential, ground level partners in identifying and interpreting the historic places that attracts these visitors. A minimal $3 million increase in SHPO funding would allow SHPOs to expand their public outreach and assistance efforts, enabling communities to take greater advantage of heritage tourism opportunities which lead to job creation, new business development and enhanced community pride.

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[1] "Catalyst for Change" The Federal Historic Tax Credit: Transforming Communities. A report prepared by Place Economics for the National Trust for Historic Preservation. June 2014.

[2] U.S. Cultural and Heritage Tourism Study (October 2009) conducted by Mandala Research, LLC for U.S. Cultural & Heritage Tourism Marketing Council, U.S. Department of Commerce, and Gozaic/Heritage Travel Inc., a subsidiary of the National Trust for Historic Preservation.

Finding and Saving America's Heritage

Historic preservation not only generates economic development and community revitalization, it also saves historic buildings and significant places. These sites represent the many people, places, and events that have shaped our national identity. The first step in preserving and protecting America's heritage is identifying it - which requires survey, documentation and stewardship and sharing of digital historic site data. Historic site survey data is the fundamental building block of our Nation's historic preservation program; yet this key program area is sorely lacking at the current level of appropriation. The NCSHPO recently surveyed its membership and found the following results to be very alarming:

- Only 55% of surveyed historic resources have been digitized
- 29.4% - Average percentage of each state surveyed for historic buildings
- 5.8% - Average percentage of each state surveyed for historic landscapes.
- 9.9% - Average percentage of each state surveyed for archaeological resources.
- 71% of States have more than 10,000 legacy resources in need of re-survey
- 66% of States report it would take 3+ years to complete survey & digitization
- 76% of States report that their survey & digitization programs are piecemealed
- 95% of States report lack of digital records hampers their ability to conduct project reviews

The NCSHPO requests a minimum of $10 million a year for the next 10 years for a competitive grant program for SHPOs to conduct historic resource identification, documentation and digitization activities. Having accurate, up-to-date, digitally accessible information on our Nation's historic resources would dramatically increase the efficiency and effectiveness of all local, state, and federal projects. From deciding on the design of local in-fill development, to state transportation planning projects, to federal large-scale energy projects and disaster recovery efforts – every single project, and the American people would benefit.

Once identified and documented, America's historic resources are primarily recognized at the local, state, and national levels by listing on National and State Historic Registers. State Historic Preservation Officers, through the authority of the National Historic Preservation Act assist, support and encourage communities with their efforts. National Register recognition by the Secretary confirms citizens' belief in the significance of their community.

The National Historic Preservation program is primarily one of assistance, not acquisition. The federal government does not own, manage, or maintain responsibility for most of the historic assets in the National Historic Preservation program. Instead, the program, through the SHPOs, provides individuals, communities, and local, state, and federal governments with the tools they need to identify, preserve, and utilize the historic assets of importance to them.

In addition to the SHPO funding, the NCSHPO supports the Tribal Historic Preservation Offices (THPO) request of $15 million. THPOs assume the federal compliance role of the SHPO on their respective Tribal lands. In FY13, 136 tribes received an average of $60,000 – more than $20,000 less than when the program first started. With no funding increase and the continued growth of the program, the average THPO grant will continue to decrease.

The NCSHPO also requests $3 million for grants to State and Tribal Historic Preservation Offices for the survey and nomination of properties associated with communities currently underrepresented in the National Register and as National Historic Landmarks, as well as $10 million for a nationally competitive rehabilitation grant program. The NCSHPO also supports the Administration's request of $30 million for competitive grants to preserve the sites and stories related to the Civil Rights movement and $2.5 million for a similar program for Historically Black Colleges and Universities.

Historic Preservation Fund (HPF) Reauthorization

The current authorization of the HPF expires on September 30, 2015. This testimony only touches on the invaluable economic and social value that historic preservation stimulates throughout our nation, all of which would not be accomplished but for the HPF. The NCSHPO requests that the Subcommittee support a reauthorization of the HPF that includes full and permanent funding, as intended at $150 million per year.

2014 State Historic Preservation Offices' Accomplishments

SHPOs used their HPF allocations well in 2014. While virtually every state continues to experience staffing and operational reductions, SHPOs are still charged with implementing the requirements of the NHPA to the fullest extent. Highlights of 2014 historic preservation accomplishments include:

- Reviewing nearly 103,000 Federal undertakings within a 30 day review period.
- Leveraging over $4.32 billion of private investment in the rehabilitation of commercial historic properties under the HTC program.
- An estimated 77,750 jobs created by the HTC program in 2014.
- Creating over 6,600 low and moderate income housing units through the HTC.
- Surveying approximately 16.5 million acres for the presence or *absence* of cultural resources.
- Adding 1,030 new listings to the National Register of Historic Places.
- Issuing 82,200 National Register eligibility opinions.
- Assisting 39 new communities to become Certified Local Governments (CLGs).

Conclusion

On behalf of all 59 SHPOs, I'd like to thank you Chairman Calvert, Ranking Member McCollum, and members of the House Appropriations Subcommittee on Interior, Environment and Related Agencies for the opportunity to submit testimony.

Historic preservation recognizes that what was common and ordinary in the past is often rare and precious today, and what is common and ordinary today may be extraordinary - fifty, one hundred or five hundred years from now. I would like to thank the committee for their commitment to historic preservation. The federal government plays an invaluable role in preserving our nation's history and our collective sense of place. Through our partnership, SHPOs remain committed to working together to identify, protect, and maintain our Nation's heritage. Thank you.

Mr. CALVERT. Thank you. We appreciate your testimony.

Next, Derrick Crandall, the National Park Hospitality Association. Welcome.

WEDNESDAY, MARCH 18, 2015.

NATIONAL PARK HOSPITALITY ASSOCIATION

WITNESS

DERRICK CRANDALL

Mr. CRANDALL. Thank you, Mr. Chairman and Ranking Member McCollum. We are delighted to be here.

You have a rough job. After listening to the witnesses here today, everybody has good reasons to ask for support from the federal budget. We are here to talk about the importance of parks and to ask for a fair deal in terms of what is appropriated but also to respond to the opportunities to extend with additional supplemental and sustainable ways to help make our parks relevant to America.

We have been at it for a long time. Concessionaires began their work in the 1870s, continued today. We have been an active part of the first-ever America's Summit on National Parks, on the work of the Bipartisan Policy Center to develop 16 ideas for supplemental and sustainable funding sources, and that is what we would like to address with you here today.

So we have nine recommendations. I will go through them very quickly. The first is that fees are important. We believe that FLREA, which was developed after a testing period in the 1990s, should be extended and needs to be eventually dealt with by the authorizing committees, but we need your help. We need a two-year extension of the current program in order to retain this very important contribution of some $300 million a year for the operating funds of the recreation programs that exist on America's national public lands and public waters.

Number two: We enthusiastically support the concept of the Centennial Challenge. We supported it back during the Kempthorne effort and we certainly support what you did last year. We urge that you continue that and expand that program.

Number three: We support the Find Your Park campaign, which will be launched next month by the Park Service in conjunction with its Centennial. It is designed to make sure that America's national parks are understood and recognized, that they are visited, and that they are supported. We have seen a plateauing of visitation to national parks for three decades even with the increase of 65 new units, and that is because we have not invited Americans to come and enjoy and we have not provided the services, so we certainly believe that is important. We would also like your help to make sure that the outreach, the Find Your Park effort, does not die with the end of the Centennial, and we suggest that because the Park Service has a clear mission in its original, organic act, it says this service shall be established to promote and regulate the federal areas known as national parks. We would urge that this committee, this subcommittee, act to encourage that kind of promotion and outreach long after the Centennial is over.

Number four: The visitor infrastructure in America's national parks is deteriorating. Facilities used by the concessions have an estimated backlog of more than a billion dollars in deferred maintenance, and that really does not tell the true story. The reality is that many of those facilities are outdated and need to be replaced, not just brought up to the standards that they were originally built to serve. We believe that there has been a loss in terms of overnight facilities, of restaurant capacity, of various services of retail space in national parks, which has caused the decline in visitation, and even more importantly, a decline in the number of hours that are represented by the visits to our national parks. We need to do something about that. We believe that there are tools ranging from better use of existing contract authorities, leasehold surrender and others, to be able to do that, and we would further underscore that by increasing visitation, we actually generate more revenues in franchise fees and entrance fees for the national park.

Number five: Campgrounds in national parks represent a substantial investment of public funds and often fail to serve the public well. We have seen a drop in national parks of 3 million camper nights since 1987, and when you go to see campsites in national parks, it is no surprise. Fifteen hundred sites in Yosemite National Park, zero showers. The last new bathroom was put in 20 years ago. We need to modernize our national parks.

Number six: Concessioner-provided services can be expanded, and because the average concessioner pays 10 percent franchise on every service provided, it generates additional revenues for the National Park Service.

Number seven: The concessions contracts do not provide for eligibility for historic tax credits, even though the buildings that we are talking about are some of the most historic in the country, and we urge the subcommittee to act to ensure that the Secretaries of Treasury and Interior look to see about qualifying investments in the Ahwahnee, the Altivar and others for historic tax credits, much as the Anakavala Point qualified because it was done under a lease as opposed to a concession.

Number eight: We applaud the HOPE program and we were partners with that in Shenandoah, in Yellowstone and other kinds of places. We urge you to urge the Park Service to enthusiastically embrace the idea of the 21st Century Conservation Corps and of training America's youth today to learn more about the skills required to restore buildings to the historic tax credit standards that they should be done.

And finally, we would urge this subcommittee to visit a couple of the national parks where we can show the good and the bad. We have parks like Yellowstone and Grand Canyon that show very different approaches to working in partnership with concessioners and others, and it has great implications in terms of what we will see in 20 years in terms of the ability to serve the public and provide the kids of meaningful experiences that we seek to have.

We know that there are large challenges out there. There are no silver bullets but there are ways to work together to keep the great legacy of our national parks relevant long into the 21st century, and we thank you for your help.

[The statement of Derrick Crandall follows:]

Statement of Derrick Crandall, Counselor, National Park Hospitality Association
Before the Subcommittee on Interior, Environment and Related Agencies
Committee on Appropriations, U.S. House of Representatives
On FY 2016 Budget for National Park Service and Federal Recreation Providers
March 19, 2015

Mr. Chairman and Members, the National Park Hospitality Association (NPHA) offers this testimony regarding the FY'16 budget for the National Park Service as well as related issues affecting other federal agencies providing recreation opportunities on public lands and waters. Our comments address recreation fees, the Centennial of the National Park Service and the concessions program of the National Park Service.

Concessioners have served park visitors since the 1870's and today serve some 100 million park visitors annually in approximately 120 park units. NPHA members have a combined workforce of nearly 25,000 persons – mostly front-line, visitor contact jobs – and provide in excess of $1 billion in goods and services to visitors annually. Franchise payments to NPS are some $100 million annually. Concessioner marketing and promotion efforts total more than $20 million, and are coordinated with the marketing and promotion efforts of states and gateway communities that equal that amount. Concessioners are leading efforts to promote the national park system, where visitation has been flat over the past three decades, and have actually declined if you discount new units added to the system. Most importantly, concessioners are committed to meeting America's needs – needs for healthier lifestyles, for better and lifelong educational opportunities, for strong local and regional economies that can sustain and protect our parks and for connecting all Americans across differences in regions, ages, income and ethnicity.

We are excited by the Centennial of the National Park Service which will occur during Fiscal Year 2016. We have taken an active part in preparations for the Centennial, including a central role in **America's Summit on National Parks** in 2012, the **Bipartisan Policy Center's Bridgebuilder on Supplemental and Sustainable Park Funding** in 2013 and an important livestreamed session entitled **Marketing Parks and the Great Outdoors to All Americans** in 2014. As part of these efforts, we have worked with other park supporters on strategies to provide resources needed for operation of national parks, including an important assemblage of 16 white papers for the Bipartisan Policy Center program, supplied for use by this subcommittee.

Based upon these efforts, we offer the following recommendations:

1) The Federal Lands Recreation Enhancement Act should be extended for two years. We believe that there are changes which would improve the act, including more transparency in fee application and use, easier payment of fees, revisions to the senior pass provision, peak/off-peak pricing and more. The authorizing committees of Congress are considering a five-year extension of fee authority, but a two-year extension under the FY16 appropriation measure would protect the operations of a key funding mechanism for federal recreation services, now generating some $300 million annually. In one important revision, we would urge the Congress to make the nation's leading provider of recreation, the U.S. Army Corps of Engineers, a full partner under the FLREA extension.

2) We enthusiastically support the continuation and expansion of the Centennial Challenge Program. Encouraging non-profits, corporations and individuals to contribute toward important national park programs and projects is a vital part of a long-term strategy for keeping America's parks relevant and well-functioning.
3) We support the agency's efforts to launch a new campaign, **Find Your Park**, to make our national park system relevant, enjoyed and supported. The current program is being funded through the National Park Foundation and connected with the Centennial in 2016. We support continuing outreach efforts after the Centennial and believe that this outreach is a core mission of the agency under its 1916 organic act which states:

   "The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations ..."

   Promotion efforts of the agency flourished during its initial 50 years of operations, including hosting the original U.S. Travel Bureau. In order to revitalize this core program, we urge the Congress to specifically authorize the use of up to 10% of the franchise fees paid by national park concessioners annually to support NPS outreach and marketing efforts in partnership with states, gateway communities and concessioners. We believe that outreach and promotion efforts will increase collection of park entrance and recreation fees sufficiently to underwrite both improvements in visitor experiences and specific efforts, including fee-free days, to successfully invite non-traditional park visitors. There are numerous examples of isolated and successful cooperative effort now underway, including shared interpretive costs and outreach to international visitors through Federal Row at IPW, which could be made commonplace.

   Most concessioner franchise fees are retained in the park generating those fees – 80% of all franchise fees are used locally. The remaining 20% are used at the discretion of the NPS Director. We urge you to encourage half of this remainder – 10% of the total franchise fees paid or nearly $10 million annually – to a new National Park Outreach and Promotion Fund. To do so, we suggest adding the following language to the FY2016 Interior Appropriations legislation or its accompanying report:

   "Up to 10% of the concessioner franchise fees collected by the agency each year may be used to support agency outreach and marketing programs designed to connect all Americans to their parks, and especially those portions of the American public under-represented among current park visitors. Nothing in this provision, however, shall authorize any change in the use of concessioner franchise fees retained by the park generating the fees. Outreach and marketing programs shall be undertaken in cooperation with state and regional DMOs and NPS concessioners, and shall require 1:1 matching of federal funds."

4) Visitor infrastructure in national parks is deteriorating. Facilities used by concessioners have an estimated backlog in deferred maintenance of $1 billion, but that figure obscures the reality that the current inventory of facilities is dated and inadequate. There has been a loss of rooms, of restaurant capacity, of services and of retail space in national parks over two decades, producing a corresponding decline in overnight stays and in the average length of visitor stays.

Franchise fees, investment requirements under new concessions contracts and appropriate use of existing Leasehold Surrender Interest (LSI) authority can cure these challenges. We have recommended steps to the agency which – with virtually no additional costs to NPS – could increase visitor spending and the franchise fees generated by an estimated 25% within 12 months, or $25 million more each year, sustainably. This would involve lengthened hours and seasons and new and appropriate visitor services. In order to take advantage of this opportunity, we urge the committee to include the following language in the FY2016 Interior Appropriations legislation or its accompanying report:

"NPS shall solicit, evaluate and implement wherever possible suggestions from concessioners which would expand visitor services and the resulting franchise fees paid to NPS as provided in current concessions contracts. A report on expanded services implemented and planned shall be provided to the Congress by February 1, 2016."

5) Campgrounds in national parks represent a substantial investment of public funds but often fail to serve the public well because of dated design, no marketing and inadequate services including food and supplies. Despite record sales and use of RVs, RV camper overnights are down by almost 2 million camper nights since 1987 – down by about half; tent campers are down by 750,000 camper overnights, or about 20%. Group campsites, desired by many non-traditional visitors, are often not available. Alternative overnight accommodations widely available in state parks and private campgrounds, from yurts to simple cabins, are generally unavailable. NPS should seek out private sector operators for most of its campgrounds, utilizing models in Grand Teton National Park and more, to improve visitor services and reduce its operating costs.
6) Concessioner-provided services should be expanded, especially in units with the capacity for additional visitation. The Congress should charge NPS with developing and submitting at least 12 significant opportunities to expand appropriate visitor services each year for five years. These opportunities should either reduce or eliminate current deferred maintenance or be accomplished with no additional cost to taxpayers through private investments. In some cases, structures with substantial deferred maintenance should be replaced with new structures meeting today's best design standards, including both LEED- and ADA-compliant facilities.
7) The NPS concessions program is now guided by legislation enacted in 1998 which limited the term of contracts to 20 years. This limit denies concessioners the option to qualify for historic tax credits from investments in structures that are among the most important otherwise-eligible structures in the nation. The Congress should direct the Secretaries of the Interior and the Treasury to allow qualification of concessioner expenditures or report to Congress on any needed changes in law to make these expenditures eligible.
8) Concessioners in Shenandoah National Park, Yellowstone National Park and other units are utilizing youth conservation corps to undertake construction, reconstruction and maintenance projects which replicate many of the successes of the Civilian Conservation Program of the 1930's, including connecting urban youth to parks. Pilot projects have shown that use of conservation corps can also actually reduce project costs. Active national support by NPS could aid in expanding use of conservation corps in parks, working cooperatively with The

Corps Network, the National Trust for Historic Preservation and concessioners, reducing the barrier of current Federal Acquisition Regulations (FAR) and more.

9) Finally, we invite Members of this Subcommittee and others to join NPHA and key park partners in trips to several sites which would allow firsthand exposure to the opportunities and challenges associated with making 400+ park units responsive to the nation's needs. We believe two existing major park visits would be important and suggest Yellowstone and Grand Canyon National Parks. Important contrasts in philosophy and operations will explain very different scenarios influencing future visitor experiences and park operating costs. And visits to two urban park units, including Golden Gate National Recreation Area, would demonstrate how creative ideas and partnerships can greatly alter NPS costs and success in both protection of park resources and allowing for public enjoyment. These trips would also permit discussion of other important ideas which have been suggested to reduce the NPS' dependency on annual appropriated funding, including a dedicated fund for multi-year appropriations, use of bonds, earmarked revenues from the Highway Trust Fund for in-park transportation needs and use of DOD-style Non-Appropriated Fund Instrumentalities (NAFIs), all of which have been outlined in the Bridgebuilder report.

Mr. Chairman and Members, I know you would agree that we need to get Americans back in touch with nature, engaged in physical activities and outdoor recreation, and connected to the magnificent culture, heritage and landscapes that are celebrated by our National Park System. We need to reach out to youth to encourage them to share in the wonder and enjoyment of our National Parks and discourage the increasingly sedentary lifestyles that are contributing to our health care crisis. We need to expand park visitation to encourage minorities, disadvantaged communities, new Americans and urban residents to see their national parks for themselves and to build a broader constituency for America's great outdoors. And, we need to find new and innovative ways to reinvest in the maintenance, restoration, and expansion of critical park infrastructure – much of which was built either by private investment when the national parks were first created, or in conjunction with the work of the Civilian Conservation Corps more than half a century ago.

The National Park Hospitality Association and the National Park concessioners want to help you, the National Park Service, and all Americans in achieving these objectives. As the 100th Anniversary of the National Park Service shines a light on America's Best Idea, we hope you will help us build on our longstanding partnership with the NPS to find new and innovative ways to improve the parks and create a new generation of Americans who share in the wonder of this amazing legacy.

We thank you for considering these requests.

Derrick A. Crandall, Counselor/National Park Hospitality Assoc./1200 G Street, NW, Suite 650/Washington, DC 20005/202-682-9530/ dcrandall@funoutdoors.com

Mr. CALVERT. I thank the gentleman for his testimony.

Next is Jim Ogsbury. Welcome. Welcome back, and you are recognized for 5 minutes.

WEDNESDAY, MARCH 18, 2015.

WESTERN GOVERNORS' ASSOCIATION

WITNESS

JAMES OGSBURY

Mr. OGSBURY. Thank you, Chairman Calvert, Ranking Member McCollum. My name is Jim Ogsbury. I am the Executive Director of the Western Governors Association, an independent, nonpartisan organization representing the 19 Western Governors and three U.S. flag islands.

It is a privilege and an honor to appear before you again, particularly because our governors have gotten so active in policy discussions surrounding so many of your jurisdictional issues. The work of this subcommittee has profound impacts on the western United States, and its jurisdictional responsibilities align directly with the interests of Western Governors. From water management to invasive species, to fire suppression and prevention, to conservation, to air quality, to public lands disposition, you and the Western Governors are very much working in the same space.

Accordingly, we deeply value our relationship with the subcommittee and look forward to continuing to work with you to develop rational bipartisan solutions to many of the West's resource challenges.

Because our interest in the Interior appropriations bill is so broad, I commend your attention to my written testimony, which details the positions of the Western Governors on multiple issues of mutual interest. In my limited time, I will highlight just a few.

The Governors support Congressional efforts to address the ongoing issue of fire borrowing by applying a budgetary treatment of catastrophic wildfires that is similar to that of other natural disasters.

Western Governors support a permanent solution and full mandatory funding for the payment in lieu of taxes and Secure Rural Schools programs. I know this is not news and it would be more helpful if we were to identify a funding source or creative solution to this chronic issue. We do pledge to work with the subcommittee to achieve that end.

States are investing untold time and treasure in species conservation. Their efforts will be for naught if federal land management agencies fail to invest sufficient resources to protect species on federal lands, which so dominant the western landscape.

On a related point, the subcommittee has included language in its report for the past 2 years directing federal land managers to use state fish and wildlife data and analysis to inform land use, land planning and related resource decisions. We have anecdotal evidence that this language has been useful in conservation efforts at the ground level, and we encourage its re-adoption in 2016.

With respect to water, the Governors remain protective of the authority and rights and responsibilities of states to manage that resource. The Supreme Court has declared that states have exclusive authority over groundwater management. Accordingly, the Governors are pleased that the Forest Service has suspended its work on a controversial groundwater directive. Similarly, the Governors have expressed their concern that the waters of the United States are all promulgated by EPA and the Army Corps of Engineers was developed without upfront input from the states.

WGA's current chairman, Governor Brian Sandoval of Nevada, has focused his chairmanship on the critical issue of drought. We have developed the Western Governors Drought Forum, which involved drought workshops across the West, each of which have focused on droughts' impact on particular economic sectors, a series of webinars, identification of best practices and conservation innovations, an online drought resource library and framework for states to share information and drought response strategies. The data collected by the cooperative water program and national streamflow information program, both of which are administered by the U.S. Geological Survey, is integral to water management and drought planning. Accordingly, the Governors support adequate funding for these programs.

Since my last appearance before this subcommittee, the Governors have adopted policy resolutions on methane emissions regulation, wild horse and burro management, and grazing on public lands. I would respectfully request that those resolutions be included as part of the hearing record.

Mr. Chairman, members of the subcommittee, I have only scratched the surface of the Governors' interest in your work but I deeply appreciate the opportunity and extend the Governors' gratitude for your tremendous efforts. Thank you.

[The statement of James Ogsbury follows:]

United States House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Public Witness Hearing

Testimony of James D. Ogsbury, Executive Director
Western Governors' Association
March 18, 2015

Mr. Chairman and members of the Subcommittee, I deeply appreciate your invitation to testify today on behalf of the Western Governors' Association (WGA). My name is James D. Ogsbury and I am the Association's Executive Director. WGA is an independent, non-partisan organization representing the Governors of 19 Western states and 3 U.S.-flag islands. I thank you for this opportunity to comment on the appropriations and activities of the Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (FWS), National Park Service (NPS), U.S. Forest Service (USFS) and Environmental Protection Agency (EPA).

Together, the agencies within your jurisdiction wield significant authority over vast areas of the American West. How these agencies conduct their work has an enormous impact on individual states. The West is the epicenter of exceptional drought conditions, pervasive invasive species incursion and destructive wildfire. That is why the work of this Subcommittee is of such vital importance to Western Governors: it is your efforts, as you consider appropriations levels and policy directives, that set the stage for how these agencies will interact with other layers of government and the public.

I recognize that there is a certain tension between state and federal governments, one that is embedded in the fabric of our Constitution. It is equally clear that these different layers of government must have a close and productive working relationship if our citizens are to prosper and thrive. Western Governors believe that such cooperation is only possible when states are regarded as full and equal partners of the federal government in the development and execution of programs for which both have responsibility.

This can be easily demonstrated by examining the work being done by WGA's Drought Forum under the leadership of our Chairman, Governor Brian Sandoval of Nevada. Many areas of the West are experiencing severe and sustained drought conditions. State and federal cooperation – from data sharing to land management responsibilities – is critical to our understanding and response to these devastating drought conditions.

With respect to funding levels of appropriated programs, WGA recommends the enactment and full funding of a permanent and stable funding mechanism for the Payment in Lieu of Taxes (PILT) program administered by the Department of Interior. These appropriations do not represent a gift to local jurisdictions; rather they represent important compensation for the disproportionate acreage of non-taxable federal lands in the West.

Similarly, payments under the Secure Rural Schools and Community Self-Determination Act (SRS) are critical to compensating communities whose timber industries have been negatively impacted by actions and acquisitions of the federal government. While authorization

for SRS expired on September 30, 2014, Western Governors request a one-year reauthorization of the Act and are encouraged by congressional expressions of support for the program. I am hopeful that this extension will take effect, and that you will consider full funding for SRS payments.

Western Governors understand and support the need for a permanent solution to the issues addressed by PILT and SRS. The current situation leads to uncertainty and frustration for local governments and funding complications each and every funding cycle. Western Governors are ready to assist in the development and execution of solutions to these complicated matters.

Another important responsibility of the Subcommittee is species conservation. Western states routinely invest enormous amounts of time, money and manpower in the management of wildlife protection and habitat conservation. It is also appropriate for federal agencies to provide sufficient resources for species protection, particularly on federal lands. When federal lands are inadequately managed, state and local efforts to protect habitat and species will not be sufficient to assure the success of these efforts. Federal agencies must demonstrate their commitment to species preservation and recovery by committing adequate funding for conservation efforts on federal lands.

The Subcommittee knows all too well the pressing problem of "fire borrowing," by which the funding for routine Forest Service management activities is transferred to emergency firefighting activities. This short-sighted practice creates a dangerous cycle that must be eliminated. By diverting funding from management activities that reduce wildfire threats, this practice increases the fire risk on federal lands and all but ensures that future wildfires will be more damaging (and costly), especially in the current drought conditions the West is experiencing. WGA strongly supports efforts to solve the budgetary issue of fire borrowing, and would prefer that the federal government use a funding structure similar to that used by the Federal Emergency Management Agency (FEMA) in its response to natural disasters.

Section 8204 of the 2014 Farm Bill allowed Governors the opportunity to request that National Forest System lands within their states be considered for insect and disease designation. The Farm Bill authorized the appropriation of $200 million to accomplish the work required under the statute. Treatment on these designations does not automatically occur. Many states, however, are already working with their regional foresters to start projects as soon as possible. This work will help reduce the threat of wildfires in areas of high risk. I am encouraged by the eagerness of the USFS to begin this effort and request that funding be appropriated at a reasonable and sustainable level.

Data for water management and drought response planning is critical to western states. I also request adequate funding levels for the Cooperative Water Program and National Streamflow Information Program (NSIP), both administered by the Department of Interior's U.S. Geological Survey (USGS). The data collected by these programs is integral to water supply management decisions for states, utilities, reservoir operators and farmers. This information is particularly useful as drought persists in California, Nevada, the southern Great Plains, and other parts of the West. The data sources are also used for flood forecasts, making them essential to risk assessment as well as water management. These two USGS programs are important

elements of a robust water data management program in the western states, and provide needed support for drought mitigation efforts throughout the West.

Infrastructure management is another crucial element of drought response. EPA's Clean Water and Drinking Water State Revolving Funds (SRFs) provide the necessary support for communities to maintain and enhance their water infrastructure. The Western Governors' 2014 policy resolution, Water Resource Management in the West, supports adequate funding for SRFs.

The following recommendations are intended to help ensure that the taxpayer realizes a better return on the investment of limited discretionary resources. This goal will be more readily achieved to the extent that federal agencies better leverage state authority, resources and expertise.

Western Governors appreciate your assistance in encouraging a positive relationship between the states and the federal government on the use of wildlife data. For the past two years, this Subcommittee has included language in its report directing federal land managers to use state fish and wildlife data and analyses as principal sources to inform land use, land planning and related natural resource decisions. Both levels of government need data-driven science, mapping and analyses to effectively manage wildlife species and their habitat. States possess constitutional responsibilities for wildlife management, as well as intimate knowledge of wildlife habitat and resources. In many cases, states generate the best available wildlife science. I encourage you to maintain this position and reiterate it in your Fiscal Year 2016 report to strengthen this important operating principle.

Western Governors believe that states should be full and equal partners in the implementation of the Endangered Species Act (ESA) and should have the opportunity to participate in pre-listing and post-listing ESA decisions. The Act is premised on a strong state-federal partnership. Section 6(a) of the ESA states that, "In carrying out the program authorized by the Act, the Secretary shall cooperate to the maximum extent practicable with the States." WGA submits that such cooperation should include partnership with states in the establishment of quantifiable species recovery goals, as well as in the design and implementation of recovery plans.

ESA listing decisions can have dramatic impacts on vital state interests, influencing a state's ability to conduct almost any activity – from road siting to new home construction to environmental projects. Consequently, states should have the right to intervene in proceedings regarding the ESA. The Subcommittee is urged to support the legal standing of states to participate in administrative and judicial actions involving ESA that, by their nature, implicate state authority and resources. Several federal statutes – including the Clean Water Act (CWA), Clean Air Act and Resource Conservation and Recovery Act – vest the states with the role of co-regulator with the EPA.

The number of wild horses and burros on BLM lands is estimated by the agency to be almost double the current Appropriate Management Level (AML). Wild horse and burro populations in excess of AMLs can degrade rangeland, causing harmful effects on wildlife and

domestic livestock. This degradation also has implications for the protection of threatened and endangered species and other species protection efforts. WGA would support a process to establish, monitor and adjust AMLs for wild horses and burros that is transparent to stakeholders, supported by scientific information (including state data), and amenable to adaptation with new information and environmental and social change. Such a process would address both the long-term viability of wild horse and burro populations, and near-term concerns about the rangeland impacts of overpopulation.

Last year, the Administration unveiled a proposed rule of the EPA and the U.S. Army Corps of Engineers intended to clarify the jurisdictional reach of the CWA. Many states have indicated concern that the proposed rule significantly expands the definition of "waters of the United States" and could impinge on state authority over the regulation of waters within their borders. WGA continues to be concerned that states were insufficiently consulted during the development of this proposal and played no role in the creation of the rule.

Congress intended for the states and EPA to implement the CWA in partnership and delegated authority to the states to administer the law as co-regulators with EPA. Accordingly, WGA encourages congressional direction to EPA to engage the states in the creation of rulemaking, guidance or studies that threaten to redefine the roles and jurisdiction of the states. State water managers should have a robust and meaningful voice in the development of any rule regarding the jurisdiction of the CWA or similar statutes.

States have exclusive authority over the allocation and administration of rights to groundwater located within their borders and are primarily responsible for protecting, managing, and otherwise controlling the resource. The regulatory reach of the federal government was not intended to, and should not, be applied to the management and protection of groundwater resources. I encourage you not to permit the use of appropriated funds for any activity that would implement a directive on groundwater management. Federal agencies should work with the states to identify ways to address their groundwater-related needs and concerns through existing state authorities. Such collaborative efforts will help ensure that federal efforts involving groundwater recognize and respect state primacy and comply with federal and state statutory authorities.

Western Governors and federal land management agencies deal with a complex web of interrelated natural resource issues. It is an enormous challenge to judiciously balance competing needs in this environment, and Western Governors appreciate the difficulty of the decisions this Subcommittee must make. The foregoing recommendations are offered in a spirit of cooperation and respect, and WGA is prepared to assist you as appropriate as you discharge your critical and challenging responsibilities.

Thank you for your attention and consideration. I would be happy to answer any questions you may have.

Mr. CALVERT. Thank you. And just for the record, we will keep the record open for any additional information that you choose to be placed on the record.

WESTERN GOVERNORS' ASSOCIATION

Western Governors' Association Policy Resolution 2015–01

Wild Horse and Burro Management

A. BACKGROUND

1. Wild horses and burros are managed by the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) according to the Wild Free-Roaming Horses and Burros Act of 1971 (Act), as amended by the Federal Land Policy and Management Act of 1976, the Public Rangeland Improvement Act of 1978, the Omnibus Parks and Public Lands Management Act of 1996, and the Fiscal Year 2005 Omnibus Appropriations Act. The Act has not been modified by Congress since 2005. Most wild horses and burros are managed by the BLM.

2. The Act protects wild horses and burros from harassment or death and states that these animals are to be protected and managed as components of public lands.

3. The BLM's goal is to manage healthy wild horse and burro populations on healthy rangelands (Wild Horses and Burros Management Handbook, 2010). The BLM manages wild horses and burros on designated Herd Management Areas (HMAs) and attempts to assure populations are "in balance with other uses of the public lands and that a thriving natural ecological balance is achieved and maintained." As part of achieving this objective, the BLM establishes an Appropriate Management Level (AML) for each HMA.

4. Increasingly, federal agencies have been unable to adequately manage wild horse and burro populations, both on-range and in holding facilities. This is due to difficulties in adopting or selling wild horses and burros, increases in the number of wild horses and burros on the range, insufficient availability of short- and long-term holding facilities, and increasing management costs.

5. The Interior Board of Land Appeals (IBLA) has defined Appropriate Management Level (AML) as "the 'optimum' number of wild horses or burros which results in a thriving natural ecological balance and avoids a deterioration of the range" (109 IBLA 119). As of March 1, 2014, the BLM estimated that 49,209 wild horses and burros roamed BLM-managed rangelands in 10 Western states, which exceeds by more than 22,500 the west-wide AML of 26,684. The U.S. Fish and Wildlife Service has recognized that wild horse and burro populations in excess of AMLs can degrade habitat, and in the context of the Endangered Species Act, has identified this situation as a localized threat in some areas to the viability of the greater sage-grouse in sagebrush ecosystems. Wild horse and burro populations above AML thresholds can also have harmful impacts on other

wildlife species, habitat and riparian areas, as well as negative consequences for permitted domestic livestock grazing interests, local governments and states that experience federal regulatory decisions influenced by habitat impacts of wild horses and burros.

6. While the 1971 Act requires the agencies, upon request, to remove wild horses and burros that stray onto private lands, private landowners have often been forced to engage in costly litigation to seek compliance with this mandate.

B. GOVERNORS' POLICY STATEMENT

1. Current wild horse and burro population levels, the continued exponential growth of these populations, and the federal agencies' inability to meet direction for attaining AMLs presents an urgent concern for management policy and practice.

2. We support thoughtful, appropriate and science-based management decisions for wild horse and burro management. In particular, we support management decisions that ensure populations are managed within AMLs in order to promote horse and burro herd health, species conservation and recovery, and habitat as well as forage vitality for wild and domestic species.

3. Monitoring data should be collected and used by BLM and USFS to inform herd management plans, AMLs and wild horse management. In states that do their own monitoring, BLM and USFS should coordinate with those states to obtain and use the states' data.

4. We agree with the finding in the National Research Council's *Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward* report that the process to establish, monitor and adjust AMLs should be made transparent to stakeholders, be supported by scientific information (including state data), and be amenable to adaptation with new information and environmental and social change.

5. Various types of fertility control have proven effective on domestic animals, including horses and burros, and should be utilized for wild horse and burro population management. Some HMAs currently have effective fertility control programs in place and those programs should continue and be expanded to other areas. Research and other efforts to improve fertility control should also be expedited.

6. Collaboration with local governments, state governments, tribes, other federal agencies, livestock producers, private landowners, wildlife and sportsmen groups, conservation groups, and others is necessary to develop a plan to educate the public on wild horse and burro issues and management and to implement management solutions.

7. HMA Plans should use adaptive management to allow for responsive and timely adjustments in management if AML herd thresholds are exceeded. This approach requires monitoring and development of triggers to adjust management.

8. Alternative food sources for horses and burros in short- and long-term facilities should be considered. For example, hay harvested from Conservation Reserve Program lands or highway rights-of-way could be used to feed wild horses and burros.

9. Many groups adopt wild horses and burros for use in training, therapy, recreation and education programs. Gathering and adoption or other appropriate herd reduction approaches should continue and be expanded by BLM including, where partnership opportunities exist, with local governments, state governments, tribes, other federal agencies, livestock producers, private landowners, wildlife and sportsmen groups, conservation groups, and others.

10. Data related to wild horse and burro management and populations is not easily accessible and generally not published in a timely manner. Federal agencies should remedy this problem so data can be used in management decisions and in educational materials.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. The Governors direct the WGA staff, where appropriate, to work with BLM and USFS, Congressional committees of jurisdiction, and the Executive Branch to achieve the objectives of this resolution including funding, subject to the appropriation process, based on a prioritization of needs.

2. Additionally the Governors direct the WGA staff to develop, as appropriate and timely, detailed annual work plans to advance the policy positions and goals contained in this resolution. Those work plans shall be presented to, and approved by, Western Governors prior to implementation. WGA staff shall keep the Governors informed, on a regular basis, of their progress in implementing approved annual work plans.

3. The Governors direct WGA staff to review the Wild Free-Roaming Horses and Burros Act of 1971 (as amended) and identify within the Act any deficiencies for recognition of wild horse and burro impacts and insufficient federal authorities to address negative impacts as identified in this Resolution.

WESTERN GOVERNORS' ASSOCIATION

Western Governors' Association
Policy Resolution 2015-02

Methane Emissions Regulation

A. BACKGROUND

1. Air quality in the West can be impacted by human activities and natural phenomena, such as dust storms and wildfires. Methane has been identified as a potent greenhouse gas – estimated to have a comparative impact of 20-30 times greater than carbon dioxide over a 100-year period when vented into the atmosphere. Methane emissions can come from a variety of sources, including oil and natural gas operations, coal mines, landfills, and agricultural operations as well as natural sources.

2. States have statutorily-recognized authority to manage air quality within their borders. The Clean Air Act (the Act) recognizes that states should take a lead role in implementing various provisions of the Act, largely because emission of chemical substances affecting air quality often differs based on local industry, geography, and other state-specific factors.

3. Pursuant to a 2007 Supreme Court decision,[1] on August 16, 2012, EPA published a final rule to amend two existing new source performance standards (NSPS) for reduction of volatile organic compounds (VOCs) from onshore natural gas processing plants[2] and to finalize new NSPS for certain crude oil and natural gas sources not previously regulated under the Act. This action also finalized National Emissions Standards for Hazardous Air Pollutants (NESHAP) for oil and natural gas production and for natural gas transmission and storage. EPA's final rule was modeled after regulations already in place in several states. EPA estimated that the final NSPS and NESHAP amendments would have the co-benefit of reducing emissions of methane by 1.0 million tons per year by 2015.[3]

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[1] *Massachusetts v. EPA*, 549 U.S. 497, 529 (2007).

[2] Originally promulgated under the Clean Air Act, Section 111(b).

[3] "Oil and Natural Gas Sector: New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Review," 77 Fed. Reg. 49489 at 49492 (16 Aug 2012).

4. The Bureau of Land Management (BLM) has announced its intention to update its regulations concerning the venting and flaring of methane, including Notice to Lessees and Operators of Onshore Federal and Indian Oil and Gas Leases (NTL-4A).

5. Methane is also a valuable natural gas, the capture and commoditization of which can be beneficial for state economies and for the agricultural, waste and energy industries. Many western states – in cooperation with industry in those states – have already been implementing regulatory strategies to reduce methane emissions in oil and natural gas operations. These state regulations encourage enhanced capture of methane emissions, allowing for expansion of the market for the use and sale of methane while also substantially reducing the amount of methane emitted from oil and natural gas operations.

6. In March of 2014 President Obama introduced a Strategy to Reduce Methane Emissions (Strategy) as part of his Climate Action Plan. The Strategy sets forth a plan to further reduce methane emissions through incentive based programs and through the Administration's existing authorities.

7. On April 15, 2014, EPA released five technical white papers on potentially significant reduction of methane and VOC emission from five portions of the oil and natural gas sector: compressors, emission from completions and ongoing production of hydraulically fractured oil wells, leaks, liquids unloading, and pneumatic devices. The EPA white paper titled *Oil and Natural Gas Sector Leaks* uses two methods to estimate methane emissions – the first, a top-down approach to measurement based on data from the National Inventory[4] and the second, a detailed system of methane emissions reporting based on EPA data.

8. Oil and natural gas production is a vital component of many western states' economies and states are the primary regulators of this type of development.

9. Western states value the economic opportunity presented by the capture and commoditization of methane otherwise emitted from oil and natural gas production operations or other sources. State regulations that encourage capture of methane emissions can incentivize emission prevention and emission reduction efforts in oil and natural gas production operations and elsewhere.

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[4] Such as an oil and natural gas facility count, combined with an assessment of miles of pipeline.

B. GOVERNORS' POLICY STATEMENT

1. Many western state economies depend on oil and natural gas production for economic development. Western Governors recognize the environmental and economic benefits to reducing methane emissions and the opportunities for beneficial use of the natural resource.

2. **Commoditization of Methane**: Western Governors recognize the economic value of methane capture and subsequent sale. Encouraging commoditization of this natural gas can provide economic value for states and incentivize methane emission reduction. Encouraging state oil and natural gas industry members to take steps to prevent methane emissions and increase methane capture will have substantial air quality and other environmental benefits.

   In any forthcoming federal methane regulation EPA, BLM, or any other federal agency should ensure that the capture, commoditization, and sale of methane is promoted and that states are still able to create programs tailored to individual state needs, industries, and economies.

3. **Cooperative Federalism for Methane Regulation**: New federal regulations for methane emission reductions should recognize state authority under the Act.

   Western Governors state the following:

   a) **Treatment of States as Co-Regulators**: In determining federal methane emission reduction rules to promulgate, federal agencies should consult with states early in the rulemaking process, and should take into account state views, opinions, and economic needs. Western Governors urge federal agencies to learn from states' experience in methane emission regulation, to engage states as co-regulators, and to ensure state agencies and regulators have a robust voice and meaningful role to play in the development of a rulemaking for methane emission reduction before rules are officially proposed.

b) **Quantification of Methane Emissions**: States need to understand EPA measurement of methane and methane emissions. The EPA white paper titled *Oil and Natural Gas Sector Leaks* utilized two methods for estimating methane emissions release from the oil and natural gas sector.

In pursuing methane rulemakings federal agencies should work with states to ensure that one method of quantifying methane emissions is used and that the method is clear and is consistently applied. Doing so will ensure that methane emissions are reliably measured and that emission reduction efforts are consistently applied.

c) **State Flexibility to Determine Emission Reduction Methods**: Federal agencies should give states the flexibility to integrate a variety of technologies and tools to achieve methane emission reduction standards, while also providing states with continued and potentially increased economic opportunity. Furthermore, federal agencies should recognize methane emissions reductions that result from existing regulation of volatile organic compounds.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. The Governors direct the WGA staff, where appropriate, to work with EPA, BLM, other federal agencies, Congressional committees of jurisdiction, and the Executive Branch to achieve the objectives of this resolution including funding, subject to the appropriation process, based on a prioritization of needs.

2. Additionally the Governors direct the WGA staff to develop, as appropriate and timely, detailed annual work plans to advance the policy positions and goals contained in this resolution. Those work plans shall be presented to, and approved by, Western Governors prior to implementation. WGA staff shall keep the Governors informed, on a regular basis, of their progress in implementing approved annual work plans.

WESTERN GOVERNORS' ASSOCIATION

Western Governors' Association Policy Resolution 2015-03

Public Lands Grazing

A. BACKGROUND

1. Range livestock operations were established decades ago, with many operations using forage on private, state and federal lands. These family-based operations are important contributors to the customs, cultures and rural economies of the West.

2. These operations also maintain open spaces and important habitat conditions (e.g., year-round water sources) benefiting wildlife and recreation. Water rights, which are granted by the states for livestock grazing, will not benefit other uses if the agricultural operation ceases to maintain the beneficial use.

3. Ranching operations and public land grazing provide needed food for a growing population.

4. Federal land management agencies' actions in recent years have resulted in reductions or removal of domestic livestock from federal lands. Reasons given for these reductions and removals include conflict with recreational interests or the needs of wildlife and habitat impacts from wildfire and drought.

5. The Forest Service and BLM have permanently closed, left vacant without reissuing a grazing permit, and converted into forage reserves or "grass banks" some grazing allotments in recent years. In many instances, the allotments are technically available based upon forage availability but permits are not issued for reasons including unmaintained range improvements and uncompleted National Environmental Policy Act (NEPA) documentation by the Forest Service or BLM.

6. The Forest Service is proposing further closures of grazing allotments in an attempt to reduce disease transmission between domestic sheep and bighorn sheep.

7. All of these restrictions have dramatic negative economic impacts on ranchers and ranch dependent communities. Ranchers who have used the same federal grazing allotments for generations are abruptly forced to find new forage for their livestock when allotments are restricted or closed.

8. The restrictions and closures implemented due to temporary natural events like drought, wildfires and wildlife impacts, do not appear to be factored into ongoing, regular reviews and renewals of individual livestock allotments, individual livestock

operators' use of the allotments or the total amount of grazing allotments available for ranchers.

9. Compounding these problems is inconsistent interpretation of certain operational policies across the West by local and regional federal land managers. For example, federal policy on acceptable types of supplemental feed, feed placement, and watering of livestock is interpreted without regard for localized range conditions or the economics of local ranching operations. Failure to adapt policies to local conditions affects the ability of livestock grazing permittees to properly manage their livestock herds while achieving permit standards, goals, and objectives.

B. GOVERNORS' POLICY STATEMENT

1. Western Governors support the continued responsible use of federal lands for grazing.

2. We support sound, science-based management decisions for federal lands – including adaptive management – and believe these decisions should be based upon flexible policies that take into account local ecological conditions and state planning decisions for wildlife and other human needs.

3. With appropriate management, livestock grazing on federal lands can be compatible with recreation and wildlife management. There are many examples of successful livestock and wildlife use of a shared resource, especially when accompanied by a program of habitat improvement. Policies that lead to closing allotments should be based on documented threats.

4. Decisions to reduce or suspend grazing should be made assisted by a quantitative assessment of long- and short-term trends in range conditions on specific allotments. If, after consultation with the State, the federal agency decides to reduce, suspend or close an allotment due to documented, harmful wildlife impacts, an alternative allotment, properly authorized pursuant to NEPA, should be made available to the displaced operator prior to adjustment of the original allotment.

5. Grazing permit renewal decisions should be assisted by current site-specific, quantitative data. Federal agencies should engage in meaningful consultation, coordination and cooperation with livestock grazing permittees throughout the entire permit renewal process.

6. Federal land management agencies' decisions to close allotments should be based upon completion of a full and complete administrative review and analysis, including a complete review under the provisions of NEPA. . The decision process must include opportunities for states, livestock grazing permittees and other stakeholders to provide input. Allotments should not be closed due to a pending NEPA review without allowing

sufficient use of the allotment pending a final decision, or the use of an equivalent amount of forage at reasonably equivalent cost to the operator.

7. Federal range specialists should have an understanding of the economics and management of ranching operations dependent upon federal lands, and should receive the necessary training to comprehensively monitor rangelands and write sound environmental documents.

8. Clear directives and accountability throughout all levels of the Forest Service and BLM should be required so that interpretation and implementation is practical and predictable from office to office and individual to individual, and informed by an understanding of localized range and ecological conditions, and economic health of ranch operations.

9. Federal land management agencies should give interested state agencies an opportunity to fully participate in or provide input to grazing permit actions – prior to their initiation -- including: generalized review of livestock operations on federal lands; any assessment of grazing conditions as part of a federal planning process; and individual allotment reviews. Grazing permit decisions should not be finalized until after this opportunity for consultation with the states, local governments, and the affected permittees.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. The Governors direct the WGA staff, where appropriate, to work with BLM and USFS, Congressional committees of jurisdiction, and the Executive Branch to achieve the objectives of this resolution including funding, subject to the appropriation process, based on a prioritization of needs.

2. Additionally the Governors direct the WGA staff to develop, as appropriate and timely, detailed annual work plans to advance the policy positions and goals contained in this resolution. Those work plans shall be presented to, and approved by, Western Governors prior to implementation. WGA staff shall keep the Governors informed, on a regular basis, of their progress in implementing approved annual work plans.

Mr. CALVERT. I want to thank this panel for coming out. I heard the Land and Water Conservation Fund and the support for that is just an issue of money, as Jim pointed out. We are looking for a funding source. If you guys could help us and help the authorizing committee, Mr. Bishop, to work that issue out, it would be great because PILT obviously is important in the West. Land and water conservation is important throughout the country. I hear about both PILT and CWCF all the time, and so I think we are all together on trying to figure out a way to fix this long term but, if you all can help us in that, we would appreciate it.

Wildfire—I think everybody on this committee on both sides of the aisle are behind Mr. Simpson's efforts. I am hoping the Budget Committee today is going to put language in that that would help facilitate fixing this problem once and for all, because wildfires, especially in the West but throughout the United States, are catastrophic, just as a tornado and a hurricane, so we appreciate your help.

Betty, anything?

Ms. MCCOLLUM. Thank you, Mr. Chair. I would just like to make a comment.

There were two programs that have been used across the United States, Save America's Treasures and Preserve America, which have been, basically, not funded for 5 years. You know, all politics is local, but I think saving a 125-year-old Czech Hall from burning down was a valuable investment—the treasures that were in there, the way that it continues to be used and the community—and these were straight-on matches. There had to be strong community support in order to apply for the grant and to move forward. As you said, you are hopeful. I wake up every day optimistic that sequestration will end and that we can work towards saving some of these treasures.

But I did have a brief question, Ms. Hughes. If you cannot answer it now, if you could get back to the committee? What is happening in the state budgets for doing the state complement? Because many of the states are recovering with their budgets much faster than the Federal Government. Other states are not. But as states make choices as the uptick starts happening with their economy and they recover from the recession, they need to be making reinvestments as well as the Federal Government. So if you do not have that information, if you could get it to the committee because this needs to be a match. The states need to be stepping up to the plate, my state included.

Ms. HUGHES. I think the one thing I would say is, it is going to vary state by state. I know some of our states during sequestration when the money was not coming, they were going to have to, you know, furlough their staff. It is that tight a situation. Others like my State of Maryland, we have more resources available to us in terms of matching. So it is the sort of thing we can go back to our members and get more information about. Thank you.

Mr. CALVERT. Thank you, and thank you for attending and for your testimony. You are excused. We are going to recognize our next panel. Mr. Virgil Moore, if you will please sit over here on my right, and then Mr. Moore, Brian Moore—okay, we got two Moores

here, Virgil and Brian, Moore and Moore. Ron Brooks right there, and Alan Rowsome. Welcome.

I am going to introduce my friend, David Joyce. He is going to take over for a while. I have to go by Defense just for a little while. Thank you for attending, I am going to turn it over to David for a while.

Mr. JOYCE [presiding]. Thank you for being here this morning. We will start with you, Mr. Moore—Virgil Moore. Excuse me.

WEDNESDAY, MARCH 18, 2015.

ASSOCIATION OF FISH AND WILDLIFE AGENCIES

WITNESS

VIRGIL MOORE

Mr. VIRGIL MOORE. Thank you, Mr. Chairman and Representatives. It is good to be here. Good morning. I am Virgil Moore, the Director of the Idaho Department of Fish and Game. I chair the Western Association of Fish and Wildlife Agencies, Sage Grouse Executive Oversight Committee, and serve on the Western Association's Executive Committee. I also chair the Fisheries Resource Policy Committee and am a member of the Executive Committee of the Association of Fish and Wildlife Agencies, who I represent here today with these comments.

We definitely understand the difficulties that the Nation has along with the states with the current financial situation and government spending. However, we believe that financial discipline needs to be well informed when we come to looking at retaining and dealing with demonstrated successful conservation programs that are out there.

The Association recommendations for fiscal year 2016 support strong, thorough federal budget conservation programs that provide funds to the states through our government organizations and leverage things to get stuff done on the ground. We use a lot of federal funds with partnership with the feds to do that. But the states are the frontlines of fish and wildlife habitat management and the vast majority of species in the United States are under state management authority. Federal programs and grant opportunities often support state conservation priorities and fill in those very critical pieces of state conservation work.

You have our written comments, and they are extensive relative to a number of programs out there. I am going to take the short time I have today to try to get through a few that I have familiarity with that I think are very important to us.

The Association is very concerned, deeply concerned, about the continued consolidation of federal agency budget line items, which we believe reduces the transparency and the accountability to state partners, compromising the public benefits we are responsible for with species management. We urge Congress to maintain those individual budget line items to increase that transparency and accountability. It is one of the most important things I wanted to get across. It is key to us.

Number two: Protecting and conserving the greater sage grouse and its habitat it one of the highest priorities of the Association and the western states. State and federal conservation programs and activities are underway across 11 western states at an unprecedented level like I have never been involved in in my whole career. It has involved a collaborative process with the land management agencies and the fish and wildlife agencies and the governors' offices of all of those 11 states and is continuing today. This has been a 4-year sprint that is like nothing I have ever seen to try to get our act together on managing. This current level of effort and dedication, though, has to have continued funding and be maintained if we are going to be successful in averting the listing of sage grouse. A decision is coming up on us fairly quickly. The end of September is when the Service will make the decision whether it is warranted or not. Right now, these birds are still under state management authority but we cannot get the job done without proper funding of the federal land management agencies and the federal agencies that have responsibilities there to be sure that these birds are properly managed and monitored into the future. We want to thank the Secretaries of Interior and Agriculture for the dedication they have had, and we need that funding to secure the sage grouse.

A third item: The Association and our state members value our partnership with Fish and Wildlife Service that benefits our Nation's fish and wildlife. However—the big "however" here—the states remain extremely concerned about the implementation of the Service's national fish hatchery system strategic workforce planning report. This is a report that they have been working on for some time, and it adversely or could adversely impact the States and local economies that benefit from sport fishing.

While not closing hatcheries this year—they have not closed any hatcheries yet in the National Fish Hatchery System—the Service is implementing the report as written, and that means that sport fishery activities could be or have been reduced, and the funding is being redirected from the sport fishing hatchery programs to threatened, endangered and other sensitive species, and while we are very concerned about those because we have management authority over those same species, we believe that those threatened and endangered species have to be balanced with the sport fishing needs of this Nation. It is a $100 billion activity that we have in this Nation with sport fishing, and it is a big thing, and the federal hatcheries are part of the Federal Government's responsibility, many of them having some mitigation responsibilities that have not been funded by the organic agency that caused the problem.

The Association supports $2 million more in the President's budget to ensure the states sport fish priorities are met and more funding is also done.

I appreciate the time that I have had here. I see my time is up, and I will be pleased to answer any questions when we are done.

[The statement of Virgil Moore follows:]

Testimony before the Subcommittee on Interior, Environment, and Related Agencies
Of the House Interior Appropriations Committee
By Mr. Virgil Moore, Director of Idaho Fish & Game Department
on behalf of the Association of Fish and Wildlife Agencies
March 18, 2015

Good morning Chairman Calvert and Members of the Subcommittee, and thank you for inviting me to be with you today to share the perspectives of the state fish and wildlife agencies regarding the President's FY2016 Budget request. My name is Virgil Moore, and I am Director of the Idaho Department of Fish and Game, Director Liaison for the Western Association of Fish and Wildlife Agencies' Sage Grouse Initiative, and I serve on the Executive Committee of that regional association as well as the Executive Committee of the Association of Fish and Wildlife Agencies (Association), the latter of which I am representing today.

The Association, founded in 1902, is the professional association for the state fish and wildlife agencies, and our membership includes public agencies charged with the protection and management of North America's fish and wildlife resources. All 50 states are members.

The Association understands the current difficult fiscal circumstances the nation continues to experience and the need to manage federal government spending. However, fiscal discipline needs to be a well-informed process that retains meritorious programs with a demonstrated, successful on-the ground track record of conservation success, job creation, and economic growth. **The Association's FY2016 recommendations reflect strong support throughout the federal budget for conservation programs that provide funds to states and/or nongovernmental organizations to further leverage state and private funds to implement priority on-the-ground conservation actions and to federal programs that complement, support and are important to the states' work.**

State fish and wildlife agencies are on the front lines of fish and wildlife population and habitat management, and the vast majority of species in the United States are under state management authority. Over the last several years many state fish and wildlife agencies have witnessed constrained budgets resulting in serious impacts to fish and wildlife conservation work. Federal programs and grant opportunities often support state conservation priorities, fill critical pieces of state conservation work, and increase the return on investment for the taxpayer through more efficient and effective use by local staff who know the needs of fish, wildlife and their habitats and have the community relationships and strong partnerships on which to build conservation successes. Our comments below begin with broad, overarching issues and then focus on specific federal agencies and activities therein.

We continue to urge Congress to direct that all new and ongoing initiatives must be well coordinated among state and federal agencies to maximize efficiency and effectiveness while minimizing duplication and conflict. The state fish and wildlife agencies will continue to lead and remain interested in having a meaningful role in both state and federal landscape level conservation initiatives, but many states lack the capacity to participate in all of the federal initiatives due to personnel and funding limitations.

Consolidation of Federal Agency Budget Line Items – The Association remains deeply concerned about the continued consolidation of federal agency budget line items. Without specific budget line items and the commensurate tracking of expenditures and

accomplishments, transparency in operations and accountability to state partners, the public benefits could be compromised. The Association strongly urges Congress maintain individual budget line items for program areas to increase transparency and accountability to the public.

State-Federal Coordination on Sage Grouse Conservation – Protecting and conserving the Greater sage-grouse and its habitat is one of the highest priorities of the Association and many of the western states. State and federal conservation programs, initiatives, and activities are underway across the west at unprecedented levels to ensure the long-term persistence of the bird and avert the need to list it under the Endangered Species Act (ESA). The current level of conservation funding, effort and dedication must be maintained and intensified by all partners to achieve our conservation goals, and agencies must implement and monitor these plans to demonstrate conservation gains. The Association thanks the Secretaries of the Department of the Interior and the US Department of Agriculture for their continued dedication, funding, and unprecedented state-federal partnerships and cooperation to secure the Greater sage-grouse, and we emphatically encourage them to continue these state-federal collaborative efforts based on science-driven conservation plans and actions.

Land Acquisition—We urge Congress to ensure land acquisition is focused on protecting important fish and wildlife habitat as well as providing access for hunting, fishing, and other wildlife-dependent public uses, and that land acquisitions are made with state concurrence.

Land and Water Conservation Fund (LWCF) – The Association supports moving the LWCF off budget to a dedicated, mandatory fund; parity between the federal and state sides of LWCF; and supports including "fish and wildlife" as a purpose of LWCF.

U.S. FISH AND WILDLIFE SERVICE (FWS)--The Association and our state members value our partnerships with the FWS, and our nation's fish and wildlife resources benefit greatly from our collaborative work. While we understand that human capacity is needed to deliver conservation on the ground as well as work with landowners and the public, the FWS should be encouraged to strike a balance between increasing staff levels and increasing funding needed to implement priority conservation actions for issues such as habitat management on refuges, sagebrush ecosystem restoration, and maintenance and operational needs for aging fish hatchery facilities that produce sport fish. The states have long struggled with similar issues but continue to partner with others as a means to address staffing shortfalls, meet growing conservation challenges, and implement important conservation actions on the ground. We remain committed to long-standing successful partnership models such as Migratory Bird Joint Ventures, National Fish Habitat Partnerships, and State Wildlife Action Plans, all which have strong state-federal-NGO partnership approaches to achieve landscape level conservation and demonstrated success. We appreciate new initiatives that support state priorities and needs.

National Fish Hatchery System and Operations/Maintenance: The states remain extremely concerned about the FWS's implementation of the hatchery strategic and workforce planning report, and the adverse impacts it could have on local economies. While not closing hatcheries in FY15, the FWS is implementing the report as written without modification. This means sport fish hatchery activities could be reduced or operation and maintenance problems could occur because funding likely will be directed to hatcheries that produce threatened, endangered or imperiled species (T/E/I) first, potentially to the detriment of hatcheries that produce sport fish. Thus, implementation of the hatchery report provides disconcerting uncertainty for states and the fisheries conservation community. The Association supports at least $2 million more than

the President's FY16 budget to ensure states' sport fish priorities are met and more if needed to continue unabated the health tech centers and broodstock programs.

The states are concerned that funding increases provided for fish hatcheries in FY15 may not have been directed to hatcheries with sport fish propagation programs but instead were mostly directed at hatcheries focused on T/E/I species in keeping with the FWS's hatchery report priorities. We request Congress direct the FWS to prioritize funding for hatcheries producing sport fish equal to those producing T/E/I species. Because some of the sport fish and broodstock programs occur in hatcheries that are over 100 years old, we urge Congress to provide operation and maintenance funds to these facilities at levels that are equal to other FWS priorities to prevent disastrous losses of sport fish or broodstock genetics that could arise from neglect and to avoid disasters like that of the Willow Beach Hatchery in Arizona. Furthermore, given the importance of the FWS's national oversight of the AADAP program and the potential conversion of these assets to other programs, the Association recommends Congress ensure, at a minimum, the base funding of $800,000 continues for AADAP and that all fees collected by the program are used to support continued drug approval research.

In light of the above continued concerns, the states in cooperation with the fisheries community will work with the FWS to identify goals and objectives that can establish a common path forward and provide certainty from year-to-year for the National Fish Hatchery System, in particular, and Fisheries and Aquatic Conservation priorities and direction, in general.

Aquatic Invasive Species--Invasive species management and control costs the US an estimated $120 billion dollars each year. States have produced Aquatic Nuisance Species (ANS) plans that are designed to identify and address each state's priority ANS issues, and are reviewed and approved by the FWS. The funding for these plans has been appropriated at approximately $1M. With 42 currently approved plans, this translates into <$24K per state. We request appropriations at the fully authorized amount of $4M, thereby giving each state nearly $100K to stay on top of, or ahead of, these costly invaders.

State and Tribal Wildlife Grants Program (SWG)--The Association commends the President's budget request for its increase in SWG funding to $70m. The FWS proposes to target the funding increases to Tribes and competitive grants. However, an increase in funding through apportionments is preferred since it allows states to drive priorities and provides for more efficient delivery of resources.

Joint Ventures --The Association applauds and supports the President's FY16budget request to increase funding for Joint Ventures to provide minimal funding for all 21 migratory bird Joint Ventures. Joint Ventures are highly effective, all-bird conservation entities that address state and local community conservation priorities. They serve as a model for coordination and effective, efficient conservation delivery mechanisms on the ground.

National Fish Habitat Action Plan and Adaptive Habitat Management –Fish Habitat Partnerships are created by grassroots conservation movements supporting local communities to conserve fish and fish habitat across the country. Funds are leveraged by the states and other partners to improve the health of fish populations and fish habitat, supporting the $97.7 billion per year recreational fishing industry in the U.S. The Association recommends funding these programs at the highest levels possible, but no less than $7.6 million in FY16.

Conservation and Law Enforcement—The Association supports the law enforcement functions of the FWS, and their partnership with the states to protect precious fish and wildlife resources

at home and abroad. However, funding for activities abroad should not be increased at the expense of enforcement needs at home. We recommend funding at the President's FY16 funding level, but we recommend Congress prioritize funding to protect native species at home above other interests abroad to reduce over-exploitation of our natural resources.

North American Wetland Conservation Fund—The President's budget proposes level funding for the program when the need for wetland conservation, especially in the Prairie Pothole Region, is at a critical level. We request as robust levels as possible for NAWCA.

US FOREST SERVICE (USFS) -- Forest and Rangeland Research -- The Forest Service administers the federal government's largest natural science research program and are conducted in partnership by leveraging expertise, funding, capacity, and local support to find solutions to solve problems and inform management decisions. Many of these research endeavors directly benefit the states and have management implications for the species they manage. We support continuing the USFS's research and development work at FY2015 funding levels.

USFS International Forestry Program—The Association supports the work of the International Forestry Program and recommends FY2015 level funding at $8 million because of its benefits to the states. This program works to support priority conservation activities for migratory birds throughout their range, thereby preventing the need for listing under the ESA and protection conservation investments made in the US.

Support Wildland Fire Management -- The Association strongly encourages Congress to pass legislation that addresses the wildland fire suppression funding and to stop the cyclical wildfire-invasive species cycles across the country. Putting habitat conservation first should reduce the number and intensity of wildfires across the country -- saving lives, natural resources, taxpayer dollars, and local economies from devastation.

BUREAU OF LAND MANAGEMENT (BLM): Sage-Grouse Conservation --We support the Administration's sage-grouse conservation efforts as reflected in the FY2016 proposed budget, with $45 million for plan implementation and $15 million for assessment, inventory, and monitoring. Funding for monitoring progress and habitat response is necessary to fill data gaps and detect conservation successes that can be reported to the FWS and the states. Congress should provide as much funding as possible to help BLM and other agencies conserve this iconic western bird.

Wild Horse and Burro Management—If the BLM is to be successful at conserving sage-grouse, they must manage wild horses and burros (WHBs) on western rangelands, reducing populations to the Appropriate Management Level (AMLs). WHBs are quickly erasing any conservation gains made toward conserving sage-grouse and restoring rangeland health. Additional funding is needed to manage WHBs and to reconcile the tremendous habitat damage they cause. Furthermore, WHBs should be managed at AMLs to facilitate *sustained yield* of fish and wildlife populations, to meet BLM's mandated mission, and to enable the state fish and wildlife agencies to meet their fish and wildlife management goals.

US GEOLOGICAL SURVEY-- Cooperative Research Units Support State Needs--For many state fish and wildlife agencies, the Cooperative Research Units are the collaborative yet independent research arm with which our agencies closely work; the information from which is used to improve management decisions and applied conservation actions across species, habitats and landscapes. The Association strongly supports the President's FY 2016 budget request for Cooperative Research Units at $20 million.

Mr. JOYCE. Thank you, Mr. Virgil Moore. We will move on to Mr. Brian Moore.

WEDNESDAY, MARCH 18, 2015.

NATIONAL AUDUBON SOCIETY

WITNESS

BRIAN MOORE

Mr. BRIAN MOORE. That is great to be Moore and Moore at this table.

I am Brian Moore. I work for the National Audubon Society, and I am glad to be here on our behalf. Our more than one million members and supporters have been working for over 100 years to protect the land and the habitats that support birds and other important species, so we have been doing this for a long time and we are very proud of our organization.

We have a relatively long list, as you might imagine, so I am not going to go into that. That is in our submitted testimony for the record. But I would like to touch on a few key issues for us, and one was really to associate us with the comments that Mr. Virgil Moore made about the sage grouse. We think that the states are doing a good job. They need the resources to continue to do that work, and we would like to see adequate funding for the Fish and Wildlife Service and other agencies within the Interior Department to complete that work over the next 6 or 8 months.

So a couple of priorities for us. We have always supported and worked on the Everglades. We believe this Committee has done a lot of great work in supporting, through the appropriations process, the restoration of America's Everglades and we think the President's budget request of $64.6 million is a good start, but there is an additional issue that has come up and it has to do with exotic and invasives species in the Loxahatchee National Wildlife Refuge, and there is an agreement with the refuge and the South Florida Water Management District to handle this invasive species problem in the Everglades—or, I am sorry, in the Loxahatchee, which is in and around south Florida and the Everglades, by 2017. The President's budget request only asked for $2 million for that purpose for this year. All the economics and the folks who have studied this believe that it is going to take about $6 million per year over the next 4 years to fix this problem and another $2 million in maintenance after that. So what we would like to suggest is that we support the President's budget request of $64.6 million but we think an additional $4 million this year would go a long way in help solving this problem and fulfilling the agreement that exists between the State of Florida and the refuge, so our request for that number would be $68.6 million.

For Audubon, the National Wildlife Refuge System has always been a priority, and Audubon has been involved since the inception of the land management system. Early Audubon members were part of the group that helped establish Pelican Island in Florida as our first National Wildlife Refuge System, and we continue to be concerned about the backlog of maintenance and other issues in the

refuge system, and so to do that, we think an appropriate amount this year would be about $508.2 million, and the reason is, the refuge system provides habitat for over 2,000 species of birds and wildlife, and it is really something that we would like to see the backlog addressed as well as move forward to keep the system available for bird watchers, sports people and other folks who might go visit the wildlife refuge system, have a nice experience, not see old, dilapidated buildings, have poor boardwalks. We think it is important to have robust funding for that system.

Another thing which may not be surprising to you, for Audubon being bird-centric, is the Neotropical Migratory Bird Conservation Act. That is very important to us. Approximately 500 of the 800 species of birds you might see or hear in North America, or in America specifically, do have their home at some point in time in the year in Caribbean Latin America. This programs helps leverage funding to protect that habitat. It is a 3:1 leverage program, and we would like to see that funding at the President's budget request level of $4.16 million for fiscal year 2016.

And then finally, I would like to talk about an ecosystem that is sometimes overlooked, and it is the Long Island Sound. The Long Island Sound Restoration program sits within the EPA's geographic programs, and we find that it is often underfunded at least for what we believe its needs are. More than 8 million people live in the area, and the resultant development has led to increasingly poor ecosystem health, and we are of the mind that the funding for that restoration of that ecosystem has been historically low, and we really recommend a number of more like $10 million to the EPA for that geographic program.

So with that, I see I just have just a few seconds left, so I would like to thank you for letting me come represent Audubon in front of you.

[The statement of Brian Moore follows:]

Brian Moore
Legislative Director
National Audubon Society
Testimony for the House Interior Appropriations Subcommittee
March 18, 2015

Chairman Calvert and Ranking Member McCollum, on behalf of more than one million members and supporters of Audubon, I thank you for the opportunity to express to your Committee our recommendations for Fiscal Year 2016 funding of Department of the Interior and Environmental Protection Agency. **Audubon has been protecting birds, wildlife, and the habitat that supports them for over 100 years. Our national network of community-based nature centers and chapters, scientific and educational programs, and advocacy on behalf of areas sustaining important bird populations, engage millions of people of all ages and backgrounds in positive conservation experiences.** The purpose of our testimony is to recommend levels of funding for specific programs that are vital to our mission.

The President's FY 2016 Budget Request

Audubon is highly supportive of the President's FY 16 proposed budget for conservation, restoration, and the environment. However, we carry strong concerns over the proposed diversion of critically needed and currently dedicated funding for coastal Louisiana and the Mississippi River Delta. The Mississippi River Delta is a national treasure that is home to millions of Americans and provides vital habitat for birds and wildlife. We are currently losing 16 square miles of wetlands a year in the region. This landscape deserves our full attention.

Everglades Restoration

The Restoration of America's Everglades has long been a priority for Audubon. We are grateful to the Committee for its long-standing support of restoration for this important ecosystem through the appropriations process. The President's budget request of $64.6 million for America's Everglades will help protect and restore this unique natural treasure.

Audubon believes that there is a serious problem in the Everglades with invasive exotic species. Numerous invasive plant and animal species are changing the conditions of native habitat. One acute issue that needs to be addressed is combatting invasive plant species in the Arthur R. Marshall Loxahatchee National Wildlife Refuge. Under a license agreement with the South Florida Water Management District of the State of Florida, the Refuge is required to control exotic plants by 2017. Despite significant progress in meeting this challenge, under current funding levels, the Refuge will struggle to meet this requirement.

A total of $6 million per year for the next 4 years has been identified as the funding level needed to ensure compliance with this lease agreement and $2 million after that for maintenance. The FY 2016 budget requests only $2 million for this purpose. We ask that you appropriate an additional $4 million toward this important goal. With that addition, **Audubon recommends that the Committee appropriate $68.6 million to the Department of Interior for Everglades Restoration in FY 16.**

Land and Water Conservation Fund (LWCF)

LWCF is crucial to Audubon's mission to protect and establish habitat strongholds for birds and wildlife. The current rapid rate of habitat loss is threatening the populations of dozens, if not more, species of birds and other wildlife. We urge the Committee to **appropriate $400 million for LWCF out of discretionary spending in FY 16.**

State and Tribal Wildlife Grants

This valuable program provides matching grants for design and implementation of habitat and wildlife conservation plans and allows states to conserve and restore declining native species prior to a necessity to list them as endangered or threatened. **Audubon supports the President's request of $70 million for this program in FY 16.**

National Wildlife Refuge System

America's Refuge System faces a massive multi-billion dollar backlog of operations and maintenance needs that is widely recognized as a handicap to Fish and Wildlife Service efforts to conserve and protect the System's more than 94 million acres of prime habitat for more than 2,000 bird and wildlife species. Robust funding is needed to provide adequate services for the millions of birdwatchers, sportsmen, and others who enjoy the outdoors at their local wildlife refuges. **We call on the Committee to fund the National Wildlife Refuge System to $508.2 million in FY 16.**

Cooperative Endangered Species Conservation Fund

We firmly believe that the Endangered Species Act is one of our nation's most important environmental laws. We continue to have concerns for this program and the need to prevent the loss of irreplaceable species and biological diversity. **Audubon urges the Committee to appropriate $50.09 million in FY 16.**

Neotropical Migratory Birds and the Multinational Species Fund

The Neotropical Migratory Bird Conservation Act (NMBCA) passed the Congress in order to reverse the decline of migratory birds that breed in the U.S. by protecting their habitats in Latin America and the Caribbean. Approximately 500 of the existing 800 species of birds found within the United States migrate across the nation's borders annually. For a great number of these species, this region contains almost the entire world population of these birds in the non-breeding season. The demand on this program is great, despite its' 3:1 match requirements. Every year since the programs inception, the demand has outstripped the supply of grant dollars. We appreciate the Committee's support for this program in past years, and hope to see that

support continue, in light of the importance of conservation grant programs that are highly leveraged, and in light of the high demand on the program. **We support the President's budget request of $4.16 million for FY 16.**

Migratory Bird Management (MBM) at FWS

The Division of Migratory Bird Management, an asset to bird population conservation efforts, requires funding for the survey and monitoring of migratory bird populations, the use of sound science as a management tool, coordination of activities with other agencies, governments and NGOs, and the completion of conservation plans. **We urge the Committee to fund the DMBM at $53.6 million in FY 2016.**

North American Waterfowl Management Plan, Joint Ventures

Beginning in 2001, Congress recognized the effectiveness of the Joint Venture regional conservation approach by ramping up the level of administrative funding to organize this effort. That support continued through 2004 when full funding was realized to develop the capacity necessary to carry out the work spelled out by the North American Waterfowl Management Plan for wetland habitat conservation. Congress should be commended for its part of this important partnership, as it was the pivotal link that ensured ongoing success for all partners. Congress' continued commitment to the cause of cooperative conservation cannot be overstated, for without Congressional support, accomplishment by Joint Venture partners would be far less significant. **We respectfully encourage the Committee to fund Joint Ventures at $18.59 million in FY 2016.**

North American Wetlands Conservation ACT (NAWCA)

The North American Wetlands Conservation Act is a long-standing program that has been extremely effective in leveraging non-federal funds to protect, restore, and manage wetland habitat for migratory birds and other wildlife. NAWCA provides federal cost-share funding to support the North American Waterfowl Management Plan. **Audubon recommends that the Committee appropriate $34.14 million for NAWCA in FY 16.**

Long Island Sound Restoration

The Long Island Sound Restoration Program exists within the EPA's Geographic Programs and strives to protect and restore the environmentally and economically vital resources of the Sound. In 1985, the Sound was one of the first three estuaries recognized under the National Estuary Program because it provides feeding, breeding, nesting, and nursery areas for a diverse variety of plant and animal life. More than 8 million people live in the Long Island Sound watershed, and the resultant development has led to increasingly poor ecosystem health.

Audubon continues to have concerns about the funding levels to restore and protect the Long Island Sound watershed. **We recommend that the Committee appropriate $10 million in FY 16 for this vital ecosystem.**

Thank you for providing us with this opportunity to testify on Audubon's priorities for the Department of the Interior and the Environmental Protection Agency. I appreciate the fact that this is a large agenda, but the problems facing America's birds, wildlife and their habitat are daunting. We look forward to working with you to protect America's birds, wildlife and habitat.

Mr. JOYCE. Thank you, Mr. Moore.
Mr. Brooks.

WEDNESDAY, MARCH 18, 2015.

MISSISSIPPI INTERSTATE COOPERATIVE RESOURCE ASSOCIATION (MICRA)

WITNESS

RON BROOKS

Mr. BROOKS. Thank you. I want to thank the subcommittee for allowing us to testify today. I am the Director of the Fisheries Division at the Kentucky Department of Fish and Wildlife Resources but I am here today on behalf of the Mississippi Interstate Cooperative Resource Association, or MICRA, an organization of 28 state agencies' fisheries programs which collectively oversee a basin that drains over 41 percent of the United States. MICRA is very concerned with the priorities in the budgets of the U.S. Fish and Wildlife Service's resource management appropriations for fisheries and aquatic conservation. As such, MICRA supports increases in the President's budget for the National Fish Hatchery System and the Aquatic Habitat and Species Conservation program and would like to see these issues continue to be elevated as priorities for the Service and Congress, and having heard Director Muller's testimony on the hatchery system, I can say that MICRA emphatically agrees with everything that he brought up as well.

A detrimental aspect of fish habitat includes invasive aquatic nuisance species which impact water resources, businesses, native ecosystems and the public in every state throughout the Nation. Management and control of nuisance fish and mussels, plants and other organisms cost the United States billions of dollars each year. To provide a framework to combat ANS, or aquatic nuisance species, 42 states have ANS management plans currently that are approved by the Aquatic Nuisance Species Task Force composed of 13 federal agencies and 12 ex officio organizations of which MICRA is a major member. Funding for implementation of improved state ANS management plans throughout the U.S. Fish and Wildlife Service was authorized through the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, which we call NANPCA. However, federal appropriations for state ANS management plans have never been more than about a million dollars. The static amount of funding coupled with increasing numbers of approved ANS management plans over the years has decreased the funding from around $100,000 per state to about $24,000 per state currently. This severely limits the states' abilities to effectively manage ANS and leverage the federal funds.

Comparatively, funding requests by all the states to implement their approved plans in 2012 is more than $14 million, so although MICRA's request to honor NANPCA authorization of only $4 million implementing approved through ANS management plans fall far short of state requests, the additional $3 million is critically needed and long overdue. MICRA asks Congress to strongly sup-

port this request for federal agencies to appropriate at least the $4 million authorized originally by NANPCA.

I want to also address funding needed specifically to prevent the spread of Asian carp in the Mississippi River Basin. Congress has made significant investments over the last several years to prevent Asian carp from becoming established in the Great Lakes, and the federal agency base funds have recently been increased to continue that effort. MICRA strongly supports those funding increases. MICRA also applauds Congress for its amendments to the Water Resources Reform and Development Act in 2014, that for the first time ever appropriated funds to focus efforts beyond the Great Lakes and address stopping the carp expansion at the Mississippi and Ohio Rivers. However, the proposed U.S. Fish and Wildlife Service 2016 Asian carp allocations would provide nearly $5.5 million to prevent Asian carp from being established in the Great Lakes, a $7 billion economy, but only about $2.5 million dedicated to preventing and controlling establishment of populations outside the Great Lakes, an economy estimated over $17 billion across the basin. This large discrepancy is an issue because the President's 2016 budget includes important modifications that expand the use of these funds to the Mississippi River and its tributaries. MICRA urges Congress to keep this broader scope. We agree with that scope, but to authorize proportionate increases in Asian carp appropriations. There are currently two regional plans, action plans, being funded to address the Asian carp expansion of the Mississippi and Ohio Rivers. Three more regional plans are under construction, which underscores the need for additional funding. Without preventing the spread and establishment of Asian carp throughout the Mississippi River Basin, you are never going to keep the carp out of the Great Lakes is the bottom line.

Finally, since 2013, the fight against Asian carp outside the Great Lakes has been led by states, including Kentucky, which combined efforts in limiting funding to begin Asian carp expansion prevention and population control. I guess I should mention Minnesota as well. They have done a lot as well.

MICRA urges Congress to provide pass-through language in the U.S. Fish and Wildlife Service that would appropriate funding directly to the states through MICRA to ensure that the states' roles in leverage federal dollars is maximized to combat Asian carp.

And with that, I would like to thank you for allowing me to speak.

[The statement of Ron Brooks follows:]

Written Testimony to the House of Representatives
Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies

By
Ron Brooks
Chairperson-elect
Mississippi Interstate Cooperative Resource Association

My name is Ron Brooks. I am the Director of the Fisheries Bureau for the Kentucky Department of Fish and Wildlife Resources. I am here today on behalf of the Mississippi Interstate Cooperative Resource Association – an interstate partnership known as MICRA – to provide testimony on the priorities and budget of the U.S. Fish and Wildlife Service, in particular the Resource Management appropriations for Fisheries and Aquatic Conservation Program.

MICRA is an organization of my fellow state agency fish chiefs in the 28 states that have management jurisdiction of the fisheries resources in the Mississippi River Basin. The Mississippi River Basin states formed the MICRA partnership in 1990 to cooperatively manage the interjurisdictional fisheries and aquatic resources in the basin, and to address the basin-wide challenges and barriers impacting these resources.

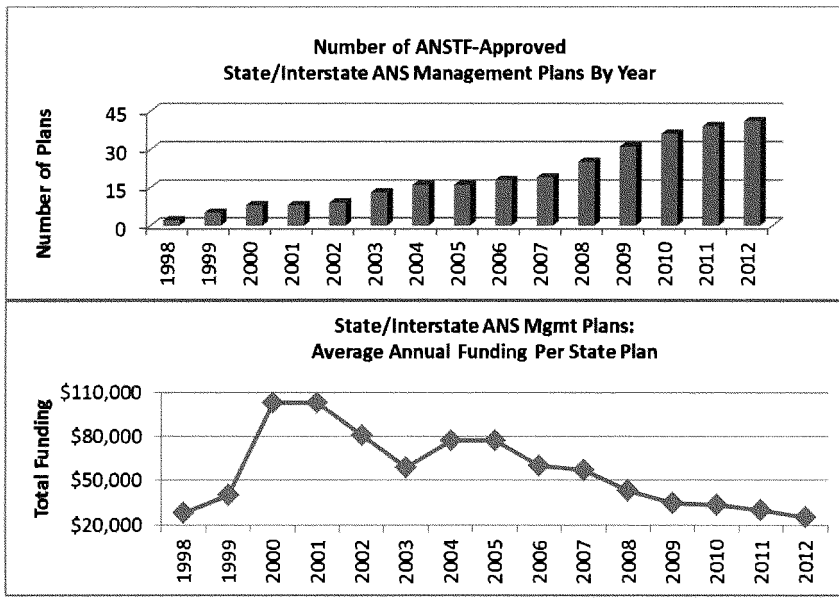
MICRA supports the increases in the President's Budget for the National Fish Hatchery System, and the Aquatic Habitat and Species Conservation Program. Two of the primary basin-wide issues impacting our native fisheries and aquatic resources are the loss of diverse habitats and aquatic nuisance species. The National Fish Hatchery System mitigation program, Fish Passage program, and the National Fish Habitat Partnerships are all programs that MICRA strongly supports and would like to see remain priorities for the Service and Congress.

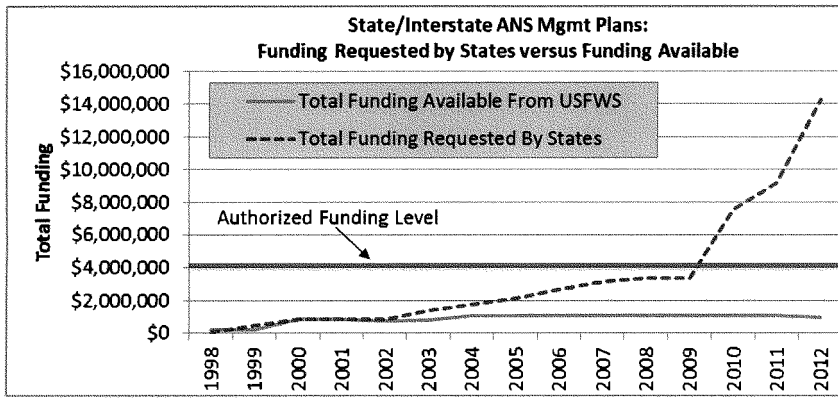
I will focus the remainder of my comments today on the issue of Aquatic Nuisance Species, which I will refer to as ANS. ANS impact water resources, businesses, waterway users, native ecosystems, and the public in every state throughout the Nation. Management and control of nuisance fish – such as Asian carps and lion fish; mussels – such as quagga mussels, zebra mussels, New Zealand mud snails, and apple snails; plants such as Brazillian elodea, water hyacinth, and Eurasian water milfoil; and a plethora of other organisms cost the United States billions of dollars each year.

The Aquatic Nuisance Species Task Force (ANSTF), composed of 13 Federal and 12 ex-officio organizations, serves as the only intergovernmental organization dedicated to preventing and controlling aquatic nuisance species. The ANSTF provides a national forum for collaboration on critical issues that can impact prevention, control, and management of ANS. Regional coordination among Federal, State, and local partner is accomplished through the work of six Regional Panels. MICRA is an ex-officio member on the ANS Task Force and the host organization for the Mississippi River Basin Panel on Aquatic Nuisance Species – the largest Regional Panel in the country.

As part of the federal – state partnership to address this immense issue, the states have produced ANS management plans that identify needed actions to address each state's priority ANS issues. Funding for implementation of ANS Task Force approved state and interstate ANS management plans through the USFWS is authorized at $4 million through the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990. Funding for state ANS management plans allows states to leverage funds and implement the highest priority actions to prevent the continued spread of ANS and minimize their impacts on the public.

Appropriations for state ANS management plans have consistently remained around $1 million since first authorized at $4 million. As the number of approved state ANS management plans has increased each year, the amount of funding received by each states has steadily decreased. There are now 42 ANS Task Force approved state and interstate ANS management plans. Funding levels have fallen from more than $100,000 per approved plan in FY2000 and FY2001, to less than $24,000 per plan in FY2015, severely limiting the ability of states to effectively manage ANS. The total funding requested by states to implement approved plans was more than $14,000,000 in FY2012. This increase of $3 million for implementation of approved state and interstate ANS management plans critically needed and long overdue. It is an investment in the states' collective ability to prevent introductions of new ANS and manage and control existing ANS populations that cause millions of dollars in losses each year.





In particular, Asian carp have been spreading throughout much of the Mississippi River Basin over the past two decades impacting new waters each year. The states assisted the USFWS in the development of a national Asian carp management and control plan that was approved by the national ANS Task Force in 2007. The Mississippi River Basin states have long advocated for national strategies to prevent and control Asian carps, recognizing that comprehensive efforts to address Asian carp throughout the Mississippi River Basin are necessary to achieve success in preventing Asian carp from becoming established in the Great Lakes, Upper Mississippi River, upper Ohio River basins and elsewhere. Congress has made a significant investment over the last several years to prevent Asian carp from becoming established in the Great Lakes, first through Great Lakes Restoration Initiative (or GLRI) funding and more recently through base funding allocations to federal agencies.

There has been a steady shift from the use of GLRI funds to federal agency base funds to address Asian carp prevention and control in the Great Lakes. The President's FY2016 Budget includes an important increase in Asian Carp funding to transition the USFWS completely away from the use of GLRI funds for Asian carp work. MICRA strongly supports this recommended funding increase to enable the USFWS to lead national efforts to manage and control Asian carps in the United States. As proposed, the USFWS FY2016 Asian carp allocations would be divided with nearly $5.5 million dedicated to preventing Asian carp from becoming established in the Great Lakes, and only about $2.5 million dedicated to preventing establishment and controlling established populations outside the Great Lakes. Greater focus on national priorities and increased funding for Asian carp prevention and control beyond the Great Lakes is desperately needed. The Mississippi River Basin alone drains all or part of 31 states and 2 Canadian Provinces. In addition to protecting uninvaded waters in every Mississippi River Basin state, many states in the Mississippi River Basin are attempting to reduce established populations of Asian carp and minimize their impacts on the businesses and recreational users that rely on these waters.

Beginning in FY2014 the USFWS began receiving a small amount of base funding to address Asian carp outside the Great Lakes, however this funding was focused on preventing Asian carp from becoming established in the Upper Mississippi River and Ohio River basins. The FY2016 President's Budget includes an important modification that expands the use of these funds to the "Mississippi River and tributaries." While perhaps not meant as geographic restrictions, the USFWS continues to interpret appropriations language such as "Great Lakes and areas outside of the Great Lakes, including the upper Mississippi and Ohio River basins" as geographic restrictions and fails to implement a national strategy for this national issue. MICRA urges Congress to remove the language interpreted by the USFWS as geographic restrictions on the use of these funds in FY2016 appropriations language and authorize the use of Asian carp appropriations "for the implementation of national priorities based on the national Asian Carp Management and Control Plan, and implemented through regional or local Action Plans stepped down from the nationally approved plan."

The Regional Frameworks/Action Plans for the Mississippi River Basin were developed with flexibility to use creative solutions to control existing populations of Asian carp and prevent further range expansion. Much of the work identified in the Asian Carp Regional Frameworks/Action Plans for the Mississippi River, Ohio River, and other parts of the Mississippi River Basin are state-led actions. The states are critical partners to the federal agencies in the battle against Asian carp, but most states lack funding to implement actions and address priority needs. Federal funding directly to states for implementation of priority actions in support of the National Asian Carp Management and Control Plan, and Regional Frameworks/Action Plans is critically needed for engagement of states as partners in addressing Asian carp. Funding increases to Federal agencies for Asian carp should include a specific amount or a percentage increase for pass through to states for implementation of state-led priority needs identified in Asian Carp Regional Frameworks/Action Plans.

I am happy to provide clarification or additional information to the Subcommittee or its individual members regarding any of MICRA's recommendations presented in this written testimony.

Sincerely,

Ron Brooks
MICRA Chair-elect
ron.brooks@ky.gov
502-226-0881

Mr. JOYCE. Thank you, Mr. Brooks.
Mr. Rowsome.

WEDNESDAY, MARCH 18, 2015.

THE WILDERNESS SOCIETY

WITNESS

ALAN ROWSOME

Mr. ROWSOME. Congressman Joyce, Ranking Member McCollum, on behalf of the Wilderness Society and our 535,000 members and supporters, thank you for the opportunity to testify today.

We would also like to thank you and your staff for their commitment to the many federal programs and projects that support our public lands.

Before starting to discuss the important priorities in this bill, I think it is important to acknowledge that the budget blueprint that Chairman Price laid out yesterday leaves very little room to invest in good conservation programs and continues us on a path that will have this spending bill underfunded for many years to come. It is our hope that we can improve and strengthen that budget outlook in the coming days because failing to support discretionary funding increases for this and other subcommittees will ensure that our national parks, forests, wildlife refuges and wilderness areas will continue to have substantial unmet needs that go unaddressed.

Last year, we celebrated two of the most important conservation achievements of our Nation's history: the 50th anniversary of the Wilderness Act and the Land and Water Conservation Fund Act. However, as we recognize these milestones, our National Wilderness Preservation System continues to face chronic underfunding and the longstanding promise of the Land and Water Conservation Fund, the protection of one resource due to depletion of another, continues to be unbroken.

This committee is about to receive the strongest and most bipartisan member support letter for the Land and Water Conservation Fund ever completed in this body. It includes over 200 Members of Congress urging robust and consistent funding for LWCF as well as commitment to reauthorizing this popular, successful and efficient program that works and should continue to work for long into the future. LWCF is arguably the most publicly supported program in this budget. There should be no debate that the program at the very least should continue to be funded at its current level and we should be looking for ways to support the $400 million in discretionary LWCF funding recommended for the program this year.

LWCF is a toolbox of conservation utilized differently in local communities, depending on their specific needs and opportunities. In the chairman's home state alone, the fiscal year 2016 LWCF request contains prudent acquisitions within three of the four land management agencies, several working forest projects within the Forest Legacy program, significant cooperative endangered species dollars, and the highest allocation of local state park grant funding in the Nation. Over $30 million could be going to the state if this

year's LWCF budget is supported, and I will also be happy to provide that information for Ohio and Minnesota as well.

One quick LWCF example that demonstrates why the program makes so much sense, the Zion Orderville Gulch Forest Legacy Project in Utah, Mr. Stewart's district, is just two miles east of Zion National Park. This property offers two alternative routes to the stunning Zion Narrows Trail. Should the land be sold or subdivided, public access to nearby BLM lands in Zion National Park will be cut off. A Forest Legacy program easement funded by LWCF will ensure permanent access to these increasingly popular trails.

Turning to wilderness, our 110 million acres of wilderness nationwide are severely underfunded despite providing the purest and often most sought after outdoor recreation experiences one can have. With a very small $5 million increase in fiscal year 2016 spread over all four agencies, or a mere 45 cents per acre, wilderness managers could maintain trails more effectively, hire more law enforcement agents, provide better education programs and do basement assessments necessary to understand the unique nature of these incredible wild lands. These dollars would easily pay for themselves with increased visitor experiences, less backlog of stewardship plans, better training for wilderness superintendents, improved interagency coordination, and less litigation risk due to management inconsistency.

Given that funding for these important conservation priorities will be difficult, the Wilderness Society is also a strong proponent of the bipartisan Wildfire Disaster Funding Act. As you know, fire seasons are longer and becoming more severe each year. The Wilderness Society strongly supports the bipartisan legislation in this Congress to address how we fund suppression and the proposal for $841 million to be made available under the disaster funding cap adjustment. This will eliminate the need to pillage other conservation accounts to pay for the suppression of our worst fires and give you more flexibility to support other important programs and initiatives.

TWS is also a strong proponent of funding that will help transition our country to a sustainable energy economy by developing our renewable energy resources quickly and responsibly. For example, planning for renewable energy in places like southern California where we have the Desert Renewable Energy Conservation Plan will help avoid costly conflict and delays and allow for important public input.

In closing, I defer to my written testimony to highlight a number of other important conservation priorities worthy of support and strong funding. They are prudent investments that help local economies create jobs and provide livable, sustainable communities. The Wilderness Society appreciates the commitment to our public lands and wild places, and we look forward to working with you now and into the future.

So thank you for the opportunity to testify.

[The statement of Alan Rowsome follows:]

Written Statement of Alan Rowsome
Senior Director of Government Relations for Lands at The Wilderness Society
Before the U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Regarding the FY 2016 Interior and Related Agencies Appropriations Bill
March 18, 2015

The Wilderness Society (TWS) represents more than 535,000 members and supporters who share our mission to protect wilderness and inspire Americans to care for our wild places. We thank the Subcommittee for the opportunity to submit comments on the Fiscal Year 2016 Interior, Environment and Related Agencies Appropriations Bill.

When deciding on funding that affects hundreds of millions of Americans, we urge you to take into account the full economic, social, environmental and cultural value of the many programs managed by this Subcommittee. Our public lands and waters contribute significantly to the U.S. outdoor recreation economy. The Outdoor Industry Association's latest report shows that outdoor recreation alone generates $646 billion in direct consumer spending, supports 6.1 million direct jobs and generates $79.6 billion in federal, state and local tax revenue.

Modest, prudent investments in these critical programs will provide jobs and protect the health and economic wellbeing of local communities. We urge bold, immediate action in support of conservation funding for Fiscal Year 2016. Specifically, TWS recommends:

Wilderness Management
America's National Wilderness Preservation System, now 50 years old, is suffering from a serious lack of funding. Trail maintenance, law enforcement, monitoring, and user education are all significantly underfunded, leading to an erosion of wilderness values and a diminution of the experience for visitors. We recommend that each of the agency wilderness management accounts be increased to support much needed trails maintenance, update signage, fight invasive species, restore watersheds, and monitor effects of climate change, among other critical needs.

- **Bureau of Land Management (BLM) Wilderness**
  TWS supports restoring BLM Wilderness funding to the FY11 level of $19.663 million. The budget proposal of $18.559 million for BLM wilderness management is strong, but still 6% lower than the FY11 enacted level. To just keep pace with inflation the FY16 request would need to be $20.430 million.
- **Forest Service Recreation, Wilderness and Heritage**
  We urge Congress to support wilderness and recreation by restoring funding to the FY10 level of $285.1 million for the Recreation, Heritage and Wilderness Program. Recreation is the most ubiquitous use of our forest lands, and accounts for more than half of all job and income affects attributable to Forest Service programs (over 190,000 jobs and $11 billion in spending effects by visitors).
- **National Park Service Wilderness**
  We support the proposed FY16 funding increase for the base wilderness program to $462,000. As the Park Service prepares for their Centennial next year this modest increase would help address the backlog of Wilderness Stewardship Plans, support training for wilderness park superintendents, improve coordination with interagency Landscape Conservation Cooperatives, and reduce the likelihood of litigation.

Land and Water Conservation Fund
Having just celebrated its 50th Anniversary year, LWCF remains the premier federal program to conserve our nation's land, water, historic, and recreation heritage. It is a critical tool to protect national parks, national wildlife refuges, national forests, BLM lands, and other federal areas. The companion LWCF state grants program provides crucial support for state and local parks, recreational facilities, and trail corridors. LWCF also funds two other important state grant programs – the Forest Legacy Program and Cooperative Endangered Species programs – that ensure permanent conservation of important forest lands and threatened and endangered species' habitat, as well as important wildlife and recreational habitat and ensures that public lands stay public for hunters, anglers, and other outdoor recreationists for generations to come.

- *TWS strongly supports fully funding LWCF at the proposed $900 million, with a discretionary funding level of $400 million.* Full funding for LWCF will allow land management agencies to manage our public lands more efficiently and cost-effectively. This is in part achieved through strategic inholdings acquisition which reduces internal boundary line surveying, right-of-way conflicts and special use permits.

Emergency Wildfire Funding
For years USFS and DOI have had to divert funds from vital conservation and wildfire prevention programs to cover wildfire suppression costs. This is having long term negative effects on conservation and land management, especially where these funds are diverted from programs aimed at reducing fire risks and costs, which creates a vicious cycle. With longer and more severe fire seasons the Forest Service has seen wildfire management rise from 13% of the agency's budget in FY1991 to almost 50% today.

- *TWS strongly supports the bipartisan funding request at 70 percent of the ten year average, and the $841 million to be made available under the disaster funding cap adjustment.* This will eliminate the need to pillage other accounts to pay for the worst one percent of wildfires, and will treat them as the natural disasters they truly are.

BLM Onshore Oil and Gas Policy
The BLM is implementing important management reforms of its oil and gas program that is leading toward a better balance between oil and gas development on public lands and the protection of the numerous natural resource values that were put at risk by previous policies. It will also lead to federal lands that are fully and fairly valued for the American people. TWS support the following Administration proposed reforms of the BLM's oil and gas program:

- *A fee on onshore federal operators to provide for a $48 million per year inspection and enforcement program to implement recommendations made by the GAO*
- *An increase of $5.8 million in BLM to accelerate development and completion of Master Leasing Plans to ensure proper planning and conservation during siting and development of oil and gas wells.*
- *Funds to enact royalty reforms and improve revenue collection process to ensure that resources on federal lands are fully and fairly valued and delivering fair taxpayer returns*
- *Funds to implement regulations to reduce methane waste from wells on federal lands.*

Sage Grouse Initiative
The Wilderness Society supports the administration's $45 million increased request for the BLM's Greater Sage Grouse Conservation Strategy. If successful, implementation of this strategy will lead to recovery of this important western game species without the necessity of a listing under the Endangered Species Act.

BLM's National Landscape Conservation System
The National Landscape Conservation System (Conservation Lands) comprises some 27 million acres of congressionally and presidentially designated lands and waters, including National Monuments, National Conservation Areas, Wilderness Areas and other designations. Stewardship of the Conservation Lands provides jobs for thousands of Americans while supporting vibrant and sustainable economies in surrounding communities. The Conservation Lands provide immeasurable public values from modest investments: outstanding recreational opportunities, wildlife habitat, clean water, wilderness, and open space near cities.

- *TWS strongly supports the Administration's FY 2016 recommendation of $81.079 million to ensure the natural, cultural, and historical resource protection provided by the Conservation Lands for the American public.*
- *TWS also supports the proposed BLM Challenge Cost Share Program funding of $12.416 million.* This is a cross-cutting program within DOI, which provides a 1:1 match for volunteer activities.

Renewable Energy
TWS is a strong proponent of transitioning our country to a clean energy economy by developing our renewable energy resources responsibly. We believe renewable energy is an appropriate and necessary use of public lands when sited in areas screened for habitat, resource, and cultural conflicts. Identifying and avoiding conflicts early is essential to avoid costly fights and create allies with local communities and the renewable energy industry. TWS hopes the Department will continue to support a program that ensures our public lands play an important role in supporting renewable energy infrastructure through environmental review, suitability screening, and energy zone identification to find suitable places for renewable energy projects. TWS is also a supporter of Secretarial Order 3330 on Mitigation that would ensure that any impacts are avoided or offset. TWS urges Congress to:

- *Support increased funding for renewable energy programs across Interior from FY 15 enacted, up to $110.4 million total.*
- *Support an increase of $5 million in Cadastral, Lands, and Realty Management program to enhance BLM's ability to designate energy corridors to site high-voltage transmission lines, substations, and related infrastructure in an environmentally sensitive manner*

Implementation of Landscape Level Management
The Wilderness Society supports the Department of Interior's philosophy of looking at development on a landscape level with proper mitigation policies. The recently released draft of the Desert Renewable Energy Conservation Plan in the California Desert is a prime example. It is crucial that the Department is fully funded to put in place processes that designates areas for energy development, both traditional and renewable, at the same time setting aside important areas for wildlife, cultural, and recreational values.

National Wildlife Refuge System Funding
The National Wildlife Refuge System is the world's finest network of protected lands and waters. Designed to conserve our fish and wildlife resources, refuges are located in every state and territory and provide enormous economic benefit for their local communities. Every year, the System attracts 45 million tourists, hunters, fishermen, and other recreationists, generating $1.7 billion in sales, sustaining nearly 27,000 jobs annually, and contributing over $185 million in tax revenue. The Refuge System has been under increasing fiscal strain, however, with a maintenance backlog of over $3 billion.

- *We urge Congress to support funding for the National Wildlife Refuge System at the President's recommendation of $508.2 million.*

National Forest Restoration
The Legacy Roads and Trails (LRT) and Collaborative Forest Landscape Restoration (CFLR) programs provide essential funding to restore watersheds, improve recreational access, protect aquatic species and advance collaborative restoration projects. LRT funding was slashed 50% in FY11 and 22% in FY14. Given the recent evaluation of the Integrated Resource Restoration (IRR) program we recommend that LRT be removed from IRR, to enable it to operate as a complementary program to IRR, similar to CFLR. We also do not recommend that the IRR pilot program be expanded until the test regions have proven that IRR can improve restoration without a loss of transparency and accountability. Specifically, TWS recommends that Congress:

- *Restore Legacy Roads and Trails funding to $45 million* and *fully fund the Collaborative Forest Landscape Restoration Program at $60 million*

Forest Service Inventory & Monitoring and Planning
The Inventory and Monitoring Program is integral to forest planning. The Planning Program funds amendments and revisions to Land Management Plans, the overarching documents that guide the management of individual forests and grasslands. By providing adequate and consistent funding to both these programs, we advance plans and projects and avoid bad decision-making, unnecessary costs, and reduce risks to water quality and quantity, wildlife, and recreation. TWS recommends that Congress:

- *Support Inventory & Monitoring and Planning by restoring funding to the running 10-year average of $162,060,500 and $45,712,600, respectively.*

National Forest Roads
Forest Service roads funding has been cut by 41% since 2010, adding even more strain to a severely under-maintained road system. The road system enables management, recreation and restoration on our national forests and grasslands. It is also one of the most significant stressors on watersheds and ecosystems, contributing to water pollution and declining fish populations. Adequate funding is needed to create a sustainable, safe road system that minimizes negative impacts of roads, provides high quality recreational access, and to stormproof roads against anticipated severe flood flows resulting from climate change.

- *We urge Congress to fund Capital Improvement and Maintenance Roads at the running 10-year average of $201,702,200 in FY 2016.*

National Forest Trails
There are 158,000 miles of trails in the National Forest System. These trails provide 50 million visitor days of cross-country skiing, hiking, horseback riding, mountain biking, and off-road vehicle use each year. Annual visitor days have grown 376% since 1977, and the total mileage of trails has grown 56.9% to accommodate this. Unfortunately, the trails maintenance and reconstruction line item has remained essentially flat since 1980, after adjusting for inflation. In FY15 the trails budget was cut 9% compared to FY10, despite the fact that GAO has reported a $500 million trail maintenance backlog. Currently, the Forest Service is only able to maintain a quarter of its trail miles to a minimum standard condition.

- *We urge Congress to fund Capital Improvement and Maintenance Trails at its FY2010 level of $85,381,000 in FY 2016.*

Mr. JOYCE. Thank you, Mr. Rowsome. We will open up for questions now and I defer to Ranking Member McCollum. Any questions you might have, Congresswoman?

Ms. MCCOLLUM. Thank you very much, Mr. Chair.

So first I want to thank Mr. Virgil Moore for the information on the wild horse and burro management. That makes sense, but I had not put all of it together with the sage grouse, so thank you. We will be doing some follow-up on that.

And to Mr. Brian Moore, I am going to be hopefully traveling on some committee background work down into the Everglades and so we are going to follow up with you a little more. I plan on going to look primarily at some other issues but they are all interconnected and all related, so we are going to follow up and get some more information from you on your Everglades question.

But the thing that is nearest and dearest to the chairman's heart and my own is the Mississippi River, me more directly representing one of the 10 states along the River, and Ohio being part of the river basin. And we have two Canadian provinces who keep their eye on what is going on.

So we passed some legislation. I know different regions and different states are working on it. We have asked for some more information and the law has not even been totally in effect for a full year yet. But what positive momentum do you see happening not only on the river but within the river basin? The legislation put U.S. Fish and Wildlife, because they are on the ground to interact with everyone, kind of as a lead. If you could just tell the chairman and I, and he will probably have his own follow-up questions on this as well, what you think is working as far as this being a blueprint to move forward?

Mr. BRIAN MOORE. Right. I just actually came back from a meeting at the Upper Mississippi River Basin where they are trying to put together their action plan right now, their framework. What I am seeing is a lot of the federal agencies are all of a sudden really interested in talking to the states about these issues more so than they ever have been. I have been working on this since 2010, trying to get this thing to move forward, and I know Minnesota has been doing a lot as well. We are also seeing the states working together a lot more to make this thing come together in a way that we can manage with what resources we are given in a way that we never could before, so we are really positive on the fact that we are getting the appropriations that we are getting. The only question mark is, how much of that is going to be used by the Fish and Wildlife Service versus the states. The states have an advantage because we know exactly where to go—we are close enough to the situation where it is logistically important that we be allowed to use that funding in order to maximize the use of the funding and to leverage that funding.

I will say that the Fish and Wildlife Service at the director's level, Mr. Turner, is doing an excellent job trying to work with the states and figure out how to get that money to the states and so what I see is very positive in terms of the interaction between the federal agencies and the states in a way that I have not seen before. So I really believe that we can attack the problem, and I think this is going to be a good step forward to adjust that.

Ms. MCCOLLUM. Thank you, Mr. Chair.

Mr. JOYCE. Thank you very much.

Mr. Brooks, is the Army Corps of Engineers part of that cooperative agreement that you are talking about?

Mr. BROOKS. The Army Corps is kind of a silent partner of MICRA. We talk with them a lot about coming back into the MICRA framework, and yes, they were very interested in doing that, and on a side note, we had been working with the Corps on the side as states anyway to try to get their assistance and helping us with different methods of harvesting carp or maybe preventing carp from moving through the locks and dams. I will say they have been positive in terms of trying to work with us, at least in theory.

Ms. MCCOLLUM. Mr. Chair, I can only speak for the St. Paul region section of the Army Corps, but they are working with the University of Minnesota making locks and dams available to do what they need to do for the research as quickly as they can move forward on it. The people at the helm for the Army Corps, especially the colonel, have been just absolutely fabulous in the St. Paul region. I am not aware of what is going on in the other regions but maybe you and I should have an Asian carp update and briefing or something on the language later on this year.

Mr. JOYCE. I would certainly appreciate that, because the Army Corps of Engineers told us that we should take comfort in the fact that Asian carp are 51 miles from the Great Lakes as though somehow that is good, even though eDNA is being found in the basins throughout the Great Lakes. They do not see it the same way we do in that their intrusion into the Great Lakes is game, set match.

Mr. BROOKS. Right.

Mr. JOYCE. I do not take comfort in the 51 miles statistic. I would like, as I asked the EPA Director, to do what we can to take them out. I just want to make sure that everybody is cooperating because that is certainly part of what we have been trying to do, and two of the biggest champions of the GLRI and Great Lakes funding has been to make sure that everybody is working in concert to do the right thing and eliminate invasive species, including Asian carp.

Mr. BROOKS. Right, and the discourse we had with them up at the UMR was positive in that respect. I think they really do want to work with—especially keeping them out of the Great Lakes. One of the issues that we brought up was that we have a lot of nuisance species that come down from the Great Lakes and we would ask them to try and look a little bit at that, and really, the Corps does not seem to be too interested in approaching that, and I would not mind getting some movement on that if we could somehow.

Mr. JOYCE. Mr. Brian Moore, what are the invasive species in the Loxahatchee that you are having an issue with?

Mr. BRIAN MOORE. Well, you have a lot of exotic pets, reptiles, snakes, things that people have purchased as pets and then they have been released and thrived in the wild. Also through the Port of Miami, I think—I do not know the exact statistics off the top of my head but plants that people would import for landscaping around their house, their yard come in through the Port of Miami. They sit. People put them in and around their yards, then they do not like them, they throw them away. Eventually these things find

their way into the refuges and the Everglades Park itself in an invasive way. They are not native and they outcompete quite often the native habitat and the food source for lots of the birds and wildlife that do not find these new plants something they can eat or forage on.

So specific examples I can give you for the record, but it has to do with exotic pets and then also the large amount of plants coming through Miami that are not native to our part of the world used for a variety of reasons which seem harmless and nice but often may have consequences.

Mr. JOYCE. Thank you, and I thank all you gentlemen for your testimony here today, and I appreciate your time.

The next panel will be Mr. Steve Kline, Ms. Mary Beth Beetham, Ms. Kelly Aylward, and Mr. Ken Williams.

Good morning, and if I butchered any of your names, I apologize in doing so.

All right, Mr. Kline. We will start with you, sir.

WEDNESDAY, MARCH 18, 2015.

THEODORE ROOSEVELT CONSERVATION PARTNERSHIP

WITNESS

STEVEN KLINE

Mr. KLINE. Chairman Joyce, Ranking Member McCollum, members of the committee, thank you for the opportunity to testify today. My name is Steve Kline and I am the Director of Government Relations for the Theodore Roosevelt Conservation Partnership. We are a coalition of more than 40 of the leading hunting and angling conservation organizations in the country, and we are working every day to guarantee all Americans a quality place to hunt and fish.

You have heard this before today but keeping the greater sage grouse off of the endangered species list is a national conservation priority. Achieving that goal requires coordination between states, federal land managers, and private landowners. But coordination must inevitably result in conservation, on-the-ground habitat restoration and resource decision-making that demonstrably results in more birds. By providing robust funding levels for sagebrush steppe ecosystem conservation to BLM, the Forest Service, and the Fish and Wildlife Service, Congress can help to ensure that land managers can conserve and restore sage habitat for the productive future of sage grouse and a multitude of other species.

Federal funding stakeholders often refer to their favorite programs as investments, a word that applies particularly well to NAWCA, the North American Wetlands Conservation Act, state wildlife grants and partners for fish and wildlife, each of which can be measured by their returns in both matching dollars and conservation results. Each federal dollar invested in these grant programs is matched, on average, three times over by non-federal dollars, and in some cases the match is much more significant. Even a minimal increase in funding for these programs will have a major on-the-ground impact, and of course the opposite is also true: even

minimal reductions in funding to programs like NAWCA and Partners for Fish and Wildlife will have outsized negative impacts. For every dollar cut, at least $3, and in many cases much more, will not be used for measurable, boots-in-the-mud conservation work. Sportsmen have long supported NAWCA, state wildlife grants, and Partners for Fish and Wildlife, and given the strong demand and the bullish ROI, we encourage the committee to consider reasonable funding increases for these priorities.

And as you have heard from others here this morning, 2015 marks a seminal moment in the Land and Water Conservation Fund's history. If not reauthorized by September, the Fund will become unhitched from its dedicated funding source. LWCF is critical to the future of America's hunters and anglers. From improving access on federal lands to conserving private-land habitat with voluntary easements in places like Ohio and Minnesota, LWCF is having a profoundly positive impact on the outdoor recreation economy, and we encourage appropriators to provide robust funding levels for the program and to support a more permanent and mandatory solution this Congress.

I will close with a note of appreciation for this committee's support of the Wildfire Disaster Funding Act. The reality that appropriators must try and anticipate the cost of these natural disasters, and subsequently attempt to fund those costs via appropriated dollars, comes with sweeping impacts across the entire Interior and Related Agencies' portfolio. TRCP will continue to lead on this issue, and we look forward to working with the committee to move the Wildfire Disaster Funding Act over the finish line.

America's natural resources are the infrastructure of an outdoor recreation economy that accounts for $646 billion in direct consumer spending each and every year, supporting more than six million jobs. Of that total, hunting and angling powers a $90 billion annual economic engine, with billions more contributed directly to state and federal revenues. Despite all of those benefits, conservation programs are frequently the target of budgetary cuts that, while having virtually no meaningful impact on the federal deficit, have profoundly negative long-term impacts. In the end, we are costing ourselves far more in both dollars and habitat than we are saving. Returns on conservation investments include jobs, increased tax revenues, and non-federal dollars that far outstrip the initial federal commitment, and importantly, better days afield for America's hunters and anglers, who are part of an outdoor recreation tradition that is truly the envy of the world. With reasonable investments in these programs, we can all reap these many benefits.

Thank you for the opportunity to testify today, and I would be happy to answer any questions.

[The statement of Steven Kline follows:]

STATEMENT OF

STEVEN K. KLINE
DIRECTOR OF GOVERNMENT RELATIONS
THEODORE ROOSEVELT CONSERVATION PARTNERSHIP

COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
UNITED STATES HOUSE OF REPRESENTATIVES

MARCH 18, 2015

Chairman Calvert, Ranking Member McCollum, and members of the committee, thank you for the opportunity to testify today. My name is Steve Kline, and I am the Director of Government Relations at the Theodore Roosevelt Conservation Partnership, a coalition of more than 40 of the leading hunting and angling conservation organizations, that is working to guarantee every American quality places to hunt and fish.

My testimony today will focus on five specific funding areas: the North American Wetlands Conservation Act (or NAWCA), the Partners for Fish and Wildlife Program, the State Wildlife Grants Program, the Land and Water Conservation Fund, and sage-grouse habitat conservation.

Keeping the greater sage-grouse off the endangered species list is a national conservation priority; achieving that goal requires coordination between states, federal land managers, and private landowners. But coordination must inevitably result in conservation—on-the-ground habitat restoration and resource decision-making that demonstrably results in more birds. By providing robust funding levels for sagebrush-steppe ecosystem conservation to the BLM, Forest Service, and Fish and Wildlife Service in fiscal year 2016, Congress can help to ensure that land managers can conserve and restore sagebrush-steppe habitat, for the productive future of sage-grouse, mule deer, and pronghorn antelope.

Appropriations for NAWCA, State and Tribal Wildlife Grants, and Partners for Fish and Wildlife are also at the top of sportsmen's priority list. Federal funding stakeholders often refer to their favorite programs as "investments," and that is a word that applies particularly well to these three grant programs, each of which can be measured by their returns in both matching dollars and conservation results. Each federal dollar invested in these grant programs is matched, on average, three times over by non-federal dollars, and in some cases the match is even more significant. What this means in application is that even a minimal increase in funding for these grant programs will have a major on-the-ground impact, and of course the reverse is true: even minimal reductions in funding to programs like NAWCA and Partners for Fish and Wildlife will have outsized negative impacts. For every dollar cut, at least three dollars, and in many cases much more, will not be used for measurable, boots-in-the-mud conservation work. Sportsmen have long supported NAWCA, State Wildlife Grants, and Partners for Fish and Wildlife, and—given the strong demand and bullish ROI—we encourage the Committee to consider reasonable funding increases for these three priorities.

Finally, my testimony today would not be complete without mentioning the Land and Water Conservation Fund. This year marks a seminal moment in this program's history. If not reauthorized in September, the Fund will become unhitched from its dedicated funding source, offshore energy royalties. In September 2014, TRCP, along with 15 key national sporting groups, produced a report outlining the importance of

LWCF to America's hunters and anglers. I'd like to submit that report for the record, and note that this program is critical to the future of sportsmen and –women in this country. From improving access on federal lands to conserving private-land habitat with voluntary easements, LWCF is having a profoundly positive impact on the outdoor recreation landscape, and we encourage appropriators to provide robust funding levels for the program and to support a more permanent and mandatory solution this Congress.

I will close with a note of appreciation for this Committee's support of the Wildfire Disaster Funding Act. While there is no need to get into the particulars of that legislation today, it is important to note that, fire borrowing is needlessly costing American taxpayers, as prevention programs are short-changed. The reality that appropriators must try and anticipate the cost of these natural disasters, and subsequently attempt to fund those costs via appropriated funds, comes with sweeping impacts across the entire Interior and related agencies' portfolio. TRCP will continue to lead on this issue, and we look forward to working with the committee to move the Wildfire Disaster Funding Act over the finish line.

America's natural resources are the infrastructure of a robust outdoor recreation economy, one that accounts for $646 billion in direct consumer spending and more than 6 million jobs. Of that total, hunting and angling powers a $90-billion annual economic engine, with billions more contributed directly to state and federal revenues.

Despite the obvious benefits of a robust outdoor recreation economy and productive, accessible natural resources, conservation programs are frequently the target of budgetary cuts that, while having virtually no meaningful impact on the federal deficit, have profoundly negative long-term impacts. In the end, we are costing ourselves far more resources than we're saving—dollars *and* habitat. As I have illustrated today, returns on conservation investments include jobs, increased tax revenues, non-federal dollars that far outstrip the initial federal commitment, and importantly, better days afield for America's hunters and anglers, who are part of an outdoor recreation tradition that is the envy of the world. With reasonable investments in those programs, we can all reap these many benefits.

Thank you for the opportunity to testify today, I would be happy to answer any questions the Committee may have.

Mr. JOYCE. Thank you, Mr. Kline.
Ms. Beetham.

WEDNESDAY, MARCH 18, 2015.

DEFENDERS OF WILDLIFE

WITNESS

MARY BETH BEETHAM

Ms. BEETHAM. Mr. Chairman Joyce, Ranking Member McCollum, thank you for the opportunity to testify. I am Mary Beth Beetham, Legislative Director for Defenders of Wildlife. Founded in 1947, Defenders has more than one million members and supporters, and we are dedicated to the conservation of wild animals and plants in their natural communities.

North America is fortunate to have some of the most abundant and diverse wildlife on Earth, more than 200,000 known species just in the United States. This unique and irreplaceable heritage is treasured by all Americans, both for its aesthetic value as well as for the very tangible benefits it brings as a resource. For example, a third of our food is pollinated by birds, bats and insects.

Cuts since 2010 because of all the federal deficit problems that conserve wildlife and habitat have severely undermined their sound management, and we are concerned that continued cuts will likely lead to irreversible harm to vulnerable species and habitat. Our Nation's wildlife is a treasure and well worth the investment to properly care for it.

We have to note that Defenders strongly oppose the inclusion of the sage grouse rider in the final 2015 appropriations bill. We ask the subcommittee to keep the 2016 bill free of this rider and any others that would undermine science-based decision-making under the Endangered Species Act.

While our written testimony highlights all of the programs we think are most important for wildlife, I will highlight several of the highest priority today.

Under the Fish and Wildlife Service, the President's budget again proposes a restructuring of ecological services activity which includes the Endangered Species program. We continue to be concerned about whether the new structure will allow for adequate transparency and accountability, particularly in the large general program activities program elements. Unless the agency can show that it has adequate controls in place to ensure strategic use of the funding, and a transparent prioritization and reporting process, we support maintaining the current budget structure and we support the increases that are in the request for the endangered species portion of the budget, a total of $23.2 million.

Also in Fish and Wildlife Service, we support the following increases in the request: $2.6 million that will help to ensure siting of renewable energy projects in a way that prevents harm to vulnerable species; $4.8 million for the Innovative Cooperative Recovery Initiative that supports more efficient efforts across landscapes to recover listed species on national wildlife refuges and surrounding lands; and $14.7 million for science support that will help

to answer pressing questions about climate adaptation, energy development impacts, and mitigation for sensitive species, white nose syndrome and many other agency management challenges.

In the Forest Service, we were concerned to see that the Administration is once again proposing merging a number of accounts including wildlife and fisheries habitat management into the Integrated Resource Restoration program. Defenders supports continuing IRR as a pilot until the agency demonstrates its ability to adequately manage habitat for fish and wildlife in a consolidated program. We also are opposed to the nearly $4 million cut proposed for Forest Service R&D.

In the BLM budget, we support the requested increase for the new Sagebrush Steppe Initiative as long as it is paired with strong science-based conservation measures that will adequately protect and restore the sage grouse and the 350 sagebrush-dependent species. We continue to be concerned that plans being developed under the National Greater Sage Grouse Planning Strategy will be inadequate to conserve the species. Also on BLM for the Threatened and Endangered Species Management program, we support a $1 million increase over the President's request that would simply restore funding to the 2010 level. According to BLM staff, the agency has funding to implement only about 10 percent of the work it is required to do in recovery plans each year for ESA-listed species on its lands. No matter where stakeholders are on the various sides of the ESA debate, everyone wants to see listed species move toward recovery. At the current level of funding, this is a goal not likely to occur for listed species on BLM lands.

And finally, for the USGS, we support the $10.6 million increase for the National Climate Change and Wildlife Science Center and other climate science centers that will support research on the impacts of climate change on fish, wildlife and other natural resources.

Again, thank you for the opportunity, and look forward to answering any questions that you might have.

[The statement of Mary Beth Beetham follows:]

TESTIMONY OF MARY BETH BEETHAM
DIRECTOR OF LEGISLATIVE AFFAIRS, DEFENDERS OF WILDLIFE
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
MARCH 18, 2015

Mister Chairman, Ranking Member and Members of the Subcommittee, thank you for this opportunity to testify. I am Mary Beth Beetham, Director of Legislative Affairs for Defenders of Wildlife. Founded in 1947, Defenders has more than one million members and supporters and is dedicated to the conservation of wild animals and plants in their natural communities.

North America is fortunate to have some of the most abundant and diverse wildlife on Earth, more than 200,000 known species in the U.S. alone. This unique and irreplaceable heritage is treasured by all Americans both for its aesthetic value as well as for the very tangible benefits it brings as a resource. For example, a third of our food is pollinated by birds, bats, and insects; wildlife associated recreation generated $145 billion in economic benefits in 2011;[1] bats provide at least $3.7 billion to the agricultural industry in pest control services each year;[2] and the value of ecosystem services from habitat in the contiguous 48 states is estimated at $1.6 trillion annually.[3] Budget cuts since FY 2010 to Federal programs that conserve wildlife and habitat have severely undermined sound management. Continued cuts will likely lead to irreversible harm to vulnerable species and habitat. Our nation's wildlife is a treasure and well worth the investment to properly care for it.

Defenders also strongly opposed the inclusion of the sage-grouse rider in the final FY 2015 appropriations bill. We ask that the Subcommittee keep the FY 2016 bill free of this rider and any others that would undermine science-based decision making under the Endangered Species Act.

Fish and Wildlife Service

The U.S. Fish and Wildlife Service (FWS) is our nation's premier wildlife conservation agency. FWS needs adequate funding, not cuts, if it is to recover threatened and endangered species and protect migratory birds and fish, species of global conservation concern and other trust species, and stop or prevent wildlife crimes. After adjusting for inflation, appropriations for Ecological Services have steadily declined after 2010, despite the addition of almost 280 listed species since then.

Cooperative Recovery – Defenders supports the President's requested increases of $2.5 million in Conservation and Restoration under Ecological Services, $2 million in National Wildlife Refuge System Operations and Maintenance, and $300,000 under Migratory Bird Management. This initiative is supporting more efficient and strategic efforts across landscapes to recover threatened and endangered species on National Wildlife Refuges and surrounding lands.

Renewable Energy – Defenders supports the President's requested increases of $1.2 million in Planning and Consultation under Ecological Services to support approvals of renewable energy projects while ensuring they comply with relevant environmental laws, and $1.4 million under Service Science to assess potential impacts of energy transmission corridors on sensitive lands and wildlife in the West and to identify mitigation strategies.

Endangered Species – The President's request again proposes a major restructuring of the Ecological Services Activity, which includes the Endangered Species program. Defenders continues

to be concerned about whether the new structure will allow for adequate transparency and accountability, particularly in the large "General Program Activities" program elements. Before any such restructuring is permitted, the agency must show that it has adequate controls in place to ensure the strategic use of this funding and a transparent process for developing priorities and reporting how funds are allocated. Absent this information, Defenders supports maintaining the current budget structure and supports the requested increases for the endangered species portion of Ecological Services, $23.2 million, which includes:

- A $4 million increase to support the unprecedented effort to conserve the greater sage-grouse and its sagebrush habitat, part of a new sagebrush steppe initiative for FY 2016.
- A $2.5 million increase for listing that will support progress in listing decisions for approximately 145 candidate species, many of which have awaited Endangered Species Act (ESA) protection for years.
- An $11 million increase to support the recovery of the more than 1,500 listed U.S. species so that ESA protection is no longer necessary.
- A $5.5 million increase for consultation so that development projects can move forward in compliance with section 7 of the ESA.
- Defenders opposes a $1 million reduction for the Wolf Livestock Loss Demonstration Program that assists livestock owners co-existing with wolves, and we urge its restoration.

National Wildlife Refuge System (NWRS) – Our National Wildlife Refuge System is the largest land and water system in the world dedicated to wildlife conservation. Refuges provide enormous benefits to the American people, generating $2.4 billion each year for local economies. Defenders supports the $34 million increase in the request which includes funding for inventory and monitoring and for Challenge Cost Share projects to build resiliency in the face of climate change. We also support legislative language proposed by the administration that would provide authority to recover compensation from responsible parties who injure or destroy Refuge System or Hatchery System resources similar to that of the National Park Service and the National Oceanic and Atmospheric Administration and allows compensation to be applied directly to repair the injury without further appropriation by Congress.

Science Support – The requested $14.7 million increase will help to answer pressing questions about climate adaptation and other landscape level ecological changes as well as about energy development impacts and mitigation for sensitive species, White-Nose Syndrome that is devastating bat populations, and other agency management challenges.

Migratory Bird Management – U.S. bird populations have experienced precipitous declines in recent years. Defenders supports the $7.1 million requested increase which includes funding for building resilience of bird species and their habitats through the Joint Venture partnerships.

Environmental Contaminants – Under Ecological Services, a requested $1.2 million increase in Planning and Consultation will help to support the process for national consultations related to pesticide registrations and a requested $2 million increase in Conservation and Restoration will help increase capacity to respond to impacts of contaminant releases.

Office of Law Enforcement – An $8.7 million increase requested by the President will support needed wildlife science forensics experts, intelligence agents, and special agents to combat the unprecedented level of illegal trade in wildlife

Other key grant programs – Defenders supports the requested funding amounts for the Multinational Species Conservation Fund, the Neotropical Migratory Bird Fund, and the Cooperative Endangered Species Fund (CESF) and for State and Tribal Wildlife Grants. In addition, we are opposed to the request to fund non-land acquisition planning and conservation grants from the Land and Water Conservation Fund under the CESF.

Forest Service and Bureau of Land Management

The Bureau of Land Management (BLM) and the U.S. Forest Service (FS) are essential to the conservation of wildlife and their habitat in the United States, yet their allocated funding is inadequate to address significant challenges to sustain these resources. A top priority for Defenders is ensuring that development on these lands proceeds in a sustainable way that maintains the ecological integrity of our public lands and waters, conserves wildlife habitat and populations, and contributes to agency efforts to successfully recover our most imperiled wildlife. We urge strong oversight to ensure that any energy development is done in an environmentally sensitive fashion and in low conflict areas. Given their large land ownerships it is imperative that both participate fully in landscape level conservation and management efforts. We are encouraged by BLM's innovative efforts in the Western Solar Program and consider it an example of how land management agencies can improve landscape level decision-making for energy development.

FS Integrated Resource Restoration (IRR)/Wildlife and Fisheries Habitat Management – The administration has again proposed merging a number of accounts, including Wildlife and Fisheries Habitat Management, into an integrated budget. Instead, Defenders supports maintaining funding for Wildlife and Fisheries Habitat Management at no less than the FY 2015 level of $140.5 million and continuing IRR as a pilot until the agency demonstrates its ability to adequately protect habitat for fish and wildlife under the consolidated program. Defenders continues to be concerned that wildlife program activities may be marginalized under IRR and that hard timber targets may detract from integrated restoration.

FS Land Management Planning/Inventory and Monitoring – The request again proposes merging these two programs into a single line item. As with IRR, Defenders is concerned about consolidating these functions unless and until the agency can demonstrate its ability to carry out its responsibilities under each program independently. We urge continued discrete funding as separate programs at no less than the FY 2015 level.

FS Collaborative Forest Landscape Restoration Program – We support the requested increase of $20 million for this proven cost-effective program established specifically to stabilize employment, offer a reliable wood supply, restore forest and watershed health, improve wildlife habitat, and reduce both the costs of fire suppression in overgrown forests and the risk of uncharacteristic wildfires.

FS Forest and Rangeland Research (FS R&D) – We are opposed to the $4 million cut in the request for FS R&D, which includes a cut of $2 million for Wildlife and Fish R&D. We urge funding at no less than the FY 2015 level of $296 million which included $27.1 million for Wildlife and Fish R&D. Adequate funding for this program is crucial in providing relevant tools and information to support sustainable management of National Forest System lands as well as non-federal forest lands. Generally, we are concerned that the Forest Service may lack adequate applied scientific capacity both in R&D and the National Forest System to implement critical planning and management actions, including the 2012 Planning Rule.

BLM Wildlife and Fisheries Management – Defenders supports the requested $37 million increase for the new sagebrush steppe initiative as long as it is paired with strong science-based conservation measures to protect and restore the sage-grouse and 350 sagebrush-dependent species of conservation concern. We continue to be concerned that Federal plans being developed under the National Greater Sage-Grouse Planning Strategy will be inadequate to conserve the species as we reported in our analysis of the draft plans in *In the Red: How Proposed Conservation Plans Fail to Protect Greater Sage-Grouse.* We urge the Subcommittee to work with the agency to ensure that the plans are improved so that the final plans will be adequate to conserve and restore this iconic species.

BLM Threatened and Endangered Species Management – According to agency reports, the BLM has funding to implement only about 10 percent of the work it is required to do in recovery plans for ESA listed species on BLM lands, but the administration's request includes just a $109,000 increase FY 2015. Defenders supports an increase of $1 million over the request which simply restores the budget to the FY 2010 level and will better help move listed species to recovery.

BLM Renewable Energy – Full funding of the $29.4 million request will help BLM to move forward with renewable energy development on public lands while avoiding areas with natural resource conflicts, including conflicts with sensitive wildlife species.

BLM Resource Management Planning, Assessment and Monitoring – The $21.2 million increase in the President's request will support the sagebrush steppe initiative, data collection and monitoring and the development of a new geospatial initiative to better monitor ecological conditions and trends on the landscape.

U.S. Geological Survey

The U.S. Geological Survey provides the basic science necessary for conservation of fish, wildlife and habitat. We urge support for the following increases:

National Climate Change and Wildlife Science Center/Climate Science Centers – A $10.6 million increase in the request will support scientific needs in planning for climate change adaptation and building resiliency of ecosystems.

Ecosystems – A $19.3 million increase in the request will help to support development of crucial scientific information for sound management of our nation's biological resources including research into declines of native pollinators and measures needed to avoid harming sensitive wildlife, especially bats and birds, from renewable energy development.

Land and Water Conservation Fund (LWCF)

Defenders supports the proposal in the request for full and permanent funding of LWCF that will help to save some of the 6,000 acres of open space, including wildlife habitat, that are lost each day in the U.S.[4] Thank you for the opportunity to testify.

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[1] The 2011 National Survey of Fishing, Hunting, and Wildlife Associated Recreation, USFWS, 12/12
[2] http://www.sciencemag.org/content/332/6025/41.summary?sid=853248fd-6760-4341-93d0-2aeeab9ea450
[3] The Economics Associated with Outdoor Recreation, Natural Resources Conservation and Historic Preservation in the United States, Southwick Associates, 9/29/11
[4] http://www.fs.fed.us/openspace/coop_across_boudaries.html

Mr. JOYCE. Thank you very much, Ms. Beetham.
Ms. Aylward.

WEDNESDAY, MARCH 18, 2015.

WILDLIFE CONSERVATION SOCIETY

WITNESS

KELLY KEENAN AYLWARD

Ms. AYLWARD. Mr. Joyce, Congresswoman McCollum, members of the committee and staff, thank you for the opportunity to testify. I am Kelly Keenan Aylward. I am the Washington Director for the Wildlife Conservation Society. We were founded in 1895 with a mission of saving wildlife and wild places. We manage the world's largest urban network of wildlife parks led by our flagship, the Bronx Zoo, and we work in 60 countries around the world. We are responsible for managing about 25 percent of the world's biodiversity.

As the President notes in the National Strategy to Combat Wildlife Trafficking, record-high demands for wildlife products coupled with inadvertent or inadequate preventive measures and weak institutions have resulted in an explosion of illicit trade in wildlife in recent years. That trade is decimating iconic animal populations. Today, because of the actions of poachers, species like elephants and rhinos face the risk of significant decline or even extinction.

The Administration recently released a plan to implement this national strategy, and it provides a whole of government approach to the crisis, and several programs in the Interior bill form the base upon which the strategy will be implemented, and I wanted to first speak about one overall piece of the strategy that has come up in this committee in the past and is an issue of concern, and that is the Fish and Wildlife Service's recent announcement with its intent to change its rule to further restrict the commercial trade in ivory, or the ivory ban.

On the ground in Africa and elsewhere, WCS scientists are seeing the devastating impact that poaching is having on elephants, rhinos, tigers, pangolins, and other iconic species. A study published by WCS found that in 2012 alone, 35,000 African elephants were killed for their ivory. That is an average of 96 elephants a day, or one elephant poached every 15 minutes. A subsequent study found 100,000 elephants were poached between 2011 and 2013. The subspecies of African forest elephants as opposed to African savannah elephants has been hit the worst, and it has declined about two-thirds in little more than a decade. Continued poaching at these rates will certainly see near-extinction within the next decade, if not our lifetime, for all African elephants.

The big issue, China is the largest market for illegal ivory. However, the United States is also one of the larger destinations in its domestic consumption and in shipment for Asia. Arrests and prosecutions in multiple states over the last 18 months are part of this Operation Crash that Fish and Wildlife Service has been implementing and has involved millions of dollars in illegal ivory and

rhino horn. It really provides strong evidence that there is a serious domestic problem in ivory and illegal ivory in particular.

There is no easy way to differentiate between illegal ivory and legal antique ivory without some sort of either intrusive or expensive lab test, and that often can be costly and can damage the piece of ivory. So once raw or worked ivory from recently poached elephants is smuggled into the United States, it can easily be placed on the market right alongside genuine, authentic antiques. A survey conducted in 2008 of 24,000 pieces of ivory being sold in antique stores in about 16 cities around the United States and Canada concluded this exact point, finding that more than 7,000 of those pieces were potentially illegal. Recognizing it does not have the resources to test and verify even questionable ivory, the Fish and Wildlife Service is revising its rules regarding African elephant ivory, to bring them more in line with the underlying statutes passed by Congress.

I understand the Service has reached out to many stakeholders in the community, not just conservation groups like mine, but musicians, auction houses and the sport hunting community. Public statements by the Service's leadership indicate that they hope to issue a proposed rule soon and that they have taken time to craft language that will accommodate as many stakeholders as it can while still making meaningful changes to stop the domestic sale in illegal ivory.

Last year, the Interior House bill contained a provision that would have blocked the Service from proceeding on any rule related to ivory, forcing the continuation of a system that really is not working and that has been contributing to these 100,000 poached elephants. As a preliminary rule is very close to being released, I would encourage the committee to allow the rulemaking process to continue so that the public can see the proposed rule and that we can have a substantive debate on the actual content.

The ivory ban is only part of the strategy. Other parts are the Multinational Species Conservation Funds and the International Affairs budget. They are funded in the President's request at $11 million and $14.7 million, respectively, and we support those levels.

The Office of Law Enforcement at Fish and Wildlife Service is also key to this. They are implementing Operation Crash. We support the $75.4 million funding at that level as well, and I will just rely on the rest of my submitted testimony.

Thank you for the additional time, and thank for the opportunity for WCS to express our perspectives on this bill and weigh in on both the international and domestic conservation issues. This really is a great opportunity for the United States to lead in conservation, and countries like China and others are really watching. Thank you.

[The statement of Kelly Keenan Aylward follows:]

Testimony of Kelly Keenan Aylward
Washington Office Director, Wildlife Conservation Society
Before the House Appropriations Subcommittee on Interior, Environment & Related Agencies
March 18, 2015

Chairman Calvert, Ranking Member McCollum, Members of the Subcommittee: Thank you for the opportunity to offer testimony on FY16 Interior, Environment and Related Agencies Appropriations Act. My name is Kelly Aylward, the Director of the Washington Office of the Wildlife Conservation Society (WCS). WCS was founded with the help of Theodore Roosevelt in 1895 with the mission of saving wildlife and wild places worldwide. Today, WCS manages the largest network of urban wildlife parks in the United States led by our flagship, the Bronx Zoo. Globally, WCS works to protect 25 percent of the world's biodiversity and manages more than 200 million acres of protected lands around the world, employing more than 4,000 staff including 200 Ph.D. scientists and 100 veterinarians.

The American conservation tradition is based on promoting sustainable use of our natural resources in order to preserve the world's species and environment for future generations. In recognition of the current fiscal constraints, it is important to note that effective natural resources management and conservation has indirect economic benefits, including contributing to local economies through tourism and other means.

Internationally, by supporting conservation, the US is increasing capacity and governance in developing nations and improving our own national security as a result. And these efforts are absolutely critical, as we have reached a crisis with regard to the trafficking of wildlife. The illegal trade in elephant ivory, rhino horns, tiger skins and other illegal wildlife products is worth at least an estimated $8 to $10 billion annually. Because of the lucrative nature of this industry, evidence is showing increasingly that transnational criminal organizations and terrorist groups that are involved in other major trafficking operations – drugs, humans and weapons – are engaged in wildlife trafficking as well.

U.S. Ivory Ban

The Federal government recently presented a plan to implement its National Strategy for Combating Wildlife Trafficking (National Strategy), which is designed to provide a framework for a whole-of-government approach to addressing the crisis. Several programs within this bill form the base upon which that strategy is built, but I wanted to speak first about a key piece of the overall National Strategy that has been of some concern to the Committee – the US Fish and Wildlife Service's (FWS) announcement to change its current Federal rule to further restrict the commercial sale of ivory.

On the ground in Africa and elsewhere, WCS scientists are seeing, first-hand, the devastating impact poaching is having on elephants, rhinos, tigers, and other iconic species. A study published by WCS found that in 2012 alone, 35,000 African elephants were killed for their ivory – that is an average of 96 elephants per day or one killed every 15 minutes. This finding is supported by a subsequent study which also found that 100,000 elephants were poached between 2011 and 2013. Both studies show that conditions are dire for the subspecies of African forest elephants, which has declined by about two-thirds in a little more than a decade. Continued

poaching at these rates may mean the extinction of forest elephants in the wild within the next ten years and the potential loss of all African elephant species in the wild in our lifetimes. Action must be taken now to prevent this catastrophe from occurring.

There is no question that China is the largest market for illegal ivory. However, the United States is also one of the larger destinations, both for domestic consumption and as a transshipment hub for Asia. As part of Operation Crash, the US Fish and Wildlife Service and Department of Justice have successfully arrested criminals and prosecuted cases in several states over the last 18 months – including Texas, New York, Florida and New Jersey – involving millions of dollars illegal ivory and rhino horn. These busts are strong evidence that there is a domestic problem with illegal ivory, all of which is smuggled in from overseas and which frequently crosses state lines, placing it firmly under Federal jurisdiction.

The problem with ivory is that you cannot differentiate legal ivory antiques from illegal ivory without lab tests, which are costly and can damage the piece. Once raw or worked ivory from recently poached elephants is smuggled into the United States, it can easily be placed in the marketplace right alongside genuine antiques. A survey conducted in 2008 of 24,000 pieces of ivory being sold in antique stores in 16 cities in the US and Canada concluded exactly this point, finding that more than 7,000 of these items were potentially illegal. The system, as it was, was fundamentally flawed.

Recognizing it does not have the resources to test and verify this many pieces of ivory, FWS is in the process of revising its rules regarding African elephant ivory to bring them more in line with the underlying statues. FWS had initially indicated its intent to publish a proposed rule last summer, but after consulting with stakeholders from all sides, the agency appears to have taken the time to craft a rule that seeks to accommodate as many of these stakeholders as it can while still making meaningful changes that stop the domestic sale of illegal ivory.

Last year's Interior bill in the House contained a provision that would have blocked FWS from proceeding on any rule related to ivory, forcing the continuation of a system that we know does not work and has been a contributing factor in the poaching of 100,000 elephants over the past three years. Our understanding is that a preliminary rule is very close to being released. I would encourage the Committee to allow this process to continue so that the public can see the proposal and have a substantive debate on the actual content of the rule rather than the current arguments from both sides, which is based on speculation about what the rule might contain.

US Fish and Wildlife Service

Multinational Species Conservation Fund (MSCF): As I mentioned, there is much more to the Federal effort to combat wildlife trafficking than the ivory ban, much of which is under this Committee's jurisdiction. Global priority species – such as tigers, rhinos, African and Asian elephants, great apes, and marine turtles – face constant danger from poaching, habitat loss and other serious concerns. MSCF programs have helped to sustain wildlife populations by controlling poaching, reducing human-wildlife conflict and protecting essential habitat – all while promoting US economic and security interests in far reaching parts of the world. These programs are highly efficient, granting them an outsized impact because they consistently leverage two to four times as much in matching funds. This program has been level-funded for the last three fiscal years, and WCS requests that $11 million – equal to the President's request – be appropriated for the MSCF for FY16.

WCS has had great success on projects using funds from the MSCF. One grant we receive through the African Elephant Conservation Fund supports the longest running study of African forest elephants at Dzanga Bai in the Central African Republic. In spite of political turmoil and instability in the country, the area remains an important habitat and gathering site for large numbers of elephants. Funds support ongoing surveillance and monitoring of the site, collection of baseline data, and collaboration with local anti-poaching efforts.

FWS International Affairs: The FWS International Affairs (IA) program supports efforts to conserve our planet's rich wildlife diversity by protecting habitat and species, combating illegal wildlife trade, and building capacity for landscape-level wildlife conservation. The program provides oversight of domestic laws and international treaties that promote the long-term conservation of plant and animal species by ensuring that international trade and other activities do not threaten their survival in the wild. Within IA, the Wildlife Without Borders program seeks to address grassroots wildlife conservation problems from a broad, landscape perspective – building regional expertise and capacity while strengthening local institutions. WCS encourages supporting the President's request for $14.7 million.

Office of Law Enforcement: As I noted earlier, the US remains one of the world's largest markets for wildlife and wildlife products, both legal and illegal. A small group of dedicated officers at the FWS Office of Law Enforcement (OLE) are tasked with protecting fish, wildlife, and plant resources by investigating wildlife crimes – including commercial exploitation, habitat destruction, and industrial hazards – and monitoring the Nation's wildlife trade to intercept smuggling and facilitate legal commerce. Many of the new responsibilities placed on the FWS by the National Strategy will be enforced by the OLE, and WCS supports the President's request for $75.4 million. The additional funding requested for this year would allow OLE to expand its approach to target and stop illicit trade; ensure sustainable legal trade through the CITIES; place enforcement officers in transit hubs overseas; reduce demand for illegal products in consumer countries; and, provide technical assistance and grants to other Nations to build local enforcement capabilities.

Cooperative Landscape Conservation: Many of the domestic conservation programs in this bill provide funding to states to implement their conservation goals. But as you know, wildlife does not recognize political boundaries, and scarce conservation dollars can best be spent when effective planning and coordination takes place across entire ecosystems. The Cooperative Landscape Conservation Program funds a network of 22 Landscape Conservation Cooperatives (LCC) in the US and Canada, which use a collaborative approach between Federal, State, tribal and local partners to identify landscape scale conservation solutions and work collaboratively to meet unfilled conservation needs, develop decision support tools, share data and knowledge, and facilitate and foster conservation partnerships. Funding will support landscape planning and design that will improve the condition of wildlife habitat and improve resilience of U.S. communities. WCS encourages the Committee to meet the President's request for $17.9 million for this program.

State and Tribal Wildlife Grants Program: The State and Tribal Wildlife Grants program gives states and Tribes funding to develop and implement comprehensive conservation plans to protect declining wildlife and habitats before protection under the Endangered Species Act is necessary. This important program is supported by more than 6,200 organizations that have formed a national bipartisan coalition called Teaming with Wildlife of which WCS is a steering committee

member. WCS recommends Congress provide strong and continued support for FY16 at levels at or above FY15 appropriations for the program.

US Forest Service
International Programs: The US economy has lost approximately $1 billion per year and over 200,000 jobs due to illegal logging, which is responsible for 15-30% of all timber by volume. The Forest Service International Programs (FSIP) works to level the playing field by reducing illegal logging and improving the sustainability and legality of timber management overseas, translating to less underpriced timber undercutting US producers. Through partnerships with USAID and the Department of State, FSIP helps to improve the resource management in countries of strategic importance to US security.

With technical and financial support from FSIP, WCS has been working to conserve a biologically rich temperate forest zone called the Primorye in the Russian Far East. The region hosts over a hundred endangered species as well as numerous threatened species, including the Far Eastern leopard and Amur tiger. FSIP works with us to exchange information and methodologies with Russian scientists, managers, and students on a variety of wildlife-related topics to support conservation and capacity building efforts and ensure the sustainable management of forests and wildlife habitat.

FSIP has been level funded for several years. Given the economic benefits to US timber producers and the program's excellent history of leveraging four additional dollars in matching funds for each Federal dollar invested, WCS encourages the Committee to appropriate $9 million for the program, an increase of $1 million from FY15. With additional appropriated funding, FSIP would expand a number of activities, including developing new technologies, protecting habitat for migratory species and endangered wildlife, promoting community forestry, supporting policy formulation, and strengthening law enforcement.

US National Park Service
Office of International Affairs: Since the establishment of the Office of International Affairs (OIA) in 1961, the US government has been facilitating technical assistance and exchange projects with counterpart agencies globally building on the legacy of American leadership in national parks management. OIA is also the managing agency for World Heritage Sites located in the United States. Thanks to this program, NPS is working on collaborative areas of trans-frontier concern, including at the Beringia Shared Heritage Initiative (US - Russia), which WCS has been involved with as part of our ongoing conservation efforts in Arctic Alaska. The international work conducted by NPS is not only about helping other countries protect their parks and heritage. It is about bringing home best practices and learning from international engagement that could benefit the American parks. WCS recommends including the President's request of $897,000 for the OIA in FY15.

In conclusion, I appreciate the opportunity to share WCS's perspectives and make a case for increased investment in conservation in the FY16 Interior, the Environment and Related Agencies Appropriations Act. Conservation of public lands is an American tradition and, as far back as 1909, Theodore Roosevelt recognized that the management of our natural resources requires coordination between all nations. Continued investment in conservation will reaffirm our global position as a conservation leader, while improving our national security and building capacity and good governance in developing countries. Thank you.

Mr. JOYCE. Thank you.
Mr. Williams.

WEDNESDAY, MARCH 18, 2015.

THE WILDLIFE SOCIETY

WITNESS

BYRON "KEN" WILLIAMS

Mr. WILLIAMS. Thank you, Chairman Joyce, and thank you, Ranking Member McCollum, for the opportunity here to testify today.

My name is Ken Williams. I am the Executive Director of the Wildlife Society. The Society was formed in 1937 so we have been around for a while. It is a nonprofit association of more than 9,000 professional wildlife biologists and managers who support science-based wildlife conservation management and training.

In our written testimony, we detailed many programs that we support, but in the interests of time, I will hit only a few of those here, namely two programs in each of three different agencies. So let's get right to it.

Within the U.S. Fish and Wildlife Service, first the State and Tribal Wildlife Grants program is the only federal program that supports states in preventing wildlife from becoming endangered, and for that, we very strongly support it. It is the primary program supporting implementation of the State Wildlife Action Plans with conservation actions identified for every state to keep common species common. It is a proactive program. It is a proactive approach to preventing endangered species listings. It has positive economic impact, and for all those reasons, we strongly support the Administration's request of at least $70 million for the State Wildlife Grants program. So that is one.

The second one for the Fish and Wildlife Service, the Wildlife Society is a member of the Cooperative Alliance of Refuge Enhancement, better known as the CARE Group. That group supports the National Wildlife Refuge System. In recent years, appropriations for refuges have failed to keep pace with rising costs, and that has resulted in the loss of some 14 percent of the refuge staff since 2011. The refuge system is again a highly leveraged program at a rate of nearly $5 generated in the economy for every dollar that is appropriated for the program, and for all those reasons, we strongly support the President's request for the National Wildlife Refuge System's operations and maintenance accounts of $508.2 million. So that is what we have got right now for the Fish and Wildlife Service.

On to the Bureau of Land Management. Within the Bureau of Land Management, Bureau of Land Management land supports some 3,000 species of wildlife including more than 300 federally listed or proposed listed species, yet the Wildlife and Fisheries Management program and the Threatened and Endangered Species Management program within the Bureau of Land Management both have been underfunded for many years. We recommend that

Congress appropriate $89.4 million for BLM wildlife management and $48 million for BLM's Endangered Species program.

And then secondly for the Bureau of Land Management, we support the requested $80.6 million for the Bureau of Land Management's Horse and Burro program if BLM continues to remove excess invasive horses from the range at a reasonable rate and focuses additional resources on habitat restoration. This is a very big problem in the West with more than 22,000 horses above the appropriate management levels on BLM lands, 22,000 horses too many, and nearly 50,000 horses in offsite holding facilities. TWS is very concerned about BLM's emphasis on fertility control alone. We do not think that is enough. We recommend removal of the current report language limiting the use of humane euthanasia for unwanted or unadoptable horses so that the Bureau of Land Management can use all necessary management tools to control populations and protect the rangeland and reduce future costs. Finally, we support the requested $3 million increase for research and development on contraception and population control. That is it for the Bureau of Land Management.

On to USGS, the U.S. Geological Survey. Within the U.S. Geological Survey, the Cooperative Fish and Wildlife Research Units provide research and graduate education and technical assistance and continuing education for natural resource professionals. This program is a state-based program. It is cooperatively managed by the states, by the universities, by federal partners and by the Wildlife Management Institute. It has been around for about 80 years, and it is a gigantic success. There are cooperative research units at universities in every state represented on this committee but two, and in my humble estimation, there should be a co-op unit in both those states as well including yours, sir, just to let you know. He needs one. So does Nevada. But I digress.

To restore the seriously eroded operational capacity to meet state and federal research and education needs, the fiscal year 2016 budget for the research units needs to be increased to $20 million.

And then finally, the National Climate Change and wildlife Science Center plays a pivotal role in fish and wildlife research by providing essential scientific support, and we support funding for $37.4 million in the fiscal year 2016 budget.

So with that, I thank you for considering these recommendations of wildlife professionals. We look forward to working with you and your staff in developing the 2016 budget. I would be happy to answer any questions you might have regarding our request. Thank you.

[The statement of Byron "Ken" Williams follows:]

THE WILDLIFE SOCIETY

Leaders in Wildlife Science, Management and Conservation

12 March 2015

House Appropriations Subcommittee on Interior, Environment, and Related Agencies
B-308 Rayburn House Office Building, Washington, D.C. 20515

Testifying for The Wildlife Society on Public Witness Day:
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The Wildlife Society appreciates the opportunity to provide testimony on the FY 2016 budget for the Department of Interior, Environment, and Related Agencies. The Wildlife Society was founded in 1937 and is a non-profit scientific and educational association representing nearly 9,000 professional wildlife biologists and managers. Our mission is to inspire, empower, and enable wildlife professionals to sustain wildlife populations and habitats through science-based management and conservation.

U.S. Fish and Wildlife Service

The **State and Tribal Wildlife Grants Program** is the only federal program that supports states in preventing wildlife from becoming endangered. It is also the primary program supporting implementation of State Wildlife Action Plans, which detail on the ground conservation actions in each state to keep common species common. Funding assistance for state wildlife agencies is one of the highest priority needs to prevent further declines in at-risk species in every state. Previous budget reductions and sequestration have had a serious and disproportionate impact on State and Tribal Wildlife Grants. We are appreciative of the increase in funding recommended in the President's budget, to $70 million in FY 2016. **We recommend Congress appropriate at least $70 million for State and Tribal Wildlife Grants in FY 2016. We also ask that Congress not shift additional funds directed to States through formula grants to a competitive allocation**. This funding is critical for maintaining wildlife diversity programs at the state level and a further reduction in the formula grants may have dramatic negative consequences.

As a member of the Cooperative Alliance for Refuge Enhancement, or CARE, **The Wildlife Society supports the President's request for the National Wildlife Refuge System's operations and maintenance accounts at $508.2 million for FY16.** CARE estimates that the Refuge System needs at least $900 million in annual operations and maintenance funding to properly administer its 562 refuges and 38 wetland management districts spanning over 150 million acres. Given current fiscal realities, we understand that funding at $900 million is not currently possible. However, at its highest funding level in FY 2010, the Refuge System received only $503 million—little more than half the needed amount. Since that time, congressional appropriations have not only failed to account for rising costs, but have been steadily backsliding resulting in the loss of 324 employees since 2011, or 9% of all staff. Yet the Refuge System actually pays for itself several times over by generating $4.87 in economic activity for every $1 appropriated by Congress to run the Refuge System.

The **North American Wetlands Conservation Act** is a cooperative, non-regulatory, incentive-based program that has shown unprecedented success in restoring wetlands, waterfowl, and other

migratory bird populations. This program has remained drastically underfunded despite its demonstrated effectiveness. **We support the President's request of $34.1 million and encourage Congress to match this request for FY 2016.**

The **Neotropical Migratory Bird Conservation Act Grants Program** supports partnership programs to conserve birds in the U.S., Latin America and the Caribbean, where approximately 5 billion birds representing 341 species spend their winters, including some of the most endangered birds in North America. This program should be funded at or above $6.5 million to achieve maximum success. However, recognizing the current fiscal climate, The Wildlife Society recommends Congress **increase funding for the Neotropical Migratory Bird Conservation Act to $4.16 million in FY 2016**.

For FY2016, the FWS proposes to restructure the budget for all endangered species work within the **Ecological Services Program**. Endangered species recovery efforts can ultimately lead to delisting, resulting in significant benefits to species through state management efforts. FWS, with the help of federal and state agency partners, has been working to implement new strategies to increase the efficiency and effectiveness of this program and to reduce the regulatory burden on private landowners and industry partners. To support these actions and the increased emphasis on consultation and recovery, we recommend Congress **match the President's request and provide $38 million for Listing, $108.9 million for Planning and Consultation, and $126.3 million for Conservation and Restoration in FY 2016.**

The voluntary **Partners for Fish and Wildlife Program (PFW)** provides financial and technical assistance to private landowners across the country to restore degraded habitat and to safeguard against potential regulatory burdens associated with endangered species listings. With over two-thirds of our nation's lands held as private property, and up to 90 percent of some habitats lost, private lands play a key role in preserving our ecosystem. For example, working under a new MOU with the Natural Resource Conservation Service, PFW has been critical in engaging private landowners to restore and maintain habitat for the Greater-sage Grouse in states like Idaho and Nevada; potentially removing the need for a future listing. We urge Congress to **provide $60 million in support of the PFW Program in FY 2016** in order to allow landowners to help contribute to land and wildlife preservation.

Through its **International Affairs office**, FWS works with many partners and countries in the implementation of international treaties, conventions, and projects for the conservation of wildlife species and their habitats. International trade, import, and transportation of wildlife species can have a huge impact on America's security, economy, and environment. Careful regulation of imports and implementation of international policies is an important task. We ask Congress to **match the President's request of $14.7 million in support of FWS International Affairs in FY 2016.**

Bureau of Land Management

BLM lands support over 3,000 species of wildlife, more than 300 federally proposed or listed species, and more than 1,300 sensitive plant species. Historically, the **Wildlife and Fisheries Management (WFM) and the Threatened and Endangered Species Management (TESM)** programs have been forced to pay for the compliance activities of BLM's energy, grazing, and other non-wildlife related programs, eroding both their ability to conduct proactive conservation

activities and their efforts to recover listed species. Given the significant underfunding of the BLM's wildlife programs, combined with the tremendous expansion of energy development across the BLM landscape, we recommend Congress **appropriate $89.4 million for BLM Wildlife Management in FY 2016.** This will allow BLM to maintain and restore wildlife and habitat by monitoring habitat conditions, conducting inventories of wildlife resources, and developing cooperative management plans. We support the proposed increase of $37 million for sage-grouse conservation efforts; this kind of broad-scale, landscape based conservation is exactly what is needed to manage and conserve sage-grouse across their range.

Increased funding is also needed for the **Threatened and Endangered Species Management Program,** to allow BLM to meet its responsibilities in endangered species recovery plans. BLM's March 2001 Report to Congress called for a doubling of the Threatened and Endangered Species budget to $48 million and an additional 70 staff positions over 5 years. This goal has yet to be met. In light of this, **we strongly encourage Congress to increase overall funding for BLM's endangered species program to $48 million in FY 2016.**

The Wildlife Society, part of the National Horse and Burro Rangeland Management Coalition, appreciates the commitment of BLM to addressing the problems associated with **Wild Horse and Burro Management**. We support the requested increase of $3 million for implementation of the National Academy of Sciences recommendations and findings and continued research and development on contraception and population control. However, with more than 22,500 horses above BLM's stated Appropriate Management Levels on the range and nearly 50,000 horses in off-site long- and short-term holding facilities The Wildlife Society is concerned about BLM's emphasis on fertility control alone. The current language limiting the use of humane euthanasia for unwanted or unadoptable horses should be removed to allow BLM to use all necessary management tools to bring populations of on- and off-range wild horses and burros within manageable range and additional funding should be requested to correct the habitat damage that has occurred due to overpopulation of these animals. **The requested $80.6 million should be provided to BLM if they continue removing excess horses from the range at a reasonable rate and focus additional resources on habitat restoration.**

U.S. Geological Survey

The basic, objective, and interdisciplinary scientific research that is supported by the USGS is necessary for understanding the complex environmental issues facing our nation today. This science will play an essential role in the decision-making processes of natural resource managers, and it will help protect our water supply and conserve endangered species. More investment is needed to strengthen USGS partnerships, improve monitoring, produce high-quality geospatial data, and deliver the best science to address critical environmental and societal challenges. **The Wildlife Society supports funding of at least $1.2 billion for USGS in FY 2016**.

The **Ecosystems Program** of USGS contains programmatic resources for fisheries, wildlife, environments, invasive species and the Cooperative Fish and Wildlife Research Unit. The Ecosystems program strives to maximize research and support for comprehensive biological and ecosystem based needs. **The Wildlife Society supports the President's request of $176 million for USGS's Ecosystems Department in FY 2016.** Within Ecosystems, **we support the request of $46.7 million for the Wildlife Program**.

The **Cooperative Fish and Wildlife Research Units** (CFWRUs) are managed under the Ecosystems Department and conduct research on renewable natural resource questions, participate in the education of graduate students, provide technical assistance and consultation on natural resource issues, and provide continuing education for natural resource professionals. In FY 2001, Congress fully funded the CFWRUs, allowing unit productivity to rise to record levels. Since then, budgetary shortfalls have continued to cause an erosion of available funds, resulting in a current staffing vacancy of nearly one quarter of the professional workforce. In order to fill current vacancies, restore seriously eroded operational funds for each CFWRU, and enhance national program coordination, **the FY 2016 budget for the CFWRUs should be increased to $20 million, the level requested by the President.** This would restore necessary capacity in the CFWRU program and allow it to meet the nation's research and training needs.

The **National Climate Change and Wildlife Science Center** plays a pivotal role in addressing the impacts of climate change on fish and wildlife by providing essential scientific support. In order for this role to be fully realized, **we recommend that Congress fund the National Climate Change and Wildlife Science Center at the requested $37.4 million in FY 2016.**

U.S. Forest Service

Our national forests and grasslands are essential to the conservation of our nation's wildlife and habitat, and are home to about 425 threatened and endangered species, and another 3,250 at-risk species. In FY 2011, the Forest Service combined several programs and budgets, including Vegetation and Watershed Management, Wildlife and Fisheries Habitat Management, and Forest Products into a single Integrated Resource Restoration activity budget. Although we have some reservations about this merger, because it makes accountability to stakeholders and Congress more difficult, we urge Congress **to support the request of $822.1 million for the Integrated Resource Restoration program in FY 2016**.

Integral to management of our natural resources is a deep understanding of the biological and geological forces that shape the land and its wildlife and plant communities. The research being done by the USFS is at the forefront of science, and essential to improving the health of our nation's forests and grasslands. Furthermore, it will play a key role in developing strategies for mitigating the effects of climate change. We urge Congress to match the President's request of **$292 million in FY 2016 for Forest and Rangelands** to support this high-quality research.

Wildfire Disaster Funding Act

We appreciate the Committee's support of the Wildfire Disaster Funding Act (H.R. 167) and request it be included in this bill. It would provide the structure to fund a portion of the USDA Forest Service (USFS) and Department of the Interior (DOI) wildfire suppression costs through a budget cap adjustment under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and provide the USFS and DOI with a funding structure similar to that used by other agencies who respond to natural disaster emergencies.

Thank you for considering the recommendations of wildlife professionals. Please contact Laura Bies, Director of Government Affairs at (301) 897-9770 x 308 with any questions.

Mr. JOYCE. Thank you very much, Mr. Williams. Any questions, Ranking Member McCollum?

Ms. MCCOLLUM. Thank you, Mr. Chair.

To the poaching and the ivory, Mr. Fortenberry and I and others have been discussing what to do, and I think it is time for us to have a strategy put in place for when the subcommittee comes in to do its markup, and then when the entire Appropriations Committee moves forward. Because I do not see anything happening in any of the authorization committees, so there will probably be language inserted one way or the other. We do have to get a handle on it, and I think that it gets tied up in what has happened with the Lacey Act and everything like that. But I really do believe that many of the groups that you spoke about, the musicians and others, really want to do something about this. The key is figuring how we do something, whether we put a sunset in or whatever alternative.

On a personal note, I was just with a friend who through the unfortunate loss of her parents is dealing with an ivory collection. They are just boxing it up because they care about what has happened. It is very antique, but they just know for right now that they are doing their part for what they can do to keep elephants from going into extinction. So thank you for your work on this, and we are going to have to do a lot of education.

One question that I do have, though, goes back to working on this and other issues. The Forest Service has an international program, the Park Service has an international program, and oh, my heavens, are they held up to great ridicule whenever this committee funds them on the Floor. So would you just briefly make a comment to either one of the international programs for the record and how important they are in moving things forward for not only America's soft power but for international conservation, if any of you feel comfortable making a comment for the record.

Ms. AYLWARD. Sure. Thank you. And Congresswoman McCollum, I appreciate your interest and engagement and leadership on these issues. I am glad to hear that you and Congressman Fortenberry are talking about a strategy, and if WCS and our partners can help with that, we are happy to do so. We know that this was a real issue in the cromnibus, and we are pleased to see that it was removed but would like to be in a situation where we are really just looking at the public comments, and I think Fish and Wildlife Service is really looking at all of the different stakeholders, and there are ways—I do not want to prejudge or guess what they would be or predict but there are ways to accommodate all of these stakeholders that I think and WCS thinks would be potentially reasonable, and we intend to weigh in during that public comment period.

Thank you for asking about the international programs. We are big supporters. We are partners of theirs. We work with the Forest Service in the Russian Far East, for example. There is only about 3,200 tigers left in the wild in Russia, and we work with support from the U.S. Forest Service international programs to do monitoring and survey work of those tigers. We actually work with hunting communities that issue permits to hunt the ungulates or the deers or the antelopes that the tigers rely on for food to ensure that those populations are maintained so the hunters can have a

livelihood. They rely on it for economic means as well as for a food source, but tigers rely on it for a food source, so ensuring that you have healthy ecosystems, strong forest base and a strong hunting program in the Russian Far East is one of the key strategies, conservation strategies, to ensuring that those about 500 of the 3,000 are in the Russian Far East, and we are starting to actually see increases in the tiger numbers there. They help deal with illegal logging that comes and plugs into the U.S. markets. About a billion dollars a year is undercut and hurts the U.S. economy from timber from foreign countries that is cut illegally, logged, and then brought into our marketplace, and that also affects about 200,000 jobs annually. So the U.S. Forest Service international programs play a huge role in implementing those programs to help the timber industry here in the United States and abroad.

National Park Service international programs, they are also very instrumental in these technical training programs where they invite people from national parks in foreign countries to see the U.S. park system and so they get to experience firsthand what a world-class park system is about. They develop networks. They have new resources and mentors in the United States. We work with them in Arctic Beringia actually. There is a U.S.-Russia cultural program there, and so we have field conservation programs both terrestrial and marine, in Arctic Beringia, and have been doing field-based species monitoring. But they are a very lean, less than a million dollars a year budget for the National Park Service and provide amazing technical skills to foreign countries that are very much eager and in need and wanting to follow U.S. leadership on conservation.

Mr. JOYCE. Mr. Williams.

Mr. WILLIAMS. Yes, I will make a brief comment about this.

The Wildlife Society certainly is concerned about fauna in North America but we are also concerned about fauna throughout the world. If you care about tigers and rhinos and elephants, you worry about these things, and you worry about the tremendous declines that have been experienced with these species. We are involved at an international level in some very important ways. Every 3 years or so, for example, we sponsor an international wildlife management congress. We have personally—I personally and we have been involved in tiger research in particular working directly with the USGS, the Fish and Wildlife Service and WCS. These are issues that are dear to us. We believe that the conservation community has a strong role to play in the conservation of many of these very threatened species, and we also believe that the federal agencies with responsibility for natural resources have a responsibility and a role to play as well.

Ms. MCCOLLUM. Thank you, and Mr. Chair, I am going to turn our side of the aisle over to Ms. Pingree and I am going to join the chairman, Mr. Calvert, at the Defense Appropriations Subcommittee. Thank you.

Mr. JOYCE. Thank you for your service. The gentlelady from Maine, Ms. Pingree, do you have any questions?

Ms. PINGREE. No, but thank you very much for your testimony and all the good work that all of you do.

Mr. JOYCE. Thank you.

Mr. Kline, I would like to thank you for your advocacy on behalf of the Land and Water Conservation Fund. I have seen the benefits of that firsthand in the Cuyahoga Valley National Park System in my district, so I applaud you for your efforts.

Mr. KLINE. Well, thank you for your efforts as well.

Mr. JOYCE. We try. Thank you all very much. We appreciate it.

The last panel is Ms. Groves, Mr. Durkin, Mr. Price and Ms. Dolven. Thank you, and I welcome you all here this morning, and again, if I screwed up anybody's name, I apologize up front.

Ms. Sorenson-Groves, I can see I screwed up that in the first time though so——

Ms. SORENSON-GROVES. No, not at all.

Mr. JOYCE. Please feel free to start.

WEDNESDAY, MARCH 18, 2015.

NATIONAL WILDLIFE REFUGE ASSOCIATION

WITNESS

DESIREE SORENSON-GROVES

Ms. SORENSON-GROVES. So thank you, Chairman Joyce and Ranking Member Pingree for having us appear here. We really appreciate it.

I am with the National Wildlife Refuge Association, so a national organization, and I can speak to the national-level issues of the refuge system but I really appreciate you having these three members from around the United States who work on the ground, who volunteer. These are the folks who help the refuge system and actually provide about 20 percent of the work on refuge systems, so I am glad that you have them here.

As you probably know, the refuge system is the world's largest system of lands and waters dedicated to wildlife conservation. With the addition of the Monuments in 2006 and 2009 under President Bush, and then last year by President Obama in the Pacific, it is now 500—well, the Fish and Wildlife Service through the refuge system is responsible for 568 million acres of lands and waters, so it is enormous, expands over 12 time zones, so literally the sun never sets on the refuge system. If it setting someplace, it is rising in another place in the world.

It has 562 units. Of those, 65 percent are open to hunting, 54 percent are open to fishing. All 38 Wetland Management Districts are open to both. Eighty-two percent are open to photographers and 70 percent have environmental education programs. In a nutshell, this is where Americans go to recreate outside in many ways.

For wildlife conservation value, 98 percent of all refuges have at least one listed species. Fifty-nine refuges were established specifically to protect endangered species, and more than 200 were created specifically to protect migratory birds. In the Lower 48, they are largely small on the landscape but they are incredibly important economically. For instance, a refuge is within an hour's distance of every major metropolitan area in the country. They are economic engines. For every $1 that you all appropriate, on average, $5 is returned in economic benefit. That could be staying at

a hotel, purchasing gas, restaurants, outfitting supplies. Some refuges like Upper Miss or Wichita Mountains, which is Mr. Cole's district, return about $33. So they can be incredible. Chincoteague down here in our area in Virginia, it is more like $121 for every $1, so they are incredible economic engines.

But unfortunately, the cuts over the past few years, not the last 2 years, has really put this all in jeopardy, so the Refuge Association, friends groups and the CARE group that Mr. Williams referenced, the Cooperative Alliance for Refuge Enhancement, which ranges from the NRA to Defenders of Wildlife, so we do not agree on a lot, but we are supporting the President's budget of $508.2 million, and we actually have a new report hot off the presses, which literally I was giving it to some of the staff here from the other organizations. We outline some of these benefits to the refuge system, and we will be taking it up to the Hill next week.

And we are talking about how the Fish and Wildlife Service is—what is happening on the ground by these cuts. They are about $72 million lower than where they were in fiscal year 2010 when you factor in inflationary costs. So what does that mean? Well, they have made important decisions to prioritize their work. I think you heard from Director Ashe yesterday in talking about these. They prioritize law enforcement and science to make sure that they are doing the best things that they can, but they have closed things like their planning department. That is creating new refuges or expanding existing ones, and I know that that is actually good news for lots of folks in Congress who do not think that there should be any more, but it also impacts planning for conservation plans. So in a place—it is northern California, southern Oregon, the Klamath National Wildlife Refuge, the Fish and Wildlife Service got sued because they did not complete their plan, and they lost. They lost last week. So they now have to complete their plan very quickly and they have to, I assume, pay for the litigation costs and so they are out even more, and so everything has a ripple effect. So I think they are trying to be cognizant of what is going on, but this is what happens. I think you heard yesterday, they are down 500 positions. They had 3,500. They are down to, you know, 3,000 positions now, and they are having a tough time.

The results, hunting and fishing visits are down 5 and 7 percent, respectively. This is all since fiscal year 2011. Prescribed burns are down by 44 percent. Volunteer numbers, which is really particularly tough to hear, have dropped by 15 percent. These are people who are, like these folks, helping out and their ability to contribute is actually being stymied because there is no one to oversee what they are doing.

I do want to thank this committee for its support for the Refuge Fund last year. This is where payments from the Federal Government go back to counties and cities. In many of these rural areas that you will hear about, it can fund schools, it can fund your first responders, so it is extremely important, and we encourage you to fund that again at $60 million if you can for this next year.

We hope that all of you will consider visiting a refuge as soon as you can whether in your own district or in someone else's, because they are amazing places and they are everywhere. Thank you.

[The statement of Desiree Sorenson-Groves follows:]

Desiree Sorenson-Groves, Vice President, Government Affairs
National Wildlife Refuge Association
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Washington, DC 20036

TESTIMONY BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES CONCERNING FISCAL YEAR 2016 APPROPRIATIONS, March 13, 2015

Mr. Chairman and Members of the Subcommittee:

On behalf of the National Wildlife Refuge Association and its membership of current and former U.S. Fish and Wildlife Service (Service) professionals, Refuge Friends organizations and concerned citizens, thank you for your support for the National Wildlife Refuge System (NWRS), particularly for the funding increase for fiscal year 2015 (FY15). We appreciate the opportunity to offer comments on the FY16 Interior Appropriations bill and respectfully request:

- $508.2m for the Operations and Maintenance (O&M) accounts of the NWRS, including $5m for the Pacific Marine Monuments;
- $900m for the Land and Water Conservation Fund (LWCF), with $173.8m allocated for the FWS, including $10m for Everglades Headwaters NWR and Conservation Area (FL); $3m for Silvio O. Conte NFWR (CT, NH, VT, MA); $3m for Cache River NWR (AR); $3m for Flint Hills Legacy Conservation Area (KS); $2m for Bear River Watershed Conservation Area (WY, ID, UT); $3.4m for Blackwater NWR (MD); and $1m for the Clarks River NWR (KY);
- $60m for the Refuge Fund;
- $75m for the FWS Partners for Fish and Wildlife Program;
- $14m for the FWS Coastal Program;
- $60m for FWS for Preparedness and Hazardous Fuels Reduction (under DOI);
- $70m for the State and Tribal Wildlife Grants Program;
- $50m for the North American Wetlands Conservation Fund;
- $5m for the Neotropical Migratory Bird Fund;
- $11m for the Multinational Species Conservation Fund.

We understand our nation's challenging fiscal constraints but cutting funding to programs that are economic drivers and job creators in local communities only exacerbates an already difficult situation. For example, the NWRS averages almost $5 in economic return for every $1 appropriated and the Partners for Fish and Wildlife program returns nearly $16 for every $1 spent on projects. Unfortunately, just when these public lands and programs could return economic output to communities and help them through the recession, funding fell dramatically. Budgets have not kept pace with rising costs, and the gap between the funding needed to maintain these programs and the funding appropriated has widened dramatically. The Refuge System is approximately $72 million below what would be needed to keep pace with inflation relative to the FY10 level ($545.8 million inflation-adjusted).

To begin bridging that gap, NWRA urges Congress to fund these critical programs that leverage federal dollars and serve as economic drivers.

National Wildlife Refuge System – Operations & Maintenance
NWRA chairs the Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 23 sporting, conservation, and scientific organizations representing more than 16 million Americans that supports increased funding for the Refuge System. CARE estimates the NWRS needs at least $900 million annually to manage its 150 million acres and over 400 million acres of national marine monuments, yet it is currently funded at roughly half that amount – at less than $1 per acre. The Refuge System cannot fulfill its obligation to the American public, our wildlife, and 47 million annual visitors without increases in maintenance and operation funds.

Funding for the Refuge System has declined substantially since a funding level of $503 million in FY10. Slight increases in FY14 and FY15, after reaching a low of $452.6 million in FY13, have brought the System to its current $474.2 million. Unfortunately, this is approximately $72 million below what the Refuge System needs to keep pace with inflation. **Budget cuts have led to the loss of 430 positions since FY11**. Because most refuge lands and waters are highly managed, this deterioration in staffing has had a dramatic impact resulting in significant declines in habitat preservation and management, hunting, fishing, volunteerism and scientific research.

For instance, visitor services staff has declined by 15%, forcing a reduction in public programs and hours of operation. Hunting visits are down by 5% since FY11 and fishing visits are down 7%. Overall, there are fewer opportunities for the public to recreate, yet the desire for such programs is still high and visitation to all refuges since FY11 has actually increased by 2.6%.

Reductions in visitor services can be extremely troubling to constituencies who want to visit. Take the Midway Atoll NWR in the Hawaiian Islands. In November of 2013, due to sequestration cuts, the Service suspended the visitors services program at Midway. Although in the five years prior to this suspension, the refuge saw only about 300 annual visitors, those visitors were passionate about their reasons for visiting. Perhaps they wanted to view the more than 3.5 million birds that call the refuge home, or perhaps they wanted to visit the Battle of Midway National Memorial to pay tribute to fallen U.S. soldiers from World War II. Whatever their reason, they wanted to have one of the most unique refuge experiences in the entire System. Congress has asked for a GAO investigation on why the Service suspended its program; yet it's clear that when you cut the budget and loose several positions including a permanent Wildlife Biologist, Park Ranger, and Law Enforcement Officer, there will be ramifications.

Equally troubling is the 15% drop in the number of volunteers since FY11. At a time when record numbers of Americans are retiring and have the capability to give back, the Service's ability to oversee their efforts has been curtailed. Volunteers provide an additional 20% of work on our national wildlife refuges, yet they are being turned away when the System needs them the most.

During these years of challenging budgets, the Refuge System's potential to drive local economics and create jobs is of paramount importance. *Banking On Nature*, a report issued by the FWS in 2013, shows that even during the worst recession since the Great Depression, the Refuge System saw sales and economic output increase 20% to $2.4 billion, visitation increase 30% to 46.5 million, average return on investment increase 22% to $4.87 for every $1 appropriated, and supported jobs increase 23% to 35,000.

Strategic Growth
The Land and Water Conservation Fund (LWCF) is an essential tool for protecting the integrity of the Refuge System and is the primary funding source for land and conservation easement acquisition by federal land agencies.

Increasingly, LWCF is being used to conserve working lands through the acquisition of easements that secure conservation protection while leaving the land in private ownership and on the tax rolls. Conservation easements are powerful tools that foster public-private partnerships with ranchers, farmers and foresters to conserve wildlife, habitat and a uniquely American way of life. Innovative landscape-scale initiatives using easements as a primary conservation tool have broad community and state support in New England's Connecticut River Watershed, the Flint Hills of Kansas, the Everglades Headwaters, Montana's Crown of the Continent, and the Dakota Grasslands. These iconic landscapes remain privately managed, generating tax income for local communities, securing our nation's food, and balancing resource use and resource protection for wildlife.

In many cases, however, land acquisition is required to conserve intact and functional natural habitat. The Refuge System is responsible for safeguarding population levels of a range of species, including many species that require very specific habitat conditions, such as nesting grounds for sea turtle and isolated springs for endemic desert fish. Others require multiple habitat types during their life cycle. By acquiring critical habitat areas and linking conserved lands, the Refuge System enhances the overall integrity of the system and strengthens our network of habitat to give wildlife space and time to respond to changes, whether from climate or changing land use patterns.

The Refuge Association calls on Congress to fund LWCF at $900 million per year, with $173.8 million provided in FY16 to the FWS for conservation easements and refuge in-holdings, including the following projects and those advocated by refuge Friends:

- Everglades Headwaters NWR & Conservation Area (FL) – $10m;
- Cache River NWR (AR) – $3m;
- Silvio O. Conte NFWR (NH, VT, MA, CT) – $3m;
- Flint Hills Legacy Conservation Area (KS) – $3m;
- Bear River Watershed Conservation Area (WY, ID, UT) – $2m;
- Blackwater NWR (MD) – $3.4m;
- Clarks River NWR (KY) – $1 m.

Commitment to Refuge Communities – Refuge Fund
The Refuge System uses net income derived from permits and timber harvests to make payments to local communities to offset property tax revenue lost when the federally-acquired lands are removed from local tax rolls, and relies on Congressional appropriations to the Refuge Fund to compensate for the shortfall between revenues and tax replacement obligations. Unfortunately, declining revenues and lack of appropriations have resulted in the Service paying less than 50% of its tax-offset obligations since 2001. The negative impact on local communities is felt even more starkly in difficult economic times and severely strains relations between the federal units and their local community, threatening the goodwill and partnerships that are keystones of successful conservation. NWRA requests $60 million for the Refuge Fund and thanks Chairman

Calvert for his leadership in FY15 to pursue a much-needed increase. NWRA also calls for a review of the Refuge Revenue Sharing Act of 1935 as amended, and consideration of conversion to a Payment-in-Lieu of Taxes (PILT) program to be consistent with other federal land management agencies and to provide Refuge communities with more equitable payments.

Partnerships

With 75% of all fish and wildlife species dependent upon private lands for their survival, the Partners for Fish and Wildlife program (Partners Program) is one of the most powerful tools for protecting wildlife where it lives. By building effective partnerships between public agencies and private landowners to conserve America's expansive working landscapes, the Partners Program has implemented nearly 29,000 restoration projects in the past twenty-five years, restoring over one million acres of wetlands, three million acres of uplands, and 11,000 miles of streams. The program has been instrumental in the success of such iconic landscape conservation projects as the Rocky Mountain Front and Blackfoot Challenge in Montana and the Flint Hills in Kansas, and is playing a key role in conserving greater sage-grouse habitat in the intermountain west.

The Partners program consistently leverages federal dollars for conservation, generating nearly $16 in economic return for every $1 appropriated for projects. The Refuge Association and the landowner-led Partners for Conservation request $75 million for FY16. Such a funding level would result in an additional $400 million worth of conservation across the nation.

The Partners Program provides a bridge between private and public conservation efforts that has been instrumental in the success of large landscape partnerships from Montana to Florida, and is playing a key role in conserving greater sage-grouse habitat in the intermountain west. To this end, we request an additional $78 million for the Interior agencies to implement sagebrush steppe habitat conservation and monitoring efforts that will leverage $300 million in Department of Agriculture investments across the west.

Sharing Lessons and Protecting Global Species

Wildlife species know no international boundaries, and therefore conservation must happen on a global scale to ensure populations survive. Many international wildlife agencies look to the Refuge System as the world leader in wildlife and fish conservation. The Service's Wildlife Without Borders Program and Multinational Species Conservation Funds together support global partnerships to protect marine turtles, tigers and rhinos, great apes and elephants and other iconic species. These programs are particularly important as wildlife face a poaching crisis that is leading species such as rhinos to the brink of extinction. The Refuge Association and student-led Tigers 4 Tigers Coalition request $11 million for the Multinational Species Conservation Fund in FY16.

The Refuge Association believes that with sound conservation policy, adequate funding, and the power of more than 40,000 dedicated volunteers, the Refuge System can fulfill its mission to provide wildlife dependent recreation for Americans and protect the habitat for more than 700 species of birds, 220 species of mammals, 250 reptile and amphibian species and more than 1,000 species of fish. We look forward to working with Congress in 2015 to accomplish this goal.

Mr. JOYCE. Thank you very much, Ms. Sorenson-Groves.
Mr. Durkin.

WEDNESDAY, MARCH 18, 2015.

FRIENDS OF RACHEL CARSON NATIONAL WILDLIFE REFUGE

WITNESS

BILL DURKIN

Mr. DURKIN. Good morning, Acting Chair and Ranking Member. Good morning. I am Bill Durkin from Biddeford, Maine, and the President of the Friends of Rachel Carson National Wildlife Refuge. Thank you all for allowing me to present some of my topics from my written testimony in person, and I will highlight a personal experience in my summation.

I have been a members of Friends of Rachel Carson National Wildlife Refuge for the past 26 years, President the past 12. The group was founded in 1987. We are a small group with a history of communicating with Maine Congressionals for years. We used to send letters via the U.S. mail and then anthrax forced us to fax our letters. Then the Electronic Age made things simple where we use email and PDFs. This year our refuge is not requesting any appropriations directly for Rachel Carson National Wildlife Refuge. I am here to request general funding for the National Wildlife Refuge System, appropriate the National Wildlife Refuge Fund, and urge the subcommittee to fund the Land and Water Conservation Fund at the full level, and I thank you for your consideration.

The Rachel Carson National Wildlife Refuge is named in honor of the Nation's foremost and forward-thinking biologist. After arriving in Maine in 1946 as an aquatic biologist for the U.S. Fish and Wildlife Service, Rachel Carson became entranced with Maine's coastal habitats, leading her to write the international best seller, "*The Sea around Us*." With the recent 50th anniversary of the publication of "*Silent Spring*," her legacy lives on today at the refuge that bears her name and is dedicated to the permanent protection of the salt marshes and estuaries of the southern Maine coast.

The refuge was established in 1966 to preserve migratory bird habitat and waterfowl migration along southern Maine's coastal estuaries. It consists of 11 refuge divisions in 12 municipalities protecting approximately 5,600 acres within a 14,800 acre acquisition zone. It is said that the Rachel Carson National Wildlife Refuge has the most neighbors/abutters than any other refuge in the system, thus demand for available land is high and the market value expensive.

Number one: We are requesting an overall funding level of $508.2 million in fiscal year 2016 for the operation and maintenance budget for the National Wildlife Refuge System managed by the U.S. Fish and Wildlife Service. All the refuges are in dire need of staffing and upkeep. An investment in the Nation's refuge system is an excellent investment in the American economy, generating $2.4 billion and creating about 30,000 jobs in local economies.

Number two: Please appropriate $60 million in the National Wildlife Refuge Fund in fiscal year 2016, which offsets losses in local government tax revenue because lands owned by the refuge system are exempt from taxation. This is a great tool for the local community relations.

Number three: We are requesting $173.8 million in LWCF funding for refuge land acquisition, conservation easements, and we call for funding of the LWCF at $900 million. The Land and Water Conservation Fund is our Nation's premier federal program to acquire and protect lands in national parks, forests, refuges and public lands and at state parks, trails and recreational facilities. As you know, LWCF uses no taxpayer dollars. LWCF needs to be funded at the $900 million level in fiscal year 2016.

Six years ago in April 2009, I sat before this committee and gave testimony for support of the National Wildlife Refuge System and LWCF. At that time, Rachel Carson National Wildlife Refuge did have a specific request of $3.5 million for the purchase of 157 acres at Timber Point along the Biddeford-Kennebunkport town line. Protecting Timber Point has been a top priority of the refuge for decades.

To sum it up here, the experience of sitting here 6 years ago is worth a thousand words. When I got the phone call from the U.S. Fish and Wildlife Service realty office at 5 p.m. on December 21, 2012, announcing that we owned it, I drove down to the parcel, and right at the entrance there was "keep out" sign. I ripped that metal sign right off the post. There was pouring rain going sideways. It was gray, cold and wet. I shouted through the roaring, howling wind, "We did it." I then came back the next morning in the early light. It was the winter solstice, the first day of winter, and there was 8 inches of fresh snow on the virgin refuge land. The snow made things so quiet. With the sun rising over the Atlantic, kit turned all orange. It was one of those out-of-body experiences that some of the Friends Refuge on occasion have, a feeling of accomplishment knowing that it can be done, and of course with a lot of help from the Interior Department and related agency subcommittee. I thank you.

[The statement of Bill Durkin follows:]

Written Testimony of Bill Durkin, President
Friends of Rachel Carson National Wildlife Refuge
In Support of Funding for the National Wildlife Refuge System
Land and Water Conservation Fund, U.S. Fish and Wildlife Service
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Ken Calvert, Chairman
The Honorable Betty McCollum, Ranking Member

March 13,2015

Mr. Chairman and Honorable Members of the Subcommittee: I am Bill Durkin, President of The Friends of Rachel Carson National Wildlife Refuge in Biddeford, Maine.

I have been a member of the Friends of Rachel Carson NWR for the past 26 years. The group was founded in 1987; we are a small group of about 200 members. This time of the year all of the letters go out to Congress asking for support of the refuge. I have given numerous written statements over the years and we really appreciate your support in the past. This year, our refuge is not requesting any appropriations directly for Rachel Carson National Wildlife Refuge; this is a request for general funding of the National Wildlife Refuge System of $508.2M. This year we ask to appropriate $60 million in the National Wildlife Refuge Fund. I also urge the sub-committee to fund the Land , Water and Conservation Fund at full funding at $900M with a $178.8M of that request for the National Wildlife Refuge Systems purchase of easements and in holdings. I thank you all for your consideration.

The Rachel Carson National Wildlife Refuge is named in honor of one of the nation's foremost and forward-thinking biologists. After arriving in Maine in 1946 as an aquatic biologist for the U.S. Fish and Wildlife Service, Rachel Carson became entranced with Maine's coastal habitat, leading her to write the international best-seller *The Sea Around Us.* This landmark study, in combination with her other writings, *The Edge of the Sea* and *Silent Spring*, led Rachel Carson to become an advocate on behalf of this nation's vast coastal habitat and the wildlife that depends on it. With the recent 50th anniversary of the publication of *Silent Spring*, her legacy lives on today at the refuge that bears her name and is dedicated to the permanent protection of the salt marshes and estuaries of the southern Maine coast. The refuge was established in 1966 to preserve migratory bird habitat and waterfowl migration along southern Maine's coastal estuaries. It consists of 11 refuge divisions in 12 municipalities protecting approximately 5,600 acres within a 14,800 acre acquisition zone.

Consisting of meandering tidal creeks, coastal upland, sandy dunes, salt ponds, marsh, and productive wetlands, the Rachel Carson NWR provides critical nesting and feeding habitat for the threatened piping plover and a variety of migratory waterfowl, and serves as a nursery for many shellfish and finfish. The salt marsh habitat found at Rachel Carson NWR is relatively rare in Maine, which is better known for its dramatic, rocky coastline. Upland portions of the landscape in and around the refuge host a unique,

unusually dense concentration of vernal pools that provide habitat for several rare plant and animal species. Located along the Atlantic flyway, the refuge serves as an important stopover point for migratory birds, highlighted by shorebird migration in the spring and summer, waterfowl concentrations in the winter and early spring, and raptor migrations in the early fall. In fact, southern Maine contains a greater diversity of terrestrial vertebrates, threatened and endangered species, and woody plants than any other part of the state.

Previous years' appropriations have allowed the USFWS to conserve several properties within the refuge at Biddeford Pool, Parson's Beach, the newly created York River Division and most recently at Timber Point. All of these purchases provide an important buffer between the intense development pressure along the southern Maine coast and its fragile coastal estuaries. With towns in the area growing rapidly – at rates ranging between 11 percent and 32 percent over the next ten years – development pressures continue to spiral upwards and additional coastal properties are under threat. It is said that Rachel Carson NWR has the most neighbors/abutters than any other refuge in the system, thus demand for available land is high and the market value expensive.

In FY10, Rachel Carson NWR was appropriated $3M from the LWCF toward the acquisition of a majestic 157 acres of coastal land : Timber Point. Located in the Little River Division of the refuge on the Biddeford/Kennebunkport town line, Timber Point is comprised of a large peninsula and a small island that is effectively connected to the peninsula at low tide. All told, the property includes over 2.25 miles of undeveloped coastline, an enormous amount for southern Maine. The Timber Point parcel enhances the refuge's ability to protect water quality in the estuary and important wildlife habitat by linking it to already conserved refuge lands in the Little River Division of the refuge. This is a Success story. Your committee supported this project in 2009 and we acquired the land in December, 2011. The total purchase price was $5.2M. We privately fundraised $2.2M with the help of collaborative working partners. A classic story of using federal funds and local private donations toward the purchase of an iconic parcel of land. Since then, we have built a National Recreational Trail (NRT) for public use and recently completed an Environmental Assessment for future use of the property. Protecting Timber Point was a priority for the refuge for decades, and we thank you. The process does work and I support all Refuges requests for FY16. You can make it happen.

*** 1.We are requesting an overall funding level of $508.2 Million in FY 2016 for the Operations and Maintenance Budget of the National Wildlife Refuge System, managed by the US Fish and Wildlife Service. All of the refuges are in dire need of staffing and upkeep. The National Wildlife Refuge System is responsible for 568 million acres of lands and waters, but currently receives less than a $1. per acre for management costs. The refuges cannot fulfill its obligation to the American public, our wildlife and 47 million annual visitors without adequate funding. In the Northeast, Region 5, needs an additional $1.5M for FY16 to keep even in their operating budget. In addition , they are on a hiring freeze therefore they can not offer their best programs due to the simple fact that only 25% of the budget goes to operations. Refuges provide unparalleled opportunities to hunt, fish, watch wildlife and educate children about the environment. An investment in the nation's Refuge System is an excellent investment in the American

economy, generating $2.4 billion and creating about 35,000 jobs in local economies. Without increased funding for refuges, wildlife conservation and public recreation opportunities will be jeopardized. We fully supported the US Fish and Wildlife's request of $508.2 Million for Operation and Management for the National Wildlife Refuge System.

*** 2. Appropriate $60 million in the National Wildlife Refuge Fund in FY16 which offsets losses in local government tax revenue because lands owned by the Refuge System are exempt from taxation..

*** 3. We are requesting $173.8M in LWCF funding for Refuge land acquisitions/conservation easements and we call for full funding of LWCF at $900M. The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through active recreation, protecting drinking water and watersheds, improving wildfire management, and assisting the adaptation of wildlife and fisheries to climate change. The quality of place is greatly enhanced. As you know, LWCF uses no tax payer dollars. Instead, LWCF funds are primarily derived from oil and gas receipts paid to the federal government by oil companies that extract publicly owned resources from the Outer Continental Shelf. Congress created LWCF as a bi-partisan promise to return precious resources back to the American public by using these funds specifically for conservation and recreational purposes. Unfortunately over the 50 year history of LWCF, over $18 billion has been diverted from the original conservation fund purpose. For all these reasons, LWCF needs to be funded at the $900.Million level in FY16. Created by Congress in 1964 and authorized at $900 million per year (more than $3 billion in today's dollars), the LWCF is our most important land and easement acquisition tool. In the President's budget, he has included full funding for LWCF programs at the $900.M level, and I support the Administration's commitment to fully funding the program. I urge a minimal commitment of $173.8 M to the National Wildlife Refuge System. This wise investment in the Land and Water Conservation Fund is one that will permanently pay dividends to the American people and to our great natural and historical heritage. The Land and Water Conservation Fund should be fully funded at $900 million annually - the congressionally authorized level. LWCF is good for the economy, it is good for America's communities and their recreational access; it is critical for our public lands and wildlife habitat.

The Land, Water and Conservation Fund has provided incredible benefit to the State of Maine. We have four national Wildlife Refuges and our only National Park, Acadia, attracts a huge amount of tourist each year and offers great recreational activities to the local citizens of the State. LWCF and the Forest Legacy program have conserved tens of thousands of acres in our interior forestlands and ensures that forestry and recreational access for all will be a huge part of our economy for generations to come. As a Mainer, I also wanted to highlight the importance of LWCF funding to other parts of the state beyond Rachel Carson NWR. We have a Crown Jewel of the national park system at

Acadia National Park, which will celebrate its centennial in 2016 and has continuing LWCF acquisition needs. Millions visit Acadia every year. And we have incredibly valuable private forests whose permanent protection through Forest Legacy Program funding means that our tourist and timber industries -- our two largest - can thrive together. I just visited the rural town of Phillips, Maine where I enjoyed cross country skiing on a trail on a just-completed Forest Legacy project, and I spent my money locally on lodging, food and equipment. So, LWCF funding for conservation in Maine is critical to the rural economy and National Wildlife Refuges. And it is matched by other funding, and enjoys broad support from forest landowners, snowmobilers hikers and birdwatchers alike. I cannot emphasize enough how important LWCF funding is to Maine and the remaining 49 United States.

I again extend our appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System and respectfully request the Interior, Environment and Related Agencies Appropriations Subcommittee allocate $508.2M for the Refuge System's FY16 Operations & Maintenance Budget, $60M in the National Wildlife Refuge Fund and $178.8M in Refuge LWCF monies. We need Congress to standby their commitment that was made in 1964 : stabilize the LWCF at $900M.

Thank you again, Mr. Chairman, for the opportunity to present this testimony in support of protecting wildlife and it's habitat. Enjoy your next walk out on a National Wildlife Refuge.

Bill Durkin
President
Friends of Rachel Carson National Wildlife Refuge
PO Box 117
Biddeford Pool ME 04006

Mr. JOYCE. Thank you very much, Mr. Durkin.
Mr. Price.

WEDNESDAY, MARCH 18, 2015.

FRIENDS OF THE LITTLE PEND OREILLE NATIONAL WILDLIFE REFUGE

WITNESS

DANIEL PRICE

Mr. PRICE. Thank you, Chairman Joyce and Ranking Member Pingree. My name is Daniel Price. I am speaking on behalf of the Friends of the Little Pend Oreille National Wildlife Refuge in northeast Washington State. We are on the dry side of the state away from Seattle. The 42,000-acre Little Pend Oreille National Wildlife Refuge is the only mountainous mixed conifer refuge outside of Alaska. I will devote most of my testimony to the challenges facing our refuge, but we are also part of the system and as such we respectfully request that you fund the operations and maintenance accounts of the refuge system at $508.2 million for fiscal year 2016 and fully fund the Land and Water Conservation Fund at $900 million. We actually have willing sellers on our boundaries that would like to become part of the refuge, and that would help a great deal, and these are all small landowners.

The most critical issue on our refuge is the fire budget, and I would like to personally thank Congressman Simpson, who is not here, for his work on the Wildfire Disaster Funding Act of 2015 along with passing Wildfire Defending Act. I respectfully ask you to appropriate $60 million dedicated to the refuge system for fire programs through the Department of Interior's Hazardous Fuels Reduction Act.

On the Little Pend Oreille, there is about 10,000 acres of open pine forest which requires fire to maintain healthy habitat. The refuge uses fire along with mechanical hand thinning to reach wildlife management goals such as keeping meadows open and using fire to regenerate overgrowth such as grasses and forest. This is critical for keeping healthy habitat for deer, elk, moose and other species. Interestingly enough, the whitetail deer is one of the reasons for the establishment of this refuge. Now the whitetail deer keep our body shops very busy in Colville.

The refuge thinning practice also has the goal of reducing fuel to help prevent catastrophic fires. About 3 year ago, this was put to the test. The Slide Creek was started by lightning on forestlands outside the refuge. These forestlands had not gone through any fuel reduction, thinning, and the fire crowned, moving from tree to tree. The wind blew the fire onto a section of the refuge that had recently gone through a major thinning project reducing its fuel load. When fire hit the refuge boundary, the fire was not able to keep jumping from tree to tree and became a ground fire and was quickly brought under control, evidence that this type of forest fuel reduction can save money by making fires easier to fight.

The problem now that we have in the refuge is they cannot keep up with this type of fire management. From 2001 to 2010, the ref-

uge was able to thin and burn about 1,000 acres per year. Today, due to staff and funding cuts, this is down to 100 acres per year on our refuge, a 90 percent decrease. If this keeps up, we will lose 10 years of work in reducing fuel and improving critical habitat. The refuge also wants to continue to be a good neighbor in this type of forest management.

As someone who spends the majority of their time wandering the forest and mountains, I have witnessed firsthand the negative long-term effects of not having adequate funding for the management of our public lands. Volunteerism can only help so much, and we are not going to be out fighting fire. Also, we may have hit our limits on volunteerism. The Friends of Little Pend Oreille would love to do more but we neither have the time, the energy or the resources.

Perhaps the most important reason to fully fund the refuge system is for future generations and our children, for them to be able to see undisturbed nature, a little boy catching his first fish or the wonder in a little girl's eyes when she sees her first baby deer or just a family enjoying a walk through the woods.

So again, I respectfully ask you to fully fund the refuge system at $508.2 million and the Land and Water Conservation Fund at $900 million.

Thank you very much.

[The statement of Daniel Price follows:]

Daniel D. Price
Vice President, Friends of the Little Pend Oreille National Wildlife Refuge
768 Joseph Jessica Rd.
Colville, WA. 99114

TESTIMONY
FOR THE HOUSE APPROPRIATIONS SUBCOMMITTE ON THE INTERIOR, ENVIRONMENTAND RELATED AGENCIES
CONCERNING FISCAL YEAR 2016 APPROPRIATIONS

Chairman and Members of the Subcommittee:

The Friends of the Little Pend Oreille National Wildlife Refuge (FLPONWR) and its members would like to thank you for this opportunity to testify before the Subcommittee concerning the funding of National Wildlife Refuge system for fiscal year 2016. We ask you to support the Presidents funding proposal of $508.2 million for the Refuge System. We feel that any less funding could have negative impacts on the Refuges ability to protect and enhance the environment and wildlife within the Refuge System. Less funding would also impact local economies, jobs, recreation and environmental education. The Little Pend Oreille NWR (LPONWR) is a unique Refuge that needs your support.

A budget item that is critical to the Little Pend Oreille and to indeed critical to all the forests in the west is funding for Hazardous Fuels Reduction. So we would ask for your support to appropriate $60 million dedicated to the support the Refuge System's fire program through the Department of Interior's Hazardous Fuels Reduction program. Not only does this program help to elevate catastrophic fires it is also a vital tool in wildlife management. I will have more details of how this program directly effects the Little Pend Oreille NWR later.

We are also asking for you support to provide 173.8 million from the land and Water Conservation fund for the purchasing of in-holdings that are of vital ecological importance and also the purchase of in-holding leads to better wildlife connectivity and allows for more cohesive management of the ecosystem.

THE LITTLE PEND OREILLE WILDLIFE REFUGE

The LPONWR is located in the Northeast part of Washington State near the small city of Colville. The LPONWR is just over 40,000 acres and is the only mountainous mixed conifer refuge in the lower 48. It also has several small lakes, ponds, streams, marshes and the Little Pend Oreille river that support a wide variety of wildlife from songbirds, every woodpecker native to the Rockies, and waterfowl to bears, bobcats, cougars, elk, moose and white-tailed deer. Interestingly the protection of the white -tailed deer and song birds were the main reasons for the establishment of the refuge. The refuge is considered critical winter habitat for the deer. Small amphibians, small reptiles, butterflies, dragonflies are also important parts of the refuges ecosystem.

The refuge also comprises large stands of ponderosa pine which have very little protection outside of the refuge. The protection of the pine habitat is of critical importance to the future of the white tailed deer, elk and the other species, such as the threatened Columbia ground squire that are connected to this

habitat.

VISITATION AND ECONOMICS

The LPONWR has about 60,000 visitors per year who enjoy activities such as bird watching, hiking, camping, mountain biking, hunting, horseback riding and hunting. Not only do people enjoy these activities but they arc also a positive contribution to the local economies. According to the 2004 "Banking on Nature" economic study the refuge visitors had a "final economic demand," to the local economy, of almost $3.7 million and helped to generated 42 jobs (a significant number in this rural community). If you compare this to the Refuge Budget there was "$3.82 of recreational benefits for every $1 of refuge expenditures." All in all a very good investment.

If we compare this to the 2011 Banking on nature study the final demand totaled $3.9 million with associated employment of 30 jobs. The big number here is the loss of 12 jobs. With a loss a staff projects such as mechanical and hand thinning cannot be set up and managed thus leading to a loss in private sector jobs in an area that is already economically depressed.

HABITAT PROTECTION AND ENHANCEMET

Over the past 20 years the refuge has been hard at work restoring a healthy forest and habitat at the refuge after about 30 years of management by the state. While always a Federally owned Wildlife Refuge there was a management agreement between the State and the National Fish and Wildlife service starting in the 1960's and ended in the early 1990's after the GAO found it to not be in the best interest of the Refuges in question (the LPONWR).

Many illegal roads have been closed, lakes rehabilitated, and the health of the forest has also been greatly improved providing a much better habitat for the native wildlife. But the is still much work left to be done.

One of the most important roles the Refuge staff has been forest rehabilitation through prescribed burns and thinning operations (which provide jobs to local loggers and bring wood to local mills) which have helped to open up overcrowded forests, reduce the chance of catastrophic fires. These operations also help neighboring property owners from the chance of fire spreading to there property. These burns and thinning operations also help to keep meadows open and productive providing a food source for deer, elk, moose and other wildlife.

It is important to know that the Little Pend Oreille NWR, along with a large percentage of western forests, are in a fire ecology. Meaning that these forest rely on fires to keep them health and productive. We know that because of past management policies and our lack of understanding of the importance of fire to these ecosystems our forest have become overcrowded which is contributing to large catastrophic fires and the reduction of habitat for animals such as elk and deer whom rely on open forests and meadows. To keep up the pace of keeping our forest health I respectfully ask for your support in appropriating $60 million in dedicated funding to the Refuge System

What does this mean for the Little Pend Oreille NWR. The Refuge has about 10,000 acres that are open pine and mixed forests that are reliant on fire. The goal was and is to keep these acres on a ten year fire rotation. The years from 2000-2010 the Refuge was able to complete about 1000 acres of prescribed

burns per year to keep on target. The last four years, beeause of reduction of staff, the Refuge is down to around 100 acres per year. The reduction in staff also leads to less commercial thinning project, as part of fuels reduction, as the Refuge is lacking the staff to lay out and manage the thinning. This leads to a loss of private sector logging jobs as well as less logs going to the local mills.

If the Refuge does not have the resources for Fire and Fuels Reduction to keep up pace we risk the loss of habitat and we increase the chance of a large catastrophic fire. Interestingly the Refuge as a good example of the importance of fuels Reduction. A few years ago a fire (Slide Creek) was started by a lighting strike off the Refuge in private timber land. This land had not gone through and fuels reduction or thinning. The fire "crowned" a took off toward the Refuge in an area that the Refuge had recently had a thinning project to reduce fuels. When the fir hit the Refuge land instead of staying a "crowning" fire going through the trees it sat down and became a ground fire which is much easier to control and is what mother nature would have done in the past. By this fire sitting down the Refuge showed that it is a good neighbor and the Fuels reduction possibly saved many acres of not only Refuge but also private, state and other Federal lands.

The staff has also worked to rehabilitate the lakes, ponds, marshes, streams and the river. One examples is the removal of tench and Eurasian milfoil from Lake McDowell which is still may always be an ongoing battle. This year another invasive was introduced to the lake (Sun Fish). This fall the Refuge and the State worked together to hopefully rid the lake of these invasive species. But as the past shows it will be a continuing battle.

REVENUE SHARING PROGRAM

Being in a rural area with a high poverty rate the Revenue Sharing Program is of vital importance to our communities. It help to pay for schools, libraries, fire protection, roads, law enforcement and the list goes on. However the currant system and it formula for calculating these payments is out of date and insufficient. Along these lines we are asking for your support in moving the Refuge Revenue sharing program to the PILT program as it is a more adequate system. In the mean time we ask for you to appropriate $60 million to the Refuge Fund to insure that local communities receive proper compensation. It is also just part of being a good neighbor and part of the community.

FRIENDS AND THE REFUGE

Our organization (FLPONWR) was established in 2001 and has work tirelessly with the refuge to make many improvements at the refuge and help to reach out to the public about the importance of the refuge. Our public outreach also points out to people all of the recreational opportunities that the Refuge offers.

One of our concerns is if budget cuts lead to cut in staff this could harm our collaborative efforts. Being a small organization (80-90 members) and in an area with a small population there is no dedicated staff member to coordinate volunteers. The staff has done an outstanding job working with us and we feel that any staff cut could make collaboration with staff more difficult as individual staff members would have more work and less time to help the volunteers. You must know that the volunteers in the refuge system as a whole play a vital role in helping out and improving the Refuge system. But volunteers can only do so much.

FINAL APPROPRIATINS REQUESTS

I respectively request your support for the full funding of the National Wildlife Refuge Systems at $508.2 million for FY2016, provide 173.8 million to the Land and Water Conservation Fund, appropriate $60 million to the Refuge Fund to ensure compliance with the Refuge Revenue Sharing Program to help compensate local communities who this funding is critical for, fully fund the Partners for Fish and Wildlife Program at $75 million, increase the Coastal grant Program to $14 million in FY16, appropriate $70 million for State Wildlife Grants, appropriate $11 million for the Multinational Species Conservation Fund., $5 million for the Neotropical Migratory Bird Conservation Fund, allocate $50 million for the North American Wetlands Conservation Fund and lastly the appropriate $60 million in funding to the Refuge Systems fire program through the Department of Interior's Hazardous Fuels Reduction Program.

In closing I cannot stress enough how important it is to fully fund the Refuge system. Further cuts will hurt the environment and wildlife. Local economies will also be hurt by less employment and tax revenues. By fully funding the Refuge System we help to ensure that we protect these special places for future generations.

On behalf of the Friends of the Little Pend Oreille, thanks for listening.

Daniel D. Price

Mr. JOYCE. Thank you, Mr. Price.
Ms. Dolven.

WEDNESDAY, MARCH 18, 2015.

FRIENDS OF CAMAS

WITNESS

MARY DOLVEN

Ms. DOLVEN. Thank you for this opportunity. My name is Mary Dolven, and I cannot tell you how excited I was when I had an opportunity to toss my name into a hat and come here today.

I cannot tell you how excited I was at the thought of coming here. When I mentioned it to my husband, he said "let's go," so here I am.

We are from Idaho Falls, Idaho, and we represent the Camas National Wildlife Refuge, which is located about 40 miles north up Interstate 15. Idaho Falls has a population of about 55,000 with 12 small communities around Camas which additionally supply people that could come to the refuge.

In late 2009, a friend of mine and I—we both worked in education, she was an elementary teacher, I was a counselor—got to talking about projects that we could do up at Camas. We both belonged to the Friends of Camas group, and we thought, you know what, one of the biggest problems we have in this country is to get kids outside, and so we decided to start some tours, and it was extremely successful. The kids love it. Between the beginning of 2010 and the end of last year, of course, that was 2014, we had 1,000 people up there. We had a lot of fun doing it too. Eight hundred of that number were kids, and the other 200 were some people from rest homes, a couple civic organizations, a bicycling group, et cetera.

So my main purpose here today is to get kids outside. A few years ago, someone wrote a book, David Law was the author, and it was called "*The Last Child in the Woods.*" It was a bestseller nationwide. It has been around for a while, but he gets right on the fact that it is not just "maybe it will work, maybe it will not." It is a serious thing with their mental health, et cetera, and their development. So that has been great.

Now, we are at an incredible crossroads, because let me tell you how many services we have up at—now, do not laugh—up at Camas. We have one outhouse with no water. We need a coordinator for these tours, et cetera, education coordinator. We need a restroom and we need a visitors center. And we have made one positive move as the Friends of Camas group, and in a couple of months we will have about an $85,000 pavilion in place. That is going to help a lot.

So again, my main purpose in being here today is to talk about these kids that we have brought outside.

A woman called about, oh, 2 months ago. She called me. She called the woman I work with. She called Brian Wehausen, our refuge manager, and she said I would like to come out to Camas sometime in April, she said, say about Saturday, April 11th. So we

talked about that, and I thought, well, that is kind of good, that is a little early to start but maybe there will still be some birds migrating through, et cetera, and then I asked her how many kids she was going to bring along. Well, are you ready for this? She said 150. Now, picture one outhouse is all we have. So I mentioned this—no, I did not mention it but she had also called, as I mentioned, Brian Wehausen, so we are going to try to accommodate this, but that is not going to work forever. So my main purpose here today is kids.

Some of the things that have happened with kids, little anecdotal notes are just wonderful. We were out there on the refuge one day looking out onto a pond of water. One of the people in our group had some binocs and he was looking out there and he was saying mallard, pintail, canvasback, and we heard a little boy behind us say "I thought there were only mommy and daddy ducks." That is kind of where you start.

One of the fondest memories that I have occurred when we had a busload of kids from a little town of Hamer. Let me digress here a second and say Idaho ranks 49 in funding for schools. We cannot bring kids out there on school buses, but this little town of Hamer is only a total of about 5 miles away, and they came out. They had about 35 kids ranging from 1st grade through 4th grade, and they learned a lot, they were excited. There were some real cute, homespun kids. When the whole thing was over and the bus was sitting in the middle of the driveway, they all piled in. It was a warm day. The windows were down. And as they started to drive away, I looked up and what did I see? An arm, a little skinny arm waving out of every window. It gives you some idea how excited they get. That is just something that you will never forget.

In closing, I might just mention that my husband and I vacationed at Redfish Lake last summer. The Forest Service, when we took our kids late in the late 1970s was active. They had tours for the kids. They had evening programs. It was wonderful. Our kids loved it, and our kids would get full of mud. They would be in all this stuff. Guess what? Last summer, all the kids do is ride bikes. You see them either riding bikes or you see them sitting at the picnic table eating their meals. That is how much it has changed. We encountered two people from the Forest Service that used to work there, and they had the same feelings. They feel very strongly about it.

So I am sure I do not have to repeat my main reason for being here, but I just want to say thank you for the opportunity.

[The statement of Mary Dolven follows:]

The following is my written testimony:

My knowledge of Camas National Wildlife Refuge began in 1996 on International Migratory Bird Day. My husband and I have been frequent visitors of the refuge ever since. In 2009 I became a board member of the Friends of Camas. My interest expanded in 2010 as another board member and I began a succession of tours of Camas. Our focus was on children between the ages of six and eleven. We developed several curricula, and between 2010 and 2014 , we attracted about 800 youth. During these years, about 200 adults from retirement homes, etc. joined us for tours. All together we presented tours of Camas to about 1,000 visitors. By May of this year, Camas will have a covered pavilion to house our presentations. In order to expand, Camas National Wildlife Refuge needs to request funding for additional facilities and personnel. Needed are: a visitor's center, fully functioning restrooms, and education director, etc.

My deepest concern centers on our youth and their lack of knowledge of the outdoors. It's critical that our society finds ways to engage parents and their children in this endeavor. Camas could play a significant part in this with increased facilities and personnel.

Camas National Wildlife Refuge is located 40 miles north of Idaho Falls, which has a population of about 55,000. It lies about two miles west of Interstate 15. Idaho Falls is the nearest city with a significant population. This affords the refuge a rural setting.

Submitted by:

Mary Dolven

Mr. JOYCE. Thank you very much. I appreciate all of you being here. Any questions from Ranking Member Pingree.

Ms. PINGREE. Thank you, Mr. Chair.

I just want to thank you all. Thank you for your great presentation. Thank you, Bill, for all the wonderful things that have happened at Rachel Carson. Your great stories with kids, thanks. It is so clear how important these systems are. It is so discouraging when we do not have enough money to fund you adequately, but you will not hear any arguing from me about full funding for all the things that you care about and hopefully our colleagues and our budget will reflect enough money in there that we can do it. I am happy to have you all here. Thanks.

Mr. JOYCE. For the record, the gentlelady from Maine and myself are also cosponsors of Mr. Simpson's bill. It is important that we have money set aside to do fire suppression versus having to take it from other sources when these accidents or incidents occur. So I appreciate your being here, and you do not have to be nervous because we are probably the two most laidback Members that you will find.

Ms. PINGREE. And possibly the lowest ranking, but we will bring the message.

Mr. JOYCE. I want to thank all of you, especially those who have traveled long distances and at your own dollar. The fact that you here, why you are here, you might as well make good use of your time, and there are other Members—we are only two of the 435 that are here—to let them know how important these Interior programs are for all of you. So I would like to thank you all for being here.

That will conclude this morning's testimony, but we will reconvene at 1 o'clock. Thank you.

WEDNESDAY, MARCH 18, 2015.

AFTERNOON SESSION

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

Good afternoon. Welcome to the subcommittee's second public witness hearing. The subcommittee will be hearing from a cross-section of individuals representing a wide variety of issues addressed by this subcommittee. The chair will call each panel of witnesses to the table one panel at a time. Each witness will be provided up to 5 minutes to present their testimony. We will be using a timer to track the progress of each witness and when the button turns yellow, the witness will have 1 minute remaining to conclude his or her remarks. And if you want to speak less, that is great with me.

Members will have an opportunity to ask questions to the witnesses but in the interest of time the chair requests that we try to keep things moving to stay on schedule.

The chair reminds those in the hearing room that the committee rules prohibit the use of outside cameras, audio equipment during these hearings. Any use of cameras, recording devices, or audio equipment must be credentialed through one of the House press galleries. I am happy now to yield to my friend, Ms. McCollum, for any remarks she may wish to make.

Ms. MCCOLLUM. Mr. Chair, it is a pleasure to be here and I thank the public for coming and letting us know what is on their mind. Thank you.

Mr. CALVERT. Thank you. And I am happy to introduce the full committee chairman Mr. Rogers, who is going to introduce a constituent and a good friend.

Mr. ROGERS. Well, thank you, Mr. Chairman, for that courtesy. And I am greatly honored to introduce to you one of my constituents from the 5th District in Kentucky, Mr. Charles Baird. Mr. Baird serves as the Chairman of Coal Operators and Associates, a position he has held since 1987.

Coal Operators and Associates represents 39 mine operators and 137 entities that provide goods and services to the mining industry all throughout central Appalachia. Mr. Baird and those he represents have experienced the War on Coal firsthand, and he understands better than most the challenges that coal producers in Appalachia are facing today. I am grateful that he has taken the time to speak to this subcommittee.

Over the last several years, the administration has engaged in a targeted dismantling of the coal industry in Appalachia. In Eastern Kentucky where I serve, we have lost nearly 9,000 coal jobs since the President took office. These are good jobs, paying on average $60,000 a year from the start, enough to keep the lights on and to support a family and to make plans for the future.

But now, the jobs that have provided people in coal country with stability and security for 200 years are disappearing all around us. A deluge of regulatory requirements from Washington is imposing tremendous expenses on coal operators. Large and small mining companies alike are being forced to choose between passing these costs along to their consumers and closing up shop, all in the name of a single-minded agenda.

Hard-working Americans in my District, who are willing to work day in and day out to provide this country and the world with cheap, reliable energy from coal, are being pointed toward the unemployment line by this administration. Despite the administration's wrongheaded agenda, the fact remains: coal is the cheapest, most reliable source of energy, and this country needs it in order to keep the lights on. Without it, energy prices will rise and we will continue to face outages, brownouts, blackouts every time a major cold front or storm hits.

I am proud of this hard-working spirit that resides in my district, and that Mr. Baird represents. I am encouraged by their desire to provide this country with an energy source that keeps food on the table, utility bills low, and energy independence attainable. I know this committee will continue to support them in these shared goals.

Mr. Chairman, thank you for the opportunity to introduce Mr. Baird to this subcommittee.

Mr. CALVERT. Welcome, Mr. Baird. You are recognized for 5 minutes.

WEDNESDAY, MARCH 18, 2015.

COAL OPERATORS AND ASSOCIATES, INC.

WITNESS

CHARLES J. BAIRD

Mr. BAIRD. I am sure you know, Ranking Member McCollum, that not too long ago you had 46 coal-fired plants in Minnesota, providing nearly 44 percent of your electricity in your state. Kentucky is nearly 95 percent or even greater than that electricity is provided by coal.

EPA in my opinion is on a mission to eliminate coal mining and also a generation of electricity by coal. They want to take coal out of the energy mix based on premises that we believe have been proven wrong. EPA has funded a one-sided analysis of global warming. Actually, the term "global warming," how it became an old hat, they changed it to "climate change," and they told us of the great calamities and the destruction that is going to occur if we do not change. We believe that EPA has really created this crisis. It is a self-created crisis. It is really not a crisis.

These very same alarmists that are telling us now in 2015 are the very same people that were saying these same things in the 1980s. If you took these same folks, took their analysis they made in the early 1980s and put them on a chalkboard, which we do not use anymore but I think you can put them on a chalkboard and list them 1 through 20 and see which ones have come true and which ones have not come true, I think you would find that none of them have come true. And those are the same folks that EPA is relying on today for this agenda that they have determined.

We were supposed to have great increases in global temperatures; that has not occurred. By now the models said that we were supposed to have one or two feet water rising on the coast of the country; that has not occurred.

EPA and other agencies have funded billions and billions of dollars to what I call the environmental advocacy industry, and that is exactly what it is. It is an industry that they have fermented and vegetated and fertilized, you might say, and it has grown exponentially.

I think one of the first things that this committee and Congress needs to do is determine how much money is actually being funneled to these groups and to whom it is going, what their assignment is and what the results are, and then we need to analyze those results. They need to be critiqued and, yes, they need to be debated.

The environmental advocacy industry does not want this debate. They have insulted anyone who questions the validity, but yet if this committee wrote EPA today a letter and asked them 10 questions about their determinations—if you go on their website, they have got a pretty website. It has got all kinds of determinations that they have made of possibilities and maybes and we thinks. Ask them the question; they cannot give you an answer. They will not give you an answer. They will not give you an answer of how they arrived at that opinion. So that would be one of the first things I would request that the Congress do is ask the questions, see what basis they are relying on to come up with these things.

I think you will find that, like the rest of us, you are somewhat helpless because EPA thinks that they are in control. It is amazing how an agency in the Federal Government can really take over our country with these great amounts of thousands and thousands of new pages of regulations since this administration came in, regulations that have changed the interpretation that existed for 30 or 40 years, all to our detriment.

You may have heard the other day that, you know, they are now working on charcoal grills, they are working on the water coming out of the hotel and the shower to control that, put sensors on them. You know, next thing we are going to do we will have sensors on our own private baths about how much water we can run in our bathtub.

All this agenda they have had has put thousands and thousands of people out of work. They are demolishing and mothballing hundreds of these power plants, and that is their goal.

You know, one of the main points is the grid. You know, people do not realize that the polar vortex of last year, that the whole East Coast, the grid on the entire East Coast came within minutes of going down. In other words, the entire East Coast would have been without electricity. If you do not believe that, get some of your staff to ask the electric industry if that is not in fact what happened. If we would have had the same thing this year, we would have been in a world of hurt because at that time the only thing that saved us was the coal generation facilities. They were at 90 percent capacity. This year there is a dozen, two dozen of those facilities are now offline so they are not there to help.

So we are asking that the Congress do several things: Continue to ask hard questions, verify, do not deny. The verification will result in a denial. You know, fund studies. Fund independent studies. Challenge the results. It is certainly worth the cost. The biggest thing that is happening is the tremendous increase in cost

that this is going to cost to the American people. And the people fear for their jobs, they fear for the ability to be able to clothes, feed, and educate their families.

And it is not only in the coal industry; it is everywhere. Mr. Chairman, I hear from California. You know, you do not have to go too far from where you live in the San Joaquin Valley to see all the tens of thousands of farmers that have been put out of a job because of the EPA. You know, you go to the grocery store, you look where your food is coming from now. You know, you have got Nicaragua, you have got Mexico, you have got everything but—there in the San Joaquin Valley, it is the bread basket of California but for some reason those people cannot work and we are importing a lot of our fruits and vegetables as a result of EPA's actions. So it is not just the coal; it is everywhere.

I have got one other little point I would like to make. The costs are exponential what they are doing, all the MATS, the clean power legislation. This is something that came out today. This is a request for proposal. The EPA has proposed that people apply for a grant of $48 million, and the purpose of this grant is to help those that are regulating to teach them how to deal with the increased cost of regulation, $48 million to pay a consultant to teach the affected industries how to comply, how to handle the increased cost. That is $80,000 a pop. That is 600 people and, you know, what a waste, but, you know, I would hope some of our 9,000 direct jobs in the coal mining industry, some of these people might be able to get that type of job. But there are many, many tens of thousands, if not more that have lost their jobs.

And these men here next to me I think can better say that but we appreciate your help and I know your efforts you are making on our behalf.

[The statement of Charles Baird follows:]

Written Statement of Charles J. Baird, Chairman
Coal Operators and Associates, Inc.
Before the House Committee on Appropriations
Interior, Environment and Related Agencies Subcommittee
March 18, 2015

Chairman Calvert and Ranking Member McCollum:

My name is Charles J. Baird and I am the Chairman of Coal Operators and Associates, a coal industry trade association headquartered in Pikeville, Kentucky. Our association is primarily composed of the small and medium-sized underground and surface coal mining operations remaining in eastern Kentucky along with a number of businesses directly related to or impacted by the coal industry. I appreciate the opportunity to come before you today and present testimony regarding the issues and problems our operators and our communities face daily with the U.S. Environmental Protection Agency. I am here to ask for this Subcommittee's help.

I know that you and your colleagues hear from individuals and businesses on a consistent basis regarding EPA and its overreach or negative impact on their communities or the cost of regulation on a company or an industry. I come to you today to testify about this agency's negative effect and methodical, well-planned destruction of an industry, an entire region of our country and a way of life for thousands and thousands of families. I do not mean to sound dramatic but am simply stating what has occurred and continues to occur across the central Appalachian region of the United States. The economic devastation wrought by this agency is simply incredible and I do not believe that the Congress can continue to let this occur without calling EPA to account, questioning what they do and how they do it and making them answer questions that, quite simply, they have not been asked and cannot answer.

It is important, first and foremost, to understand that the actions undertaken by EPA to substantially reduce or even eliminate the use of coal as an energy source in the United States reflects an agenda, not a well-thought out, researched or debated policy or set of policies. EPA's agenda has had one simple goal – to make the mining of coal and the use of coal prohibitively expensive and, as a result, force the country and consumers to accept over time much higher electricity rates. The agenda is being vigorously pursued by EPA even though it is obviously costing, and will continue to cost, tens of thousands of hard working Americans their jobs and substantially increase electricity rates paid by those who can least afford it. All this without a measurable decrease in so-called "greenhouse or noxious gases".

EPA has provided huge amounts of money and resources to the environmental advocacy industry to further its agenda of establishing and implementing a war on coal. EPA has proposed or enacted so many regulations on practically every aspect of life in this country that no one person could possibly be familiar with them all. All of these actions were made at the same time EPA came to you and stated everything was "based on science". EPA's war on Appalachia and its war on coal have had disastrous effects on the regional and national economies.

Since 2009, Chairman Rogers' district in eastern Kentucky has lost 9,000 direct coal jobs and many thousands more in other businesses. These same men and women (and their families for many generations) have mined the coal which made the United States what it is today. Every coal job in eastern Kentucky supports about 5 other jobs throughout the economy. These jobs pay, on average, $60,000 or more a year along with some of the best benefits packages in the country. The loss of this income has had a devastating cumulative impact across the entire region and, quite frankly, we simply do not know the total impact this war has caused throughout the economy. It has impacted communities, schools, hospitals, local governments and every aspect of our way of life throughout Appalachia. All in the name of an agenda.

In appearing before you today, I ask this Subcommittee to help our region, country and economy by thoroughly investigating EPA's agenda, the coordination of EPA's agenda with the environmental advocacy industry. These requests for help from this Subcommittee are:

1. Require verification of the basis of an action before issuing regulations and guidance and quantify, through an independent and non-conflicted entity, the real cost of these actions. The verification should apply to enacted, pending and future regulations and policies.
2. Require non-conflicted reviews of the "science" of policies and guidance BEFORE an agency implements regulations or guidance.
3. Determine the extent of EPA's funding of the environmental advocacy industry. To whom have monies been paid, how much and for what.

With regard to the first request, the debate surrounding the environment has been overtaken by zealots who have determined that questioning climate change, global warming and the other buzz words mean the questioners are ignorant or uninformed. My understanding of the term "scientific method" involves questioning and debating not only the conclusions reached but the methods used in reaching the conclusion. The questioning of the actual cost of EPA actions falls into the same category. It seems prudent to have independent and non-conflicted reviews done on these actions and

proposals before they are implemented to determine and quantify the direct and, more importantly, the indirect costs associated with an action. What are the benefits? Most importantly, the methodologies and information used by both the agency and the requested independent non-conflicted reviewers must be made public. Many of the problems associated with the debates or questions about EPA actions is its refusal to make available the methodologies and background information used to develop or create justifications for a particular regulation or guidance.

If you examine EPA's website, there are pages and pages of statements concerning EPA's "determinations" regarding numerous sources of "pollution" and how it intends to eliminate the pollutants. The only problem is there is no "back up" to support the determinations and EPA is unwilling to let anyone know, including Congress, how the determinations were made. The standard answer to the media, at hearings, public addresses, etc. is that "the debate is over" and the "science is uncontroverted". Congress needs to determine the difference between the "agenda" and "reality". Make EPA verify the determinations. One suggestion would be to take all of the predictions made by the environmental advocacy industry and/or EPA beginning in the early 1980s through the present and "grade" them on the accuracy of their predictions, assign a grade from "A to F" and the members of this Subcommittee can see for yourselves these folks don't graduate to the next grade.

The second request of this Subcommittee is for it to insure the "science" claimed to be the basis for EPA's actions is actual non-conflicted scientific fact instead of creating "science" to validate a chosen path. For the past few years, EPA has continuously utilized Science Advisory Boards to review its proposals and policies. In so doing, EPA officials come to Congress and testify that its decisions are "science-based". The reality, however, is one of creating the science after a policy has been developed. How many regulations or guidance documents have gone into effect before review by a Science Advisory Board? Once a board is convened, does anyone question the conflicts of interest that exist on these boards? Does anyone question the number of members on these boards that are also recipients of EPA grant funds? How can an honest review of the science of a particular policy be accomplished by someone who receives payments from EPA? Many in the environmental advocacy industry have raised these same questions about research paid for by a particular industry. Shouldn't the same concerns raised by these people be asked of EPA. Congress, through this Subcommittee, must stop this travesty as its very usage undermines the validity of any review unless and until these entities become truly "science based", comprised of true experts (both industry and academic) and non-conflicted. Only then can a reasonable person expect unbiased review.

The previous two requests lead to the final request. Congress should evaluate the environmental advocacy industry and its relation to the EPA and determine how much is spent by all agencies of government on an annual basis to formulate, encourage and institutionalize this agenda. Congress should develop tools to have independent non-conflicted analysis of this agenda's cost to the American consumer and the American taxpayer. I've not heard one EPA official talk about the economic effects to eastern Kentucky due to the loss of 9,000 direct coal mining jobs in 4 years. I've not heard one EPA official talk about the cumulative impacts on the economy, the loss of wages on these families, the negative impacts to indirect beneficiaries of that income such as local businesses, schools and local governments. Tens of billions of dollars have been spent by the federal government on the issues of global warming, climate change, etc. How much and to whom have these monies been paid, and what was obtained as a result of these expenditures? What was the assignment? Who reviewed the results and what input did EPA have in the entire process?

If one looks at the energy costs across the country, it is clear that electric generation costs of the west coast and the northeast United States are much higher than the generation costs of the mid-west and the south. The intent of EPA policies, it seems, is to drive up the costs to the mid-west and the south UP instead of working to bring generation costs down in the west and northeast. What is the actual cost to the economy for doing that? These are all questions that must be asked and answered if Congress, as our elected representatives, is to fulfill its constitutional role and create and provide the laws under which the country operates.

I feel certain that if the requested changes are implemented by Congress, the economy of eastern Kentucky and other coal producing areas will show dramatic improvement. I know you realize how important these issues are. The future of the country depends on it. We need to put people back to work in real jobs with real wages and restraining the EPA will be a significant step in doing so.

I want to thank each of you for your time and attention to this important matter and for the opportunity to present this testimony. I know each of you on this Subcommittee work very hard to represent your constituents in the best manner possible and I appreciate your service and efforts on behalf of your districts.

Mr. CALVERT. I know your region is going through a lot of pain, sir.

Mr. BAIRD. Yes.

Mr. CALVERT. Mr. Chairman, do you have any questions you would like to ask?

Mr. ROGERS. No, thank you. I would like to thank Mr. Baird for being here. He is a consistent fighter on this issue. He knows this better than anybody that I am aware of and he is a fighter for the cause of day in and day out over the years and I thank you, Mr. Baird, for that work.

Mr. BAIRD. Thank you for what you do also.

Mr. CALVERT. Thank you.

Next, we are going to have Mr. Jordan Bridges and Mr. Doug Killen. Mr. Bridges, you are a drill operator; and Mr. Killen, you are a former blaster. So you are recognized, Jordan, for your opening remarks.

WEDNESDAY, MARCH 18, 2015.

COAL MINER—HEAVY EQUIPMENT OPERATOR

WITNESS

JORDAN BRIDGES

Mr. BRIDGES. Thank you very much. Thank you, Chairman Calvert, and ranking members of this subcommittee. Thank you for the opportunity for me to speak here.

This testimony is intended to discuss the Environmental Protection Agency and this administration's abuse of rules taking place. I am testifying about the devastating effects that the EPA's regulatory overreach against the coal industry is having on my family, my friends, and my coworkers.

The EPA to me has no regard for the consequences of its own regulations and the effects that it has on the economy. There are thousands of people who have lost their jobs, and there are no other jobs in this area to fill the need. There are people laid off and there are no other jobs for them to get. These are hardworking people who are losing their homes, who are losing the ability to provide for our families. And it is our livelihood.

This agency's regulations are forcing people to relocate and infringing upon our rights as American citizens to choose a place where we want to live and work. When the jobs are there, they are just taking it from us.

The downfall of the coal industry not only affects us coalminers, but there are other jobs and companies as well that are affected because of this. They exist because of us; they manufacture supplies, parts, equipment just specifically for our industry and they are all suffering.

I have many friends or families who own machine shops, as we call them. They worried about their jobs. At this rate there will be nothing left at least in southern West Virginia, Kentucky, parts of Pennsylvania. Coal is the life for us there.

Retraining has not been offered to us directly. There is nobody that has come out and said we are going to retrain you for a certain position, as the EPA has stated before. How are you supposed to do that and support families during the process of being reached trained? If I go to be retrained, I am going to lose everything that I have worked for because there is nobody to pay my bills.

They have not accounted also for the unemployment. I think that the statistics are wrong on that as far as unemployment numbers. Once you receive all the benefits that you can receive, you drop off the radar. You no longer are counted on unemployment as a statistic on there. So the actual unemployment rate to my knowledge is higher because there are other people that have fallen off the job market, no longer able to find a job. They cannot find a job so they have nowhere to turn but to lose everything they have, maybe ask their parents or somebody to help them, grandparents.

There are many men and women that have spent the majority of their lives in this industry and they are at the retirement age of 55 and they are unable to retire. How are they able to restart their life over? I mean they are not able to. All they know is coal mining, the underground, or surface, what have you. Anything to do with it, they are at the retirement age but they cannot afford to retire. You cannot retrain somebody that has been in that industry for 40-some years to do another job, to make a living. And I do not think they should have to. I mean the jobs are there and they just need to be able to work.

Safety is a priority for the industry. We strive to be as environmentally friendly as possible. There has to be a balance. It is a balance between doing what is best for the environment and what is best for us. You cannot expect families to suffer and to go without food, shelter, and supplies to save a goldfish or a tree. I mean to me, my wife, my daughter over here, my wife and my future baby is more important than any tree or fish in the water. I do not care. I mean we are not hurting them but that is more important to me and I think it should be noted as far as that is concerned.

Strip mining is repeatedly attacked as being an eyesore, as being destructive and cruel. But the fact is, once the mining is done, the land can be used for many different things. We plant trees, we plant grass, the land can be used for schools, which it has been. Mingo County Central High School is on a reclaimed surface mine. You can use them for factories, so we have a wood factory up on 22 Mine Road in Logan County. Orchards, we have apple trees up on certain jobs. Deer flourish up there. They run around. It is amazing. And we have got cattle up on there. A United States Air Force training facility is also relocated on a reclaimed surface mine in Logan County, West Virginia. You all could all just check it out.

Or we can just put it back the way it was. The EPA does not want us to do that and they are fighting against us. But while they continue to make assumptions from behind a desk, I invite you and everybody else in the Congress to come see it for yourselves. If you want to come see the effects that a surface mine has, you just come see it for yourself. I will be glad to show you around. You cannot see it from behind a desk, and the EPA can make anything sound good on paper, but until you come see the families that are hurting

in southern West Virginia, I think it is something that needs to be really considered when they make these regulations.

Thank you for your time.

[The statement of Jordan Bridges follows:]

Testimony of Jordan R. Bridges - Coal Miner (Heavy Equipment Operator)
Before the House Appropriations Committee
Subcommittee on Interior, Environment and Related Agencies
March 18, 2015

Chairman Calvert, Ranking Member McCollum, and members of this subcommittee, thank you for this opportunity. This testimony is intended to discuss the Environmental Protection Agency (EPA) and this administration's abuse of rules. I am testifying about the devastating effects that the EPA's regulatory overreach against the coal industry is having on my family, my friends, and my co-workers.

The EPA has no regard for the consequences of its regulations and the effect that it has on the economy. There are thousands of people who have lost their jobs, and there are no other jobs available in this area. These hard-working people are losing their homes, their ability to provide for their families, and their livelihood. This agency's regulations are forcing people to relocate and infringing upon our rights as American citizens. The downfall of the coal industry not only affects us coalminers, but other jobs and companies as well. These companies exist because of us; they manufacture supplies, parts, and equipment specifically for the coal industry. I have many friends who now have to worry about their job as well. At this rate there will be nothing left in southern West Virginia if we don't stop this war on American jobs.

Retraining has not been offered to us and if it was, how are we supposed to support our families during the process? Unemployment statistics are incorrect; they have not accounted for the people whose unemployment has run out and are unable to find other work. Unemployment does not come close to the income needed to live on and minimum wage cannot support a family. There are many men and women who have spent the majority of their lives in this industry and are unable to start over with a new career nor should they have to.

Safety is a priority for this industry, and we strive to be as environmentally friendly as possible. There has to be a balance, a balance between doing what's best for the environment and doing what's best for the economy. You cannot expect families to suffer and go without food, shelter, and supplies to save a tree. Strip mining is repeatedly attacked as being an eyesore, as being destructive, and cruel. But the fact is, once the mining is done we use the land for many different things. We plant trees, grass, and other plants. The land can and has been used for schools, government buildings, factories, orchards, grazing pastures, a United States Air force training facility, or just put back the way it was. The EPA refuses to do so, but while they continue to make assumptions from behind a desk, I invite you to come see the process and the end result for yourself.

I want to work and I love the job that I do. I work with great people and none of us deserve to go through this. We are doing what we need to do to provide for our families and we feel as if our right to work is being taken from us by the EPA. We have no desire to live off the government nor should we have to. We feel belittled by the EPA because of the job we do. They refuse to meet with us or to hear us out. We are shut out of the decision-making process even though it directly affects us.

I may not be part of a group or organization, but I am an American citizen with a strong work ethic and take pride in my job. I am simply asking for the government to get off our backs and let us work. I ask you to please recognize the very real impact these rules are having on our industry. When you craft the funding bill for the EPA this year, please keep the hard-working people of West Virginia and across this nation in mind.

Mr. CALVERT. Thank you, Mr. Bridges.
Mr. Killen, you are recognized.

WEDNESDAY, MARCH 18, 2015.

COAL MINER

WITNESS

DOUGLAS KILLEN, II

Mr. KILLEN. Thank you, Chairman Calvert, Ranking Member McCollum, and members of this subcommittee. Thank you for the opportunity.

My name is Doug Killen. I am the father of seven, me and my wife. We have three children of our own, we have two that we adopted, and we have got two other foster children. We care a lot about kids.

One of the things that we are also here today to speak about is the Environmental Protection Agency and its War on Coal.

I am employed at Hobet Mining in West Virginia. At that mine alone we have lost 150 men and women since 2005, and it is all because of the EPA and their regulatory overreach. The EPA has always downplayed the impact their actions have on jobs, but if they would come to West Virginia, they would see just how much we are suffering due to their actions. In West Virginia alone, 2,500 surface miners have lost their jobs since 2005. Our state cannot absorb those jobs.

We as miners have fought many struggles and through many adversities. We are a tough breed. We are proud of our work and our traditions. Our fathers, grandfathers, and great-grandfathers have all been miners in West Virginia. We have gone from spending script at the company store living as rats to have now built ourselves up through better wages, better living and we are sending our kids to college. I mean we are buying stuff that we can make our own or we can be proud again. I mean we are coal miners and that is something that we want to do.

Now with all the cutbacks and the closing at the mines, we are forced to take lower-paying jobs, or worse, sign up on government assistance or move out of West Virginia, and it is a beautiful state and we all love it and we are proud. Like I said, we are proud.

I have watched my brother. He has moved out for work. My family's business dwindled. You know, I have got friends, their businesses closed down. Whole towns in West Virginia have turned into ghost towns now with the cutbacks and layoffs and the mine closings. The EPA has just done so much. They are asking for a half-a-billion-dollar increase in their budget. I know you all know that. And I know 27 million of that is spent just on lawyers.

The budgets continue to fight coal production, its companies, and its workers. Patriot, the company where I work at, has filed for bankruptcy. They are fighting back out of it now. I mean we have done a little bit of everything. They have spent tens of millions of dollars on selenium containment. The regulations promoted by the EPA's policy have driven our price of production through the roof.

In any business, you need to manage costs in order to stay profitable or employ workers. In order to be a cost-effective mine, we all have to watch costs, but unfortunately, the EPA, with all their rules and regulations, they are driving the cost—I mean it just keeps going up and up and we cannot be competitive in this global market. I mean China and everybody else is mining coal and it is not working with us. They are adding so much money to our production cost. You know, it is just impossible.

As they increase our costs, it forces a lot of mines to go out of business, like I said. I am here today to ask on behalf of West Virginians to just please fight for us. The EPA continues to destroy our livelihoods. It has been said in here enough. Like I said, I am a foster parent. We are spending money through budgets on stuff that is overregulated the way it is on the EPA side of it. Let's spend it on these kids because with the downsizing of the mines and the cutbacks, the kids are who lose out. Families struggle, kids get neglected. They get put off to the side. And we will spend our money on these kids. Let's spend our money to build the livelihoods back for these families.

That is one of the things we are trying to do is just—with them overstepping their bounds, you know, the EPA has retroactively vetoed—we have got mining permits out there that have been permitted and then they go right back and they are jerking the permits away from those families. You know, two or three times this has happened. They have issued everything. The Army Corps of Engineers, everybody has signed off on these permits and then they are just going back and saying no. The EPA is saying no, we are not going to do it.

I mean it would create so much with these permits. We would get back to having a life for ourselves.

I would just like to thank the committee for giving me this chance to speak with all my heart. Respectfully, I ask that you look to fund the core functions of the EPA that they have traditionally known and worked along. They are overstepping their reach and hurting the fine men and women of West Virginia and their families. We as coal miners have changed everything we have done in the past. We have changed it for the EPA. We are not asking for special treatment, just for a fair chance. Like I said, I am a coal miner like my many brothers and sisters at the mines. All we want to do is continue to mine our coal and make a living for our family.

Thank you, sir.

[The statement of Douglas Killen follows:]

Testimony of Douglas Ray Killen II - Coal Miner
Before the House Appropriations Committee
Subcommittee on Interior, Environment and Related Agencies
March 18, 2015

Chairman Calvert, Ranking Member McCollum, and members of this subcommittee, thank you for this opportunity. My name is Doug Killen; I am a husband and father of seven. I am also a very proud coal miner. I am here today to speak to you about the Environmental Protection Agency (EPA) and its war on coal.

I am employed at the Hobet Mine Complex in West Virginia. At this mine alone, we have lost at least 150 men and women due to the EPA's regulatory overreach. The EPA has always downplayed the impact their actions have on jobs, but if they came to West Virginia, they'd see just how much we're suffering due to their actions. In West Virginia alone, nearly 2,500 surface mine jobs have been lost since 2005. Our state can't absorb those job losses.

We as miners have fought many fights and have struggled through many adversities. We are a tough breed, and we are proud of our work and our traditions. Our fathers, grandfathers and even great-grandfathers have been miners here in West Virginia. We have went from spending script at the company store living as rats to making a decent wage and making a decent living for our families. We have been able to afford to send our children to college, buy houses, and make a better future for our families. Now with all the cutbacks and closing of mines, we are forced to take lower-paying jobs and sign up on government assistance. Even more so, some families have had to pack up and move out of this beautiful state that we love in order to find work.

I have watched my brother move away for work, my family's business dwindle, and friends' businesses close down all due to downsizing at the mines. We have entire towns that have turned to ghost towns in West Virginia as an effect of what the EPA has done. The EPA is asking for a half-billion dollar increase in their budget, a budget that will continue to fight coal production, its companies, and its workers.

Patriot, the company where I work, has filed for bankruptcy. As a company, they have spent tens of millions of dollars on selenium containment. The rules and regulations promoted by EPA's policies have driven the price of production through the roof. In any business, you need to manage costs in order to stay profitable and employ workers. In order to be a cost-effective mine, we all have to watch costs. Unfortunately, the EPA does not have any regard for the cost of their regulations. They are adding a tremendous amount to our production cost, making it nearly impossible to stay in business. As they increase our costs, it forces a lot of mines to go out of business or lay off employees.

I am here today to ask on behalf of West Virginians and coal miners across this nation: please fight for us. The EPA continues to destroy our livelihoods. Enough is enough. I'm a foster parent, and with the economic downturn comes poverty. Then, with the struggle of life, kids get neglected and forgotten about. We need to spend money on the problems we already have, not to create new ones.

The EPA is overstepping its bounds. For example, in West Virginia, the EPA is retroactively vetoing already-issued permits. The permit for the mine in Logan County was issued by the U.S. Army Corps of Engineers after a thorough process. Families in the area were counting on the new jobs this mine would create. But the EPA's decision not to let this approved mine move forward took away the promise of good-paying jobs and more affordable energy.

I would just like to thank the committee for giving me this chance to speak with all my heart. Respectfully, I ask that you look to fund the core functions of the EPA – the agency that we have traditionally known and worked alongside. They are overstepping their reach and hurting the fine men and women of West Virginia and their families. We as coal miners have changed everything we done in the past to make things right. We're not asking for special treatment, just for a fair chance. I am a coal miner just like my brothers and sisters at the mines. We are only asking to mine coal and create a good life for our families.

Mr. CALVERT. Thank you for your testimony. I can feel the pain. I would like to get out there. I know the Members would like to see what is going on out there. And when you see an industry like that, a base industry, which multiplies itself throughout the economy, not just in West Virginia or Pennsylvania or other coal-producing states but throughout the United States. It is a sad situation.

Ms. McCollum.

Ms. MCCOLLUM. Just thank you very much for your testimony, gentlemen.

Mr. BRIDGES. Thank you for giving us the opportunity.

Mr. CALVERT. Mike. God bless you.

Mr. Jenkins.

Mr. JENKINS. Thank you.

Mr. Chairman, let me just express my appreciation. You know, I am proud to be sitting here, of course with you and Chairman Rogers. And I thank Mr. Baird. Doug and Jordan are my constituents and, to get the invitation, Mr. Chairman, that you provided, it means a lot to them. Over these last few weeks getting ready, they have thought about what they would say. About as much as anything, I think part of this opportunity is what they heard and your comments of concern. I know that was important, so thank you, and to Chairman Rogers, whose opening remarks were similar. I think not only can Doug and Jordan feel good for having represented a voice from West Virginia, they also heard a level of caring. And to the ranking member, thank you as well. So this was important and then, to have their families here.

As you know, Mr. Chairman, a couple of weeks ago I challenged Administrator McCarthy, come to West Virginia, come to West Virginia and hear from West Virginians. And she cannot bring herself, candidly, to say yes.

Well, it was important that you have provided this opportunity. We brought West Virginia voices to Washington to have their voices heard before this important committee that is going to have an impact on the purse strings, and I will say it, the War on Coal. And so I appreciate your leadership, Mr. Chairman, and for Mr. Chairman Rogers of the full committee.

And to Doug and to Jordan, to their wives, to Gracie and their family, we are honored to have you and thank you for your voice here today. I am sorry that Administrator McCarthy will not come to West Virginia but we are glad you were here to have the voices heard in Washington. So thank you.

Mr. BRIDGES. Thank you.

Mr. CALVERT. Thank you.

And I want to thank all three of you for coming out. I appreciate your testimony. That was very heartfelt and we heard you. Schedules around here are terrible but I am going to try to get out to your part of the country as soon as I can.

Mr. BAIRD. These guys are solid and there are thousands just like them and they crawl on their hands and knees every day. That is what made this country great. And now the EPA has abandoned these people intentionally.

Mr. CALVERT. Well said. Well, we thank you. God bless you.

Mr. BAIRD. Thank you.

Mr. CALVERT. You are excused.

Okay. Next, Mr. Dan Byers, Senior Director, Partnership for a Better Energy Future—Dan, if you could sit over here on my right—Mr. Eric Cavazza, National Association of Abandoned Mine Land Programs; Mr. John Stefanko, Deputy Director, Office of Active Abandoned Mines; and Fred Smith, Director of the Center for Advancing Capitalism. I have known Fred for a long time. Hi, Fred. How are you doing?

Okay. Thank you for coming out today. We are on the five-minute rule and we have got some pretty emotional testimony here so I have a little leeway. But I am going to start with you, Dan. You are recognized for five minutes.

WEDNESDAY, MARCH 18, 2015.

PARTNERSHIP FOR A BETTER ENERGY FUTURE

WITNESS

DAN BYERS

Mr. BYERS. Great, thanks.

Chairman Calvert, Ranking Member McCollum, Congressman Simpson, thanks for the opportunity to testify today on EPA's fiscal year 2016 budget request, and in particular on the Clean Power Plan that we are hearing so much about.

I am Dan Byers. I am senior director for policy at the U.S. Chamber of Commerce and I am appearing before you today on behalf of the Partnership for a Better Energy Future, a coalition of 177 business organizations that represent over 80 percent of the U.S. economy, and we are united in support of an all-of-the-above energy strategy that ensures continued availability of reliable and affordable energy.

Released in June 2014, EPA's Clean Power Plan would require states to reduce carbon dioxide emissions through a fundamental transformation America's electricity system. The rule is the centerpiece of President Obama's Climate Action Plan, and EPA has made clear that its development and promulgation is the agency's top budget and policy priority. Accordingly, the Partnership appreciates this opportunity to communicate the business and industrial community's concerns with the proposal.

In short, the CPP is an extremely costly undertaking that is incompatible with both practical and technical aspects of America's electricity system and represents a vast expansion of the agency's regulatory reach into authorities long held by states.

I will briefly outline just three of the Partnership's concerns detailed in my written testimony. First, the CPP will increase energy prices. EPA's own conservative estimates project that this rule will cause inflation-adjusted nationwide electricity price increases of between 6 and 7 percent in 2020 and up to 12 percent in some locations. EPA estimates annual compliance costs rising up to $8.8 billion in 2030, and these are power sector costs only and they do not capture the subsequent spillover impacts of higher electricity rates on overall economic activity.

A separate industry-funded study found that the total cost of the rule would be between $366 billion to $479 billion over a 15-year time frame. It is important to note that these higher energy prices disproportionately harm low-income and middle-income families and those on fixed incomes.

A second key point, states have major substantive concerns with EPA's proposed rule. States are ultimately tasked with implementing the rule and they filed detailed comments that reveal widespread concerns with the Agency's approach. We prepared a summary of official state comments that were filed into the docket last December and found that 32 states have questioned the legality of the rule, 32 states raised reliability concerns, 34 object to EPA's rushed timelines, 33 object to the rule's lack of credit for actions taken prior to 2012, and 40 different states question the achievability of at least one of the building blocks upon which the rule was based.

The EPA has promised that close cooperation with states would be central to its regulatory development process. The extent and magnitude of these concerns illustrate the EPA must make major changes to the rule for their promise to become a reality.

Third, global context illustrates the "all pain, no gain" nature of the rule. EPA's rule is certain to impose billions of dollars of cost to the U.S. economy but they will fail to meaningfully reduce CO2 emissions on a global scale. For example, the projected CO2 emissions reduction from the rule is, at most, 550 million metric tons in 2030. This represents 1.3 percent of global emissions in that year. It would offset the equivalent of just 13½ days of Chinese emissions. And obviously in China, emissions have been rising rapidly for some time and will continue to do so for some time.

Because so many American companies compete on a global scale, the electricity and related price increases resulting from this rule will disproportionately impact energy-intensive trade-exposed industries such as manufacturing and refining. And these circumstances may not actually serve to reduce carbon emissions but instead simply move them to other countries that have not implemented similar restrictions and have far inferior environmental controls.

So in conclusion, the Partnership appreciates the opportunity to testify on this matter. I have only really scratched the surface of the flaws and problems that we see with the rule but we wanted to offer ourselves as a resource to you and your members going forward and we urge you to take any and all actions you can to reduce the threats from the rule.

[The statement of Dan Byers follows:]

Partnership for a Better Energy Future, testimony to House Appropriations Committee, March 18, 2015

Chairman Calvert, Ranking Member McCollum, and members of the subcommittee: thank you for the opportunity to testify today about the Environmental Protection Agency's fiscal year 2016 budget request, and the proposed "Clean Power Plan" in particular. My name is Dan Byers. I am senior director for policy at the U.S. Chamber of Commerce Institute for 21st Century Energy. I'm appearing before you today on behalf of the Partnership for a Better Energy Future (the Partnership), a coalition of business organizations representing over 80 percent of the U.S. economy.[1]

Established in January 2014, the Partnership's fundamental mission is to promote an "all-of-the-above" energy strategy that ensures the continued availability of reliable and affordable energy for American families and businesses. As of March 2015, the Partnership totals 177 members, which include national organizations as well as state and local associations in 36 different states. All are united by widespread concerns that the proposed rule—as well as EPA's broader GHG regulatory agenda—presents a significant threat to American jobs and the economy.

Released in June 2014, EPA's Clean Power Plan would require states to meet stringent carbon dioxide emissions goals through a fundamental transformation of the generation, transmission, distribution, and use of electricity in America. The rule is the centerpiece of President Obama's Climate Action Plan, and EPA has made clear that its development and promulgation is the agency's top budget and policy priority. Accordingly, the Partnership appreciates this opportunity to communicate the business and industrial community's concerns with EPA's proposal.

In short, the CPP is fundamentally incompatible with numerous practical and technical aspects of America's electricity system, and would represent a vast expansion of the agency's regulatory reach into the authority held by states and other federal regulatory agencies. The Partnership urges the Subcommittee to ensure EPA addresses the following concerns and develops a path forward that supports American jobs and the economy, maintains electric reliability, and allows all energy sources to play a role in our energy future.

The U.S. Needs an All-of-the-Above Energy Strategy

Consumers of energy, whether they are large manufacturers or individual households, benefit most from an all-of-the-above energy strategy. Diversity of energy supply is not only critical in keeping energy costs reasonable, it is essential in ensuring steady and reliable streams of energy to power our factories and heat our homes. For many U.S. businesses that compete in a global economy, energy represents a major input cost that can ultimately determine viability. Right now, energy is an advantage for many U.S. industries in large part because of the abundant and diverse energy resources that are collectively providing reliable and affordable energy supplies. However, if regulations such as the EPA's CPP force energy options off the

[1] The Partnership is co-chaired by the U.S. Chamber of Commerce and the National Association of Manufacturers. For more information on Partnership members and activities, visit www.BetterEnergyFuture.org.

table, energy prices will become more volatile, costs will increase, reliability will be threatened and U.S. firms will ultimately be less competitive.

The CPP Will Increase Energy Prices

The CPP threatens to cause serious harm to the U.S economy, raising energy prices and costing jobs. EPA's own estimates project that its rule will cause (inflation-adjusted) nationwide electricity price increases of between 6 and 7 percent in 2020, and up to 12 percent in some locations. EPA estimates annual compliance costs between $5.4 and $7.4 billion in 2020, rising up to $8.8 billion in 2030. These are power sector compliance costs only, and do not capture the subsequent adverse spillover impacts of higher rates on overall economic activity.

Other analyses show that the impacts on energy prices could be substantially higher. A study by NERA Economic Consulting indicated that average U.S. electricity prices would increase by 12% per year and the total costs of the rule could be between $366 billion to $479 billion over a 15 year timeframe.[2] Many of these costs will have to be absorbed by residential, commercial and industrial energy consumers who will not only pay more for energy but also could be forced to purchase new equipment. Further, higher energy prices disproportionately harm low-income and middle-income families. Since 2001, energy costs for middle-income and lower-income families have increased by 27 percent, while their incomes have declined by 22 percent.[3] EPA's rule will only exacerbate this trend.

Reliability Concerns will be Exacerbated by EPA's Regulations

Despite unequivocal statements from EPA Administrator Gina McCarthy that "nothing we do can threaten reliability"[4] in the Clean Power Plan, independent experts and key stakeholders are increasingly alarmed that the proposed CPP will in fact do exactly that: dramatically increase electrical grid stress and reliability challenges. For example, the North American Electricity Reliability Corporation (NERC)—the independent organization responsible for ensuring grid reliability—found that EPA's proposed goals and timelines for achieving them "would increase the use of controlled load shedding and potential for wide-scale, uncontrolled outages".[5]

In response to these concerns and related Congressional requests, the Federal Energy Regulatory Commission (FERC) is convening reliability experts to examine the potential implications of EPA's rulemaking on the electric grid. Such an analysis is imperative so that we can know, before it is too late, whether reliable electric service can be maintained in conjunction with the implementation of the CPP. It is imperative that EPA thoroughly addresses any findings and recommendations resulting from the FERC conferences before finalizing the

[2] NERA Economic Consulting, Potential Energy Impacts of the EPA Proposed Clean Power Plan, October 2014. Available at: http://www.americaspower.org/sites/default/files/NERA_CPP%20Report_Final_Oct%202014.pdf

[3] http://americaspower.org/sites/default/files/Trisko_2014_1.pdf

[4] https://archive.org/details/CSPAN2_20140415_203000_Key_Capitol_Hill_Hearings

[5] http://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/Potential_Reliability_Impacts_of_EPA_Proposed_CPP_Final.pdf

rule, and that it also provide states an opportunity to provide feedback on changes made as a result of this effort.

States Have Major Concerns With EPA's Proposed Rule

States, which are ultimately tasked with implementing EPA's proposal, have filed detailed comments that reveal widespread concerns about the design, content, and legality of the approach the Agency has proposed. A summary of official state comments developed by the U.S. Chamber of Commerce found a majority of states have raised numerous fundamental concerns with the rule. For example, 32 states questioned the legality of the rule, 32 states raised reliability concerns, 34 object to EPA's rushed regulatory timelines, 33 object to the rule's lack of credit for actions taken prior to 2012, and 40 states questioned the achievability of at least one of the "building blocks" upon which the rule is based. The extent and magnitude of these concerns illustrate that EPA must make major changes to its rule before finalization. If the fundamental flaws with the rule identified by states are left unaddressed, the end result will be a significantly more expensive, less reliable electricity system that will have negative repercussions across the entire U.S. economy.

The Legality of the Proposed Rule is Highly Questionable

EPA's attempt to fundamentally redesign electricity markets through its Clean Power Plan rests on unprecedented and highly-questionable legal interpretations of the Clean Air Act (CAA). States and other stakeholders have raised countless legal concerns with the proposed rule. As the attorneys general of 17 states noted in comments to EPA, "[T]he Clean Air Act generally and Section 111(d) specifically do not give EPA that breathtakingly broad authority to reorganize states' economies. 'Congress . . . does not, one might say, hide elephants in mouseholes.' . . . Congress did not hide the authority to impose a national energy policy in the 'mousehole' of this obscure, little-used provision of the Clean Air Act, which EPA has only invoked five times in 40 years. The proposed rule has numerous legal defects, each of which provides an independent basis to invalidate the rule in its entirety."[6]

In a 2014 decision, the Supreme Court pointedly reminded EPA: "When an agency claims to discover in a long-extant statute an unheralded power to regulate 'a significant portion of the American economy,' . . . we typically greet its announcement with a measure of skepticism." Unfortunately, EPA's proposed rule is exactly the type of regulatory extremism the Supreme Court cautioned against.

EPA's Approach to Greenhouse Gas (GHG) Regulations Will Drive Manufacturing to Less Efficient Countries and Potentially Result in an Increase of Global Emissions

U.S. industries are some of the most efficient in the world both in terms of energy use and GHG emissions. In 2010, the GHG emission intensity of the U.S. economy, measured by total carbon dioxide emissions divided by GDP, was 31% below the worldwide average and 67% below that

[6] Attorneys General of AL, FL, GA, IN, KS, LA, MI, MT, NE, ND, OH, OK, SC, SD, UT, WV, and WY

of nations that are not part of the Organization for Economic Cooperation and Development. [7] Based on current projections, worldwide energy-related CO_2 emissions will rise approximately 20% by 2035 while U.S. emissions are projected to be relatively flat. Thus, the carbon intensity of the U.S. economy is set to drop even further when compared to worldwide averages and non-OECD nations.[8]

If the Administration adopts policies that substantially increase the cost of energy – thereby decreasing the competitiveness of U.S. industries – investments and emissions will be sent to other, less efficient countries with higher CO_2 emissions intensities.[9] As a result, overly restrictive and costly U.S. policies to reduce emissions will not only be offset by the rapidly increasing emissions from other countries, but could actually result in a net *increase* in global emissions. A more effective policy approach for lowering global GHG concentrations would be to position the United States as the best place in the world to manufacture.

Additional Global Context

EPA's regulations will impose billions of dollars in costs on the U.S. economy but fail to meaningfully reduce CO_2 emissions on a global scale. For example, the projected CO_2 emission reduction from EPA's proposed rule is, at most, 555 million metric tons (mmt) in 2030, which represents only 1.3 percent of projected global CO_2 emissions in that year.[10] This reduction in 2030 would offset the equivalent of just 13.5 days of CO_2 emissions from China.[11]

Meanwhile, the U.S. has led the world in reducing CO_2 emissions. Since 2005, U.S. emissions have fallen by 13 percent while China's have grown by 69 percent and India's have increased by 53 percent.[12] International emissions will only continue to grow rapidly — between 2011 and 2030, CO_2 emissions from non-OECD nations are projected to grow by nine billion tons per year.[13] In other words, for every ton of CO_2 reduced in 2030 as a result of EPA's proposed rule, the rest of the world will have increased emissions by more than 16 tons.

Conclusion

The Partnership appreciates the opportunity to testify on this critically important matter. In light of the concerns summarized above, the Partnership strongly urges the Subcommittee to take any and all budget and policy actions necessary to reduce the threats EPA's rule poses to the U.S. electricity system as well as the broader economy. Thank you.

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[7] International Energy Agency: http://www.iea.org/media/statistics/CO2Highlights2012.XLS

[8] International Energy Agency: http://www.worldenergyoutlook.org/media/weowebsite/2012/factsheets.pdf

[9] A good example would be China, which recently announced it will not curtail CO2 emissions until 2030.

[10] EPA, *Regulatory Impact Analysis for the Proposed Carbon Pollution Guidelines for Existing Power Plants and Emission Standards for Modified and Reconstructed Power Plants*, June 2014; EIA, *International Energy Outlook 2013* (projecting global emissions of 41, 464 mmt in 2030).

[11] The Energy Information Administration projects that China will emit more than 14 *billion* tonnes of CO in 2030. Source: http://www.eia.gov/forecasts/ieo/table21.cfm

[12] http://edgar.jrc.ec.europa.eu/news_docs/pbl-2013-trends-in-global-co2-emissions-2013-report-1148.pdf

[13] EIA, *International Energy Outlook 2013*

Mr. CALVERT. Thank you, Mr. Byers.
Mr. BYERS. Thank you.
Mr. CALVERT. Thank you for your testimony.
Mr. Stefanko.

WEDNESDAY, MARCH 18, 2015.

INTERSTATE MINING COMPACT COMMISSION

WITNESS

JOHN STEFANKO

Mr. STEFANKO. Good afternoon. I am appearing here today on behalf of the Interstate Mining Compact Commission, an organization representing 26 states that regulate active coal mining operations and restore abandoned mine lands pursuant to the Surface Mining Control and Reclamation Act. I am here to represent the views of the Compact's member states concerning the fiscal year 2016 budget request for the Office of Service Mining.

In its proposed budget, OSM is requesting $63.5 million to fund Title V grants to states for the implementation of their regulatory programs, a reduction of $5.1 million, or 7.4 percent below the fiscal year 2015-enacted level. Mr. Chairman, these are admittedly tough times for state and federal budgets and hard choices need to be made on how we efficiently and effectively spend our limited dollars. Environmental protection associated with coal mining operations is no exception.

Once again, in fiscal year 2016 we are faced with a decision about the extent to which the Federal Government will support these funding commitments and the state lead concept for program implementation crafted by Congress under SMCRA. OSM's budget proposes to move us away from these commitments and concepts. States are struggling to match federal dollars for these programs. Signals from the Federal Government that it is wavering in its support concerning both dollars and the state's ability to run effective programs would do little to build confidence. This is not the time to reverse the course set by Congress for its support of state programs over the past several years. We therefore urge the subcommittee to reject OSM's proposed cut of $5.1 million for state Title V grants and restore the grant level to $68.6 million, as supported by state funding requests.

As rationale for these reductions, OSM asserts that any shortfalls in fiscal year 2016 can be covered by the carryover from previous fiscal years. While the states understand OSM's position, we believe this plan to be shortsighted and that it fails to consider improving fiscal conditions in many states and the damaging precedent set by appropriating suboptimal grant amounts. Furthermore, there is no guarantee that these carryover funds will be available into the future or be reprogrammed for other purposes.

OSM's budget also contains a request to increase the agency's own program operations by almost $4 million to improve implementation of existing laws, which in our view is code language for enhanced federal oversight of state programs. We do not believe this is adequate justification for this proposed increase and urge you to

reject it, as you have done in the past. Should OSM wish to enhance state primacy, we have recently provided a plethora of suggested recommendations as part of a government efficiency initiative that OSM has yet to respond to, much less adopt. Our written statement details several concerns with respect to the Abandoned Mine Land program under Title IV of SMCRA.

My colleague Eric Cavazza from Pennsylvania will now specifically address those.

[The statement of John Stefanko follows:]

Statement of John Stefanko, Deputy Secretary, Pennsylvania Department of Environmental Protection, Office of Active and Abandoned Mine Operations, on Behalf of the Interstate Mining Compact Commission re the FY 2016 Proposed Budget for the Office of Surface Mining before the House Interior, Environment and Related Agencies Appropriations Subcommittee -- March 18, 2016

My name is John Stefanko and I serve as Deputy Secretary of the Office of Active and Abandoned Mine Operations within the Pennsylvania Department of Environmental Protection. I appreciate the opportunity to testify before the Subcommittee regarding the views of the Interstate Mining Compact Commission's 26 member states on the Fiscal Year (FY) 2016 Budget Request for the Office of Surface Mining Reclamation and Enforcement (OSM) within the U.S. Department of the Interior. In its proposed budget, OSM is requesting $63.5 million to fund Title V grants to states for the implementation of their regulatory programs, a reduction of $5.1 million or 7.4% below the FY 2015 enacted level. OSM also proposes to reduce mandatory spending for the abandoned mine lands (AML) program by $24.4 million pursuant to a legislative proposal to eliminate all AML funding for certified states and tribes.

The Compact is comprised of 26 states that together produce some 95% of the Nation's coal, as well as important noncoal minerals. The Compact's purposes are to advance the protection and restoration of land, water and other resources affected by mining through the encouragement of programs in each of the party states that will achieve comparable results in protecting, conserving and improving the usefulness of natural resources and to assist in achieving and maintaining an efficient, productive and economically viable mining industry.

OSM has projected an amount of $63.5 million for Title V grants to states in FY 2016, an amount which is matched by the states. These grants support the implementation of state regulatory programs under the Surface Mining Control and Reclamation Act (SMCRA) and as such are essential to the full and effective operation of those programs. Pursuant to these primacy programs, the states have the most direct and critical responsibilities for conducting regulatory operations to minimize the impact of coal extraction operations on people and the environment. The states accomplish this through a combination of permitting, inspection and enforcement duties, designating lands as unsuitable for mining operations, and ensuring that timely reclamation occurs after mining.

In Fiscal Year 2015, Congress approved $68.6 million for state and tribal Title V grants pursuant to the Omnibus Appropriations bill.[1] This continued a much-needed trend whereby the amount appropriated for these regulatory grants aligned with the demonstrated needs of the states. The states are greatly encouraged by the amount approved by Congress for Title V grant funding over the past several fiscal years. These grants had been stagnant for over 12 years and the gap between the states' requests and what they received was widening. This debilitating trend was compounding the problems caused by inflation and uncontrollable costs, thus

[1] In approving this amount for state grant funding in FY 2015, Congress noted that: "The Committees find the budget proposal to reduce regulatory grants would undermine the State-based regulatory system. It is imperative that States continue to operate protective regulatory programs as delegation of authority to the States is the cornerstone of the surface mining regulatory program."

undermining our efforts to realize needed program improvements and enhancements and jeopardizing our efforts to minimize the potential adverse impacts of coal extraction operations on people and the environment.

In recent budget requests, OSM displayed a pattern of proposing woefully inadequate funding for state Title V regulatory programs. Congress consistently rejected the proposed reductions and funded the programs at amounts that more closely aligned with the states' projected needs. OSM's FY 2016 budget proposal reflects a better understanding of the importance of adequately funding state regulatory programs and thus represents a welcome departure from previous years.

While the states are appreciative of OSM's apparent change of direction, the amounts proposed will still inhibit the states' ability to operate at the optimal level. The Title V grant amount proposed by OSM is $5.1 million less than the 2015 enacted level. As a rationale for the reductions, OSM asserts that any shortfalls in FY 2016 can be covered by the carryover from previous fiscal years. While the states understand OSM's position, we believe this plan to be shortsighted in that it fails to consider the improving fiscal conditions in many states and the damaging precedent set by appropriating suboptimal grant amounts. Furthermore, there is no guarantee that these carryover funds will be available into the future or that they would not be reprogrammed for other purposes.

It should be kept in mind that, given fiscal constraints on state budgets from the downturn in the economy, some states have only recently been able to move beyond hiring and salary freezes and restrictions on equipment and vehicle purchases, all of which have inhibited the states' ability to spend all of their federal grant money in years past. With many states now recovering enough to utilize their full grant amount, it is imperative that funding be maintained at the current level of $68.6 million. Any supplemental increases for tribal primacy programs would need to be in addition to that amount.

Clear indications from Congress that reliable, consistent funding will continue into the future has done much to stimulate support for these programs by state legislatures and budget officers who, in the face of difficult fiscal climates and constraints, have had to deal with the challenge of matching federal grant dollars with state funds. Recall that any cut in federal funding generally translates to an ***additional*** cut of an equal amount for ***overall*** program funding for many states, especially those without federal lands, since these states can generally only match what they receive in federal money.

At the same time that OSM is proposing cuts for state programs, the agency is proposing sizeable increases for its own program operations (almost $4 million), including an increase of 12 full time employees. In making the case for its funding increase, OSM's budget justification document contains vague references to the need "to improve the implementation of existing laws." More specifically, OSM states in its budget justification document that "with greater technical skills, OSM anticipates improved evaluation of permit-related actions and resolution of issues to prevent unanticipated situations that otherwise may occur as operations progress, thereby improving implementation of existing laws" (pg. 58). In our view, this is code language

for enhanced and expanded federal oversight of state programs and reflects a move by OSM to exert a more direct role in state programs, especially regarding permitting decisions, thereby weakening state primacy. Without more to justify the need for additional oversight and the concomitant increase in funding for federal operations related thereto, Congress should reject this request.

The overall performance of the states as detailed in OSM's annual state program evaluation reports demonstrates that the states are implementing their programs effectively and in accordance with the purposes and objectives of SMCRA.[2] In our view, this suggests that OSM is adequately accomplishing its statutory oversight obligations with current federal program funding and that any increased workloads are likely to fall *upon the states*, which have primary responsibility for implementing appropriate adjustments to their programs identified during federal oversight.

To the extent that OSM seeks to enhance state primacy, we would support a renewed focus on processing state program amendments. Additionally, if OSM is looking for ways to improve and enhance the overall implementation of SMCRA at both the state and federal level, we would urge the agency to move forward with the findings and recommendations of the Government Efficiency Work Groups that spent considerable time and effort throughout 2014 to, among other things, address the continuing fiscal impacts on program implementation and develop workable solutions. While OSM mentions the work of this state/federal initiative in its Budget Justification document (pg. 10), there has been little movement to follow up on this excellent work since the submission of the Work Group reports last July.

For all the above reasons, we urge Congress to approve not less than $68.6 million for state and tribal Title V regulatory grants, the same amount enacted by Congress over the past few fiscal years. In doing so, Congress will continue its commitment to ensuring the states have the resources they need to continue their work on the forefront of environmental protection and preservation of public health and safety.

With regard to funding for state Title IV Abandoned Mine Land (AML) program grants, Congressional action in 2006 to reauthorize Title IV of SMCRA has significantly changed the method by which state reclamation grants are funded. These grants are still based on receipts from a fee on coal production, but beginning in FY 2008, the grants are funded primarily by mandatory appropriations. As a result, the states and tribes should receive $209 million in FY 2016. In its FY 2016 proposed budget, the Office of Surface Mining (OSM) is requesting $385 million for state and tribal AML grants, an increase of $176 million. OSM's budget also includes five legislative proposals, the first of which would eliminate funding to states and tribes that have "certified" completion of their highest priority abandoned coal reclamation sites (a reduction of $24.4 million in FY 2016); the second of which would return the AML reclamation fee paid by coal operators to pre-2006 levels; the third of which would establish a hardrock AML fee and accompanying program; the fourth of which would provide enhanced payouts to the United Mine

[2]The Congress agreed with this assessment when it commented as follows on OSM's proposed increase in FY 2015: "The [Omnibus Appropriations] agreement does not provide funds to expand and enhance Federal oversight activities of State programs."

Workers Retirement Funds, and the fifth of which would accelerate the distribution of grant funds for a portion of the remaining unappropriated balance in the AML Trust Fund to "facilitate sustainable revitalization" in addition to cleanup and redevelopment of eligible lands and waters (an additional $200 million in FY 2016).

With regard to this latter proposal, while the states are supportive of the spirit of the proposal and have in fact designed many projects around these types of purposes using local contractors whenever the opportunities and partnerships exist, we cannot support a programmatic change of this magnitude without a better understanding of the specifics of how it will be implemented. The success of such an endeavor, as well as the states' support for it, is highly dependent on robust consultation between OSM and state AML Program Managers. At this juncture, the states are concerned that the proposal could have negative ramifications for the overall remediation of AML hazards and thus public health and safety. Depending on how the proposal is implemented, the addition of "economic eligibility factors" to existing site selection criteria could potentially divert some amount of funding away from the higbest priority AML sites. Please keep in mind that the $1 billion of AML Fund money which would be repurposed by the proposal is already slated for dispersal to the states under the allocation system and site prioritization method ordained by Congress in the 2006 amendments to SMCRA.

With regard to the proposal contained in OSM's budget to establish a hardrock AML program, the states are well aware of the need to address historic hardrock AML problem areas, beginning with the inclusion of Section 409 of SMCRA in 1977. There is clearly a need to establish both the funding mechanism and the administrative program to address these legacy sites, be it through a fee or through a meaningful Good Samaritan program that provides liability protection for those undertaking this type of work. We believe that OSM is in the best position to administer a hardrock AML program, given its 35 years of experience in operating the Title IV program under SMCRA. Our only concern is that, while on the one hand OSM is advocating for the establishment of a hardrock AML program, it is also pushing for the elimination of funding for certified states and tribes to accomplish this very work.

OSM's budget proposal also includes a legislative proposal which would require a massive transfer of $363.4 million from the Treasury to various components of the UMWA Health and Retirement Funds. The states recognize the importance of this issue and are supportive of efforts to ensure the long-term solvency of the UMWA Pension Funds. However, the states believe that this issue should be pursued as part of a more comprehensive reauthorization package given the overall implications for the AML program. Furthermore, the states are concerned that this significant dispersal of Treasury funds could impact the application of the $490 million cap on transfers from the Treasury vis-à-vis mandatory Treasury payments to the states for AML work.

We appreciate the opportunity to submit this testimony on the Office of Surface Mining's proposed budget for FY 2016. We also endorse the statement of the National Association of Abandoned Mine Land Programs (NAAMLP), which goes into greater detail regarding the implications of OSM's funding and legislative proposals for the states and tribes. We would be happy to answer any questions.

Mr. CALVERT. The gentleman is recognized.

WEDNESDAY, MARCH 18, 2015.

NATIONAL ASSOCIATION OF ABANDONED MINE LAND PROGRAMS

WITNESS

ERIC CAVAZZA

Mr. CAVAZZA. Thanks, John.

I am appearing today on behalf of the National Association of Abandoned Mine Land Programs, which represents 31 states and tribes, 28 of which implement federally approved AML programs authorized under SMCRA.

Based on SMCRA fee projections, the fiscal year 2016 mandatory appropriation for state and tribal AML grants should be $209 million. The Office of Surface Mining is requesting $385 million, an increase of $176 million. This represents $200 million in new funding for the President's Power Plus Plan and a reduction of $24 million for payments to certified states and tribes based on the budget proposal to eliminate funding for these programs. While we understand these are mandatory appropriations, we want to bring several critical aspects of OSM's proposed budget to your attention, given their implications for states and tribes.

From the beginning of SMCRA in 1977, Congress promised that at least half of the money generated from fees collected within the boundaries of a state or tribe would be returned to them for the purposes described in the act. For these certified programs, these funds can be used for cleaning up abandoned coal and hard rock mines, sustainable development, and infrastructure improvements, all of which stimulate economic activity, protect public health and safety, create green jobs, and improve the environment. We therefore respectfully ask the subcommittee to support funding for certified states and tribes and turn back any efforts to amend SMCRA in this regard.

Three other legislative proposals in the budget would significantly reform the way SMCRA is currently structured. They include restoring the AML reclamation fees to pre-2006 levels, releasing $1 billion from the AML trust fund for the President's Power Plus Plan, and providing enhanced payouts for the United Mine Workers pension plans. While each of these have merit in their own regard, taken together they essentially represent a significant revision to Title IV of SMCRA.

The states and tribes strongly support full reauthorization and have initiated efforts to develop a legislative strategy to make this happen in advance of the expiration of fee-collection authority in 2021. We are concerned about any piecemeal approach to amending SMCRA that fails to take into account the interrelatedness of several key components of the program. The states and tribes only became aware of these far-reaching proposals when the budget was released in February and are still ascertaining how they would operate and impact our programs. We therefore request that this subcommittee strongly recommend robust coordination with the states

and tribes before the administration advances any of these proposals with Congress.

Thank you for the opportunity to present our views and we would be happy to answer any questions you may have.

[The statement of Eric Cavazza follows:]

Statement of Eric Cavazza, Director, Bureau of Abandoned Mine Reclamation, Pennsylvania Department of Environmental Protection On Behalf of the National Association of Abandoned Mine Land Programs re the FY 2016 Proposed Budget for the Office of Surface Mining before the House Interior, Environment and Related Agencies Subcommittee – March 18, 2015

My name is Eric Cavazza and I serve as the Director of the Bureau of Abandoned Mine Reclamation within the Pennsylvania Department of Environmental Protection. I am appearing today on behalf of the National Association of Abandoned Mine Land Programs (NAAMLP), for which I currently serve as President. The NAAMLP represents 31 states and tribes, of which 28 implement federally approved abandoned mine land reclamation (AML) programs authorized under Title IV of the Surface Mining Control and Reclamation Act (SMCRA). As you know, Title IV of SMCRA was amended in 2006 and significantly changed how state and tribal AML grants are funded. These grants are still based on receipts from a fee on coal production, but beginning in FY 2008, the grants are funded primarily by mandatory appropriations. As a result, the states and tribes should receive $209 million in FY 2016. In its FY 2016 proposed budget, the Office of Surface Mining (OSM) is requesting $385 million for state and tribal AML grants n (which includes $200 million of new funding for the President's Power Plus Plan), an increase of $176 million. OSM's budget also includes five legislative proposals, the first of which would eliminate funding to states and tribes that have "certified" completion of their highest priority abandoned coal reclamation sites (a reduction of $24.4 million in FY 2016); the second of which would return the AML reclamation fee paid by coal operators to pre-2006 levels; the third of which would establish a hardrock AML fee and accompanying program; the fourth of which would provide enhanced payouts to the United Mine Workers pension funds; and the fifth of which would accelerate the distribution of grant funds for a portion of the remaining unappropriated balance in the AML Trust Fund to target the cleanup and redevelopment of eligible lands and waters (an additional $200 million in FY 2016).

Over the past 35 years, the accomplishments of the states and tribes under the AML program have resulted in tens of thousands of acres of abandoned mine lands having been reclaimed, thousands of mine openings having been closed, many streams having been restored from the adverse impacts of acid mine drainage, hundreds of mine fires having been extinguished, thousands of homes, schools and businesses having been stabilized from the adverse impacts of mine subsidence and landslides, and safeguards for people, property and the environment having been put in place. Additionally, potable drinking water supplies have been re-established for tens of thousands of citizens in areas where groundwater and water wells have been contaminated or diminished by mining. Be assured that states and tribes continue to be committed to address the unabated hazards at both coal and non-coal abandoned mines. We are united in achieving the goals and objectives as set forth by Congress when SMCRA was first enacted – including proteeting public health and safety, enhancing the environment, providing employment, and adding to the economies of communities impacted by past coal and noncoal mining. In this regard, a recently updated "Safeguarding, Reclaiming, Restoring" accomplishments report prepared by state and tribal Administrators of AML programs under SMCRA is available on the NAAMLP website (http://naamlp.net/documents/),which provides several on-the-ground examples of the type of work that is being done around the country.

When passed in 1977, SMCRA set national regulatory and reclamation standards for coal mining. The Act also established a Reclamation Trust Fund to work towards eliminating the

innumerable health, safety and environmental problems that existed throughout the Nation from mines that were abandoned prior to the Act. The Fund generates revenue through a fee on current coal production. This fee is collected by OSM and distributed to states and tribes that have federally approved regulatory and AML programs. The promise Congress made in 1977, and with every subsequent amendment to the Act, was that, at a minimum, half the money generated from fees collected by OSM on coal mined within the boundaries of a state or tribe, referred to as the "State Share", would be returned for the uses described in Title IV of the Act if the state or tribe assumed responsibility for regulating active coal mining operations pursuant to Title V of SMCRA. The 2006 Amendments clarified the scope of what the State Share funds could be used for and reaffirmed the promise made by Congress in 1977.

If a state or tribe was successful in completing reclamation of abandoned **coal** mines and was able to "certify" under Section 411 of SMCRA[1], then the State Share funds could be used to address a myriad of other abandoned mine issues as authorized by SMCRA and as further defined under each state's or tribe's Abandoned Mine Reclamation Plan, each of which is approved by OSM. Like all abandoned mine reclamation, the work of certified states and tribes eliminates health and safety problems, cleans up the environment, and creates jobs in rural areas impacted by mining. In this regard, the certified states and tribes have been good stewards of the AML funds they receive, especially with regard to addressing dangerous non-coal mines.

The legislative proposal to eliminate funding for certified state and tribal AML grants not only breaks the promise of State and Tribal Share funding, but upsets the balance and compromise that was achieved in the comprehensive restructuring of SMCRA accomplished by the 2006 Amendments following more than ten years of discussion and negotiation by all affected parties. The funding reduction is inconsistent with the Administration's stated goals regarding jobs and environmental protection. We therefore respectfully ask the Subcommittee to support continued funding for certified states and tribes at the statutorily authorized levels, and turn back any efforts by OSM to amend SMCRA in this regard.[2]

OSM's budget includes several new discretionary funding requests related to the AML program under Title IV of SMCRA. The first would provide funding and additional FTE's to evaluate AML program implementation, including "identifying more effective and efficient tools for AML site identification, contract management and program oversight". Part of this funding will be used to review the current projects in the Abandoned Mine Land Inventory System (AMLIS) given the date when they were originally entered into AMLIS. While we see this as a potentially useful exercise, especially as we look toward reauthorization of the program prior the expiration of fee collection authority in 2021, we believe it is critical that OSM coordinate any such efforts with state AML program managers given that much of the inventory data and information resides with the states (and can often be updated more effectively by syncing AMLIS with state AML inventories which are generally more up to date and accurate). A

[1] While a certified state or tribe confirms at the time of certification that it has completed all of the coal sites on its current inventory, the certification contemplates that new, formerly unidentified high priority coal AML sites may occur in the future and the state/tribe commits to addressing these sites immediately. All AML states and tribes, including those that are certified, have identified additional previously unknown high priority coal sites as a result of on-going field investigations, new information and features that have been expressed to the surface. The state of Montana alone spent $8.5 million on coal projects (80% of the annual grant) in FY 2014.

[2] In this regard, we should note that funding to certified states and tribes was already capped at $15 million annually pursuant to an amendment to SMCRA as part of the Moving Ahead for Progress in the 21st Century Act (P.L. 112-14) in 2012.

portion of this increased funding is also targeted at program oversight. Frankly, we are unaware of any significant problems with the states' and tribes' administration of their respective AML programs and therefore believe OSM should spend this funding on more useful and productive initiatives related to overall program improvements. For instance, we believe the proposed increase in funding for applied science projects related to AML work is justified.

One of the more effective mechanisms for accomplishing AML restoration work is through leveraging or matching other grant programs, such as EPA's 319 program. In FY 2014, language was included in OSM's appropriation that encouraged the use of these types of matching funds, particularly for the purpose of environmental restoration related to treatment or abatement of acid mine drainage (AMD) from abandoned mines. This is an ongoing, and often expensive, problem, especially in Appalachia. NAAMLP therefore requests that the Subcommittee once again include language in the FY 2016 appropriations bill that would allow the use of AML funds for any non-Federal cost-share required by the Federal government for AMD abatement.

We also urge the Subcommittee to support increased funding for OSM's training program and TIPS, including moneys for state/tribal travel. These programs are central to the effective implementation of state and tribal AML programs as they provide necessary training and continuing education for state/tribal agency personnel, as well as critical technical assistance. We also strongly support funding for the Watershed Cooperative Agreements in the amount of $1.5 million because it facilitates and enhances state and local partnerships by providing direct financial assistance to watershed organizations for acid mine drainage remediation.

Among the legislative proposals contained in OSM's proposed budget, two deserve special attention. The first is a proposal to "Revitalize Communities Impacted by Abandoned Mine Lands," which would be accomplished by dispersing $1 billion from the AML Fund over five years for the purpose of reclamation that "facilitates sustainable revitalization." While the states are supportive of the spirit of this proposal and have in fact designed many projects around these types of purposes using local contractors whenever the opportunities and partnerships exist, we cannot support a programmatic change of this magnitude without a better understanding of the specifics of how it will be implemented. The success of such an endeavor, as well as the states' support for it, is highly dependent on robust consultation between OSM and state AML program managers. At this juncture, the states are concerned that the proposal could have negative ramifications for the overall remediation of AML hazards and thus public health and safety. Additionally, such projects rely on a combination of partnerships, infrastructure and other factors to sustain them into the future once the AML reclamation is completed. Depending on how the proposal is implemented, the addition of "economic eligibility factors" to existing site selection criteria could potentially divert some amount of funding away from the highest priority AML sites. In this regard, it should be kept in mind that the $1 billion of AML Fund money which would be repurposed by the proposal is already slated for dispersal to the states under the allocation system and site prioritization method ordained by Congress in the 2006 amendments to SMCRA -- and primarily for remaining high priority AML projects.

With respect to this legislative proposal and as a further expansion of it, OSM has proposed a new discretionary funding amount of $2 million to support "OSM technical assistance to states and communities to plan coordinated reclamation projects of abandoned coal mines and mine drainage, as well as area-wide planning to help target reclamation projects that

facilitate beneficial post-reclamation land use and sustainable revitalization in economically depressed coalfield communities". While this funding justification gives us a bit more of the picture about the $1 billion Power Plus proposal, it still leaves many of our questions unanswered and as such we are uncertain of exactly how OSM intends to actually spend this money. To the extent that it can used to accelerate the completion of priority projects on AMLIS and create jobs, we believe we can work cooperatively with OSM to make that happen given the current strueture of the AML program under Title IV. To the extent it expands into untested waters that require adjustments to the current statutory mandates, we must be more circumspect in our support, as noted above. Until we learn more about how AML moneys can appropriately be spent to "help diversify the economy of coal country" without impinging on mandated high priority reclamation, the jury is still out on the proposal's feasibility and legality.

OSM's budget proposal also includes a legislative proposal that would require a massive transfer of $363.4 million from the Treasury to various components of the UMWA Health and Retirement Funds. The states recognize the importance of this issue and are supportive of efforts to ensure the long-term solvency of the UMWA Pension Funds. However, the states believe that this issue should be pursued as part of a more comprehensive AML reauthorization package given the overall implications for the AML program. In this regard, the states are concerned that this significant dispersal of Treasury funds would trigger the application of the $490 million cap on transfers from the Treasury vis-à-vis mandatory Treasury payments to the states for AML work. An analysis of OSM's proposed budget demonstrates that the combination of this transfer to the UMWA Funds along with the mandatory AML program transfers to states, including funding for certified states and tribes that we request be continued, would exceed the $490 million cap.

With regard to the proposal contained in OSM's budget to establish a hardrock AML program, the states and tribes are well aware of the need to address historic hardrock AML problem areas, which initially began with the inclusion of Section 409 of SMCRA in 1977. There is clearly a need to establish both the funding mechanism and the administrative program to address these legacy sites. We believe that OSM is in the best position to administer this program, given its 35 years of experience in operating the Title IV program under SMCRA. Our only concern is that, while on the one hand OSM is advocating for the establishment of a hardrock AML program, it is also pushing for the elimination of funding for certified states and tribes to accomplish this very same type of work. Granted, OSM's position is based on its belief that SMCRA funding should be restricted to high priority coal problems only. However, Congress clearly felt differently from the outset of SMCRA's formation and, while there have been many recent opportunities to adjust its views and amend SMCRA accordingly, Congress has chosen not to do so. To the contrary, Congress has adopted legislation that would clarify the use of SMCRA AML funds to address noncoal problems. Nonetheless, we would welcome an opportunity to work closely with OSM if such a program is developed in examining the potential for a hardrock AML program, wherever it may reside and however it may be constituted.

Thank you for the opportunity to submit this statement regarding OSM's proposed budget for FY 2016. I would be happy to answer any questions you may have or provide additional information.

Mr. CALVERT. Thank you for your testimony.

Fred, good to see you. You are recognized for five minutes.

WEDNESDAY, MARCH 18, 2015.

COMPETITIVE ENTERPRISE INSTITUTE

WITNESS

FRED SMITH, JR.

Mr. SMITH. Good afternoon, Chairman Calvert, Ranking Member McCollum, and members of the subcommittee. I am pleased today to discuss ways in which you might do less, spend less, regulate less, and so forth. I think too often environmental and other issues like that are viewed as we have always got to do more, ignoring what private sectors might do in addition, what they might complement that effort if we could liberalize current regulation, limit new regulations, spending limits, encourage creative privatization, and move away from the bureaucratic approach we have adopted over the last century.

Consider policies that discourage private owners from playing a more positive role in the environment. ESA is a classic example of that. If you make your properties more wildlife-friendly, you might attract some endangered species leading to land-use restrictions, losses for your property, and of course no compensation.

John Kenneth Galbraith once observed that in America our gardens are beautiful while our public parks are often a disaster. Now, Galbraith saw that as an argument for more government. To most of us, I think, it might suggest a broader private role.

Private property we know in the past has not only advanced economic interest, it has advanced aesthetic, cultural, spiritual values as well. The cathedrals have gone, like the cathedrals of nature could be built on private property. Linking right of property is a way of linking man and nature, creating powerful conservation incentives, yet since the early 20th century essentially no resource that at that time was under federal control has passed into private hands. The result is that much of the West remains under federal control. For too long I think Americans have passively accepted that state of affairs. It is now time to question that policy and to move those lands back into private hands.

We concede the real world history of that. Politicization of our land policy through the forestry area where environmental lobbyists have insisted that nothing, no timber be harvested, even what is dead or diseased. As a result, we have had forests that have been mismanaged, plagued by disease infestation, catastrophic wildfires. Public forestry managers ignored the superior techniques adopted by private forestry managers. We need to broaden the role of the private sector in that area, too.

Now, officials at the state level are requesting the Congress complete the transfer of lands from the Federal Government back to the states. Utah legislatures are among those making this request. I would urge that this committee consider what they can do to help them make that transfer and to zero out all fundings that require any new federal lands. We already have vastly too much mis-

managed federal lands, in particular, zero out the Land and Water Conservation Fund.

Private ownership creates a creative stewardship and novel approach to wildlife management. Examples over the years, Hawk Mountain Bird Sanctuary in Berks County, Pennsylvania, at a time when hawks were being killed as a pest by most people, some people used private property to protect them. Reefs in Alabama and Florida are built privately to help protect coastal fisheries there. So a lot of private organizations, even the Audubon Society, use a property not only for economic purposes but also for environmental purposes. We need to do more in that area.

Private ownership not only encourages wise management, it encourages innovation. In the natural resource area, one of the areas that the mining area is affected by, the creation of subsurface mineral rights allowed miners to spend time working with surface owners to find ways to access those mineral rights, and to do that they needed to know what was under the ground, and that encouraged the development of the science of seismology. Seismology allowed vast improvements in exploration and extraction techniques and essentially evolved the possibility of the hydraulic fracking breakthrough which has resolved or at least reassured those fearful of America's energy insufficiency, America's depletion. We have proved that technology and free property rights and capitalism can solve those problems. Absent property rights, we would not have gotten that far.

Finally, I advise the committee to require the Department of Interior to craft a policy under which private parties could adopt technological adoption, manage certain environmental research. One example, the Department of Interior has caves. They have no cave management experience. Why would they not consider transferring those caves to spelunking groups who have the passion and the knowledge to manage those privately? It is time to give natural lands and wildlife some of the advantage that private property has given so much of our society.

A lot to talk about but that starts the process.

[The statement of Fred Smith, Jr., follows:]

Enhancing the Private Role in Providing "Public Goods"

Fred L. Smith, Jr.
Director of the Center for Advancing Capitalism
A Project of the Competitive Enterprise Institute

Good afternoon Chairman Calvert, Ranking Member McCollum, and members of the Appropriations Subcommittee on Interior, Environment, and Related Agencies. I'm pleased to discuss ways in which your goals of protecting a wide array of significant concerns – the environment, our cultural and historical heritage, forests and wildlife, water, and the arts – might better be achieved by encouraging private action. In particular, programs overseen by the Department of the Interior and the Environmental Protection Agency could be improved through such strategies.

Note that, while your issues are disparate, they fall into a category that some economists classify as "public goods." Many have accepted, without much thought, that markets fail in the public goods area and that government must "do more." But, of course, many ostensible "public goods" are in fact provided privately, and we can learn much from those alternatives to government provision. Private schools, for example, often provide insight on what might be done to improve government schools.

To address the goals of your constituents, while also controlling spending and easing the burdens of regulation, you should consider supporting a larger role for market-based solutions. And since markets without property rights are an illusion, you should support measures to extend property rights to a wide variety of environmental resources.

I now direct the Center for Advancing Capitalism of the Competitive Enterprise Institute. CEI has long focused on ways in which an unfettered market can best advance the interests of the public. Thus, I recommend that you challenge the premise that private parties cannot do more and that the federal government with its regulations and spending is the best way to protect and advance such goals. Certainly, we should rethink policies that inhibit private contributions, and weaken private property rights. Owners are far less likely to make their properties more wildlife friendly if that might trigger an Endangered Species Act response. Our nation is wealthy and our bureaucracies are relatively free from corruption; thus, to a certain extent, we have the luxury of relying on complex and costly regulations. But, your committee should investigate the troubling trend of regulatory imperialism, in which such rules are forced, via treaty or trade sanctions, on poor nations with weak governance.

John Kenneth Galbraith once noted that in America, our gardens and yards are beautiful, while our streets and parks are disasters. Galbraith saw this as requiring a larger government role, but

free market advocates suggest instead that we find ways of making more of America part of someone's yard, that more of our flora and fauna be protected as part of someone's "garden", as someone's "pet." Our laws should permit, indeed encourage, individuals to act privately to address public concerns. We should always include a path for those seeking an alternative to the "government knows best" policy.

In a dynamic capitalist economy, one would expect the institutions of liberty – specifically, property rights – to evolve and expand as innovations and taste changes and other factors expand the sphere of human action. And, in the past, they did. As animals were domesticated, property ownership rights evolved with rules regarding fencing, monitoring techniques (such as branding cattle) and so forth. Private ownership, as the Good Shepherd parable relates, produces a powerful link between man and nature and a powerful and creative stewardship system. As the Industrial Revolution made minerals more valuable, property rights (in the form of subsurface mineral rights) also evolved to encourage their discovery and development. That evolution encouraged people to contract with surface owners to seek minerals and led to the development of seismology and other techniques which have more than resolved many resource depletion fears. Absent property rights, technologies like seismology would likely never had advanced.

This co-evolution process, whereby new concepts of private property evolved along with the discovery of new resources, worked well until the late 19th Century. Then, however, the Progressive movement came to dominate national policy. They believed in scientific management of resources, technical centralized solutions devised by the Best and Brightest. They saw government ownership as superior to private property. They sought to regulate private property where it existed; to block any extension of property rights to new areas. The prior tendency to transfer newly acquired lands to private hands stopped; efforts to homestead the newly discovered electromagnetic spectrum were preempted (we're still suffering from the resulting mismanagement of this valued resource). And, of course, no steps were taken to integrate environmental resources into our market economy. The result? Resources that were in government hands in 1890 remain so today. Very little has moved into the private sector since.

The scientist Garrett Hardin, in his famous essay "The Tragedy of the Commons," explained the unfortunate but predictable fate of property resources without private owners. Commons, he argued, must necessarily be managed either privately or politically. Environmental policies up until now have relied almost totally on the political option. Our wild flora and fauna, our rivers and lakes our airsheds – all under the stewardship of Environmental Protection Agency. We have plenty of real world examples, however, of why is this can be a dangerous system. After all, when the Iron Curtain fell, it revealed no Garden of Eden but rather a landscape akin to

Mordor. The Soviet Union's ecological central planning and protection goals (an element of their constitution) worked no better than did its economic central planning system.

Perhaps the most evident area where private property might ease the burden of environmental regulation is the Endangered Species Act. The ESA requires that we protect all species – a rather massive requirement given that there are perhaps ten million species on this planet. Doing this politically when there are only a few hundred national governments, a few tens of thousands of local governments – many of which are doing an inadequate job of protecting their human populations – seems bizarre. Moreover, many of these species are in nations where corruption is rampant and where there is little discretionary wealth. Yet we have pushed treaties which restrict trade in these species – trade that, if allowed to go forward, will allow the wealth of our world to benefit the poor of the world and creating incentives for ensuring the survival of these species. Elephants in Africa and tigers in India are at risk and could readily be raised privately and command high market prices by safari hunters or for their coats or tusks. Yet trade bans make it impossible for the poor to benefit from the survival of these species. Policies which ignore the self-interests of the people directly affected and that benefit wealthy elites at the expense of the poor are both immoral and foolish. They should be repealed.

What policy suggestions flow from this property rights perspective?

- Environmental laws should always permit private sector opt-out solutions. As noted, educational policy has benefited from the freedom to create private schools; expanding the scope for private conservation and ownership would create similar benefits.

- Specifically, Congress should request that the Department of the Interior craft an ecological adoption policy and develop criteria under which private parties could "adopt" (gain property rights in) some environmental resources. The economist Kenneth Boulding noted many years ago that things that survive in a human dominated world must in some way be "domesticated." It is time to implement that suggestion and give wildlife the opportunity to enjoy the creative stewardship arrangements long given our domesticated plants and animals. Such private sector options could also help Interior manage assets requiring specialized expertise (caves, for example). Why shouldn't those be transferred, on a selective basis, to qualified private groups that specialize in cave exploration?

- Zero out appropriations by the Department of the Interior and the Environmental Protection Agency to support any of the environmental treaties restricting trade in species. Denying the poor of the developed world the opportunity to benefit from owning and sustainably developing these resources is both ineffective and immoral.

- The federal estate is too vast and Washington is too distant to achieve the quality of stewardship that current federal lands deserve. Members of this subcommittee should explore returning to the land transfer policies followed during the Northwest Territory era and begin moving government lands into private hands. When states are willing to take ownership responsibility, DOI should be directed to work toward that goal. Specifically, therefore, the subcommittee should urge DOI to respond positively to the Utah Public Lands Initiative.

There are also many areas where cultural and historic artifact preservation would be benefited also by allowing private ownership – both in the United States and around the world. There are many regulatory reform options in that vein that merit attention, and can be accessed via the citations below. The overall message of these comments, however, is that Congress can and should challenge the idea that only government agencies can advance the preservation and protection goals under the oversight of this subcommittee.

"The Progressive Era's Derailment of Classical Liberal Evolution," Fred L. Smith, Jr. (2010)

"A Vision for Environmental Policy," Fred L. Smith, Jr. (2008)

"The Bankruptcy of Collectivist Environmental Policy," Fred L. Smith, Jr. (2002)

"Free Market Environmentalism: Protecting the Environment Via Private Property," Fred L. Smith, Jr. (2001)

Ecology, Liberty & Property: A Free Market Environmental Reader, Jonathan Adler, editor (2000)

"The Tragedy of the Commons Revisited," Randy Simmons, Fred L. Smith, Jr. and Paul Georgia (1996)

"Markets and the Environment: A Critical Reappraisal," Fred L. Smith, Jr. (1995)

The True State of the Planet: Ten of the World's Premier Environmental Researchers in a Major Challenge to the Environmental Movement, Ronald Bailey, editor (1994)

"The Market and Nature," Fred L. Smith, Jr. (1993)

Environmental Politics: Public Costs, Private Rewards, Michael S. Greve and Fred L. Smith, Jr, eds. (1992)

Mr. CALVERT. I thank the gentleman. And we appreciate the panel's testimony.

Mr. Simpson, do you have any questions?

Mr. SIMPSON. No.

Mr. CALVERT. Ms. McCollum.

Ms. MCCOLLUM. I am fine. Thank you. It was interesting.

Mr. CALVERT. One question because I know you have been involved in this, Mr. Smith. You had a FOIA request regarding former EPA Director Lisa Jackson's use of a private email account, what is going on with that? I am curious.

Mr. SMITH. It is called the Richard Windsor story.

Gina McCarthy, like we are finding others, use private email accounts to do a lot of their business on. We FOIA'ed that request because under transparency laws they are supposed to release those. We have been in negotiations with EPA for six months now, and after all that negotiation, they came up with a compromise. They would release 100 emails a month out of the 120,000 we have asked them to, and so in 2115 we would have them all and then we could sue again if we thought they were badly decided.

We thought that was inappropriate given specifically that Ms. Hillary Clinton has got 40,000 or so emails that she is going to release in four months. Now, I do not want to go too far in this area but it looks like if Ms. Clinton can do that that quickly, the EPA with all of its resources could go a little faster than that. We think it is an attempt to stonewall. We think that the committee should consider strongly zeroing out the communication budget of EPA until such time as they can use the communication skills they have to communicate to the American public what was going on under these accounts.

Transparency is supposedly a virtue of this administration. We would like to see that transparency translated into reality.

Mr. CALVERT. Thank you. Any other comments?

With that, this panel is adjourned. We appreciate your testimony.

Mr. BYERS. Thank you.

Mr. STEFANKO. Thank you.

Mr. CALVERT. We have a vote on but I think we have some time. I know that Julia Brownley is here to introduce a member of the next panel, if we could introduce that and maybe then go off for a vote. We could do that.

If I could ask Mr. Bryan MacDonald from the City of Oxnard to come forward; Mr. Kyle Hoylman, Founder and Partner of Protect Environmental; Mr. Ron Nunes, Chairman of the National Utility Contractors Association; and Dick Pedersen, the past President of the Environmental Council of the States. So if we can just kind of line up here.

Okay. All right. First, I am going to introduce Julia Brownley to introduce our first witness, Mr. Bryan MacDonald, Councilman from the City of Oxnard. Julia.

Ms. BROWNLEY. Thank you, Mr. Chairman and ranking member and members of the subcommittee. I really do appreciate the opportunity to be here. I am extremely proud to introduce my constituent and an important leader in my district, Oxnard City Councilman Bryan MacDonald, and wholeheartedly share his support

for funding of the EPA's Superfund program. I also want to recognize Supervisor Kathy Long and Supervisor John Zaragoza, who are also here to really demonstrate the countywide support for this funding.

The Halaco Superfund site, which has been on the EPA's National Priorities list since 2007, is a high cleanup priority for my district. Pollution and radioactive materials of the site are contaminating the groundwater and threatening some of the last remaining wetlands in Southern California, which are home to hundreds of species of migratory birds. Full remediation of the site is a matter of environmental justice and public safety and it can only happen with the full support of the EPA's Superfund program.

And I will say if you fly down the California coastline, all of a sudden you are flying across a beautiful coastline and suddenly see a big eyesore in Oxnard. So I want to thank you very, very much for inviting Councilman MacDonald to share the city's views.

Mr. CALVERT. Thank you for that introduction.

We are going to just go into recess for—I do not know; how many votes do we have? Four votes. So I apologize for the delay but that is why they pay us the big bucks so we have to go vote. And then we will come right back right after the votes.

Mr. SIMPSON. There is a little place down the hallway where you can get a Coke and a candy bar and an apple.

Mr. CALVERT. Thank you very much.

[Recess.]

Mr. CALVERT. Apologize for all that. The hearing will reconvene. We are operating under the five-minute rule. If the light is green, you are great; if it is yellow, hurry up; and red, we are done. So appreciate your coming.

And with that, Mr. MacDonald, you are recognized.

WEDNESDAY, MARCH 18, 2015.

CITY OF OXNARD, CALIFORNIA

WITNESS

BRYAN MACDONALD

Mr. MACDONALD. Thank you, Mr. Chair. Good afternoon to the committee. Chairman Calvert, Ranking Member McCollum, and distinguished members, I would like to thank you for the opportunity to speak here. I will probably try and abbreviate my submitted testimony in the interest of time. Hopefully, that is acceptable.

Mr. CALVERT. Your complete testimony will be entered into the record.

Mr. MACDONALD. Thank you, sir.

I would also like to thank Supervisor Zaragoza and Long from the County of Ventura for being here in support of my testimony and my community. This is very important to all of us.

I bring you greetings from Mayor Tim Flynn, Mayor Pro Tem Carmen Ramirez, and all the City Council of the City of Oxnard. And I, too, am a member of that City Council.

I am here to discuss and provide evidence or testimony on the issue of the Halaco development in the City of Oxnard, and it is very important to Oxnard, the national security benefits of continued federal participation in remediation of a federally designated Superfund site to respectfully request that the committee support full funding of EPA's Superfund program, which this site has been identified in.

By way of background, Oxnard was incorporated in 1903, named after the Oxnard brothers and recognized by the County of Ventura, and we have grown into the largest city in the County of Ventura, which is the next county north of Los Angeles on the California coast. And we have just a little over 200,000 residents.

Located on California's beautiful central coast, the City of Oxnard is home to the California Strawberry Festival, neighbor to the breathtaking Channel Islands National Park and Channel Islands National Marine Sanctuary, Naval Base Ventura County, which is comprised of Naval Air Station Point Mugu and Construction Battalion Center Port Hueneme, two separate facilities under one unified command. We also have the Port of Hueneme adjacent to us and miles of beautiful beaches and the Halaco Superfund site in our community.

As the City of Oxnard grew in the early 1900s, I do not think we fully recognized the beauty and importance of our coastline, and as we were first developing, that was considered an outlying area that no one really desired to live in or visit or anything else, so we tended to locate things there that, you know, in today's standards we would not do. But they are there and we have to deal with them.

So the importance to us is the opportunity to restore this beautiful wetland area to its original habitat, its original state, and remove the Halaco Engineering Company, which is detrimental to our environment and to our community. That engineering company operated a secondary metal smelter at the site from 1965 to about 2004 and recovered a variety of materials through the smelting process, including aluminum, magnesium, zinc, so on and so forth, from scrap metal that they took into the facility.

The original site contains about an 11-acre primary site and a 26-acre secondary site, which is the site of what we refer to as a slag heap. The residual products that were leftover from the smelting process were stored and deposited on that property. During its 40 years of operation, Halaco produced a large quantity of waste, which we are now trying to deal with and a lot of residual metals in there that are just not conducive to good health or well-being of the community.

I am kind of a visual person so what I would like to do is give you a comparison of the enormity of what we are talking about. And I selected the White House as a comparison not in disrespect for that office or anyone that works there, but I wanted to give a visual idea of what people would see if they were looking at our slag heap in comparison to something everyone recognizes. And the White House itself has a footprint of about .33 acres, stands about 70 feet tall, and generally when people look at it, they know what they are looking at and they understand, they visualize how big that is. Well, the Halaco site is about 40 feet in height that covers

about 4.39 acres in terms of a footprint. So you are looking at something that is about 13 times bigger than the original White House and two-thirds, again, as tall as the original White House. So it is a pretty monumental piece of material that we are trying to eliminate from our community.

Ultimately, Halaco abandoned this site and filed for bankruptcy, leaving about 700,000 cubic yards of material in the waste management area, and that is what we are talking about is the waste management area adjacent to the original Halaco site. And that is why I used the visual of the White House. 700,000 cubic yards is hard for me to grasp in terms of a visual to picture, but now you have something to compare it to.

This site has elevated levels of aluminum, barium, beryllium, cadmium, chromium, copper, lead, magnesium, manganese, nickel, and zinc, to name a few. The problem with this site is it is over a natural resource area, our water table, and through natural effects a lot of the items are filtering into our groundwater and our ecosystem and even into the ocean. This site is right on the oceanfront in Oxnard in the Ormond Beach Wetlands area.

Unlike other coastal communities, Oxnard has been an industrial dumping ground for polluting industries, one on either end of the city, so we are bookended by two gas-burning antiquated power systems that you can see from miles away. The stacks are over 150 feet tall. And it is sad to have those two landmarks for the entrance or the gateway of our community from either side.

Approximately 17 percent of the people in our city live below the poverty level, and our community is comprised of about 75 percent Latino population, 37 percent foreign-born, and that includes many of the farm-working population because we are a very large agrarian-based community and a lot of our economy comes out of the agrarian system. Less than 15 percent of the population in our community hold a bachelor's degree. In our region of southern California, it is estimated that one in four children live in poverty, and many of these families who live in these poverty conditions live in the area immediately adjacent to Halaco.

I apologize. It looks like I am out of time already. I am sorry, sir.

Mr. CALVERT. I would appreciate it if you could wrap that up real quick.

Mr. MACDONALD. I will. I did not realize how short a time it was.

In closing, I would just like to thank Congresswoman Brownley for the wonderful opening comments on behalf of myself and my city, you the committee. I would also like to thank Senators Feinstein and Barbara Boxer and the County of Ventura for being excellent partners in helping us to proceed to the future and correct this problem. Thank you so much.

[The statement of Bryan MacDonald follows:]

Statement of Councilman Bryan MacDonald

City of Oxnard, California

Before the

House Appropriations Subcommittee on Interior, Environment and Related Agencies

Hearing on

"Public and Outside Witness Hearing"
Wednesday, March 18, 2015

Good afternoon, Chairman Calvert, Ranking Member McCollum and distinguished Members of the Subcommittee. I am Bryan MacDonald, Councilman from the City of Oxnard, CA. It is an honor to appear before you today on behalf of Mayor Tim Flynn, Mayor Pro Tem Carmen Ramirez and the City of Oxnard to discuss the economic, environmental and, in Oxnard's case, national security benefits of continued federal participation in the remediation of federally designated Superfund sites and to respectfully request that the Committee support full funding for EPA's Superfund program.

Oxnard was incorporated in 1903 by the Ventura County Board of Supervisors, who officially named the city after the Oxnard brothers who established the American Sugar Beet Company between 1887 and 1889. The city grew steadily into what is the largest city in Ventura County, with a population of just over 200,000 residents.

Located on California's beautiful central coast, the City of Oxnard is home to the California Strawberry Festival, and neighbor to the breathtaking Channel Islands National Park and Channel Islands National Marine Sanctuary, Naval Base Ventura County, the Port of Hueneme, miles of beautiful beaches and the Halaco Superfund site. As the City of Oxnard grew in the early 1900's, the beach areas were considered too remote and undesirable for residential uses. In more recent times, we have come to understand the significant functions played by coastal areas and wetlands and the importance of restoring and preserving them.

The Halaco Engineering Company operated a secondary metal smelter at the site from 1965 to 2004, recovering aluminum, magnesium, and zinc from dross, castings, cans, car parts, and other scrap metal. The Site includes an 11-acre area containing the former smelter, and an adjacent 26 acre waste management area. Immediately adjacent to the Halaco site is a portion of the Ormond Beach wetlands, which are one of the few remaining wetlands in the area and home to endangered or threatened species.

During its 40 years of operation, Halaco produced a large quantity of waste containing residual metals from the smelting process (i.e., slag). From about 1965 to 1970, Halaco discharged waste into

unlined settling ponds in or adjacent to the Oxnard Industrial Drain. From about 1970 to 2002, Halaco deposited wastes into unlined earthen settling ponds east of the smelter. By way of visual demonstration, imagine looking at the original White House, which stands approximately 70' tall and has general dimensions of 85' wide by 168' in length. This amounts to approximately .33 acres of land. By comparison, the Halaco site is 375' long wide to the North side, 600' long to the East side, 500' wide to the South side and 300' long to the west side, and is generally 40' in height. This amounts to approximately 4.39 acres in coverage. We are describing a waste pile that has a footprint 13 times bigger than that of the original White House and a little over 60% of the height of the White House.

Ultimately Halaco abandoned the site and filed for bankruptcy, leaving more than 700,000 cubic yards of waste in the waste management area and 50,000 cubic yards buried in the 11-acre area where the smelter operated. Elevated levels of aluminum, barium, beryllium, cadmium, chromium, copper, lead, magnesium, manganese, nickel, and zinc are present in the wastes and in affected soils and sediments. Some areas also contain elevated levels of thorium and radium. Waste material has moved into the underlying groundwater and sediments in the Oxnard Industrial Drain and into the Ormond Beach wetlands.

Unlike other coastal cities, Oxnard's coast has been an industrial dumping ground for polluting industries and actual dumping of toxic waste. This includes two power plants, with towering smoke stacks, bookends marking the boundaries of Oxnard's coast and a third, newer generation, peaker plant. South Oxnard is generally a poorer community. Approximately 17% of the city's people live below the poverty line, it is almost 75% Latino, 37% foreign-born, which includes much of the farmworker population who pick the area's agricultural crops. Less than 15% of the population has a bachelor's degree. In our region of Southern California, it is estimated that one in four children live in poverty. Many of these families live in close proximity to the Halaco Superfund site and Ormond Beach.

Ormond Beach is a 1,500-acre area in the City of Oxnard and County of Ventura, currently comprised of degraded wetlands, active farmland and industrial operations. A two-mile-long beach extends from Port Hueneme to the northwestern boundary of Pt. Mugu Naval Air Station. Over the past century, the wetlands have been drained, damaged and degraded by agriculture and industrial uses, including the Ormond Beach power plant and the now defunct Halaco facility. Despite this, Ormond Beach still provides vital sanctuary for wildlife, hosting over 200 bird species migrating through the Pacific flyway from the Arctic to the Antarctic. It is also home to numerous California native plants.

Experts consider the restoration of 1000 acres of wetland in the Ormond Beach area to be the most important coastal wetland project in southern California. Over 500 acres have already been acquired as part of the restoration program. A committed, group of stakeholders – including property owners, regulatory agencies, community members, advocacy groups, educators, and technical experts – is actively participating in the future of Ormond Beach. Once complete, the Ormond Beach wetlands preserve will be an educational, cultural and recreational asset for local and State

residents, and a world-class destination for wildlife enthusiasts from across the country and around the world. The preserve and remediation of the Halaco Superfund site will protect nearby Naval Base Ventura County-Point Mugu Naval station, which is vital to our national defense as it is one of the few places where pilots are trained to fly our nation's military aircraft, from encroachment that could interfere with military operations.

The City is working with the State Coastal Conservancy, The Nature Conservancy, Naval Base Ventura County and other partners to restore the wetlands. The full remediation of the Halaco Superfund site and improvement of the Ormond Beach Wetlands will provide critical economic, recreational, scientific and educational benefits for Oxnard, the region and country.

In closing, I would like to thank the Committee for the opportunity to speak before you today and I would like to acknowledge the City's appreciation for the support of Congresswoman Julia Brownley and Senators Dianne Feinstein and Barbara Boxer towards full remediation of the Halaco Superfund site.

Mr. CALVERT. Thank you, sir. Thank you very much.

Mr. Hoylman.

Mr. HOYLMAN. Yes.

Mr. CALVERT. You are Founder and Partner, Protect Environmental——

Mr. HOYLMAN. Yes, I am actually with Cancer Survivors Against Radon.

Mr. CALVERT. Okay. Great. Welcome.

Mr. HOYLMAN. Thank you.

WEDNESDAY, MARCH 18, 2015.

CANCER SURVIVORS AGAINST RADON (CanSAR)

WITNESS

KYLE HOYLMAN

Mr. HOYLMAN. Chairman Calvert, Ranking Member McCollum, as I mentioned, I am here today on behalf of CanSAR, Cancer Survivors Against Radon, and I am here today to testify in support of restoring and maintaining the $8 million in funding for EPA's State Indoor Radon Grant program.

I grew up in a small town in southern Ohio. My dad was a forester and I spent a lot of time outdoors hunting mushrooms, learning about ginseng, all kinds of things like that. Our home of more than 30 years was located on a hillside and it backed up to the Appalachian Mountains. I have got a lot of great memories of the home I grew up loving, but, quite frankly, that home later proved deadly to my father.

In December of 2008, I received a call that quite frankly changed my life. My father had been diagnosed with lung cancer. He did not understand because he was a nonsmoker and smoking is what causes lung cancer, right? No, not always. So first question, how could this be happening to me? And for the first time in my life I heard fear in the voice of my father. It is not something I had ever heard before. It was unimaginable to me as an adult who still looked up on this guy as my Superman.

Six months later, Dad died. I was fortunate to have spent the last month of his life with him and he was not ready to go. He still had things that he wanted to accomplish. He fought for his life but cancer ultimately won the battle and, you know, this man left the world much too soon. Our home tested at 30 picocuries per liter of air. That is seven times greater than the EPA action level. To put this into perspective, I grew up living in a home that was exposing me and my family to the radiation dose equivalent to 1,500 chest x-rays per year. Now, that is a high dose of radiation. If we had known this, Dad might still be here today. Radon-induced lung cancer is preventable. We did not know.

Unlike my father, I am a cancer survivor. I have won my battle. Understanding that each day a person in our country loses their own battle with radon-induced lung cancer every 26 minutes is a pretty sobering fact. I know what my family has gone through, and knowing these lives could be saved is why I am here today.

Ten years ago, the U.S. Surgeon General warned us about radon, advising that every home and building should be tested. Our state radon programs are the most important resource in making our citizens aware of this warning. The SIRG is the only federal program that exists today to help our state programs with this mission, and the fiscal year 2016 budget zeros that, completely eliminates that program.

From my perspective, cutting our nation's radon program is the exact opposite of what is needed. In fact, a strong case can be made that we should actually be spending more to prevent radon-induced lung cancer. In addition to the lives saved, the return on investment is preventing the direct and indirect healthcare burden of an estimated $7.2 billion per year. We are putting $8 million towards this and it is a $7.2 billion health burden. Where else can you get a return on investment like that? It is preventable.

According to EPA's own Inspector General's 2008 report, "Nearly two decades after passage of the 1988 Indoor Radon Abatement Act (IRAA), exposure to indoor radon continues to grow. Efforts to reduce exposure through mitigation or building with radon-resistant new construction have not kept pace."

The radon problem in our country is getting worse; it is not getting better. We have more buildings today with elevated radon levels than when your colleagues passed the Indoor Radon Abatement Act in 1988. According to a Today Show report, an estimated 70,000 classrooms contain toxic levels of radon. One of every 15 homes in our country contains toxic levels of radioactive gas. Your state and your state have elevated concentrations of radon.

Does this sound like a program that should be cut or eliminated? I sincerely hope not. The hard reality is that this is a program that is voluntary and it has proven to be ineffective. With the evident ineffectiveness of the program, why has EPA not taken steps to regulate? How many more lives need to be taken by this disease before EPA wakes up?

The overall impact of eliminating the SIRG program will be the systematic elimination of our country's outreach and education efforts as they pertain to radon. A majority of the 45 state and tribal programs would cease. A recent Blue Sky report that we have looked at suggested only three of those programs would actually be in operation if those funds go away.

I know I am out of time. I will summarize and wrap up now.

I would ask that the committee respectfully consider the following: Restore the funds. It is $8 million. We need those dollars at the state level. There is also another game this seems to be played within EPA and that is, well, let's restore the funds but let's take away the full-time employment to administer those funds. There is a million-dollar increase for the environmental protection management with a condition added. We would like to suggest that we had language that would protect the full-time employees necessary to administer those regional funds.

And in wrapping up, again, thank you for allowing me to testify today. The subcommittee has a strong, consistent history in supporting this appropriation and your action in helping protect these funds will save lives and prevent lung cancer. Thank you.

[The statement of Kyle Hoylman follows:]

Testimony of

Mr. Kyle Hoylman of Louisville, KY
Cancer Survivors Against Radon (CanSAR)

Regarding

FY16 Appropriations for the Radon "SIRG" Program in EPA

March 18, 2015

Chairman Calvert, Ranking Member McCollum, thank you for this opportunity to testify today in support of $8 million in funding for EPA's State Indoor Radon Grant (SIRG) program.

My name is Kyle Hoylman. I grew up in a small town in Southern Ohio. My father was a forester – he loved being outdoors. We spent countless hours together roaming the woods that were passed down through generations of my family. Our home of more than 30 years was located on a hillside that backed up to these woods. Each evening, our family shared dinner together at the big table overlooking the foothills of the Appalachian Mountains – more importantly, we shared what was happening in each of our daily lives with one another. These memories are those I choose to hold close of the home I grew up loving – a home that later proved to be deadly to my father.

In December of 2008, I received a call from my father that changed my life. He had been diagnosed with lung cancer. He didn't understand. Lung cancer was something that attacked people who smoked. He was a non-smoker. How could this be happening to him? For the first time in my life, I heard fear in the voice of my father – something that was unimaginable to this adult who still looked upon his father as his Superman. Six months later, Dad was no longer with us. I was fortunate to have spent the last month of his life with him. He wasn't ready to go. He still had things he wanted to accomplish, like seeing the Grand Canyon and walking amongst the majestic redwoods in California. He fought for his life, but cancer ultimately won the battle and Dad left this world much too soon. His bucket list lives on with our family, though, and he will see the Grand Canyon and walk amongst the redwoods with us someday.

Our home tested at 30 pico Curies per liter of air, more than 7 times the EPA action level for radon exposure. To put this into perspective, **I grew up living in a home that was exposing me and my family to the radiation dose that would be equivalent to receiving 1,500 chest x-rays – per year.** If we had known, my dad might still be with us today. You see, radon-induced lung cancer is preventable through testing and mitigation. We didn't know.

Unlike my father, I am a cancer survivor. I won my battle. Understanding that each day, a person in our county loses their own battle with radon-induced lung cancer every 26 minutes is sobering. I know what my family has gone through. Knowing that these lives could have been saved is why I am here today.

Let me offer some facts about radon:

- Radon is a naturally-occurring radioactive gas that comes from uranium. When the gas becomes trapped in our homes and buildings, occupant health and safety is of concern. Radon is easily inhaled, where it can become trapped in our lungs.
- According the CDC, radon is the leading cause of lung cancer among non-smokers, second only to smoking, and the seventh leading cause of all cancer deaths.
- Radon is colorless, odorless and tasteless. **The only way to know if a problem exists is to test our homes and buildings.** If a problem does exist, fixing it is easy and economical.
- Elevated concentrations of radon have been found in every state. No area of our country is risk-free.

Ten years ago, the US Surgeon General warned us about radon, advising that every home should be tested. Our state radon programs are the most important resource is making our citizens aware of this warning. The SIRG program is the only federal program that exists to help our state programs in this important mission – and the FY16 budget proposes to eliminate it.

From my perspective, cutting our nation's radon program is the exact opposite of what is needed. In fact, a strong case can be made that we should actually be spending more to prevent radon-induced lung cancer. In addition to the lives saved, the return on investment in preventing the costly direct and indirect healthcare burden is compelling.

According to the EPA's own Inspector General's 2008 report, "Nearly two decades after passage of the 1988 Indoor Radon Abatement Act (IRAA), exposure to indoor radon continues to grow. Efforts to reduce exposure through mitigation or building with radon-resistant new construction have not kept pace." The radon problem in our country is getting worse, not better. We have more buildings with elevated radon levels today than in 1988, which is when your colleagues passed the Indoor Radon Abatement Act – a law designed to address the radon problem in our country. Twenty five years later, an American dies every 26 minutes from radon-induced lung cancer. According to a TODAY SHOW report, an estimated 70,000 classrooms contain toxic radon levels. One of every 15 homes in our country contains toxic levels of radioactive radon gas. Does this sound like a program that should be cut or eliminated? I sincerely hope not. The hard reality is that this is a program that's voluntary nature has proven to be ineffective. With the evident ineffectiveness of the program, why hasn't EPA taken steps to regulate? After all, the Administrator was given the authority to regulate some 25 years ago. How many more lives need to be taken by this preventable disease before EPA wakes up? A simple, inexpensive test is all that is required during the real estate transaction to know if a problem exists.

The overall impact of eliminating the SIRG program will be the systematic elimination of our country's outreach and education efforts as they pertain to radon. A majority of our 45 state and tribal radon programs will be forced to close or eliminate their public outreach programs. Basic data collection on radon risk reduction will no longer occur. Fewer of our buildings will be tested, and when a problem is found, it will not be fixed. Consumers will no longer have a state

or tribal program to protect their interests in dealing with unregulated contractors. Low income citizens will no longer receive free radon test kits or objective advice on radon risk reduction. More than 70,000 classrooms in our country with toxic levels of radon will never be identified and fixed so our children can learn in a safe environment. Our soldiers, and their families, living in military housing containing toxic levels of radon will continue to be put at risk. But the greatest impact of all is the more than 21,000 lives that will continue to be lost each year. For those of us who are reminded each day of the importance of preventing radon-induced lung cancer, this is not acceptable.

On behalf of the members of CanSAR, I respectfully ask for this Committee to do the following:

1. **First, and by far the top priority, is our request for the Subcommittee to restore the $8 million for the SIRG program**, the $8 million that is proposed to be eliminated by the President's FY16 Budget proposal. SIRG is the only federal program that provides essential matched funding to the states to conduct and continue programs designed to bring radon education and mitigation to your constituents. If SIRG funding were indeed cut, we should expect that nearly all the state programs would be rendered ineffective, or collapse altogether.

This request is not a request for an increase in funding or for new funding, but rather a continuation of funding. It is not new money.

While EPA's comments in the Budget submittal might indicate that SIRG has achieved its purposes and is no longer necessary, the facts indicate otherwise. The American Association of Radon Scientists and Technologists (AARST) can produce for the record recent annual reports from nearly one-third of the states that document how SIRG funds are being used to good effect and the necessity of SIRG funds to continue that work.

Further, EPA is in the process of rolling out its proposed National Radon Action Plan (NRAP). While EPA has denied that its shift from the existing Federal Radon Action Plan (FRAP) to NRAP does not signal a divestment by EPA on radon action, the proposal to eliminate SIRG raises doubts about that assertion. In fact, if NRAP were rolled out today as the first EPA action on radon, we would argue that SIRG would need to be invented for NRAP to be successful.

The bottom line is that the $8 million to support SIRG is essential to move forward in radon education and mitigation. Without it, state action to attack this problem will stagnate or halt.

2. **Secondary recommendation.** While the $8 million restoration in SIRG funding is the clear top priority, let me suggest other actions the Subcommittee can take with regard to funding, and language to ensure that funding is used to its best utility.

CanSAR supports the $1 million increase for Environmental Program Management – but with a condition added to the increase. The FY16 Budget proposes $3.36 million, an increase of $1 million. In 2014, we learned that, even with restored funding for SIRG, the administration of grants under the program was inhibited due to a shortage of FTEs. We believe that this funding increase would be helpful in enhancing the success of the SIRG program. **Mr. Chairman, we would recommend that if the Subcommittee does grant the $1 million increase for**

Environmental Program Management, that the Subcommittee include language to require the Administrator to use such funds in this account as necessary to secure the FTEs necessary for full and timely implementation of the SIRG program.

Mr. Chairman, Ranking Member McCollum, all Members of the Subcommittee, thank you for your kind attention. The Subcommittee has a strong, consistent history in supporting this appropriation and the SIRG program in the past. I would like to thank all of the Members of the Committee for this support, and I ask that the Subcommittee do so again for FY16. I thank you for your foresight and leadership on this issue. Your action will help save lives. I would be pleased to take your questions.

Mr. CALVERT. Thank you.

Next, Mr. Ronald Nunes, National Utility Contractors Association.

WEDNESDAY, MARCH 18, 2015.

NATIONAL UTILITY CONTRACTORS ASSOCIATION

WITNESS

RONALD T. NUNES

Mr. NUNES. Thank you, Chairman Calvert, Ranking Member McCollum. On behalf of the National Utility Contractors Association, its coalition partners Clean Water Council, and my own company R.T. Nunes & Sons, I appreciate the opportunity to testify regarding the job creation and economic benefits that come with the investment in water infrastructure through the EPA's Clean Water and Drinking Water State Revolving Funds.

My company specializes in site utility construction. We have constructed thousands of lineal feet of water and sewer infrastructure, as well as river and dam reservation projects.

NUCA is a family of nearly 1,300 companies across the nation who build, repair, and maintain underground water, wastewater, gas, electric, and telecommunication infrastructure systems. NUCA also serves as chair of the Clean Water Council, a coalition of 34 national organizations committed to ensuring a high quality of life through sound environmental infrastructure.

Over the past month, the Clean Water Council has highlighted an infrastructure story from each member of this subcommittee's district on our blog CleanWaterWeekly.com. I would like to highlight some of those stories today.

Ranking Member McCollum, in Minnesota, the University of Minnesota's Water Resources Center in 2011 found that of estimated 535,000 individual sewage treatment systems in Minnesota, about 39 percent are failing or pose an imminent threat to public health and safety. The report stated that over the next 20 years, more than $6 billion will be needed for improvements to drinking water systems, more than $4.5 billion for public wastewater systems, and more than $1.2 billion for individual wastewater systems in your state.

In California, sir, Chairman Calvert, late last year, that major Murrieta thoroughfare was closed for nearly a week following a water main break. The water pressure was so high it was enough to crack the road, destroying nearly 1,000 feet of road. The 16-inch water main connected to the main pump station imports water from Lake Skinner. As a result, you lost 500,000 gallons of water estimated.

These stories are consistent with my personal experience in my home state of Rhode Island where major reservoir supply lines have been broken. There have been 100-year-old pipes and 100-year-old valves that were unable to operate and consequently we have lost over the years millions and millions of gallons of water.

It is undeniable that from coast to coast America needs to address aging and failing infrastructure. According to the EPA's

Drinking Water Infrastructure Needs Survey and Assessment, America's drinking water infrastructure needs will cost $384.2 billion over the next 20 years, a nearly $50 billion increase over the last assessment, indicating we are losing ground and falling further behind. Infrastructure investment programs like EPA's SRF programs are remarkably effective and efficient but tremendously underfunded. The inevitable result is deteriorating infrastructure and fewer jobs for this critical work. SRF programs are in a unique position to not only improve America's infrastructure but to generate significant job creation and economic production.

The Clean Water Council released an economic impact study on the job creation and economic benefits that come from water and wastewater infrastructure projects called "Sudden Impact." It found that $1 billion in infrastructure investment could create approximately 27,000 jobs with an average annual earnings of more than $50,000 annually and between $2.8 and $3.4 billion in economic stimulation. Just as importantly, the Sudden Impact study found that approximately $82.4 million would be generated for state and local taxes allowing states to gain a better financial position to take on more infrastructure projects and begin to repair water and wastewater systems proactively rather than the more expensively reactively.

The message behind these statistics are clear: Investment in water and wastewater infrastructure projects is an investment in an American asset creating countless American jobs, countless American industries, generating state and local tax revenue, and churning out considerable fiscal activity through local economies while rebuilding critical infrastructure to the country's deteriorating requirements.

In closing, America cannot function without environmental infrastructure. It is necessary for public health, good for business. It connects nearly everything we do on a daily basis and is a precondition to economic renewal and growth. NUCA strongly supports continued investments in the EPA's Clean Water Drinking and State Revolving Fund programs and respectfully requests you address these concerns through the State Revolving Funds appropriations to the Environmental Protection Agency.

Thank you for the opportunity to testify to the subcommittee and I am happy to answer any questions if you may have them.

[The statement of Ronald Nunes follows:]

NUCA

Written Testimony of Ronald T. Nunes on behalf of National Utility Contractors Association before the Subcommittee on Interior, Environment, and Related Agencies, House Committee on Appropriations Addressing "Putting America Back to Work Through Water Infrastructure Investment"

March 18, 2015

Chairman Calvert, Ranking Member McCollum, and Honorable Members of the Subcommittee, the National Utility Contractors Association (NUCA) appreciates the opportunity to testify regarding the job creation and economic benefits that come with investment in water infrastructure through the EPA's Clean Water and Drinking Water State Revolving Funds.

I am the President of R.T. Nunes & Sons, a small business specializing in site and utility construction established in 1983. We have constructed thousands of lineal feet of water and sewer infrastructure, as well as river and dam preservation and restoration projects.

I am also the current Chairman of NUCA. NUCA is a family of nearly 1,300 companies from across the nation that build, repair and maintain underground water, wastewater, gas, electric and telecommunications infrastructure systems.

NUCA also serves as chair of the Clean Water Council (CWC), a coalition of 34 national organizations representing underground construction contractors, design professionals, manufacturers and suppliers, labor representatives and others committed to ensuring a high quality of life through sound environmental infrastructure. These industries work collectively to improve critical underground systems that unquestionably enhance America's quality of life and global business competitiveness.

The Clean Water Council operates a blog, called Clean Water Weekly, which publishes weekly stories about America's water infrastructure. Over the past month, Clean Water Weekly has highlighted an infrastructure story from each member of this subcommittee's district. Full information about these water infrastructure failures can be found on cleanwaterweekly.com, but I'd like to highlight some of these stories.

Utah -Roughly 1,300 miles of piping under Salt Lake City is some of the oldest in the entire state. As a result, there are about 350 water main breaks on average in Salt Lake City each year, according to city data. On February 16, a ruptured water main break under Main Street in Salt Lake City sent thousands of gallons of water rushing like a river down the thoroughfare, forcing the closure of Main Street for most of the day. Representatives of the Salt Lake City Public Works Department said aging parts of the infrastructure below ground were likely to blame - the line that burst under Main Street is nearly 100 years old.

West Virginia-West Virginians, particularly in the mountainous southern part of the state in which many current water systems were installed in the early 1900s, routinely face adversity as a result of failing water infrastructure. The week of February 23, 2015 saw numerous instances in which residents of southern West Virginia were advised not to use or consume water before boiling as a result of possible contamination from broken water mains. These "boil water advisories" are unfortunately commonplace in this region, as recently reported by West Virginia Public Broadcasting. Residents of Keystone in

McDowell County, for example, have been on an advisory since 2010. The town's neighboring city, Northfork, has been on a boil water advisory since 2013.

Nevada -Last summer a large water main break forced the closure of several buildings at the University of Nevada's Reno campus. The break caused power outages, data services disruption, and air cooling and water services outages that lasted more than two days; it also necessitated expensive repairs and cleanup of mud and water in the affected buildings. Classes had to be rescheduled or relocated.

Maine-The Portland Water District pumps water to Portland and 10 surrounding communities - including Cape Elizabeth, Cumberland, Falmouth, Scarborough, and South Portland - is by far Maine's largest water utility. Roughly 20% of its pipes, including 1,000 miles of water mains, are more than 80 years old. As a result, the District experienced 21 water main breaks last month, including three in Portland and one each in South Portland and Gorham just last week.

Minnesota- The Minneapolis Public Housing Authority offices in downtown Minneapolis had to be closed for a full day last year when a nearby water main broke, necessitating repairs and damage cleanup. A report by the University of Minnesota's Water Resources Center in 2011 found that of the estimated 535,000 individual sewage treatment systems in Minnesota, about 39% are failing or pose an imminent threat to public health and safety. The report stated that over the next 20 years, more than $6 billion will be needed for improvements to drinking water systems, more than $4.5 billion for public wastewater systems, and more than $1.2 billion for individual wastewater systems throughout the State.

Washington- Last fall, a 16-inch pipe left Tacoma's largest water customer, the RockTenn paper mill, out of service until repairs were completed. An estimated 20,000 gallons of water gushed from the main every minute for several hours, leaving a gaping hole in the street. Employees at roughly a dozen nearby businesses were advised to boil drinking water as a result

California- Late last year, a major Murrieta thoroughfare was closed for nearly a week following a water main break. The water pressure was high enough to crack the road. The 16-inch water line – connected to the main pump station that imports water from Lake Skinner – was leaking at a rate of approximately 10,000 gallons of water a minute. A total estimated 500,000 leaked, according to a District spokesman. As a result, roughly 1,000 feet of pavement need to be repaired.

Idaho- The Boise area has experienced numerous water main breaks in recent months. Last fall a Boise intersection near the Darigold plant was flooded due to a break causing the sidewalk to buckle. In Twin Falls, Harrison Elementary School had to close last fall due to an 8-inch water line break in front of the school, and residents were asked to boil water before drinking while contamination tests were conducted. The break was the third in a week for the Twin Falls area.

My personal experience in Rhode Island also highlights the need for underground infrastructure. I've seen major reservoir supply lines rupture and 100 year old valves that could not be closed resulting in millions of gallons of lost water.

In June of 2013, the EPA released the findings from its 2011 *Drinking Water Infrastructure Needs Survey and Assessment (DWINSA).* This state-by-state study estimated **America's drinking water infrastructure needs will cost $384.2 billion over the next 20 years.** This is a nearly $50 billion increase over the 2007 DWINSA and indicates our country is losing ground and falling further behind.

The high cost of infrastructure projects has, in the economic downturn, caused states and communities to forgo infrastructure projects regardless of need. Federal programs that support infrastructure projects have been insufficient in helping states and municipalities address these needs. The inevitable result is less maintenance and replacement of deteriorating infrastructure and fewer jobs for those who do this critical work. By neglecting this fundamental infrastructure, we're not just turning our back on public health and environmental protection. We're also missing huge opportunities to put Americans in a broad range of industries back to work. In addition, further delaying these projects only increases the scope of the need required and the cost to taxpayers.

NUCA respectfully requests you address these concerns through the State Revolving Funds appropriations to the Environmental Protection Agency.

ECONOMIC BENEFITS OF INFRASTRUCTURE INVESTMENT

Underground water and wastewater projects are generally recognized for their effectiveness in enhancing public health and environmental protection. Often overlooked, however, are the *economic* benefits that result from SRF appropriations. It is not an exaggeration to say that **clean water projects go hand-in-hand with a healthy economy** by creating jobs, expanding the local tax base and generating business and community development.

Federal investment has a proven effect of creating tens of thousands of quality, high-paying jobs. Importantly, the job creation and increased economic activity that comes with federal and state funding enhances local economies and provides disadvantaged communities with opportunities to revitalize, and grow.

***SUDDEN IMPACT* OF FUNDING WATER INFRASTRUCTURE PROJECTS**

The Clean Water Council released an economic impact study on the job creation and economic benefits that come with water and wastewater infrastructure projects. *Sudden Impact: an Assessment of Short-Term Economic Impacts of Water and Wastewater Construction Projects in the United States* takes a comprehensive look at 116 water and wastewater infrastructure projects in five states and 73 counties. *Sudden Impact* quantifies what we already know; that indeed, **investment in underground environmental infrastructure projects results in significant job creation.** *Sudden Impact* found that **every $1 billion could create approximately 27,000 jobs.** The average annual earnings within the pipe construction sector were found to be more than $50,000, and about one-half of these jobs are in industries outside of water and wastewater construction, illustrating the broad reach of investment in this infrastructure.

Jobs are created in scores of industry sectors outside of construction, and the economic benefits that come with funding water infrastructure are not limited to job creation. Significant impacts on national output, personal spending, and state and local tax bases also transpire.

The total effect of a $1 billion investment almost triples national output to an estimated $2.87 to $3.46 billion in economic demand for goods and services from other industries such as engineering, manufacturing, distribution and supply. Investment in underground environmental infrastructure also generates approximately $1.06 billion in personal (household) spending.

This "ripple effect" of economic activity that comes with construction projects cannot be understated. Investment in water and wastewater infrastructure projects can generate measurable employment in 325 other standard industry classifications in addition to the immediate construction jobs. Industries such as food services, real estate, health care, automotive repair and maintenance, legal services, retail sales, insurance, amusement and recreation, and various other industry sectors benefit when these projects get off the ground. The ripple effect on economic demand amounts to approximately $950 million per $1 billion invested; a huge return on investment for the federal government.

Importantly, the study reports that approximately $82.4 million is generated for state and local tax bases with every $1 billion invested in these projects. This allows states to gain a better financial position to take on more infrastructure projects and begin to repair water and wastewater systems proactively rather than more expensively and reactively.

The message behind these statistics is clear: investment in water and wastewater infrastructure projects is investment in an American asset, creating countless American jobs in hundreds of American industries, generating state and local tax revenue, and turning out considerable fiscal activity through local economies while rebuilding critical infrastructure the country desperately requires.

The infrastructure needed to provide for safe drinking water and effective wastewater treatment are fundamental considerations that encourage expanded investment, but think about the economic importance of clean and safe drinking water itself. A community and indeed, an effective society cannot do so without either. Clean water enhances individual productivity in countless ways and is undisputed. However, in times of economic difficulty, the funding of construction projects is therefore an effective way to stimulate growth and development far beyond the construction industry. The State Revolving Funds can and do make a difference in our infrastructure.

CONCLUSION

America can't function without environmental infrastructure. It's necessary for public health and good for business. It connects nearly everything we do on a daily basis, and is a precondition for economic renewal and growth. Investment in this infrastructure creates jobs here that cannot be outsourced overseas.

NUCA strongly supports continued investment in the EPA's Clean Water and Drinking Water State Revolving fund programs.

Thank you for the opportunity to testify before the subcommittee. I am happy to answer any questions or provide any further information you require.

Mr. CALVERT. I thank the gentleman.

Next, we are going to go to Mr. Pedersen and then we will ask the panel some questions.

Mr. Pedersen, you are recognized.

WEDNESDAY, MARCH 18, 2015.

ENVIRONMENTAL COUNCIL OF THE STATES (ECOS)

WITNESS

DICK PEDERSEN

Mr. PEDERSEN. Yes, good afternoon, Chairman Calvert, Ranking Member McCollum, and members of the subcommittee. I am Dick Pedersen, Director, Oregon Department of Environmental Quality, testifying as past president and on behalf of the members of the Environmental Council of the States on the fiscal year 2016 budget for EPA.

We support the President's budget request of $3.6 billion in appropriations for State and Tribal Assistance Grants, or STAG. Within STAG, there are 19 categorical grants proposed at $1.162 billion. These grants support core state work in clean air, water, and waste. If enacted by Congress, the 2016 President's budget request would be the highest categorical grant amount since the creation of EPA in 1970, other than fiscal year 2004-enacted level of $1.168 billion. The time is now to meaningfully invest in states.

The STAG also requests $2.3 billion for the important Clean Water and Drinking Water State Revolving Funds, $110 million for Brownfield projects, and $10 million for diesel emission grants. We support these requests.

I would like to offer a few reasons why your investment in states will deliver many times over. States are the front line implementer of the nation's environmental laws and programs. The major federal environmental statutes have state-assumed authority over the federal programs, and then to receive financial assistance in order to operate these federal programs, a state match is usually required. Through general operating funds, fees, and other means, states provide on average well over one-half and in many states three-quarters of the funds to operate federally delegated programs. Critical to our success is federal funding through STAG.

In these tight budget times I have to call out the reality to 50 states of what may seem like a very large number. The President's budget request increases eight categorical grants in that overall categorical grants receive $108 million requested increase. This means that the actual increase requested for state environmental programs, if appropriated, would be $77 million more than fiscal year 2015 enacted. That is just over $1 million per state.

States and EPA as co-regulators cannot operate a 1980s model of environmental protection and services in 2015. This is why I encourage support for the $15.7 million increase to the Environmental Information Categorical Grant to states. Technology is essential to enhancing how states deliver inspections, monitoring, permits, and public information. This competitively awarded grant totals $25.3 million nationally. These funds facilitate states' contin-

ued efforts to implement electronic permitting and reporting systems, allowing information to be processed, reviewed, shared between states and EPA, and acted upon more quickly.

Every major permitting program implemented by EPA and the state is in a rapid modernization, efforts that are absolutely necessary. We are committed to joint governance, to better decision-making, and to increased transparency and efficiency through e-enterprise for the environment initiative. Your support for these categorical grants will make a real difference to the states, companies, and the public.

The fiscal year 2016 budget includes a proposal to create a Clean Power Incentive Fund for states that can go above and beyond the guidelines that will be in the final Clean Power Plan for emission reductions or that can achieve them more quickly. We encourage you to support this new fund but to make it available to all states. Every state can use clean energy funding.

After years of highlighting the significant difficulties that rescissions cause at the state level, we appreciate that the budget request contains no rescissions.

Finally, I leave you with a cost-neutral item that can help states. State commissioners require flexibility to direct the federal resources we receive to the environmental needs in our states. Several of the proposed fiscal year 2016 funding increases are accompanied by budget justification language that appears to constrain states' ability to respond to state priorities and needs while still supporting overall national environmental priorities. Directing funding undermines state flexibility and needed support for ongoing, everyday implementation of nations' environmental laws.

Mr. Chairman, Ms. Ranking Member, I thank you for the opportunity to provide the state environmental agency perspective today and certainly happy to answer any questions you might have.

[The statement of Dick Pedersen follows:]

ECOS

Testimony of Dick Pedersen, Director, Oregon Department of Environmental Quality and Past President, Environmental Council of the States (ECOS) before the U.S. House of Representatives Committee on Appropriations Subcommittee on Interior, Environment and Related Agencies, March 18, 2015

Good afternoon Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee. I am Dick Pedersen, Director, Oregon Department of Environmental Quality, testifying as Past President and on behalf of the members of the Environmental Council of the States (ECOS) on the Fiscal Year (FY) 2016 budget for the U.S. Environmental Protection Agency (EPA).

I am pleased to support the President's Budget Request of $3.6 billion in appropriations for the State and Tribal Assistance Grants (STAG). Within STAG, there are 19 categorical grants proposed at **$1.162 billion** which support core state work in clean air, water, and waste. The STAG also requests $2.3 billion for the important clean water and drinking water state revolving funds, $110 million for brownfields projects, $10 million for diesel emission reduction grants, and $15 million for several focused assistance programs.

If enacted by Congress, the 2016 President's Budget Request would be the *highest categorical grant amount since the creation of EPA in 1970 - other than the Fiscal Year 2004 enacted level of $1.168 billion.* The difficult appropriations climate over an extended time means that states have been operating with flat or declining federal funds for years while federal requirements increase. When limited funding is combined with new mandates, variability in the timing and amount of federal funds, and increasing state payroll demands due to rising benefits even when staffing levels are flat, states' ability to meet their delegated commitments becomes increasingly challenging. *I am here to tell you that the time is now to meaningfully invest in states.*

In the near term, states will be implementing new federal regulations for ozone and fine particulate, methane, new electronic reporting rules, and new waste programs – to name a few. Our nation will realize environmental and public health benefits from many of these programs. While we seek ways to save resources through efficiency efforts, our work just simply cannot be done in a flat or reduced fiscal state. Congress must recognize how important the state role is to environmental protection and services by funding the STAG at the requested $3.6 billion level. I'd like to offer a few reasons why your investment in states will deliver many times over.

States are the Front-Line Implementers of the Nation's Environmental Laws

States are co-regulators with EPA in the implementation of the nation's environmental laws and corresponding regulations and programs. The Congress included provisions in the major federal environmental statutes -- the Clean Water Act, the Safe Drinking Water Act, the Clean Air Act, the Resource Conservation and Recovery Act, and the Federal Insecticide, Fungicide and Rodenticide Act – for states to assume authority over the federal programs and to provide financial assistance to states to operate these federal programs. A state match is usually required under these statutes, and states – through general operating funds, fees, and other means provide on average well over half and in many states, three-quarters of the funds to operate federally delegated programs.

States perform much of the work set out in EPA's Strategic Plan as well as in the FY 2016 President's Budget request through these delegated programs – making federal funding essential. States use a combination of federal and state funding, and fees assessed on regulated entities, to issue permits, conduct inspections and enforcement, gather and manage data, set standards, remediate sites, monitor ambient conditions, and other important activities. Now more than ever, states are the front-line implementers of the nation's environmental laws. Critical to our success is strong federal funding through STAG.

The Reality of the STAG Request

States are encouraged that the President's Budget Request increases eight categorical grants and that overall, categorical grants receive a $108 million requested increase. We are pleased to see $25 million requested for state development of Clean Air Act 111(d) plans, and $15 million more for core air programs. However, when divided nationally, we are looking at an increase of under $500,000 per state for the significant new work necessary to respond to the Clean Power Plan. Averaging several hundred thousand per state, the $18 million increase to water programs is important, as is the $5.6 million national increase for nonpoint source control programs. The bottom line is that every federal dollar matters– particularly as states are asked to do more to maintain our delegated programs.

We know the Budget Request was prepared in a difficult fiscal climate, and recognize that most of the proposed increases come from proposed reductions to programs valued by stakeholders, including by states. In many of these areas, EPA has proposed alternative ways to support the sectors affected by the proposed reductions though programs on the Agency's side of the ledger. For example, while a reduction is proposed for the Clean Water State Revolving Fund (SRF), EPA is proposing to expend core funds on a Water Infrastructure and Resilience Finance Center, in the new Water Infrastructure Finance and Innovation Authority, and through targeted technical assistance for integrated planning. We appreciate the Agency's innovation, but are concerned with reductions to the revolving loan funds below needed and historic amounts. ECOS Resolution 08-1, revised in 2014, refers to estimates that over $700 billion is required to address wastewater and drinking water needs over the next 20 years. Thus, while we appreciate the long overdue increase proposed for the Drinking Water SRF, it appears to come at the expense of the Clean Water SRF.

I must note that not all of the requested $108 million categorical grant increase goes to states. $31 million of this amount is directed to the Tribal General Assistance Program. This means that the actual increase requested for state environmental program implementation, if appropriated, *would be $77 million more than Fiscal Year 2015 enacted* – just over $1 million more per state. However limited, I encourage you to appropriate these funds to help us continue the important day-to-day work to protect our nation's environment and public health.

Support for the Electronic Environmental Future

Among the categorical grant increases, we especially encourage you to appropriate the requested $15.7 million increase to the Environmental Information Categorical Grant to states. Technology is essential to enhancing how states deliver inspections, monitoring, permits, and public information. It is an old phrase to say technology is the wave of the future. This categorical grant, which is competitively awarded, would total $25.3 million nationally (only

$500,000 per state). When leveraged with state resources it is essential to bringing state environmental business models into the modern age, and often supports development of shared services for states. These funds will facilitate states' continued efforts to implement electronic permitting and reporting systems proactively – allowing information to be processed, reviewed, shared between states and EPA, and acted upon more quickly. This facilitates job creation, contributes to improved public health, and creates a more efficient and transparent government system that brings more and more regulated entities into compliance while creating incentives for all facilities to perform at high levels. The future lies in implementing modern business processes to do our work.

States and EPA as co-regulators cannot operate a 1980s model of environmental protection and services in 2015. Through the e-Manifest program, SDWIS Prime for drinking water, the NPDES e-Reporting rule, and ICIS Air, every major program implemented by EPA and the states is in rapid modernization – efforts that are absolutely necessary. We are committed to joint governance, to better decision-making, and to increasing transparency and efficiency through the E-Enterprise for the Environment initiative. Your support for this Categorical Grant, and for EPA's request for funding its work on E-Enterprise for the Environment aligned projects, will make a real difference to the states, companies, and the public. We are truly transforming environmental governance. We ask you to support this effort to make critical change, and to see states' and EPA's absolute dedication to modernizing environmental systems for a better future.

The Adverse Impact of Rescissions

After many years of highlighting the significant difficulties that rescissions cause at the state level, I must express appreciation that the President's Budget Request contains no rescissions. The $40 million rescission in the Fiscal Year 2015 enacted budget takes away money that could have been distributed to states, and may not have even yet been made available to us. There are many reasons funds remain unspent by states, including delayed transfer from the federal government, and restrictive rules on how funds are considered obligated.

We are working with EPA to improve the administrative processes that lead to the impression that funds are unspent and thus unneeded, because this impression could not be further from the truth. States need every dollar appropriated to them. We urge you not to include any rescissions of unobligated STAG funds in the Fiscal Year 2016 enacted budget. If rescissions must occur due to hard choices you must make, rescissions should be taken equitably from the one or more of the Agency's budget accounts and the STAG account – something that has not occurred in the past when rescissions were made.

Open the Clean Power State Incentive Fund to All States

The FY2016 budget includes a proposal to provide funds for states that can go above and beyond the guidelines that will be in the final Clean Power Plan for emissions reductions, or that can achieve them more quickly. Like the Administration, states value investments in energy efficiency, and in renewable and clean energy. In the case of this $4 billion proposal, it is perplexing to states that it is proposed to be available only to those states that can exceed what are anticipated to be very aggressive, challenging emission reduction budgets. We encourage you to support this new Fund, but to make it available to all states. Every state can use clean energy funding. States that will need to change their power portfolios in dramatic ways to

achieve the Plan's goals, or states that need every month in the timeline set, need these funds as much as those who might be able to meet the targets in an accelerated way.

The No Cost Item: State Flexibility
Many states, including my own, have seen budget cuts on the state level and have sought to manage these reductions in part by implementing lean business process improvements, looking closely at staffing levels including furloughs and reductions-in-force, and rethinking how we accomplish our work such as through targeting inspections to priority areas.

Within individual states, the needs and priorities may vary from national priorities set at the federal level. State commissioners require maximum flexibility to direct the federal resources we receive to the environmental needs in our states. Several of the proposed FY 2016 funding increases are accompanied by budget justification language that appears to constrain states' ability to respond to state priorities and needs while still supporting overall national environmental priorities. For instance, accompanying budget documents indicate the proposed $18.4 million increase to the Clean Water Act Section 106 Categorical Grant is directed to implement water pollution control programs and to strengthen nutrient management efforts consistent with the EPA's 2011 Framework for state nutrient reduction.[1] In another example, the EPA's budget justification for the $5.7 million increase to the Nonpoint Source (Section 319) Categorical Grant notes that states will be required to develop and maintain current Nonpoint Source Management Programs to focus priorities funded through Section 319. EPA also states that the Section 319 program will also use incentives to leverage state and local funding for nonpoint source projects.[2]

While states may agree with and appreciate funding for specific efforts, states need flexibility to budget for and implement work activities. Directed funding undermines state flexibility and needed support for on-going every day implementation of the nation's environmental laws. To the greatest extent possible, states, as co-regulators with EPA, wish to preserve and expand state flexibility to address state and regional priorities within EPA's national framework. Also, as the amount of directed funds increase, negotiations between states and EPA for federal grant dollars may increase. Fewer funding directions should help streamline state-EPA discussions about the work to be accomplished.

Reducing specific spending directives within a Categorical Grant expedites state utilization of funds. States have worked closely with EPA over the last several years to quickly award and then utilize valuable federal funding. Fewer instructions allow states to move more quickly to put federal dollars to work on the ground. Flexibility is a no-cost item that should be made available more readily in difficult budget times.

Mr. Chairman, Ms. Ranking Member, I thank you for the opportunity to provide the state environmental agency perspective today. I am happy to answer any questions.

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[1] United States Environmental Protection Agency Fiscal Year 2016 Justification of Appropriation Estimates for the Committee on Appropriations, Pg. 783.
[2] United States Environmental Protection Agency Fiscal Year 2016 Justification of Appropriation Estimates for the Committee on Appropriations, Pg. 774.

Mr. CALVERT. Thank you for your testimony.

Mr. MacDonald, I have driven through Oxnard on many occasions and noticed the old Halaco plant that I drove through for many years and have friends that live in Oxnard and I know that has been a thorn in your side for a long, long time.

Mr. MACDONALD. Yes, sir, it has.

Mr. CALVERT. That is going to be expensive to move. I know we had the slag material by the old Fontana Steel plant for many years and they were able to figure out a way—I not quite sure how—but to use it as road-base material and other things. I do not exactly know how they did that but they were able to get rid of a lot of that material, even more material than you have. That was where they made the steel for the Liberty ships that were constructed in Long Beach during the war. But we appreciate that testimony and we will take it into account.

And, Mr. Hoylman, I know radon has been an issue in front of this committee. It is really a nonpartisan issue here. We are all concerned about it. It affects certain parts of the country more than others, as you are aware, and education is a big part of this. The way they construct homes nowadays, too, is a big part of it. They do not have the breezeways like the old-timers. They knew something we did not back in those days and they knew how to build things, but I am sure that when we start crunching the numbers, we will try to make sure that we look at that issue very closely.

You know, when I think of old infrastructure, in L.A. last year I do not know if you saw that when they just finished the Pauley Pavilion at UCLA an old water pipe, which I think was a big main, it was like a 40-inch pressurized water main broke and completely flooded out the west side of the whole UCLA campus and totally destroyed the Pauley Pavilion.

Mr. NUNES. We have seen that happen. It is a holocaust. It destroys everything in sight.

Mr. CALVERT. They just spent millions and millions of dollars redoing the Pauley Pavilion. That is where we have our UCLA basketball games and they had to totally go in and rebuild it, just filled it with water like a pool.

Mr. NUNES. This country was founded from the East towards the West. I heard my colleague over here talking about 1903 it was founded. There were communities that were founded in 1620.

Mr. CALVERT. Yes. Matter of fact, there are some pretty old pipes right here in Washington, D.C.

Mr. NUNES. Exactly. Exactly.

Mr. CALVERT. Probably some people think it is us but—no, it is not.

And, Mr. Pedersen, you know, certainly STAG is a popular program around here, too, but I mentioned we are operating, a bunch of committees meeting today. I suspect that they are going to be passing around a budget that our biggest concern as appropriators is a 302(a) number and they will be allocating those numbers out to the various committees and we will do the best we can under the restrictions we have.

Ms. McCollum.

Ms. MCCOLLUM. Well, thank you all for your testimony. I just made a note and I did not mean to be rude but when you men-

tioned schools, I started doing a little bit of research on the testing for radon. So I am going to hand a note back to our committee staff to do a little looking into it. It looks like EPA recommends that schools be tested and that states, when they do remodels and resets, might be requiring testing. So maybe they have caught most of them. But I am going to find out what my state and others do, unless you know offhand.

Mr. HOYLMAN. It is not something that is happening.

Ms. MCCOLLUM. Okay.

Mr. HOYLMAN. Yes, just case in point, I live in Kentucky now and it just a few short weeks ago there was a FOIA request with the Fayette County government, which is Lexington, and it was determined that the last time the schools had been tested was 1988, which was the year IRAA was passed.

Ms. MCCOLLUM. Okay.

Mr. HOYLMAN. The schools are now being tested and we are finding levels as high as 30 picocuries in some of those schools. It is just simply not being done.

Ms. MCCOLLUM. Well, we will look into it. I know sometimes we get accused of over-regulating and the Environmental Protection Agency gets blamed. But I do think that we should come together as a community, as brothers and sisters literally to do what is in the best interest of public health. If we are aware about something, then we need to speak up and speak out. So thank you all for your testimony.

Mr. CALVERT. Thank you. Any other questions?

Okay. We thank this panel for coming out. I appreciate it. Thank you.

You get the award for traveling the furthest distance. I do it every week so I get it. Thank you very much.

Mr. HOYLMAN. Thank you very much.

Mr. CALVERT. Okay. The next panel, Mr. Tom Fritts, a board member of the National Onsite Wastewater Recycling Association. If you could sit over here on the right, Mr. Fritts. And then Ms. Sheida Sahandy, Executive Director of the Puget Sound Partnership. Norm Dicks' ghost is sitting with us today. Of course Norm is still with us so I guess I should not say ghost.

Mr. SIMPSON. I was going to say——

Mr. CALVERT. Yes. Yes.

Mr. SIMPSON [continuing]. Have you heard something I did not?

Mr. CALVERT. Yes. I will be getting a call this afternoon. Sorry, Norm.

Dr. Sharon B. Megdal, President, National Institutes for Water Resources; and Dr. Robert Gropp, Chairman of the USGS Coalition. Thank you. Welcome.

As you know, we are operating under the five-minute rule, so please, when it is green, please give testimony; when it is yellow, please finish up; and red, we are done.

So with that, Mr. Fritts, you are recognized.

WEDNESDAY, MARCH 18, 2015.

NATIONAL ONSITE WASTEWATER RECYCLING ASSOCIATION

WITNESS

TOM FRITTS

Mr. FRITTS. Thank you, Chairman.

Congresswoman, Congressman, distinguished members of the committee, my name is Tom Fritts. I am also the past president of the National Onsite Wastewater Recycling Association, or NOWRA, and I am honored to speak to you today on behalf of the onsite wastewater industry.

The onsite industry is a growing and evolving industry supported by small businesses across the country. In my lifetime I have seen the humble backyard septic tank evolve into a range of sophisticated wastewater treatment solutions that lets families live wherever they want and lets businesses locate nearby to serve them. In all cases, in all cases, these systems can be built and maintained for less money than sewers and better protect the public health.

Another very important benefit, they safely help replenish our dwindling underground aquifers through recharge of treated water onsite. Nearly 85 million Americans, more than 25 percent of the country, are being served by the onsite industry and that number is growing. Because of this, the technology has exploded. It sometimes reminds me of the computer industry of 30 years ago.

Nearly two decades ago, the EPA endorsed onsite wastewater systems. Their 1997 Report to Congress on Use of Decentralized Wastewater Treatment Systems stated that this technology is a viable solution to treating and dispersing wastewater.

My father-in-law, who started the family business over 65 years ago that is now in the third generation, would talk about installers who would dig septic tank excavations with a shovel. Most anyone with a strong back could be in the business then, but today it takes somewhat of a strong mind and entrepreneurial spirit and a knack for running a small business. Twenty-five percent of the wastewater needs of this country are being sold, installed, and maintained by small business. In fact, our industry is estimated to be responsible for as many as 150,000 small business jobs.

I know that Congressman Cole, as an enrolled member of the Chickasaw Nation, is committed to serving the Native Americans living in Oklahoma and all across this great nation. The onsite industry can increase tribal economic development. NOWRA is proud to have recently trained more than 300 tribal community professionals through Rose State College in Oklahoma. We trained them on septic systems and how to run a septic system business.

Congressman Calvert, as a lifelong resident of Riverside County, you are experiencing firsthand the dire issues of water depletion from your aquifers. Onsite systems such as septic tanks treat wastewater and then disperse it back into the soil where it recharges the aquifers with treated water. Most of the water from municipal treatment plants ends up in rivers where it flows to the ocean or the Gulf and become saltwater.

Using U.S. Census numbers of 2010, it is estimated that onsite wastewater systems discharge an average of 9.9 billion gallons of water back to the soil on a daily basis. That is 3.5 trillion gallons per year.

If I have convinced you that we are an important part of the solution to aquifer depletion, to small business growth, and to infrastructure development, I am sure you are curious to hear how much money we want. We do not want any. At least we do not want any new money.

Mr. CALVERT. I think that is a record.

Mr. FRITTS. We do have two requests. Currently, more than 99 percent of the EPA Clean Water State Revolving Fund goes to municipal wastewater projects. Less than 1 percent goes to the onsite wastewater projects. We would like at least 20 percent of those funds dedicated to serve the 85 million taxpayers who use onsite systems on a daily basis.

Secondly, EPA has exactly one full-time employee in the Office of Decentralized Wastewater. We would like to see at least 20 percent of the Office of Wastewater's funding be dedicated to increasing staffing and resources for the Office of Decentralized Wastewater.

On behalf of the National Onsite Wastewater Recycling Association and the onsite industry, we thank you for your time.

[The statement of Tom Fritts follows:]

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U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
March 18, 2015

Congresswoman, Congressmen, Distinguished members of the committee my name is Tom Fritts and I am the Vice President of Residential Sewage Treatment Company of Grandview Missouri, near Kansas City. I am also the past president of the National Onsite Wastewater Recycling Association. I am honored to speak to you today on behalf of the onsite wastewater industry. The purpose of my testimony is to request increased funding for our industry from the Environmental Protection Agency, specifically from the Clean Water State Revolving Fund Program and from the EPA Office of Wastewater.

I would first like to describe what the onsite industry is. It is the segment of the wastewater industry which provides sewage treatment when there is no conventional sewer available to do so. While there are slight differences in definition, onsite systems are also called decentralized or distributed wastewater treatment systems. The most widely known onsite systems within our industry are septic tanks; however, it encompasses a wide range of technologies which are designed to serve individual homes, a cluster of homes, a subdivision or small community, as well as commercial and industrial complexes.

Regardless of the type of system, they all share a common trait. They take advantage of the vast capacity of soil to remove or transform pollutants that are in the effluent as it percolates through the soil thereby avoiding point discharges to surface waters and maintaining the quality and quantity of our groundwater.

By definition, onsite wastewater management systems are a 'green technology' because treated effluent recharges local aquifers. A new innovation in decentralized wastewater management is the reuse or recycling of treated effluent. With appropriate safeguards, local regulations or bylaws may allow the treated water to be used for irrigation, toilet and urinal flushing or make-up water for commercial boilers. These applications reduce the demand for potable water and aid in the protection and preservation of the available water sources.

Ours is a growing and evolving industry supported by small businesses across the country. In fact, our organization estimates that the onsite wastewater industry employs as many as 150,000 people, virtually all of whom work for small businesses in the private sector. These include not only the companies which

manufacture the components of the onsite system, but also the engineers who design the systems and the contractors who install, operate, and maintain them.

More than 65 years ago, my father-in-law who started the family business (which is now in the 3rd generation) would talk about installers who would dig septic tank excavations with a shovel. Most anyone with a strong back could be in the business. Today it takes someone with a strong mind, an entrepreneurial spirit and a knack for running a small business.

In my lifetime I have seen the humble back yard septic tank evolve into a range of sophisticated wastewater treatment solutions that lets families live wherever they want and lets businesses locate nearby to serve them, and even provides entire communities with options for treating wastewater so they don't have to automatically default to an expensive and disruptive sewer project.

Onsite and decentralized wastewater treatment systems are an effective solution to protecting water quality. They are a valuable component of watershed management plans and sustainable development programs. Onsite and decentralized wastewater treatment systems can benefit both urban and rural areas by providing affordable solutions and reducing risk to the environment in unusual situations and difficult locations. These systems can provide optimal water management to homes, businesses and industrial centers. Their recycling capability can support water resource management goals in many arid areas of the country.

Their use can support municipal wastewater treatment infrastructure by providing options for pretreatment and sewer mining and provide an alternative when centralized plants have reached or exceeded capacity. Virtually any treatment technology employed in a centralized sewage treatment plan can be found in onsite wastewater treatment systems. In fact onsite systems can be designed to provide equal or better levels of treatment as compared to conventional sewage treatment plants.

For smaller communities, decentralized and onsite systems can usually be built and maintained for less money than a centralized sewage treatment facility. And for larger utilities, decentralized systems (which they refer to as distributed systems) are an option which can help to offset the exponential increases in capital expenditures faced by utilities in the next two decades as they face replacement of aging infrastructure. As society demands more efficient use of financial resources and sustainable environmental wastewater management, the use of managed decentralized wastewater treatment systems can be an effective solution which satisfies both imperatives

There is one other very important benefit...they safely help replenish our dwindling underground aquifers through recharge of treated water onsite. While homeowners and many centralized sewage treatment systems draw their

drinking water from underground aquifers, only onsite systems are designed to replenish aquifers. Most centralized sewage treatment systems discharge their treated water directly to rivers or streams where it ultimately ends up in an ocean.

Nearly 85 million Americans – more than 25% of the country - are being served by the onsite industry and that number is growing. Because of this, technology has exploded. It sometimes reminds me of the computer industry of 30 years ago. There are a many new technologies which have come online which treat wastewater in ways which are cheaper and more efficient and effective.

In fact, nearly two decades ago the Environmental Protection Agency endorsed onsite wastewater systems. Their 1997 Report to Congress on Use of Decentralized Wastewater Treatment Systems stated that this technology is a viable solution to treating and dispersing wastewater.

Onsite wastewater treatment systems are a permanent part of our nation's wastewater infrastructure which serves more than 25% of our country. Sadly, our industry faces myriad challenges which have been largely ignored by the EPA. Among these challenges are homeowner education, technical support, lack of support for research, replacement of failing systems and professional education.

Congressman Cole I know that as an enrolled member of the Chickasaw Nation you are committed to serving the Native Americans living in Oklahoma and all across our great nation. The onsite industry can help increase business opportunities in Indian country, grow their communities and increase tribal economic development. NOWRA is proud to have recently trained more than 300 tribal community professionals through Rose State College in Oklahoma on septic systems and how to run a septic system business.

Congressman Calvert as a lifelong resident of Riverside County, you are experiencing first hand the dire issue of water depletion from our aquifers. Onsite systems such as septic tanks treat wastewater and then disperse it back into the soil where it recharges the aquifers. Most of the water from municipal treatment plants ends up in rivers where it flows to the oceans to become saltwater. Using US Census numbers from 2010 it can be estimated that onsite wastewater systems discharge an average of 9.9 billion gallons of water back to the soil on a daily basis. That is more than 3.5 trillion gallons per year.

If I have convinced you that we are an important part of the solution to aquifer depletion, small business growth and infrastructure development I'm sure you are curious to hear how much money we want...We don't want any.... At least we don't want any new money.

We have two requests. Currently more than 99.5% of the EPA Clean Water State Revolving Fund goes to municipal wastewater and stormwater projects. Less than ½ of 1% goes to onsite wastewater activities – <u>in spite of the fact that more</u>

than 25% of the country is served by onsite systems. This pattern of funding has been consistent all the way back to the start of SRF funding in the early 1990s. We believe it is fundamentally unfair that for more than 2 decades, the 85 million taxpayers who use onsite systems have been subsidizing the government-owned treatment plants that serve the rest of the country.

We request that for the current fiscal year – as well as future years – that at least 20% of EPA's annual contribution to the Clean Water State Revolving Fund be specifically designated to supporting the use of onsite and decentralized wastewater treatment systems and the 85 million taxpayers who use them. We further request that those funds be designated for disbursement and distribution by the authority in each state which has direct regulatory oversight and enforcement authority over onsite wastewater treatment plants.

Secondly, EPA has exactly one full-time employee (FTE) who focuses on Decentralized Wastewater. We would like to see at least 20% of the Office of Wastewater's funding be dedicated to increasing staffing and resources for the Office of Decentralized Wastewater. Among the specific requests:

- Place at least one FTE in each EPA regional office to support state and regional initiatives involving decentralized wastewater treatment.
- Add at least one "circuit rider" with expertise in decentralized wastewater to each region to support decentralized wastewater project planning and implementation, regardless of the funding source (i.e. USDA, HUD, etc.)
- Designate a specialist in the EPA Clean Water State Revolving Fund Branch to assist state funding authorities in revising policies and project scoring systems to ensure fair inclusion of onsite/decentralized systems.
- Significantly expand EPA's training of industry professionals through grants to entities which exclusively specialize in decentralized training.
- Provide increased direct financial support to the National Environmental Service Center and the Small Flows clearinghouse so that homeowners, business owners and industry professionals have an up-to-date source of information related to onsite and decentralized technology.
- Provide funding for EPA's Septic Smart program so that its materials can be more easily distributed to homeowners.
- Provide direct financial and staff support to state onsite wastewater regulators to facilitate increased training of industry regulators and mechanisms to support better enforcement of state onsite regulations.
- Expand research grants and onsite wastewater training centers and demonstration projects to help local decision-makers and design engineers better understand the benefits of onsite and decentralized wastewater treatment systems and technologies.

On behalf of the National Onsite Wastewater Recycling Association and the onsite industry we thank you for your time.

Mr. CALVERT. Thank you.

Next is Ms.—how do you pronounce that, Sheida?

Ms. SAHANDY. Sahandy.

Mr. CALVERT. Sahandy, great. Very nice to have you here. You are recognized.

WEDNESDAY, MARCH 18, 2015.

PUGET SOUND PARTNERSHIP

WITNESS

SHEIDA SAHANDY

Ms. SAHANDY. Thank you, sir. Chairman Calvert, Ranking Member McCollum, and members of the committee, thank you for the opportunity to appear before you to discuss Puget Sound and the National Estuary Program. My name is Sheida Sahandy and I am the Executive Director of the Puget Sound Partnership, a non-regulatory Washington State agency established in 2007 to mobilize Puget Sound recovery.

Puget Sound is the nation's largest estuary at 29 trillion gallons of water approximately. The basin reaches the Canadian border to the north, the Pacific Ocean to the west, and Mt. Rainier to the east. The ecological wealth of Puget Sound is only matched by its economic significance. Puget Sound is the state's economic engine, an aquatic superhighway moving wheat and apples out to the Pacific Rim, leading the nation in the production of farmed shellfish, and now leading the maritime industry with the third-largest container Gateway in North America. The region is also hallowed ground to 17 treaty tribes, each of which has reserved right to many of the natural resources of the region.

The National Estuary Program, which resides in the EPA budget, funds 28 restoration efforts like ours across the nation. It allows us the flexibility to use non-regulatory approaches to customize recovery actions that meet local needs. By doing so, we are able to significantly leverage federal investments with state, local, tribal, and non-governmental funding.

At this time, NEP programs have a collective leverage rate of 15 to 1. I would like to stress that point. For every federal dollar invested through the NEP program, the associated estuary entities raise an additional $15 from other sources.

This foundational program allows leveraging of human capital as well. We at the Puget Sound Partnership work with and help mobilize more than 750 partners in the region. These local programs have real impact on the ground and real people who care about them.

The success in Puget Sound is evidenced by the ability to deliver measurable results. For example, since 2007, more than 25,700 acres of habitat have been protected and more than 70 miles of streams have been restored. Since January of 2012, there has been a net improvement to more than 1,800 commercial shellfish harvesting acres.

But there is a problem. Despite the great job our region is doing in getting dollars on the ground, projects done and completed, the

reality is that the rate of damage to Puget Sound is still exceeding the rate of recovery. We are losing ground. This is because we are handling multiple challenges old and new like legacy pollution that has to be cleaned up and tremendous regional population growth, as well as antiquated infrastructure such as stormwater systems and transportation systems that must be re-imagined and replaced over time.

Additionally, we daily face emergent issues. We see things like the alarming spread of the starfish wasting disease, which causes starfish limbs to literally melt away as they slowly die before our eyes and we do not know why this is happening. Our juvenile steelhead trout are experiencing 98 percent mortality rates as they are leaving south Puget Sound. We have orcas that are starving due to lack of fish to eat. And then, as they start to digest their own flesh because of low food supply, they are poisoned by the biotoxins that have accumulated in their own blubber.

These are sobering and stark realities, so we have to change the direction of that recovery equation so that we are not just managing our decline but we are stabilizing and turning around that system. We need to accelerate recovery so that communities can enjoy healthy, resilient natural systems that support those thriving economies.

To this end, I am here to ask for your continued support, your strong support, for the authorization and appropriation of the National Estuary Program funds in the EPA budget and for the Geographic Fund allocation specifically to the Puget Sound area for recovery.

Thank you, Mr. Chairman, and the committee for the opportunity to testify.

[The statement of Sheida Sahandy follows:]

TESTIMONY OF
SHEIDA R. SAHANDY

EXECUTIVE DIRECTOR
PUGET SOUND PARTNERSHIP, A WASHINGTON STATE 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 Puget Sound and the National Estuary Program, or NEP.

My name is Sheida Sahandy and I'm the Executive Director of the Puget Sound Partnership, a non-regulatory Washington State agency established by the state legislature in 2007 to mobilize, guide, and accelerate Puget Sound recovery.

Puget Sound is the nation's largest estuary by water volume. The Puget Sound basin reaches to the Canadian border on the north, the Pacific Ocean to the west, and Mt. Rainier to the east. The enormous ecological wealth of Puget Sound—including the iconic orca whale and seven species of salmon—is matched by its economic significance to our region.

Puget Sound is our state's economic engine: an aquatic superhighway moving wheat and apples out to the Pacific Rim, leading the nation in the production of farmed shellfish, and leading the maritime industry with the third largest cargo volume in the U.S. The basin is home to Seattle, a metropolis with more than 4 million residents and home to companies such as Amazon, Microsoft, REI, and Starbucks. And, culturally, this region is hallowed ground to 17 Treaty Tribes, each of which has reserved rights to many of the natural resources of the region.

The National Estuary Program, which resides in the EPA budget, funds 28 restoration efforts like ours across the nation. It allows us the flexibility to use non-regulatory approaches to customize recovery actions that meet local needs. By doing so, we are able to significantly leverage federal investments witb state, local, tribal, and non-governmental funding. At this time, NEP programs have a leverage rate of 15:1. I want to stress that point. For every federal dollar invested through the NEP program, the associated estuary entities raise an additional $15 from other sources.

This foundational program allows leveraging of human capital as well. We at the Puget Sound Partnership work with, and help mobilize, more than 750 partners in our region. These local programs have real impact on the ground and real people who care about them. We also collaborate with staff at our EPA regional office to enhance these community-based relationships, which are needed to achieve our collective mission. We would like to especially thank Dennis McLerran and his Region 10 staff for their dedication to making all this successful.

This success is evidenced by our ability to deliver real results. Through the work of our partners and the deployment of these funds in Puget Sound, we have achieved the following:

- Since 2007, more than 25,700 acres of habitat have been protected and 70 miles of streams and rivers have been restored.
- In a single year (2010), 565 restoration projects were advanced, resulting directly or indirectly in more than 7,000 jobs.
- Since January of 2012, there has been a net improvement to more than 1,800 commercial shellfish harvesting acres.

Despite the great job our region is doing getting projects done on the ground, the reality is that the rate of damage to Puget Sound is still exceeding the rate of recovery.

This is because we are handling multiple challenges—like legacy pollution and tremendous regional population growth, as well as antiquated infrastructure (such as stormwater and transportation systems) that must be re-imagined and replaced over time.

Additionally, we face emergent issues.

- Ocean acidification appears to be negatively impacting our shellfish industry. We are seeing an alarming spread of the so-called "star-fish wasting disease," which causes starfish limbs to melt away as they slowly die.
- Our juvenile steelhead trout are experiencing a 98-percent mortality rate leaving south Puget Sound.
- We have orcas that are starving for lack of fish to eat. Then, as they start to digest their own blubber because food supplies are low, they are poisoned by the bio-toxins accumulated in their blubber.

These are sobering realities.

So, again, the fact is that the rate of damage to Puget Sound is exceeding the rate of recovery. We have to change the direction of that equation so that we are not just managing decline, but are stabilizing and turning around the system. We need to accelerate the recovery rate so communities can enjoy healthy natural systems that support thriving economies.

To this end, we ask for your continued support for the authorization and appropriation of the National Estuary Program funds. Additionally, over time, we in the Puget Sound will seek your support to increase the Geographic Funds portion of the NEP so that this funding is commensurate with the new and increasing challenges Puget Sound faces as a body of water with national significance.

Mr. Chairman, I thank you for the opportunity to testify today.

Mr. CALVERT. Thank you for your testimony.

By the way, while you were testifying, a ghost just arrived into the committee room, who I apologize to, Norm.

Mr. DICKS. I just wanted to make sure, Mr. Chairman, you knew I was still alive.

Mr. CALVERT. I know. I meant it in a very affectionate way.

Our next testimony is from Sharon Megdal, President of the National Institutes for Water Resources.

WEDNESDAY, MARCH 18, 2015.

NATIONAL INSTITUTES FOR WATER RESOURCES

WITNESS

SHARON B. MEGDAL

Ms. MEGDAL. Thank you.

Chairman Calvert, Ranking Member McCollum, and distinguished members of the subcommittee, good afternoon. I am Sharon Megdal. I am director of the University of Arizona Water Resources Research Center, and I thank you for this opportunity to testify on behalf of the National Institutes for Water Resources, for which I serve as president.

I appear before you to support the Water Resources Research Act Program which was enacted in 1964 and is funded through the US Geological Survey budget.

Thank you for this committee's strong continuing support for this program. The Act establishes water resources research institutes and academic institutions in each state, as well as for Washington DC and US Territories, and fulfills three main objectives: Develops, through research, new technology and more efficient methods for resolving local, state, and national water resources challenges; trains water scientists and engineers through on-the-job participation in research and projects; and facilitates water research coordination and the application of research results through the dissemination of information and through technology transfers.

Working in partnership with the water industry, government, universities and the general public, the Institutes have indeed fulfilled these objectives. There are two grant components of the program. Funding for the 104(b) Base Grant Program is divided equally among the Institutes who further the Act's objectives through a competitive grants process and information transfer programs. Each institute matches a minimum of two non-federal dollars for each federal received.

The second component is the USGS 104(g) National Competitive Grants Program. In 2014 this program received 68 applications for research dollars which underwent rigorous peer review from a national panel. Four projects were funded.

I would like to provide just a few examples in these oral remarks of how the Institutes work on identifying water resources problems, developing solutions to these problems, and engaging with the public regarding the solutions. There are more examples in my written testimony, and in fact, one of the prior speakers spoke to the Min-

nesota Water Resources Center which is a member of our national association.

My institute, the University of Arizona Water Resources Research Center, is an extension and research unit in the College of Agriculture and Life Sciences. Water Resources Research Act funding has supported considerable work on the quantity and quality of groundwater which is a critical water resource for Arizona and the Nation. A 2014 project investigates groundwater governance. The base grant funding which was highly leveraged supported case study research by a graduate student who also helped prepare the journal article, "Groundwater Governance in the United States: Common Priorities and Challenges."

Base grant funding remains critical to our information transfer activities which focus on making water resources science and information accessible to stakeholders in Arizona, nationally, and beyond.

The California Water Center is working with fruit and wine growers to help maximize crop yields with a minimum amount of irrigation. As this subcommittee knows, competition for water resources in California and elsewhere is increasing between urban and agricultural entities. More accurate information on the water requirements of important crops contributes to informed irrigation management decisions. The research funded by the Institutes' program investigates the drought responses, water footprint, and wine quality through the imposition of water deficits to increase understanding of water use and fruit quality for specific cultivars, therefore allowing growers to apply a minimum amount of irrigation water to sustain profitable production levels.

The West Virginia Water Research Institute has focused a few years on the Mon River and its major tributaries and has, through stakeholder engagement and their research, developed a voluntary, science-based, non-regulatory watershed program to address the sulfate problem in that region.

For five decades the Institutes, in strong partnership with USGS, have provided significant research results and services to our Nation and proven successful at bringing new water professionals into the work force. The National Institutes for Water Resources respectfully recommends the subcommittee provide $8,800,000 to the USGS for the Water Resources Research Institute's program for fiscal year 2016.

In summary, we respectfully submit that even in times of fiscal challenges, investing in programs on the reliability and quality of water supplies is critically important to the health, safety, quality of life, and economic vitality of our Nation's communities.

Thank you very much.

[The statement of Sharon Megdal follows:]

Testimony of Dr. Sharon Megdal
Director, University of Arizona Water Resources Research Center
On behalf of the National Institutes for Water Resources to the
Committee on Appropriations, Subcommittee on Interior, Environment and Related Agencies, March 18, 2015

Chairman Calvert and Ranking Member McCollum:

Good afternoon. I am Sharon Megdal, Director of the University of Arizona Water Resources Research Center. Thank you for this opportunity to testify on behalf of National Institutes for Water Resources (NIWR), in support of the Water Resources Research Act program, a program funded as part of the U.S. Geological Survey's budget. I specifically want to thank you for this Subcommittee's strong continuing support for the Water Resources Research Act.

The Water Resources Research Act, enacted in 1964, is designed to expand and provide more effective coordination of the Nation's water research. The Act establishes water resources research institutes (Institutes) at lead institutions in each state, as well as for Washington D.C., Guam, Puerto Rico, the Virgin Islands, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands and American Samoa.

Congress created the Institutes to fulfill three main objectives:

- Develop, through research, new technology and more efficient methods for resolving local, state and national water resources challenges;
- Train water scientists and engineers through on-the-job participation in research; and
- Facilitate water research coordination and the application of research results through the dissemination of information and technology transfers.

Since 1964, the Water Resources Research Institutes have fulfilled these three objectives in partnership with the U.S. Geological Survey. The Institutes, managed by a director in each state, promote water-related research, education, and technology transfer at the national, state, and local level through grants and sponsored projects. The program is the only federally-mandated research network that focuses on applied water resource research, education, training, and outreach.

The Water Resources Research Institutes program is a state-based network dedicated to solving problems of water quantity (supply) and quality in partnership with universities, local governments, the water industry, and the general public. Each state contributes a minimum of a

2:1 match, thus ensuring that local and regional priorities are addressed and the impact of federal dollars is maximized. The Institutes are a direct, vital link between federal water interests and needs and the expertise located within the states' research universities.

The Water Resources Research Institutes program also provides a mechanism for ensuring state, regional and national coordination of water resources research, future water professionals' education, and the proper utilization of results and outcomes. In fact, the Institutes collaborated with 150 state agencies, 180 federal agencies, and more than 165 local and municipal offices.

There are two grant components of the USGS Water Resources Research Institutes program. The first component is the base grant program, which is divided equally among the Institutes. Institutes use these funds to leverage research and/or student training through a state-wide competitive grants process. NIWR requests the Subcommittee provide continued funding for the base grant program, which supports research focused on water supply and quality, technology transfer, education, and outreach to the water-user community by the Institutes. The base program provides seed grants, which are used to develop future research proposals and secure additional external funds.

The second grant component is a national competitive grants program, supporting research on water resources problems that are regional or national in nature. In 2014 this program received 68 applications, which underwent rigorous peer review from a national panel. The national review panel selected a total of 4 grants. The agency awarded grants for research addressing water supply and quality issues facing our Nation to Purdue University, the University of Iowa, the University of Maryland, and the University of Nebraska.

The Institutes specialize in identifying problems within their states, developing solutions to those problems, and engaging with the public to implement those solutions. One of the program's greatest strengths is that the research funded by each Institute is tailored to that state's needs, based on priorities set through consultation with an advisory panel. While these projects usually focus on state needs, they also address water issues relevant to our Nation. The following are several examples of research conducted by Institutes across the country.

My Institute, the **University of Arizona Water Resources Research Center (WRRC)**, is an Extension and research unit in the College of Agriculture and Life Sciences. Groundwater has been and continues to be a critical water resource for Arizona and the Nation. Over the years, Water Resources Research Act (WRRA) funding has supported considerable work on groundwater quantity and quality. Projects have looked at specific contaminants to determine their potential distribution and impacts, to then develop innovative and affordable methods of remediation.

- A 2013 project continued development and testing of a novel approach that uses multiple models to quantify uncertainty in future hydrologic conditions, along with economic cost models to quantify the risk associated with water resource scarcity.
- A 2014 project investigates groundwater governance practices in order to examine how they contribute to improved groundwater management. For this project, WRRA funding, which was highly leveraged by considerable state funding, supported case study research

by a graduate student, who also helped prepare the journal article, "Groundwater Governance in the United States: Common Priorities and Challenges".

- In addition, WRRA funding is critical to the University of Arizona Water Resources Research Center's highly regarded information transfer activities, which focus on making water resources science and information accessible to stakeholders in Arizona, nationally, and beyond.

The **California Water Center** is working with fruit and wine growers to help maximize crop yields with a minimum amount of irrigation. As this Subcommittee knows, competition for water resources in California is increasing between urban and agricultural entities, necessitating the need for more accurate information on the water requirements of important crops. Knowledge of a crop's water footprint allows for informed irrigation management decisions. The research funded by WRRA investigates the drought responses, water footprint, and wine quality through the imposition of water deficits to increase understanding of water use and fruit quality for specific cultivars, therefore allowing growers to apply a minimum amount of irrigation water to sustain profitable production levels.

The **Minnesota Water Resources Center** has funded a number of research projects that address important, nationally-relevant water resources issues with USGS/WRRA funding over the last 4 years. This funding has been highly leveraged with University funds and the Minnesota Environmental Trust Fund. Researchers have addressed critical issues, including determining the biogeochemical variables that can be used to predict how much arsenic will get into groundwater used for drinking water, and determining the degree of antibiotic resistance in wastewater treatment plant effluent.

Researchers with the **Idaho Water Resources Research Institute** have collaborated with Idaho Department of Water Resources scientists to develop technology for assessing crop-water usage over large areas using satellite based remote-sensing information. This technology is now used routinely within the Idaho Department of Water Resources for investigating and resolving water rights conflicts, for aquifer depletion modeling and for stream flow management. This technology is also being adopted by 10 western states and parts of Africa, Europe and Australia.

In **Oklahoma**, WRRA support led to funding of a research team at Oklahoma State University looking into challenges faced by communities that draw water resources from Lake Altus-Lugert. As of October 1, 2014, Lake Altus-Lugert, the primary water supply for southwest Oklahoma, was only 10% full and recovering from a golden algae bloom that killed all fish in the lake. The lake also has not contained enough water to produce an irrigated cotton crop since 2010. The OSU team is investigating the relative importance of various contributing factors to help local officials better manage this regionally-significant watershed.

Researchers at the **Utah Center for Water Resources Research** have developed a computer code that automates the acquisition and use of Landsat satellite imagery to produce a spatially detailed record of actual evapotranspiration from irrigated croplands. The system is currently operational for approximately 50,000 acres of agricultural land in the lower Sevier River Basin in south-central Utah, and state officials are looking to expand the technology for use state-wide.

Researchers at the **Nevada Water Resources Research Institute** are researching issues associated with water reuse--a water supply strategy of particular importance to water-scarce regions. Work includes identifying contaminants, evaluating existing and emerging treatment technologies, assessing potential public health and environmental health impacts, and outreach to the public.

The **West Virginia Water Research Institute** has focused over the last few years on the Mon River and its major tributaries. The Institute helped develop a novel approach that combined water science with stakeholder collaboration to restore the river in less time than a traditional regulatory process might have taken. Researchers were able to gather the data, diagnose the problem and recommend a treatment strategy for the Mon that produced results. Grants from the Colcom Foundation and the U.S. Geological Survey aided the Institute's endeavors, creating a voluntary, science-based, non-regulatory, watershed-wide program to address the sulfate problem.

Lake Auburn is the drinking water source for both Lewiston and Auburn, Maine. Recent algal blooms have caused numerous problems in the lake, including consumer taste and odor complaints. Engineering new water treatment systems will cost the water utilities millions of dollars. The work being funded through the **Maine Water Resources Research Institute** will help lake managers and drinking water providers control the algae and avoid extra costs while helping keep the water safe to drink.

In New York State, Long Island sources all potable water from coastal aquifers confined by the Atlantic Ocean and Long Island Sound. Due to their limited recharge areas, these coastal aquifers are highly susceptible to changing precipitation, evapotranspiration, and sea level rise. The **New York State Water Resources Institute** supported a study undertaken by a Lehman College researcher that modeled these three threats on the aquifer yields. Proactive management of groundwater is essential to protect the source water for more than 7 million Long Island residents.

For five decades the Institutes, in partnership with USGS, have provided significant research results and services to our Nation and proven successful at bringing new water professionals into the work force. The National Institutes for Water Resources **recommends the Subcommittee provide $8,800,000 to the USGS for the Water Resources Research Institute program for FY 2016.** We respectfully submit that, even in times of fiscal challenges, investing in programs at USGS focused on data collection and the reliability and quality of water supplies is critically important to the health, safety, quality of life, and economic vitality of communities across the Nation.

Thank you, on behalf of all the Institute directors, for the opportunity to testify and for the Subcommittee's strong support of the Water Resources Research Institutes program.

Mr. CALVERT. Thank you. Thank you for your testimony.
Next, Dr. Gropp with the USGS Coalition.

WEDNESDAY, MARCH 18, 2015.

USGS COALITION

WITNESS

DR. ROBERT GROPP

Mr. GROPP. Thank you, Mr. Chairman, members of the committee. I appreciate the opportunity to appear before you today to talk about the USGS.

As you mentioned, I am chair of the USGS Coalition. I am also the Interim Executive Director for the American Institute of Biological Sciences. I am here today as Chair of the Coalition which is an alliance of 70 organizations representing the breadth of USGS science and information programs that is united by a common and shared commitment for the continued vitality of USGS scientific endeavor.

We were very pleased to see the administration's request for the USGS for fiscal year 2016. We strongly support the request of $1.2 billion, and encourage you to continue your longstanding trend of working as aggressively as you can in a bipartisan fashion to fund the USGS. We know how hard you have worked in the past to do that. We appreciate that support.

I don't want to go through every aspect of my prepared statement but just hit on a couple of high points and then hopefully give you a little bit of time back. I will do my best.

One of the things that we really want to stress and having listened to prior speakers, one of the key and important things with the USGS that I want to reiterate is that it is the Department of Interior's core science agency. It has no regulatory function. It provides science not only to support the decision making at USGS but among other government agencies and for other parts of the Federal Government, state, local, and private decision-makers. So in that capacity it is very unique.

It is also a very unique agency in that it has really the only blend of scientific disciplines that we have in the government that sort of span from biology to water to mapping to geoscience, mineralogy, the whole spectrum. And what is really important as we grapple with complex problems like restoration of Puget Sound or any other area is that these are incredibly complex dynamics anymore, and they require truly interdisciplinary and transdisciplinary perspectives on things. And that is one of the really unique and important aspects of the USGS is its capacity to bring together truly diverse perspectives from across the scientific enterprise, to bring biologists and water scientists and geologists together to explore ways to maybe minimize the risk of landslides or the way to remediate landslides or how to ensure, you know, invasive species aren't disrupting water supplies or damaging water quality, all those sorts of things that are truly unique at the USGS.

And so for those kinds of reasons, it has really become an internationally recognized leading earth and natural science agency,

and again, one of the things that we have a little concern with is I think over the course of the last few years as the government, particularly from an external side looking at USGS, we feel like they have done a lot of hard work at trying to contain spending and be strategic with their investments and manage to the best ability they can to operate with constrained finances. And the concern that we have had, and we know the committee has supported this in the past in terms of trying to help the agency kind of move forward and we would ask for that again, is it is increasingly important that the scientific workforce that USGS have the opportunity to travel to meetings, engage with colleagues, do those sorts of things that enable them to remain at the frontiers of science and to really advance their research. And so that is something that we hope can continue to be supported as we move forward.

One of the other things though that we are starting to hear more concern about, and I think this goes across against the agency as a whole, we heard about sort of civic infrastructure, and I mentioned the concept of scientific infrastructure and particularly as that relates at USGS. So whether it is scientific collections of biological species or minerals or water or what have you and the data that is associated with those, those are incredibly important, and they feed into big data. They feed into earth data systems and bioinformatics and all these other sorts of things that are really required to develop next-generation decisions, supportive tools, and to inform emergency responders or natural resource managers.

They are also things that are often not seen, and so they become harder to keep track of and to support. Just recently I ran across a paper by a former USGS employee that was expressing concern about scientific collections specifically at the USGS. I think that would be something that we would hope that the committee might be able to work with the agency on in terms of making sure that there is proper human and financial resources being brought to bear, to maintain that, because once that data or those specimens are lost, they are gone. And if we can't access them, that is just as bad.

With that, I would just thank you again for your prior support and look forward to working with you in any way we can.

[The statement of Robert Gropp follows:]

USGS Coaltion

Testimony of the USGS Coalition
Dr. Robert Gropp, Chairman

Regarding the U.S. Geological Survey FY 2015 Budget

To the
House Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies

March 13, 2015

Summary

The USGS Coalition appreciates the opportunity to provide testimony about the fiscal year (FY) 2016 budget for the United States Geological Survey (USGS). The USGS Coalition supports the Administration's budget request of $1.2 billion for the USGS. The requested funding would allow the agency to sustain current efforts and make strategic investments that will produce the knowledge and decision-support tools needed decision-makers across the country.

The USGS is uniquely positioned to provide information and inform responses to many of the nation's greatest challenges. Few modern problems can be addressed by a single scientific discipline. The USGS is an agency that has a unique capacity to deploy truly interdisciplinary teams of experts to gather data, conduct research, and develop integrated decision support tools that improve ecosystem management, ensure accurate assessments of our water quality and quantity, reduce risks from natural and human-induced hazards, deliver timely assessments of mineral and energy resources, and provide emergency responders with accurate geospatial data and maps.

The USGS Coalition is an alliance of over 70 organizations united by a commitment to the continued vitality of the United States Geological Survey to provide critical data and services. The Coalition supports increased federal investment in USGS programs that underpin responsible natural resource stewardship, improve resilience to natural and human-induced hazards, and contribute to the long-term health, security, and prosperity of the nation.

Essential Services for the Nation

Established by Congress as a branch of the Department of the Interior in 1879, the United States Geological Survey has a national mission that extends beyond the boundaries of the nation's public lands to positively impact the lives of all Americans. The agency plays a crucial role in protecting the public from natural hazards, assessing water quality and quantity, providing geospatial data, and conducting the science necessary to manage our

nation's biological, mineral, and energy resources. Through its offices across the country, the USGS works with partners to provide high-quality research and data to policymakers, emergency responders, natural resource managers, civil and environmental engineers, educators, and the public. A few examples of the USGS' valuable work are provided below. The Survey collects scientific information on water availability and quality to inform the public and decision makers about the status of freshwater resources and how they are changing over time. During the past 130 years, the USGS has collected streamflow data at over 21,000 sites, water-level data at over 1,000,000 wells, and chemical data at over 338,000 surface-water and groundwater sites. This information is needed to effectively manage freshwaters – both above and below the land surface – for domestic, public, agricultural, commercial, industrial, recreational, and ecological purposes.

The USGS plays an important role in reducing risks from floods, wildfires, earthquakes, tsunamis, volcanic eruptions, landslides, and other natural hazards that jeopardize human lives and cost billions of dollars in damages every year. Seismic networks and hazard analysis are used to formulate earthquake probabilities and to establish building codes. USGS monitors volcanoes and provides warnings about impending eruptions that are used by aviation officials to prevent planes from flying into volcanic ash clouds. Data from the USGS network of stream gages enable the National Weather Service to issue flood and drought warnings. The bureau and its federal partners monitor seasonal wildfires and provide maps of current fire locations and the potential spread of fires. USGS research on ecosystem structure informs fire risk forecasts.

USGS assessments of mineral and energy resources – including rare earth elements, coal, oil, unconventional natural gas, and geothermal – are essential for making decisions about the nation's future. The Survey identifies the location and quantity of domestic mineral and energy resources, and assesses the economic and environmental effects of resource extraction and use. The agency is mapping domestic supplies of rare earth elements necessary for widespread deployment of new energy technologies, which can reduce dependence on foreign oil. The USGS is the sole federal source of information on mineral potential, production, and consumption.

USGS science plays a critical role in informing sound management of natural resources on federal and state lands. The USGS conducts research and monitoring of fish, wildlife, and vegetation – data that informs management decisions by other Interior bureaus regarding protected species and land use. Ecosystems science is also used to control invasive species and wildlife diseases that can cause billions of dollars in economic losses. The Survey provides information for resource managers as they develop adaptive management strategies for restoration and long-term use of the nation's natural resources in the face of environmental change.

Research conducted by the USGS is vital to predicting the impacts of land use and climate change on water resources, wildfires, and ecosystems. The Landsat satellites have collected the largest archive of remotely sensed land data in the world, allowing for access to current and historical images that are used to assess the impact of natural disasters and monitor global agriculture production. The USGS also assesses the nation's potential for carbon

sequestration. Other Interior bureaus use USGS research on how climate variability affects fish, wildlife, and ecological processes to inform natural resource management decisions.
Funding

Over the years, Congress has worked in a bipartisan fashion to provide essential funding to the USGS. These efforts have paid dividends and helped the USGS provide answers to the challenging questions facing decision-makers across the country.

Through careful management and deferring staff travel and training, the USGS has survived the recent budget cuts resulting from sequestration. Staff training and participation in scientific meetings, however, are necessary investments that help USGS maintain its technical capacity. It is through exchanges at scientific meetings and workshops that new ideas emerge and scientific analyses are shared, challenged by colleagues, and honed prior to submitting research for publication in peer-reviewed journals. We encourage Congress to work with the USGS to ensure that scientists are able to fully participate in scientific meetings.

As a science agency, much of the USGS budget is dedicated to salaries and equipment that must be maintained and updated to ensure the continuity of data acquisition and that the data gathered are reliable and available for future scientific investigations. We believe that the leadership of the USGS is doing all it can, and has been for a number of years, to contain costs while continuing to deliver high quality science. The budget request for FY 2015 includes cuts to scientific support, which includes information technology and administration and management functions. Although efficiencies can often be found through innovation in these areas, we encourage Congress to ensure that these cuts do not hinder the provision of services and support that agency personnel require to complete research, gather data, and provide the information needed by the public for informed decision-making.

Conclusion

We recognize the financial challenges facing the nation, but losing irreplaceable data can increase costs to society today and in the future. Data not collected and analyzed today is data lost forever. This is particularly significant for environmental monitoring systems, where the loss of a year's data can limit the scope and reliability of long-term dataset analysis. The USGS Coalition requests that Congress work to provide $1.2 billion to the USGS in FY 2016.

The USGS Coalition appreciates the subcommittee's past leadership in strengthening the United States Geological Survey. Thank you for your thoughtful consideration of this request.

Mr. CALVERT. Thank you. Thank you very much for your testimony.

Mr. Fritts, you know, back in California we don't refer to wastewater. We take that out of our vocabulary.

Mr. FRITTS. Yeah.

Mr. CALVERT. As a matter of fact, the largest reclamation project in the United States is in Orange County, California, where we take what was wastewater and we reclaim that water and reinject it and over time, it is repumped up and used.

Mr. FRITTS. Exactly. That is very important.

Mr. CALVERT. We call it a larger recirculation system. We take water from Idaho and use it several times. And Ms. Sahandy, you have got not only a great advocate here at the table, Mr. Kilmer, for Puget Sound, but obviously we hear from Mr. Dicks right about this time of year. He is staring at us now making sure that we don't forget his favorite part of the country. So I am sure we won't.

With that, Sharon, wine is a big deal in California. A number of us—well, I won't get into that, but you are doing good work.

Ms. MEGDAL. California——

Mr. CALVERT. Yeah, that is it. That is one big industry in California.

And USGS, you know, those stream monitors and what you are doing on water is very important. We have a real problem in the west on water right now. So your science has been utilized in a number of ways, and we appreciate what you have been doing. Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair. I learned a lot about onsite, and I think we need to do a lot about East Coast, West Coast, and the Great Lakes. We need to protect our coastal areas and our largest supply of fresh water, and we will be judged for generations as to how we stood up to those. I just want to thank you for giving the University of Minnesota a shout-out.

I went to the USGS, and it is just amazing all the work that is going on in there. When there was a big problem with White Bear Lake losing water, it was a calm, cool, scientific-based group that kind of came in and found out what was going on, laid out the options, and then walked away and said, okay. You have all the data, you have all the facts, and you figure it out because we don't do the regulatory. I think there are things like that that are happening every single day that the USGS is involved in, and we don't know about it and they are not getting the credit for it. So thank you for being here and speaking up for them.

Thank you, Mr. Chair.

Mr. CALVERT. Mr. Simpson.

Mr. SIMPSON. No, Mr. Chairman. I am still trying to wrap my mind around toilets of death.

Mr. CALVERT. Well, I will just kind of move on. Mr. Kilmer.

Mr. KILMER. Thanks, Mr. Chairman. I actually just want to thank Sheida for coming and thank my predecessor for their hard work on behalf of Puget Sound. It is really important from a species standpoint, a commerce standpoint, and the families like mine who want to see our kids be able to enjoy that icon. But the Sound is also really sick, and you laid that out, I thought, very well. I am hopeful through great advocacy like yours, we will be able to do

right by this effort. We have got a group called the Puget Sound Recovery Caucus that is also working on this issue and we certainly appreciate you being here.

Mr. CALVERT. Well, we certainly thank this panel for coming, and we appreciate your attendance. And you are excused, and we are going to call up the next panel.

Mr. Reid Haughey with the Wilderness Land Trust. If you will sit over here on the right, Reid, that would be great. Next will be Gary Werner, the Executive Director of the Partnership for the National Trail System; Mr. Tom Cors, Director of the Conservation Finance, US Government Relations, the Nature Conservancy; and Mr. Ed Shepard, President of the Public Lands Foundation.

All of you, welcome. You probably heard earlier my admonition about the 5-minute rule. So green means talk, yellow means finish up, and red means we are done. So I appreciate your coming here.

So with that, Reid, you are recognized for 5 minutes.

WEDNESDAY, MARCH 18, 2015.

WILDERNESS LAND TRUST

WITNESS

REID HAUGHEY

Mr. HAUGHEY. Thank you very much, Chairman Calvert, Mr. Kilmer, Mr. Simpson. It is a pleasure to speak with you today. My name is Reid Haughey. I am the President of the Wilderness Land Trust. We are a small non-profit that works around the country to facility the acquisition of private lands that exist within designated and proposed wilderness areas from willing sellers to the Federal Government. We have been doing this for about 23 years, and we are not here today to ask you for more or to put more burden on the Federal Government but are hoping that you will take the opportunity to create a situation where the Federal Government will have to do less.

The committee has shown steadfast support over many years for the Inholding Accounts within the Land and Water Conservation Fund, and we are hoping that you all will continue to show support for those accounts. A modest appropriation of between $3 and $5 million per agency in those accounts goes a long way towards creating efficiencies and completing wilderness areas. We ask you to continue to do that because such corporations save the Federal Government money, solves management issues, helps private landowners who oftentimes feel trapped within these wilderness areas, and creates access and economic development opportunities.

So you might ask why worry? 2014 was the 50th anniversary of the Wilderness Act, and in honor of that we did an inventory of all of the private lands within the National Wilderness Preservation System. As it turns out, there are 175,863 acres of private lands within designated wilderness in the lower 48. That is a fairly big number, but it is a significant improvement of the over 400,000 acres that were in the system when we started our work a number of years ago.

So this small and this modest and continual funding has been very helpful in reducing that issue and helping those landowners out. But how does it save the Federal Government money? One example is fire. The Western Forestry Leadership Coalition published a study in 2009 on the costs of fighting wildfires in the West. What it found was that wildfires that were fought where there were private lands present within the federal estate were exponentially more expensive than those that were where those private lands didn't exist. It ranged from the least expensive fire was $411 per acre. There were only six private parcels within that fire, to one that was up over $22,000 an acre where there was 600 private parcels within that fire.

We have been on both sides of this issue in that the Wilderness Land Trust at one time owned the parcel within the Yolla Bolly Wilderness in California that, while it was still privately owned by us and not at our request, it was caught in the North Pass fire, and firefighting efforts occurred. Significant amounts of money, time, and risk were put into saving the structures that were on that property, unsuccessfully, but the effort was made nonetheless.

On the other hand, a property that we owned and transferred to federal ownership in the Hell's Canyon Wilderness in Idaho, one week before it burned, no one cared. There was no firefighting effort made on that property. It was done out on the wildland-urban interface, where it should be, and the costs were significantly less.

So another project that we are currently working on is in the Castle Crags Wilderness in California which is only about 2 miles off of Interstate 5, but it is about a 7- or 8-mile hike to get there because intervening between the wilderness and the interstate are two sections of private land. We have acquired them from Roseburg Lumber when it went through an intergenerational change and wanted to reassess where its assets were. We stepped in to acquire that and are now in the process of transferring that to federal ownership to create access to some world-class climbing that is in the Castle Crags, very much like Yosemite, as well as all the recreational benefits that could be there.

The community of Dunsmuir is very excited because they see it as an economic development opportunity to have access to that resource next to their hard-hit community from high unemployment rate. So we ask that you continue to support us. The committee has steadfastly supported in the past, these modest appropriations on an annual basis into the Inholding Accounts of the Land and Water Conservation Fund. And with that, I will answer any questions you might have. Thank you.

[The statement of Reid Haughey follows:]

Testimony of:
Mr. Reid Haughey, President
The Wilderness Land Trust

House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
March 18, 2015

Chairman Calvert, Ranking Member McCollum and Members of the Subcommittee, my name is Reid Haughey and I am the President of the Wilderness Land Trust. Thank you for the opportunity to testify. My testimony focuses on a very small portion of the Land and Water Conservation Fund (LWCF) – funding for the Inholding Acquisition Accounts for the four land management agencies. Continued modest funding of the Inholding Accounts is vital to the success of securing and preserving wilderness already designated by Congress, while treating private landowners within these areas fairly.

The Trust is a small not-for-profit organization focused on protecting designated wilderness. To do this, we work in partnership with landowners who own private property within designated and proposed wilderness areas and the agencies that manage these areas. We acquire properties from willing sellers with the intent to transfer ownership to the United States.

Last year marked the 50th Anniversary of the Wilderness Act of 1964 that established our National Wilderness Preservation System. As part of our celebration of the 50th anniversary, the Trust commissioned a national inventory of private lands within wilderness. The results are startling. The report determined that within the lower 48 states, 175,863 acres of private lands still remain in 2,883 parcels. There are also 440,000 acres of state owned lands.

When the Trust started work 23 years ago, we estimated there were 400,000 acres of private land within designated wilderness in the lower 48 states. It has taken steady work to reduce that by more than half. Large appropriations for the Inholding Accounts did not accomplish this success - just reliable, modest funding so that lands can be purchased when landowners want to sell. This is the level of funding we are hoping to continue.

I am before you today to thank you for funding the Inholdings Accounts in Fiscal Year 2015 and to ask for that support once again. An appropriation of between $3 and 5 million to each of the land management agencies, the Forest Service, the Bureau of Land Management, the Fish and Wildlife Service and the National Park Service, is sufficient to enable the agencies to acquire high priority inholdings from willing sellers.

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Our work, along with that of many other organizations and facilitated by funding of the Inholding Accounts, aims to give the Federal government less work. Eliminating private inholdings within designated wilderness:

- Saves Federal dollars
- Solves management and resource problems
- Helps private landowners, and
- Increases recreational access and economic development

Saving Federal dollars

The management of human development activities in wilderness is expensive for the agencies. The potential resource damage to the protected lands and waters is enormous. While steady progress has been made reducing private inholdings in wilderness areas in the lower 48 states, our wilderness areas remain riddled with private inholdings that greatly threaten the wilderness that surrounds them and creates a "Swiss cheese" effect. While The Wilderness Act defines Wilderness as places where "where man himself is a visitor who does not remain," private landowners retain their rights to build roads, homes and other buildings, extend utilities, extract minerals and timber, and block public access. There are numerous cases where such inholdings have been developed in ways that seriously degrade wilderness values on the adjacent public lands. All of theses activities pose challenges for Federal managers of the lands surrounding private inholdings and create significant and costly management inefficiencies. By contrast, the cost of acquiring these properties when they are offered for sale is relatively small. That is why it is so important to continue the modest appropriations needed for the inholding acquisition program.

For example, the Trust acquired a property in the Hells Canyon Wilderness in Arizona several years ago that ended 38 years of on and off litigation over access. This saved the agency a lot of ongoing costs. It made the landowner happy and completed the wilderness that surrounded it.

Further, as you are well aware, the costs associated with firefighting on public lands are enormous. The Wilderness Land Trust may be the only landowner within designated wilderness that can say it has experienced both sides of reducing firefighting costs. A property we owned in the heart of California's Yolla Bolly Wilderness burned while we owned it. Significant resources were spent to protect the structures on it, risking life and limb, as well as money.

On the other hand, the Trust's Hells Canyon Wilderness property in Idaho burned one week after it was transferred to Federal ownership. No one cared; no one came out to protect it. It burned as part of the natural process of wilderness and firefighting efforts rightly concentrated at the edges of the wildland-urban interface.

Specific data on firefighting expenses are difficult to get. The Western Forestry Leadership Coalition, a State and Federal government partnership whose members include 23 State

and Pacific Island Foresters, 7 Western Regional Foresters, 3 Western Research Station Directors, The Forest Products Lab Director of the USDA Forest Service, published a report: *The True Cost of Wildfire in the Western US* in April 2009. Among the case studies reviewed, the lowest total cost per acre firefighting expense was the Canyon Fire Complex in Montana (2000). The total cost was $411 per acre. There were only six structures involved. The highest cost per acre was the 2000 Cerro Grande fire in New Mexico. It cost $22,634 per acre. There were 260 residences involved. This is strong evidence that the presence of private lands and structures within public landscapes exponentially increases the cost of firefighting.

Not all the costs of managing these isolated parcels fall on the Federal Government. As the manager of Pitkin County, Colorado I learned firsthand that the expenses of providing services to these isolated properties far exceed the tax revenues received and do not come close to offsetting the cost of providing fire protection, emergency services, road, school buses and general government services to these isolated and far-flung properties. It costs more to serve these isolated single properties than the tax revenue they generate.

Solves management and resource problems

The Inholding Accounts have been used to acquire mines from private owners, private retreats, and various properties that include the spectrum of non–wilderness uses. We are currently readying for transfer to Federal ownership a former mine in the Frank Church River of No Return Wilderness. We've closed the former un-reclaimed mine on the banks of the Wild and Scenic Salmon River. The transfer will remove a private home and no trespassing signs on one of the few flat spots on that stretch of river. It will be returned to the public, who can enjoy being able to stop there and learn about past mining days, camp or fish from land on which the abandoned and open mine is now reclaimed and closed – no longer a threat to the public, or to the Wild and Scenic River from its open shafts deep into the alluvium of the river.

Recent purchases funded from the Inholding Accounts have secured access to the east side of the Ventana Wilderness in California, secured trails through the Wabayuma Peak Wilderness in Arizona and the Glacier Peak Wilderness in Washington and created access to a recently designated wilderness in Idaho. More are on the way.

Helps private landowners

Landowners who are ready to sell deserve to have their properties purchased. Their isolated properties are primarily the result of 19th century Congressional policy when homesteads, mining operations and timber production were encouraged without the balance of conservation. As a result, wilderness areas now dedicated by Congress are pockmarked with islands of private ownership that compromise the wilderness resource, become expensive management issues for the agencies and often befuddle landowners who wish to sell these properties for the benefit of their companies or families.

This is why consistent funding for the Inholding Accounts is vital. We have learned that these lands become available about once a generation. It has been our experience that these critical inholdings come on the market at a steady rate as owners make decisions

based on their family or business needs. About 3 to 5 percent come on the market every year – once a generation. If the opportunity to meet the seller's need is missed, it averages another 20 years before the opportunity comes again.

If the opportunity to acquire these when offered is lost, the management issues and inefficiencies that result from private lands remaining within designated wilderness continue. Without consistent funding, numerous opportunities to acquire these private parcels will be lost. Not for a year, but often for at least another generation.

Increases recreational access and economic development

On the east side of the Castle Crags Wilderness in California is a wall of private land that blocks access from Interstate 5. The nearby community of Dunsmuir is wholly supportive of transferring these lands to Federal ownership and opening up the Crags to visitation. Dunsmuir anticipates visitors that will come to the community and its climbing, biking and skiing shops it is hoped will grow to replace the loss of logging jobs. Dunsmuir has been suffering under an unemployment rate of 18% and looks forward to having the recreational asset of the Crags' world class climbing only one mile off Interstate 5 and just outside their community – rather than a 7-mile hike around the private lands that now block access.

Finally, it is also important to recognize that wilderness inholdings come in many shapes, sizes and prices depending on the real estate market in a particular area. A number of projects that fall in the agency project lists are inholdings. Thus, we ask that you give the highest level of support possible for Federal LWCF acquisitions.

In summary, continued consistent funding of the Inholding Accounts is vital. Without such funding, significant opportunities to acquire private parcels within our designated wilderness areas will be lost for at least another generation. We urge your support of continued funding for these accounts and as much support for Federal LWCF acquisitions as possible. Support for these accounts:

- Saves money by eliminating management inefficiencies that frequently exceed the cost of acquisition;
- Helps private landowners within Federally designated wilderness and other conservation areas;
- Allows the agencies to act when opportunities occur to acquire inholdings, often only once a generation; and
- Completes designated wilderness areas, removing threats from incompatible and harmful development within their boundaries.

Thank you for the opportunity to testify. We greatly appreciate your time and consideration and the support of the Subcommittee in securing these appropriations. I am happy to answer any questions at this time.

Mr. CALVERT. Thank you. Next, Gary Werner, the Partnership for the National Trails System.

WEDNESDAY, MARCH 18, 2015.

PARTNERSHIP FOR THE NATIONAL TRAILS SYSTEM

WITNESS

GARY WERNER

Mr. WERNER. Thank you. Mr. Chairman——

Mr. CALVERT. Oh, we get handouts.

Mr. WERNER [continuing]. Members of the committee, my name is Gary Werner, and I am here today representing the 35 non-profit organizations that work in partnership with the National Park Service, the U.S. Forest Service, and the Bureau of Land Management to sustain the 30 congressionally authorized National Scenic Trails including the North Country National Scenic Trail in Minnesota, the Pacific Crest National Scenic Trail, and the Juan Bautista de Anza in California National Historic Trails in California, and about half-a-dozen more in Idaho across the northern part of the country.

I am here happily to report to you that our commitment to the long-term partnership of citizen stewardship of these trails remains strong. Once again, in 2014 we documented well over 1 million hours of volunteer labor contributed on behalf of the trails. The value of that labor, along with financial contributions made by the organizations, amounted to some $35 million which is about $9 million more than what was appropriated for the three agencies to administer and manage these trails in that year.

I want to remind you that the National Scenic and Historic Trails provide access for outdoor recreation. They specifically provide access to more than 80 national parks, 70 national wildlife refuges, more than 120 wilderness areas, and at the same time, they also provide opportunities for healthful outdoor recreation in 100 of the major metropolitan areas of the country.

However, these trails are still works in progress. Only one or two of them can be considered complete. There are many sites along the National Historic Trails that are still yet to be preserved and to be interpreted.

You can appreciate, in spite of what my colleague over here mentioned that wilderness areas and parks and refuges can function with gaps or holes or inholdings in them, but trails with gaps, trails that are intended to be access ways, can't function with gaps. And so we have got plenty of gaps to fill in the National Scenic and Historic Trails.

I am asking you to increase the investment that Congress is making in this national system in two significant ways: one, by providing more operating funding for the three agencies so that we can better maintain the trails that we have and build new sections of trail. And I am specifically asking for $16 million for the 23 trails that are administered by the National Park Service. I am asking for a total of $70 million for the National Conservation Land System in the Bureau of Land Management. The National

Scenic and Historic Trails are units of that system, and $9 million for those trails, and a total of $90 million for the Trails account for the U.S. Forest Service of which we would like $9.3 million for the National Scenic and Historic Trails administered and managed by the Forest Service.

Secondly, I am asking you to once again find a way with your colleagues in the Senate to appropriate as much money for the Land and Water Conservation Fund as possible. We fully support the President's intent to fully fund Land and Water at $90 million. We greatly appreciate that you appropriated $306 million for 2015, including $28 million for projects along National Scenic and Historic Trails, and we are asking you for 2016 to, among other things, appropriate $66 million of the National Trails System collaborative landscape planning proposal for 48 projects along 14 of the trails, trails in each of your two states, Mr. Chair and Mr. Simpson. Unfortunately, we don't have a project in Minnesota, Ms. McCollum, but we do have one along the North Country Trail.

So we thank you very much for your support over the years. We also have in the testimony some help we need with the Bureau of Land Management budget.

[The statement of Gary Werner follows:]

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GARY WERNER, EXECUTIVE DIRECTOR **March 18, 2015**
STATEMENT TO THE
U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT & RELATED AGENCIES

Mr. Chairman and members of the subcommittee:

The Partnership for the National Trails System appreciates your support over the past 20 years, through operations funding and dedicated Challenge Cost Share funds, for the national scenic and historic trails administered by the National Park Service. We also appreciate your increased allocation of funds to support the trails administered and managed by the Forest Service and for the trails in the Bureau of Land Management's National Landscape Conservation System. To continue the progress that you have fostered, the Partnership requests that you provide **annual operations funding for each of the 30 national scenic and historic trails** for Fiscal Year 2016 through these appropriations:

- **National Park Service: $16.073 million** for **administration** of **23 trails** and for coordination of the long-distance trails program by the Washington office. **Construction: $673,000** for the **Ice Age Trail** and **$200,000** for the **Pacific Crest Trail.**
- **USDA Forest Service: $7.996 million** to **administer 6 trails** and **$1.3 million** to manage parts of **16 trails** administered by the NPS or BLM. **$700,000** for **Iditarod Trail** construction.
- **Bureau of Land Management: $1.83 million** to **administer three trails** and for coordination of the National Trails program and **$7.14 million** to manage portions of **13 trails** administered by the Park Service or the Forest Service and for operating five National Historic Trail interpretive centers. **Construction: $300,000** for the **Pacific Crest Trail, $300,000** for the **Iditarod Trail,** and **$50,000** for the **Nez Perce Trail.**

- We ask that you **appropriate $4.5 million** for the **National Park Service Challenge Cost Share Program** and continue to **direct one-third** ($1,500,000) for **national scenic and historic trails or create a separate $1.5 million National Trails System Challenge Cost Share Program.**
- We ask that you add **$500,000** to the **Bureau of Land Management's Challenge Cost Share Program** and **allocate it for the national scenic and historic trails it administers or manages.**

We ask that you appropriate **$66,038,500** from the **Land and Water Conservation Fund** for the acquisition of 48 **tracts along six national scenic and eight national historic trails** described in the **National Trails System Collaborative Landscape Planuing** proposal and allocate this funding to the:

- **Bureau of Land Management: $13,916,500 million**
- **US Fish and Wildlife Service: $12,060,000 million**
- **US Forest Service: $8,382,000 milliou**
- **National Park Service: $31,680,000 million.**

National Park Service

The **$16.073 million** we request for **Park Service operations** includes increases for some of the trails to continue the progress and new initiatives made possible by the additional funding Congress provided several years ago. Increases of **$172,000** for the Park Service to implement the **New England Trail's** *Trail Management Blueprint* and **$369,000** for the **Washington-Rochambeau Trail** are included.

We request an **increase of $660,000** to expand Park Service efforts to protect cultural landscapes at more than 200 sites along the **Santa Fe Trail,** to develop GIS mapping, and to fund public educational outreach programs of the Santa Fe Trail Association. An **increase of $780,000** for the **Trail of Tears** will enable the Park Service to work with the Trail of Tears Association to develop a GIS to map the Trail's historical and cultural heritage sites to protect them and to develop interpretation of them for visitors. We request an **increase of $346,000** to **$879,000** for the **Ala Kahakai Trail** to enable the Park Service to work with E Mau Na Ala Hele, the Ala Kahakai Trail Association, and other community organizations to care for resources on the land and with the University of Hawaii to conduct archaeological and cultural landscape studies along this trail.

We request an **increase of $193,000** to **$1,708,000** for the **Appalachian Trail** to expand the highly successful "Trail to Every Classroom" program of the Appalachian Trail Conservancy. The **$1,020,000** we request for the **4,200 mile North Country Trail** will enable the Park Service to provide greater support for the regional GIS mapping, trail building, trail management, and training of volunteers led by the North Country Trail Association. The **$1,389,000** we request for the **Ice Age Trail** includes a **$554,000 increase** to build partner and citizen capacity for protecting the natural and cultural resources on the Trail and Ice Age Trail lands and to provide NPS with a property manager for NPS-owned lands.

Construction: We request that you appropriate **$673,000** for the **Ice Age Trail** and **$200,000** for the **Pacific Crest Trail** for trail construction projects.

Challenge Cost Share programs are one of the most effective and efficient ways for Federal agencies to accomplish a wide array of projects for public benefit while also sustaining partnerships involving countless private citizens in doing public service work. We request that you **robustly fund the Park Service, Bureau of Land Management, and Fish and Wildlife Service Challenge Cost Share programs** and appropriate **$4.5 million in Challenge Cost Share** funding to the **Park Service** for FY16 as a wise investment of public money that will generate public benefits many times greater than its sum. We ask you to **continue to direct one-third of the $4.5 million** for the **national scenic and historic trails** to continue the steady progress toward making these trails fully available for public enjoyment. We suggest, as an alternative to this approach, that you create a separate **National Trails System Challenge Cost Share** program with **$1.5 million** funding.

USDA - Forest Service

We ask you to appropriate **$7.996 million** as a separate budgetary item specifically for the **Arizona, Continental Divide, Florida, Pacific Crest, and Pacific Northwest National Scenic Trails and the Nez Perce National Historic Trail** within the over-all appropriation for **Capital Improvements and Maintenance for Trails**. Recognizing the on-the-ground management responsibility the **Forest Service** has for **1024 miles** of the Appalachian Trail, more than **650 miles** of the North Country Trail, and sections of the Ice Age, Anza, Caminos Real de Tierra Adentro and de Tejas, Lewis & Clark, California, Iditarod, Mormon Pioneer, Old Spanish, Oregon, Overmountain Victory, Pony Express, Trail of Tears and Santa Fe Trails, we ask you to appropriate **$1.3 million** specifically for these trails.

The Partnership's request of **$7.996 million** includes **$1.5 million** to enable the Forest Service and Florida Trail Association to continue trail maintenance, to control invasive species, do ecosystem restoration, and otherwise manage **4,625 acres** of new **Florida Trail** land. The **$7.996 million** request also includes **$2.1 million** for the **Pacific Crest Trail, $2 million** for the **Continental Divide Trail, $1 million** for the **Pacific Northwest Trail, $826,000** for the **Nez Perce Trail**, and **$570,000** for the **Arizona Trail.** Some of the additional funds requested will enable the Forest Service to develop Comprehensive Management Plans for the latter three trails. We also request **$700,000** of **additional funding** for construction and **$100,000** for maintenance of sections of the **Iditarod Trail**.

Bureau of Land Management

Although considerably more money is needed to fully administer the **National Conservation Lands System** and protect its resources, we request that you appropriate **$69.809 million** in **base funding** for the System. We ask that you appropriate as **new permanent base funding $250,000 for National Trails System Program Coordination, $1,000,000** for the **Iditarod Trail, $230,000** for **El Camino Real de Tierra Adentro Trail, $350,000** for the **Old Spanish Trail,** and **$4,000,000** for the Bureau of Land Management to manage **4,645 miles** of thirteen other national scenic and historic trails. To maintain these trails we request: **Pacific Crest Trail - $300,000, Iditarod Trail - $300,000, Nez Perce Trail - $50,000.** We also request **$3,140,000** to operate **five historic trails interpretive centers.**

We ask you to provide **$5 million** for the Bureau's **Challenge Cost Share** program and to direct **$500,000** for National Trails System projects as you have done with the Park Service's CCS program.

To promote greater management transparency and accountability for the National Trails and the whole **National Landscape Conservation System**, we urge you to request expenditure and accomplishment reports for each of the NLCS Units for FY15 and to direct the Bureau to include unit-level allocations within **major sub-activities** for each of the scenic and historic trails, and wild and scenic rivers -- as the Bureau has done for the national monuments, wilderness, and conservation areas -- within a **new activity account** for the National Landscape Conservation System in FY16. The Bureau's lack of a unified budget account for National Trails prevents the agency from efficiently planning, implementing, reporting, and taking advantage of cost-saving and leveraging partnerships and volunteer contributions for every activity related to these national resources.

Land and Water Conservation Fund

The Partnership strongly supports the President's Budget proposal to fully fund the **Land and Water Conservation Fund** at the authorized **$900 million**, with $400 million from discretionary sources and $500 million in mandatory funds for the component programs funded under **LWCF**. Within this amount we request that you appropriate **$66,038,500** for the **National Trails System Collaborative Landscape Planning** proposal to acquire 48 parcels along 14 national scenic and historic trails detailed here:

Bureau of Land Management: $13,916,500 million | 17 parcels |16,779 acres

Continental Divide National Scenic Trail (NM): $2,300,000 to close the largest critical trail gap in New Mexico

Lewis and Clark National Historic Trail (MT): $6,000,000 for trail, landscape, habitat and recreation protection along the Upper Missouri National Wild and Scenic River

Nez Perce National Historic Trail (ID): $3,100,000 for trail and resource conservation at one of the last remaining working ranches at Henry's Lake

Oregon National Historic Trail (ID): $144,000 to acquire land for trail development along historic trail route

Pacific Crest National Scenic Trail (OR, CA): $1,872,500 for trail and resource protection within the Cascade Siskiyou National Monument in Southern Oregon and in the Mojave Desert in Southern California

US Fish and Wildlife Service: $12,060,000 million | 3 parcels | 3,763 acres

Appalachian National Scenic Trail (PA): $4,000,000 to connect conservation habitats along the Kittatinny Ridge

California National Historic Trail (ID): $2,500,000 to protect the largest breeding concentration of Sandhill Cranes, as well as, a haven for other waterfowl from a current farming threat

Captain John Smith Chesapeake National Historic Trail (VA): $5,560,000 to protect the Bower's Parcel that includes migratory wildlife habitat, priority wetlands, forest and uplands and a historical site

US Forest Service: $8,382,000 million | 8 parcels | 3,024 acres
Appalachian National Scenic Trail (NC): $1,100,000 to complete the acquisition of the Grassy Ridge ecosystem
Continental Divide National Scenic Trail (MT): $255,000 to achieve uninterrupted trail corridor enabling wildlife migration and human recreation
Pacific Crest National Scenic Trail (CA, WA): $7,027,000 to provide critical scenic protection to the hiker experience, improve trail location and protect wildlife habitats, including Donner Summit in California

National Park Service: $31,680,000 million | 20 parcels | 7,565 acres
Ala Kahakai National Historic Trail (HI): $4,750,000 to protect endangered species, preserve 26 cultural sites and ensure undisturbed view sheds, soundscapes, and wilderness for users of the trail in an area with prehistoric lava flows
Appalachian National Scenic Trail (NY, MA): $2,940,000 to extinguish the threat of imminent development, ensure connectivity of forested habitats and improve route away from threatened species
Captain John Smith Chesapeake National Historic Trail (VA): $6,000,000 to permanently protect and open for public education a nationally significant American Indian site, and to continue public archaeological research.
Continental Divide National Scenic Trail (CO, NM): $5,608,000 to remove motorized use of the trail and restore habitat, to acquire the last unprotected portion of the trail in NM and to protect significant cultural sites
Ice Age National Scenic Trail (WI): $3,930,000 to provide urban access to the trail in the city of St. Croix, protect critical view sheds, provide interpretative opportunities of unique geological-cultural features and close gaps in the trail
New England National Scenic Trail (CT, MA): $1,875,000 to protect ecosystem, historic and cultural resources, in addition to, enhancing users recreational experience
Nez Perce National Historic Trail (OR): $355,000 to provide a better interpretative site and visitor proximity to Clearwater Battlefield
North Country National Scenic Trail (MI, PA): $2,892,000 to connect Moraine and McConnell's Mill State Parks in Pennsylvania and protect riparian habitats in Southern Michigan
Overmountain Victory National Historic Trail (TN): $330,000 to protect the historically significant Shelving Rock Encampment site
Washington Rochambeau Revolutionary Route National Historic Trail (NY): $3,000,000 to protect the Revolutionary War's single largest cemetery from destruction

Private Sector Support for the National Trails System

Public-spirited partnerships between private citizens and public agencies have been a hallmark of the National Trails System since its inception. These partnerships create the enduring strength of the Trails System and the trail communities that sustain it by combining the local, grass-roots energy and responsiveness of volunteers with the responsible continuity of public agencies. **They also provide private financial support for public projects, often resulting in a greater than equal match of funds.**

The private trail organizations' commitment to the success of these trail-sustaining partnerships grows even as Congress' support for the trails has grown. In **2014 the trail organizations fostered 1,053,896 hours** of documented volunteer labor valued at **$23,765,355** to help sustain the national scenic and historic trails. The organizations also raised **private sector contributions of $11,228,029** for the trails.

Mr. CALVERT. I thank the gentleman. I am looking at the Lewis and Clark Trail. I think the Full Committee Chairman has indicated an interest in that going through Kentucky for some reason. I thought I would just point that out.

Next, Mr. Cors, welcome. You are recognized.

WEDNESDAY, MARCH 18, 2015.

THE NATURE CONSERVANCY

WITNESS

TOM CORS

Mr. CORS. Thank you. Chairman Calvert, Ranking Member McCollum, Mr. Simpson, thank you for the opportunity to speak with you here today. My name is Tom Cors. I am the Director of Conservation Finance for The Nature Conservancy. The Nature Conservancy is an international non-profit conservation organization working around the world to protect ecologically important lands and waters for nature and people.

Our mission is to conserve the lands and waters upon which all life depends. We are on the ground in all 50 states. We are a nonpartisan, science-based, trusted convener with over a million members.

We appreciate the subcommittee's work for the fiscal year 2015 levels for the Department of Interior and also the US Forest Service. As we enter another challenging fiscal year, The Conservancy recognizes the subcommittee's difficult choices ahead. We recommend funding levels largely consistent with fiscal year 2015. Please refer to my written testimony for more of the specifics on those programs and levels.

Overall, we look forward to working with the subcommittee and authorizing committees on identifying permanent funding solutions for wildfire, the Land and Water Conservation Fund, payment in lieu of taxes, and the Secure Rural Schools Programs.

Creating permanent solutions for these programs will create budgetary stability and accountability while liberating critically needed appropriations funds within the Interior allocation. Polls still show that conservation is strongly supported by the vast majority of the public, in both parties, and all regions of the country.

I would like to focus on the Land and Water Conservation Fund. It has worked extremely well for 50 years protecting the best of America. From Gettysburg in Pennsylvania to the Tetons in Wyoming, to Cape Hatteras and the Blue Ridge Parkway in my home State of North Carolina, it is due to expire in September. We need a legislative solution.

With regard to its annual appropriation, the President's budget includes $400 million for LWCF through discretionary appropriations and an additional $500 million in mandatory funding.

We look forward to working with you and supporting an appropriation of at a minimum $400 million for LWCF and to legislatively fix the diversion of LWCF funds. We need to ensure this program continues and is honestly budgeted for the next 50 years.

Next I would like to focus on wild land fire management. The Wildfire Disaster Funding Act must be passed prior to a fiscal year 2016 appropriations package to adequately fund suppression and provide flexibility in funding the activities that reduce fire risk and long-term suppression costs. The conservancy greatly appreciates the committee's support of this much-needed fire funding fix. The conservancy also appreciates Congress' emphasis on proactive hazardous fuels reduction and community preparedness. In light of this approach and through enactment of WDFA, The Conservancy recommends investing in hazardous fuels at $479 million and $178 million for the US Forest Service and DOI respectfully, as well as repeating the fiscal year 2012 instructions for allocating funds to priority landscapes in both the wild land-urban interface and wildland settings.

Also, The Conservancy recommends increasing funding for the collaborative Landscape Forest Restoration Program to $60 million. This important program works to restore large forest landscapes to provide jobs that sustain rural economies, to reduce wildfire risks, and to improve wildlife habitat by decommissioning unused, damaging roads.

On sage grouse, The Conservancy supports the administration's $45 million request for BLM's Greater Sage Grouse Conservation Strategy which supports the work that must be done to recover this important species and habitat without the necessity of listing under the Endangered Species Act. These efforts are more than just about grouse. They will protect elk, mule deer, and pronghorned sheep and our Western way of life including $1 billion in recreation activity on BLM-managed sage brush lands.

In conclusion, what this subcommittee funds is timeless and true. The American people value nature and all that it provides to them. Thank you for my time to speak before you today.

[The statement of Tom Cors follows:]

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Statement of Tom Cors, Director of Conservation Finance, The Nature Conservancy
Fiscal Year 2016 Interior, Environment and Related Agencies Appropriations
Committee on Appropriations, United States House of Representatives
March 18, 2015

Chairman Calvert, Ranking Member McCollum and members of the Subcommittee, thank you for the opportunity to submit recommendations for Fiscal Year 2016 appropriations. The Nature Conservancy is an international, non-profit conservation organization working around the world to protect ecologically important lands and waters for nature and people. Our mission is to conserve the lands and waters upon which all life depends.

As we enter the FY2016 Budget cycle and another year of a challenging fiscal environment, the Conservancy continues to recognize the need for fiscal austerity. The Conservancy also wishes to thank this Subcommittee for the final FY2015 funding levels for Department of Interior and U.S. Forest Service conservation programs. Our budget recommendations this year reflect a balanced approach with funding levels consistent in most cases with FY15 funding levels or, in rare instances, reflect specific program needs. Of particular note, we wish to work with this Subcommittee and the authorizing Committees on identifying permanent funding solutions for wildfire funding, the Land and Water Conservation Fund, the Payment in Lieu of Taxes Program and Secure Rural Schools. The Conservancy is concerned about the increasing impacts of wildfire suppression funding on Interior funding levels and urge the Committee to adopt the bipartisan and widely supported Wildfire Disaster Funding Act (H.R. 167; S. 235). This process of funding suppression for the Department of the Interior and the USDA Forest Service will create budgetary stability and accountability while liberating critically needed appropriations funds within the Interior allocation. We also strongly support the emphasis on funding for sage grouse conservation in the FY16 budget request.

Land and Water Conservation Fund (LWCF). The FY2016 President's Budget again proposes the establishment of a dedicated source of long-term funding for the Land and Water Conservation Fund. In the proposal, the President's Budget includes $400 million for LWCF activities through "current authority" or discretionary appropriations and then an additional $500 million in "permanent authority" or mandatory funding for LWCF. The budget then proposes to reach the $900 million funding level in FY2016 through this blend of current and permanent funding. The Conservancy supports this phased shift to mandatory funding for the LWCF Program. However, consistent with prior years and as noted above, we believe the Administration must work closely with the relevant appropriations and authorizing committees to move this proposal forward. Additionally, the Conservancy supports the balanced approach in the budget on both "core" and "collaborative" LWCF projects. Projects in the Upper Rio Grande landscape in CO and NM, Rivers of the Chesapeake in MD and VA, and the Island Forests at Risk landscapes of HI will benefit greatly from the collaborative emphasis. Our core priorities this year include the Silvio O. Conte NFWR (NH/VT/CT/MA) and the working ranches and agricultural production areas of FL's Everglades Headwaters NWR & Conservation Area, ND and SD's Dakota Grasslands Conservation Area, UT, ID and WY's Bear River Watershed Conservation Area and KS's Flint Hills Legacy Conservation Area.

Forest Legacy. We support a minimum of $61 million for the Forest Legacy Program in current discretionary funding and the $39 million in permanent funding (with our aforementioned caveats).

Endangered Species. The Conservancy supports a funding level of at least $50 million for the Cooperative Endangered Species Conservation Fund (CESCF), and also requests the Subcommittee give consideration to the additional FY15 President's Budget request for permanent funding per our earlier request for negotiations to occur between the Administration and relevant Congressional committees on a path forward for this funding.

Colorado River Basin Recovery Programs. The Conservancy supports the President's FY2015 Budget request of $5.05 million for USBR and $1.46 million for FWS for the Colorado River Basin recovery programs, including endangered species funding for the Upper Colorado River Endangered Fish Recovery Program, recovery funds for the San Juan River Basin Recovery Implementation Program, and fish hatchery needs associated with the recovery plans.

Wildlife Planning. The Conservancy continues to support the Western Governors' Association's (WGA) and this Subcommittee's efforts to recommend federal land management agencies utilize state fish and wildlife data and analyses to inform the land use, land planning and related natural resource decisions of those agencies. As an example of strong state-led data systems, WGA has partnered in recent years with state wildlife agencies and the federal government to develop statewide GIS mapping tools to identify crucial wildlife habitat and migratory corridors. These geospatial mapping tools, which provide access to credible, broad-scale scientific data – compiled and analyzed by the states – are designed to reduce conflicts and surprises while ensuring wildlife values are better incorporated into land use planning, particularly for large-scale linear projects.

State and Tribal Wildlife Grants. The Conservancy supports the FY16 funding level – $70 million – for this program. Strong federal investments are essential to ensure strategic actions are undertaken by state, Tribal and federal agencies and the conservation community to conserve wildlife populations and their habitats.

Wildlife Conservation Programs. The variety of wildlife conservation programs conducted by FWS continue a long and successful tradition of supporting collaborative conservation in the U.S. and internationally. We urge the Committee to fund the President's request for such established and successful programs as the North American Wetlands Conservation Fund (NAWCA), Neotropical Migratory Bird Conservation Fund (NMBCA), and the FWS Coastal Program. We support the President's request for the Migratory Bird Joint Ventures and the FWS Migratory Bird Management Program. For the latter, we are particularly supportive of FWS' efforts at developing updated eagle permitting regulations which will both support the development of renewable energy in our country and contribute to sustainable and growing populations of these iconic North American species. We support the President's FY16 request for the Partners for Fish and Wildlife Program and the requested funding for Cooperative Landscape Conservation and Adaptive Science ($17.87 m). The latter will help support DOI's overall commitment to Landscape Conservation Cooperatives and will contribute to collaborative problem solving for some of our nation's most challenging issues. We also request strong funding this year for the National Fish Habitat Initiative.

Resilience. The Conservancy wishes to highlight three components of the President's budget focused on resilience: $50 million for a DOI competitive grant program modeled after the

Hurricane Sandy Competitive Grant Program to expand the footprint of healthy ecosystems that deliver valuable ecosystem services, including flood attenuation and storm risk reduction, to nearby communities; $89 million for DOI's WaterSMART program, which promotes water conservation initiatives and technological breakthroughs; and $20 million to continue expanding and improving the recently-released online Climate Resilience Toolkit, which provides scientific tools and information to help tribes, communities, citizens, businesses, planners, and others understand and manage their climate-related risks and opportunities, and improve their resilience to extreme weather events. The Conservancy supports these requests.

International Programs. The international conservation programs appropriated annually within the Department of Interior are relatively small but are effective and widely respected. They encompass the U.S. Fish & Wildlife Service's (FWS) Multinational Species Conservation Funds, the FWS Wildlife Without Borders regional and global programs, the U.S. National Park Service International Program, and the U.S. Forest Service International Program (USFS-IP). We urge that FY16 levels for these programs remain equivalent to FY15 levels at a minimum.

National Wildlife Refuge System. The Conservancy supports the President's budget request of $508.2 million for the Refuge System's Operations and Maintenance accounts. Found in every U.S. state and territory, national wildlife refuges conserve a diversity of America's environmentally sensitive and economically vital ecosystems, including oceans, coasts, wetlands, deserts, tundra, prairie, and forests. This represents the funding necessary to maintain management capabilities for the Refuge System.

USFS & DOI Wildland Fire Management. The Wildfire Disaster Funding Act (WDFA) must be passed prior an FY16 appropriations package to adequately fund suppression and provide flexibility to fund activities that reduce fire risk and long-term suppression costs in FY16. The Conservancy greatly appreciates the Committee's support of this much-needed fire funding fix.

Hazardous Fuels and Restoration. The Conservancy also appreciates Congress' emphasis on proactive hazardous fuels reduction and community preparedness along with a commitment to safe and cost-effective wildfire response strategies. In light of this approach and through the enactment of WDFA, the Conservancy recommends investing in Hazardous Fuels at levels of $479 million and $178 million for USFS and DOI, respectively, and repeating the Committee's FY12 instructions for allocating funds to priority landscapes in both WUI and wildland settings. The Conservancy appreciates the Committee's support of the Integrated Resource Restoration pilot with the expectation of increased restoration. The Conservancy recommends continuing the IRR pilot for another year. We recommend $86 million for the State Fire Assistance program. The Conservancy recommends increasing funding for the Collaborative Forest Landscape Restoration Program to $60 million for the existing 23 and new projects. This important program works to restore large forest landscapes, provide jobs that sustain rural economies, reduce the risk of damaging wildfire, improve wildlife habitat and decommission unused, damaging roads. The Conservancy also recommends supporting the Landscape Scale Restoration proposal funded at $24 million.

Roads and Trails. The National Forests have a legacy of unneeded roads that erode into streams and fragment wildlife habitat. Road maintenance and decommissioning is an essential restoration action that improves the health of lands and waters, while providing jobs. The Conservancy recommends the Legacy Roads and Trails program be funded at $45 million. Additionally, the Conservancy recommends report language that directs the agency to prioritize road and trail (construction, reconstruction, maintenance, and decommissioning) projects that

would improve stream crossings for aquatic organisms and other important multiple benefits, such as flood mitigation.

USFS Forest Health & Research. The Forest Health program is a critical resource supporting efforts to prevent, contain, and eradicate dangerous pests and pathogens affecting trees and forests. Further, this program leads federal efforts to counter forest pests which have become widespread. The Conservancy recommends funding the federal and cooperative Forest Health programs at a combined level of $111 million. The Forest and Rangeland Research program provides the scientific basis for policies that improve the health and quality of urban and rural communities, by providing protection from fire, detecting and managing forest pests and the pathways, improving water and air quality, among many other benefits. For Forest & Rangeland Research, the Conservancy requests the FY12 level of $304 million, separate from a request of $83 million for Forest Inventory & Analysis.

Sage Grouse Conservation. This budget includes a much-needed infusion of funding toward the ongoing efforts to restore and conserve sagebrush habitat and the greater sage-grouse through the inclusion of $78 million for Interior agencies ($68.3M - BLM, $5M - FWS, $4.8M - USGS) to implement BLM plans and to support the partnership and science necessary for effective conservation. The budget also contains $62.6M for LWCF sage-steppe related conservation projects and $30 million in funding for the a new Resilient Landscapes program within the Office of Wildland Fire that the Department anticipates will support resilience work in the sagebrush ecosystem. This funding, combined with support for agency core budgets and partnership programs such as the State and Tribal Wildlife Grant Program and Section 6 Cooperative Endangered Species Grant Program, resembles a ramped up effort by this Administration to work in a more coordinated fashion with states and non-federal partners toward on-the-ground conservation.

BLM Landscape Approaches to Land Management and Renewable Energy Development. The Conservancy supports the Administration's recommended FY16 funding for BLM's initiatives to implement landscape approaches to land management which include Rapid Ecoregional Assessments, Resource Management Planning and the Planning 2.0 initiative, Regional Mitigation Planning, coordination with LCCs, and the Assessment, Inventory, and Monitoring (AIM) Strategy. Many BLM programs contribute to these cross-cutting initiatives including: National Landscape Conservation System - ($11.2 million); Resource Management Planning program ($59.34 million); Wildlife and Fisheries management ($89.38 million request); and Threatened & Endangered species management ($21.6 million request). Additionally, the Conservancy supports continued funding for BLM's renewable energy development program at $29.3 million which includes implementation of the Western Solar Energy Program. Collectively, these efforts will help BLM manage its lands efficiently and effectively for energy development, species and habitat conservation, recreation, and other uses to maximize the public benefit from these lands.

Environmental Protection Agency. EPA's "geographic" programs including the Chesapeake Bay, Great Lakes, Gulf of Mexico, Puget Sound and Mississippi River programs make a significant contribution to protecting habitat and water quality in the large landscapes where they work. The Conservancy urges the Committee to continue strong funding for these programs.

Thank you for the opportunity to present The Nature Conservancy's recommendations for the FY2016 Interior, Environment and Related Agencies Appropriations Bill.

Mr. CALVERT. I thank the gentleman. Next, Mr. Shepard. You are recognized.

WEDNESDAY, MARCH 18, 2015.

PUBLIC LANDS FOUNDATION

WITNESS

ED SHEPARD

Mr. SHEPARD. Mr. Chairman, Ranking Member McCollum and members of the subcommittee, my name is Ed Shepard, and I am the President of Public Lands Foundation. We want to thank you for this opportunity to present the subcommittee with our views regarding the Bureau of Land Management's budget request for fiscal year 2016.

The PLF, as a retired BLM employee, supports the BLM and its programs, but we are independent in our views and our requests. The BLM manages the most diverse landscape in the Nation's portfolio providing stewardship to approximately 247 million acres of land and 700 million acres of mineral estate. These lands provide many social, ecological, and economic benefits to the people of the United States. And they are economically to the United States as a whole providing combined revenues of $107 billion and over 446,000 jobs. These lands are absolutely vital to the many rural communities throughout the West that are intermixed with these lands.

However, these uses and values can only be achieved when there is some balance in the programs to provide for the diversity of uses and maintenance of healthy, resilient landscapes. And the PLF believes that this project strives to meet that balance.

We support the request for the all-of-the-above approach to provide vital energy needs from traditional and renewable energy sources including the infrastructure, the pipelines, and power lines to deliver this energy. We believe it can contribute significantly to the country's energy independence.

We also support the BLM's request for Congress to charter a national BLM foundation as it has for other land and resource management agencies. Such a foundation would partner the BLM with the public to bring in key resources and partnerships to assist the BLM in the management of these lands.

The BLM proposes a $5 million increase to fund BLM's part in engaging the Next Generation Program. The PLF has done a lot of work also in youth in bringing new folks into the workforce and to get them engaged in the outdoors and believe that this is a good way to go. And we are also pleased that that proposal includes veterans. Experience has shown that hiring veterans into the organization, they come in with the leadership and team working skills that allows them to go right to work, and they contribute greatly to the agency. And it is also a way of recognizing the contribution that they have made to the country.

The BLM has been working with other federal and state wildlife agencies across the West to develop and implement conservation plans for managing the sage-steppe ecosystem to conserve the

Greater sage grouse. The BLM has proposed a $45 million increase and implement projects that would maintain and restore resilient sage-step habitat. We support this request and with concern the Sage grouse be listed under the Endangered Species Act, a lot of the agency's resources would go into the process requirements of the ESA and not into necessary work on the ground to restore habitat. And this would have severe economic consequences to the rural communities and impact the Nation's capabilities to produce energy resources while at the same time do very little to improve the plight of the sage grouse.

The PLF, while supportive of the increase to restore the sage-step ecosystem, is concerned at the same time the BLM is proposing that, they are proposing a $6.9 million decrease to the Western Oregon ONC budget. This decrease will reduce capabilities to provide a balanced management between timber and other forest resources.

Many areas in the Northwest are in need of projects to improve forest health and resiliency, and we do not believe that shifting funds from one high priority area at the cost of another high priority area is wise and we request the subcommittee to restore the $6.9 million to the ONC.

No BLM issue receives more passionate input from the public than the Wild Horse and Burro Program. The BLM continues to be stymied in finding a solution to the horse population problem that the public will accept. The budget proposed is a modest, two-part $9 million increase and only removes 2,000 horses from the range. This will only lead to further soil, water, and vegetation damage.

We support a lot of the work the BLM is doing with the National Academy of Sciences and some other efforts, but believe that it is going to take more than the BLM can do under the law, and we hope that Congress will be involved in that.

And finally, as my colleagues on the panels, we are concerned about wildfire funding, and we support the department's Wildland Fire proposal and the way they propose to fund it, and it goes hand in glove with the Wildfire Disaster Funding Act. And we support passage of that or simple legislation.

Thank you, Mr. Chairman.

[The statement of Ed Shepard follows:]

TESTIMONY OF EDWARD W. SHEPARD, PRESIDENT, PUBLIC LANDS FOUNDATION
THE HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES; COMMITTEE OF APPROPRIATIONS;
ATTENTION: OUSTSIDE WITNESS TESTIMONY
FISCAL YEAR 2016 BUDGET – BUREAU OF LAND MANAGEMENT

March 18, 2015

MR. CHAIRMAN

We thank you for this opportunity to present your committee with our views regarding the Bureau of Land Management's (BLM) budget request for FY 2016. As a national, non-profit organization with more than 700 members, comprised principally of retired, but still dedicated, BLM employees, the Public Lands Foundation (PLF) has a unique body of experience, expertise and knowledge of public land management. As retirees, we believe we offer an objective and non-bureaucratic view of what is currently happening on the National System of Public Lands (NSPL). The PLF supports the BLM and its programs, but we are independent in our views and requests. We strive to improve the effectiveness of the BLM by 1) encouraging professionalism of its employees, 2) increasing the public's understanding of and support for the proper management of the NSPL, and 3) promoting scientific management of lands administered by the BLM.

Overview

The BLM manages the most diverse landscapes in the Nation's portfolio; providing stewardship to approximately 247 million acres of land and 700 million acres of mineral estate from the north slope of Alaska to Jupiter Inlet in Florida, and from tundra, to old growth forests, to desert landscapes. These lands consist of many attributes; habitat for thousands of species of plants and animals, clean water, cultural resources, scenic beauty, solitude, and special places. They also provide the opportunity to provide the Nation with wealth from its many resources including oil and gas, coal, renewable energy, non-energy minerals, all types of recreation, forage for livestock, timber, and wild horses and burros. The economic value of these lands to the American people is immense; according to the *Department of the Interior Economic Contribution* report of July 2014, these lands generate combined revenues in excess of $107 billon and over 446,000 jobs. These lands are important economically to the United States as a whole; they are vital to the many rural communities throughout the West that are intermixed with these lands and whose citizens work and recreate on the lands. However, these uses and values can only be achieved when there is some balance in the programs to provide for the diversity of uses and maintenance of healthy, resilient landscapes.

Budget Overview

The PLF recognizes and appreciates the difficult decisions that must be made by the Congress and the Administration to allocate scarce dollars to programs that generate the best economic and social returns. The PLF believes the BLM budget proposal strives to provide a balance across most areas that will help it meet national priorities. We support the requests for the "all of the above" approach to provide vital energy needs from traditional energy sources and renewable

energy sources. Environmentally sound development of the Nation's energy resources and the infrastructure to deliver the energy can contribute significantly to the country's energy independence.

We also support the BLM's request for Congress to charter a national BLM Foundation, as it has for other land and resource management agencies. Such a Foundation would partner the BLM with the public to bring in key resources and partnerships to assist the BLM in the management of the NSPL.

The BLM proposes a $5 million increase to fund BLM's part in the "Engaging the Next Generation" program. The PLF supports efforts to get youth involved in the outdoors and to gain an appreciation for the resources the nation offers. Many of the members of PLF gained an appreciation for land management either from working on ranches and farms or by involvement in activities, such as the ones proposed in this budget. We hope some of the participants in these programs may decide to go into careers in natural resource management and fill the jobs of the many employees nearing retirement. Working with established youth organizations to accomplish more on-the-ground project work would leverage the funds from this increase.

Over the past several years the PLF has stepped up to assist the BLM and other organizations to encourage youth to become involved with natural resource management. This past fall PLF teamed with the BLM and other organizations to hold the Second Student Congress. This biennial event brings together college-level resource management students from across the country to discuss and make recommendations on the future of land management. We have also established and funded scholarships for students to help them complete their education and enter fields in natural resource management.

We are also pleased that the proposal includes veterans. Recent experience has shown that the returning vets the agencies have hired come to the organization with leadership and team-working skills that fit well with much of the work the BLM does; and recognizes the contribution these individuals have made to our country.

Over the past several years, the BLM, U.S. Fish and Wildlife Service (FWS), the Forest Service, Natural Resources Conservation Service, and state wildlife management agencies across the West have worked together to develop and implement conservation plans for managing the sage-steppe ecosystem to conserve the Greater sage-grouse and other sage-steppe obligate species to prevent the need to list the sage-grouse under the Endangered Species Act. The BLM has proposed a $45 million dollar increase to implement projects that would reduce threats to the species and maintain and restore resiliency to the sage-steppe ecosystem. We support this request. The PLF is concerned that, should the FWS find the need to list the sage-grouse across a 12 state area, much of the agencies' time and dollars will go to meeting the process requirements of the Endangered Species Act and not into implementing restoration projects. This would have severe economic consequences to the rural communities in the affected states and to the nation's capabilities to produce energy resources and develop and maintain infrastructure while at the same time doing little to improve the plight of the sage-grouse

The PLF, while supportive of increases to restore the sage-steppe, is concerned that, at the same time, the BLM is proposing a $6 million decrease to the Western Oregon O&C budget. Much of this decrease is in the "other forest resource" appropriation and will result in reduced capability to provide a balance in management between timber harvesting and mitigating impacts to other forest resources. This reduction could impact projects to restore the health and increase resiliency in forests and waterways used by listed ESA species of wildlife and fish. It will also reduce BLM's capability to conduct resource surveys needed to prepare timber harvests in future years, impacting communities that are dependent on receipts from timber harvests. This results in shifting needed funds from one high priority area to another high priority area. We do not support this reduction and ask the Subcommittee to consider restoring it.

One of the biggest challenges that the BLM faces is finding a workable and acceptable solution to the Wild Horse and Burro problem. There is probably no BLM issue that receives more passionate input from the public and local governments than this program. The BLM has tried several approaches to resolve the problem of rapidly expanding horse populations yet continues to be stymied in finding and effectively implementing a solution that the public will accept. The budget proposes to start research on more effective fertility control methods and other actions suggested by the National Academy of Science study, but results from these actions are years off and will involve study and preparation of lengthy National Environmental Policy Act documents and, likely, result in litigation. Meanwhile the herds continue to grow, doubling every four to five years. There are currently approximately 46,000 horses on the range and the Appropriate Management Level is exceeded in 93% of the Herd Management Areas. Continuing to remove only 2000 head per year, as proposed in this budget, will only lead to geometrically increasing numbers on the land. The resulting soil, water, and vegetative damage and the attendant impact on wildlife and other land uses will continue and get worse. Many of these horses share the same habitat as the sage-grouse and other wildlife that BLM and other agencies are working so hard to protect.

In addition to the overabundance of horses on the range, BLM has even more, 50,000, in short- and long-term holding. The cost to feed and care for these animals for their relatively long life consumes a major part of the program budget. Something has to be done and we support the BLM's "prize challenge" to find a solution, but, in our opinion, the solution is beyond what the BLM can do under current law; Congress will need to be involved and should do so soon.

A large part of managing the landscapes for resiliency involves managing for wildfire. Agencies in the Department of the Interior and the Forest Service have discussed for years the need to manage fuel loads and to implement more actions on the ground to build resiliency in forest and rangelands to reduce the risks and severity of catastrophic wildfire. The area needing treatment is huge. There has been improvement in conditions where projects have been implemented, however the scale and pace of treatments needs to expand and this can only be done with adequate budgets and a large landscape approach, which can only be accomplished with close coordination with other Federal, state and local agencies, and private property owners. The agencies also do a great job of suppressing nearly all of the wildland fire starts, catching around 98% of the fires with initial attack. However, the one or two percent of fires that escape initial attack become very expensive and over the past several years have quickly consumed the agencies suppression budget requiring them to "borrow" from other accounts. This transfer of

funds, often in the hundreds of millions of dollars, diminishes the agencies capabilities to implement planned fuel reduction and projects in other program areas. The PLF supports the Department's Wildland Fire proposal to change the way large fires are funded to provide more flexibility to the agencies in funding suppression and land treatment projects. Much of the Department's proposal compliments the proposed Wildfire Disaster Funding Act (WDFA). The PLF supports the proposed changes in this budget and encourages the passage of the WDFA or similar legislation.

The PLF strongly supports the dedicated professional employees of the BLM and other agencies. The nature of the BLM mission is employee intense. Contractors can do some of the work, but much of it requires BLM employees that are professionally trained in their respective fields. These public employees enter these fields because of their commitment to the lands and resources. Over the years these committed public servants have done their best to implement the laws and policies of the Administration and Congress, yet they are often maligned and even physically confronted by those that disagree with those laws and policies. We ask that this subcommittee do what it can within its powers to support the dedicated employees in the resource management agencies.

Mr. Chairman, we do appreciate the hard choices that this Subcommittee has before it. Perhaps the creation of a BLM Foundation would help leverage scarce budget dollars. The BLM is the only major land management agency without a congressionally chartered foundation in place to support its efforts. A BLM Foundation could help bring additional resources to key initiatives like the National Conservation Lands, wild horses and burro management, restoration projects, and many other areas. We hope that our comments will be of help as you work through the FY 2016 budget process.

-END-

Mr. CALVERT. Thank you. Thank you, Mr. Shepard. We appreciate this panel coming here. I was surprised there are still 175,000 acres within the wilderness areas. I know it was a significant number a number of years ago when I first was on the resource committee 23 years ago when you guys were first starting out. You have accomplished more than half of the acquisitions within these inholdings.

The folks that are left, are they that patient or are they upset? I suspect it is the latter.

Mr. HAUGHEY. It is hard to characterize their emotional state, but what we have found is that there is a very predictable 3 to 5 percent of the universe of these properties that come on the market in any one year. That translates to about once a generation. So it is quite easy to come to the conclusion that people make a go at it with these properties, and then when the generational change, which has been our experience, comes along, they oftentimes come on the market. So it is important for all of us to be there when that event occurs, not necessarily to go through a very large funding effort but a small, steady set of funds.

Mr. CALVERT. I know many times you are the only real buyer of this property, and so in some cases, this land is landlocked, isn't it?

Mr. HAUGHEY. Some cases it is, but wilderness isn't zoning. So all of the private lands that are within wilderness are governed by county zoning regulations. If the property had access when the wilderness was designated, it still has access.

Mr. CALVERT. Mr. Werner, obviously the Trail System is very popular in the United States, I know this committee has supported it in the past and I am sure we will do the best we can in the future based upon our budget realities.

I know there is a lot of discussion about the Land and Water Conservation Fund and, of course, Secure Rural Schools. There is support here. We need to get a funding mechanism where the authorizing committees need to be working with, and we pay the bills here. So that is a policy determination that needs to be worked out. If we can work that out, that would be helpful. And of course, I am sitting next to the author of the Wildfire Bill, so I am sure he is interested in its passage also.

Ms. MCCOLLUM. Yes.

Mr. CALVERT. Yeah. And Mr. Shepard, you mentioned a couple of hot topics around here. Sage grouse is obviously one of the hottest, and BLM is a big part of that because it is the largest landlord out there.

Mr. SHEPARD. Over 50 percent of the habitat.

Mr. CALVERT. Over 50 percent of the land. So they have got to be a good steward of the property also. We do not want to see the sage grouse listed. I mean that would be—you know, we are putting the resources in that. That would be devastating to the economy in the West, and so I hope we can do everything we can to keep that from happening.

I know the Wild Horse and Burro issue is an emotional issue, but we are spending a lot of money on that, $80 million, and we have got to find a better way to sterilize, neuter these horses, have them

adopted, and work with every organization we can to do that because it is a growing problem so—Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair, and Mr. Shepard, you gave a sneak preview of what I was going to talk to the committee about tomorrow and that is the BLM foundation idea. I am very intrigued by that, and I think that is something that we could use to raise awareness and to move forward on the Wild Horse and Burro issue, too. I think that lends itself to a really good partnership.

For everybody testifying, I am big supporters of everything that you do, but I do have a question for Mr. Werner. I am looking at the National Historic Trails, and as you said, Minnesota doesn't have one, nor do 10 states that go along the Mississippi River. There is the Mississippi River Parkway Commission which I used to be a member on when I was a state legislature. I know that they are looking at doing connections. They have maps. There has been talk in the past about not creating a new trail but linking the trail systems that are down there. And it qualifies for all kind of historic things, the exploration, trade, communications, military action, and they are linked together with an auto tour route. Maybe at some point we can visit about this, because I don't want to do something the Parkway Commission isn't interested in, but I know in the past, they have been interested in this. When it came to working on things like preservation or fighting Asian carp, that was one of the commissions that came together on it.

So I would like to maybe learn a little more, and I will talk to the Commission. They are in St. Paul, Minnesota, I think. In April I will try to talk to them as well, too.

Mr. WERNER. I think what you are describing, the way I understand it, several years ago I knew there were people involved in a number of the states from Minnesota all the way down to Louisiana doing just what you were talking about, linking together what they were calling a Mississippi River Trail?

Ms. MCCOLLUM. Right.

Mr. WERNER. And I know there were several people like Mark Ackelson from the Iowa——

Ms. MCCOLLUM. I was working on that on.

Mr. WERNER. Iowa Natural Heritage Foundation was one of the leaders of that, and I assume that effort is ongoing. The difference obviously between that effort on the local basis and the National Scenic and Historic Trails are the National Scenic and Historic Trails have to be authorized by you folks, by Congress.

Ms. MCCOLLUM. Right.

Mr. WERNER. And you are right. I mean, in noting most of the—a large portion of the Lewis and Clark Trail route but except for that wonderful portion that goes through Idaho is a water route, and the Captain John Smith National Historic Trail is a water route. So you know, if someone wanted to do something as recognizing the history of the Mississippi River you know, in terms of exploration, in terms of commerce and things like that, you know, it could qualify I think as a National Historic Trail.

Ms. MCCOLLUM. It is like all the loose pearls in your grandmother's jewelry box that you discovered but they are not strung together.

Mr. WERNER. Right.

Ms. MCCOLLUM. And so they are there. So we will talk more about it later. Thank you. This was great, Mr. Chair.

Mr. CALVERT. Thank you. Mr. Simpson?

Mr. SIMPSON. I just thank you for your support for the Wildfire Disaster Funding Act that needs to get done. We have got to find a better way to budget for wildfires and make sure that we don't strip every other account in order to fight wildfires because it is damaging and causing catastrophic fires in the future because we are not spending money where we appropriate money. So I appreciate your support for that, and add if you can ever find an answer to the Wild Horse and Burro Program—I am glad. You know, when I moved over to Energy and Water and Ken took over at Interior, that is the one thing I was glad about: he had the Wild Horse and Burro problem now. Is there some way we could just separate the stallions and the mares? I know this would work out. Sell the stallions to Wyoming and the mares to Nevada. But we spend a lot of money there, a lot of money.

Mr. CALVERT. We need to find a way to get that. With that, I thank this panel. We appreciate your attendance. Our next panel is Mr. Scott Steen, President and CEO of American Forests, can sit over here on my right. That would be great. And then Tom Partin, the Federal Forest Resource Coalition right next door. And then Mr. Clark Seely, Society of American Foresters. And Mr. Jim Karels, President of the National Association of State Foresters. Welcome.

You have probably heard me. I will do it again, 5-minute rule. Green means talk, yellow means wrap it up, and red means you are over. So I appreciate if you would stay within those boundaries, and with that, we appreciate your being here. Mr. Steen, you are recognized.

WEDNESDAY, MARCH 18, 2015.

AMERICAN FORESTS

WITNESS

SCOTT STEEN

Mr. STEEN. Good afternoon, Mr. Chairman, Ranking Member McCollum, and Mr. Simpson, my name is Scott Steen, and I am President and CEO of American Forests. I thank you for the opportunity to appear before you to present our fiscal year 2016 appropriations recommendations.

Founded in 1875, American Forests is the oldest national nonprofit conservation organization in the United States. Our mission is to restore threatened forest ecosystems and inspire people to value and protect urban and wildland forests.

During the last 140 years, American Forests has served as a catalyst for many of the most important milestones in the conservation movement including the founding of the US Forest Service, the Conservation Corps, the National Parks System, and the growth of the urban forestry movement.

American Forests continues to be one of the Nation's leading advocates for the stewardship and expansion of urban tree canopy and green space and the key funder of urban forest initiatives that have transformed communities across the country. When most people think of forests, they think of rural wilderness areas. But the reality is that nearly 80 percent of our Nation's population live in urban forested ecosystems. Our goal is to help cities of all sizes create communities that seamlessly link the natural and the built environments. The components of urban forest ecosystems—parks, gardens, urban farms, street trees, and plants, recreational spaces, waterways, and other features work together to make cities more livable, sustainable, and resilient when then consciously, they also create demand for green collar jobs in a sector poised for rapid expansion.

The Urban and Community Forestry Program within the US Forest Service is the key federal program to deliver technical, financial, educational, and research assistance to communities nationwide. In 2014, UNCF's work benefitted more than 7,100 communities and more than 190 million people, approximately 60 percent of the US population.

But the ability to do this important work is diminished as this program is continually proposed to be cut. The program received its highest level of funding in fiscal year 2012 and even at that level was a modest investment when compared to the benefits the program generates.

We appreciate the fiscal year 2015 enacted amount was higher than the President's request. We urge this committee to return UNCF to the already-modest fiscal year 2012 amount of $31.3 million.

With regard to our Nation's broader conservation efforts, we have been encouraged by the Forest Service's most recent interest in accelerating the pace of forest restoration on our National Forests. With 65 to 80 million acres in need of restoration, this will be no small feat. The Forest Service's Collaborative Forest Landscape Restoration Program is one of the most important programs to further this work. This program was created in 2009 to promote job stability, reliable wood supply, and forest health while reducing emergency wildfire costs and risks. In the first 5 years, projects funded through CFLRP have reduced hazardous fuels on more than 945,000 acres to protect communities. With nearly 2 million green tons of biomass available for bioenergy production and enhanced habitat on 703 miles of streams. American Forests supports the recommendation to increase program funding to $60 million.

We deeply appreciate this committee's support of the sensible, bipartisan Wildfire Disaster Funding Act and respectfully request the language be highlighted in the fiscal year 2016 Interior and Environment and Related Agencies' appropriations bill. This would provide the US Forest Service and the Department of Interior with a funding structure similar to that used by other agencies that re-

spond to natural disaster emergencies. We are prepared to help in any way possible to assist Congress in developing a sustainable, long-term solution to funding emergency wildfire suppression.

Thank you for the opportunity to provide some insight into these programs, and I appreciate your consideration of my testimony.

[The statement of Scott Steen follows:]

Written Testimony of Scott Steen, President and CEO, American Forests
To the House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
March 18, 2015

Dear Chairman Calvert, Ranking Member McCollum, and Honorable Committee Members:

American Forests appreciates the opportunity to submit public testimony regarding our Fiscal Year 2016 appropriation recommendations. We understand the continuing economic realities facing the nation, and we thank this Subcommittee for its support of key federal conservation programs in the Consolidated and Further Continuing Appropriations Act of 2015. The return on investing in our nation's forests is great, whether those forests are public or private, in urban areas or in wildlands. The economic, social, and environmental benefits healthy forests provide are clear incentives for federal investment. American Forests' funding recommendations are generally consistent with the President's budget requests for the USDA Forest Service (USFS), Department of Interior, and the Environmental Protection Agency, with the exception of a few programs that merit a return to the FY 2012 enacted levels prior to the sequestration.

Founded in 1875, American Forests is the oldest national nonprofit conservation organization in the United States. Its mission is to restore threatened forest ecosystems and inspire people to value and protect urban and wildland forests. In the past 25 years, American Forests has planted nearly 50 million trees in approximately 1,000 high-impact forest restoration projects. These projects have restored hundreds of thousands of acres of wildlife habitat, protected vital watersheds and sequestered millions of tons of greenhouse gases. American Forests is also one of the nation's leading advocates for healthy urban tree canopy and green space, and a key funder of urban forest initiatives that have transformed communities across the country. Inspiring the next generation of forest stewards is important to American Forests and to the United States. The increased focus by all of the land management agencies on youth engagement is heartening as America seeks to encourage and inspire the next generation of conservationists.

Department of Agriculture

USDA Forest Service

National Forest System

Collaborative Forest Landscape Restoration Program (CFLRP): This program was created to promote job stability, a reliable wood supply, and forest health while reducing emergency wildfire costs and risks. In the first five years of the program, projects funded through CFLRP have: reduced hazardous fuels on more than 945,000 acres to protect communities, more than 2.5 million ccf timber volume sold, made nearly 2 million green tons of biomass available for bioenergy production, and enhanced habitat on 703 miles of streams. *American Forests supports the President's FY 2016 request of $60 million.*

Integrated Resource Restoration: The Administration's proposal for an Integrated Resource Restoration budget consolidation represents the USFS's approach to accelerated restoration. American Forests believes that the Administration's proposals for FY 2016 will help move the agency in the right direction by encouraging collaborative efforts with communities and partners to identify and address priorities at a landscape or watershed scale. *American Forests supports the President's request of $822.11 million to aid in the restoration of our nation's forests.*

Forest and Rangeland Research
The USFS's Forest and Rangeland Research program is essential in providing support for urban and wildland forestry research activities. These focuse on understanding conditions and trends in our nation's urban and community forests and in providing tools and best management practices. Agency researchers help policymakers and practitioners to understand the environmental, economic, and social services that trees and forests provide. *American Forests requests Congress to provide funding for the Forest and Rangeland Research line item at $303 million with $83 million allocated to the Forest Inventory Analysis.*

State and Private Forestry
Urban and Community Forestry: The Urban and Community Forestry (U&CF) program has made a signficant contribution to moving communities towards greater economic, environmental, and social sustainability. In FY 2014 alone, the U&CF program delivered assistance to more than 190 million people (60 percent of the U.S. population) in 7,100 communities across the country. A key reason for the program's extensive reach is that the federal investment made through the U&CF program leverages non-federal funding – often at a match of 2:1 or more. *American Forests recommends increasing funding the Urban and Community Forestry Program to pre-sequestration levels at $31.3 million in FY 2016.*

Forest Health Management: The Forest Health Management programs provide essential expertise and assistance to state and municipal agencies and private landowners in countering non-native pests. Municipal governments across the country are spending more than $3 billion each year to remove trees on city property killed by these non-native pests. Homeowners are spending an additional $1 billion to remove and replace trees on their properties and are absorbing an additional $1.5 billion in reduced property values. *American Forests asks that the Subcommittee appropriate a total of $111 million for the Forest Health Management programs; of which, $48 million is specifically designated for cooperative lands programs.*

Landscape-Scale Restoration: The Landscape Scale Restoration program strategically prioritizes resources by competitively allocating the Cooperative Forestry Assistance Act funds. It focuses on targeting federal investments —leveraged by state funding resources— to areas of greatest need, highest value, or strongest innovation potential as stipulated in each State Forest Action Plan. *American Forests recommends funding the Landscape Scale Restoration program at $23.5 million in FY 2016.*

Forest Legacy Program: Since authorized in 1990, the Forest Legacy Program has protected 2.398 million acres across the country, including 169,186 acres of water bodies and 2,733 miles of streams. It is imperative to continue protecting our nation's forests for future generations while simultaneously providing the myriad of ecosystem services to current Americans. *American Forests supports the President's FY 2016 request of $61 million allocated through the Land and Water Conservation Fund.*

Department of Interior

Bureau of Land Management
Public Domain Forest Management: The Bureau of Land Management (BLM) is entrusted with the management of 58 million acres of forests and woodlands across 12 western states, including Alaska. According to the Department of the Interior's 2012 Economic Impact Report,

timber harvested from Public Domain forests supported $659 million in economic activity, and biomass from BLM forests has become part of the feedstock that meets various State and Federal renewable energy portfolio standards. However, 14 million acres — or 24 percent — of BLM forests are overstocked increasing the risk of insect and disease attacks and catastrophic wildfire. Increased funding to address these serious risks is necessary across all land management agencies. *American Forests supports the President's FY 2016 request at $9.98 million.*

National Conservation Lands: The National Conservation Lands —also known as the National Landscape Conservation System— encompasses signature landscapes including some of America's finest natural and cultural treasures, many of them forested. Yet, despite their codification in law and growing popularity, the system of national monuments and national conservation areas is still undercapitalized. These areas lack sufficient staff and financial resources to adequately protect their valuable natural and cultural resources and maximize their recreational potential. *American Forests supports the President's FY 2016 request for $48.47 million.*

Fish and Wildlife Service

Endangered Species/ Ecological Services: For more than 40 years, the Endangered Species Act (ESA) has helped prevent the extinction of many of our nation's treasured wildlife and plant species, many of which thrive in forested habitat. While the ESA has made significant strides in protecting our most imperiled species, there are still major shortfalls. Numerous species in need of protection, including the whitebark pine, are precluded from the list because of the lack of adequate resources. The proposed restructuring of the Fish and Wildlife Service and how it addresses endangered species listing, planning, and conservation and restoration would help in the recovery of these species and their removal from the lists. *American Forests supports the President's FY 2016 request of $258.24 million for ecological services.*

National Wildlife Refuge System: The National Wildlife Refuge System, with 561 refuges covering more than 150 million acres across the country, is vital to protecting America's wildlife and ensuring that their habitats are a priority. Because refuges are visited by approximately 45 million people each year, generate more than $4.2 billion in economic output, and support more than 34,000 jobs, investment in the Refuge system is an investment in our communities. *American Forests supports the President's FY 2016 request for $508.20 million.*

National Park Service

National Park System: With the National Park System's Centennial Celebration on the horizon, we encourage this subcommittee to honor "America's best idea" with increased investments in operations, construction, and the Centennial Challenge program to $50 million. The Challenge, in particular, will encourage organizations, foundations, businesses and other non-federal institutions to help restore our parks. *American Forests supports the President's FY 2016 total budget request of $3.0 billion.*

Urban Parks Recreation and Recovery: The reestablishment of this program, proposed to be funded through the Land and Water Conservation Fund, is essential to bring nature to our urban communities. These competitive grants focus on engaging and connecting communities — especially young people — to their neighborhood parks through projects that would revitalize and rehabilitate park and recreation opportunities. *American Forests supports the President's FY 2016 request of $25 million.*

Environmental Protection Agency

Office of Water

Clean Water State Revolving Fund: Green infrastructure is a cost-effective and resilient approach to stormwater infrastructure needs that also provide many other community benefits. American Forests supports the Environmental Protection Agency's (EPA) goal of strengthening green infrastructure activities to further sustainability goals by incorporating green infrastructure and enhancing stormwater management. American Forests also supports efforts to expand the use of green infrastructure to meet Clean Water Act goals through the Clean Water State Revolving Funds (CWSRF). *American Forests supports the FY 2015 enacted level of $1.449 billion for CWSRF and supports the President's FY 2016 request that not less than 20 percent the CWSRF funding be made available for green infrastructure or environmentally innovative projects that promote water system and community resilience.*

Urban Waters Federal Partnership: This 13 interagency effort, coordinated by the EPA, helps stimulate local economies, create jobs, improve quality of life, and protect health by revitalizing urban waterways, the urban forests that protect them, and the communities around them. This partnership focuses on underserved urban communities of all sizes near waterways. *American Forests supports the continued efforts of the Urban Waters Federal Partnership.*

Legislative Language Request

Wildfire Suppression Funding

American Forests appreciates the Committee's support of the bipartisan Wildfire Disaster Funding Act (WDFA - H.R. 167; S. 235) and respectfully request the language be highlighted in the FY 2016 Interior, Environment, and Related Agencies appropriations bill. This language provides the structure to fund a portion of the USDA Forest Service (USFS) and Department of the Interior (DOI) wildfire suppression costs through a budget cap adjustment under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. This would provide the USFS and DOI with a funding structure similar to that used by other agencies who respond to natural disaster emergencies. We additionally request that the Committee appropriate the modeled levels of suppression through the Interior bill and the wildfire budget cap adjustment to meet suppression needs in FY 2016. We appreciate this Committee's attention to this increasing and unsustainable natural resource challenge. The FY 2016 appropriations bill can provide for both necessary wildfire suppression and also fire risk reduction activities that save lives, create jobs, and reduce firefighting costs in the long run. American Forests is prepared to help and look forward to assisting Congress in developing a sustainable and long-term solution to fund emergency wildfire suppression.

Land and Water Conservation Fund

American Forests supports the permanent authorization of full and dedicated funding, without further appropriation or fiscal year limitation, for the Land and Water Conservation Fund (LWCF). LWCF programs protect natural resource lands, outdoor recreation opportunities, and working forests at the local, state and federal levels. This program ensures that these important lands are protected for current and future generations. *American Forests supports the President's FY 2016 budget request, which calls for permanent authorization of $900 million in mandatory funding for LWCF programs in the Departments of Interior and Agriculture.*

Mr. CALVERT. Thank you. Next, Mr. Partin.

WEDNESDAY, MARCH 18, 2015.

FEDERAL FOREST RESOURCE COALITION

WITNESS

TOM PARTIN

Mr. PARTIN. Good afternoon, Chairman Calvert and Ranking Member McCollum and Representative Simpson. It is a pleasure to be back. I had the opportunity to testify before this group about 3 years ago when you were chairman. Again, I am back to talk about federal forest issues, both Forest Service and BLM.

But today I am testifying on behalf of the Federal Forest Resource Coalition. We are a fairly new organization formed in Washington, DC in the last 3 years. We represent purchasers of federal timber in 32 states with over 650 member companies and collectively representing over 390,000 employees.

We make the following specific programmatic recommendations for fiscal year 2016 Forest Service budget: First of all, we need to focus increased investment on our National Forest Timber Management Program and the Capital Improvement and Maintenance.

Secondly, we need to maintain strong funding for wildland hazardous fuels reduction. We cannot get to managing the needed acres without appropriations to do the job on the ground or treat our hazardous fuels and road system to get them out. So those are very important first steps.

FFRC applauds the administration's budget for proposing to increase timber outputs to 3.2 billion board feet. I think last year they were at about 2.8 billion board feet. And we endorse a bipartisan approach to wildfire funding and the Wildfire Disaster Funding Act, H.R. 167.

Our mills need predictable and growing supplies of timber. Over the past 2 decades, harvest levels on federal forests have been reduced by 80 percent. Inadequate and unpredictable timber supplies caused by erratic appropriations, fire borrowing, and obstructionist tactics by a minority of radical groups make it difficult to commit to investments needed to keep our companies viable. It also threatens the health of our forests without having a consistent flow of wood. We need certainty.

We strongly encourage you to eliminate the fire borrowing and to provide stable appropriations through bipartisan efforts like the Wildfire Disaster Funding Act.

We also stress that the Forest Service's performance has been hampered in previous years by erratic appropriations. And I just need a first hand on the ground. When we go out and we ask what the Forest Service's program is, they don't get a budget oftentimes until April, and this is the time when they are taking a chance on should we hire summer folks, should we not hire summer folks? And we need to have some predictability to these folks and pass your budgets earlier in the year so they know what is going to happen. We have had continuing resolutions that have gone in a short time. Back in 2013 we had a government shutdown, and at that

time we had 1,200 active timbers sales that were shut down that really impacted our operations nationwide.

As you know, the National Forest System is experiencing significant forest health challenges. I think Chief Tidwell testified that the National Forests have between 65 and 82 million acres of land that needs active management. Further, the Forest Service has a $5.1 billion capital facilities maintenance backlogs with all of the road systems and buildings and everything else that they haven't been able to keep up.

In 2012 the administration publically committed to increasing the pace and scale of managing our National Forest System, and we applaud the fiscal year 2016 budget request for attempting to translate that commitment into action. However, we think there are some improvements the committee could take to more direct these dollars and put towards specific actions, including a 5 percent increase in the Forest Products line item to $355 million. This is an increase of $16 million. A 5 percent increase in the Forest Roads Fund to $176 million, an increase of $8.4 million. In support of $4 billion board foot timber goal. I think there are ways you could get to that $4 billion board foot timber goal from the 3.2 you are predicting with some emphasis on management and some cost-saving areas.

I also want to touch real briefly on the BLM forest management. Mr. Shepard of course was highly involved in that over his years. It is showing a 9.1 percent reduction this year. Out in Oregon, of course, we have the ONC lands that are very important. That is about a 215 million foot program, and we really don't need a reduction in our BLM funding out there. So I really encourage you to take a look at those dollars and try to put I think it is $9.9 million back into the budget.

FRRC represents all the states where we have federal timber including Alaska. Alaska is being really challenged right now. The timber industry in Alaska faces several problems, and current efforts to transition to a second-growth timber which is really where they are headed has caused some problems. We are emphasizing that some portion of the Tongass should be converted into state ownership in order to meet the needs of the local economy up in Alaska.

And I just want to take a couple of seconds. This is probably the last time I am going to testify here because I am going to be retiring. But I think we have really shorted our federal forests and we have shorted our rural communities by not managing our forests and getting the returns back to the communities and counties that they need. So please remember that when you are putting your budget together, and we appreciate all your help.

[The statement of Tom Partin follows:]

Testimony of Tom Partin, Vice President, Federal Forest Resource Coalition, to House Appropriations Subcommittee on Interior, Environment, and Related Agencies re: Fiscal Year 2016: U.S. Forest Service and Bureau of Land Management

The following testimony is submitted on behalf of the Federal Forest Resource Coalition, which represents purchasers of Federal timber in 32 states, with over 650 member companies and affiliated associations, collectively representing over 390,000 employees. We make the following specific programmatic recommendations for Fiscal Year 2016:

- Focus increased investments on **National Forest Timber Management**, and **Capital Improvement & Maintenance**;
- Maintain strong funding for **Wildland Hazardous Fuels Reduction**
- Continue CFLR projects to demonstrate collaborative forest management.

We were pleased to see the Administration proposing increases, albeit modest ones, in timber outputs, and we endorse the bi-partisan approach to wildfire funding in the Wildfire Disaster Funding Act (HR 167).

Our Mills Rely on Predictable, and Growing Supplies of Timber: The forest products industry is extremely capital intensive. Our member companies have significant investments in logging and mill infrastructure, which can help offset the costs of managing the National Forests and return money to the Treasury. Several issues at the Forest Service inhibit our ability to grow and compete. Unpredictable timber supplies caused by erratic appropriations, fire borrowing, and obstructionist tactics by a minority of radical groups make it difficult to commit to the investments needed to keep our companies viable.

Eliminate Fire Borrowing, Provide Stable Appropriations: Congress is well aware of the inefficiencies created when the Forest Service redirects funding from land management programs to pay for wildfire suppression activities. Programs which directly support improved forest health are among those penalized the most by this process. The pattern of borrowing disrupts forest management and delays timber sales unnecessarily, while doing nothing to help ensure honest budgeting or reduced costs. The Wildfire Disaster Funding Act holds tremendous promise and we urge the Committee to move forward with it this year.

We also stress that the Forest Service performance has been hampered in previous years by erratic appropriations, with continuing resolutions, some lasting as little as a few days. This culminated with the disruptive government shutdown in 2013, which halted 1,200 active timber sales. Disruptions in the timber sale program make it harder to manage the National Forests, harder to reduce fuel loads, and harder for our member companies to justify making the capital investments needed to remain competitive. We urge Congress to use the appropriations process to minimize these disruptions to the greatest extent possible.

The Need for Management: As you know, the National Forest System is experiencing significant forest health challenges. The Chief has testified that the National Forests have between 65 and 82 million acres in need of active management, with 45 million acres decimated by bark beetles in the Rocky Mountains alone. Further, the Forest Service has a $5.1 billion capital facilities maintenance backlog. This backlog does not just affect the roads my members depend on to access timber, but the trails, campgrounds, and visitor centers millions of Americans use. Faced with deteriorating forest health and crumbling facilities, we urge Congress to prioritize management and maintenance over expansion of an overtaxed National Forest System.

The Need to Increase the Pace and Scale of Forest Management: In early 2012, the Administration publicly committed to increasing the pace and scale of managing the National Forest System, arguing that by expanding forest restoration programs, forest health would improve, fire danger would decrease, and timber outputs would climb to over 3 Billion Board Feet. We applaud their 2016 budget request for attempting to translate that commitment into action. However, we urge the Committee to take a more direct route than that proposed by the Administration.

While the Administration has once again proposed a single, $822 million line item called Integrated Resource Restoration, we propose instead focused increases in National Forest – Forest Products (timber sales) and Capital Improvement & Maintenance – Roads. Specifically, we recommend the Committee:

- a 5% increase in Forest Products, to $355 Million, an increase of $16 million
- a 5% increase in Forest Roads, to $176 Million, an increase of $8.4 Million
- Support a 4 Billion Board Foot timber goal

These increases can be paid for by either reducing land acquisition or by redirecting proposed increases in the Collaborative Forest Landscape Restoration Program.

We remain concerned about the performance of the IRR pilot regions, and are extremely concerned about the slow pace of work in many of the Collaborative Forest Landscape Restoration project areas. IRR pilot regions continue to struggle to increase outputs and reduce unit costs, while depending on large portions of non-commercial firewood to meet their timber targets. We oppose expansion of the IRR program, but encourage the Committee to provide flexibility to blend funds together at the regional and forest level while maintaining performance objectives for specific programs.

The Administration has once again recommended expanding the Collaborative Forest Landscape Restoration Program (CFLR) by 50%, increasing the funding from the currently authorized level of $40 million per year to $60 million per year. In fiscal year 2014, the CFLR program achieved just 41% of its vegetation improvement goals, 39% of its biomass removal goals, and just 42% of its road restoration goals. Many CFLR project areas are still struggling to complete required NEPA analysis, while others have approved multiple NEPA documents are rapidly implementing projects. Given the uneven results from these projects, drastically increasing the allocation of funds to CFLR is not justified at this time.

Instead, we urge Congress to direct the Forest Service to expand management across the country, and not simply focus on CFLR project areas. If Congress is inclined to increase management funds by the amount requested by the Administration, we urge you to use those funds to match State efforts to implement management on recently designated Insect & Disease Treatment Areas and to implement projects through the use of Good Neighbor Authority (both recently authorized or expanded by the 2014 Farm Bill).

The Need to Increase Efficiency in NFS Management: As an industry, we have learned how to economize, reduce costs, and do more with less. We recognize that the nation's fiscal situation demands austerity, and we dialogue constantly with Federal land managers to find ways to reduce costs and increase efficiency. Congress has been at the forefront of these efforts. In recent years, the Congress has:

- Replaced cumbersome administrative appeals with a streamlined objection process;
- Expanded the use of designation by description to all timber sales; and
- Expanded forest health authorities beyond the Wildland-Urban Interface.

We strongly urge you to continue these efforts by directing the Forest Service to:

- Meet their forest products output targets using only commercial products such as sawlogs, pulpwood, and commercial biomass, not personal use firewood;
- Urge the Forest Service to revisit their initial interpretation of the Farm Bill's Designation by Description and Prescription Authority;
- Focus higher yielding forest management projects on lands designated as suitable for timber production; and
- Meet a goal of 4 Billion Board Feet in Fiscal Year 2016.

The current annual harvest from the National Forests represents less than half the allowable sale quantity in existing forest plans. In many Regions, the Forest Service is falling short of its own management goals; including response to the bark beetle outbreak in the Rockies and in managing aspen habitat in the Lake States. Stepping up management, through collaboratives where they exist and normal timber programs elsewhere, will address pressing forest health concerns while bolstering employment in economically distressed rural communities. Investing in the Forest Service timber program is a very effective job creator, generating 16.5 new direct and indirect jobs per million board feet harvested.

We appreciate the efforts of the Subcommittee to remove the arbitrary requirements for hazardous fuels reduction work in the Wildland Urban Interface (WUI). A greater percentage of lands in need of fuels reduction are outside of the WUI, and mechanical thinning allows the Forest Service to take advantage of the wood products infrastructure to reduce treatment costs. Extensive Forest Service research shows that mechanical thinning which includes removing useable wood fiber, followed by prescribed fire, significantly reduce threats from wildfire and forest pests.

BLM Forest Management: The President's FY 2016 Budget includes a 9.1% reduction in funding for the BLM O&C Land Management Program. FFRC strongly supports reforming these critically important and productive timberlands. We urge the Committee to reject the proposed reduction and fund the O&C program at least at the 2014 enacted level. Aggressive action is needed to offer regeneration harvests from these lands that meet the needs of local mills and communities. We strongly support the PD Forest Management Program at no less than the President's recommended level of $9.9 million.

Alaska: The timber industry in Alaska faces several challenges stemming from years of controversy over the management of the Tongass National Forest. FFRC members depend upon supplies of timber from this forest, and have been hard pressed as the Forest Service has placed complete restrictions on harvest in roadless areas. Current efforts to transition to second growth timber will not meet the local industries needs for decades. Steps must be taken to offer a timber sale program that complies with the National Forest Management Act and can sustain the local value added industry in order to save the capacity to manage the very small percent of the Tongass that is open to any harvest (almost 90% of the Tongass is roadless). Some portion of the Tongass should be converted into State ownership in order to meet the needs of the local economy. FFRC also strongly urges the Subcommittee to make permanent the Red Cedar language which it has included in previous Interior bills for more than a decade. This language is absolutely necessary to insure that USFS sales are not offered as deficit sales.

Conclusion: Wood product demand remains strong, providing an opportunity to expand management on the National Forests. More forest management work needs to be done on the National Forests. Only Congress can decide whether we will help meet that domestic and international demand using timber from our National Forests, which must be milled domestically before it can be exported. Only Congress can create American jobs by using this market upswing to pay for badly needed forest management work. To paraphrase our favorite bear, only you can decide to act now, or you can allow the negative trends in forest health and rural economic distress to continue.

About the FFRC: The Federal Forest Resource Coalition is a unique national coalition of wood products companies, local governments, conservation groups who are united by concern for the National Forests. Representing over 650 member companies and more than 390,000 employees in 32 States, the FFRC is committed to improving the management of the National Forests and BLM lands to support healthy forests and vibrant rural communities.

Mr. CALVERT. Thank you. I hope you enjoy your retirement.

Mr. Seely, you are recognized.

WEDNESDAY, MARCH 18, 2015.

SOCIETY OF AMERICAN FORESTERS (SAF)

WITNESS

CLARK W. SEELY

Mr. SEELY. Good afternoon, Chairman Calvert, Ranking Member McCollum, Congressman Simpson, I am Clark Seely, and I am the current Vice President of the Society of American Foresters. I have been a professional forester and a member of SAF for 38 years, and I have experience in natural resource management and organizational leadership.

I would like to thank the committee and thank the chairman for the opportunity to share testimony on behalf of SAF for fiscal year 2016 appropriations.

The Society of American Foresters founded in 1900 with 12,000 professionals representing all disciplines within the profession to promote science-based sustainable management and stewardship of the Nation's public and private forests. Our members include natural resource professionals as practitioners in private and public settings, researchers, administrators, educators, and students.

We are eager to work with Congress, with federal agencies, and partners to identify reasonable solutions to facilitate increasing the pace and scale of management on federal lands in addition to finding new ways to work with private landowners to reduce the barriers they face keeping forests for us and promoting active management.

Summarizing my written testimony, I would like to focus my comments today on two of SAF's 2016 priorities addressing the multi-faceted wildfire challenge and strong support for the Forest Service's research and development programs. I will begin with wildfire. While significant wildfires predominantly threaten local landscapes and communities, the financial impacts weigh heavily on our whole Nation. All agencies and programs funded through the Interior's appropriation bill are at risk as wildfire suppression costs continue to rise under the current model.

Relying on transfers from vital forest management programs and after-the-fact supplementals and repayments is neither fiscally responsible nor sustainable. Without swift action towards a long-term solution, U.S. Forest Service and DOI resources will continue to be drained by wildfire, and the agencies will be unable to successfully achieve land management objectives that are fundamental to the future of our forests.

SAF appreciates the subcommittee's support for the bipartisan Wildfire Disaster Funding Act and respectfully asks it to include similar language in the fiscal year 2016 House Appropriations bill. A comprehensive approach to averting wildfire threats can improve forest resilience. It is imperative. Hazardous fuels and fire risk management line items in the U.S. Forest Service and DOI budgets

are vital to restoring forest health and reducing the cost of wildfire suppression.

SAF appreciates this subcommittee's consistent support for wildfire management and encourages it to allocate funds to address wildfire risks inside and outside the wildland-urban interface. In addition to preventing and mitigating wildfire risk, these programs also serve as an important source of jobs, especially in rural communities. SAF supports funding the hazardous fuels line item in the Forest Service's budget at $360 million with additional funds available in the National Forest System budget to support the landscape scale approach, and funding for the DOI Fire Risk Management Program at $178 million.

Now, let me turn to research and development. Investments in forestry research are essential for the future health and sustainability of our Nation's forests. U.S. Forest Service's R&D functions as an incubator for new products and ideas, conducting essential research on such key topics as natural disturbances; contributions of forest air and water quality; species and forest resilience; treatment methods for controlling forest insects, diseases, and invasive species; renewable energy development; and woody biomass conversion technology.

SAF is concerned that forestry research capacity in the United States continues to decline, threatening our competitiveness and the ability of forest managers to meet tomorrow's challenges with current science and technical information. We acknowledge that the agency needs to clarify the Forest Service's R&D strategic priorities, and we pledge to work with the agency, stakeholders, and this subcommittee to encourage the development of research portfolios at the stations around the country to align with the identified priorities, but further reductions in the Forest Service's R&D budget will create significant gaps in the knowledge base necessary to address the many threats facing our Nation's forests and competitive losses in the global economy.

SAF supports a funding level of $226 million for U.S. Forest Service R&D with particular emphasis on prioritizing research efforts and transferring knowledge to forestry professionals.

SAF also strongly supports the funding increase suggested for the Forest Services' R&D, Forest Inventory and Analysis or FIA Program, and encourages this subcommittee to also provide a significant boost in funding for the program.

FIA is the inventory backbone of U.S. Forestry providing the only national census of all forests across all ownerships and is unique in that all professional foresters, either directly or indirectly, use its information at some point in their careers. SAF requests funding at a level of at least $83 million and urges the subcommittee to provide direction for future increases to allow the program to keep pace with ever growing information needs.

In closing, thank you for your time and consideration of these important requests. SAF and its extensive network of forestry and natural resource professionals stand ready to assist with further development and implementation of these efforts. Thank you.

[The statement of Clark Seely follows:]

Fiscal Year 2016 Interior, Environment, and Related Agencies
Written Testimony of Clark W. Seely, CF
Vice President, Society of American Foresters
House of Representatives Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies
March 18, 2015

The Society of American Foresters (SAF), with 12,000 professionals representing all disciplines within the forestry profession, promotes science-based, sustainable management and stewardship of the nation's public and private forests. SAF appreciates this opportunity to submit public witness testimony on Fiscal Year (FY) 2016 appropriations because sufficient funding for the USDA Forest Service (USFS) and the Department of Interior (DOI) is vital to conserving and improving the health and productivity of our nation's forests.

The American public relies on the 751 million acres of public and private forests in the United States to provide clean and abundant air and water, recreational opportunities, forest products, fish and wildlife habitat, forage and range resources, energy, and scenic beauty. As our reliance continues to grow, pressures on forests from wildfires, drought, insects, disease, and invasive species have also risen to unprecedented levels in many areas of the country. Public agencies must manage these mounting threats while still providing for multiple uses and important ecosystem services. Maintaining this balance demands that land managers work together and with partners to identify innovative ways to maximize return when considering investments to improve the health of America's forests.

SAF's top priorities in the FY 2016 budget process impact a range of programs within USFS and DOI. Recognizing fiscal constraints, these requests will assist forest managers in sustaining our nation's forests and providing a multitude of benefits for generations to come.

SAF Top Priorities:

1. Adopt a long-term solution to wildfire suppression funding that ends fire borrowing and allows the agencies to target resources to improve forest health and resiliency, like the bi-partisan Wildfire Disaster Funding Act.

2. Increase funding levels for USFS Research and Development (R&D) to no less than $226 million and no less than $83 million for the Forest Inventory and Analysis Program (FIA).

3. Fund the Forest Health Management Program (FHP) within the USFS State and Private Forestry budget line item at no less than $111 million.

4. Continue support for the Collaborative Forest Landscape Restoration Program (CFLRP) at no less than $40 million.

5. Support Bureau of Land Management Public Domain Forestry and Oregon & California Railroad Grant Lands funding levels at no less than $9.98 million and $114.5 million, respectively.

SAF is the premier national scientific and educational organization representing forestry and related natural resources professionals in the United States. Founded in 1900 by Gifford Pinchot, SAF is the largest professional society for foresters in the world. Our members include natural resource professionals in public and private settings, researchers, CEOs, administrators, educators, and students. Just as forests are fundamental to our nation, so too are the professionals who study, manage, and protect these precious resources to sustain their environmental, economic, and social benefits in perpetuity. SAF is eager to work with Congress, federal agencies, and partners to identify reasonable solutions to facilitate increasing the pace of management on federal lands, in addition to finding new ways to work with private landowners to reduce the barriers they face, keep forests as forests, and incentivize active management.

SAF is pleased that the Administration continues to show a commitment to increasing the pace and scale of management of federal lands and for increasing the USFS harvest target to 3.2 billion board feet for FY 2016. However, with up to 82 million acres in the National Forest System (NFS) in need of restoration, SAF urges this subcommittee to encourage the agency to use all available tools to implement more projects on federal lands. New authorizations in the 2014 Farm Bill have the potential to facilitate quicker responses to areas devastated by insects and disease, expand the use of Stewardship Contracting where appropriate, and take advantage of Good Neighbor Authority and other mechanisms that work across boundaries to achieve shared objectives. While adopting and embracing these new authorities, the agency must not lose sight of other available tools. USFS can work with rural communities, partners, and industry through collaboratives and other partnerships to meet management goals outlined in forest plans and possibly exceed expectations set in forest plans using forest health exemptions, designation by description, and streamlined objections among other options.

SAF Budget Recommendations

While wildfires predominantly threaten western landscapes and communities, the financial impacts weigh heavily on our whole nation. All agencies and programs funded through the Interior Appropriations Bill are at risk as wildfire suppression costs continue to rise under the current funding model. Relying on transfers from vital forest management programs and after-the-fact supplementals and repayments is neither fiscally responsible nor sustainable. Agencies and first responders need a predictable, stable, and efficient budget structure. Without swift action toward a long-term solution, USFS and DOI resources will be subsumed by wildfire and they will be unable to successfully achieve land management objectives that are fundamental to the future of our forests. ***SAF appreciates the subcommittee's support for the bipartisan Wildfire Disaster Funding Act (H.R. 167 & S. 235) and respectfully asks it to include similar language in the FY 2016 House Appropriations Bill.***

A comprehensive approach to averting wildfire threats and improving forest resilience is imperative. The Hazardous Fuels and Fire Risk Management line items in the USFS and DOI budgets are integral to restoring forest health and reducing the costs of wildfire suppression. Through restoring and maintaining fire-resilient landscapes and communities, these programs support the goals of the National Cohesive Wildland Fire Management Strategy. SAF appreciates this subcommittee's consistent support for wildfire management and encourages it to

allocate funds to address wildfire risks inside and outside the wildland urban interface. While fuels treatments in and around communities and infrastructure are important for the protection of life and property, recent research suggests that backcountry treatments are equally important to prevent large and destructive wildfires[1]. In addition to preventing and mitigating wildfire risks, these programs also serve as an important source of jobs, especially in rural communities, and expand markets for the use of biomass residuals as renewable energy through efforts like the USFS Woody Innovations Grant Program. ***SAF supports funding the Hazardous Fuels line item in the USFS budget at $360 million with additional funds available in the National Forest System budget to support the landscape-scale approach and treat outside the Wildland Urban Interface and funding for the DOI Fire Risk Management Program at $178 million.***

Investments in forestry research are essential for the future health and sustainability of the nation's forests. USFS R&D functions as an incubator for new products and ideas, conducts essential research on disturbances, forest ecosystems, contributions of forests to air and water quality, species and forest resilience, treatment methods for controlling forest insects, diseases, and invasive species, renewable energy development and woody biomass conversion technology. Research conducted at the Forest Products Lab and in the research stations across the country is undeniably important. From research on control mechanism for emerald ash borer to nanotechnology, the USFS provides research that would otherwise be unfulfilled. This research and associated tech transfer provides the foundational basis for the adoption of new techniques or the achievement of scale by private entities willing to invest resources and accept the associated risks to facilitate commercial applications of the technology. Advancing forest science is integral to inform and improve the forestry profession. SAF is concerned that forestry research capacity in the US continues to decline, threatening US competitiveness and the ability of forest managers to meet tomorrow's challenges with current science and technical information. Further reductions in the USFS R&D budget will create significant gaps in the knowledge base necessary to address the many threats facing our nation's forest and competitive losses in the global economy. ***SAF supports a funding level of $226 million for USFS R&D with particular emphasis on prioritizing research efforts and transferring knowledge to forestry professionals.***

SAF strongly supports the funding increase suggested for the USFS R&D Forest Inventory and Analysis (FIA) program and encourages this subcommittee to also provide a significant boost in funding for the program. FIA is the backbone of US forestry, providing the only national census of forests across all ownerships. Through FIA, USFS (partnering with state forestry agencies and the private sector) collects and analyzes forest data to assess trends on issues such as forest health and management, fragmentation and parcelization, and forest carbon sequestration. The data and information collected by FIA serves as the basis for: identifying trends in forest ownership; assessing fish and wildlife habitat; evaluating wildfire, insect, and disease risk; predicting the spread of invasive species; determining capital investment in existing forest products facilities and selecting locations for new forest product facilities; and identifying and responding to priorities identified in State Forest Action Plans. FIA provides the scientific basis

[1] "The Efficacy of Fuels Treatments: A Rapid Assessment of the Economic and Ecological Consequences of Alternative Hazardous Fuel Treatments", Northern Arizona University Ecological Restoration Institute, May 2013.

and data needed to evaluate forest disturbance risks, such as wildfire, insects and disease, and spread of invasive species. The critical need for current information about the condition of our forests, with greater emphasis on the role of forests in maintaining and improving air quality, underlies the need for FIA program capacity to be increased in FY 2016 and beyond. ***SAF requests funding at a level of at least $83 million and urges this subcommittee to provide direction for future increases to allow the program to keep pace with ever-growing information needs.***

The numerous benefits provided by forests are threatened by damaging invasive species that are arriving and spreading at an increasing rate. At least 28 new tree-killing pests have been detected over the last decade. Already, municipal governments across the country are spending more than $3 billion each year to remove trees on city property killed by non-native pests, such as emerald ash borers. Homeowners are spending an additional $1 billion to remove and replace trees and are absorbing an additional $1.5 billion in reduced property values. The USFS State and Private Forestry Forest Health Management programs (FHP) manage forest health through direct action on NFS lands and provide assistance to private landowners, other federal agencies, and state and local agencies to prevent and mitigate insect and disease outbreaks as well as the spread of invasive species. ***SAF recommends a funding level of $111 million to continue monitoring and responding to forest health concerns.***

SAF remains committed to the Collaborative Forest Landscape Restoration Program (CFLRP). CFLRP encourages collaborative, science-based ecosystem restoration on priority forest landscapes. In four years, the twenty-three projects have reduced hazardous fuels, generated timber receipts, and provided a boon to struggling rural economies. ***SAF supports at least a $40 million dollar funding level for CFLRP and encourages this subcommittee to push the agency to address the challenges and build on successes identified in the 5-year report scheduled for delivery to Congress this year.***

In closing, SAF members are pleased that the Bureau of Land Management (BLM) Forest Ecosystem Health and Recovery Fund was reauthorized through 2020 in the 2015 Omnibus Appropriations Bill. SAF was also encouraged by the recognition of the important work of the BLM Public Domain Forestry program (PD) with a slight funding increase in the President's budget. However, SAF is concerned with the funding reduction for the Oregon & California Railroad Grant Lands (O&C). Though the resource-intensive management plans are scheduled to be completed in 2016, the $3.2 million dollar reduction in planning funds coupled with the $3.7 million dollar reduction in the Forest Management Program will make it difficult to implement the plan, complete the necessary monitoring, and address administrative and legal challenges that always accompany new management plans. ***SAF supports the funding level of $9.98 million for the PD program and urges this subcommittee to fund the O&C program at $114.5 million.***

Thank you for your time and consideration of these important requests. SAF and its extensive network of forestry and natural resources professionals stand ready to assist with further development and implementation of these efforts.

Mr. CALVERT. Thank you. Next, Mr. Karels.

WEDNESDAY, MARCH 18, 2015.

NATIONAL ASSOCIATION OF STATE FORESTERS (NASF)

WITNESS

JIM KARELS

Mr. KARELS. Thank you. Thank you, Chairman Calvert and Ranking Member McCollum, Representative Simpson, for the opportunity to testify before the subcommittee this afternoon. My name is Jim Karels. I am at the Florida State Foresters as well as the President of the National Association of State Foresters, NASF. Today I would like to highlight NASF's fiscal year 2016 appropriations request for state and private forestry programs and for the State Fire Assistance program.

As stewards of more than 2/3 of America's 751 million acres of forests, state foresters provide technical and financial assistance along with forest health, water, and fire protection for our Nation's private forest lands. The states work closely with USDA Forest Service to deliver state and private forestry programs. These programs leverage resources to protect and sustainably manage our non-federal lands.

My written statement includes a complete set of priority recommendations from NASF, and I will highlight a few. Forest Health—Cooperative Lands Program, which supports work to contain and eradicate harmful species and pests that are already costing cities billions of dollars. We ask for the support of the Forest Health—Cooperative Lands Program at $48 million for fiscal year 2016.

Urban and Community Forest Program provides technical and financial assistance to promote stewardship of our urban forests in communities across this country. We ask for support of the UCF program at $31 million.

Forest Inventory and Analysis Program is a comprehensive forest inventory system in the United States for assessing the health and the sustainability of our Nation's forests. We ask for the support of the AFIA Program at $83.

The Forest Stewardship Program is a program that provides boots on the ground, technical assistance for families and individuals who own private forest lands. This program is delivered through state forestry agencies and directed by the Cooperative Forestry Assistance Act. The program works to ensure that the private landowners have the resources to best manage their lands for wildlife, for recreation, for aesthetics, for timber production and for other goals.

NASF continues to work with partners and the Forest Service to improve the program to provide better ways to measure the outcomes, to improve cost effectiveness, and to impact a greater number of landowners and acres. We ask for your support of the Forest Stewardship Program at $29 million.

Next I will touch a little on the Landscape Scale Restoration Program. We appreciate the continued support of the subcommittee for

this program and for the State Forest Action Plans. State Forest Action Plans are the first ever attempt to create plans covering all forest resources in a state, federal, state, and private. To ensure long-term sustainability which is critical to clean air, to water, to forest products, and to jobs. All states in the country now have USDA approved Forest Action Plans, and the LSR Program is targeted at helping states implement work outlined in these Forest Action Plans. State foresters working with the Forest Service and our partners would like to grow the LSR program to better support implementation of these Forest Action Plans.

We ask for your support of the Landscape Scale Restoration Line Item at $23.5 million.

State Fire Assistance Program is a key federal program for assisting states and local fire departments in mitigating and responding to wildfires. State fire systems directs resources to treat fuels and end the fire threat on non-federal lands to reduce the risk to communities, to residents, to property, and to our firefighters from wildfire events.

State Fire Assistance does three very important things. One, it provides fire assistance or funding assistance which is matched at least on a one-to-one basis for hazardous fuel treatments on non-federal lands. It helps communities prepare for and mitigate the risk of wildfire through tools such as the Community Wildfire Protection Plans with more than 70,000 listed at risk across the country from wildfire. Much work remains to be done in that regard.

And State Fire Assistance also helps to equip and train local fire responders, first responders, who are often the first ones to respond to a wildfire regardless of the jurisdiction, whether it be local, state, or federal.

Please remember that State Fire Assistance is the primary federal mechanism to help communities prepare for wildfire. We ask your support for the State Fire Assistance Program in fiscal year 2016 at $86 million.

In closing, I would like to thank the subcommittee again as the rest have for Wildfire Disaster Funding Act, in support of it. This legislation, Chairman, as you said, is critical to stop the cycle of the transfers, to allow us to get the mitigation work done ahead of time to reduce not only the threat of wildfires but the cost of wildfires.

Thank you, Chairman Calvert. Thank you, Ranking Member McCollum, Representative Simpson, and any opportunity for questions, we are happy to respond.

[The statement of Jim Karels follows:]

Written Public Testimony of the National Association of State Foresters
Submitted to the House Subcommittee on Interior, Environment, and Related Agencies
Concerning FY 2016 USDA Forest Service Appropriations
March 18, 2015

The National Association of State Foresters (NASF) appreciates the opportunity to submit written public testimony to the House Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies regarding our fiscal year (FY) 2016 appropriations recommendations. Our priorities focus primarily on appropriations for the USDA Forest Service (Forest Service) State and Private Forestry (S&PF) programs.

State foresters deliver technical and financial assistance, along with forest health, water and wildfire protection for more than two-thirds of the nation's 751 million acres of forests. The Forest Service S&PF mission area provides vital support to deliver these services, which contribute to the socioeconomic and environmental health of rural and urban areas. The comprehensive process for delivering these services is articulated in each State's Forest Resource Assessment and Strategy (Forest Action Plan), authorized in the 2008 Farm Bill and continued in the Agriculture Act of 2014. S&PF programs provide a significant return on the federal investment by leveraging the boots-on-the-ground and financial resources of state agencies to deliver assistance to forest landowners, tribes, and communities. As federal and state governments continue to face financial challenges, state foresters, in partnership with the S&PF mission area of the Forest Service, are best positioned to maximize effectiveness of available resources by focusing work on priority forest issues where resources are needed most.

Your support of the following programs is critical to helping states address the many and varied challenges outlined in Forest Action Plans.

Wildland Fire and Forest Fuels

Wildland Fire Funding: A relatively light fire season in several geographic areas meant that no transfers from non-fire programs to fire suppression were required in FY 2014 at the Forest Service or the Department of the Interior. Nonetheless, the Forest Service was still forced to prepare for transfers, which meant stopping ongoing work in the field and halting new contracts. These actions frustrate and delay on-the-ground management that is critical to the prevention and mitigation of future wildfire. **We ask for your continued support of the long-term solution to stop future transfers through the bi-partisan Wildfire Disaster Funding Act.**

State Fire Assistance: More people living in fire-prone landscapes, high fuel loads, drought, and unhealthy landscapes are among the factors that led most state foresters to identify wildland fire as a priority issue in their Forest Action Plans. We now grapple with increasingly expensive and complex wildland fires - fires that frequently threaten human life and property. In 2014, more than 63,600 wildland fires burned nearly 3.6 million acres.[1] State and local agencies respond to the majority of wildfires across the country; in 2014 state and local agencies were responsible for responding to 50,799 (80%) of 63,612 reported wildfires across all jurisdictions.[2]

[1] National Interagency Fire Center, Historical Wildland Fire Summaries, pg. 9. Last accessed Feb. 24, 2015 at http://www.predictiveservices.nifc.gov/intelligence/2014_Statssumm/2014Stats&Summ.html.
[2] *Id.*

State Fire Assistance (SFA) is the fundamental federal mechanism for assisting states and local fire departments in responding to wildland fires and in conducting management activities that mitigate fire risk on non-federal lands. SFA also helps train and equip local first responders who are often first to arrive at a wildland fire incident and who play a crucial role in keeping fires and their costs as small as possible. A small investment of SFA funds supports state forestry agencies in accessing and repurposing equipment from the Federal Excess Personal Property and the Firefighter Property programs. Between 2008 and 2012 these two programs have delivered more than $150 million annually in equipment for use by state and local first responders.

The FY 2016 Forest Service Budget Justification highlights a successful wildfire mitigation project in Colorado where a $300,000 investment before the Waldo Canyon fire helped protect the community and avoid more than $77 million in additional losses from that destructive wildfire. By directing resources to actions that help reduce the number of large wildland fires—including prevention education, preparedness activities, and fuels mitigation—the SFA program directly addresses concerns over rising wildland fire suppression costs while also reducing wildland fire risk to communities.

In FY 2014, SFA directly funded hazardous fuel treatments on 111,002 acres (with another 120,241 acres treated with leveraged funding) and provided assistance to communities around the country, supporting 3,117 risk assessment and fire management planning projects and 9,972 prevention and education programs.[3] ***NASF supports funding the State Fire Assistance program at $86 million in FY 2016.***

Forest Pests and Invasive Plants

Also among the greatest threats identified in the Forest Action Plans are native and non-native pests and diseases. These pests and diseases have the potential to displace native trees, shrubs and other vegetation types in forests; the Forest Service estimates that hundreds of native and nonnative insects and diseases damage the nation's forests each year. The growing number of damaging pests and diseases are often introduced and spread by way of wooden shipping materials, movement of firewood, and through various types of recreation. In 2010, approximately 6.4 million acres suffered mortality from insects and diseases[4] and there is an estimated 81.3 million acres at risk of attack by insects and disease over the next 15 years.[5] These losses threaten clean and abundant water availability, wildlife habitat, clean air, and other environmental services. Further, extensive areas of high insect or disease mortality can set the stage for large-scale, catastrophic wildfire.

The Cooperative Forest Health Management program supports activities related to prevention, monitoring, suppression, and eradication of insects, diseases, and plants through provision of technical and financial assistance to states and territories to maintain healthy, productive forest ecosystems on non-federal forest lands. The Cooperative Forest Health Management program plays a critical part in protecting communities already facing outbreaks and in preventing exposure of more forests and trees to the devastating and costly effects of exotic and invasive

[3] USDA Forest Service FY 2016 Budget Justification at pg. 270.
[4] Man, Gary. 2011. Major Forest Insect and Disease Conditions in the United States: 2010 Update. Last accessed on March, 5, 2015 at: http://www.fs.fed.us/foresthealth/publications/ConditionsReport_2011.pdf
[5] Tkacz, Bory, et al. 2014. NIDRM 2012 Report Files: Executive Summary. Last accessed on March, 5, 2015 at: http://www.fs.fed.us/foresthealth/technology/pdfs/2012_RiskMap_Exec_summary.pdf

pests and pathogens. ***NASF supports funding the Forest Health—Cooperative Lands Program at $48 million in FY 2016.***

Assisting Landowners and Maintaining Working Forest Landscapes – Forest Stewardship Program

Working forest landscapes are a key part of the rural landscape, providing an estimated 900,000 jobs, clean water, wood products, and other essential services to millions of Americans. Private forests make up two-thirds of all the forestland in the United States and support an average of eight jobs per 1,000 acres.[6] However, The Forest Service estimates that 57 million acres of private forests in the U.S. are at risk of conversion to urban development over the next two decades. Programs like the Forest Stewardship Program and Forest Legacy Program are key tools identified in the Forest Action Plans for keeping working forests intact and for providing a full suite of benefits to society.

The Forest Stewardship Program (FSP) is the most extensive family forest-owner assistance program in the country. Management assistance is delivered in cooperation with state forestry agencies through technical assistance services and the development and implementation of Forest Stewardship Plans. The program works to ensure that private landowners have the best information to help them manage their land for wildlife, recreation, aesthetics, timber production, and many other goals. In FY 2014, nearly 26 million acres of private forest lands across the nation were managed under Forest Stewardship Plans, and FSP supported direct outreach to roughly 424,000 landowners.[7] The technical assistance provided through FSP is a gateway to other effective USDA, state, and private sector programs designed to help keep working forests intact. For instance, the FSP enables landowners to participate in USDA programs including the Forest Legacy Program and Environmental Quality Incentives Program. ***NASF supports funding the Forest Stewardship Program at $29 million in FY 2016.***

Urban and Community Forest Management Challenges

Urban forests are important to achieving energy savings, improved air quality, neighborhood stability, aesthetic value, reduced noise, and improved quality of life in municipalities and communities around the country. Urban trees and forests provide a wide array of social, economic, and environmental benefits to people living in urban areas; today, more than 83 percent of the Nation's population lives in urban areas.[8] Yet, urban and community forests face serious threats, such as development and urbanization, invasive pests and diseases, and fire in the wildland urban interface (WUI).

Since its expansion under the Cooperative Forestry Assistance Act of 1990 (CFAA), the Forest Service's Urban and Community Forestry (U&CF) program has provided technical and financial assistance to promote stewardship of urban forests in communities of all sizes across the country. The program is delivered in close partnership with state foresters and leverages existing local efforts that have helped thousands of communities and towns manage, maintain, and improve their tree cover and green spaces. In FY 2014, the U&CF program delivered technical, financial, educational, and research assistance to 7,100 communities across all 50 states, the District of Columbia, U.S. territories and affiliated Pacific Island nations. ***NASF supports funding the Urban and Community Forestry program at $31 million in FY 2016.***

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[6] Forest2Market. *The Economic Impact of Privately-Owned Forests.* 2009.
[7] USDA Forest Service FY 2016 Budget Justification at pg. 103.
[8] *Id.* At 119.

Importance of Forest Inventory Data in Monitoring Forest Issues
The Forest Inventory and Analysis (FIA) program, managed by Forest Service, Forest and Rangeland Research, is the only comprehensive inventory system in the United States for assessing the health and sustainability of the nation's forests across all ownerships. FIA provides essential data related to forest species composition, forest growth rates, and forest health data, and it delivers baseline inventory estimates used in Forest Action Plans. Further, this data is used by academics, researchers, industry, and others to understand forest trends and support investments in forest products facilities that provide jobs and products to society. The program provides unbiased information used in monitoring of wildlife habitat, wildfire risk, insect and disease threats, invasive species spread, and response to priorities identified in the Forest Action Plans.

As the key partner in FIA program delivery via State contribution of matching funds, state foresters look forward to carefully reviewing the FIA Strategic Plan – called for in the 2014 Farm Bill – and to working with the Forest Service to improve efficiency in delivery of the program to meet the needs of the diverse user groups for FIA data. ***NASF supports funding the Forest Inventory and Analysis program at $83 million in FY 2016 and $220 million for other Research and Development programs.*** NASF supports an increased investment in FIA with the understanding that it will, at minimum, return to pre-FY 2014 re-measurement cycles.

Landscape Scale Restoration
State foresters look forward to working with members of the Subcommittee and the Forest Service to make sure that, through the Landscape Scale Restoration (LSR) program, we prioritize funds and resources to maximize return on investments to conserve, protect, and enhance our nation's forests. The LSR line item codifies the competitive allocation of Cooperative Forestry Assistance Act (CFAA) funds which began under direction from the 2008 Farm Bill – but state foresters believe that LSR can and should do more.

In the FY 2012 Consolidated Appropriations Act Conference Report, the Subcommittee directed the Forest Service to develop a process allowing state foresters flexibility, with appropriate accountability, to reallocate a percentage of authorizations for CFAA programs to address state priorities consistent with Forest Action Plans. NASF has worked closely with the Forest Service to explore how states could utilize funding flexibility to meet their own unique and changing needs; however issues around the need to request reprogramming of funds has been a barrier to implementing funding flexibility. State foresters believe that LSR provides an opportunity to demonstrate the value of providing states flexibility to meet unique needs through the allocation of their CFAA funds. Such a model would include continued funding for the competitive allocation of CFAA funds with the addition of an allocation to states to enhance implementation of each Forest Action Plan.

NASF supports funding the Landscape Scale Restoration program at $23.5 million in FY 2016. NASF would also like to work with the Subcommittee to direct that a portion of LSR funds be made available to state forestry agencies, based on overall percentage of CFAA funds received, to further implement State Forest Action Plans.

NASF appreciates the opportunity to share our FY 2016 appropriations recommendations for the USDA Forest Service with the Subcommittee.

Mr. CALVERT. Thank you, and thank all of you for your testimony. I heard all of you talk about the problem with wildfires. I am sure Mr. Simpson heard that, and I am sure that he would not oppose if you and your members contacted Members of Congress throughout the country. And if they are not on Mr. Simpson's bill, I am sure he would welcome their assistance in getting on the bill because I don't know how many co-sponsors we have right now but it is a pretty good number.

Mr. SIMPSON. I am not sure what it is right now but——

Mr. CALVERT [continuing]. But——

Mr. SIMPSON [continuing]. It must be over 200, yeah.

Mr. CALVERT. The more the better, and around here, as you know, numbers matter. That would be helpful.

One thing, Mr. Partin, you know, I have been around for a while, and I remember years ago, 20-some years ago when we had the issues with the Spotted owl in the West and a lot of land throughout the West was cut off from cultivation because a number of overzealous folks made some mistakes. Now we have a situation where in many of these areas trees are overgrown. We have too many trees per acres. The drought obviously is hitting the State of California. The bark beetle is devastating for us on federal lands throughout the West. And the problem that you mentioned, you are going to spend a significant amount of capital putting up a new mill, you don't want to—you want to make sure that you have some kind of reliable partner.

Mr. PARTIN. Exactly.

Mr. CALVERT. And the United States Government has not been a reliable partner in the past. So I hope that that is going to change and that we can have a responsible timber operation which employs, as you mentioned, hundreds of thousands of people in the United States, provides valuable timber for the people in this country, and it is a valuable resource that we need to take advantage of and obviously in the right way. Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chairman. Well, two of my nieces are foresters. So we like the forests. And in Minnesota we are seeing two things happen at the same time, from the impacts of climate change. Our DNR in 1992, when I was on an environment ag committee back home, took us out to Itasca and walked us through what would happen with the temperature degree change and they were spot on.

We have got Gypsy moth and Bark beetle and emerald ash borer, all converging at one time. So I appreciate your comments on R&D, and I would like to know if there are spots that we should be looking in the ag bill to make sure that it doesn't get cut. You kind of have a foot in each bill to observe what happens. I was at the St. Paul campus at the University of Minnesota and some of the funding is ag and some of it is forest. So help me sort that out so that I can be an advocate on those dollars, too, and try to watch out for them.

And I appreciate what you said about public and private partnerships. In the Twin Cities with emerald ash borer, it is public and private. It is the municipalities. It is the private landowners, who own houses and that. We are all working together to identifying that because if we can kill it, keep it, retain it, or whatever in the

Twin Cities and keep it from going up north, we are all in it together.

So I think some of the concerns I have on urban forestry just isn't that I want to have a shady lane to walk down, but also that forestry is an important part of our economy. Those of us in the Twin Cities don't want it spreading up north for lots of reasons, but especially for the health and well-being of our forests, not only for enjoyment but for the economy's sake.

So thank you for your questions to us about us doing a better job about being more timely and getting our homework done here. It is really important we do that. Thank you.

Mr. PARTIN. Thank you.

Mr. CALVERT. Thank you. Any further questions of the panel? Thank you very much for attending. We appreciate your testimony, and have a great day.

Mr. PARTIN. Thanks, Chairman.

Mr. CALVERT. Thank you. And we are on to our final panel. I am sure the folks have been waiting here for a while, so I appreciate your getting up here. Mr. Corbin Newman is going to be here on my right next to Mr. John McKenna. Corbin Newman is with the National Association of Forest Service Retirees, and we just met somebody who is going to retire here pretty soon. So you are going to have an addition. And Mr. John McKenna is the Recreational Aviation Foundation from Idaho.

Mr. SIMPSON. Montana.

Mr. CALVERT. Montana? It says right here. It says Idaho.

Mr. SIMPSON. Well, that just says Idaho Simpson, but Simpson is from Idaho.

Mr. CALVERT. All right. That is confusing. With that, Mr. Newman, you are recognized for your testimony.

WEDNESDAY, MARCH 18, 2015.

NATIONAL ASSOCIATION OF FOREST SERVICE RETIREES

WITNESS

CORBIN L. NEWMAN

Mr. NEWMAN. Thank you, Mr. Chairman, Ranking Member, and members of the committee, I will tell Tom that he can retire but he can't run away. I currently serve as the executive director of this association which is basically a sister one of Ed Shepard's BLM retirees' organization except for the Forest Service. And I retired 2 years ago and found myself doing this again, simply because we care so much about it.

Having spent some time in the Southwest as a regional forester with the US Forest Service before I retired, I came up close and personal with the conditions of our landscapes as well as the fires that we are seeing scattered across the West. And I wanted to share just a few points with you because I fully appreciate we stand between you all and adjournment. And as you can see, the room has emptied out.

When we look at the condition of the National Forests, our organization which is made up of a group of individuals that have over 20,000 years of experience managing natural resources and conducting research, care deeply about the conditions that we are seeing. As you know, these systems are alive. They grow, they age, and they die. I work in both the East and the West. I work in Minnesota, Michigan, Wisconsin as well as across the West, and we see that our forests and our grasslands are aging, and the effects aren't just fire. They come from the intrusion of people building into those that are affecting those systems.

We face an ultimate change with the changing of our environment. Regardless of the cause, it is being reflected in those natural systems that is causing a need to really take active management approaches to address any of those impacts.

I want to thank Representative Simpson for, as others did, for the WDFA. It is one of those critical first steps of beginning to move us into an environment where wildfires are known as a disaster, that it is funded appropriately but more than anything, to minimize impacts to those programs that are extremely necessary in order to get ahead of these wildfires that we have been faced with.

And as we look at what that step might do, we are encouraged with the general support we have always gotten from the Appropriations Committee. I spent 8 years here in DC in our national headquarters doing National Forest System budget which I spent a lot of time with the staff of this subcommittee at one time. We fully understand the challenges that you have. We will not be talking numbers with you in our written testimony. It just suggests some areas of priority.

For me, it is critically important that this subcommittee support and help move forwards the Wildfire Disaster Funding Act. It is the first step in minimizing those impacts to those programs related to the restoration of these systems.

I thank the committee. We look for your courageous actions in taking the second step which is as we move those certain amount of appropriated funds that are necessary to fight fire into the disaster fund, the temptation will be is to lower the overall budget of those agencies. It is critically important, and you all have the ability to keep those funds there and prioritize them into the programs that will help us address the conditions that are leading to these catastrophic wildfires across the country.

Communities desperately need us to get accelerated in a way that we get seen in restoring these systems. Catastrophic wildfire particularly in rural and even urban environments as you know in California is, besides life threatening, altering people's lives with their property. It is detrimental to communities in ways most folks don't know between the subsequent flooding, impacts transportation system, the infrastructure of communities. And so it is critically important that you find a way to continue to increase and emphasize those related programs such as IRR, Land Ownership Management, Load Systems, those are the things that facilitate people being able to do the restoration work that is necessary.

So often now we in this country, I think because of all the other problems we face, we take for granted the natural landscapes that we have that have helped make our country great.

So I just wanted to read one more thing to you in closing. I normally don't read stuff, but this was just so good I had to do it. A really wise man around conservation said the conservation of our natural resources and their proper use constitute the fundamental problem which underlies almost every problem of our national life. That was Theodore Roosevelt. Now of course the interaction in a global environment between natural resources is way different than that time, but I still believe that the health of these lands are critically important to the health of our country, to our citizens, to our security. Natural resources still underpin so much of our wealth. Thank you.

[The statement of Corbin Newman follows:]

Statement for the Record
CORBIN L. NEWMAN
Executive Director - National Association of Forest Service Retirees
Recommendations to the Subcommittee on Interior, Environment, and Related Agencies
Fiscal Year 2016 Budget for the United States Forest Service
March 18, 2016

Mr. Chairman and members of the Subcommittee, the National Association of Forest Service Retirees (NAFSR) respectfully submits the following statement for the record to the Subcommittee on Interior, Environment, and Related Agencies regarding the fiscal year (FY) 2016 budget for the United States Forest Service. I am the newly appointed Executive Director of NAFSR. I retired from the position of Regional Forester, Southwest Region, in 2013. I have also served in multiple other positions in the field including District Ranger and Forest Supervisor, as well as positions in the Washington Office, that included the Director of Forest Management, National Fire Plan Coordinator, and Budget Coordinator for the National System. We appreciate this opportunity to provide recommendations to the Subcommittee as it considers the FY 2016 Budget for the Forest Service.

NAFSR fully recognizes the budgetary challenges faced by the Subcommittee in preparing recommend appropriations for agencies included in the Interior, Environment, and Related Agencies portfolios. We are grateful for the support this Subcommittee has shown for the Forest Service. Recognizing the tight budgetary situation, my testimony will focus only on limited specific budgetary recommendations, while emphasizing recommendations regarding policies and issues the Subcommittee will likely face as it works with the Budget Committee and other Authorizing Committees, as well as the Senate during conference phases.

This testimony will address the following:

- The current forest health and natural resource management situation on our national forests and grasslands.
- The need to "fix" the currently broken wildfire suppression funding process.
- The importance of the broad array of programs included in the Forest Service mission.
- Limited specific appropriations recommendations.

CURRENT FOREST HEALTH AND MANAGEMENT SITUATION

The health of the National Forests, primarily west of the Mississippi, is generally poor and in serious need of an increased active on-the-ground management. The general recognition of the current crisis in forest condition began with the fire season of 1997. Subsequent fire seasons became increasingly severe culminating in 2000 and the resulting National Fire Plan (NFP). Enacting NFP was a bold move by Congress to address a critical national need. The NFP was insightful and identified the need to restore fire adapted ecosystems as the largest underlying factor in the increasingly catastrophic wildfire seasons. In response, Congress significantly increased the budget of the Forest Service to perform this restoration. Unfortunately over the past 15 years, these budgetary increases have been consumed by the ever increasing cost of fighting wildfires. In fact, the problem is now so severe that additional funds are routinely transferred from already stressed management programs to pay for the wildfire suppression costs now occurring. The current reality is that the need to actively restore resilience to these

ecosystems has never received the budgetary resources necessary to aggressively attack these poor forest health conditions.

There is a viewpoint that advocates doing nothing, and just letting wildfire clean out the forest. Evidence over the last fifteen years shows how foolhardy this approach is. The impacts to people and community infrastructure; and the significant damage to watersheds, water and air quality, and wildlife habitat; caused by catastrophic wildfire requires an aggressive multiple use approach. This means that active forest, woodland and grassland management is needed to replicate the ecosystem conditions that allow wildfire to burn at its more natural intensities. We must exponentially increase our on the ground management to prevent as much of this lasting damage as we can.

As Theodore Roosevelt wisely said, "The conservation of our Natural resources and their proper use constitute the fundamental problem which underlies almost every other problem of our national life." While the global interdependence of the Natural resource world is far different in today's world, NAFSR believes that the very strength and health of our country is directly related to how well we take care of our land. This Subcommittee has a unique opportunity to address the issue of our forests, woodlands and grasslands health.

Despite the current situation I just described, there are examples of exciting and progressive efforts being accomplished on the ground. Across the West and South, coalitions of people who work and live among our National Forests and Grasslands have "left their bias at the door" and come together to make a difference based on solidly focused priorities and reliable funding. Examples include:

- The Longleaf Pine Restoration in the Southern States
- The Colorado Beetle Consortium
- The Yosemite-Stanislaus Solutions in California
- The Four Forest Restoration Initiative in Arizona
- The Black Hills long term (10 year) Environmental Impact Statement

While the Forest Service should be applauded for supporting these collaborative efforts, it is clear that without increased funding for restoration, these efforts will never reach their potential; much less multiply them across all the landscapes that need treatment. The current rate of treatments is unacceptable and a primary impediment is the unreliable and reduced funding due the substantial increases in wildfire suppression costs. The bottom line is that in order to be successful, there needs to be a dependable funding process. With this assessment of the current situation, NAFSR makes the following specific recommendations.

FIX THE WILDFIRE SUPPRESSION FUNDING SITUATION

The first and most important step is to pass the Wildfire Disaster Funding Act (WDFA – H.R. 167; S.235). While NAFSR readily appreciates that focusing on WDFA in this testimony is essentially "preaching to the choir," we feel strongly that paying for catastrophic wildfire in a manner similar to other national disasters is a change that is long overdue. The damage these fires cause are true disasters to local communities much like tornados, most floods, small hurricanes. We hope Congress as a whole will have the same courage as this Subcommittee has shown in supporting WDFA. It is also essential to reprioritize the funds saved by the shift

envisioned in WDFA into those very programs that support the active management of the nation's at-risk ecosystems. We additionally request that the Committee appropriate the modeled levels of suppression through the Interior bill and the wildfire budget cap adjustment to meet suppression needs in FY2016.

The Balanced Budget and Emergency Deficit Control Act of 1985 includes a process for the nation to respond to major natural disasters without impacting the programs of responsible agencies. Catastrophic wildfires are in every way the same as a hurricane or other natural disaster. While their magnitude, geographic location, and impact on people and resources cannot be definitively planned for; these events WILL happen. Yet the process of paying for wildfire suppression significantly affects the ability of the Forest Service to deliver its on-the-ground mission, and in fact directly impacts the very programs that will prevent catastrophic wildfires in the future. The only sure bet for increased federal wildfire suppression expenditures is to do nothing and continue the status quo in funding wildfire suppression.

The agencies and first responders need a predictable, stable, and efficient budget structure to deliver their congressionally directed land management missions. The WDFA would provide the Forest Service with additional flexibility to reinvest in core activities which have been reduced in recent years due to a continued shift of limited resources to fund wildfire suppression. We appreciate this Committee's attention to this increasing and unsustainable natural resource challenge.

SUPPORT FOR THE TOTAL MISSION OF THE FOREST SERVICE

Although much of this testimony focuses on the health of the national forests and grasslands, the Forest Service mission affects all areas of the country (federal, state, local, and tribal) as well as internationally. Despite the difficult funding situation, we encourage continued support and maintenance of funding for Forest and Rangeland Research, International Programs, and State and Private Forestry. The recently enacted Farm Bill contained provisions that support this mission across ownerships. Examples include permanent authority for Stewardship Contracting , permanent "Good Neighbor authority," and a process for State petitioning that resulted in 45 million acres being designated as "at risk" across multiple ownerships. The Farm Bill's action to make Stewardship Contracting Authority permanent will significantly enhance this cross-boundary performance. In support of this aspect of the agency's mission, we urge the Subcommittee to support efficiencies and streamlining, such as is represented by S.326 to amend the Healthy Forests Restoration Act of 2003 to provide a mechanism for increasing the length of such contracts by modifying cancellation ceiling procedures

SPECIFIC BUDGET LINE ITEM RECOMMENDATIONS

Land Ownership Management - In prior years, NAFSR has highlighted the essential nature of this program. This program should be funded at no less than the FY2015 level; an increase of $6.1 above the President's Budget. As former agency employees, we appreciate that the Landownership Management program has no nationwide constituent base, yet it is a critical program that supports the agency's restoration efforts. Funding for this line item has steadily eroded over time, yet the demands for the services provided have increased. The agency's capacity to deliver such service has been seriously affected. Activities funded in this line item include identifying property boundaries, assessing powerline location and environmental impacts, processing permit applications for numerous activities including water lines and

buildings, and responding to alternative energy proposals. The Land Ownership Management budget line is also an essential part of being good neighbors to adjacent private landowners and to the many communities within and adjacent to the Forests which is essential for supporting the increasing levels of collaboration.

Forest and Rangeland Research – This program is part of the core mission of the Forest Service, yet its budget has steadily eroded over time. The capacity to perform cutting edge research is negatively affecting the ability of the United States to be a world leader in developing wood related science and technologies. We recommend funding this program at the FY 2015 level; an increase of $4.0 million over the President's Budget.

Facilities: Roads/Legacy Roads and Trails – We note the continued serious "under-funding" of the basic transportation infrastructure that provides access to the national forests. Combined, the Administration proposes to reduce funding from the FY 2015 level by $53.8 million. The transportation infrastructure on our national forests continues to deteriorate, with potentially tragic and even catastrophic consequences. The downstream damage to communities from erosion and the effect on water quality is significant. The potential for legal challenges and curtailment of the agency's forest restoration efforts could easily result from this continued neglect of the Forest Service's transportation system.

International Programs - Although small in the overall context of the Forest Service Budget, this budget line item has furthered the standing of the United States across the world in management of natural resources. The Forest Service has successfully leveraged the small amount of appropriation at close to a 4:1 ratio in order to operate worldwide in over 90 countries. Despite this outstanding program, the Administration has continued to "low ball" its budget requests, knowing that Congress will likely continue funding. We urge the Subcommittee to consider increasing this funding to at least $12 million in the FY2016 Budget, sending a clear signal that International Programs is a key element off the Forest Service mission. At $12 million, this program would have to be one of the best budgetary "bargains in town."

CONCLUSION

NAFSR is a national, nonprofit organization of former Forest Service employees and associates who advocate in support of the multiple use mission of the Forest Service. Members of the Association possess a unique body of knowledge, expertise and experience in the management of the National Forests, other public lands, forestry research, state and private forestry assistance, agency history, laws and regulations, and international forestry. Members of NAFSR are devoted to contributing to understanding and resolving natural resource issues through education, independent and cooperative analysis, and periodic review and critiques of agency policies and programs.

Mr. Chairman and members of the Subcommittee, this concludes NAFSR's statement for the record. We close by once again expressing our sincere appreciation for your commitment to supporting the mission of the Forest Service and for your support of a program of work that supports restoring our nation's forests and rangelands and preventing the effects of catastrophic wildfire. We are ready to assist Subcommittee at any time with further recommendations.

Mr. CALVERT. Thank you. Thank you for your testimony. Mr. McKenna.

WEDNESDAY, MARCH 18, 2015.

RECREATIONAL AVIATION FOUNDATION

WITNESS

JOHN MCKENNA

Mr. MCKENNA. Thank you, Chairman Calvert, Ranking Member McCollum, Representative Simpson, I am John McKenna. I am the President of the Recreational Aviation Foundation with members in all 50 states. I will use the axiom of a former governor of our state who said be on time, be brief, and be gone. So I will thank you for the passport that this body has given to our efforts to preserve the recreational aviation assets that have been a part of the American landscape for nearly 100 years.

These airstrips, many of which were built by the Forest Service and BLM in the early 1900s, were put in to accommodate the needs of the agencies themselves and the entities which they were involved with. Trails were built, telephone lines were hung, fires were fought, people were rescued, and supplies were replenished all with aircraft in the back country of the United States.

In short, aviation helped facilitate the building much of what we know now to be the trail systems and infrastructure that exists on our public lands.

In the '50s and the '60s many of the public landscapes underwent land planning processes. This period of time also saw the addition of wilderness designations to places such as Montana and Representative Simpson's State of Idaho where a great number of air strips in the back country existed and in some cases still do.

Unfortunately, at that same time aviation as we know it today was not a prevalent voice at the planning meetings. Much of what existed was left to be closed either through neglect or administrative action. The late '70s however through now has seen a strong rebirth of aviation as a form of recreational access to our public lands. In fact, the type of aviation I am speaking of today is one of the most dynamic segments within the aviation industry. These air strips are merely internal trail heads or points of access to public lands. By comparison to the trails and road systems on Forest Service and BLM lands, all airstrips combined are but a postage stamp on the landscape compared to the 157,000 miles of trails on Forest Service lands alone. These airstrips are a vital resource for firefighting as well as search and rescue.

Unlike other recreational users of the forest, aircraft are seldom seen or heard. While motorhomes and RVs are visible to our Nation's highways, aircraft are rarely noticeable to the common traveler. We like to say that aviation is the only mode that requires no road. Yet pilots and their passengers are not only viable users of the forest but a large economic driver to the surrounding communities. A 2008 study in Idaho showed that of the 1.4 million visitors who arrived in that state via the steady airports, many of

which are the airstrips we speak, more than 400,000 arrived via general aviation aircraft.

Here is the dilemma. The aviation community has had to work very hard to both be recognized as a current legitimate user of our public lands, and second, we have had to work with little or no dedicated resources on behalf of our land managers. We understand the very tight operational budgets of the agency and support the model of partnering as a way to leverage our mutual efforts including the current passage of things such of FLREA. We also support Senator Simpson's H.B. 167 in a very strong way.

The aviation community has had the largest support through volunteer labor and dollars of the upkeep and maintenance of these public assets. However, we often find that the agencies cannot even find dollars to assist through cost-sharing arrangements or to provide for volunteer training as it pertains to aviation assets. Collaboration through public and private partnerships has become the way to get things done. Without sufficient assets or funding, we just often watch as these things deteriorate.

Through the urging of Congress and a partnership with the Recreational Aviation Foundation we now have a formal inventory of airstrips on public lands. There are over 105 such known facilities on Forest Service lands alone. Although not a part of this committee's direct work, the RAF has had a signed agreement to do the needed maintenance of three airstrips in the National Park System in Death Valley, once again with an all-volunteer process.

Across the country in locations such as Montana, Idaho, Utah, Colorado, California, and others, the story is the same. The pilot community has stepped up and taken care of the places that we enjoy. We plan to continue that effort.

So in my day job as a life insurance agent, there becomes a time when you have to ask the prospect to buy, so I guess now is as good a time as any. The aviation community has shouldered the effort to keep these facilities safe, usable, and enjoyable. Our public partners have done what they could but in most cases have to simply say we don't have resources to help. We understand the shortage of revenue. We particularly value not overspending, but we are here to ask you to help us help our partners. Can we find a way to put some dollars into the budget of the Forest Service and the BLM that can be directed at these important facilities? A little bit of money would go a very long way, and you can count on us, the aviation community, to carry our share of the load. Thank you very much.

[The statement of John McKenna follows:]

Testimony presented by The Recreational Aviation Foundation (RAF)
Backcountry & Recreational Airstrips on Federal Lands Including
BLM, USFS and NPS, Policies and Funding
March 18, 2015
Submitted by Mr. John McKenna, President

Chairman Calvert, Ranking Member McCollum, and Members of the Subcommittee, I thank you for the opportunity to testify on behalf of the Recreational Aviation Foundation on the importance of protecting recreational and backcountry airstrips.

We come before you today to respectfully request that the House Appropriations Subcommittee on Interior, Environment and Related Agencies acknowledge the importance of recreational and backcountry airstrips and appropriate funding dedicated to the protection and maintenance of these national treasures.

Backcountry aviation is important and unique to the American experience. Beginning in the early 20th century, trails were built, telephone lines were hung, fires were fought, people rescued, and supplies were replenished, and even early tourism gained its first access utilizing aircraft in the backcountry. By the 1960's public land planners began focusing on recreation, and wilderness designations. While in some wilderness areas, airstrips were grandfathered and remain an important low impact method of access today, many other airstrips would fall out of the planning process. By the 90's airstrip closures by land managers were becoming common and for a myriad of reasons, but generally for a lack of maintenance funding, work load, perceived lack of use, and misunderstood risks. Nevertheless, today's remaining airstrips continue to play an important role as internal trail heads and access points for more common recreational activities, such as camping, hiking, and fishing. There has also been a resurgence of interest in backcountry aviation across the country, and several new manufacturers focus on this growing market. Unlike other methods of access to public lands, aircraft require only a small foot print, perhaps a 1000' to 2000' clearing, and are seen or heard but for a few moments. We like to say that aviation is the only mode that needs no road. Pilots and their passengers are not only a viable user of the forest, but a large economic driver to the surrounding communities. A 2008 study in Idaho showed that of the 1.4 million visitors who arrived in that state via the studied airports, (many of which are the airstrips we speak of) more than 400,000 arrived in general aviation aircraft[1]. Backcountry airstrips serve other critical needs as well, for example, emergency access in firefighting, medical emergencies, and emergency landings.

The trend of declining airstrip numbers concerned many aviators, and the Recreational Aviation Foundation was born out of this concern with a mission of keeping the legacy of recreational aviation strong by preserving, maintaining, and creating public use

recreational and backcountry airstrips nationwide. Some 11 years ago, the RAF began working with local aviation organizations and land managers to understand the issues and provide support to both. The RAF has since become one of the largest aviation organizations, and along with state based organizations, has become a willing and effective partner with public land managers, participating in airstrip planning, policy, and volunteer efforts across the country. The RAF has members in every state and 14 countries.

The first efforts of the RAF involved defining the issues, real or perceived, that land managers experienced with airstrips on their respective lands. We learned that, in many cases, a lack of familiarity with aviation and, in particular, recreational aviation was a significant problem. For example, some land managers felt that liability was a major issue, when in fact no federal land manager had ever experienced a lawsuit related to backcountry airstrips[2]. Nevertheless, the RAF set out on a campaign to amend the Recreational Use Statutes in all 50 states by adding aviation as an activity for which land managers enjoy immunity. This has been accomplished in 25 states to date, including nearly every western state.

Another area of concern, and perhaps the most relevant and pressing, is the simple lack of funding for maintenance of these airstrips. With the funding/maintenance issues currently standing out as the primary challenge to airstrips, we studied the areas where airstrips remained active and a part of the planning process, and discovered that the primary enabling factor was the public private partnerships that had grown up around these airstrips. It became obvious that collaboration would be the best approach to the challenge of airstrip maintenance. In states such as Idaho, Montana, Utah, and Arizona, where strong partnerships exist, many airstrips in the current FS inventory are considered active and a part of FS planning, several even being re-opened after decades of closure. Contrast this with other states or forest regions where there is little partnering, and we find few airstrips that are managed or maintained. The second scenario has led to another issue, that being a lack of knowledge of any existing airstrips in these areas. After testimony given by the RAF before this committee on April 16th, 2013, this committee become instrumental in supporting the recent effort by the USFS in developing an actual inventory of airstrips on its lands. Through cooperation, this inventory has been updated and currently identifies 103 airstrips on FS lands. It is probable that many more exist, but have been left unidentified due to previous closures, the resulting lack of use, and the effects of time. Of these 103 airstrips identified, approximately 45 are considered a part of a FS management plan[3].

In the past, it could be said, the FS would plan, build, and maintain the road, but this approach is giving way to a new model. Recognizing the limitations of the old system, the new model encourages users to take part in the activities that were traditionally performed entirely by the land managers. Both the USFS and BLM have entered into a Memo of Understanding with the RAF encouraging collaboration, but tight budgets are hampering progress and even forcing otherwise willing land managers to say no to the assistance offered through the private sector.

Limitations in funding often result in fewer human resources available to implement and manage volunteer partner agreements. By necessity, land managers must focus on only a portion of the opportunities available to them through willing private partners. Not only do we see this effect on the current inventory of FS airstrips, with so few airstrips being managed through such partnerships, but also in many other areas, such as the degradation and closure of historic sites, camp grounds, etc. Programs such as the Federal Lands Recreational Enhancement Act (FLREA) have become a critical enabling component of sustainable, developed recreation sites. The majority of backcountry airstrips, however, are unimproved, remote, and even primitive, and thus not appropriate for FLREA. Other public/private partnering mechanisms do exist and have been successfully used at backcountry airstrips, for example, the Challenge Cost Share Agreement, or other simple volunteer agreements. As stated earlier, current funding levels have left land managers with insufficient capacity to accept our help in many cases, as well as that of other willing private partners.

There is no doubt that this committee hears many requests for new or increased funding, but in this model, increased funding to land managers is *leveraged and multiplied* through private resources, both in manpower and financial donations, made available to them through the new public/private partnerships. This approach also promotes a more involved public, whose care for a particular asset or project, such as an airstrip, historical site, or wilderness area, brings a myriad of intangible benefits that come when there's "skin in the game" from the user. We believe that since money spent on collaborative projects is leveraged through public/private partnerships, this is one of the most efficient models, worthy of consideration and funding.

Perhaps a few current examples would be helpful:

On the Tonto National Forest in Arizona, there lies an airstrip known as Grapevine that was constructed in the early 1950's. The airstrip was originally dirt and utilized by both the FS and recreators for several decades. In 1989 the Bureau of Reclamation took on the ambitious project of raising the Roosevelt Lake Dam by 77 feet. In support this project reconstruction and paving of this airstrip was included early on. This overall project was completed in 1997 at a cost of around $430 million dollars, which included the newly paved airstrip. Also included was the construction of multiple campsites around the lake, which is the largest body of water in central Arizona.

That same year the airstrip was closed, the FS citing a lack of funds for maintenance. Unfortunately, this multi-million dollar asset sat unused and deteriorating for the next 15 years, except for a handful of emergency landings, some made by aircraft on approach to the Phoenix area airports. By 2005, the tree growth through cracks in the runway and along its edges made the airstrip unusable, even for emergency use.

In 2011, the RAF and the Arizona Pilot's Association began working with the USFS on another airstrip, the only air access to the local community of Young, Arizona. This effort went so well that nearby district rangers took notice and began discussing the possibilities of bringing their airstrips back into safe and usable condition, including the

Grapevine airstrip. After discussions and preliminary goals being established in 2012, some 80 volunteers showed up for three days, clearing the overgrowth by hand and repairing areas of asphalt deterioration. Since then, local pilot volunteers have continued to maintain this airstrip, and through cooperation with the district, have had a monthly fly in camp and BBQ at the airstrip. Fire rings, cooking grates, and even donated picnic tables have been installed entirely by volunteers. The most recent weekend drew 25 aircraft with visitors from across the country, as far away as Pennsylvania and Montana. Last year this airstrip provided a safe landing area for an Air Force Blackhawk helicopter after losing its controls. Both Grapevine and the airstrip in Young have been utilized in firefighting and/or military training exercises since being restored to a safe and usable condition.

In Utah last year, several aviation organizations, along with support from the BLM and the local county, performed long overdue maintenance at the Mexican Mountain airstrip located in the Mexican Mountain Wilderness Study Area. A great deal of effort went into planning and executing this project, including utilizing a wilderness mule trail team. The BLM contributed through an exhaustive environmental analysis prior to permitting this project. Thanks to this effort, the airstrip continues to provide low impact access to this remote and beautiful area.

In addition, aviation organizations have utilized these and other airstrips to provide volunteers to land managers for unrelated projects. For example, technical support and repair was provided on a district's A/V system in its visitor center, and on other districts, fence and gate repair, recreation site cleanup, and historic preservation projects were completed thanks to the access provided to volunteers by area airstrips.

Unfortunately, without sufficient funding, even these successful partnerships can be challenging. The successes are also not as prevalent as they should be, not because of any lack of opportunity or willing participants, but the effects of budget constraints and the cost of firefighting that has crippled our land management agencies, leaving them with insufficient resources to even maintain existing assets.

The RAF believes that collaboration with private interests is the most effective way to meet these challenges. The RAF and broader aviation community will continue to do what we can in the way of caring for these assets, but we must have public partners able to accommodate and support these volunteer efforts. It is for this reason that we respectfully ask that this committee consider some amount of direct funding for aviation assets, which will allow our partners at the BLM and USFS to participate in the ongoing maintenance and upkeep of these important facilities. If the opportunities are not seized before these assets are lost, along with the recreational activities that surround them, interest may wane and the opportunity to meet these challenges through public/private partnerships may be lost.

Citings:

(1) 2008 IDAHO AIRPORT SYSTEM PLAN - APPENDIX B: ECONOMIC IMPACT ANALYSIS
(2) 2007 FOIA request and study on behalf of the RAF
(3) According to USFS National Airstrip Inventory completed 2014

Mr. CALVERT. Thank you, and thank you for your testimony. I used to sell life insurance myself a long, long time ago.

Obviously the impact of wildfire, I think that was the most popular issue here today is, with almost all of our folks that are testifying on the forests, and obviously we need to help and I hope you can help us get cosponsors on Mike's bill because we want to move this as quickly as possible.

And I noticed you quoted a great Republican president, Theodore Roosevelt, and we appreciate that, too.

And aviation, my good friend, my neighbor in my office, Collin Peterson, of course, a great aviator, flies all over Minnesota. So, you know, I am sure he has hit some of those runways on occasion.

Ms. MCCOLLUM. I remember.

Mr. CALVERT. You know, so have you flown with Collin?

Ms. MCCOLLUM. No. Well, I haven't been asked, but I have flown with Steve Edele from Minnesota.

Mr. CALVERT. And I used to be a pilot myself, and I used to take my little Cessna 150 all around and land it on these little teeny runways. Of course, I was like 19, 20 years old, somewhat suicidal. But I made through. I got through it so that is a miracle in itself.

With that, Ms. McCollum, do you have any questions?

Ms. MCCOLLUM. No, but if you go up for flight hours, you can leave me behind.

Mr. CALVERT. Okay. Mike?

Mr. SIMPSON. No. Just thank you for both being here. And when I was a pilot, man, I liked knowing where those landing strips were because you fly across some country that is pretty vast and pretty mountainous, and if something happens, I want to know that there is a landing strip somewhere around. So I used to look for all of them along the way. But I am just curious. How the heck do you become a back country pilot and a life insurance salesman both? That seems just a little inconsistent, doesn't it?

Mr. MCKENNA. I started one before the other.

Mr. SIMPSON. Okay.

Mr. MCKENNA. Thank you both for being—I recognize Representative Calvert being smart. He quit both, being a life insurance agent and pilot.

Mr. CALVERT. But if you are going to be flying airplanes in the West, you need to have life insurance.

Mr. SIMPSON. Well, I know. I know. I know a guy. Thank you.

Mr. CALVERT. We appreciate your testimony. Thank you very much.

TUESDAY, MARCH 24, 2015.

TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

PUBLIC WITNESSES—AMERICAN INDIANS/ALASKA NATIVES

Mr. CALVERT. Good morning, and welcome to the first of four public witness hearings specifically for the American Indian and Alaska Native programs under the jurisdiction of the Interior and Environment Appropriations Subcommittee. I especially want to welcome the distinguished tribal elders and leaders testifying today and in the audience. I can assure you that your voices are heard by this subcommittee. Just as they have been in recent years under the chairmanships of Democrats and Republicans alike, American Indian and Alaska Native programs will continue to be a priority for this subcommittee.

The Administration has put this subcommittee in a tight spot with regard to the 2016 budget, by raising expectations throughout Indian Country that we will struggle to meet. The President's budget disregards the spending caps that he signed into law. That is how he is able to propose a $323 million increase for Indian Affairs and a $461 million increase for the Indian Health Service, all without an offset. Current law requires discretionary spending to stay relatively flat in fiscal year 2016 in comparison to 2015. Therefore, 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.

Most of you have traveled a long way to be here this week. I hope that you will seize the opportunity to meet with other Members of Congress outside of this subcommittee, including not just those representing where you live now, but those representing adjacent districts, and even those representing the districts of your forefathers. Honoring this Nation's Trust obligations is a responsibility all Members of Congress share whether we have Indian tribes in our districts or not.

Before we begin, I have a few housekeeping items to share. Committee rules prohibit the use of outside cameras and audio equipment during these hearings. This is to ensure that anything said here today is not unfairly reproduced out of context. An official hearing transcript will be available at GPO.gov.

I will call each panel of witnesses to the table one panel at a time. Each witness will have 5 minutes to present his or her oral testimony. Each witness's full written testimony will be included in the record, so please do not feel pressured to cover everything in 5 minutes. Finishing in 5 minutes may even earn you more brown-

ie points with the chairman, so consider that. We will be using a timer to track the progress of each witness. When the light turns yellow, the witness will have 1 minute remaining to conclude his or her arguments, or remarks. When the light blinks red, I will have to ask the witness to stop. Because we have so many witnesses over the next 2 days, I am going to make sure that that happens.

Members will be provided an opportunity to ask questions of our witnesses, but because we have a full day ahead which may be interrupted by votes, I request that we try to keep things moving in order stay on schedule.

Finally, let me take a moment to wish a happy birthday to our subcommittee's Minority Clerk, Rick Healy—you probably heard us singing happy birthday back there and wondering what was going on—and to thank him in particular for his tireless efforts to improve the lives of Indians and Alaska Natives.

With that, I thank you all again for being here today, and I am happy now to yield to our distinguished ranking member, Betty McCollum, for any opening remarks she would like to make.

Ms. MCCOLLUM. Well, Mr. Chair, I am trying to earn some brownie points myself with you, so I am going to be very brief.

I would point out, however, the President's budget, although ambitious, is paid for and leads the way in which we can finally put sequestration to bed, to rest forever. So I know we are waiting for the budget allocations, and I know that I am very proud of the work that this committee does bipartisanly with my Native American Caucus co-chair, Mr. Cole, but especially with the current chairman, with Chairman Simpson, and others in the past. We respect our treaty obligations as one America, not as red and blue America.

We have a big challenge in front of us, so I really appreciate the fact that you are here to enlighten and educate us.

I want to also thank so many of you who have welcomed us into your reservations, your pueblos, your homes and your schools so that we can do a better job representing your hopes, your future for your children, and retirement dignity for your seniors.

So Mr. Chair, with that, I am so pleased that you are kicking off with my hometown team from MAST here, the first panel. I will open with that. I would yield back, and thank you again for continuing this great tradition of public testimony.

Ms. CALVERT. Great. Thank you.

I am going to introduce our first panel, and we have a colleague with us today, Rick Nolan, who will be coming up to introduce the first witness, so if Mr. Nolan would like to come on up and have a seat? Sit in Mr. Jenkins' chair. He is not right there now. It will be fine. So the first panel, would you please come up? Carri Jones, Chairwoman, Leech Land Band of Ojibwe——

Mr. NOLAN. Leech Lake.

Mr. CALVERT. Okay. Darrell Seki, Red Lake Band; Darrell G. Seki——

Mr. NOLAN. He is testifying——

Mr. CALVERT. Oh, he is testifying—same guy. Okay. Eric Chapman and Chad Abel, Red Cliff Band.

Welcome. Obviously we are operating under the 5-minute rule, so when that yellow light hits, please finish up the testimony, and with that, Mr. Nolan.

Mr. NOLAN. Thank you, Chairman Calvert and Ranking Member McCollum and Members Simpson, Cole. It is a real honor for me to be able to introduce the Chairwoman for our Leech Lake Band of the Ojibwe Nation.

Before I do that, I just want to set the stage just a little bit. I would like all of you to think back in the past to that first day of school, and there was always that big kind of impressive, important building there in the neighborhood and you were so excited to go there, and then a little while later you went to an even bigger and more majestic school, and then you went to a high school that was even a little bit bigger, and they symbolize the importance of what you are about to become a part of and you were excited about it and anxious and the architecture was so encouraging and so important as a young kid, and you later learned that it was functional as well.

That is so important for a child to have that sense when they go to school, and I must tell you—and I know you know, but the Bug O Nay Ge Shig School is an old, fallen-down pole building. It is dangerous. It is dilapidated. Our Chairwoman will tell you more about the details of that.

And I know what a struggle it is to find the monies for all the things that we all know are important, but Mr. Chairman, members of the committee, this is so important. It breaks your heart when you see that kind of school and facilities these children have to approach and live in. It is literally a very, very dangerous place for them.

So I just wanted to be here to urge you to try your best to find a way to fully fund the Bureau of Indian Education construction and particularly—I know everybody here on the committee does great work. We are particularly proud of the work that Congresswoman Betty McCollum does from Minnesota and her leadership in so many areas of great importance to the people in Indian Country.

So with that in mind, let me introduce I think our youngest Chairwoman ever, one of the really strong and powerful leaders in Indian Country and a good friend on a personal level as well, Carri Jones, Chairwoman of the Leech Land Band of the Ojibwe Nation. Carri.

Mr. CALVERT. Thank you, and Carri, you are recognized for 5 minutes.

Ms. JONES. Thank you.

Mr. CALVERT. Thank you, Mr. Nolan.

TUESDAY, MARCH 24, 2015.

LEECH LAKE BAND OF OJIBWE

WITNESS

CARRI JONES

Ms. JONES. Good morning. My name is Carri Jones, and I serve as the Chairwoman of the Leech Lake Band of Ojibwe. Our res-

ervation is located in north central Minnesota, and we share overlapping boundaries with the Chippewa National Forest. I would like to thank Chairman Calvert, Ranking Member McCollum, Representative Simpson, and other distinguished members of the committee for the opportunity to testify today. I would also like to recognize my fellow council members of the Leech Lake Band of Ojibwe that have traveled with me today: Secretary/Treasurer Archie LaRose, Representative Penny DeVault, and Representative Steve White.

Today I would like to focus on one topic of significant importance: the replacement of the Bug O Nay Ge Shig School. I am pleased that high school student Tyler and instructor Nate Anderson are with us today and seated directly behind me. Throughout the next couple of days, they will provide their unique perspective to Members of Congress, Senators, and Administration officials related to the dire need to replace the high school.

As you know, the Bug O Nay Ge Shig School, which is administered and funded by the Bureau of Indian Education, has received significant attention from our community, the local and regional media, national media, this committee and its members, and the current Administration, but sadly, we have not been able to focus many awards for its academic achievements and its Native language programs that have helped our students learn and grow because our attention has been focused on the challenging conditions of the school.

The current facility is a metal-clad pole barn originally built to house the auto mechanic and bus garage, not a high school. This facility has severe structural and mechanical deficiencies and lacks proper insulation. It does not meet fire, safety and security standards. Computers cannot be used at the same time for the fear of electrical overload. We have exposed wiring, a lack of proper communication systems, telecom technology and safe zones which puts everyone at great risk during emergencies. The structure also jeopardizes the health of our students and faculty due to poor indoor air quality from mold, fungus and a faulty HVAC system. Metal plates cover the floor of our science room. They are unable to be used because the full purpose—the desk cannot affix proper to the ground. The facility suffers from roof leaks, rodents, uneven floors, poor lighting, sewer problems, lack of handicap access, and a lack of classroom and other space.

Due to the unsafe surroundings, many students have withdrawn from our school to attend other schools. Students are embarrassed because of the conditions of the high school, causing a decrease in enrollment. The high school is among the 63 schools funded by the BIE and is recognized as being in poor condition and in need of replacement.

The BIE construction backlog is at least $1.3 billion. There needs to be sustained funding to address the backlog. The Administration's fiscal year 2016 budget request, while a significant improvement over past years, is not enough to address the serious issues in BIE schools throughout Indian Country. To address the backlog, we need adequate funding over a sustained period of time.

We urge the subcommittee to provide funding to replace school facilities. No amount of band-aid improvements or repairs will ad-

dress the serious deficiencies in our high school. We have construction and design plans ready but we need your help. How can we expect our children to learn in these conditions? Our children deserve better. We appreciate the difficult funding decisions facing the subcommittee but our children should not be the ones forced to shoulder the burden.

As I was reviewing media reports, letters of support, statements and proposals, I realized that much is said about the school, much that needs to be said, and it reminded me how single words can portray much, words like "poor", "unsafe", "unjust", "endure", "deplorable", "dilapidated", "dreadful", "decayed", "inexcusable" and "intolerable."

What is clear to me, and I believe this committee agrees, is that this is simply unacceptable. Our students deserve to attend school where they can focus on learning and not their health and safety. It is with this in mind that I respectfully request the committee continued assistance in replacing the Bug O Nay Ge Shig School.

I would like to end with a quote from Sitting Bull: "Let us put our minds together and see what life we can make for our children."

Migwetch.

[The statement of Carri Jones follows:]

Written Testimony of Chairwoman Carri Jones, Leech Lake Band of Ojibwe
House Appropriations Subcommittee on Interior, Environment and Related Agencies
March 24, 2015

My name is Carri Jones, and I am the Chairwoman of the Leech Lake Band of Ojibwe (Band). Our Band is located on the Leech Lake Reservation in northern Minnesota. I want to thank Chairman Calvert, Ranking Member McCollum, and Members of the Subcommittee for holding this *American Indian and Alaskan Native Public and Outside Witness* hearing to examine the critical funding needs of Indian country. My testimony is focused on the Band's long struggle to replace the Bug O Nay Ge Shig High School (High School) facility, which is administered and funded by the Bureau of Indian Affairs' (BIA) Bureau of Indian Education (BIE).

I would like to specifically thank Representative McCollum for her tireless efforts to assist the Band in addressing our priorities. Further, I would like to thank Senator Franken, Senator Klobuchar, and Congressman Nolan for their leadership as our Representatives in Washington. The School not only serves a critical role providing a quality, culturally relevant education to the Band's children, but also serves as an economic engine for the entire community. We are deeply grateful for all the support we have received.

I would like to acknowledge the Members of the Leech Lake Band of Ojibwe Reservation Business Committee that have joined me in Washington which include: Secretary/Treasurer Archie LaRose, District I Representative Penny DeVault, and District II Representative Steve White. We also have a student and a teacher from the Bug O Nay Ge Shig High School who will be sharing their experiences with Members of Congress and the Administration during meetings this week.

Replacement of the High School has been a top priority of the Leech Lake Government and the entire Leech Lake community for many years. The Band has testified before this committee every year since 2011 repeatedly requesting replacement of the High School. The Band has many critical needs on the Reservation on which it could testify; however, given the serious safety and health risks posed at the sub-standard High School facility, the Band has steadfastly focused its testimony solely on the need to replace the High School. Our hope is that this is the year that the Bureau of Indian Affairs (BIA), which handles construction of BIE facilities, begins the process to replace High School facility.

History of Indian Education

After the formation of the United States, Indian tribes ceded hundreds of millions of acres of our homelands to the federal government to help build this nation. In return, the U.S. made promises to make the resulting reservations permanent livable homes, including providing for the education, health, and general welfare of reservation residents. These treaty promises were made in perpetuity, remain the supreme law of the land, and do not have an expiration date. However, as you know and as tribal leaders are stating in these hearings today, these promises have not been kept, and our children suffer because of it.

Dire Need to Replace High School Facility at Bug O Nay Ge Shig School
The Bug O Nay Ge Shig School is located in Bena, Minnesota, operated by the Band and governed by its School Board. It is named in honor of Bug-O-Nay-Ge-Shig (Hole in the Day), an Ojibwe man who lived in the area at the turn of the century. He is revered for his commitment to fight for our land, our people, and for our children. The School serves nearly 200 Indian children in grades K-12. Some of the kids ride school buses for 2 hours each way every day to attend school. Founded in 1975, the School started modestly with 35 Ojibwe students from the Reservation in response to parental concerns that public schools were not meeting the academic and cultural needs of our students. Since that time, the School has transformed itself into a magnet school, teaching state-approved curricula with Ojibwe cultural components. Existing enrollment is a testament to the passion of the students, parents and teachers who are committed to strong academic achievement despite the significant deficiencies and health and safety hazards present at our High School.

The High School is in dire need of replacement. Unlike other schools in the BIE inventory, the High School facility was not originally built for use as an academic space. It is a metal-clad pole barn originally built to house an auto mechanic school and bus garage. When the building was transformed into the High School, the intention was that it would only be a temporary space. However, generations of students have attended school in this makeshift building. The facility has serious structural and mechanical deficiencies and lacks proper insulation. The facility does not meet basic safety, fire, and security standards due to the flimsiness of the construction materials, electrical problems, and lack of alarm systems. Further, the building lacks a communication intercom system, telecommunication technology, and safe zones, which puts students, teachers, and staff at great risk in emergency situations. The police and emergency responders have dubbed the high school building as "Killer Hall" because an emergency would likely have tragic results. In addition, in high wind situations over 40 M.P.H., the students must evacuate outside into the winds because of the structural flaws with the flat metal building.

The High School facility presents a continuing threat to the health and safety of our students and faculty due to poor indoor air quality that contains mold, fungus, and a faulty HVAC system. The facility also suffers from rodent and bat infestation, roof leaks and sagging roofs, holes in the roofs from ice, uneven floors, exposed wiring, poor lighting, sewer problems, lack of handicap access, and lack of classrooms and other space. These are just a few of the facility's numerous deficiencies. Due to the unsafe surroundings, many students have withdrawn from our High School and have transferred to public high school. Students report being embarrassed about the condition of the High School, which results in a negative image of the School and a lower matriculation rate. Despite these challenging conditions, the students perform well. For example, the School has won many awards for its language immersion program and our students are successful compared to their performance at other area schools.

U.S Responsibility to Provide for the Education of American Indian Students
Several federal laws, treaties, and policies acknowledge the federal government's obligation to provide for the education of American Indian children. The Band's Reservation was established through a series of treaties with the U.S. and presidential executive orders. *See* Treaties of February 22, 1855 (10 Stat. 1165) and March 19, 1867 (Article I, 16 Stat. 719); Executive Orders of October 29, 1873; November 4, 1873; and May 26, 1874.

Through these treaties and executive orders, our ancestors ceded to the United States significant tracts of our homelands. In return, the U.S. promised to provide for school buildings, teachers, and the education of our youth. Hundreds of thousands of additional acres of our homelands were taken from us pursuant to the land allotment mandates of the federal Nelson Act in 1889, which is the Minnesota version of the General Allotment Act. As with the various treaty promises made to our people, one focus of the Nelson Act was to dedicate funds generated from these lands for "the establishment and maintenance of a system of free schools among said Indians, in their midst and for their benefit." These treaty promises have no expiration dates and remain the law of the land. Sadly, these promises have not been kept.

High School Rated in "Poor Condition" in Need of Replacement by BIA
The BIA categorizes this facility in "poor" condition. In 2007, the BIA Midwest Regional Office for the Office of Indian Education Programs issued a report expressing strong concerns about electrical problems, potential fire issues, and student safety. The BIA Office of Facilities, Environmental Safety, and Cultural Management had documented the numerous and serious deficiencies of the High School.

In a February 28, 2011, in a letter responding to Ranking Member Moran's inquiry about the High School, former Interior Assistant Secretary for Indian Affairs Larry EchoHawk stated:

> The Bug O Nay Ge Shig High School shows evidence of continuing deterioration . . . Due to the type of construction of the Bug O Nay Ge Shig High School, improvements to the school such as expansion or construction of one building for classrooms or administrative space is not an optimum solution. **Preliminary evaluations indicate that the building should be replaced** (emphasis added). The estimated date of replacement will depend on the priority ranking of the high school and amount of funds available to correct school facility deficiencies through education construction appropriations.

Working collaboratively with our community and with architects, we have developed construction and design plans for a new High School that will serve as a local anchor for cultural, environmental and economic sustainability. To meet these objectives, we must first provide our children with a learning environment conducive to academic achievement. We are ready to move forward, but we need the Subcommittee's help.

Lack of Funding for BIE Facilities Replacement Construction
The U.S. spends billions of dollars on the construction of buildings for federal uses but somehow can't seem to budget sufficient funding to ensure that American Indian children go to school in buildings that are not only safe, but also conducive to learning. The President's FY13, FY14, and FY 2015 budget requests violated their treaty and trust responsibilities, as they sought to essentially impose a moratorium on replacement school facilities construction by requesting funding only for repairs and improvements and the construction of one school. We are extremely appreciative of this Committee's work to increase funding for construction of BIE schools over the past couple of years and believe the Administration is starting to take note of the extreme need throughout Indian Country. Although we believe some progress has been made, there is much more to be done.

For the President's FY16 budget request, the BIA requests a *"$58.7 million increase is requested for Education Construction to support the education transformation. This includes a $25.3 million increase for replacement school construction to complete construction of the final two schools on the 2004 replacement school construction priority list: Little Singer Community School and Cove Day School, both in Arizona. A $17.7 million increase for facilities improvement and repair is requested for repairs to building structures and components that are necessary to sustain and prolong the useful life of education buildings. Additionally, $11.9 million is requested to address major facility repair needs at schools like the Bug-O-Nay-Ge-Shig school on the Leech Lake Band of the Ojibwe reservation"*

We are pleased that the President recognizes the significant needs at the Bug O Nay Ge Shig High School in his budget and that the Administration is making efforts to identify additional funding to address some of the backlog. With this said, the FY16 budget request does not offer enough funding to clear out the current backlog and admits that there are many schools, such as our High School, that are rated in "poor condition" with the potential for life, safety, and health hazards. Our High School is among the more than 63 schools funded by the BIE that are in poor condition. At this time, the BIE construction backlog is more than $1.3 billion and this number keeps growing.

Instead, the Administration should be requesting at least $200 million for FY16 for school **and** facilities replacement with a plan to request at least $200 million each year until the BIE school construction backlog is addressed. The Bush Administration had requested over $200 million each year in FY05-FY07 for BIE school and facilities construction and was able to make progress in reducing the BIE construction backlog. Only through consistent and sustained funding will the BIA be able to make a dent in its BIE school facilities backlog. Our hope is that the Subcommittee could consider addressing the BIE construction backlog by developing a plan to significantly reduce it over a period of time.

Conclusion

The Leech Lake students deserve the opportunity to attend school in a safe environment that provides them with educational opportunities afforded to other students. The United States owes them this. Instead, our students attend high school in a sub-standard, dangerous environment that is not conducive to learning. This impacts their self-worth, creates feelings of inferiority, and sends a message to them that their education and even their lives are unimportant.

Congress and the Administration must develop a comprehensive plan to fully fund the construction needs at the Leech Lake High School. In addition, Congress and the Administration must work in consultation with tribal leaders, educators, and others to develop innovative ways of funding and building Indian reservation schools.

We appreciate all the work that this Subcommittee, its Members, and our Representatives have done to raise awareness and advance the replacement of the school to date and we look forward to continuing to work with you. Thank you for your time and consideration of our request for funding to replace the High School at the Bug O Nay Ge Shig School.

Mr. CALVERT. I thank the gentlelady for her comments, and we will be getting back to you for questions after we hear from the full panel.

Next, Darrell Seki, you are recognized for 5 minutes.

TUESDAY, MARCH 24, 2015.

RED LAKE BAND OF CHIPPEWA INDIANS

WITNESS

DARRELL G. SEKI, SR.

Mr. SEKI. Good morning. Chairman Calvert, I thank you and the other members of the committee including my friend, Betty McCollum, for the opportunity to testify on the President's 2016 budget.

First, I will provide comments on behalf of the Red Lake Nation and I will speak on behalf of Tribal Interior Budget Council. We appreciate your cooperation and extra time for this. Additional details are in our written statements.

For 3 years now, sequestration took about $1.5 million each year from Red Lake, BIE, IHS base programs and additional amounts from formula-based programs. We asked the Administration to restore these cuts in 2014 spending plans but they did not. To provide basic public safety at Red Lake, our police, detention, courts and fire program had to spend $6.5 million last year but BIA provided only $4.5 million, leaving a deficit of $2 million. We were underfunded before sequestration but now it is worse. The only way we could cover the deficit was to take money from other BIA programs, which were also sequestered, in health services. Sequestration caused service cuts including longer patient waits, reduced medical transportation, fewer supplies, outdated equipment. This year, IHS stopped funding two dentists, two dental techs, threatening our dental program. Sequestration hurts our kids.

Just 3 days ago, we marked the 10th anniversary of the Red Lake School shooting. Ten people lost their lives that day; five were wounded. Many other lives were changed forever. President George Bush told us the government would come to aid and we would not be forgotten, but that promise did not endure.

Our tribal program funds the tribal school elders program, which provides counselors to help students when they have problems and are thinking of harming themselves. It began after the school shooting with the help from SAMHSA grants. The grants ended years ago so the tribes pick up the tab because of sequestration. We had to cut a number of wellness counselors from eight to five, which is not nearly enough to assist hundreds of students in four schools. Last year we had four suicides—two girls, two boys—and there were 63 cases of suicide ideation. Due to counselor intervention, 34 students were placed under protective watch and sent to appropriate medical facilities for care. The counselors initiated dozens of safety plans so students could get help when needed. This proves counselors are doing their job and they do save lives but they are under sequestration. We are unable to reach all who need.

Anyone who thinks sequestration is not bad is dead wrong. For tribes who must rely on federal funding, sequestration is a night-

mare. The base program cuts imposed in 2013 should be restored. Only Congress can do this.

Even before sequestration, we experienced across-the-board rescissions to our base programs, 14 of them since the year 2000. They total 8 percent in permanent cuts. I noticed this year bills were introduced to force more across-the-board rescissions to discretionary programs ranging from 2 percent to 5 percent. I wonder if they realize how often these rescissions occur that are permanent, not just for 1 year, and they add up to serious and lasting damage to tribes.

Two years ago, I testified before the committee. I said that at least a decade BIA tribes have fared poorly compared to other Interior agencies in terms of budget advances, and I want to go on record, we appreciate all federal support and assistance. However, our main concern is our critical government service programs and staff, which are financed by BIA, dangerously underfunded but continue to be cut through sequestration rescissions and inflation.

I thank you for providing significant BIA funding increases this year, last year, significant decreases the previous 3 years, the President's 2016 BIA budget request of $2.9 billion, increase of $323 above 2015. This is one of the strongest BIA budget requests ever. We think the Administration has heard us. Although we are disappointed it does not restore sequestration cuts to tribal programs, we strongly support the President's request. We ask that you fully support the funding.

Likewise, the President asked for a robust increase of $461 million for IHS in 2016. We strongly support the President's request and ask that you fully fund it.

Thank you for listening. I will now put my other hat on before I comment on behalf of the Tribal Interior Budget Council, also known as TIBC. Do I just continue?

[The statement of Darrell G. Seki, Sr., follows:]

TESTIMONY OF THE HONORABLE DARRELL G. SEKI SR.
CHAIRMAN, RED LAKE BAND OF CHIPPEWA INDIANS

Before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Regarding the FY 2016 BIA, IHS, and EPA Budgets, March 24, 2015

Mr. Chairman, I thank you and the other distinguished members of the Committee for this opportunity to provide testimony on behalf of the Red Lake Band of Chippewa Indians. We the people of Red Lake, who reside on our reservation in northern Minnesota, respectfully submit that the budget appropriation process represents the major avenue through which the United States fulfills its trust responsibility and honors its obligations to Indian tribes. We must depend on you to uphold the trust responsibility which forms the basis of the government to government relationship between our tribe and the federal government. The Red Lake Band of Chippewa Indians requests $5.6 million in additional FY 2016 funding for programs described herein.

Red Lake is a fairly large tribe with 12,000 members. Our 840,000 acre reservation is held in trust for the tribe by the United States. While it has been diminished in size, our reservation has never been broken apart or allotted to individuals. Nor has it been subjected to the criminal or civil jurisdiction of the State of Minnesota. Thus, we have a large land area over which we exercise full governmental authority and control, in conjunction with the United States. At the same time, due in part to our remote location, we have few jobs available on our reservation. While the unemployment rate in Minnesota is 3.7%, ours remains at an outrageously high level of about 50%. The lack of good roads, communications, and other necessary infrastructure continues to hold back economic development and job opportunities.

Sequestration Dealt a Harsh Blow to Red Lake

Sequestration has undermined Indian treaties which were ratified under the Constitution and considered the "supreme law of the land." Tribal governments deliver core government services that were previously administered by federal agencies, based on federal treaty and trust responsibilities owed to Indians. They are a continuing financial obligation of the United States, similar to payments of principal and interest on the massive land transfers by tribes to the United States confirmed in treaties, case law, and statutes. In FY 2013-2015, sequestration and rescissions took more than $900,000 each year from our Tribe's BIA base programs. We pleaded with the Administration to restore the sequestration cuts to tribal base programs in the BIA's FY 2014 Spending Plan, but our pleas were ignored and so they continue today. We incurred additional sequestration cuts to formula-based programs like Welfare Assistance, HIP, Road Maintenance, and Natural Resources.

We cannot absorb the cuts that sequestration imposed. For example, under self-governance we operate four BIA Justice Services programs: Law Enforcement, Detention, Courts, and Community Fire Protection. The BIA is obligated to provide adequate funding to meet basic public safety needs on our Reservation. But the BIA does not provide adequate funding - far from it. All of Red Lake's public safety programs are understaffed and undersupplied relative to BIA safety standards. In order to provide minimal public safety, and even with budget cuts demanded by sequestration, last year these programs had to spend $6,544,439. But BIA provided only $4,569,024, leaving the Tribe with a shortfall of $1,975,415. We did not have the money to cover this shortfall. We instead had to take funds from other BIA service programs which were also sequestered. The impacts of sequestration at Red Lake are too numerous to describe here, but include staff cutbacks and reduced hours in law enforcement and other public safety areas.

Medical services at Red Lake are provided by both the IHS and the Tribe. In FY 2013 sequestration took more than $750,000 from these programs. Because IHS failed to restore the cuts in its FY 2014 Spending Plan, they continue today. This cost the Tribe a family practice physician, longer patient wait times, delays in follow-up care, and service cutbacks including reduced medical transportation, fewer supplies, and outdated equipment. This year, IHS cut-off funding to the Tribe for two dentists and two dental technicians, threatening our dental program. As sequestration continues, additional staff reductions will further erode patient care.

Sequestration hurts our kids. Our Tribal Health program funds the Red Lake Schools' Wellness Program, which provides counselors to support students when they have problems in school, home or in the community, and are thinking of harming themselves. It was initiated after the Red Lake School shooting in 2005, with help from SAMHSA grants, after President Bush promised the government would help us and we would not be forgotten. Sadly, this promise did not endure. The SAMHSA grants ended years ago so the Tribe picked up the tab. Because of sequestration we had to cut Wellness Counselors from 8 to 5, not nearly enough to assist hundreds of students in four schools. We were unable to fill two vacant counselor positions at our Middle School because of sequestration, so now there are none. Last year we had four youth suicides - two girls and two boys, including Middle School students, and there were 63 cases of suicide ideation. Due to counselor interventions, 34 students were placed under protective watch and sent to appropriate medical facilities for further care. The counselors initiated dozens of Safety Plans involving agreements with students to seek assistance when needed. This proves the Wellness Counselors are doing their job, and they can and do save lives. But under sequestration, the program is unable to reach all who need help, and further staff reductions are anticipated.

Anyone who thinks sequestration is not so bad is dead wrong – for tribes, who must rely on federal funding for government services, sequestration has been a nightmare. The sequestration cuts imposed in FY 2013-2015 must be restored in FY 2016, and only you can do this! We specifically ask for restoration of Red Lake's base sequestration of $1,650,000 for BIA and IHS programs in FY 2016, as well as $1,975,415 to meet our BIA public safety shortfall.

FY 2016 Interior Budget Overview

We have pointed out that for at least a decade, BIA and Tribes have fared poorly when it comes to budget advances at Interior. The Department's and OMB's recent stepped-up promotion of the Native American Crosscut Budget has not allayed tribes' concerns that our critical government services programs and staff, which are financed by the BIA, are dangerously underfunded yet continued to be cut through sequestration, rescissions, and inflation.

We do appreciate your help by providing BIA funding increases in FY 2014-2015, after three years of significant decreases in FY 2011-2013. The President's FY 2016 budget request is $2.9 billion, an increase of $323 million (12.4%) over the FY 2015 enacted level. Although it does not restore the FY 2013-2015 sequestration cuts to tribal base programs, we strongly support the President's request, and we ask that you fully fund the request.

Tribal Government Funding (Formerly Tribal Priority Allocations (TPA))

Tribes have suffered terrible cuts in funding for most government service programs. These cuts have caused a crisis for most tribes and include: A crippling 16% TPA cut in 1996; With the exception of law enforcement, most tribes' base programs were either flat-funded or further reduced for 20 years; Since 2000, tribes' base programs were cut an additional 8% from *14 different permanent, across-the-board rescissions* to fund everything from federal deficit reduction, tax cuts, wars, and hurricanes; and, during the last 15 years, pay costs were only partially funded. As a result, tribes' core service funding is far less, in real terms, than 20 years Ago. Our ability to provide safety and security for people who already struggle to survive under some of the worst living standards in America has been undermined. Federal agencies may be able to absorb these cuts, but tribes like Red Lake cannot - we have reached the breaking point.

Fully Fund Pay Costs and Fixed Costs in FY 2016 and Beyond

Pay Costs represent the only increase most tribal programs receive. Since FY 2001, the Department, BIA, and tribes, lost more than $800 million from only partial funding of Pay Costs and other Fixed Costs, and along with it literally thousands of jobs. The President's FY 2016 budget includes only $18.3 million for BIA Fixed Costs and Pay Costs. They were inaccurately described as "Fully Funded". We ask that you provide $8 million specifically for tribes' Pay Costs in FY 2016, and that you continue to express your concerns to the Administration that Pay Costs must be fully funded in all future budgets. We also ask for $2 million in FY 2016, which is the amount Red Lake is shorted each year from the failure to fully fund Pay Costs.

Contract Support Costs (CSC)

Thank you for directing BIA and IHS to provide full funding for CSC, we commend your leadership on this. However, despite the increases you provided in FY 2014-2015, they came at the expense of tribal program dollars, which were slashed under sequestration, and not restored because BIA (and IHS) told tribes they were required to fully fund CSC and other priorities, leaving no funding available to restore sequestration cuts.

The President's FY 2016 budget includes a strategy that in the future could address concerns like the above. The proposal is to reclassify CSC to mandatory funding in FY 2017. It appears the reclassification would allow CSC to be calculated and added separately from discretionary budget caps, and be treated as a PAYGO cost in the authorizing legislation. We look forward to consultation with BIA over the coming year to learn more about this, and to provide comments.

BIA Justice Services Programs: Law Enforcement, Courts, Community Fire Protection

The President's FY 2016 budget requests an increase of $6.7 million for Law Enforcement services, including $4 million for Tiwahe Initiative funding to implement a strategy to provide alternatives to incarceration and to reduce recidivism in Indian Country. We strongly support the BIA in its mission to change the focus from the old lock-up model, to one which addresses the underlying causes of incarceration, such as alcohol, drugs, and mental illness. Red Lake is a participant tribe in this initiative. We have been working the last two years with BIA and other federal partners to develop a program to reduce juvenile recidivism at Red Lake. The plan includes opening a juvenile facility which was built under DOJ's Correctional Facilities Grants program, but which sadly has sat vacant for a decade, as funds were never appropriated to staff and operate it. The DOJ recently completed a report which recommends the utilization of this facility at Red Lake. With seed money from this BIA initiative, we're excited to report that we just hired a juvenile facility/recidivism program director and a youth intervention specialist, and we're making real progress towards hands-on intervention with court-adjudicated youth to help turn their lives around and reduce recidivism. We need you to fund this initiative in FY 2016.

Funding for Tribal Courts is terribly inadequate, and remains a top priority of tribes. While increases in law enforcement have had a positive impact on tribes' abilities to combat crime, tribal court systems have not fared so well. We support the President's FY 2016 requested increase of $5 million for Tribal Courts as part of the Tiwahe Initiative, and we ask that you provide an additional $10 million for Courts in FY 2016. Community Fire Protection has been neglected for decades. We are responsible for fighting fires on our Reservation and protecting peoples' lives, *on a yearly BIA-funded budget of $42,500.* We ask that you provide an additional $10 million for Community Fire Protection in FY 2016.

Housing Improvement Program (HIP)

In recent years HIP funding was cut from $19 million to $8 million. Housing is a basic need of every American. Past funding for HIP has been terribly inadequate. Recently, we were able to build 8 new HIP homes for the poorest elderly and disabled members, who were ineligible for assistance from other agencies. The HIP program should be restored in FY 2016 to $19 million.

Trust Natural Resources

The President's FY 2016 budget request includes an increase of $48 million over FY 2015 for Natural Resources. Most of the increases are to support tribal communities in sustainable resource management and in preparing and responding to the impacts of climate change, such as drought, wildfires, and changes in the plants and animals important to subsistence and culture. We strongly support the President's request, and we ask that you fully fund the request.

We have said for years that tribal base programs, which fund tribes' day-to-day conservation responsibilities, have been flat for many years, while other resource categories have enjoyed several funding increases. This has resulted in tribes being unable to adequately manage their reservation resources. At the tribal level, most resource management activities, and the staff that perform them, are funded under the BIA budget categories of Tribal Management/Development;

Natural Resources TPA; Wildlife and Parks TPA; and Forestry TPA. And this is where additional attention needs to be focused. We again urge you to provide an increase to these programs of at least $5 million each in FY 2016, above the President's request.

Indian Health Service (IHS)

The President's FY 2016 request for IHS is $5.103 billion, an increase of $460.6 million (9.9%) over FY 2015. We appreciate the additional funds you provided in FY 2014-2015, which included a commitment to restore some of the FY 2013 sequestration cuts. However, after fully funding CSC, and meeting other Administration budget priorities, IHS was unable to restore the sequestration cuts at the tribal program level. This represents a serious setback in Indian healthcare spending, which per capita is only 1/3 of the national average.

There is a tremendous unmet need for IHS and Tribal health programs, which stems from years of chronic under funding. IHS mandatory increases for inflation, population growth, pay costs, and CSC surpass the requested increase. The needs based budget for IHS is $29 Billion, phased-in over 12 years. We ask that in FY 2016, you provide at least $6 Billion, which would accommodate mandatory cost increases outlined in the President's request, and also restore most of the sequestration cuts imposed in FY 2013, and which were retained in FY 2014-2015.

EPA Programs

Water, wetlands, and the animals and plants that rely on them are precious to us. Red Lake is home to the 6th largest natural, freshwater lake in the United States and it is truly a national treasure. We possess 60% of the federal Indian trust land in EPA Region 5. Vital EPA programs include the General Assistance program (GAP), Clean Water Act Sections 106 Pollution Control and 319 Nonpoint Source, Brownfields, and Clean Air Act Section 105. Due to Red Lake's unique jurisdictional status, assistance from state and other agencies is non-existent, so there is a disproportionate impact on our resource management capacity relative to other tribes when federal funds are cut. Most EPA program funding levels have not increased, but the number of tribes accessing these programs has increased, so our funding has decreased. The GAP program has been flat for years, and actually decreased by $2.8 million in FY 2015. We strongly urge you to fully fund the President's FY 2016 request of $96.4 million for GAP. Under Section 106, tribes' funding levels have decreased sharply. At Red Lake, we've seen a reduction of $50,000 (14%) since FY 2003. We ask that in FY 2016, you increase the Section 106 allocation to tribes from 12% to 20%. Red Lake manages 60% of the region's trust lands, but only receives 9% of the funding. The National Pollutant Discharge Elimination System (NPDES) program is funded at $48.5 million. There is a great need to dedicate a portion of this to tribes, to enable us to ensure point sources are complying with pollution control measures to protect water quality. Red Lake has stretched EPA dollars to their limit. Increases for EPA tribal programs are needed for tribes to perform just a fraction of the functions that States have been enabled to perform.

Thank you for allowing me to present, for the record, some of the most immediate needs of the Red Lake Band of Chippewa Indians in FY 2016, and for your consideration of these needs.

TUESDAY, MARCH 24, 2015.

TRIBAL INTERIOR BUDGET COUNCIL (TIBC)

WITNESS

DARRELL G. SEKI, SR.

Mr. SEKI. TIBC was established in 1999 to enable tribes and federal officials to work together developing annual budget requests for Indian programs in the Department of Interior. TIBC consists of two tribal leaders from each of the 12 BIA regions along with Indian Affairs leadership including the Assistant Secretary. We meet quarterly, usually March, May, August, December. I am proud to say I have been TIBC representative for 13 years. Many of the TIBC representatives have appeared before the subcommittee in the past to provide testimony for the tribes, and subcommittee staff have met with TIBC and TIBC's budget subcommittee because TIBC is the lead consultative body on BIA budget. We think that it would be beneficial to communicate with subcommittee more often for annual requests for the TIBC tribal court chairs to testify at the subcommittee's Native American hearings, periodic attendance at TIBC meetings by subcommittee members and staff. Periodic meetings between TIBC subcommittee and subcommittee staff provide TIBC meeting minutes, copies of written testimony that each BIA region submits during March TIBC meeting.

As you know, in Indian Country the funding we receive from BIE, IHS are the primary mode by which we are able to staff support the programs which provide key government services to Indian people including health, public safety, roads, transportation, human services, natural resources, among others. Funding for most of these programs have been reduced significantly over the years from rescissions, sequestration, inflation, making it very difficult for tribes to protect and serve our people.

As I mentioned, the Interior 2016 budget request is one of the strongest ever, significantly builds upon increasing enacted 2014–2015, which we appreciate. Although the President's budget does not restore the sequestration cuts to tribal programs, we strongly support the President's request. We ask that Congress fully fund it.

We also ask Congress to restore the sequestration cuts to tribal base programs in 2016 for providing additional $75 million for this purpose. The current BIA budget formulation process offers priorities within the BIA's budget but tribal leaders underscore that all elements of the BIA budget are critical as they operate together to ensure strong, healthy, vibrant tribal communities. Tribal leaders appreciate that the President's budget was developed with the guidance from Indian Country through TIBC.

There are many good proposals in the President's budget. We support reclassifying contract support costs as mandatory.

Tiwahe Initiative, a comprehensive, integrated approach to address the problems of poverty, violence, substance abuse faced by Indian communities, is a great idea. We appreciate Tiwahe funding provided in 2015. We support this additional funding in 2016. The proposals of $4 million for a One Stop Tribal Suport Center, $12

million for data initiative potentially provides solution to problems tribes have identified throughout the budget cycle such as the need for clarification of federal sources of funding available for tribes as well as improved data on unmet treaty obligations, request an increase for Indian education, natural resources are also appreciated.

The Tribal Interior Budget Council appreciate the work this subcommittee has done both past and present to ensure the federal government honors its treaty, Trust, statutory obligations in the federal budget. We look forward to working with you to continue strong tradition of bipartisan work for Indian Country.

This concludes my statements today. Migwetch.

[The statement of Darrell G. Seki, Sr. follows:]

TRIBAL CAUCUS

Tribal Co-Chairs
W. Ron Allen
Jamestown S'Klallam Tribe

Edward K. Thomas, Jr.
Craig Tribal Association

REGIONAL REPRESENTATIVES

ALASKA
Edward K. Thomas, Jr.
Craig Tribal Association

Rick Harrison
Chickaloon Native Village

EASTERN OKLAHOMA
Chris Redman
Chickasaw Nation

Greg Pitcher
Shawnee Tribe

GREAT PLAINS
John Yellow Bird Steele
Oglala Sioux Tribe

Harold C. Frazier
Cheyenne River Sioux Tribe

MIDWEST
Darrell Seki
Red Lake Nation

Jimmie Mitchell
Little River Band of Ottawa Indians

EASTERN
Brenda Fields
Penobscot Indian Nation

Kircki Carrol
United South and Eastern Tribes

NAVAJO
Ben Shelly
Navajo Nation

Johnny Naize
Navajo Nation

NORTHWEST
W. Ron Allen
Jamestown S'Klallam Tribe

Greg Abrahamson
Spokane Tribe

PACIFIC
Robert Smith
Pala Reservation

Russell Attebery
Karuk Tribe

ROCKY MOUNTAIN
Alvin (AJ) Not Afraid, Jr
Crow Tribe

Darwin St. Clair, Jr.
Shoshone Business Council

SOUTHERN PLAINS
Ronnie Thomas
Alabama-Coushatta Tribe of Texas

Carrie O'Toole
Prairie Band Potawatomi

SOUTHWEST
Gary Hayes
Ute Mountain Ute Tribe

Richard B. Luarkie
Pueblo of Laguna

WESTERN
Virginia M. Sanchez
Duckwater Shoshone Tribe

Norman Honanie
Hopi Tribe of Arizona

TESTIMONY OF THE HONORABLE DARRELL G. SEKI SR.
CHAIRMAN, RED LAKE BAND OF CHIPPEWA INDIANS
MIDWEST REGION REPRESENTATIVE, TRIBAL INTERIOR BUDGET COUNCIL

Before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies Regarding the FY 2016 Bureau of Indian Affairs (BIA) budget, March 24, 2015

Mr. Chairman, I thank you and the other distinguished members of the Subcommittee for this opportunity to provide testimony on behalf of the Tribal Interior Budget Council. The Tribal Interior Budget Council (TIBC) was established in 1999 to provide a forum and process for tribes and Federal officials to work together in developing annual budget requests for Indian programs in the Department of the Interior. The mission of the TIBC is to enable government-to-government consultation between tribes and the Department to develop budgets that allow for the fulfillment of tribes' self-determination, self-governance, sovereignty, and treaty rights, as well as sufficient levels of funding to address the needs of Tribes and their tribal citizens.

The TIBC consists of two tribal leaders from each of the 12 BIA regions, along with Indian Affairs leadership including the Assistant Secretary for Indian Affairs. TIBC meets on a quarterly basis. I am proud to say I have been a TIBC representative for 13 years. Although the focus of TIBC is primarily improving the BIA budget, and particularly tribal program funding, we are keenly interested in other important programs under the Subcommittee's jurisdiction, namely IHS and EPA tribal programs.

Increase Interaction between TIBC and the Interior Appropriations Subcommittee

Many of the TIBC representatives have appeared before the Subcommittee in the past to provide testimony for their respective tribes, and Subcommittee staff have met with TIBC and TIBC's Budget Subcommittee. We think that it would be beneficial for everyone if the Subcommittee and TIBC communicate with increased frequency. We also recommend that Subcommittee members and staff attend TIBC meetings from time to time. Another thing we can do is to provide copies of TIBC meeting minutes and presentations to Subcommittee staff, and arrange for TIBC Budget Subcommittee representatives to periodically meet with Subcommittee staff.

BIA Budget

As you know, in Indian Country the funding we receive from IHS and BIA are the primary means by which we are able to staff and support the programs which provide key government services to Indian people, including health, public safety, roads and transportation, human services, and natural resources to name just a few. Tribes have expressed concern that for at least a decade, BIA budget advances in terms of funding requests and enacted funding levels have not kept pace with most other Interior agencies. We've also expressed that the recent stepped-up promotion of the Native American Crosscut budget by the Department and Office of Management and Budget (OMB) has not allayed tribes' concerns that our critical core government services

programs and staff, which are financed by the BIA, are dangerously underfunded and yet continued to be cut through sequestration, rescissions, and inflation. We do appreciate your help by providing BIA significant funding increases in FY 2014-2015, after three years of significant decreases in FY 2011-2013.

The President's FY 2016 budget request is $2.9 billion, an increase of $323 million (12.4 percent) over the FY 2015 enacted level. In terms of dollars, the FY 2016 request for BIA is the second largest, just behind the National Park Service (NPS). In terms of percentage increase, the 12.4 percent request for BIA is the third largest, just behind NPS (16.6 percent) and the U.S. Geological Survey (14.4 percent). And when comparing the FY 2016 budget request in terms of the BIA percentage increase (12.4 percent) to the non-BIA overall Interior percentage increase (8.3 percent), BIA and tribes have something to be pleased about.

The FY 2016 BIA budget request significantly builds upon increases enacted in FY 2010, FY 2014, and FY 2015. Although the President's budget does not restore the FY 2013-2015 sequestration cuts to tribal base programs, we strongly support the President's request, and we ask that Congress fully fund the request. We additionally request that Congress restore sequestration cuts to tribal base programs in FY 2016, by providing an additional $75 million specifically for this purpose.

Sequestration and Rescissions

Tribes have suffered terrible cuts in funding for critical government services including law enforcement, fire protection, courts, human services, education, road maintenance, and resource protection which are critical to Indian communities. These cuts have caused a crisis for most tribes and include: A crippling 16 percent TPA cut in 1996; With the exception of law enforcement and a few others, tribes' core base programs were either flat-funded or further reduced for 20 years; since 2000, tribes' base programs were cut an additional 8 percent from *14 different permanent, across-the-board and targeted rescissions* to fund everything from federal deficit reduction, tax cuts, the war in Iraq, and hurricanes; and, during the last 15 years, pay costs were only partially funded. Sequestration has added an additional 5% cut to the list.

As a result of the above, tribes' core service funding is far less, in real terms, than 20 years ago. Our ability to provide safety and security for people who already struggle to survive under some of the worst living standards in America has been undermined. Federal agencies may be able to absorb these cuts, but most tribes cannot - we have reached the breaking point.

TIBC Budget Process and Priority Setting

The budget formulation process coordinates tribal budget priorities and justifications for each fiscal year in coordination with BIA Regional Offices, which work to ensure that appropriate consideration is given to specific, regional, and national priorities and requirements expressed by tribes. The Interior/BIA budget formulation system must provide clarity to the unique needs of tribes without causing undue confusion to the Administration and Congress. The current BIA Budget Formulation process offers priorities within the BIA's budget, but tribal leaders underscore that all elements of the BIA budget are critical as they collectively operate in coordination to ensure strong, healthy, and vibrant Tribal communities. Tribal leaders appreciate

that the President's FY 2016 Budget was developed with guidance from Indian Country through the Tribal-Interior Budget Council (TIBC).

The tribal caucus of the TIBC supports many of the specific proposals in the BIA's budget this year, such as reclassifying contract support costs as mandatory, the expansion of the Tiwahe Initiative, increases for education, and natural resources funding increases. The One-Stop Tribal Support Center ($4 million) and the Data Initiative ($12 million) potentially would provide solutions to problems tribes have identified throughout the budget cycle, such as the need for clarification of federal sources of funding available for tribes as well as improved data on unmet treaty obligations.

Specific Proposals

Tiwahe Initiative: The FY16 budget would provide $15 million to expand the Tiwahe Initiative, $6 million more for Social Services (under BIA Human Services), $4 million more for law enforcement for alternatives to incarceration and $5 million more for tribal courts. TIBC strongly supported this initiative last year and urges Congress to continue funding for this initiative in FY 2016. Child abuse and neglect are serious and persistent problems in tribal communities. Tribal governments have an incredible need for child abuse and neglect prevention and treatment programs, yet tribes do not have access to the two key federal child abuse prevention and treatment funding sources. In 1991, Congress enacted the Indian Child Protection and Family Violence Prevention Act (ICPFVPA; Pub. L. No. 101-630) which authorizes funding for two tribal programs: (1) the Indian Child Protection and Family Violence Prevention Program, which funds prevention as well as investigation and emergency shelter services for victims of child abuse and family violence ($30 million); and (2) the Treatment of Victims of Child Abuse and Neglect program, which funds treatment programs for victims of child abuse ($10 million). ICPFVA also authorizes funding to create Indian Child Resource and Family Service Centers at each of the BIA regional offices ($3 million). At the March TIBC meeting, tribal leaders passed a resolution that, to fulfill its purpose, the *Tiwahe* Initiative must include the ICPFVPA grant programs and the BIA Indian Child Resources and Family Service Centers.

Education would see an increase of$138.4 million for BIE activities and construction. Increases include: $45.5 million for Elementary and Secondary Education; $12.9 million to fully fund Tribal Grant Support Costs; $10 million for the Education Program Enhancement program for incentive funding; $20 million for BIE Maintenance and Operations; $34.2 million for Education Information Technology to enhance broadband and digital access; $4.6 million for Scholarships and Adult Education and an increase of $250,000 for Special Higher Education Scholarships; $2.6 million for Johnson O'Malley. Education Construction would receive a $58.7 million increase (79 percent higher than the FY2015 level), for a total of $133.2 million. The increase includes $25.3 million for replacement school construction to complete construction on the final two schools on the 2004 replacement school priority list. Tribal leaders have strongly supported education in Indian Country, specifically scholarships and adult education as well as Johnson O'Malley.

BIA Natural Resources would receive a 26 percent increase, $48 million over FY 2015, for sustainable resource management and preparing and responding to the impacts of climate change, such as drought, wildfires, changes to plants and animals important to subsistence and

culture, rights protection, coastal erosion and rising sea levels. Increases will also support Alaska Native Villages in the Arctic to evaluate options for the long-term resilience of their communities. Natural Resources have always been a high priority of tribes and TIBC.

One Stop Tribal Support Center: The BIA plays an important role as a broad provider of Federal services. Acknowledging this role, the budget proposes $4 million to establish the One-Stop Tribal Support Center to support Tribes in accessing hundreds of services across the Federal government. This is an incredibly important proposal that could provide much needed technical support for tribal governments. The Tribal Interior Budget Council has received presentations from the Office of Management and Budget on the Native American cross cut, which shows that many federal funds are available to tribes. But many of the tribes that need assistance the most have a difficult time accessing federal resources. Change on the ground requires holistic change, and the One-Stop Tribal Support Center if implemented would assist tribal leaders meet dire needs in Indian Country. The wrap around nature of this budget request is one that is desperately needed in Indian Country.

Data Initiative: A data initiative of $12 million is proposed to establish an Office of Indian Affairs Policy, Program Evaluation, and Data which will help the Interior Department collect, analyze, and use evidence to support effective policy making and program implementation. The funds also will assist the Department in working with tribes to improve Interior and BIA data quality and availability and will support efforts with the Census Bureau to identify and address data gaps in Indian Country. This initiative reflects responsiveness to tribal requests for improved data on whether the federal government is meeting its trust and treaty obligations. Tribal leaders have called for improvements to tribal data and have pursued a tribally driven Tribal Data Exchange, but with limited resources. This data initiative should be implemented in such a way that that it measures tribal unmet obligations, not only performance. Because the initiative includes $9 million to enter into agreements with the Census Bureau, tribal leaders should be consulted and fully engaged on the specifics of the work the Census statistical experts would perform for Indian Country.

Fully Fund Pay Costs and Fixed Costs in FY 2016 and Beyond

For more than a decade, Pay Costs were only partially funded. Pay Costs represent the only increase most tribal programs receive. *When Pay Costs are not fully funded, tribes have no choice but to cut jobs.* From FY 2001 to the present, the Department of Interior, including BIA and tribes, have collectively lost more than $800 million through the absorption of Pay Costs and other Fixed Costs, and along with it, literally thousands of jobs. The President's FY 2016 budget includes a severely truncated $18.3 million for BIA Fixed Costs, including Pay Costs. These were described as "Fully Funded" which is not accurate. We ask that you provide $8 million specifically for tribes' Pay Costs in FY 2016, and we also ask that you continue to express your concerns to the Administration that Pay Costs must be fully funded in all future budgets.

Conclusion

The Tribal Interior Budget Council appreciates the work this Subcommittee has done in the past years to ensure the federal government honors the treaty, trust, and statutory obligations in the federal budget. We look forward to working with you to continue the strong tradition of bipartisan support for Indian Country.

Mr. CALVERT. Thank you. Thank you, Mr. Seki.
Next, Mr. Chapman, you are recognized for 5 minutes.

TUESDAY, MARCH 24, 2015.

LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

WITNESS

ERIC CHAPMAN

Mr. CHAPMAN. [Speaking native language]. My name is Eric Chapman, Tribal Council member with the Lac du Flambeau Band of the Lake Superior Chippewa Indians of Northern Wisconsin. With me today is Councilwoman Jamie Allen. I am pleased to submit this testimony, which reflects the needs and concerns of our tribal members for fiscal year 2016.

The President's fiscal year 2016 budget has some important initiatives for tribes, for example, fully funding contract support costs and requesting that Congress reclassify this funding as mandatory. Doing so would implement what two Supreme Court cases have already stated is the law. This funding must be paid. It is time that Congress make the necessary changes in the statute to implement the Court's decisions.

I call on you to fully support the Administration's emphasis on our youth. The Generation Indigenous Initiative is the first time this Nation has taken a comprehensive approach to improving the lives of Native American children. The Administration called on all agencies including those outside of the Department of the Interior and the Indian Health Service to do their part to fulfill the trust responsibility to Native children. This comprehensive approach asks Congress to support initiatives to increase the number of behavioral health providers focused on Native American youth with the Indian healthcare system as well as increase in social service and tribal court funding to meet the needs of children and families trying to build a new life in recovery.

Based on treaty obligations and federal Trust responsibility, the federal government should be committed to providing fundamental fairness to tribes, not just in selected areas but across the board, and appropriations for all programs affecting Native Americans should provide funding levels based on this fundamental principle.

As we address our communities' social services needs, we are mindful that one of the cornerstones of a healthy community is a healthy environment. Clean water, air and land are vital for the physical and emotional health of our people, and provide a foundation for our tribal culture and the basis for economic opportunity on our reservation.

Tribes are leaders and natural resources protection and the BIA natural resource funding is essential to maintain our programs. Lac du Flambeau has a comprehensive Natural Resources Department with expertise in natural resource and land management. Our support for natural resource programs extends to the tribal management and development programs, fish hatchery operations,

forestry, BIA Circle of Flight program, and funding for conservation law enforcement officers.

We also support the Great Lakes Indian Fish and Wildlife Commission funding request for BIA and EPA. Building tribal capacity is vital to ensure tribes have the ability to manage and protect our resources. This is why the tribe strongly supports the proposed $31 million increase in the EPA Tribal General Assistance Program, also known as Tribal GAP. This program provides base environmental funding to assist tribes in building their environmental capacity to assess environmental conditions to meet their local needs. Other environmental programs such as Clean Water Act 106 and 319, brownfields contaminated safe cleanup, and the Great Lakes Restoration Initiative are likewise critical to protecting our resources.

Education remains a critical investment in the future of the tribes. The Johnson-O'Malley program provides vital support for Indian students in public schools. We support the $17.3 million requested for this program, and the subcommittee's continuing oversight to obtain an accurate JOM student count. The Tribe also supports the Administration's proposed increase in BIA funding for fellowship and training opportunities for postgraduate study. We also support the $52.9 million requested for the Department of Education Native Youth Community Projects to support community-driven strategies to improve college and career readiness of Native youth in public schools.

Empowering tribal communities to meet the needs of their children is at the heart of the self-determination policy and is what will lead to a brighter future for our children.

The Administration's $5.1 billion request for the Indian Health Service is a 10 percent increase in funding above the fiscal year 2015 level. Importantly, some of this increase is dedicated to population growth and medical inflation so that our healthcare programs can keep pace with the growing need and costs. This will allow for a significant investment in purchased and referred care with a $70 million increase. This increased level of funding should provide for 980 additional hospital admissions, 19,800 additional outpatient visits, and finally, an additional 1,210 patient transports.

Research has demonstrated that our overall health is tied to our oral health. The Lac du Flambeau Tribe recognized this, and that is why in 2013 we opened a state-of-the-art dental clinic to serve the needs of our people. No longer are dental visits done by an occasional dental exam at our schools. We are now seeing our members in our facility early and often and preventing dental disease before it can happen. We fully support the requested $7 million increase for dental health services. This increase will address the not only medical inflation, but also the population increase our community has experienced.

I thank the members of the subcommittee for allowing me to submit this testimony.

[The statement of Eric Chapman follows:]

TESTIMONY OF ERIC CHAPMAN, COUNCILMAN
LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE
ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
ON INDIAN PROGRAMS IN THE FY2016 BUDGET
MARCH 25, 2015

My name is Eric Chapman, I am a Councilman for the Lac du Flambeau Band of Lake Superior Chippewa Indians, located in Wisconsin. I am pleased to submit this testimony, which reflects the needs and concerns of our Tribal members for Fiscal Year 2016. My testimony addresses BIA, EPA and IHS programs that are vital to my people.

The President's FY 2016 Budget has some important and positive initiatives for Tribes. For example, fully funding contract support costs and requesting that Congress reclassify this funding as mandatory. Doing so would implement what two Supreme Court cases have already stated is the law. This funding must be paid, it is time that Congress make the necessary changes in the statute to implement the Court's decisions.

I. GENERATION INDIGENOUS INITIATIVE

I call on you to fully support the Administration's emphasis on our youth. The Generation Indigenous Initiative is the first time this Nation has taken a comprehensive approach to improving the lives of Indian children. The Administration called on all agencies including those outside of the Department of the Interior and the Indian Health Service to do their part to fulfill the trust responsibility to Indian children. Based the federal trust responsibility, the federal government should be committed to providing fundamental fairness to Tribes, not just in selected areas but across the board – and appropriations for all programs affecting Indians should provide funding levels based on this fundamental principle.

BIA Tiwahe (Family) Initiative. The Tribe strongly supports the continuation of the Administration's Tiwahe initiative, a broad-based, interdisciplinary, and culturally appropriate program for addressing the needs of Indian families and communities – including child welfare and family services, housing and job training. This program fills an immediate and critical need.

At Lac du Flambeau, over the last few years we have faced a crisis in our community arising from a growing epidemic of drug abuse. The problem has been far-reaching – as we find widespread abuse of prescription drugs, synthetic marijuana, and heroin on our Reservation. The impact on our community has been devastating in terms of the health and well-being of our families. This is why the Tribe supports the Administration's request for $22 million to increase the number of behavioral health providers focused on Indian youth through the Indian Health Care System. We also support the complementing request within the Substance Abuse and Mental Health Services Administration, including the $15 million for Tribal Behavioral Health Grants, which is targeted at reducing substance use and the incidence of suicide attempts among Native youth.

The rise in drug abuse often leaves our children caught in unsafe situations at home. This has led to an increase in the need for foster care and other temporary placements for our children. The Administration's $47 million requested for tribal social service programs and the $15.6 million requested for Indian Child Welfare programs will help meet this need. In addition the $28 million requested for tribal courts ($5 million for tribal family courts) will also ensure that our children are safer as these institutions will have additional resources to supervise and monitor the children in their care

I. DEPARTMENT OF THE INTERIOR

A. Natural Resource Programs. As we address our communities' social services needs, we are mindful that one of the cornerstones of a healthy community is a healthy environment. Clean air, water and land are vital for the physical and emotional health of our people, and provide both a foundation for our Tribal culture and the basis for economic opportunity on our Reservation. That is our obligation to future generations – to ensure that our lands, air and waters are adequately protected.

B. Bureau of Indian Affairs Climate Resiliency. The Tribe endorses the requested $20 million increase to address the impact of the changing climate on our natural resources. Our community is reliant on our natural resources to survive. If people cannot fish the lakes we have been fishing since the beginning of time or hunt wild game because these resources are not there, who we are as a people will be forever changed.

C. Tribal Natural Resource Management and Development; Tribal Fish Hatchery Operations and Maintenance. Tribes are leaders in natural resource protection and BIA natural resource funding is essential to maintain our programs. Lac du Flambeau has a comprehensive Natural Resources Department and dedicated staff with considerable expertise in natural resource and land management. Among our many programs, the Tribe operates a fish hatchery that stocks many of our lakes. Along with our other natural resource programs, our fish production activities are essential to protect our natural resources and to foster economic activity on our Reservation. We support full funding for these programs. According the Bureau of Indian Affairs, this year's request for fish hatchery maintenance should support 40 new projects to address climate change impact on hatcheries. This is important work, but we ask the Committee to be mindful that the operations funding has not received an increase in a number of years. If we do not have the resources to operate these facilities, there is no point in maintaining them.

D. Circle of Flight: Wetlands Waterfowl Program. We urge the Subcommittee to continue to provide support for the BIA Circle of Flight Program. This program supports Tribal efforts throughout the Great Lakes Region to restore and preserve wetlands and waterfowl habitat within Tribal territories.

E. Great Lakes Indian Fish and Wildlife Commission. The Tribe strongly supports the work of the Great Lakes Indian Fish and Wildlife Commission ("GLIFWC"). GLIFWC assists in protecting and implementing its treaty-guaranteed hunting, fishing and gathering rights. We urge the Subcommittee to fully support the programmatic funding for GLIFWC from both BIA and

EPA. GLIFWC has played an invaluable role in providing science and sound management practices for our off-reservation resources. This role could not be filled by any other agency.

F. Conservation Law Enforcement Officers. Related to our responsibilities to maintaining our environmental is the need for funding for Conservation Law Enforcement Officers. Conservation Law Enforcement Officers are responsible for enforcing hunting and fishing regulations related to the exercise of treaty rights, but they also are often the first to respond to emergency situations. These officers play an integral part in protecting our cultural and economic resources, as well as assisting with protecting public safety. We urge the Subcommittee to provide funding for Conservation Law Enforcement as an acknowledgement of the importance of Tribal conservation law enforcement officers to the federal law enforcement family.

G. Transportation. Proper road maintenance on the Reservation is essential for the safety and health of our community, and for promoting economic opportunities. We urge the Subcommittee to increase funding for the BIA road maintenance program. Please augment the $2 million increase you saw was justified last year for this important safety programs.

H. Tribal Historic Preservation Offices. The Tribe supports the $15 million requested by the National Tribal Historic Officers Association to fund tribal Historic Preservation Act compliance. While more Tribes have assumed the responsibility under the Historic Preservation Act federal appropriations have not kept pace.

II. ENVIRONMENTAL PROTECTION AGENCY

A. EPA Tribal General Assistance Program. The Tribe strongly supports the proposed $31 million increase in the EPA Tribal General Assistance Program, known as "Tribal GAP." This program provides base environmental funding to assist Tribes in building their environmental capacity to assess environmental conditions, utilize available data and build their environmental programs to meet their local needs. This is a foundational program for Tribes to address the broad range of challenging circumstances we face regarding our Reservation environment.

B. Clean Water Programs. The Tribe also supports the proposed funding for the pollution control program under section 106, and for non-point source pollution under section 319 of the Clean Water Act. At Lac du Flambeau, the Tribe has obtained Treatment as a State status under the Clean Water Act for establishing water quality standards, and we have an active program to monitor, maintain and improve water quality, as well as a program to address non-point source pollution. Water is basically everywhere on our Reservation, as we have 260 lakes covering over 17,000 acres, as well as 71 miles of streams and 24,000 acres of wetlands. The section 106 and section 319 programs should be funded at the recommended levels to enable tribes to protect their water resources.

C. Great Lakes Restoration Initiative. The Tribe strongly supports funding for the Great Lakes Restoration Initiative. For the indigenous people of Wisconsin, the Great Lakes represent the lifeblood of our culture and the foundation of our economies. The protection and preservation of the Great Lakes are necessary to preserve the tribal communities that have made the Great Lakes area their home since time immemorial. The funding needs for Tribal initiatives

under this program is $5.2 million; notwithstanding this need Tribal initiatives were only awarded $3.8 million. The Tribe asks the Committee to consider a tribal set-aside of this funding to ensure there is parity funding for all tribal needs.

D. Brownfields. The Brownfields program provides funding for tribes and others to assess and clean up lands that have been contaminated. Brownfields funding is divided among those seeking funding – so the more tribes that participate in efforts to clean up their contaminated lands, the less money is available for each tribe. While the number of tribes needing these funds has been increasing in recent years, the funding has not. We urge the Subcommittee to provide greater funding so tribes can properly protect their homelands and clean up Brownfields.

IV. EDUCATION PROGRAMS

Education remains a critical investment in the future of the tribes. The Johnson-O'Malley Program provides vital support for Indian students in public schools. We support the $17.3 million requested for this Program, and the Subcommittee's continuing oversight to obtain an accurate JOM student count. We must do more for our students in public schools. Likewise, we are proud to see an increasing number of our students attending and graduating from colleges and other post-secondary institutions. But the cost of such education is staggering and funds must be available for our students to succeed in higher education. More scholarship funding is needed. The Tribe also supports the Administration's proposed increase in BIA funding for fellowship and training opportunities for post graduate study.

We also support the $52.9 million requested for the Department of Education Native Youth Community Projects to support community driven strategies to improve college and career readiness of Native youth in public schools. Empowering tribal communities to meet the needs of their children is at the heart of the Self-Determination policy and is what will lead to a brighter future for our children.

V. INDIAN HEALTH SERVICE PROGRAMS

The Administration's $5.1 billion request for the Indian Health Service is a 10% increase in funding above the FY 2015 level. Importantly, some of this increase is dedicated to population growth and medical inflation so that our health care programs can keep pace with the growing need and costs. This increase will allow for a significant investment in Purchased and Referred Care with a $70 million increase. This increased level of funding should provide for 980 additional hospital admissions, 19,800 additional outpatient visits, and finally, an additional 1,210 patient transports.

Research has clearly demonstrated that our overall health is tied to our oral health. The Lac du Flambeau Tribe recognized this and that is why in 2013 we opened a state of the art dental clinic to serve the needs of our people. No longer are dental visits done by an occasional dental visit at our schools. We are now seeing our members in our facility early and often and are preventing dental disease before it can happen. We fully support the requested $7 million increase for the dental health services program. This increase will address the not only medical inflation, but also the population increase our community has experienced.

Mr. CALVERT. I thank the gentleman for his testimony.

Next, Mr. Chad Abel, Treaty Natural Resources Division of the Red Cliff Band of Lake Superior Chippewa.

TUESDAY, MARCH 24, 2015.

RED CLIFF BAND OF LAKE SUPERIOR CHIPPEWA INDIANS, TREATY NATURAL RESOURCES DIVISION

WITNESS

CHAD ABEL

Mr. ABEL. Thank you. My name is Chad Abel. I am the fisheries biologist for the Red Cliff Band of Lake Superior Chippewa in Wisconsin and I am here to testify on the Tribe's behalf. And with permission I just have a little one-page handout I would like to hand the subcommittee.

Mr. CALVERT. Sure.

Mr. ABEL. So I provided you with a map, and there is a historical excerpt from 1896 that I think is relevant to my testimony here. It demonstrates the tribe's long-standing connection to the fishery and commercialization of the fishery that has been important to the tribal economy dating back to the 19th century. By honoring our funding request, you are allowing us to preserve this tradition, as we are seeking additional funds through BIA's TMD program to fulfill obligations the tribe has in managing its treaty-based commercial fishery on Lake Superior.

The excerpt also highlights the contention that once existed between the state and tribe and reservation-based fishing rights. Today, we are effective partners and are currently negotiating the new 10-year agreement with the state that will take us through 2025.

But to effectively co-manage, we need to be at the table with the state and balance sport license sales with tribal commercial fishing, which is the backbone to the Red Cliff economy.

Also with what I submitted to you there is a map, which, for one, just shows where we are and it also demonstrates the area that we are charged with managing, more than 7 million surface acres on Lake Superior and six management units across two states. Red Cliff commercial fishermen reported 1,366,200 dressed pounds harvested last year, primarily white fish, lake trout, and herring. They set 8.5 million feet of net to attain that harvest. We need additional funding not only to keep on top of this harvest but to conduct fishery assessments on our research boat to make sure this level of harvest is sustainable.

Now, without boring you with the details of daily operations, I want to highlight just one of the three program elements that I submitted with my written testimony, and that would be with our conservation wardens. One of the big things our wardens do on the lake is conduct grid patrols, so essentially they take their warden boat out and they search for buoys that mark either end of a gillnet that has been set. They go to the outer buoy and lifted that buoy out of the water and there the fisherman has placed an effort tag, and on that effort tag it shows the fisherman's license number, the

date that that net was set, and the amount of footage that they have set with that net. And that is important because not only do they receive a quota for the amount of fish they can harvest but there is also an effort restriction to make sure that we are sustainably harvesting the fish in Lake Superior.

So they take a GPS mark at that buoy, travel the length of the net to the other buoy and take another GPS mark and record it. So when we get our harvest reports from the fisherman, we have a means to compare what is being submitted by the fisherman for harvest with our records. And again, it is just really important that we manage in a way that we know that harvests that have been set is not exceeded with the statistical modeling efforts we do for fish quotas within Lake Superior waters.

Last year, our wardens checked a half-million feet on grid patrol. If you assume that the average net is 1,200 feet, that means they repeated this 417 times last year alone. They also did 194 checks of dockside landings, they recertified 10 boats using the Coast Guard safety protocol, and they patrolled refuge boundaries for illegal fishing. And they act as first responders in emergency distress situations on the lake for the tribe and general public alike.

Now, any of you guys who have ever owned a boat realize the cost of operation and maintenance on boats and gear like that, and what we do, it does not come cheap. Until last year, we had two wardens. With the budget request we have submitted to BIA, we would like to have three to do this work.

There is a need for proper enforcement of tribal fishing codes and this, you know, is overriding in importance. We need our funding level to match the level of harvest because although we are advocates for our tribal fishermen, we also serve as the regulatory mechanism. At the end of the day, we are charged with ensuring the sustainable harvests of the Midwest's greatest native fish stock. This fishery for lake trout, whitefish, and herring is not enhanced by hatchery inputs. These are wild, naturally reproducing fish. We are charged with maintaining the viability and profitability of this fishery for seven generations. This is why I ask for an increase to our TMD funding so we can make solid management decisions about the fishery that benefit multiple user groups.

BIA's has provided Red Cliff with interim funding to support our fishery program since 2010, which is outlined in my testimony as well, and they have thus recognized our unmet needs and co-management role. It is time for a permanent increase in the support we receive from BIA.

And lastly, I just want to very quickly voice my support to GLIFWC and the assistance they provide to the member tribes.

Thank you.

[The statement of Chad Abel follows:]

Chad Abel, Division Administrator
Treaty Natural Resources Division
Red Cliff Band of Lake Superior Chippewa Indians

Lake Superior Co-Management (LSCM): Treaty-based Commercial and Subsistence Fishery Management on Lake Superior

BIA TRIBAL MANAGEMENT/DEVELOPMENT PROGRAM: AT LEAST $514,000 (increase of $250,000 from FY15 allocation within TMD program), in partial fulfillment of an estimated total TMDP need of at least $657,632. *The President's FY16 budget has a proposed increase of $5,019,000 for TMD program.*

Agency/Program Line Item: Dept. of Interior, Bureau of Indian Affairs, Operation of Indian Programs, Trust-Natural Resources Management, Tribal Management/Development Program

Purpose: Allow Red Cliff compliance with court decisions that dictate harvest, biological monitoring, and enforcement in Lake Superior management units WI-1 and WI-2. Address co-management responsibilities and protect fishery resources of the Treaty subsistence and commercial fishery on 11,017 sq. miles (7,051,090 acres) in Lake Superior management units WI-1, WI-2, MI-2, MI-3, MI-4 and MI-5.

Funding History for Red Cliff LSCM Activities: BIA has recognized the unmet needs and co-management authority that Red Cliff has on Lake Superior, allocating one-time funding support in the following fiscal years above Red Cliff's current TMDP funding level:

FY10: $500,000 Fisheries Management
FY12: $250,000 Fisheries Management
FY14: $250,000 Fisheries Management
FY15: $200,000 Fisheries Management
$250,000 Trust Management Improvement Project

Justification

Red Cliff authorized 43 commercial licenses in a treaty-protected fishing area that spans 6 Management Units, 2 U.S. States, and 7,051,090 surface acres on Lake Superior. Reported gillnet effort of 8,597,495 feet resulted in the commercial harvest of 6 species totaling 1,366,200 dressed pounds (2013 harvest data).

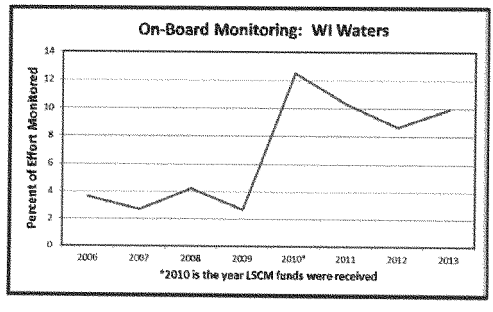
Management authority of this magnitude requires conservation enforcement, on-board monitors, independent fishery assessments and population modeling to ensure sustainable harvest of target fish species. Lake Superior Co-Management (LSCM) is a scientifically rigorous program with

data driven outcomes. LSCM activities are propelled by an intense desire from the Tribe to independently manage its own treaty fishery while simultaneously being necessitated to fulfill the regulatory requirements of agreements negotiated with the State of Wisconsin, and to adhere to harvest guidelines and tribal codes for fishing activities in Michigan waters of Lake Superior.

More than ever, present-day sustainable fisheries management on Lake Superior extends past harvest quotas and enforcement. Continued abundance of native, wild fish stocks requires the capacity of tribal management staff to also consider the effects of aquatic invasive species, climate change and regional mining threats. Red Cliff is held with the responsibility of managing all aspects of the health and well-being of Lake Superior for seven generations. It is through this lens that LSCM benefits the multiple user groups and surrounding communities on Lake Superior. Fully implemented, LSCM is designed to meet and adapt to ever-changing threats.

Program Element 1: On-board Monitoring of Tribal Commercial Fishery

Program Element 1 provides that a Fish Monitor be on-board a licensed big boat during net lifts. The Fish Monitor collects data on grid, effort, depth, species catch, and throwback. Fish Monitors typically collect sampling data such as fish lengths, stomachs and otoliths while on-board as well. The agreement with the State of Wisconsin requires that 7% of all fishing effort for whitefish and lake trout be monitored (graph right). Monitoring benchmarks of the other fisheries within the LSCM program are dictated by department monitoring objectives to ensure sustainable commercial fish harvest.



The commitment to on-board monitoring is substantial. If the program were to monitor 7% of the reported 8,597,495 feet of gillnet effort in 2013, it would require 120 days on the lake each fishing season, assuming individual daily effort of 5,000 feet. The funding increase being proposed would budget for 2 Monitors on staff to fulfill this role.

Program Element 2: Conservation Law Enforcement Officers (CLEO)

Program Element 2 is absolutely essential for the safe harvest of wild fish. Tribal enforcement authority extends 7,000,000 surface water acres with 9 dockside landings in 2 states. Red Cliff

Wardens perform grid patrols on ice or open water, monitoring effort and gear. They patrol refuge boundaries and restricted use areas by boat for illegal fishing. Vehicle travel to landings to perform dockside checks is frequent. CLEO is certified to perform US Coast Guard safety checks of big boats, and they act as first responders on Lake Superior for the Tribe and general public alike. On-reservation vehicle patrols and hunting enforcement also fall under CLEO responsibilities as part of the overall TMD program.

Accomplishments by Red Cliff's CLEO Department in 2013 include:

- 194 contacts with fishermen, primarily at dockside landings
- 10 big boats recertified with US Coast Guard safety check protocol
- 418,945 feet of gillnet checked during grid patrol on the lake
- Frequent patrol of refuge boundaries during open water period
- 3 people in distress rescued with CLEO performing first response

The funding increase being proposed would allow Red Cliff to maintain 3 CLEO on staff.

Program Element 3: Fishery Assessments, Data Analysis and Population Modeling

The scientific rigors of the LSCM program are carried out through multiple objectives in the Fisheries Department. When Red Cliff Fisheries performs independent fish assessments on the research boat, 6 staff are needed each day assessment nets are lifted. Data from fish assessments is used to monitor population trends and contributes to SCAA modeling efforts. Lab work is performed at the office to age otoliths and scales with an electron microscope. Genetic samples and stomach contents are sent out for further testing. Gear and mechanical maintenance is carried out in the Department's shop.

Commercial boats are licensed through the Fisheries Department in conjunction with the Fish Committee and Tribal Council. Tags are distributed to fishermen along with effort allocations. The harvest and monitoring database is continually updated as reports are submitted so the CPE for next season can be calculated. Home Use Fishermen come to the Fisheries office to report and receive tags.

Accomplishments by Red Cliff's Fisheries Department in 2013 include:

- 11 interagency meetings resulting in quota updates for 6 Lake Superior Management Units
- 967 otoliths aged with electron microscope
- Over 300 lake trout stomach samples sent for diet analysis
- 47,500 feet of assessment nets lifted during 4 independent fishery assessments

The funding increase being proposed would budget for 4 biological staff to fulfill this role.

Red Cliff: A Tribal Fishing Community

The Red Cliff reservation has 22 miles of coastline on Lake Superior. Commercial and subsistence fishing on the big lake is part of daily life for many of its tribal members. Accounts of fishing with nets for whitefish date back centuries, and it is as embedded in Red Cliff tradition as the harvest of wild rice. Commercialization of traditional harvest methods is also significant in Red Cliff history, as noted in this historical excerpt:

> The Red Cliff reservation, a third member of the La Pointe Agency group, is about 24 miles by rail from Ashland. It contains 191 Indians, a particularly industrious and deserving lot of people. A good many of the Red Cliff Indians obtain their chief employment at the Bayfield sawmills, and many others have until recently earned a fair subsistence by fishing with nets in the bay along the border of the reservation. Their fish they would pack and ship in kegs to the market, working on a cooperative system. Now the State of Wisconsin has adopted laws which forbid their net fishery, although the Treaty of 1854 between the Tribe and the United States Government guarantees them this privilege. They cannot understand the conflict of State laws with Federal treaties, and still consider themselves entitled to fish, though they have made no attempt to assert their rights aggressively since some of the fishermen were arrested by the State authorities.
>
> - 28th Annual Report of the Board of Indian Commissioners, 1896

The above excerpt also demonstrates the contentious relationship that historically has existed between the State and Tribe. It wasn't until over 75 years later when the criminal prosecution of a tribal member by the State for fishing resulted in the Gurnoe Decision (1972), at which time the treaty right to engage in fishing activities on Lake Superior was reaffirmed. Through the ensuing decade, Red Cliff began to exercise their co-management authority on the lake with the development of a Conservation (wardens) and Fisheries Department.

Red Cliff is one of the most economically disadvantaged tribes in the Midwest. With a reservation land base of only 8,000 acres, Red Cliff relies on the reservation-based fishing rights on Lake Superior for economic vitality. Experiences in the fishing industry is a unifying story of the membership, whether its lifting nets in rough seas or picking herring from nets on the dock during the fall fishery. Continuation of the LSCM program allows Red Cliff to ensure one of this country's great wild fish stocks will continue to be sustainably harvested for the betterment of Red Cliff's economic vitality, cultural identity, and for the multiple user groups that benefit from the fishery in the greater Apostle Islands area of Lake Superior.

Mr. CALVERT. I thank the gentleman for his testimony.

And, Ms. Jones, I can assure you that the ranking member of this committee has made it perfectly clear that we need to get this school built as soon as possible. She has told certainly this chairman and the rest of the committee on numerous occasions, and so we are struggling to find the money and find new ways to fund, unfortunately, many schools around the United States that are in terrible condition. I think you are the most famous school because we have been hearing it from our ranking member.

Also, Mr. Seki, I am sorry to hear that the suicide rate at your tribe is so high. We certainly need to look into that and whatever assistance we can provide, we will try to provide.

And, Mr. Chapman, thank you for your comments. Obviously contract support costs has been supported by this entire committee, and we will continue to do so and do the best we can with these other requests. Thank you. We will enter that into the record.

And your fishery, Mr. Abel, seems to be doing better than some around the country but let's keep it that way.

Any other questions or comments from the committee?

Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair. Thank you, Chairwoman Jones.

I notice that you have a young adult, a future leader from Leech Lake in the audience, and so thank you for coming today.

We are committed to finding a way in which to move forward not only for you but for youth all across the country so thank you for being here today.

I would like to ask a question of the band members that are represented here because they are all involved in fishery. Leech Lake, Red Lake—we have dealt with walleye issues and that, and some of the support for that comes from the Great Lakes Initiative and some of the environmental concerns that you have. I wish I had all of my notes with me but I know that there is an opportunity for us to do more direct pass-down to the tribes for managing some of their own resources, especially for commercial harvest for fish, which is very important, but also wildlife protection in general.

If you would just take a second, one or two of you, and tell us how we can do a better job of making sure that the funding goes directly to the tribes of some of the Great Lakes it would be greatly appreciated.

Mr. CHAPMAN. Well, I know in our area there is not enough fish to go around. You know, that is why, you know, tribes declare their treaty harvests reservations, territories, you know, there is that restriction that is put on for nonmembers and what they are allowed to get. Part of that responsibility that falls on tribes is restocking, you know, some of those lakes that are spared. This year we are working with the State of Wisconsin to initiate influx of restocking efforts. However, we would like to see, you know, some of that funding be available through the Great Lakes Restoration Initiative funding.

The tribes have requested approximately $5.2 million. The funding that is given to tribes is about 3.8 so there is that discrepancy. You know, this is what we want to do but, you know, we are only

allowed to do so much. So there is that funding issue that, you know, we want to do more but we cannot.

Ms. JONES. From Leech Lake standpoint, one would be also is the funding for additional for the conservation officers, the replenishing of the fisheries so that also one of our greatest harvests is through their wild rice up there is also having money available for that so that it could be receding, also the crop damage loss is that occurs also so it would be more money available for managing our resources there because in northern Minnesota, that plays a vital economic role for our band members through there also.

Mr. SEKI. Red Lake we are a large land-based tribe. We only have six game wardens so we need more game wardens on our reservation. And I would like to ask Chairman Calvert permission, our DNR guy came with me, Dave Conner. If it is okay we can admit——

Mr. CALVERT. Very quickly because we have restricted time.

Mr. CONNER. Thank you. Mr. Chairman, Ms. McCollum, just to comment——

Mr. CALVERT. Get a mike and state your name and who you represent.

Mr. CONNER. David Conner with Red Lake Band of Chippewa Indians. And thank you. I would like to comment that the Great Lakes Initiative, though very important and doing very valuable things, did not help Red Lake. Red Lake is the sixth largest freshwater lake in the United States just behind the five Great Lakes, larger than Lake Champlain, which was officially designated by Congress as the sixth Great Lake a number of years ago but which was later rescinded. But Red Lake is the sixth largest lake, but because of rules, we do not get to access Great Lakes Initiative funding.

So we have been managing the sixth largest lake in the United States on about $185,000 from the Bureau of Indian Affairs. In 1995 that amount was $225,000, but because of the Slade Gorton cuts in 1996, 8 percent in across-the-board rescissions since the year 2000, and 5 percent in sequestration, our ability to manage the sixth largest lake in the United States on $185,000 from the BIA should tell a compelling story. Any help you could provide. And everything I said is the absolute truth. Thank you.

Mr. CALVERT. I do not doubt that is the truth.

I appreciate everyone's testimony and we will take a look at that issue, amongst others. Thank you for attending today.

Ms. JONES. Thank you.

Mr. CALVERT. Mr. Cole.

Mr. COLE. Well, number one, thank all of you for your testimony. Thank you for coming such a long way. These hearings frankly, which have been conducted by a succession of Democratic and Republican chairmen, I think have really been extraordinarily helpful in educating this committee and making the case about the legitimate needs that each of you brought up with respect to everything from education to law enforcement to facilities and how historically underfunded these areas have been.

Just a couple of points for the record and maybe to help our guests as they work through these things. Number one, from the committee's standpoint—and we would be the first to agree with

you that there needs to be more done, but actually for 4 years in a row it has actually appropriated more money for everything from healthcare to education than the President actually requested. And that has again been a bipartisan effort here because I think this committee has really elevated Native American issues.

And I have no doubt the chairman is going to continue to do the very best he can. I know last year the biggest increases in the Interior budget were for Native American things. And again, that was in the year of sequestration, but, you know, Indian Health is up 39 percent in 4 years. That is a pretty big increase and we still are not anywhere close to where we need to be. So the committee's record is pretty good.

I think that the struggle—and the chairman alluded to this and I think it is worth thinking about—the President has submitted what I would agree and we are going to see panel after panel urge us to adopt the President's budget level, and that is great except the budget is not the law. Neither his budget nor the budget we create will pass. The law is sequestration, and what we are going to need is a larger deal down the way.

Now, the President has proposed tax increases to generate more money but, you know, frankly they are not going to pass the Congress; they are just not. So it is pretty easy. We could throw in extra money in a budget and say something that he would not sign and say but we are going to appropriate to that level. At the end of the day this committee and every other subcommittee is going to have to struggle with what the law is and try to rearrange and reprioritize.

However, I do think this testimony is extremely helpful in pointing out why we need to have a larger budget agreement, and I think we can do that. We did that a couple years ago on the Ryan-Murray deal where the two parties actually set aside some of their disagreements. We also got rid of sequester for the Indian Health. So we are trying to make those movements but, again, keep coming because the testimony helps highlight the problem and highlight the need to deal with this.

So I know it is kind of a long way and you wonder sometimes whether or not this makes a difference. It has made a big difference over the last several years in this committee, and you have done a great deal to educate the Congress on both sides of the aisle. At the end of the day we are going to need a somewhat larger budget agreement than we have today. Everybody's budget is just the opening position in a negotiation is my experience; it is not the law.

Hopefully we can solve these differences and then help you solve some of the very real problems that you are dealing with as you work to educate kids and is to protect your reservations and to make sure you have decent law enforcement and a decent quality of life.

So with that, I yield back, Mr. Chairman. That is just one of my pet concerns and I wanted to take this opportunity to voice it.

Mr. CALVERT. Sure. I thank the gentleman for his testimony. I agree. We are operating under the law, which makes it difficult. Hopefully, there will be a miracle that occurs here in the next cou-

ple of months and we will come up with some other numbers, but right now we are operating under that jurisdiction.

Mr. SEKI. May I make a recommendation?

Mr. CALVERT. What is that?

Mr. SEKI. The Navajo have got to speak. You should invite tribal leaders to come speak in a full hall, same place, this hall. So everybody over here——

Mr. CALVERT. It could not hurt. It could not hurt.

Mr. SEKI. Thank you.

Mr. CALVERT. Have a great day.

Ms. JONES. Thank you.

Mr. CALVERT. Okay. Next panel, Ms. Jessica Burger with the Little River Band of Ottawa Indians, if you will sit right here on my right; Mr. Levi Carrick, Sr., Chairman of the Great Lake Resources Committee; Mr. Michael "Mic" Isham, Board Chairman of the Great Lakes Indian Fish and Wildlife Commission.

So starting with Jessica, then Levi, then Mic, and then finally Mr. Carlson, Ervin Carlson, President of the Inter Tribal Buffalo Council. You all have your seats. Welcome. We appreciate your coming out here. You probably have heard we are under the 5-minute rule. The green light is great, yellow light means hurry up, and red light means stop. We are trying to stay on a schedule today.

First, Ms. Jessica Burger, the Tribal Manager, Little River Band, Ottawa Indians, you are recognized for 5 minutes.

TUESDAY, MARCH 24, 2015.

LITTLE RIVER BAND OF OTTAWA INDIANS

WITNESS

JESSICA BURGER

Ms. BURGER. Thank you. Good morning.

Mr. CALVERT. Good morning.

Ms. BURGER. I appreciate the introduction.

If I could have the committee's indulgence for just one moment, I would like to share a picture with you. This is one of our youth. Her name is Isabel Burger and she was one of our tribal princesses. In my remarks today I just want to touch on a couple of items. I wanted to bring a face to the crisis because one of the things I wanted to talk about is the President's Generation Indigenous Initiative.

In my testimony I talked about a young lady that is 16, she is a gifted tribal citizen, has been a tribal princess, and is my daughter. I am very intrigued by the President's discussion in his budget about the Gen-I native youth initiative because bringing all of the resources of the Federal Government together to address the suicide rates, homelessness, and the other crises that our youth are facing today is an intriguing idea. I am not sure how it is going to work in practicum.

One of the things that I think could work is if that initiative became part of a tribal priority allocation in the Interior's budget, and then those resources were allowed to flow through into self-de-

termination and self-governance contracts and compacts. And the reason I say that is because a tribe my size will not be able to write a competitive proposal under a granting process to be able to access those funds.

My daughter in the last 18 months has attempted suicide three times. And she has the perfect storm because she is a juvenile diabetic so she has access to means. It is very critical that smaller tribes have access to those resources to protect our youth. And she is not the only one. We just had a burial this week of a young lady that was 18, and her family wanted me to bring to the committee their request that when you look at the Generation I Initiatives, that you think about how to best put those funds in the hands of the tribes because we are losing our youth.

I struggle every day to make sure that she comes home in a very safe environment and a happy environment, and she just struggles with depression and the diabetes and I cannot find providers in my home state to address her needs. They are an hour-and-a-half away from me. And while it does not seem like much of an ordeal, that is about 130 miles by car.

The other thing we cannot do is we cannot retain and recruit the professionals that can address our needs, and I had the unfortunate experience of her most recent psychiatrist, just for whatever reason, abandoning his practice and not giving me a referral. So those things are real and those things are happening every day.

And I do thank the committee. You have been very instrumental in increasing the appropriations to Indian Country over the years, and I do thank you for doing that because I know that our words here are heard and that they are having an impact, and we see it in the budget in the reflection of those appropriations. So I do want to express my gratitude there.

The other thing that I would like to talk about is I would like to talk about how contract support costs really help us to secure those professionals that we need. Mandatory appropriation is a great idea. I think that we would want to be very careful, though, that those mandatory appropriations do not end up in a demonstration project because if we have a demonstration project, again, a smaller tribe like Little River is going to have a hard time writing a competitive proposal.

And I can actually take those dollars and move them into that recruitment and retention process. We are right now actively recruiting another doc and another psychologist and working very hard to bring folks to my tribes to address the issues that our youth have, especially girls like my daughter who is a near and dear to me because, you know, when it is your own child and you see the trends and you read the statistical data about those rate, if that does not get the issue in front of you and elevate it, I do not know what will.

But I do appreciate that you are willing to listen to our comments today and I know you have my written testimony. And that is about all I wanted to say. Thank you.

[The statement of Jessica Burger follows:]

TESTIMONY OF JESSICA BURGER, TRIBAL MANAGER
LITTLE RIVER BAND OF OTTAWA INDIANS
BEFORE THE
APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT and RELATED AGENCIES
UNITED STATES HOUSE OF REPRESENTATIVES
MARCH 24, 2015

Chairman Calvert, Respected Members of the Committee:

I am Jessica Burger, Tribal Manager of the Little River Band of Ottawa Indians (LRBOI). I am honored to present this testimony on behalf of the Little River Band of Ottawa Indians, regarding our views and priorities for the fiscal year (FY) 2016 President's Annual Budget Request. Our Ogema (Chief), Mr. Larry Romanelli, regrets that he was unable to travel here from Manistee, Michigan, our homelands, to deliver this testimony himself.

LRBOI is pleased with the ongoing commitment of the Administration, to "do right by (our) nations," through appropriations requests for the Bureau of Indian Affairs (BIA) at $2.9 billion, and the Indian Health Services (IHS) of $5.1 billion; fully $323 million and $461 million above the FY 2015 enacted levels. The increases are positive steps in the United States' efforts to live up to its promises to honor treaty and trust responsibilities, support nation building, and restore our unique governance and self-determination. LRBOI believes that Tribal Consultation works. This Committees' willingness to hear the concerns of tribal leadership and our views regarding the impact of the Administration's budget requests derives informed appropriations language that facilitates the outcomes we are all wishing to achieve – successful, safer and prospering Native Nations.

Since Reaffirmation in 1994, LRBOI has prioritized its economic development efforts, programs, and service delivery to enhance the standard of living of its members. Assisting LRBOI members to achieve a middle class economic standard has been an overarching goal since reaffirmation, and while gains are being made, persistent issues remain:

- over half (56%) of Tribal member households earn less than $30,000 annually, compared to a mean household income of just over $64,500 for Michigan residents;
- less than 40% of LRBOI tribal members adults have achieved education beyond a high school diploma, compared to nearly 60% of Michigan adults reporting some degree of higher education;
- 1/3 of tribal members access one or more tribal assistance programs annually – current enrollment stands at just over 4200 persons.

Our Tribe is a "young tribe" – the majority are working age adults (2,652) with a large female overall population (2,228). As the overall demographic suggests, the focus of planning for our future needs will require addressing the issues facing a majority-female population, significantly less than retirement age, lacking higher education, and with annual incomes below federal

poverty level. These factors make achieving "middle class" living standards less likely for many of our people. As the population ages into "elder status" (age 55 and older) – affordable housing, medical and long term health care services for a population that has less opportunity in the workforce and less earning potential due to gender – adds to the potential of instability for our community.

Unfortunately, this is happening now, not someday in the future. Increased need resulting in greater requests and access of our assistance programs, along with diminished revenue sources in FY 2014 (both tribal generated supports and federal program reductions), left unmet obligations in all service categories, adversely impacting our families. Initiatives that were rolled out to Indian Country, specifically the Tiwahe Initiative, did little to assist our efforts. LRBOI implemented our community-specific model targeting the dire impact of poverty on LRBOI families in 2014. We call it "Zoongaadiziwin," and it includes many of the same service targets, with an end goal to strengthen the family unit. Zoongaadiziwin engages general welfare, counseling supports, education, and employment training opportunities under a case-managed, client-centered process, including client-identified milestones that promote and enhance family stability, ultimately strengthening our community. As our overall numbers are smaller than other tribes, it is difficult to write an effective competitive proposal for this program. LRBOI recommends this initiative be funded as a formula-based tribal priority allocation to put all tribes within reach of this needed assistance.

LRBOI is encouraged by the potential described in the "All of Government" approach to addressing unmet obligations in Indian Country. As suggested, DOI and BIA have historically been the point of contact for Tribes to access resources necessary to address the needs of Tribal communities. We are intrigued by the Generation Indigenous initiative. Creating government-wide collaboration placing priority on "all of the federal government" to assist in the preservation of our most precious resource, Native American Youth, seems very achievable. LRBOI suggests taking this one step further: allow the program dollars to be accessed under a new cross-cutting self-governance line item called "Gen-I Native Youth" in non-BIA agreements, as well as BIA and IHS self-governance agreements.

All tribes are facing record numbers of youth committing suicide, facing homelessness and not achieving high school diplomas, let alone seeking higher education degrees. To illustrate the need for the Committee, I provide two examples:

First, we have a youth in our community that served as Tribal Princess; her story is not typical in Indian Country. She comes from a stable family unit that is affluent by most standards. She has achieved exceptional SAT and ACT scores and is in her junior year in the public school system. Yet, she is failing classes, contributed in part to the medical challenge of being a type I diabetic, which takes her out of class with missed school days, and a diagnosis of acute depression and anxiety disorder. This perfect storm has culminated in 3 suicide attempts in the past 18 months of her life. In addition, her family is faced with inadequate mental and medical specialty practice availability. Juvenile psychiatric services are non-existent, and the closest medical specialty services are over an hour and a half drive away. Both have limited openings. I know her well; she is my daughter. She has so many gifts, and simply cannot climb out of the mire that is her

world – depression, self-image issues, and chronic illness. In my role as the Administrator for our Tribe, I am unable to secure the professionals my community needs to address her issues. She is not the only one. I am sad to report, we also had a "successful suicide attempt" on March 15th of this year and lost a promising young woman. We will never realize her potential. Her family is devastated.

These are just two examples. We have many for our small population. In 2014, our Behavioral Health Department addressed 12 suicide attempts. Our local referral system is overloaded. We simply cannot recruit and retain mental health service providers or specialty medical practice needs with short-term granting initiatives. LRBOI asks the committee to place the funds in the hands of the Tribes under self-governing authorities to allow the flexibility to address community-specific priorities. Create a true "all of government" approach and dedicate funds to a "Gen-I Native Youth" tribal share and priority allocation. Allow the tribes to align the funds to the priority areas the tribes determine, on a recurring funding basis, to ensure that the issues facing youth and their families are addressed with sustainable, successful interventions and services.

Sustainable programs require stable base funding inclusive of adjustments for inflation, population and in an ideal scenario, utilization. All of those factors should converge to create realistic support that enhances the potential of addressing the challenges faced in Indian Country: health status, employment and training, child welfare, and education. LRBOI appreciates the Administration's proposal to create a three-year mandatory appropriation for contract support costs. This proposal presents an opportunity for the Federal Government to comply at long last with the decisions in the *Cherokee*, *Arctic Slope* and *Ramah* Supreme Court cases. LRBOI would like the Committee to consider a permanent mandatory appropriation for contact support costs, removing them from the discretionary budget scenario to permanent appropriation. To enact this would eliminate the risk of untoward program reductions in discretionary budgets and protect the Congressional intent of those funds – to provide needed services to American Indian/Alaska Native peoples.

A permanent mandatory appropriation for contact support costs would have an immediate impact on the following ongoing challenges:

- Services are vulnerable during times when short-term mandatory spending measures enacted by Congress expire and require reauthorization. The uncertainty of renewal results in roll-back of program delivery at the local level, and redirection of funds that support services to meet the costs of service provision. Or, in some cases, the uncertainty of renewal results in elimination of services altogether.

- The amounts necessary for contract support costs are often in dispute. Establishment of "such amounts as may be necessary" to pay full contract support costs places the onus on the agencies and tribes to work together to determine the actual costs to ensure accurate appropriations of *only the total dollars needed.* LRBOI urges the Committee to consider adding the

establishment of a permanent contract support cost workgroup that will provide ongoing technical assistance and convene quarterly to assist with the determination of those "necessary amounts" from year to year.

- Contract support cost shortfalls are not determined in a timely fashion. A mandatory appropriations scheme that carries funding forward in each fiscal year could require the IHS and BIA to consult with and share shortfall information with tribes though the establishment of deadlines in the appropriations language, with the goal of appropriations year-to-year being only those funds "necessary" to achieve full payment. LRBOI asks the Committee to compel the agencies to produce the shortfall reports for fiscal years 2013 and 2014 and to engage now to finalize information for fiscal year 2015.

As the President's proposal suggests, mandatory full funding of contract support costs will enhance health care delivery by stabilizing the cost base year-to-year. Tribes will be able to plan on a long-term basis the types of services that can be delivered. LRBOI encourages the Committee to support permanent mandatory appropriations. It is a clean deal. LRBOI does not support the transition to mandatory appropriations with a "special appropriations" creating a demonstration project that is aimed at establishing the funding formulas. The shortfall reports are already in the hands of Congress. Build from those documents the permanent appropriations mechanisms, with immediate implementation in fiscal year 2016. It is doable and necessary.

LRBOI appreciates many of the proposed increases in the President's fiscal year 2016 budget. The increases are necessary and promising. We see the positive impact of ongoing meaningful consultation that is occurring through the Tribal Interior Budget Council and National Budget Formulation Workgroup as it relates to the recommendations of those groups in the translation of budget priorities. We urge the Committee to continue to support the efforts of these tribally-driven bodies to inform the work of the Administration and, ultimately, Congress. We also believe in the partnership that continues to evolve out of the federal Indian trust relationship. The United States and Native Nations truly do share a "sacred bond" borne from treaties – a mutual exchange for the benefit of both "nations." LRBOI urges the Committee to do right by our Nations; help us ensure the future of our children, our families, and the Seven Generations to come.

Little River Band appreciates the opportunity to present this testimony to the Committee on these important matters. I am happy to answer any questions the Members of the Committee may have.

KchiMiigwech (Many Thanks)
Gdagaanaagaanik (All Our Relations)

Mr. CALVERT. Thank you for your testimony. We appreciate it.
Mr. Carrick.

TUESDAY, MARCH 24, 2015.

CHIPPEWA OTTAWA RESOURCE AUTHORITY

WITNESS

LEVI CARRICK, SR.

Mr. CARRICK. Thank you. Okay. My name is Levi Carrick and I appear here today in my capacity as a Chairman of the Great Lakes Resources Committee, which is GLRC, of the Chippewa Ottawa Resource Authority, which is called CORA. CORA is an intertribal resource management organization established by five federally-recognized tribes in the State of Michigan.

GLRC addresses issues of the management, preservation, and enhancement of all species and habitats which are within the Great Lakes resource. I am also President of the Bay Mills Indian Community. I requested the opportunity to testify before this subcommittee in order to personally express CORA's appreciation for the Rights Protection Implementation Program, or RPI, funding request for CORA, which is contained in the President's 2016 budget for the Department of Interior.

RPI Program funds enable CORA's tribes to provide for the exercise by their members of the reserved right to hunt, fish, trap, and gather on the lands and waters ceded to the United States. I am sure that the importance of treaty rights reserved to Indian tribes and their members has been expressed in testimony before this subcommittee many times, but that importance can never be understated or overstated.

Treaty hunting and fishing and gathering rights were essential to the existence of our ancestors and continue to be essential to our existence as Indian people; it is our way of life. Our way of life has been passed down for many generations by our ancestors and far too often those teachings told stories of what used to be. A couple of examples are the wolf and the cougar. When I was a child, they had already been eliminated from the wilds of the upper peninsula of Michigan. Now, through the efforts of many, including federal, state, and tribes, both of these creatures, especially the wolf, are throughout the region and doing well. And you cannot appreciate what that means until you have had your first encounter with one of them in the wild. It is an honor, believe me.

Another animal that has come on hard times is the Canadian lynx. I was a teenager the last time I heard one scream in the wild and now I can only tell my children and my grandchildren what they sound like, again, passing down what used to be. But our battle to help nature to survive is not just with the loss of animals; it is much more about the introduction of invasive plans and animals that are wreaking havoc on all our lands and waters.

The Great Lakes have so many invasive species that I cannot even begin to mention them all here at this time, or their impact on our native fish, but I will say these native fish are vital to our economy, as many of our members are commercial fisherman.

Invasive bugs and diseases are killing our timber at an alarming rate and we do not have an answer on how to prevent it. I mean we are harvesting timber now before it is mature. We are just harvesting it so it does not go to waste. That is not the way to manage our forest.

For instance, there is an invasive cattail that has overtaken all of our natural cattails and throughout the Great Lakes. This plant is so hearty it will grow anywhere, and believe me, it is. This spring, our tribe is going to attempt a control plan in a large area of our shoreline, which was normally my swimming area growing up. It was great swimming and now it is nothing but cattails so it is coming. We are going to attempt to burn, cut below the waterline, and chemically treat some of this to see if we cannot get it eradicated from the area, but the spread there, it did not start there, it has been coming, you know, so we need to do a lot more.

In all of these instances we are reactive, not proactive, and this cannot continue. We must turn things around. For these reasons, the CORA tribe especially requests your support for the 2016 RPI funding at the level of 4,463,464 in recurring base funding, which is the amount outlined for CORA in the RPI portion of the Department of Interior's Green Book for fiscal year 2016, plus CORA's proportionate share of the climate change line item.

Chairman, thank you for the opportunity to speak today.

[The statement of Levi Carrick, Sr., follows:]

TESTIMONY OF LEVI D. CARRICK, SR.
CHAIRMAN – GREAT LAKES RESOURCES COMMITTEE
OF THE
CHIPPEWA OTTAWA RESOURCE AUTHORITY
BEFORE THE
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
UNITED STATES HOUSE OF REPRESNETATIVES
ON
MARCH 24, 2015

Mr. Chairman and Members of the Subcommittee:

My name is Levi D. Carrick, Sr., and I appear here today in my capacity as Chairman of the Great Lakes Resources Committee (GLRC) of the Chippewa Ottawa Resource Authority (CORA). CORA is an inter-tribal resource management organization established by five (5) federally-recognized Indian tribes in the State of Michigan. They are: the Bay Mills Indian Community; the Grand Traverse Band of Ottawa and Chippewa Indians; the Little River Band of Ottawa Indians; the Little Traverse Bay Bands of Odawa Indians; and the Sault Ste. Marie Tribe of Chippewa Indians. GLRC addresses issues of management, preservation and enhancement of all species and habitats which are within the Great Lakes resources. I also am proud to serve as the President of the Bay Mills Indian Community.

I requested the opportunity to testify before this Subcommittee in order to personally express CORA's appreciation for the *Rights Protection Implementation Program* (RPI) funding request for CORA, contained in the Presidents' FY2016 Budget for the Department of the Interior. RPI Program funds enable CORA's tribes provide for the exercise by their members of the reserved right to hunt, fish, trap and gather on the lands and waters ceded to the United States by our ancestors in Article 13 of the Treaty of March 28, 1836. That cession covers the eastern Upper Peninsula of Michigan and the northern 2/3 of the Lower Peninsula, as well as large portions of Lakes Michigan, Huron and Superior.

I am sure that the importance of treaty reserved rights to Indian tribes and their members has been expressed in testimony before this Subcommittee many times, but that importance can never be overstated. Treaty hunting, fishing and gathering rights were essential to the existence of our ancestors and continue to be essential to our existence as Indian people; they preserve our access to culturally significant resources which are intimately connected to traditional ways of life. This importance is not symbolic; tribal members continue to rely on the ability to harvest natural resources for both subsistence and commercial purposes. It is our life way.

The tribes have always believed that these treaty reserved rights continue to exist, and were not extinguished or diminished by any act of the federal government. Unfortunately that was not a belief shared by the State of Michigan, which prosecuted tribal members for hunting, fishing and gathering at times or with methods which State law prohibited. This situation continued until the United States filed suit against the State of Michigan in 1973. It resulted in a decision in *United States v. Michigan* in 1979 upholding the right to fish in the ceded waters of the Great Lakes.

This right was implemented by court-facilitated negotiations among the federal, state and tribal parties, that produced two Consent Decrees which provided for the allocation and management of the Great Lakes fisheries in the treaty area; the first one was entered in 1985 for a period of 15 years, and a successor agreement was entered in 2000 for a period of 20 years. It is that Decree which is listed as "Chippewa/Ottawa Treaty Fisheries" under CORA in the FY 2016 Green Book RPI Program.

The CORA tribes receive base funding through the "Treaty Fisheries" line item to establish conservation-based fishing regulations; conduct biological monitoring of the fishery; carry out resource protection and enhancement programs and activities; staff conservation enforcement departments and adjudicatory bodies to resolve violations of the regulations; and provide an intertribal voice to coordinate and cooperate with the federal, state and international organizations which address Great Lakes resource matters.

The Great Lakes "model" provided a template for the parties in *United States v. Michigan*, who voluntarily entered into negotiations to resolve the scope of rights reserved by Article 13 in the inland 14 million acres of land and water of the cession. In 2007, their efforts produced a permanent Consent Decree; it encompasses the nature and extent of the right to hunt, fish, trap and gather by tribal members, established protocols by which the resources are allocated between tribal and state-licensed harvesters, and provides collaborative resource management procedures for the CORA tribes and the State of Michigan.

Implementation of the Great Lakes Consent Decrees provided the tribes with a reasonable estimate of the amount of funds necessary to carry out the terms of the Inland Consent Decree. Those terms require, at minimum: significant expansion of the tribes' conservation enforcement programs; creation of inland biological monitoring, assessment, restoration and enhancement programs; increase in financial support of tribal adjudicatory systems; and expansion of intertribal management mechanisms and procedures. CORA has sought funding for these purposes under RPI since 2007. The trust responsibility of the United States does not, and cannot, end with the issuance of a court decision or consent decree; those pronouncements are merely words on paper without the funds from the federal government to enable tribes to implement the orders. Supplemental, non-recurring funds were requested and appropriated, but not in large enough amounts for the tribes to establish stable programs.

This element of the trust responsibility by providing base, recurring funding was first recognized by the Administration and included in the Interior Green Book as an RPI Program for FY 2013. In response, the Congress appropriated $461,000 for CORA in RPI funds, an amount which allowed each tribe to initiate permanent programs, albeit very small ones. I am very pleased to personally thank this Subcommittee for the inland funds contained in the FY 2015 Interior Budget, as enacted, in the amount of $1,600,000. The CORA tribes are continuing to create the programs and hiring the staff needed to carry out the Inland Consent Decree's management responsibilities.

For FY 2016, the Green Book clearly identifies the Inland Consent Decree funds by name. There is a small increase in Treaty Fisheries funding, which the CORA tribes support as a necessary effort to partially restore funds for these purposes to their FY 2010 level. No increase

is requested for the Inland Consent Decree this year, a decision which the CORA tribes do not oppose. The CORA tribes will use the remainder of FY 2015 to put in place those programs and staff for which RPI funds are provided, and to realistically assess the need for additional funding to carry out the Inland Decree's tribal responsibilities.

One final item is included in the RPI FY 2016 budget for all intertribal resource management organizations, which is entitled "Evaluation & Research Activities – Climate Change". CORA supports an allocation of those funds among the organizations based on the percentage that each listed inter-tribal organization will receive in RPI funds, as compared to the total amount requested for all RPI purposes for FY 2016. For CORA, that proportionate amount is $398,464, which is 12.8 percent of the total $3,113,000 requested for all Climate Change under RPI for FY 2016.

The CORA tribes have participated in intertribal management and regulation of natural resources since 1982. For decades, we have been at the forefront of efforts to protect, enhance and restore the natural environment so that all human beings can enjoy the fish, wildlife and plants of our region for generations to come. Already, the U.S. Fish and Wildlife Service is asking to consult on what type of resource management regime should replace the Great Lakes Consent Decree in 2020. The CORA tribes have proven to be an effective partner with agencies of the United States, the States, and the province of Ontario to manage our natural resources to the seventh generation and beyond.

For these reasons, the CORA tribes respectfully request your support for FY 2016 RPI funding at the level of $4,463,464.00 in recurring base funding, which is the amount outlined for CORA in the RPI portion of the Department of Interior's Green Book for FY 2016, plus CORA's proportionate share of the "Climate Change" line item.

Thank you for your consideration. If you have any questions, I am pleased to answer them.

Mr. CALVERT. I thank the gentleman for his testimony.

Next, Mr. Michael "Mic" Isham, Board Chairman, Great Lakes Indian Fish and Wildlife Commission. Thank you.

TUESDAY, MARCH 24, 2015.

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION

WITNESS

MICHAEL ISHAM

Mr. ISHAM. Good morning, Mr. Chairman and committee members—or committee member. My name is Michael James Isham, Jr. Everyone calls me Mic. I am the chairman of Lac Courte Oreilles Band of Chippewa Indians of Wisconsin and I am also serving as the chairman of the Great Lakes Indian Fish and Wildlife Commission on which I am here to testify.

And on behalf of our 11 tribal nations and our 40,000 plus tribal citizens, I want to thank you for over 30 years of support of treaty rights. Our GLIFWC member tribes are spread across 60,000 acres of ancestral homeland in the northern portions of what is now known as Michigan, Minnesota, and Wisconsin. We retain hunting, fishing, and gathering rights and co-management authority guaranteed in various land session treaties between us, by us I mean between the United States and the Ojibwe Tribes of Lake Superior.

GLIFWC is our intertribal agency that exercises delegated authority from its 11 member tribes. GLIFWC provides a comprehensive natural resource management program to comply with the federal court orders, fulfill the treaty promises, and assist tribal communities in meeting subsistence, spiritual, cultural, medicinal, and economic needs through the exercise of our treaty rights. GLIFWC helps members achieve healthy and sustainable communities and connect with our future, the tribal youth.

GLIFWC's enforcement division regulates the exercise of treaty rights through comprehensive tribal codes that conserve natural resources and protect public safety and all enforcement actions are adjudicated in tribal courts.

GLIFWC manages and co-manages ceded territory and natural resources to conserve, protect, and restore species and habitats. GLIFWC co-manages with other treaty tribes and with other government agencies. One example is the United States Canadian Great Lakes Water Quality Agreement. We also co-manage with other federal government agencies through national forests, United States Fish and Wildlife Service for migratory birds and invasive species and Great Lakes fish management. Co-management also occurs between GLIFWC and the states, as well as local zoning and land use committees.

GLIFWC's policy and decision-making is based upon culturally relevant Ojibwe values, traditional ecological knowledge, and sound westering science. By that I mean our biologists have the same biology degrees as state biologists and our lawyers have the same law degrees from universities around the country.

And as detailed in the written testimony, we ask you to support the proposed appropriations for rights protection implementation, Great Lakes area management at the Administration's proposed level, if not more. The Administration's proposal would meet 75 percent of GLIFWC's need.

RPI commissions are universal in supporting this line item. On the back of this is where all the commissions are listed here. We ask for support for the Great Lakes regional initiative, at least the 250 million proposed if not at last year's level of 300 million, and that we get support for a tribal set-aside within GLRI that is delivered to tribes via Self-Determination Act contracts and Self-Governance Compacts. And we ask for full funding contract support costs.

Other programs that we ask for your support for that benefit GLIFWC and its member tribes are Tribal Management and Development, ANA, DOJ COPS, and what I consider one of the best programs, the GAP program within EPA. I personally think that every federal agency should have a GAP program. And U.S. Fish and wildlife, USGS, USDA, I believe they all should have one of those.

And I love my home and there are so many things that are going well in my home but there are also many things bad that we have in common with other states and towns and tribes across the country. Prescription drug abuse, ODs, obesity, diabetes, poverty, youth and gang issues, and our strategy to combat these issues is through the increased exercise of our treaty rights, venison instead of Big Macs, walleye instead of McNuggets, wild rice instead of potato chips, instead of that high of drugs, the high of bagging that big buck, instead of getting an identity in a gang through crime and violence, get that cultural identity by providing that fish and venison to our elders.

Economically speaking, supplement store-bought foods with wild rice, fish, dear, berries, or utilize the firewood from the national forest to help out in times of high energy costs. For all this to be sustainable for seven generations and beyond we must protect existing habitat and restore degraded ones, and that is what GLIFWC is all about.

And I thank you for all your support and thank you for your time. [Speaking native language.]

[The statement of Michael Isham follows:]

GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION
P. O. Box 9 • Odanah, WI 54861 • 715/682-6619 • FAX 715/682-9294

• MEMBER TRIBES •

MICHIGAN	WISCONSIN		MINNESOTA
Bay Mills Community	Bad River Band	Red Cliff Band	Fond du Lac Band
Keweenaw Bay Community	Lac Courte Oreilles Band	St. Croix Chippewa	Mille Lacs Band
Lac Vieux Desert Band	Lac du Flambeau Band	Sokaogon Chippewa	

FY 2016 TESTIMONY – BUREAU OF INDIAN AFFAIRS AND ENVIRONMENTAL PROTECTION AGENCY
HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
MICHAEL J. ISHAM, CHAIRMAN
GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION (GLIFWC)

1. **DEPARTMENT OF INTERIOR, BUREAU OF INDIAN AFFAIRS, OPERATION OF INDIAN PROGRAMS**

   a. **TRUST-NATURAL RESOURCES MANAGEMENT, RIGHTS PROTECTION IMPLEMENTATION (RPI)** – At least the Administration's proposed **$40,138,000** and a proportionate share for **GREAT LAKES AREA RESOURCE MANAGEMENT** (the overall need for which is at least $10,688,000).
   b. **TRUST-NATURAL RESOURCES MANAGEMENT, TRIBAL MANAGEMENT/DEVELOPMENT PROGRAM (TM/DP):** At least the Administration's proposed **$14,263,000** and the TM/DP requests of GLIFWC's member tribes.
   c. **TRUST-NATURAL RESOURCES MANAGEMENT, TRIBAL CLIMATE RESILIENCE:** At least the Administration's proposed **$30,355,000**.
   d. **TRUST-NATURAL RESOURCES MANAGEMENT, INVASIVE SPECIES:** At least the Administration's proposed **$6,769,000**.
   e. **TRIBAL GOVERNMENT, CONTRACT SUPPORT:** At least the Administration's proposed **$272,000,000**.

Funding Authorizations: Snyder Act, 25 U.S.C. s. 13; Indian Self-Determination and Education Assistance Act, (P.L. 93-638), 25 U.S.C. ss. 450f and 450h; and the treaties between the United States and GLIFWC's member Ojibwe Tribes.[1]

2. **ENVIRONMENTAL PROTECTION AGENCY**

   a. **ENVIRONMENTAL PROGRAMS AND MANAGEMENT, GEOGRAPHIC PROGRAMS, GREAT LAKES RESTORATION:** At least the Administration's proposed **$250,000,000** out of which there is an overall Tribal need of at least **$25,000,000. GLIFWC's Need: $1,200,000**.
   b. **STATE AND TRIBAL ASSISTANCE GRANTS, CATEGORICAL GRANTS, TRIBAL GENERAL ASSISTANCE PROGRAM**: At least the Administration's proposed **$96,375,000**.

Funding Authorizations: Clean Water Act, 33 U.S.C. s. 1268(c); and treaties cited above.

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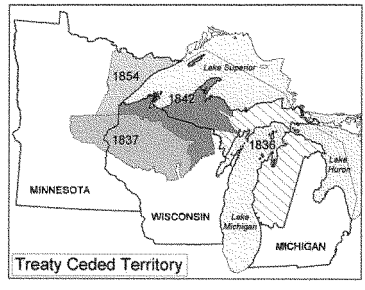
[1] Specifically, the Treaty of 1836, 7 Stat. 491, Treaty of 1837, 7 Stat. 536, Treaty of 1842, 7 Stat. 591, and Treaty of 1854, 10 Stat. 1109. The rights guaranteed by these treaties have been affirmed by various court decisions, including a 1999 US Supreme Court case.

GLIFWC's FY 2016 Funding Request Highlights

1. GLIFWC would be pleased to accept an allocation of appropriated RPI funding that is in the same proportion to overall RPI funding as has been regularly provided in previous years when funding for the RPI line item was increased. This amount for Great Lakes Area Resource Management would be approximately $7,153,000, based on the Administration's FY 2016 proposal for the RPI line item.
2. A total tribal set-aside of $25,000,000 and GLIFWC's request of $1,200,000 under the Great Lakes Restoration Initiative to be distributed through the Indian Self-Determination and Education Assistance (ISDEA) Act.
3. Full funding for contract support costs, as required by the ISDEA Act.
4. Sufficient funding in the Tribal Management and Development line item for GLIFWC's member tribes to fulfill their needs for reservation-based natural resource programs.

GLIFWC's Goal – A Secure Funding Base to Fulfill Treaty Purposes

For more than 30 years, Congress has funded GLIFWC to implement comprehensive conservation, natural resource protection, and law enforcement programs that: 1) ensure member tribes are able to implement their treaty reserved rights to hunt, fish, and gather throughout the ceded territories; 2) ensure a healthy and sustainable natural resource base to support those rights; and 3) promote healthy, safe communities. These programs also provide a wide range of public benefits, and facilitate participation in management partnerships in Wisconsin, Michigan, and Minnesota.



GLIFWC's Programs – Promoting Healthy Communities and Educating Tribal Members Through Treaty Rights Exercise

Established in 1984, GLIFWC is a natural resources management agency of eleven member Ojibwe Tribes with resource management responsibilities over their ceded territory (off-reservation) hunting, fishing and gathering treaty rights. These ceded territories extend over a 60,000 square mile area in Minnesota, Wisconsin, and Michigan.[2] GLIFWC employs 75 full-time staff, including natural resource scientists, technicians, conservation enforcement officers, policy specialists, and public information specialists.

GLIFWC strives to implement its programs in a holistic, integrated manner that is consistent with the culture and values of its member tribes, especially in light of the tribal lifeway that the exercise of treaty rights supports. This means not only ensuring that tribal members can legally

[2] GLIFWC's programs do not duplicate those of the Chippewa-Ottawa Resource Authority or the 1854 Treaty Authority. GLIFWC also coordinates with its member tribes with respect to tribal treaty fishing that extends beyond reservation boundaries by virtue of the Treaty of 1854 and the reservations' locations on Lake Superior.

exercise their rights, but supporting community efforts to educate them about the benefits (physical, spiritual, and cultural) of harvesting and consuming a more traditional diet, as well as promoting intergenerational learning and the transmission of traditional cultural and management practices. These programs, in turn, promote healthy communities by encouraging healthy lifestyles, intergenerational connections, and cultural education.

GLIFWC and its member tribes thank Congress, and particularly this Subcommittee, for its continuing support of these treaty obligations and its recognition of the ongoing success of these programs. There are two main elements of this FY 2016 funding request:

1. BIA Great Lakes Area Management (within the RPI line item): A proportionate share of the $40,138,000 proposed by the Administration for the RPI line item. The Administration's proposed increase for RPI in FY 2016 is greatly appreciated as well as greatly needed. The demand for GLIFWC's services continues to increase, as does the need to address the impacts of climate change on natural resources and the tribal communities those resources support.

GLIFWC has testified about the fact that the need is consistently greater than RPI funding, and the impacts that underfunding has on treaty rights programs. Increased funding in FY 2015 allowed GLIFWC to restore some cuts it made to its programs due to previous unmet needs. The increase proposed in FY 2016 will continue that trend and allow GLIFWC to better understand the physical, chemical and biological changes occurring in ceded territory ecosystems, and develop and implement adaptive management strategies to address those changes.

Tribes can only protect the resources that support their rights if they undertake relevant scientific and technical analyses that inform the design and implementation of adaptive natural resource management activities. To this end, maximum flexibility should be provided to GLIFWC and its tribes to define for themselves the science and research activities best suited to the needs of their member tribes and the particular issues within their region. GLIFWC would gladly accept funds in proportion to overall RPI funding, as provided in FY 2015.

2. EPA Environmental Programs and Management: $250,000,000. GLIFWC: $1,200,000. GLIFWC supports continued funding for the Great Lakes Restoration Initiative (GLRI) as an important non-regulatory program that enhances and ensures coordinated governance in the Great Lakes, as well as substantive natural resource protection and restoration projects. GLIFWC supports funding of no less than $250 million, but recognizes that this amount does not fulfill all of the protection and restoration needs that have been identified. GLIFWC also recommends that at least $25 million be provided to the BIA for tribes, to ensure they are able to undertake projects that contribute to the protection and restoration of the Great Lakes. At the bare minimum, the amount of GLRI funding that provided to the BIA must be restored to its historic proportion – over the past five years, that amount has been cut by 40%, while overall GLRI funding has remained steady.

Sustained funding for GLIFWC at approximately $1.2 million will enable GLIFWC to augment its current natural resource protection and enhancement activities. It will also allow GLIFWC to maintain its participation in interjurisdictional governance structures, including the implementation of the revised Great Lakes Water Quality Agreement (GLWQA). With GLRI

funding, GLIFWC has been able to help create a team to seek out and use Traditional Ecological Knowledge in the implementation of commitments made in the Science Annex of the GLWQA. Without GLIFWC's participation, this team would likely not have been created and the cultural perspectives retained by generations of Anishinaabe residing in the Great Lakes would not be shared with those working to protect Great Lakes ecosystems.

Tribal GLRI funding should be provided through the BIA and distributed under the ISDEA Act. This funding mechanism delivers funding to the field faster and has resulted in the earlier achievement of on-the-ground results. It also fulfills the federal government's long-standing policy of fostering tribal self-determination in the implementation of tribal programs.

Results and Benefits of GLIFWC's Programs

1. Maintain The Requisite Capability to Meet Legal Obligations, to Conserve Natural Resources and to Regulate Treaty Harvests: While more funding would increase program comprehensiveness, sustained funding at the FY 2016 level supports tribal compliance with various court decrees and intergovernmental agreements that govern the tribes' treaty-reserved hunting, fishing and gathering rights. Funding for science and research enhances GLIFWC's capability to undertake work and participate in relevant partnerships to address ecosystem threats that harm treaty natural resources, including those related to climate change.

2. Remain a Trusted Management and Law Enforcement Partner, and Scientific Contributor in the Great Lakes Region: GLIFWC has become a respected and integral part of management and law enforcement partnerships that conserve natural resources and protect public safety. It brings a tribal perspective to interjurisdictional Great Lakes management fora and would use its scientific expertise to study issues and geographic areas that are important to its member Tribes but that others may not be examining.

3. Maintain the Overall Public Benefits that Derive from its Programs: Over the years, GLIFWC has become a recognized and valued partner in natural resource management. Because of its institutional experience and staff expertise, GLIFWC has built and maintained numerous partnerships that: i) provide accurate information and data to counter social misconceptions about tribal treaty harvests and the status of ceded territory natural resources; ii) maximize each partner's financial resources and avoid duplication of effort and costs; iii) engender cooperation rather than competition; and iv) undertake projects that achieve public benefits that no one partner could accomplish alone.

4. Encourage and Contribute to Healthy Tribal Communities. GLIFWC works with its member tribes' communities to promote the benefits of treaty rights exercise. These include the health benefits associated with a more traditional diet and the intergenerational learning that takes place when elders teach youth. In addition, GLIFWC sponsors a camp each summer where tribal youth build leadership skills, strengthen connections to the outdoors, and learn about treaty rights and careers in natural resource fields.

Mr. CALVERT. I thank the gentleman.

Next, Mr. Ervin Carlson, President of Inter Tribal Buffalo Council. Welcome.

TUESDAY, MARCH 24, 2015.

INTER TRIBAL BUFFALO COUNCIL

WITNESS

ERVIN CARLSON

Mr. CARLSON. Good morning, Mr. Chairman and members of the committee. My name is Ervin Carlson. I am a member of the Blackfeet Tribe in Montana and I am also the President of the Inter Tribal Buffalo Council. I thank you for allowing me here today to speak to you gentleman and lady.

On behalf of the member tribes of ITBC, I am requesting I guess, as mentioned earlier, a miracle I guess. But I am requesting an increase of our funding by $5.6 million to—and I was a little worried to read these numbers, but after listening to the gentleman's numbers, maybe mine are small. Our current funding is at $1.4 million for 2015 funding level for a total award for fiscal year 2016 to $2 million to allow the organization for, number one, to increase funds for the Tribal Herd Development Grant program; number two, to fund ITBC efforts to serve as a meaningful management partner to the National Park Service; and to fund scientific research on the benefits of buffalo meat for native populations for the prevention and treatment of diet-related diseases.

ITBC requests funding from the Department of the Interior, Bureau of Indian Affairs, Fish and Wildlife Program, and also from the National Park Service.

ITBC, we have been funded since 1992 in different areas. We were a congressional earmark under the President's budget, then through some administrative action. And presently we are under the BIA budget.

For the increase that we are asking for, a lot of the money that comes through ITBC goes out—100 percent of the funding goes out to the tribes and we help the tribes with their projects that they need to be doing, such as all of the infrastructure that they have. With the grants this will provide, you know a total of 3.5 million to the distribution of the tribes and an average amount of 65,000 per tribal herd depending on their specific needs.

And through these every year that we have—I know the funding we do have, the tribes send in their requests and then also I guess you would call it their wish list I guess, and it far exceeds the money that we do receive. And usually those, we call them one-page concept letters they send in to the ITBC. And their requests are usually in an amount of I would say about 240 million, just their wish list I guess, you know, and so we are far below that. Every year our organization increases and we have been just kind of stagnant at the 1.4 million trying to help all the tribes.

When we first started out, we were just 12 tribes of the organization. Today, we are 60 tribes throughout the United States. And one of the other areas that we are working is we work with the Na-

tional Park Service also with helping them with what we do, and they have an overstock of animals within the Park Service. We help them with their roundups and we have an MOU with them and they distribute animals out to us and we bring those out to the tribes. We provide all of the funding for that with the minimal funds that we have. And they also have a budget and I feel that they have a bigger budget than us and then we are using ours to get the animals out to the tribes.

So if we can continue these efforts and also we are wanting to develop and work on the Yellowstone issue also in Montana. And we are looking at bringing those animals out of there alive and developing a quarantine facility and just preserving those animals and bringing them out to the tribes, the genetics within there.

And talking about the other areas that we are in, I guess, you know, the lady talking about the diabetes with her daughter, you know, that is one of the big things that is rampant in Indian Country. And one of the things that we are working with is developing a health initiative to help our people with diabetes and other health-related issues there. So we are into other areas of that.

And diabetes, as I say, is a big thing in Indian Country. We have done studies within our tribes of where it has completely helped curb diabetes, but it seems like when we go out to get dollars for that, we do ask for the health for the scientific research I guess and so we will need dollars to increase that to just do actually some research, scientific research, then we need I guess maybe some funding in the amount of 3 million, you know, to help us to pursue I guess professional research just to help along with that and to help with just the ones that we are doing already. Our primary goal is to restore buffalo, you know, to tribal lands and we do get technical assistance out to tribes. And this is ongoing.

These are some of the current ITBC initiatives that we do have in place, and we are far below, I guess, you know, funding on those also and any of those we would just like to receive a lot more dollars to continue that.

Education and outreach, we have staff that goes out and does a lot of school-age, we go to the schools and we introduce buffalo meat and our culture along with all of the buffalo to our students and start from there. I guess that is one of the areas we want to start even with our health initiative is getting our young people back to eating buffalo and being a healthy diet.

[The statement of Ervin Carlson follows:]

TESTIMONY TO THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
Presented by: Ervin Carlson, President
Inter Tribal Buffalo Council
Fiscal Year 2016
March 24, 2015

INTRODUCTION AND BACKGROUND

My name is Ervin Carlson and I am a member of the Blackfeet Nation in Montana and serve as the President of the Inter Tribal Buffalo Council (ITBC). Please accept my sincere appreciation for this opportunity to submit written testimony to the honorable members of the House Committee on Appropriations; Subcommittee on Interior, Environment and Related Agencies. ITBC was granted a federal charter in 2009 pursuant to Section 17 of the Indian Reorganization Act and is comprised of sixty (60) federally recognized Indian Tribes in nineteen (19) states with headquarter offices in Rapid City, South Dakota. The Cherokee Nation of Oklahoma and the Ruby Tribe of Alaska are the two newest members of ITBC.

American Indians have a long-standing connection with the buffalo. Historically, buffalo provided the Tribes with food, shelter, clothing and essential tools for survival. Indians have maintained a strong spiritual and cultural connection with the buffalo that has not diminished with the passage of time. ITBC Member Tribes strive to restore buffalo to Tribal lands for cultural, health and economic benefits for Tribal populations.

On behalf of the Member Tribes of ITBC, I am requesting an increase of $5,600,000 to our current $1,400,000 FY2015 funding level for a total funding award for FY2016 of $7,000,000 to allow the organization to: 1) increase funds for the Tribal herd development grant program, 2) to fund ITBC efforts to serve as a meaningful management partner to the National Park Service, and 3) to fund scientific research on the benefits of buffalo meat for Native populations for the prevention and treatment of diet related diseases. ITBC requests funding from the Department of Interior Bureau of Indian Affairs Fish and Wildlife Program and also from the National Park Service.

FUNDING HISTORY

ITBC has been funded through various methods including the President's budget, Congressional earmarks or administrative action since 1992. ITBC's approximate annual funding is listed below:

FY 1992 - 1993	$ 400,000.00 Congressional Earmark
FY 1994 - 1999	$ 650,000.00 President's Budget
FY 2000 - 2001	$1,100,000.00 President's Budget; Congressional Earmark
FY 2002 - 2003	$1,560,000.00 President's Budget; Congressional Earmark
FY 2004 - 2005	$2,200,000.00 President's Budget; Congressional Earmark
FY 2006	$4,100,000.00 President's Budget; Congressional Earmark
FY 2007	$1,000,000.00 Administrative Action BIA
FY 2008	$1,000,000.00 Congressional Earmark

FY 2009 - 2010	$1,400,000.00 Congressional Earmark; Administrative Action BIA
FY 2011	$1,750,000.00 President's Budget; Administrative Action BIA
FY 2012	$1,400,000.00 President's Budget
FY 2013	$1,600,000.00 President's Budget; Administrative Action BIA
FY 2014	$1,400,000.00 President's Budget; Administrative Action BIA
FY 2015	$1,400,000.00 President's Budget

The above funding history illustrates Congressional and Administrative support for ITBC and Tribal buffalo herds. Annual funding of ITBC provides evidence that buffalo restoration and management is not a limited or one-time "project" but a "recurring program" most recently funded from the Department of Interior Bureau of Indian Affairs Fish and Wildlife line item.

FUNDING INCREASE JUSTIFICATION

- Increase in Herd Development Grant Funds

ITBC expends 100% of the appropriated funds on the development and management of Tribal buffalo herds. A significant portion of ITBC funding is distributed directly to ITBC Member Tribes via a Herd Development Grant program administered by ITBC. The herd development grant program commenced in 1992 with $400,000 to assist the twelve member Tribes in the organization. In 2002, ITBC was awarded $1,000,000 for Tribal herd development grants to support 25 Tribal herds. Since 2002, the herd development grant funding has been stagnant at $1,000,000 despite the growth of the organization to the current sixty (60) member Tribes and 54 buffalo herds. In total, ITBC collectively manages over 20,000 buffalo which is more than all the buffalo currently managed by NPS in the National Parks. A $2,500,000 increase for Tribal herd development grants will provide critically needed funding to protect and manage existing Tribal herds. This increase will provide a total of $3,500,000 for distribution to Tribes in an average amount of $65,000 per Tribal herd depending on specific needs. These funds will create jobs in Indian Country, create sustainable Tribal buffalo herds and allow Tribes to utilize buffalo for economic development.

- Funding for National Park Service Partnership

Since its inception, ITBC has partnered with the National Park Service (NPS) on buffalo management efforts including population management through roundups and distribution of buffalo to Tribes from the parks. ITBC has not been funded for these activities but has utilized minimal administrative funding to partner with the NPS. ITBC has agreed to manage buffalo removed from Yellowstone Park for population control, transport the animals to processing facilities and distribute processed meat to Tribes despite very limited funding for these efforts. Additionally, ITBC is a member of the Interagency Bison Management Plan workgroup and has incurred significant costs to participate in all related activities to insure that Tribes are represented in buffalo management decisions. ITBC can continue these efforts and develop and manage a quarantine program that will allow the transfer of live buffalo from the Yellowstone Park to Tribes through an increase of $500,000 in annual funding.

- Health Related Research

ITBC has a long-term objective to prevent and treat diet related diseases in Native populations through the reintroduction of buffalo into daily diets. However, these efforts to coordinate with health care providers have been limited by the lack of scientific evidence of the health benefits of natural grass fed buffalo diets. ITBC believes research to develop concrete evidence of these health benefits will facilitate ITBC partnerships with health programs to prevent and treat diet related diseases in Native populations.

Additionally, sound research results will allow ITBC to develop a health education curriculum for healthy living with a component specifically focused on Native youth. Further, this critical research will support ITBC's efforts to provide buffalo meat to school lunch programs as a healthy alternative to other meat products.

Funding in the amount of $3,000,000 will allow ITBC to pursue professional research objectives.

CURRENT ITBC INITIATIVES

ITBC's primary objectives are to restore buffalo to Tribal lands, and to conserve and manage existing Tribal herds through the promotion of traditional buffalo handling practices and beliefs. ITBC strives to offer assistance and opportunities to Tribes to meet the needs and desires of individual Tribal programs. ITBC attempts to balance the varying interests of member Tribes from maintaining herds for spiritual purposes to utilizing buffalo as viable economic development endeavors. ITBC accomplishes these objectives as follows:

1. Technical Assistance to Tribes:

ITBC assesses current and potential Tribal buffalo programs to determine technical service needs and infrastructure needs and provides technical assistance in the areas of wildlife management, ecological management, range management, buffalo health, cultural practices and economic development. Further ITBC assists with fencing, corrals, facility design, water development and equipment research. ITBC provides annual training sessions (national and regional) designed to enhance Tribal buffalo management.

2. Education and Outreach:

ITBC staff provides educational presentations to various audiences including school-age youth on buffalo restoration, conservation efforts, and the historical, cultural relationship between buffalo and American Indians.

3. Partnership and Collaboration:

ITBC is a member of various working groups, comprised of Federal and State agencies organized to address buffalo issues. ITBC is a limited partner on the Inter Agency Bison Management partnership established to address the Yellowstone National Park brucellosis issue. ITBC collaborates with the National Park Service and the US Fish and Wildlife Service to obtain surplus buffalo from National Parks for distribution to Tribal Buffalo Projects. Dependent on available funding, ITBC assists with the roundups and transportation of buffalo from participating parks.

4. ITBC Marketing Program:

ITBC strives to develop markets for buffalo meat and products for interested member Tribes at the local and national level. ITBC procures buffalo, as limited funds allow, from Tribes and sells the meat products under a joint Tribal and ITBC label. An increase in funding will enhance these marketing efforts.

5. School Lunch Program:

ITBC has six Member Tribes serving Tribal raised buffalo into their school lunch programs to address health concerns of school-age children. ITBC anticipates expanding this program to 20 Tribes in the next three years with increased funding.

CONCLUSION

ITBC has existed for over 20 years to assist Tribes with restoration of buffalo to Tribal lands for cultural purposes. No other program exists to assist Tribes with buffalo restoration and protection.

ITBC and its member Tribes have created a new Indian Reservation industry that includes job creation and new revenue for the Tribal economies. ITBC ultimately hopes to restore Tribal herds large enough to support local Tribal health needs and generate sufficient revenue to achieve economically self sufficient herds.

ITBC and it member Tribes are appreciative of past and current support from the Congress and the Administration. However, I urge the Committee to increase ITBC funding to a total of $7,000,000 which is a level commensurate with the growth of the Tribal Buffalo Programs. This increase will demonstrate Congressional respect for this national icon and allow ITBC to fulfill its responsibilities to restore, protect and manage buffalo.

I would like to thank this Committee for the opportunity to present testimony and I invite you to visit ITBC Tribal buffalo projects and experience first hand their successes.

Questions and/or comments regarding any of the issues presented within this testimony may be directed to Mr. Ervin Carlson, President, or to Mr. James Stone, Executive Director, at (605) 394-9730.

Mr. CALVERT. We appreciate your testimony, Mr. Carlson.

Mr. CARLSON. Okay. I thank you. I would just like to thank you for the opportunity to testify and hope that in some way we could have a miracle and help Indian Country with these issues.

Mr. CALVERT. Well, thank you. And I certainly appreciate this panel.

And I hear you, Ms. Burger, as far as flexibility and allowing for your tribal councils to have some self-determination and making decisions for your own people. I think everyone believes that that is a good idea, I think most people anyway. So I hope we can move in that direction. Not just for your tribe but I think for all tribes.

And obviously we hear about the common issue that we are going to hear about all day is diabetes and the diet and probably too much carbohydrates out there, too much fast food, and that is a common problem throughout the United States, not just in Indian Country. It is something that as a society we need to deal with. It is certainly a huge problem.

And this issue with prescription drugs again is not just in Indian Country; it is all over the country unfortunately. It is something we need to deal with as a Congress and hopefully come up with some good ideas. This issue with bark beetle is all throughout the United States. For a number of reasons we could spend a whole day talking about it.

But I want to ask one question. Since you mentioned you encountered the wolf, we had Fish and Wildlife out here last week. In your opinion, is the wolf recovered in your area?

Mr. CARRICK. It is recovered. There are plenty around——

Mr. CALVERT. Okay. Because whether or not it should continue to be listed or not is the issue because in certain areas around the Great Lakes believe that it is now a recovered species.

Mr. CARRICK. There is plenty around but it should be scientific, not——

Mr. CALVERT. It will be done by scientists. This is Fish and Wildlife's position.

Mr. CARRICK. Yes. So you get encounters quite often up there with them and it is a joy to encounter.

Mr. CALVERT. All right. And there is certainly a lot of support around here about the Great Lakes. Obviously Ms. McCollum—and I see you are a Green Bay Packer fan; I will forgive you for that.

Mr. CARRICK. Excuse me, owner.

Mr. CALVERT. Oh, okay, owner. That is right. Okay. There are a lot of owners.

Ms. McCollum.

Ms. MCCOLLUM. It is a friendly rivalry between the Packers and the Vikings. Well you can—never mind. I will not comment on that. I grew up with Fran Tarkenton and that crowd.

So just a couple quick comments: the issue of first foods comes up over and over and over again. Some of the early funding that was in the Affordable Care Act had significant dollars going into diabetes research for Indian Country, and first foods was just hugely successful for so many reasons—blood pressure, diabetes, and getting elders reengaged with their children and then with their grandchildren on the foods, so just a win-win.

Part of what you are up here talking about is buffalo and, Mr. Carlson, I had the other panel talk about fish a little bit; wild rice came up and the protection that we have to do with that.

Ms. Burger, thank you for sharing something that is very personal but personal to all parents in Indian Country. But I was interested; I was looking at your testimony. You are a predominantly female Indian tribe so I am going to find out some more about that later on. The guys are paying attention.

But if I could turn back to the Great Lakes for just a second, as I am learning more and more about some of the things that you are involved in, Mic, could you please tell me some of the concerns that tribes have with the Great Lakes funds and how your organization, through GLIFWC, would be looking for an ability for tribes in the region in the Great Lakes basin to be eligible for some of these funds? As we know, the water knows no boundaries and it flows all around and everything is interconnected in the Great Lakes basin. So if you could maybe talk a little bit about how empowering some tribes with more opportunity would serve the basin well.

Mr. ISHAM. Well, I think you are exactly right. I think that the most important piece of it is that the money get out into self-determination contracts. For the last couple of years it has gone from EPA to BIA through an interagency transfer and then that gets the funds out to each individual tribe like that and they get the boots on the ground right away.

And I also sit on the Great Lakes Advisory Board for EPA and this year we added a priority to the mission and that is one of protection because why should funds go out there to restore things that are already polluted when really if we do not pollute them in the first place, that we do not have to saddle the taxpayers with all this restoration. And so I think that is a lot of what is going on with the tribes and the Great Lakes up in northern Wisconsin, getting baseline data and all that so that when things do happen like proposed mines or whatever they may be, it is not that we are against mines; we are against pollution. And so whatever that may be, I think that GLRI money get onto the ground and we get the baseline data first.

And by trade I am a biologist so if I could shoot over to the wolf question, in my biological opinion the carrying capacity decides how many wolves there should be on the landscape, and if we had wolves back in the day, we would not have chronic wasting disease because those wolves would have been eating all those deer. So sorry to switch questions there.

Ms. MCCOLLUM. Mr. Chair, when you want to learn all about chronic wasting disease, I am ready to talk to you about it but it is another issue that is really important to our wildlife population.

I want to thank you for your insights on that and bringing up the issue of mining. I am fully determined that tribes be fully consulted, as they should be under treaty rights, with what goes on with mining, especially with water quality as it affects wild rice. So thank you.

Mr. ISHAM. Thank you.

Mr. CALVERT. Thank you. And we certainly appreciate this panel. Have a great day. You are excused.

The next panel to be coming up is Mr. Mark Fox, Chairman of the Mandan, Hidatsa, and Arikara Nation. Please sit over here on my right. Mr. Dana "Sam" Buckles, Executive Board Member, the Sioux Tribe of the Fort Peck Reservation. If you will sit right here. Mr. David Archambault, II, Standing Rock Sioux Tribe; and Mr. Leander "Russ'" McDonald, President of the United Tribes Technical College, over here on my left. Great. Good to see you.

Thanks for coming today. As you know, we are under the 5-minute rule. Green light means that you are continuing your conversation, 1 minute means summarize, please. Any additional comments will be entered into the record, so we appreciate you trying to stay on schedule.

With that, Mr. Fox, you are recognized for 5 minutes.

TUESDAY, MARCH 24, 2015.

MANDAN, HIDATSA, AND ARIKARA NATION

WITNESS

MARK FOX

Mr. FOX. Thank you, Mr. Chairman. And I do not see other members of the committee here, so I will just—they will be back in and I will keep it to the—that is the important thing, Mr. Chairman.

I want to say good morning. And my name is Mark Fox and I am the chairman of the Mandan, Hidatsa, and Arikara Nation. My name in Hidatsa is [speaking native language] and in Arikara it is [speaking native language] which means sage or sage man.

I am here on behalf of my tribal nation. I also am accompanied by a number of our tribal members, staff and tribal members from home. I do have fellow council members that are here with me as well and I want to recognize them as well because they came along way. We thought this was very important and we took the time and expense to be here so I would like them to stand up as well. Councilman Spotted Bear, also Councilman Grady, and Councilman Hall are here with me as well, too, Mr. Chairman, so thank you, gentlemen. And we have a number of our staff as well.

And I am a veteran in the United States Marine Corps and it is an honor to serve my country but it is also an honor to be here before your committee as well and to present testimony on the government relationship that we have with our nation.

So we have a lot of issues that we would like to talk about obviously, but 5 minutes is really not enough time to address them all, but I will just reiterate and say that, as a tribe, we have the same concerns that other tribes are going to present to you on healthcare, education, and law enforcement. Make no doubt that we are suffering in Indian Country and we need the appropriations and the effort by the United States Government to help us contend with those.

But in particular today I would like to focus my testimony on our particular circumstances we deal with at the three affiliated tribes in western North Dakota and that has to do with the oil boom is that we are under, the Bakken oil boom that most are aware of and what is going on in that area, the Williston basin, western side of

North Dakota and eastern Montana, and we are right in the middle of it so we have a number of concerns that we think relate to the appropriation and to Congress that we want to share with you today.

As I said, we are in the middle of this boom and after 6 years now North Dakota is now the second-highest producing state in the nation in oil production, and even though we have all this success, you know, we have great concerns over what is occurring in that development process because the Federal Government plays a significant role in that. And we have 1,000 plus wells, about 1,500 wells on Fort Berthold now, both tribal trust and non-trust wells that are on the reservation. But what is going on now and with the recent rules on hydraulic fracking and things of that nature, we have got a number of concerns that we would like to raise.

One of the first ones of course is to improve the energy permit processing and then, you know, we would like to see BIA's recent request for 4½ million to create an Indian Energy Service Center to be supported as well because right now, honestly, what we have is we have a number of our agencies, applicable agencies from BLM, BIA, Corps of Engineers, and we can go on and on and there are more agencies involved. They all play different roles but they are scattered about and everybody is territorial, so what ends up happening is to our own detriment we do not have them on the same page. We do not have them communicating and coordinating at the levels we need.

So we would like to centralize that effort on behalf of the Federal Government, put them together, appropriate the dollars so that they can coordinate better and actually get out there and help us with our development because that is a concern that we have. And even if we do fund the center, we also need assistance to BIA itself at the local level, you know, what we are going through, very few agencies in the nation would go through because of the oil boom and the explosion, the work required, so they need more money as well.

We also have applications for Permit to Drill and help fund the service center. We have got these new fees for drilling, the 9,500 that has now to come into play. You know, that is creating a concern as well, too. But these fees that are on our existing lands sometimes can be more of an impediment than anything else so we are asking for ways to figure out how to do that. And I understand it is in the President's budget but we would like to make sure that if that is when to be the case, if the industry is going to be paying for that, they are going to be charged, that those fees come back can actually assist where we are at as a tribe.

And the next item I would like to talk about as well is that it is time for the subcommittee to provide BIA within the funding necessary to promote and support Indian energy development in general. You know, this needs more money. There is so much that is going on there that it is impossible for that agency to keep up and we are greatly concerned about that as well, too.

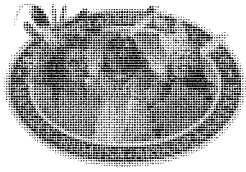
Energy development in the reservation in the bigger term of thing, members of the committee, and Mr. Chairman, is this, is that I wanted to speak in general terms because here is the frustration that we have. It is obviously United States policy for years

now has been domestic development of oil to lessen dependence on foreign oil. The United States made that deliberate effort to come in and develop. And Indian tribes in the nation have been the focus of that development and the focus of that concern of trying to have domestic development.

But the problem that we have got, plain and simple, Mr. Chairman, is that when the industry comes in or when the Federal Government comes in to take advantage or to promote the development on reservations, they do not help with the necessary infrastructure for that to carry out so our roads get torn up, our crime gets worse, our affordable housing becomes nil. We go through all these negativities when these booms come in as a result of domestic oil development and our tribes just quite simply are having a heck of a time dealing with it. And that is the problem that we have.

And appropriations on one hand are greatly helping. You focus them up properly and we can deal with that, but on the other hand, we are just simply going to have to have help in coordinating this out because honestly, even though people would say love to have that problem with oil, the bottom line is that we spend more of our revenues and resources dealing with the problems of the boom than we actually get to raise the standard of living for our people. So that is some of the concerns I have got.

[The statement of Mark Fox follows:]



MANDAN, HIDATSA & ARIKARA NATION
Three Affiliated Tribes * Fort Berthold Indian Reservation

Mark N. Fox
Office of the Chairman

Testimony of Chairman Mark Fox
Mandan, Hidatsa and Arikara Nation

U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
Testimony on American Indian/Alaska Native Programs
March 24, 2015

Good morning Chairman Calvert and Members of the Subcommittee, my name is Mark Fox. I am the Chairman of the Mandan, Hidatsa and Arikara Nation (MHA Nation) of the Fort Berthold Indian Reservation. Thank you for the opportunity to testify. We appreciate the attention this Subcommittee has paid to the oil and gas permitting approval problems that continue to plague our attempts to develop our valuable oil and gas resources.

As you know from our past testimony, our Fort Berthold Reservation sits in the middle of the Bakken Formation; the largest continuous oil deposit in the lower 48 states. In less than 6 years, oil and gas production in the Bakken made North Dakota the second highest producing state in the Nation. Only Texas produces more. Even with this large production, the permitting of a single oil and gas well on our Reservation must still make its way through a maze of at least nine (9) understaffed federal agencies.

This bureaucratic thicket is grossly impractical and growing. Just last week, BLM increased this bureaucracy by adding new hydraulic fracturing requirements that will further slow production, cost jobs, lower royalties and inefficiently use Federal funding.

To address this fundamental problem, the MHA Nation asks that the Subcommittee fully support BIA's request for $4.5 million to create an Indian Energy Service Center. As the Department of the Interior proposed in its Budget in Brief, the Service Center would provide a "one-stop shop multi-agency processing center" that includes the BIA, the Bureau of Land Management (BLM), the Office of Natural Resources Revenue, and the Office of the Special Trustee for American Indians and the Department of Energy's Tribal Energy Program. The Service Center would "expedite the leasing, permitting, developing, and reporting for conventional and renewable energy" on Indian lands. *See* Interior Budget in Brief at DH-30.

The MHA Nation believes the Indian Energy Service Center is a step in the right direction, but much more is needed. First, we are concerned that the $4.5 million requested is not going to be adequate for the services promised, given current backlogs and the current and anticipated demand. Any single tribe with oil and gas development on its reservation could easily put all 20 of these new FTE's to work tomorrow.

To clear out and prevent future backlogs and to ensure that the Service Center has the resources to meet the demand for energy development in Indian Country, the MHA Nation asks

that the Subcommittee increase the proposed budget for the Service Center by 3 or 4 times. Funding at this level is needed to provide the staffing and expertise to efficiently manage the federal approval process.

Second, the Subcommittee should also increase funding for our local BIA and BLM field offices. Even with the Service Center, some permit work has to be performed at the local level. The proposed Service Center can support local efforts and perform some permit related tasks on its own, but its success or failure will be highly dependent on the work performed at the local level.

Third, we ask the Subcommittee to direct Interior to focus the largest percentage of its Service Center funding on conventional energy development because it is far more permit intensive than renewable energy efforts. For example, oil and gas development typically requires the permitting of hundreds or thousands of wells, whereas renewable development typically involves permitting a single project for an entire reservation.

Fourth, the MHA Nation asks that the Subcommittee direct Interior and the agencies involved in the Service Center to transfer an appropriate level of funding and staff to the Service Center. We are concerned that much of the funding and staffing for the Service Center is highly dependent on the "good will" of the participating agencies. No agency is actively seeking to surrender funds, so we are asking you to help us ensure that these transfers and assignments actually occur. The Subcommittee should also direct that the Fish and Wildlife Service (FWS) participate in this important effort. Issues raised by the FWS often create significant delays in permit approvals and Interior's failure to include them in the Service Center plan is a great error.

As BIA reports, oil and gas development on Indian lands has generated about $1.1 billion in royalties in 2014. This was accomplished on a shoestring budget. This $1.1 billion is approximately one-third of the royalties generated on federal lands, yet if you compare BIA's oil and gas budget with that of BLM, you will quickly see that our tribal efforts are being severely shortchanged. With increased federal funding, staffing and expertise, we could, at least, triple the revenue from our resources.

Fifth, we request that the Subcommittee carefully monitor where Application for Permit to Drill (APD) fees collected on our Reservation are actually going. Congress recently created the BLM Permit Processing Improvement Fund which is to be available to "coordinate and process" onshore oil and gas authorizations on Federal "and Indian trust mineral estate" land, but we need your help to make sure that the funds generated on our Reservation are ultimately used to improve permitting on our Reservation.

As we have testified in the past, BLM does not spend a reasonable share of its funding on Indian energy and we fear that this pattern will continue unless its use of APD fees is carefully monitored. This is especially important now that Congress has increased those APD fees. The increase to $9,500 will negatively impact on our production, and this impact will worsen if those fees are not used to improve permit processing on the Reservation. To ensure that these fees are actually used on our Reservation, the MHA Nation asks the Subcommittee to require BLM to provide a quarterly report showing exactly where those APD dollars are going.

Sixth, we are formally recommending that the Subcommittee hold a hearing that looks at Indian energy spending of the agencies that fall within its jurisdiction to see if those funds could be put to more effective use. This has never been done, and we think it would present the first clear picture of what is actually going on. It will also help to identify legislative and funding changes that could lead to a more effective use of federal resources. If you would consider holding such a hearing, the MHA Nation would be more than happy to help in any way possible.

Finally, the MHA Nation would also like to ask for your support for lifting the 42-year old crude oil export ban. Oil can already be exported once it has been refined into gasoline ad diesel fuel, why not also allow for crude oil exports? Industry experts recently testified before the Senate Energy and Natural Resources Committee that lifting the ban would generate $86 billion in gross domestic product between 2016 and 2030 and $1.3 trillion in tax revenue for governments, including our tribal government. While not directly an appropriations issue, the ban on crude oil exports is costing us revenue, jobs and taxes, and no longer makes sense in today's global marketplace.

We also ask this Subcommittee to look carefully at the social, legal, and practical impacts that oil and gas development has had on our Reservation. We are dealing with a societal explosion which none of the federal agencies that serve the MHA Nation have the practical ability to address. For example, today, the BIA openly admits that it needs additional federal employees to address our expanded needs, but because it has no additional office space, and no ability to acquire it, they cannot hire. The Office of Justice Services recognizes that we need more police officers in our community, but its funding limitations can offer no solution, even though local crime has skyrocketed. The BIA's own reports reveal that our tribal courts, which have not seen any real increase in federal dollars for the last six years, are now being forced to dismiss thousands of cases each year because they lack the practical ability to handle them.

These are the things that keep us up at night. Along with oil and gas development comes heroin, meth, human trafficking and prostitution - all of which my community has never experienced before, yet when we look to the Federal government for help, all we receive in response is a detailed discussion of budget limitations.

One simple thing you can do to help is to raise the cost of living for those federal and federally funded employees who are, or want to, work on the Fort Berthold Reservation. The cost of living on or near my Reservation skyrocketed over the last five years. Today, two bedroom homes are renting for $2,700 per month, which few people can afford on a government salary. As a result we are having a terrible time recruiting the nurses, teachers, police officers and other federal professionals needed to fill vacancies. We can solve this recruitment problem if you help us obtain a fair cost of living allowance (COLA) for those federal and federally funded employees who work on the Reservation. The Federal government has unique COLA allowances for Alaska, Hawaii and D.C. and we now need the same on our Reservation.

Moving to non-energy areas, the MHA Nation strongly supports moving Contract Support Costs into a non-discretionary funding account. The underfunding of Contract Support Costs has plagued large land based tribes, like the MHA Nation, for years. We present our actual costs and supporting documentation to the federal representative designated by the Office of Management and Budget (OMB). We negotiate a fair rate. Then BIA and Indian Health Service

(IHS) come back and say that they lack the funds to pay the amount that the Federal government insisted upon and tell us that we have to either pay the difference or take those costs out of our service dollars.

The MHA Nation appreciates the efforts that this Subcommittee has undertaken to provide us with 100% of our Contract Support Cost funding for the last two years but we need a long-term solution. The Contract Support Costs we incur are driven by uncontrollable costs like utilities, insurance, and by new and ever expanding accounting and oversight requirements imposed by OMB. Thus, we feel that segregating these costs into a non-discretionary category is both necessary and appropriate.

We also feel that the Federal government needs to settle its past Contract Support Cost claims in an honorable way and settle them now! Please encourage both BIA and IHS to resolve these matters before the end of the summer. Federal funding should not be used by BIA, IHS or the Department of Justice in an attempt to try to find a way around a Supreme Court decision.

We also need a solution to the problem of road maintenance and road replacement. We know that the reauthorization of the Highway Trust Fund is not before this Subcommittee, but you do hear regularly about the practical impacts that the current Indian allocation is having on our Indian roads. We need your support for an amendment which provides tribes with a much more realistic percentage of those funds if they are ever going to bring their Indian roads to a reasonable standard. Creating a new formula which re-allocates the same inadequate Indian roads allocation will not solve the problem.

We also need adequate funding to maintain the roads that we do have. On our Reservation in North Dakota virtually every dollar that we receive for road maintenance goes to snow removal and seasonal repairs which we supplement with tribal dollars. In addition to these weather related impacts we need a separate set-aside to repair and rebuild federal and tribal roads damaged by domestic energy production on Indian lands. This proposal would cover federal roads in both Indian and non-Indian areas. Constructing and repairing these roads should be seen as a federal cost of energy production, not as a local give away.

Finally, we were thrilled to hear Congressman Cole express an interest in increasing tribal assistance from the Department of Health and Human Services (HHS). As a result of the oil and gas development, drugs have become a big problem on our Reservation and we are in need of a treatment facility and programs on our Reservation.

The MHA Nation strongly supported the substance abuse treatment and other diversion programs included in the Tribal Law and Order Act of 2010 (TLOA). Yet, despite the strong support that IHS and HHS expressed for the passage of the TLOA, neither of those agencies has taken any significant steps to provide funding to address these needs. In fact, I do not know of a single comprehensive federally funded residential on-reservation treatment program in the Nation. We ask that you direct HHS and IHS to live up to the obligations that they accepted when TLOA was adopted by creating the first comprehensive federally funded residential drug and alcohol treatment program on our Reservation.

Thank you for your consideration of these important issues. I am available to answer any questions you may have.

Mr. CALVERT. I thank the gentleman for his testimony.
Mr. Sam Buckles, you are recognized for 5 minutes.

TUESDAY, MARCH 24, 2015.

ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION

WITNESS

DANA BUCKLES

Mr. BUCKLES. Okay. Good morning, Chairman Calvert. My name is Dana Buckles. I am an executive board member of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation. Thank you for inviting me to testify on behalf of my tribes concerning the fiscal year 2016 appropriations for BIA and IHS. I will summarize my testimony concerning infrastructure, public safety, and public health needs.

First, I would like to stress the need for the subcommittee to fully fund the costs we incur to operate and maintain the Fort Peck Reservation Rural Water System authorized by federal law in 2000. We contracted the Operation and Maintenance Program for the BIA in 2006 but year after year the BIA has not fully funded our operation maintenance needs. The United States has invested over $160 million in construction of this critical facility that provides safe drinking, municipal, rural, and industrial water supply to our 2.1 million-acre reservation and to our surrounding non-Indian communities.

Missouri River water intake pumping stations and the 30,000 square foot water treatment plant, together with over 100 miles of water lines, we are serving 75 percent of our reservation community. The project is a win-win Indian/non-Indian venture for our rural water systems that are now interconnected. Our authorizing statute requires that operation and maintenance of the Assiniboine and Sioux Rural Water System, the portion on the reservation to be fully paid by BIA, is a federal obligation. This is why we strongly support the Administration's $2 million request for the operation and maintenance funding for the Fort Peck Reservation Rural Water System. The funding is essential for the system to operate.

Second, I would like to address public safety and drug trafficking. The reservation lies immediately west and north of the Bakken and Three Forks Formation. With the rapid economic development comes increased criminal activity, including methamphetamine use, prescription drug abuse, and addiction. Our police chief estimates that 70 to 80 percent of fast-rising criminal conduct we are seeing has a drug component to it. The growing population working in the Bakken formation has created an easy source of meth on our reservation.

Our chief of police has said he could use six drug enforcement agents to help with the rising workload. Despite the well-documented need for police, the fiscal year 2016 budget leaves law enforcement funding essentially flat at $194 million. In order to maintain public safety we need to hire more law enforcement personnel. To do so we require additional resources, including re-

sources for housing, public safety personnel, police cruisers, and equipment.

We also see too many infants born addicted to meth. These infants must be placed in foster families placing tremendous strain on our social services program. This is why we support the $25 million request within the Indian Health Service that is targeted at alcohol, substance abuse among native youth within our tribal communities.

We also completed a modern detention facility to serve the reservation and other tribes last year. It will do a great deal to ensure continuity in our families. The fiscal year 2016 budget does not request any additional funds for the operation of the BIA or tribally operated detention facilities that were opened in fiscal year 2015 like ours. Our contract with the BIA covers roughly 30 percent of what we negotiated with BIA in order to have a fully functional detention center. Congress must appropriate additional resources for detention facilities, staffing, and operation and maintenance. We ask you to do this so that we can provide safe and secure detention services in our community and protect the tribal and federal investment.

Finally, to combat high incidence of heart disease, cancer, and diabetes, the tribe's supplement IHS Operated Health Services on our reservation through our Health Promotion and Disease Prevention Wellness Program at the Spotted Bull Resource and Recovery Center and nursing services for the Youth Detention Center. We strongly support the requested increase of the $70.3 million for purchase and referred care. This level of funding will allow more service units to beyond life-or-limb coverage.

And thank you for listening to us today. Thank you.

[The statement of Dana Buckles follows:]

TESTIMONY OF DANA BUCKLES
ASSINIBOINE AND SIOUX TRIBES
OF THE FORT PECK RESERVATION
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE
ON INTERIOR AND RELATED AGENCIES
CONCERNING THE BIA AND IHS FY 2016 BUDGET
March 24, 2015

I would like to thank the Subcommittee for inviting me to testify on behalf of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation concerning the FY 2016 appropriations. My name is Dana Buckles. I am a member of the Executive Board of the Fort Peck Tribes. I will focus my testimony today on infrastructure, public safety and public health needs for our Tribe which are largely dependent upon the appropriations of this Subcommittee to the Bureau of Indian Affairs, and Indian Health Service. The Tribes also express strong support for the Administration's request for full funding for contract support costs for both the BIA and the IHS. We also fully support the Administration's proposal to make this funding mandatory.

FORT PECK RESERVATION RURAL WATER SYSTEM

Congress has long recognized that the foundations for economic development and prosperity in Indian country lay in community stability which begins with infrastructure such as safe drinking water, roads and utilities.

This is why we strongly support the Administration's $2 million request for the Operation and Maintenance (OM&R) funding for the Fort Peck Reservation Rural Water System. This funding is essential for this system to operate, which now provides drinking water to more than 15,000 residents in Northeast Montana and several social and governmental agencies, including the Bureau of Indian Affairs Agency Office, Poplar Schools, and Poplar hospital.

More than 20 years ago, the Tribes realized that a new water source was necessary to ensure the health of our people. Located on a former inland sea with a high saline content, coupled with unprecedented contamination from oil production, water on the Reservation and the surrounding communities is not safe for human consumption. To ensure our future, we sought to find another water source for our people. Congress agreed and in 2000 enacted the Fort Peck Reservation Rural Water System Act to build a modern rural water system for the Reservation (Assiniboine and Sioux Rural Water System) and to assist the off-reservation communities in Roosevelt, Sheridan, Daniels and Valley Counties (Dry Prairie Rural Water Authority) build a rural water system that would "interconnect" with the Tribes.

We are more than 60% complete and the Project now serves more than 75% of the Reservation population with safe, reliable drinking and industrial water. The statute requires that the OM&R of the Assiniboine and Sioux Rural Water System – the portion on the Reservation that is held in trust by the federal government – be paid by the BIA as a federal

obligation. This is consistent with the federal trust responsibility to the Tribes, who were promised a permanent home when we agreed to move to the Reservation. A permanent home requires safe drinking water.

To date, the Federal government has invested $160 million in constructing the Fort Peck Reservation Rural Water System. The Assiniboine and Sioux Rural Water System components – the "common facilities" – must be maintained. The entire system is dependent upon the safe and proper operation of common facilities which includes the Missouri River intake, the pumping system, the water treatment plant, and miles of main transmission lines running east-west and north-south within the Reservation. Adequate funding of the operation and maintenance of our "common facilities" will extend the useful life of this vita infrastructure project. Thus, the $2 million requested for the OM&R of this project is critical. If Congress does not appropriate the required funds for OM&R, then this System will not operate and the people of Northeast Montana will have no drinking water.

PUBLIC SAFETY AND DRUG TRAFFICKING

The Reservation lies immediately west and north of the Bakken and Three Forks Formation and we are already witnessing the economic impacts of oil and gas development in this region. With rapid development comes social ills in the form of increased criminal activity, including methamphetamine use, prescription drug abuse and addiction, which is reversing the downward trend our Tribal police achieved through effective policing techniques, task force collaboration and effective education campaigns.

Six years ago, through effective policing techniques, our Chief of Police was seeing a reduction in methamphetamine use on our Reservation, but over the last two years it has returned with a vengeance. The growing population working in the Bakken formation has created an easy source of meth on our Reservation. This problem must be attacked on all fronts: law enforcement; treatment; and improved social services. This is why we support the President's Generation Indigenous Initiative as a comprehensive interagency response to the challenges facing Indian country, but so much more needs to be done if we are to reverse substance abuse.

A. Law Enforcement

Our Police Chief estimates that 70%-80% of criminal conduct has a drug component to it, with assaults and burglaries arising out of drug use and addiction. The BIA's own statistics are alarming; over a five year period, drug related arrests in Indian Country increased nearly ten-fold from 443 arrests in FY 2008 to 4,289 arrests in FY 2013. Our Tribal police department has 18 police officers, two dedicated to drug enforcement, three criminal investigators, and we share dispatchers with Roosevelt County. Our Police Chief said he could use six drug enforcement agents to help with the rising workload. The Budget does not request any additional funding for law enforcement officers in Indian country. In order to maintain public safety, we need to hire more law enforcement personnel and to do so we require additional resources (including resources for housing public safety personnel).

B. Substance Abuse and Treatment

To combat rising meth use, we have launched a media campaign and are targeting young women and mothers, as well as school age Tribal members, so that they understand the harm caused by meth use, but we lack resources to fully implement this initiative. This is why we support the $25 million request within the Indian Health Service that is targeted at alcohol/substance abuse among native youth within tribal communities. We also support the complementing $30 million request within the Substance Abuse and Mental Administration for Tribal Behavioral Health grants.

C. Social Services

In the last year, we have had too many infants born addicted to meth. These infants must be placed in foster families, which places tremendous stress on our social services program. The Administration's $47 million request for tribal social service programs and the $15.6 million requested for Indian Child Welfare programs will help meet this need. In addition, the $28 million requested for tribal courts ($5 million for tribal family courts) will also ensure that our children are safer as these institutions will have additional resources to supervise and monitor the children in their care. Finally, the $4 million requested increase to support rehabilitative alternatives to incarceration is important to our communities. These alternatives will allow individuals the opportunity to be sober and productive members of our community, instead of locked up in jail.

D. Detention Services

While we fully support alternatives to incarceration, we also support providing safe and secure detention when a defendant requires it. The Fort Peck Tribes completed a modern detention facility to serve the Reservation and other tribes. This allows for inmates to be close to their homes and families. It will do a great deal to ensure continuity in our families. Beyond not requesting additional funds for law enforcement personnel, the Budget does not request any additional funds for the operation of BIA-or tribally-operated detention facilities that were opened in FY 2015, like Fort Peck.

The Tribes worked with the BIA office of Justice Services when we were building this new detention facility, including on the staffing and operations costs. The Tribes entered into a contract with the BIA for the operation of this facility. And while we received some funding associated with this contract, it is approximately 30% of what we negotiated with the BIA to have a fully functional detention center. When we expressed concern, the BIA officials said that the Tribes would be made whole in FY 2016. Unfortunately, the BIA did not request any increases for detention services, so there is no way the BIA can make good on its promise unless Congress appropriates additional resources for detention facilities staffing, operation and maintenance. We ask you do this so that we can continue to provide safe and secure detention services in our community and protect the Tribal and Federal investment.

INDIAN HEALTH SERVICE

We continue to build government services and programs on the Reservation and attract businesses to improve the quality of life for our members. The IHS operates two clinics on the Reservation; the Verne E. Gibbs IHS Health Center in Poplar, and the Chief Redstone IHS Health Center in Wolf Point. In-patient services are available at the non-IHS Poplar Community Hospital and Trinity Hospital in Wolf Point. To combat the high incidence of heart disease, cancer and diabetes, the Tribes supplement health services on the Reservation through our Health Promotion and Disease Prevention (HPDP) Wellness Program, the Spotted Bull Resource and Recovery Center, and nursing services for a Youth Detention Center, which we operate pursuant to an ISDA contract with the IHS.

The Tribes' focus on preventative care is the reason we so strongly support the requested increase of $70.3 million for Purchased and Referred Care. This level of funding will allow more Service Units to move beyond life or limb coverage, and provide a fuller range of health care services, instead of crisis care. Everyone agrees that focusing on the health of a person instead of crisis care will improve the health status of our people.

We are disappointed that the Indian Health Service has yet to implement a portion of the Indian Health Care Improvement Act that allows the IHS to provide dialysis services to patients. More than twenty years ago, the Fort Peck Tribes recognized the need for dialysis services on our Reservation and built and opened a dialysis clinic on the Reservation. This was without any assistance by the IHS because, at that time, the IHS said it did not have the authorization to provide these services. Today, this facility needs to be expanded, and now the IHS has the authority to provide dialysis services. However, the IHS has not requested any funding from Congress to do so. We would urge the subcommittee to direct the IHS to provide an update on how it plans to expand its role in providing dialysis care in Indian Country.

CONCLUSION

We thank the Subcommittee for the opportunity to testify.

Mr. CALVERT. I thank the gentleman for his testimony.

Next, Mr. David Archambault.

Mr. ARCHAMBAULT. Archambault.

Mr. CALVERT. Archambault, okay.

Mr. ARCHAMBAULT. Archambault. It is French.

Mr. CALVERT. Chairman, Standing Rock Sioux Tribe. Thank you for coming.

TUESDAY, MARCH 24, 2015.

STANDING ROCK SIOUX TRIBE

WITNESS

DAVID ARCHAMBAULT, II

Mr. ARCHAMBAULT. Thank you, Chairman Calvert. My name is Dave Archambault, II. I am the chairman for the Standing Rock Sioux Tribe. I want to thank you for holding this hearing and your interest in addressing the needs and concerns of Indian Country. I want to focus my remarks on the needs of our Indian youth.

If I asked myself what can I do to make a difference or make a brighter future for my nation, I find myself saying we need to invest in our children. Over the past year our youth at Standing Rock was able to share their real-life experiences with the President of the United States and the First Lady. They told them their stories, which are all too common across Indian Country. They shared stories about suicide, about homelessness, about crowded homes, dilapidated homes, multiple foster home life, all these things that children should not be experiencing but they exist in Indian Country and on my reservation.

I ask the subcommittee's support in providing resources needed to provide good schools, safe communities, and adequate health for our youth. With that, I ask that you support the President's budget and fully fund his proposal for Indian education at 94 million. I urge you to support the President's increases to law enforcement and tribal court.

The President's budget calls for Tribal Behavior Health Initiative. This will help us address issues such as suicide, meth, mental health. When I see that, I think of it as a wise investment, a wise and courageous investment by the President.

The President and the First Lady were moved by the interactions with our kids, and if you have not already, I encourage you to visit our communities and visit our youth. They are the ones that are mostly impacted by the high rates of poverty that exist in Indian Country.

I do have a written testimony that I submitted and I just want to thank you for taking the time and listening to all of us.

[The statement of David Archambault, II, follows:]

TESTIMONY OF DAVE ARCHAMBAULT, II
CHAIRMAN, STANDING ROCK SIOUX TRIBE

BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES CONCERNING BIA, BIE AND IHS
FY 2016 APPROPRIATIONS
March 24, 2015

On behalf of the Standing Rock Sioux Tribe, I am here to discuss appropriations for fiscal year 2016. The Tribe greatly appreciates the work of this Committee and your efforts to address the needs of Indian country. Progress is being made, and your support makes a difference in the lives of our people. At the same time, we continue to face great challenges which cannot be met in a single appropriations cycle. We look forward to continuing to work with the Committee in seeking a better future for Indian country.

This past year has in many ways been a remarkable year for the Standing Rock Sioux Tribe, and especially for our youth. In June, several of our outstanding youth had an opportunity to meet with President Obama and the First Lady on our Reservation – as the President and First Lady honored us with their historic trip to Standing Rock. For these young Tribal members, this was no ordinary 'meet and greet' with a public official. Instead, it was a chance for these youth to sit down in a private setting for a meaningful discussion with the President and First Lady, regarding the many challenges they face growing up on the Reservation, and their hopes and dreams for the future. Our youth told the President and First Lady about the wide range of economic and social problems that are so prevalent in their communities – as poverty, violence, drug use, and suicide are all too common. Every one of these kids has faced circumstances in their families or their neighborhoods that no child should have to endure. And yet, each of these courageous youth had confidence and high aspirations for the future.

The President was clearly moved by the stories of our young Tribal members – and he said he would not forget our youth. As a first step, he invited an even larger group of Standing Rock youth to come to visit him in the White House. This group of 18 youth came to DC this past fall. They met with a broad range of high level federal officials, including spending a couple of hours with Interior Secretary Jewell. And everywhere they went, our youth told their stories about the realities of Reservation life, the challenges they face and the vast unmet needs on the Reservation. Of course, it was not all business, as the President and First Lady also took our youth to a pizza place for lunch.

I was extremely proud of the courage, maturity and wisdom of these Tribal youth – and I think we all can learn from them. I mention these events today because I believe the most important question the Committee can address is this – what can we do to address the needs of Indian youth? This is not a partisan issue – we all owe it to our children to do all we can to see that they have positive opportunities for the future. After meeting with our youth, the President included in his budget proposal several key initiatives specifically regarding Native Youth. We ask for the Committee's support of these initiatives. In addition, we hope that the Committee will support the full range of programs and initiatives – including education, law enforcement and health care – that will enable our youth to thrive.

Native Youth. The President's budget proposes a youth initiative that he calls "Generation Indigenous," – a comprehensive approach to addressing the barriers to success faced by Indian youth. This includes supporting Native youth in community development projects and leadership training, convening a White House conference on Native Youth and more. The Generation Indigenous initiative will raise the profile of Native Youth issues nationwide, and will provide a framework for supporting the good work of Native Youth in their communities. We need to encourage a new generation of Native leaders, and Gen-I provides a positive and thoughtful approach to doing just that.

One part of Gen-I is the President's Tiwahe initiative – which is a program to strengthen Indian families and promote family stability – focusing in large measure on the delivery of services to children in a coordinated and comprehensive way. The concept is to bring together the expertise of different agencies to provide a working partnership that leads to more effective services.

One of the greatest needs in this regard is for more child protection workers and child welfare workers to assist children whose families are in crisis. Many of the children on our Reservation – including some who met with the President – face unstable situations at home and need the support of professional social workers to ensure their safety and well-being. Providing more funding for the Tiwahe initiative and for social service programs affecting Native youth will have a lasting impact in Indian country. We urge the Committee to support these initiatives and programs, including the requested $122 million for Tiwahe, to help our Native youth.

Education. As the Committee is well aware, high quality education is a fundamental requirement for success in today's world. To provide our youth with the education they deserve, we must do two things. First, we must provide the resources necessary to make quality education possible. Indian students should no longer be housed in crumbling and unsafe school buildings, with limited programs, outmoded equipment and last century's technology. Let's level the playing field and provide excellent teachers and modern programs in effective spaces for our children. And second, we must empower tribes to decide the best way to educate their own children. Federal dictates are not the answer. Each tribe must be enabled to bring the richness of its culture and local knowledge to the education of its children. Both components – adequate resources and true tribal self-determination – are vitally important to providing effective education in Indian country.

Historical patterns of Indian education have not been successful. We know that the conventional models of education have simply not worked. The data indicates that only about 15% of Indian children in the United States are reading at grade level, and the dropout rate for Indian students is over 50%. These facts are unacceptable, and they signal a need for a new direction. We all might do well to look for an example to the Cut Wood School in Browning, Montana, where only the Blackfoot language is spoken up to 8th Grade. Cohort studies show that these students have a 95% graduation rate from high school. The Cut Wood School shows that we can do better for our students in Indian country.

As far as resources needed for education in Indian country, the President's budget provides some much-needed increases, totaling $94 million. A portion of these funds would help tribes enhance their educational programs, including for language immersion schools. We are

very proud of our own language immersion program at Standing Rock – and young students from our program sang traditional songs for the President on his visit to our Reservation. The budget also includes an increase of $4.5 million for higher education scholarships and adult education, and an increase of $34.2 million for modern technology for remote BIE schools – like those at Standing Rock. We urge the Committee to fully fund all of these programs, which will help provide vitally needed resources.

I believe in the fundamental principle of self-determination. But in the area of Indian education, there remain some major impediments. The testing associated with "Adequate Yearly Progress" from the federal No Child Left Behind statute has been imposed on tribes and we have seen how much this adversely impacts our students. Tribes need the flexibility to develop and implement their own learning systems, with appropriate tribally-designed measurements of progress. We know that amendments to the Elementary and Secondary Education Act are needed – and we will be seeking action by Congress in this regard. But other impediments to our goals in Indian education are found in the Interior Appropriations Act – particularly the language that generally prohibits Tribal Charter Schools. We urge you to delete that language, so that tribes can move forward to establish their own Tribally run charter schools, as a vehicle to implement true self-determination regarding Indian education.

In seeking the best education for our children, we are asking for your help. According to Albert White Hat, one of our esteemed elders who recently passed away, we use the Lakota word "Unsica" which means to ask someone for assistance. Each of us needs assistance in some way, and it is an honorable thing to request assistance from one another. In this spirit, we request your assistance regarding Indian education.

Public Safety and Justice. Many of the challenges faced by our youth stem from violence and crime in our communities. We need the resources to address these challenges – including increased law enforcement staff and court staff, and more modern and efficient detention facilities. We urge the Committee to support the President's proposed increase of $11.5 million for public safety and justice.

Standing Rock is a large, rural Reservation in North and South Dakota, covering 2.3 million acres. The Reservation's population – about 8,500 Tribal members and 2,000 non-members – resides in eight widely scattered communities. Law enforcement staffing is simply inadequate to address the situation. And even among the law enforcement positions that are authorized on our Reservation, more than half of the positions are vacant – a result of our isolated location and the lack of adequate housing. As matters stand, there are typically only 4 officers on duty per shift – and at times, this number is reduced to 2. These officers must cover the entire Reservation. Drive times are extensive – as it takes an hour or more to drive from one community to the next, even when the weather is good. The result is that response times can be lengthy, and it is all too often the case that by the time police arrive on the scene of an incident, the suspects have fled. And, given the lack of staff and the great distances involved, there is certainly no opportunity for law enforcement to work with local communities on crime prevention or community outreach. The kinds of community policing that are the foundation of safe communities and positive police-community relations are simply out of reach with the resources available.

While law enforcement officers and staff do their best, we still have rising crime patterns on the Reservation. Uniform Crime Reporting data from the BIA shows an alarming trend regarding crime – aggravated assault, burglary, motor vehicle theft and forcible or attempted rape have all shown significant increases over the three most recent years for which data is available. There are significant drug and alcohol problems on the Reservation, and the vast majority of crime we face is associated with substance abuse. We need to address these problems with more effective law enforcement, but also with substance abuse treatment programs, community healing resources, and a Tribal judicial process that emphasizes the cultural importance of addressing these issues. All of this requires more robust funding.

Tribal courts also need additional resources. At Standing Rock, our Tribal Court cannot carry out all the required criminal proceedings, let alone civil cases, with the small allocation of funds we receive from the BIA. The result is that the Tribe has been forced to heavily subsidize our Tribal Court with Tribal funds that are so desperately needed to address social programs and the ill effects of poverty suffered by our people. This is not a choice we should be forced to make. The President's budget includes additional funding under the Tiwahi Initiative to address alternatives to incarceration and Tribal Family Courts. We urge the Committee's support.

Health care. In addition to public safety, our youth need proper health care to thrive. Many of our youth suffer from behavioral problems that result from the poverty and other adverse conditions they find in their communities. In the most extreme cases, this can lead to the ultimate tragedy of youth suicide – something that is all too prevalent in our communities and that must be addressed in a more comprehensive and culturally appropriate way. The President's budget calls for the IHS and SAMSHA to work together on a Tribal Behavioral Health Initiative for Native Youth. This important initiative would expand a Methamphetamine and Suicide Prevention Initiative, which has proven effect where it has been implemented. We urge the Committee to support full funding (a $25 million increase) for this initiative. Providing these services more broadly throughout Indian country would be a compassionate and wise investment in the future of our youth.

We also urge the Committee to support the proposed increase of $70 million in Purchased/Referred Care. At Standing Rock, the types of health care that can be provided on the Reservation in our clinics are limited – and most health care must be secured off the Reservation. Each year, many of our Tribal members are forced to go without needed health care services because Purchased/Referred Care funds are depleted before the fiscal year ends. Whether our Tribal members receive the health services they so desperately need should not depend upon the time of year when those services are needed.

Contract Support Costs. We strongly support the President's proposal to establish a mandatory appropriation for the payment of contract support costs. These are funds that are promised to tribes in exercising self-determination, and they should no longer be the subject of annual shortfalls, appropriations struggles or litigation. Establishing a mandatory appropriation would alleviate a longstanding problem and assure fair treatment of the tribes.

Thank you to the Committee for your work in addressing the needs of Indian country.

Mr. CALVERT. Thank you. And your full testimony will be entered into the record. Thank you.

Next, Mr. Russ McDonald, you are recognized for 5 minutes.

TUESDAY, MARCH 24, 2015.

UNITED TRIBES TECHNICAL COLLEGE

WITNESS

LEANDER McDONALD

Mr. MCDONALD. Thank you, Mr. Chairman. I am pleased to be here representing United Tribes Technical College located in Bismarck, North Dakota, a remarkable college that has been educating and providing services to American Indian students for over 46 years. Our 230-acre campus is on the site of a formal military post that the five tribes in North Dakota have transformed for the purpose of educating and training American Indian students and their families for economic, social, and cultural advantage. Many of our buildings are original to the fort and thus over 100 years old, which is a real challenge and expense given the North Dakota winters.

The Bureau of Indian Education funding for United Tribes Technical College is authorized in Title V of the Tribal Colleges and Universities Act. Navajo Technical University is also authorized there, whereas the other tribal colleges are authorized under Title I of the act. So when you are looking at the tribal college funding line item, please keep in mind that we are in different sections of the law and the budget chart.

Our full written testimony points out why United Tribes is a good investment in terms of return on federal funding and retention and graduate placement rates. I myself began my higher education at a tribal college located on the Spirit Lake Reservation in North Dakota. I eventually earned my Ph.D. in educational foundations and research from the University of North Dakota.

For United Tribes Technical College, over 45 percent of our graduates move on to 4-year and advanced-degree institutions. This year we have students from 49 tribes, 73 percent of whom receive Pell grants. Many of our students are parents and we are fortunate to have a BIE-funded elementary school on our campus known as Theodore Jamerson Elementary School, and so parents and their children are attending school on our campus at the same time.

We have several funding recommendations to present this morning. The base funding request, our funding request is for $6.8 million for the United Tribes Technical College's portion of the tribal technical college's line item, which is $2.2 million over the Administration's request. The BIE funding represents well over half of our core operational funding. We administer these funds under an Indian Self-Determination Act contract. We work aggressively to access other funds, most of which, however, are one-time competitive funds for specific purposes. We are not part of the North Dakota State College system and thus do not have a tax base or state-appropriated funds on which to rely. Our big need is for additional basic operating funds.

Forward funding, we urgently request that United Tribes be placed on a forward-funded basis. Congress put the Title I tribal colleges and Diné College on a forward-funded basis beginning in fiscal year 2010 but left out United Tribes Technical College, Navajo Technical University, and three other BIE institutions of higher education. We believe that that at least with regard to United Tribes and Navajo Technical University, that it was an oversight. We had been recently authorized funding under the new Title V of the Tribal Colleges and Universities Act, and during a lengthy budget formulation process, the Administration's request for forward funding was made for only the Title I colleges.

Even if we had not had the experience of appropriation bills not being enacted in a timely manner and suffering through small amounts of irregular funds during continuing resolutions, we would ask for forward funding. As an education institution, planning and recruiting personnel are key and having advanced knowledge of funding is critical to those processes. That is why Congress has put many educational programs on a forward-funded basis, including not only Title I tribal colleges but also major portions of the BIE, elementary, and secondary budget, and many programs in the Department of Education. So we ask for comparable commonsense treatment.

Contract support costs and administrative cost grants, we thank this subcommittee for supporting full funding of contract support costs. As an Indian self-determination contractor, this is very important to us. We support the proposal to fund the contract support costs on a mandatory basis. The fact that it would be isolated from the discretionary portions of the BIE and IHS budgets and thus not be in competition with those programs is also a plus. And we thank you for the increase in fiscal year 2015 for the elementary and secondary schools administrative cost grants, the schools' equivalent of contract support costs, and urge your support for the Administration's request for full funding of $75 million for fiscal year 2016.

Law enforcement training, finally, we ask you to urge the BIE to look more seriously at utilizing the resources of the United Tribes Technical College in terms of our ability to help train tribal and BIE law enforcement personnel. We have been pursuing this for some time. There is major need for increased law enforcement capacity in Indian Country and the Great Plains area, as we have heard today, made more urgent by the expanded tribal authorities under the Tribal Law and Order Act and the Violence against Women Act. Our criminal justice programs offer 2- and 4-year degrees and we could provide college credits to trainees.

The BIE proposes to develop new police academy training and other programs and an online recertification program. The BIA should utilize United Tribes Technical College and other tribal colleges for some of this and other training.

I would like to extend an invitation to any and all subcommittee members to visit the United Tribes Technical College in Bismarck. We are located right next to the airport in Bismarck and we can come and pick you up. So thank you for your consideration. These are our concerns today.

[The statement of Leander McDonald follows:]

UNITED TRIBES TECHNICAL COLLEGE
3315 University Drive, Bismarck, North Dakota 58504
Leander "Russ" McDonald, PhD, President, 701-255-3285

Testimony for the House and Senate Interior, Environment and Related Agencies
Appropriations Subcommittees on FY 2016 Indian Affairs Budget
March 20, 2015

United Tribes Technical College (UTTC) has for 46 years, and with the most basic of funding, provided postsecondary career and technical education and family services to some of the most impoverished high risk Indian students from throughout the Nation. Despite such challenges we have consistently had excellent retention and placement rates and are a fully accredited institution. We are proud to be preparing our students to participate in the new energy economy in North Dakota and to be part of building a strong middle class in Indian Country by training the next generation of law enforcement officers, educators, medical providers, and administrators. We are governed by the five tribes located wholly or in part in North Dakota. *We are not part of the North Dakota state college system and do not have a tax base or state-appropriated funds on which to rely.* The requests of the UTTC Board for the FY 2016 Bureau of Indian Education (BIE)/Bureau of Indian Affairs (BIA) are:

- *$6.8 million in BIE funding for our Indian Self-Determination Act contract which is in the Tribal Technical Colleges BIE line item and is $2.2 million over the Administration's request for UTTC.*
- *One-time BIE funding to forward fund United Tribes Technical College and the few other tribal colleges who are not forward funded, estimated at $20 million for five institutions.*
- *Place contract supports costs on a mandatory funded basis and provide full funding for administrative costs grants for tribally operated elementary/secondary schools.*
- *Congressional support for a tribally-administered law enforcement training center at UTTC and/or more involvement in law enforcement training initiatives.*

Base Funding. UTTC administers our BIE funding under an Indian Self-Determination and Education Assistance Act agreement, and has done so for 38 years. We appreciate that the Administration is requesting a $65,000 increase for built-in costs for UTTC for a total of $4,630,000 but our need far exceeds that amount. We request that the UTTC portion of the Tribal Technical Colleges line item be $6.8 million and that the total line item of Tribal Technical Colleges be at least $11 million.

Acquisition of additional base funding is critical. We struggle to maintain course offerings and services to adequately provide educational services at the same level as our state counterparts. Our BIE funding provides a base level of support while allowing us to compete for desperately needed discretionary contracts and grants. Very little of the other funds we receive may be used for core career and technical educational programs; they are competitive, often one-time supplemental funds that help us provide support services but cannot replace core operational funding.

We highlight several relatively recent updates of our curricula to meet job market needs: Indeed, the ramifications of the North Dakota Bakken oil boom are apparent as we have seen faculty and students leave education in pursuit of jobs in the Bakken region. We saw the need for more certified welders in relation to the oil boom and have expanded our certified welding program in response to the workforce need. We are now able to train students for good paying in-demand welding employment with a focus on career rather just a job. Other courses reflect new innovative approaches on energy auditing and Geographic Information System Technology. UTTC is seeing increased interest in our online programs of study and short term skill building training at the UTTC Black Hills Learning Center, a distance learning site located at Rapid City, SD. We are also working toward the establishment of an American Indian Specialized Health Care Training Clinic on our established Bismarck, ND campus.

Forward Funding. We have wanted BIE forward funding for some time and our experience with funding via Continuing Resolutions (CR) has made this request more urgent. Even before the days of what now seems like routine CRs, Congress placed many education programs on a forward funded basis. We ask you to do that for us and the four other higher education institutions that receive BIE funds to be afforded the same consideration. Forward funding would allow us to know nine months in advance (assuming the appropriations bill is enacted in a timely manner), and thus enable reasonable planning time, for these instances. As you know, only once since 1998 has the BIA budget been enacted by the beginning of the fiscal year.

There was an *oversight in the FY 2010 appropriations process* that resulted in UTTC (and Navajo Technical University (NTU)) not receiving BIE forward funding while the other tribally-controlled colleges had their funds transitioned to a forward funded basis. There is authority for forward funding for tribal colleges under the Tribally Controlled Colleges and Universities Act, 25 USC 1810(b)(1) and (2). This authority applies to *all* colleges funded under that Act, including UTTC and NTU. The oversight was that the Administration requested the forward funding under the line item in the budget include all of the tribally controlled colleges except UTTC and NTU. The Administration neglected to update the budget request to include the line item "tribal technical colleges" that had recently been established for UTTC and NTC. Also left out were the BIE-administered institutions of Haskell, Southwestern Indian Polytechnic Institute, and the Institute of American Indian Art which are funded under other authorities. The American Indian Higher Education Consortium has estimated $20 million is needed to forward fund these schools. This does not increase the federal budget over the long-run. This simply allows us to know up to nine months in advance our funding, which is critically important when appropriations are delayed and the government is funded under Continuing Resolutions.

Contract Support Costs and Administrative Cost Grants. As mentioned above, we administer our BIE funding through an Indian Self-Determination and Education Assistance Act contract, and thus contract support costs (CSC) are vital to us. We thank this Subcommittee and the Administration for the recognition of the legal obligation the federal government has to pay tribal contractors their full CSC. Placing CSC funding on a mandatory basis is the logical resolution to a long-term solution for CSC that will eventually protect the programs funded on a discretionary basis in the BIA and Indian Health Service budgets.

We have a BIE-funded elementary school on our campus, the Theodore Jamerson Elementary School (TJES), and thus many of our adult students and their children are able to attend school on the same campus. The Administration proposed a budget that would fully fund estimated administrative costs grants ($75 million, a $12.9 million increase), which is the schools' equivalent to contract support costs. We ask for your support for this budget request as this would greatly assist the TJES students in completing elementary school.

Funding for United Tribes Technical College is a good investment. We have:

- Renewed unrestricted accreditation from the North Central Association of Colleges and Schools, for July 2011 through 2021, with authority to offer all of our full programs on-line. We have 23 Associate degree programs, 19 Certificate and three Bachelor degree programs (Criminal Justice; Elementary Education; Business Administration). Six courses are offered online.
- Services including a Child Development Center, family literacy program, wellness center, area transportation, K-8 elementary school, tutoring, counseling, family and single student housing, and campus security.
- A projected return on federal investment of 20-1 (2005 study).
- A semester retention rate of 68% and a graduate placement rate of 79%. Over 45% of our graduates move on to four-year or advanced degree institutions.
- Students from 49 tribes; 73% of our undergraduate students receive Pell Grants.
- An unduplicated count of 605 undergraduate degree-seeking students: 258 continuing education students; and 42 dual credit enrollment students for a total of 905 for 2014-2015.
- A dual-enrollment program targeting junior and senior high school students, providing them an introduction to college life and offering high school and college credits.
- A critical role in the regional economy. Our presence brings at least $34 million annually to the economy of the Bismarck region. A North Dakota State University study reports that the five tribal colleges in North Dakota made a direct and secondary economic contribution to the state of $181,933,000 in 2012.

A Northern Plains Indian Law Enforcement Academy. We again ask Congress to seriously look at the problem of addressing crime in Indian Country with an eye toward the establishment of a campus-based academy for training of law enforcement officers in the Northern Plains area. There are cultural and legal reasons why such training should be tribally-directed in order to be appropriate for the realities of tribal communities. With the expanded tribal authorities under the Tribal Law and Order Act and the Violence Against Women Act, the need has grown. State and national training resources would have an important role in this new endeavor.

Our Criminal Justice program offers two- and four-year degrees, and prepares graduates for employment as federal, state or tribal law enforcement, correction, parole and probation, and transportation safety officers; victim advocates; U.S. Customs, Homeland Security, and Military Investigative services; and private security agents. We point out that the Indian Child Protection and Family Violence Prevention Act contains requirements regarding background checks and character investigations. We want to expand our endeavors to help meet law enforcement needs

in Indian Country. Given our Criminal Justice program, our location and our campus resources, we propose the establishment of a Northern Plains Indian Law Enforcement Academy.

Basic law enforcement training is currently provided through the BIA's Indian Police Academy in Artesia, New Mexico. The BIA is depending on the basic training provided by state academies to supplement what is provided at Artesia. UTTC is well positioned with regard to providing both basic and supplemental law enforcement training. An academy at UTTC would allow tribal people in the Great Plains and other nearby regions a more affordable choice of training locations, minimizing the distance and long separation of trainees from their families.

The FY 2016 Indian Affairs budget (p. IA-PSJ-12) notes that training initiatives for the Indian Police Academy include developing a pre-Academy training program for candidates; developing a mid-level manager training program; and establishing an on-line distance learning program for recertification, among other things. These are things that we could do as part of an academy at UTTC or in partnership with the Indian Police Academy.

In short, the BIA should be utilizing and enhancing the resources of UTTC to make a real difference in the law enforcement capability in Indian Country. We can offer college credit to trainees, and our facilities include the use of a state-of-the-art crime scene simulator. Maintaining safe communities is a critical component of economic development for our Tribal Nations, and local control of law enforcement training resources is a key part of that effort.

The Duplication or Overlapping Issue. As you know, in March 2011 the Government Accountability Office issued two reports regarding federal programs which may have similar or overlapping services or objectives (GAO-11-474R and GAO-11-318SP). Funding from the BIE and the DOEd's Carl Perkins Act for Tribally Controlled Postsecondary Career and Technical Education were among the programs listed in the reports. *The full GAO report did not recommend defunding these programs; rather, it posed the possibility of consolidation of these programs to save administrative costs.* We are not in disagreement about possible consolidation of our funding sources, as long as program funds are not cut.

BIE funds represent over half of our core operating budget. The Perkins funds supplement, but do not duplicate, the BIE funds. *It takes both sources of funding to frugally maintain our institution.* We actively seek alternative funding to assist with academic programming, deferred maintenance, and scholarship assistance, among other things. The need for career and technical education in Indian Country is so great and the funding so small, that there is little chance for duplicative funding. There are only two institutions targeting American Indian/Alaska Native career and technical education and training at the postsecondary level—UTTC and NTU. Combined, these institutions received less than $14.7 million in FY 2015 federal operational funds ($7.7 million from Perkins; $6.9 million from the BIE). That is not an excessive amount for two campus-based institutions who offer a broad array of programs geared toward the educational and cultural needs of their students and who teach job-producing skills.

We know members of this Subcommittee have made a point to visit places in Indian Country and we would love to be able to arrange for you to visit United Tribes Technical College. Thank you for your consideration of our requests.

Mr. CALVERT. Has all the snow melted in North Dakota?

Mr. MCDONALD. Yes, it is about gone now.

Mr. CALVERT. Okay. Then it is time to come.

Mr. Fox, obviously the oil boom is not as big a boom as it was 6 months ago but it is still moving on. One of the issues that the Administration has asked for, as you brought up in your testimony, is an inspection fee on land-based wells throughout the United States. How do you feel about that?

Mr. FOX. You know, it is really important that we figure out a way of getting it done. Only 20 percent of our wells have been currently tested by the Federal Government. We just talked about this this morning. But the real key is whatever we put together, whatever formula for funding, be the charge or what have you, is that if you do not do it properly, we hand it off to BLM which is already bombarded by inabilities to get at things and to process permits and anything else, it is going to be one more layer that they are going to be confused with.

Mr. CALVERT. Well, my concern is, and it is shared by others, is that if in fact that fee is imposed and that is still under consideration, is it being used for that purpose or being transferred over for some other purpose——

Mr. FOX. That is our concern as well.

Mr. CALVERT [continuing]. And being used to do that and to facilitate the inspection and development of additional wells throughout the United States. And I know that last year we had a discussion about trying to have a coordination of all of these various agencies. I think we talked about an area in Denver or someplace to do that and try to have a one-stop shop kind of——

Mr. FOX. Right.

Mr. CALVERT [continuing]. Processing, which I thought was reasonably agreed to, and I did not know if the BLM has moved in that direction, other agencies have moved in that direction, if you have had any interaction with them?

Mr. FOX. Yes, we have. We have had a meeting with them, federal partners meeting about a month ago. They indicated that they had moved in that direction but they were far from getting there basically.

Mr. CALVERT. Yeah, okay. All right. And obviously I am hearing throughout everyone's testimony from all the tribes of this issue of methamphetamine, the growth of methamphetamine throughout Indian Country, which is troublesome. Is most of that meth homegrown meth or just for the whole group or is it coming in from other locations and being distributed?

Mr. FOX. Mr. Chairman, if you do not mind, I will address that real quickly. You know, we have great concerns over there. Because of the oil boom we have what is called disposable income now——

Mr. CALVERT. Um-hum.

Mr. FOX [continuing]. You know, a lot of money floating around so to speak. But the old time mom-and-pop meth cooker out of the van does not exist anymore. We are talking about Mexican cartels——

Mr. CALVERT. That is what I thought.

Mr. FOX [continuing]. We are talking about more difficult situations.

Mr. CALVERT. So it is coming up from Mexico and being distributed?

Mr. FOX. Yes. And the fastest-moving drug is not meth on our reservation. The fastest-moving drug is heroin.

Mr. CALVERT. Yes. We had testimony on that just recently also. That is unfortunate.

Okay. Any additional questions, Ms. McCollum?

Ms. MCCOLLUM. Thank you, Mr. Chair.

And gentlemen, I apologize. I had to step out and take care of a family issue. But I looked at your testimony ahead of time and I have been in North Dakota and Montana most of my life growing up, so I know the Bismarck airport well and that used to change times at Mandan when you were on the Empire Builder. I was a young child with the first oil boom that went through——

Mr. FOX. Um-hum.

Ms. MCCOLLUM [continuing]. I remember the ghost towns, going back and visiting my grandparents afterwards.

In your testimony you talked a little bit about the challenge of housing and we were just in Hopi and Navajo country, having affordable housing for teachers, doctors, and some of that was a real challenge. If you could elaborate a little more about the challenge of that, and then the man camps and the other things that come that are putting pressures on your reservations and your public safety through no fault of your own. You did not create some of the public safety issues that are going forward.

And then on the tribal colleges, I know welders are making phenomenal money and everything like that. Are you working with the trades at some of the tribal colleges to increase opportunity because, you know, people make a lot more money sometimes with a 2-year trade certificate than they make with a 4-year degree. So if you can get into public safety and really what it is doing to your budgets, or submit it later back to the committee?

I do not know how we figure that out, Mr. Chair, but their public safety cost has gone through the roof and it is not because of tribal enrollment members; it is because of activity from the outside.

Mr. FOX. Congresswoman, the housing situation is really one of the strongest negative impacts that we have had. We have no more affordable housing there as well. The tribe itself, we just built 120 new homes ourselves. In other words, we are building homes with the oil revenue that we are getting no help on to deal with this affordable housing problem. And we could use that on education, healthcare, and other things, fighting drugs, but we had to spend that because we have no place to live.

And you are right; the addition of man camps to the reservation has brought an influx of crime, influx of environmental impact, water needs, things of that nature. The bottom line, Congresswoman, is that, as I said earlier, we were ill-prepared and I think the United States Government was ill-prepared to allow this boom to occur on the reservation, and now we are having to deal with the negativity of that. And right now the negativity far outweighs the positiveness. And we have to turn that around. It can be a good thing but we needed the assistance of the Federal Government.

Mr. MCDONALD. For all of the tribal colleges, the ones located on Chairman's reservations here and as well as the United Tribes

Technical College, all of us have tweaked our programs and our curriculum for some fast-paced training. For us at United Tribes, we scaled down the welding program from a 9-month program to a 16-week program; also a CDL and heavy equipment operations in order to address those workforce needs within the western part of the state. So yes, we are working closely with those communities to try and get people out there and working.

Mr. CALVERT. Well, we appreciate your attendance. Thank you so much. And we will be calling up our next panel.

Next is Mr. Harold Frazier, Chairman of the Cheyenne River Sioux Tribe. You will sit on my right. And Mr. John Steele, President of the Oglala Sioux Tribe.

Welcome to our committee and we appreciate your attendance. Obviously we are operating under the 5-minute rule. Please, your comments, when the light is green and yellow, please summarize. And we are going to try to stay within that 5-minute rule.

So with that, Mr. Harold C. Frazier, you are recognized for 5 minutes. If the light is on, then you are on.

TUESDAY, MARCH 24, 2015.

CHEYENNE RIVER SIOUX TRIBE

WITNESS

HAROLD C. FRAZIER

Mr. FRAZIER. Great. Thank you. My name is Harold Frazier. I am the chairman of the Cheyenne River Sioux Tribe. Our agency is located in Eagle Butte, South Dakota. Within our tribe we have four bands of the great Sioux Nation on our reservation, the Minneconjou, Itazipco, Oohenumpa, and Sihasapa. We have over 18,000 rural members. Our reservation encompasses over 2.8 million acres. Within our reservation we have two counties in our reservation. One, Ziebach County has been designated the poorest county in the United States. The other, Dewey County, is in the top 10 of the poorest.

We have a treaty with you and today we ask you to honor the 1868 Fort Laramie Treaty and fulfill your trust responsibilities.

In order to develop economic development and build jobs, we need help constructing our infrastructure. One of our biggest challenges is repairing and maintaining our roads. BIA road maintenance has been funded at $25 million across the United States for the last 10 years or more. There has been no increases. Of this 25 million we receive 431,000, and of that amount, half of the funds are for salaries for just four positions. It is hard to maintain over 300 miles of BIA roads on a reservation with that level of funding. In visiting with the local BIA road staff, they stated that they did not have the resources and physicians to take care of our roads.

We receive 2½ million a year for construction, and because of the huge maintenance shortfall, we are forced to use 25 percent of it to shore up the BIA Road Maintenance Program. This process prevents us from properly reconstructing our roads.

Lately, many tribes that have no reservations or BIA, our tribal roads have been benefiting from the recent formulas. Proposed

roads in Alaska and off-reservation access roads in the Midwest are getting the cream of the road monies. I ask you today to address this issue that is plaguing our Indian reservation roads and have the funding go where it was designed for.

On the Cheyenne River Sioux reservation we have a jurisdiction, so law and order is a priority of our tribe. Right now, we only have one prosecutor within our court systems, and that, you know, creates a huge backlog for a lot of our hearings for our people. So additional funding for courts would help solve this problem.

Our education system is in shambles. On one of our schools on the reservation the past 11 years they did a study for me and the average student's ACT score was 15.9. I feel that the government is letting our children down, depriving them from building a future for themselves. We need more resources and control at the local levels to resolve this problem.

BIA is currently reorganizing their education but it will not benefit our children. It is trying to take functions from the BIA like OST, the Office of Special Trustee, back in early 2000. Back then Office of Special Trustee said, hey, give us that function of appraisals and we will make it better for Indian Country. But today, we see no improvement. There are still huge backlogs of appraisals.

This reorganization of education needs to be built from the grassroots up not from the top down because down at the grassroots level, that is where the answers are to help our children. The teachers, the school administrators that work daily with the students, they see how the students need to be fulfilled.

School construction needs to be funded. On Cheyenne River we need a new BIE school. This past month in February I spent 4 hours with a class, and of those 4 hours, the whole time that I was in this classroom I had to keep my jacket on because it was that cold.

Recently, this past year BIA shut down our tribal office because of mold infestation. In the 1960s when Pick-Sloan Act happened and they built Oahe Reservoir, they relocated our agency up to Eagle Butte from along the river, and they built this office in marsh area, low-lying area, so because of that, this is where all this mold and things like that come about.

So in closing I want to thank you for the opportunity to be able to be here to testify in front of you to try to get help for our needs and our concerns. So thank you.

[The statement of Harold C. Frazier follows:]

U.S. House of Representatives Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies
Testimony of Chairman Harold Frazier, Chairman of the Cheyenne River Sioux Tribe.
Submitted March 20, 2015

Good Morning Members of the Subcommittee on Interior, Environment, and Related Agencies. My name is Harold Frazier and I am the Chairman of the Cheyenne River Sioux Tribe. On behalf of our Nation, I am here to testify today regarding the appropriations for Bureau of Indian Affairs Road Maintenance, Indian Education, School Construction, Other Construction, Law Enforcement and Tribal Courts and related Justice System funding. To understand my testimony, it is important for the Committee to understand the Cheyenne River Sioux Tribe, and the vast territory we are responsible for. The Cheyenne River Indian Reservation is one of the largest reservations in the United States. It is the size of Connecticut. The Reservation is one hundred miles long and sixty miles wide, and includes Dewey County and Ziebach Counties, South Dakota. The Cheyenne River Sioux Reservation is home to four bands of the Teton Sioux – the Minnecojou, Siha Sapa, Sans Arc, and Oohenumpa – and is located in a rural area of north-central South Dakota. The Tribal enrollment is 18,814, of which 10,564 live on or near the Reservation. About thirty five percent (35%) of the population is under 20 years of age. The unemployment rate on the Reservation is extraordinarily high. In 2014, Ziebach and Dewey counties made up (2) two of the top 5 poorest counties in the United States. To combat extreme poverty, the tribal government prioritizes spending on economic development and education. Unfortunately, as we work to address our long term future, Congress has not met its trust obligation to fund basic essential infrastructure that supports economic development. The result is that the Tribal government, with no tax base, is left with the responsibility for supplementing underfunded basic governmental services and disaster relief. We cannot afford to fund basic infrastructure and economic development at this time.

In order to be successful at economic development, we must have decent roads, water systems, and buildings to operate from and an efficient and fully funded Criminal and Civil Justice System. As you consider funding priorities, I ask you to consider basic infrastructure. As the trustee for tribal nations and owner of the fee in all tribal trust lands, the United States has a unique trust responsibility to tribal nations and tribal members to ensure funding levels for basic governmental operations are adequate. It is for this reason, and the treaty obligations set forth in the Fort Laramie Treaty of 1868, that Congress has a unique responsibility to ensure funding is adequate to meet basic needs.

TRIBAL GOVERNMENT BIA ROAD MAINTENANCE

With this in mind, I would like to address some specific areas. BIA Road Maintenance is, and continues to be underfunded to the point of gross negligence. The proposed funding level for BIA Road Maintenance has not increased in decades. Currently, the allocation to our Tribe is $431,423.00 and this has to cover 292 miles of BIA roads, of which only two are paved. Of this, $89,000.00 is spent on salaries of personnel. The current budget results in substantial maintenance backlogs, and the continued use of outdated equipment. The critical need for passable roadways has been left up to Tribal Transportation Programs (TTP). CRST has

repeatedly been forced to use twenty-five percent 25% of its Tribal Transportation Funds (funds transferred to BIA from DOT that are supposed to be for road construction) to supplement the BIA's road maintenance obligations. Snow and ice control take up to fifty percent 50% of an annual budget during a typical winter. The TTP funds tribes receive from the Federal Highway Administration were intended to fund road construction and replacement: not to supplement BIA road maintenance. This has tremendously hurt Tribal abilities to develop infrastructure or replace dangerous roads. Making this problem worse is the fact that TTP funds have not been equitably distributed to large tribes with only BIA owned roads due to the decision by the BIA to allow funding of off-reservation state and county owned roads in the TTP (formerly the Indian Reservation Road Program or IRR.). The roads funded include off-reservation "access roads," a term that is not defined and is being abused, and "proposed" roads that are added to tribal inventories even when they are never constructed. Amazingly, "proposed" roads receive funding year after year even when it is understood they will never be built. In 2004, the amount of money in the DOT budget under Federal Lands Highways set aside for the IRR programwas $211.4 million. In 2010, as a result of the new highway bill that was enacted, that amount increased to $406.3. One would think that each BIA region would get an equivalent increase in the range of 92%, but due to the abuses described above, the allocation of the increase was anything but equitable. For instance, the Alaska Region's increase was 237% and the Midwest Region's increase was 389%, while the Great Plains Region, where our roads are BIA owned only increased by 53%. One tribe in the Midwest Region with almost no trust land increased its share of the Reservation Roads budget from $1 million to $7 in one year by adding hundreds of miles of off-reservation "access" roads. Despite our large land bases, there is not a tribe in the Great Plains Region that gets even half that amount. This is why Congress adopted statutory formula in MAP-21 that is oriented toward reservation road miles. That formula will help but it does not go far enough. Underfunding BIA Road Maintenance on the assumption the Tribal nations in our region are receiving adequate TTP funds to address Road maintenance is simply false. If you average out the BIA's total maintenance budget and divide it by BIA and Tribal road miles, tribes get about $500 per mile. Compare this to county governments that spend just about $8,000 per mile for maintaining gravel roads and $16,000 per mile to maintain paved roads. Knowing this, how in the world can the BIA and OMB request only $25 million for maintenance? Mr. Chairman and Committee Members, Indian people are being maimed and are dying in accidents because of horrible road conditions from lack of maintenance. For this reason, we support full funding of BIA Road Maintenance 160 million.

PUBLIC SAFETY AND JUSTICE

The second set of programs that need to be addressed are our civil and criminal justice programs under Public Safety and Justice. The proposed budget increases Law Enforcement funding by $1.6 million and Tribal Courts by only $390,000. This widens the disparity in funding already existing between Courts and law enforcement. Our current funding is at $2.247 million which only funds 10 police officers, 8 supervisory officers and 3 detectives. It functionally means there are shifts where only two police officers are on duty to serve over 11,000 residents and to cover 4,500 square miles. Adequate funding for Cheyenne River alone would require funding at $11 million dollars – over a 500 percent increase. Congress really needs to understand that no amount of short term pilot project and grant funding by BIA or

Department of Justice will alleviate the crisis created by this underfunding in law enforcement. Appropriations need to take into account not just population served, but the size of the area served. The cost of providing law enforcement to a territory as large as the one at Cheyenne River is much greater because of vehicle wear and tear and response times to communities. With a current budget of $1,615.00 for training, and no funds for equipment and uniforms, officers have to buy their own equipment and their own uniforms. The wear on vehicles is immense due to the geographic size of the Reservation. The average mileage per vehicle annually at this time is 35,000. The result is high maintenance and vehicle replacement costs which strain the budget. The road miles traveled per vehicle per year averages 35,000 miles. Last year alone, there were 408 injuries to officers. The result is staff turnover because of the lack of adequate support for officers, and the stressful working conditions. The 2015 budget proposes an increase of $1.6 million nationwide, but this is primarily for a pilot project on three reservations and does not benefit any of the other 553 Tribal Nations in this country. Pilot project short term funding is something we see all the time through Department of Justice grants. The result is even when successful, when not followed up with long term increase in base funding, it results in no improvement. For this reason, we support increased funding that accounts for these disparities in costs to provide services.

The second half of the equation in public safety and civil justice systems is the court system, prosecutor, and public defender's office. Courts at Cheyenne River are funded at only $662,562.00. Adequate funding would require at least $1,154,000.00 for the court and a doubling of the Prosecutor and Public defender budgets funded at $166,000.00 and $140,000.00 respectively. With thousands of cases, and funding for only 3 judges, 2 prosecutors and one public defender, the civil and criminal justice systems are not functioning. Backlogs result in release of offenders while awaiting charging, and inadequate time on each case. The prosecutor only has half an hour per case to prepare, and no investigator to investigate cases or interview witnesses. On the civil side, delays in child support enforcement, civil trials and debt collections for businesses make this system inadequate to provide for economic development. For this reason, we ask Congress to provide adequate base funding for the civil and criminal justice systems, and to stop funding short term grants and pilot projects. Every time law enforcement funding is increased without an increase in Tribal Court funding, the backlog of cases increases. The result is delays in trials, increased plea bargains, and inadequate victim protection. Funding for Law Enforcement must be tied to funding for Tribal Courts and Tribal Prosecutor's Offices.

BUREAU OF INDIAN EDUCATION

Another area of concern is funding for the Bureau of Indian Education. While the budget proposes increased funding, the areas increased are not School Maintenance and School Operations. They are for re-organization and administration that we do not support, and pilot projects. BIE is attempting to reorganize and move our Line Office at Cheyenne River into two separate offices – one in North Dakota and one in Minneapolis. The amount of money it will cost to travel to and from our Reservation to these offices is a waste of funding. We have 3 schools here – 1 BIE operated and 2 Tribally Controlled Schools - serving thousands of students. To split the management of these schools into two separate offices and to move them over 6 hours away is inefficient and irresponsible. Funding in Education is best spent directly in schools in ISEP funding and School Maintenance and Administration all of which are funded at

below 50% of the need. For this reason, we oppose increasing BIE administrative dollars and Pilot project funding until Tribal Nations are listened to and basic needs for maintaining school building and funding educational costs are met.

CONSTRUCTION – EDUCATION AND OTHER PROGRAM CONSTRUCTION

The final areas I want to address are funding for School Construction and School Repair and Other Construction within the BIA budgets. Presently, the Cheyenne Eagle Butte School is over 55 years old and it is crumbling. BIE has no authority to request funding for construction of a new school, because Congress has not authorized replacement construction of any additional BIE operated schools as required under 25 U.S.C. § 2005(d) since 2004. The result is the Department of Interior has spent over 10 million dollars on the Cheyenne Eagle Butte School in the past decade just to put band aids on a crumbling facility that is beyond its useful life. This is a colossal waste of money. Congress needs to authorize construction funding for new schools based not on a 2004 list, but on the current school conditions. This budget proposes to increase School Construction funds by $2.276 million, but it decreases funding for Repair by $2.046 million. The result is one school will be built and our School and all other federal schools will deteriorate faster. We need a new school building now. The school's heating system functions so poorly that most classrooms are only at 50 degrees during winter and teachers are using space heaters, there is mold growing on some areas, there is asbestos exposed from failing walls, floors and ceilings, and cracking from a failing foundation. It is irresponsible to put our children in this environment. Yet, Congress has not authorized funding based on present conditions.

Even worse, the proposed budget is not requesting any additional funds to Other Program Construction. The Cheyenne River agency buildings housing all BIA and Tribal government services had to be abandoned last year due to mold infestation. The BIA and the Tribe are now scattered throughout the town of Eagle Butte in borrowed space from the School and private business owners. Our Agency Records are all over the place and many are not accessible. Yet BIA has done nothing to replace facilities, or to even regain access to records. How the federal government or tribal government are supposed to operate in this chaos is simply dumbfounding to me. Yet the Budget request for Other Program Construction has been decreased by 2 million and includes no funding for a replacement building at Cheyenne River. This is unconscionable.

CONCLUSION

In conclusion, I thank you for this opportunity, and I ask that you seriously consider basic funding for infrastructure. The Department of Interior has a trust responsibility to focus resources on basic governmental infrastructure. It is time that funding is allocated based on actual need long term, instead of pilot projects and administration. Without this commitment, we will not succeed in poverty reduction or creating a stable economy. Part of this commitment must include exempting basic tribal government funding and Indian education from sequestration as well as Indian Health Service funding. Department of Interior revenues to the Unites States exceed its expenditures by 3.2 billion dollars annually. It is time to reinvest these funds received by the United States as a result of your access to vast natural resources under treaties with Tribal Nations back into the Tribal nations that lost their resources for the benefit of this Nation. Until this is done, the injustice of extreme poverty and lost lives will continue.

Mr. CALVERT. I appreciate it.

Next, Mr. John Steele, you are recognized for 5 minutes for the Oglala Sioux Tribe.

TUESDAY, MARCH 24, 2015.

OGLALA SIOUX TRIBE

WITNESS

JOHN STEELE

Mr. STEELE. Thank you, Congressman. My name is John Yellowbird Steele. I am the president of the Oglala Sioux Tribe and I am also the chairman of the Great Plains Tribal Chairman's Association. Both our tribe and the Great Plains Chairman's Tribal Association have submitted written testimony to yourselves.

I would like to thank the Appropriations Committee for about 4 years ago Congresswoman McCollum came to Pine Bridge Reservation and other reservations in South Dakota and we thank you for taking that time to come visit us and know firsthand our problems.

In the Great Plains we have 16 sovereign tribes. Each of us has a treaty with the United States Government. We have millions and millions of acres of land and the BIA funds us. They paint the whole 567 Indian tribes as one paintbrush and we are all different. You have got self-governance tribes. All the tribes in the Great Plains are direct-service tribes, large land base, and tens and tens of thousands of people on each one. We have full functioning governments that provide all the services. We have our own schools, colleges, law enforcement departments, courts, land, fire protection, transportation departments, hospitals, and tribal administration. And so in South Dakota we have a South Dakota Supreme Court decision that says the Supreme Court case Hicks v. Nevada does not apply to South Dakota. State police cannot come on to reservations to do their business. And so we have full authority in our police and courts and we are not funded or weighted in any way for this special problem.

Our infrastructure, especially the roads, we second the motion on Chairman Frazier's testimony here. But road maintenance, of the 567 federally recognized tribes, only 160 of us have functioning courts. And so when the BIA does its prioritizing and which one is most important, we have got 407 votes against us because a tribe with 50 people has the same vote as myself with a tribe of 47,000 people, 3.3 million acres. And our road maintenance, our infrastructure is falling apart like the rest of America, and it is not funded. It is going down. And this impacts especially our school buses, ambulances, police services, all the infrastructure that we count on.

And, sir, we support the OMB and President Obama's increases but it still does not bring us to the 2012 level. And the BIA is putting in another office, data and research office. With their cost of living, with their overhead, sir, when Congress appropriates a herd of cattle for our reservations in the past and only half of it gets there, sir, that is still happening today. I am going to have my com-

mittee chairman on education, Collins Clifford, Jr., speak to education.

Mr. CLIFFORD. Good morning, Chairman and members of the committee. My name is Collins "C.J." Clifford. I am the Oglala Sioux Tribe's education chairman. Thank you for this opportunity to speak and thank you for that fiscal year 2015 increases in the support cost and facility replacement. We strongly support to increase funding for facility operations in the proposed fiscal year 2016 budget which pays for day-to-day activities, electricity, heating, facility maintenance, which pays for activities, filters on boilers for heating, replacing light bulbs, continued increase for tribal support costs, most importantly, the funds for education construction of the seven BIA schools on the Pine Ridge Reservation. One is BIA-operated, six are tribal grant.

Two tribal grant schools have recently been replaced. One was on the construction list and one was on the BIA OFMC Facility Replacement Program. The four are in poor condition. We have documentation for replacement information and the database is not accurate due to the lack of schools not having full access to the Bureau databases for facilities. It is extremely important that tribal governments with the BIA tribal schools be given the opportunity to participate in the development of new construction lists. Also, Public Law 297 schools should be eligible for the federal employees' health benefit package. The GOA report for November 14 addresses the concerns to hold tribal grant schools accountable for their fiscal management.

The OST, through our tribal education agency, works closely with the staff and educators of the school on the reservations on accountability and providing assistance. Our tribal government is established by its own process based upon federal law, which allows this to happen and to be supported by the Bureau.

[The statement of John Steele follows:]

TESTIMONY OF PRESIDENT JOHN YELLOWBIRD STEELE
OGLALA SIOUX TRIBE
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR
RE: FY 2016 BUDGET

My name is John Yellowbird Steele and I am the President of the Oglala Sioux Tribe. I am also the Chairman of the Great Plains Chairman's Association.

Our first and foremost concern is the U.S. Government's failure to fulfill its treaty obligations to the Oglala Sioux Tribe in the federal appropriation process. Treaty funding, initially funded by treaty appropriations, are now provided in lump sum program dollars to federal agencies who in turn divide those program dollars up among treaty and non-treaty tribes. Consequently, these agencies are short-changing the Tribe in treaty guaranteed services including economic development, education, health, law and order, and others. We see the Government unjustly funding the Tribe at less than 60% of actual need. Treaty benefits are mandatory contractual legal obligations (not entitlements).They should not be subject to sequestration.

We have a suicide epidemic on Pine Ridge. I issued a proclamation and declared a state of emergency. It declares that Congress should support a bill to develop infrastructure on the Pine Ridge Reservation that will promote sustainable economic self-sufficiency on the Reservation and create permanent jobs. The lack of jobs is the real cause of abject poverty, alcohol and drug abuse, crime and health care issues like suicide. We need the Federal government to act to address our epidemic.

Before the Budget Reform Act and sequestration were considered, the BIA, BIE and IHS Indian programs serving my people were already operating at less than 60% of actual need. So, while we strongly support the funding proposals submitted by the President for those Agencies, as a starting point, we need Congress to understand what the President's proposal really does. After factoring in the unfunded increased costs and increased service population since 2000, and the money taken as a result of sequestration, the President's proposals (according to BIA's own numbers) merely put most of our programs back to just below what we were receiving in FY 2012.

For example, the President's proposed increase of $70 million for Referred Health Care actually consists of: $35 million for actual FY 2016 inflation, $8.3 million for actual FY 2016 documented population growth, and $1.2 to fund the new facility at Yuma. The remaining monies fund: (1) a combined total of 980 additional admissions which divided among the 566 federally recognized tribes, is less than 2 additional admissions per tribe; (2) a combined total of 19,800 new outpatient visits which equates to 3 more outpatient visits per month per tribe, and (3) a combined total of 1,210 new patient trips, which equates to just over 2 more trips per year/per tribe. Every program in the IHS budget has similar shortfalls. We talk about numbers here in Washington, but in Pine Ridge, these are people.

I am a part of the Tribal Interior Budget Committee. It is frustrating to hear OMB and BIA during the BIA's FY 2017 budget formulation saying they need more data to document the

"benefits" that we would receive from a 10% increase in a given program. It's hard to document a "benefit" when that 10% increase still does not take us back to where we were two years ago. While Congress is talking about cutting spending and sequestering funds, our infrastructure, most of which was built in or before the 1960's, is continuing to fall apart. We have schools, clinics, jails and roads which are beyond repair, yet the federal government keeps appropriating just enough money to add another patch. We have band-aided these items for so long that some of our roads, roofs, furnaces and walls have almost as many patches as they do original surface materials. Indian reservations are in an infrastructure crisis. Unless and until someone comes up with a real plan to rebuild our dilapidated schools, jails, clinics and roads, things will get worse.

We have an unemployment rate of well over 70%, a dropout rate of over 60%, and our average per capita income is below $7,000 a year. Thus, borrowing money through bonds and from the private sector to pay for the very structures and services that the Federal Government committed itself to in our Treaties is not only unacceptable, it simply won't work. We need alternative ideas.

We also need a fair share of Federal Highway Trust Funds to address our failing roads. An underlying problem is that our Indian roads programs have never received a reasonable amount of federal gas tax dollars. Permanent re-authorization of the Federal Highway Trust Fund is not before this Subcommittee, but this Subcommittee is left with the problems these funding shortfalls create. Failing roads raise the cost of on-reservation ambulance service, student transportation, law enforcement operations and every other BIA, BIE and IHS program which uses vehicles. It is also adding to our health care costs, because our people are having accidents that never would have happened if we had a safe transportation system. Finally, it is crippling our reservation economic development. In fact, our entire roads system at Pine Ridge was designed to encourage members to leave the reservation for goods and services, not for helping us develop successful on-reservation businesses. Increasing the overall Indian allocation is the only way to solve the problem. In the meantime, we need a reasonable amount for roads maintenance. Please speak up for us when those Highway Trust Funds debates take place.

I want to thank you for taking an interest in the recent GAO report on our Indian Schools. The Federal Government tells us it wants to "help us" increase our tribal self-sufficiency, but it ignores the biggest tool we have: the improved education of our children. President Obama talks about national efforts to keep more students in college, but at Pine Ridge, I am still trying to keep our sixteen (16) year olds in high school, and give them the self-esteem they need to avoid the ever present threats of alcohol, drugs and suicide. While you work out our failed school construction program, those schools need adequate maintenance monies <u>and</u> adequate operations dollars. Without adequate operations monies for things like heat and electricity, our schools are forced to somehow find monies in the maintenance budget to pay these costs. Thus, our educational facilities go without proper maintenance. The BIA compartmentalizes the budgets for school operations and maintenance, but for those institutions it is all one big problem.

Today, the expanded jurisdiction provisions of the Violence Against Women Act (VAWA) and Tribal Law and Order Act (TLOA) are not working for the majority of the large land based tribes. These reservations house the overwhelming majority of on-reservation Indians. Congress and the Administration never told us that if we wanted to expand our jurisdiction over domestic

violence or serious offenders, we had to find our own funding. Juxtapose the expanded jurisdiction provisions of these two Acts with the BIA budgets for Courts and Law enforcement and you can see that the VAWA and TLOA's expanded jurisdiction provisions are unfulfilled promises. Additionally, the Great Plains Tribes were the authors of the TOLA provisions calling for detailed studies of law enforcement and court shortages. We included these provisions because we were told that those studies would be utilized to justify additional funding. Instead, there have been lost officers and court dollars since TLOA was passed, because of increased fuel costs, unfunded inflation and sequestration.

I know this Committee has provided a number of funding increases in law enforcement over the last few years. However, those increases have not provided us with an increase in officers. Today, Pine Ridge is still short 60 officers from the minimum 110 that the BIA itself, says we need. Our officers are exhausted and morale is at an all-time low.

Our tribal courts also need funding increases. Often too many of those who are arrested are released because they were not afforded timely due process. Adding more funding to law enforcement without increasing funding for our courts simply shifts the problem from one side to the other. TLOA and VAWA have created new expectations for our members. We need the Federal government to ensure that our tribal courts and law enforcement programs can fulfill those expectations. Simply put, we need the resources to shore up our police force and make necessary changes to our courts to ensure our judiciary systems work effectively.

An action that can be taken at no additional cost to taxpayers would be to move the money that Congress is currently expending on DOJ Indian law enforcement, court and detention grants back to the BIA. By taking this one step, you can eliminate a sizable portion of our law enforcement officer shortage, because you will be placing those funds in the highest priority areas. You will also eliminate the duplicate overhead that you are currently paying, and stop the problems associated with trying to use unreliable DOJ grants to run law enforcement and court programs.

BIA's failure to complete the design for our Kyle Justice Center is one of the most pressing problems facing our community. This Justice Center has been at the top of the BIA's construction priority list for over fifteen years. It is not a long term "detention" facility, where alternatives to incarceration can be considered. It is a short term holding facility, a court and a 911 center for the eastern side of our Reservation. This will be the place that our law enforcement will take violent and dangerous persons awaiting arraignment or trial. We need a place to put individuals until sentencing or alternative treatment arrangements can be handed down by our tribal court.

This Subcommittee chose to fund the design of this replacement building after it determined that our old building was beyond repair. We initiated that design and as the BIA standards for this building changed, so did the cost of the design work. We now have a design which is 80% complete, at a federal cost of just over $2.4 million, and we need $636,000 to complete that design work. Importantly, if this design does not get finalized this year, the architects involved will not warrant the finished product and some of the plans may need to be changed again. Not finishing this work would be a serious waste of taxpayer dollars. Further, this building, like

many other large land based jails and court complexes, is going to cost more to construct than DOJ is authorized to spend. This is the reason that the large Tribes have been calling for a re-opening of the BIA Justice Services Construction Program: to address these large facility needs. The only way this critically needed facility and others like it are going to be built is with multi-year funding, which DOJ is not authorized to provide. Will you work with us to find a way to complete this design and build this critically needed building?

Also, we request you reinstate the $620,000 in education funding taken from the juvenile detention budget in FY 2012. This funding is desperately needed to provide educational services to detained and incarcerated youth at 24 BIA-funded juvenile detention facilities, including the Kiyuksa O'Tipi Reintegration Center on Pine Ridge. We urge the reinstatement of these monies to address the needs of some of our most vulnerable youth.

The Tribe also supports the President's proposal to reclassify Contract Support Costs (CSC) as mandatory rather than discretionary funding in line with two Supreme Court cases. This proposal would ensure the full payment of CSC without endangering already underfunded Indian programs. It is unacceptable to reprogram service dollars to fully fund CSC. Congress should support the President's proposal. It would enable the United States to live up to its obligations and safeguard our programs.

Additionally, we ask this Congress to ensure that Public Law 100-297 schools, and all programs assumed by tribes under the Indian Self-Determination Act, are eligible for coverage under the Federal Employee Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI) programs.

Thank you, for this opportunity to testify, I will be happy to answer any questions you have.

Mr. CALVERT. Thank you for your testimony. We appreciate that.

A couple years ago I was unable to be on that trip. I know Ms. McCollum was on the trip. Other members of the subcommittee visited the Cheyenne River Reservation and they toured a water pumping facility and saw the need for a major upgrade. And can you please update us on the status of that project? I know that Mike Simpson, who is in his own hearing right now, is particularly interested in that and he wanted to know when he can come back for a ribbon cutting.

Mr. FRAZIER. Okay. Thank you. Presently, from the last time I talked to our water director, we bid out the construction of the treatment plant itself and also the infrastructure going up into Eagle Butte. And once that happens, it will definitely, you know, benefit our people.

And one of the problems when I talk with Mr. Fisher, who manages our company, is that EPA or USDA, I feel that they need to bid them out simultaneously. I feel that both projects could, you know, be going at the same time. But he has kind of been in discussion stages with USDA because USDA wants them first to build a treatment and then the infrastructure line, the trunk line, so I have not talked to him——

Mr. CALVERT. Treatment facility will be sitting out there high and dry without the pipelines?

Mr. FRAZIER. Yes.

Mr. CALVERT. Okay. That does not make sense either. We will keep an eye on that. Let us know about it, and when it gets actually under construction, we would like to know.

Mr. FRAZIER. Thank you.

Mr. CALVERT. Would you please explain this briefly?

Mr. STEELE. Yes, sir. In the past couple of months, maybe a little longer, we got an epidemic on Pine Ridge of youth suicides. It is something that is hard to really explain. I think just everything impacts it, especially the poverty, the housing conditions, the unemployment levels, the basic lack of infrastructure, as I spoke to before.

Sir, we had a young lady last evening again a combat vet from Vietnam, this young lady went and committed suicide last evening. Maybe her boyfriend did, too. We do not know that right now but we think that that is the case.

But these young people, sir, the social media is really bad. I saw a video from a nine-year-old girl from Wounded Knee and a hunts horse and this video was so put together, sir, that it did not waste any time in getting to razor blades and how you cut your arms and all of the different size pills and stuff that were there for overdoses and a rope. They teach on the social media how to do the knot so that it tightens. This was so put together, sir, I do not think this and nine-year-old girl could put that together. And it had some rap music in the background. And on that social media was saying there are ropes hanging behind one of our villages Evergreen for the kids to use. Go back there and use them. We go back there and yes, there are ropes hanging there. Who put them up?

Sir, it is hard to comprehend what is going on here. IHS does not have too much of a mental health component but what they have they are trying their best to get to the psychological part of it and

to help prevent with a hotline. It is something that I am trying to address traditionally but it is we are using all means, sir, and it is an epidemic.

Mr. CALVERT. That is horrible. And it is not just an epidemic in Indian Country. Unfortunately, it is a national epidemic and we need to get to the bottom of it. I think evil does exist out there——

Mr. STEELE. Yes.

Mr. CALVERT [continuing]. And they use the internet to proliferate that——

Mr. STEELE. They somehow direct it to the young ones, too, and the adults cannot get these——

Mr. CALVERT. It is a terrible, terrible problem——

Mr. STEELE. It is.

Mr. CALVERT [continuing]. And we as a nation need to get on top of it. Information is good if it is used for the right purposes, not for the wrong purposes. So I appreciate your bringing that up in testimony. It seems to be particularly in Indian Country right now so we certainly should pay attention to it.

Mr. STEELE. It is not just Pine Ridge. I think——

Mr. FRAZIER. We have an epidemic in Cheyenne River as well. As a matter of fact, a month ago or so, you know, these behavioral health centers were so booked, we normally send them to Rapid City or Sioux Falls; well, we were now entering Fargo, North Dakota, because of——

Mr. STEELE. We put some of ours in our juvenile detention center because they were filled up in Rapid City and Sioux Falls.

Mr. CALVERT. Well, we certainly appreciate you bringing this to our attention. We will put this on the record.

As far as the roads, it is one thing we do around here that is nonpartisan is transportation generally. Like everything else, we are trying to find the money to do a transportation bill. I am sure there will be a Native American component to that bill, whatever bill is produced, and so that would have obviously a huge infrastructure component, Native Americans, needed to both the build and rebuild roads. So I am hopeful that you can influence your Members of Congress to help us with that to get this thing done.

Mr. FRAZIER. We have done that in the past, sir, because we were out-classed, and Alaska, who does not have any roads, gets more transportation money than Pine Ridge, our whole Great Plains.

Mr. STEELE. Road maintenance in the BIA budget, sir, that is one of the main things that gentleman Frazier was speaking to——

Mr. CALVERT. Just continue to work your Members of Congress. I believe we are going to have an infrastructure bill sometime this summer so that is going to be important to deal with.

With that, Ms. McCollum, you are recognized.

Ms. MCCOLLUM. Mr. Chair, the suicide rate in Indian Country has proportionately been alarmingly high. It has been higher, especially among youth. I think what we are hearing today are the early warning signs that it is exploding even greater than it has in the past. Our hands are tied as far as not being able to do earmarks but I really think we need to maybe have committee staff sit down with the President.

I think the Generation indigenous is a great idea but it seems to me that we need a whole government approach right away working with CDC, SAMHSA, tribal leaders, the National Congress of American Indians about what we need to do to start talking about this and a whole government approach, not only U.S. Government but nation to nation. We need to start talking to these children earlier and earlier, and empower grandparents and adults to have the conversation and bring it up. I have always been alarmed by the statistics but I am very alarmed from what I have just heard today.

And as was pointed out, the anniversary at Red Lake, it is not a celebration. It is a sad anniversary of what happened there 10 years ago and the posttraumatic stress that is still in that entire community and then the need for the mental health support. It does not stop at 10 years. People live with these stresses their whole lives.

So I want you to know that we have heard you and I am going to reach out not only with the committee here but with the Administration to see what we can do. We need to do something different. What we are doing is not working. Thank you.

Mr. STEELE. Yes, and a lot of people talk to me and these are not children that are termed "at risk." These are regular, normal children and just somehow they seem to be influenced. And so everyone is afraid.

Mr. CALVERT. I appreciate the gentlemen's testimony. It seems to me you have somebody facilitating this kind of evil on your reservation and so that is where we need law enforcement to find people like that and to arrest them and put them behind bars.

One last comment, I know Ms. McCollum is very concerned about schools in her district. We are concerned about tribal schools throughout the United States, the conditions of the schools. We need to find a better way to fund construction rapidly to get these schools either rebuilt or replaced, I am hoping that we can come up with some ideas to facilitate that.

With that, this panel is adjourned and we appreciate your testimony. Thank you.

Mr. STEELE. There is a GAO report out on the BIE that says that Native Americans are being the lowest taught in the whole United States, lowest level. We are addressing that, sir.

Mr. CALVERT. Thank you. We appreciate your testimony.

Next, the last panel before lunch is Ms. Liana Onnen, Chairwoman of the Prairie Band of the Potawatomi Nation—I do not know if I pronounced that correctly—Mr. Vernon Miller, Chairman of the Omaha Tribe of Nebraska—I can do that—Dr. Roger Bordeaux, Executive Director of the Association of Community Tribal Schools.

If Liana Onnen can be over here on my right, Vernon Miller in the center, and Dr. Bordeaux on my left, we will have it all set. Thank you. Welcome. I appreciate your attendance today.

And with that, Ms. Liana Onnen, you are recognized for 5 minutes.

TUESDAY, MARCH 24, 2015.

PRAIRIE BAND POTAWATOMI NATION

WITNESS

LIANA ONNEN

Ms. ONNEN. All right. Thank you very much, members of the committee. My name is Liana Onnen and I am the chairperson of the Prairie Band Potawatomi Nation in Kansas. Our nation provide services for our nearly 5,000 members and these services include healthcare, fire and police protection, road and housing construction and maintenance, as well as transit services, land management, maintenance of an elder center, a Boys and Girls Club, and maintenance of a bison herd. So like many of the other tribes here, we try to provide as many services as we possibly can for our own membership.

I thank you very much for the opportunity to share with this committee our priorities for funding in the fiscal year 2016 appropriation cycle, and today I will touch on several areas important not only to my tribe but to Indian Country in general.

The Nation, first of all, seeks higher levels of funding associated with education in the following areas, the first one being the Johnson O'Malley Program, which addresses the basic needs and promotes the success of native youth in public schools by providing educational resources such as tutoring and school supplies, access to activities, including leadership conferences and postsecondary entrance exams. The Nation requests 42 million for the Johnson O'Malley Program.

The President's fiscal year 2016 budget includes a $2.6 million increase, and while this will help with rectifying past shortfalls, it is not sufficient to meet the needs we still have.

Also, we request funding for Haskell Indian Nations University, which is a BIE-operated Indian Country institution located near my nation. It educates many of my tribes and other tribes' youth, and once upon a time, I was actually one of those young adults that attended Haskell, so sometimes without that foundation, we do not have the leaders that you see sitting before you right now. So we request at least $15 million for Haskell Indian Nations University to ensure it has the resources it needs to continue its tradition of educating native youth.

Lastly, with regard to education, we ask for scholarship and adult education funding, which supports students attending college. Families and Native American families are often the least able to fund a promising student's higher education and many native youth will drop out of college because they can no longer afford the ever-increasing cost of doing so. And our Nation requests the scholarship and adult education line item be funded at $50 million, which will keep pace with the students' needs.

With regard to tribal government funds and tribal priority allocations, the Nation requests the necessary funds to enable tribes to fully exercise self-determination and assume BIA programs.

TPA allows the BIA to make direct payments to tribal governments to carry out a variety of governmental functions. The $36 million increase requested in the President's fiscal year 2016 budg-

et for Tribal Government Programs is welcome but this allocation has been underfunded for many years. The Nation requests that the committee again this year provide additional monies for the TPA-base line item funding in the Tribal Government Program's budget.

Contract support costs are essential to tribal self-determination and program functioning. The Nation supports the proposal for making CSC funding mandatory. Mandatory funding would be in line with the Supreme Court opinions that have made clear that funding CSC is not optional. Also, mandatory rather than discretionary funding will protect vital service and program funds that could otherwise be rated to cover CSC shortfalls.

With regard to human services, the Nation seeks higher funding in the Housing Improvement Program. This provides grants to native people to repair and maintain and replace their homes when necessary. My tribe currently has almost 300 people on its waiting list for housing on the reservation. The Nation requests at least $23 million in funding for the Housing Improvement Program. The $8 million provided in 2014 is not sufficient given that the program was funded at $23 million in 2005. The BIA itself has identified a need of over $670 million for the Housing Improvement Program, so please give consideration to that.

Human services funding is used for programs on our reservations such as welfare assistance, housing improvement, and social services that provide basic needs like clothing and food and burial assistance. The Nation requests increased funding to human services. $6.4 million increase requested in the President's budget does not make up for the amounts lost to the sequestration since fiscal year 2012.

Road maintenance is next. This enables tribes to maintain road systems within their lands so that they may protect the federal tribal investment in those systems. Improperly maintained roads create safety concerns for our nation, as well as other nations, as you have heard today. We request $40 million for the Road Maintenance Fund. The funds received now, as you have heard already, are rarely enough to cover the actual cost of maintaining the miles of road that we need to maintain in order to keep our communities safe.

With regard to real estate services the Nation seeks increased funding for real estate services. Many of these services can be done by tribes themselves and they should be. However, for the services that the BIA needs to provide, we need to ensure it has resources so as not to delay our tribal projects. We request a 25 percent increase in funding.

And finally, touching on public safety and justice funding, it is used for law enforcement in our tribal courts and we have a good tribal court system on our reservation. We require both financial and technical support to exercise the expanded jurisdiction provided under Tribal Law and Order Act and the Violence against Women Act. We request full funding for Tribal Law and Order Act needs, $82 million in base funding for tribal courts under the Indian Tribal Justice Act, and $528 million for BIA law enforcement.

I thank you for the opportunity to testify today and I encourage all of you to visit a tribe in your area if you have not.

[The statement of Liana Onnen follows:]

Written Testimony of Liana Onnen
Chairperson, Prairie Band Potawatomi Nation

before the

United States House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

Regarding FY2016 Indian Affairs Budget- BIA, IHS, and BIE

March 24, 2014

Thank you for this opportunity to present testimony. My name is Liana Onnen. I am the Chairperson of the Prairie Band Potawatomi Nation. Our reservation is located north of Topeka, Kansas, where we serve nearly 5,000 members. Our Nation provides important services to our people, from fire and police protection, road or housing construction, transit services, land management, maintaining an elder center and a Boys & Girls club, to maintaining a herd of bison.

In the past, our Reservation lands were carved up by allotment and forced sale, and our Tribe was impoverished by federal mismanagement. Today, we are a healthy tribal government and community, and come to this Committee to share our priorities for funding in the FY 2016 appropriations cycle. In solidarity with our neighbor tribes, we present the following-- which is important to our Nation and also the tribes in the Southern Plains Region.

The priorities include the following:

- $42 million for Johnson O'Malley Programs
- $15 million for Haskell Indian Nations University
- $50 million for adult education and scholarship support in the BIA budget.
- Increased funding for TPA programs in the BIA budget
- Support for mandatory Contract Support Costs appropriations without a sunset date.
- $23 million in funding for Housing Improvement Programs at the BIA.
- Priority funding for Human Services budget line items at the BIA.
- $40 million for BIA Road Maintenance Funding
- Full funding for Tribal Law & Order Act needs, $82 million for tribal courts, and $528 million for BIA Law Enforcement.

Funding Priorities.

1. The Johnson O'Malley (JOM) Program, Haskell University, and Scholarships

The JOM program addresses the basic educational needs of our children, and promotes their success by providing access to critical resources including tutoring, language programs, leadership conferences, and school supplies. These resources help Indian children receive the education they deserve and ensure they can participate in activities such as laboratory time, post-secondary entrance exams, and graduation ceremonies. JOM funding helps our Nation's students thrive in public school.

The President's FY 2016 budget requests a $2.6 million increase for the JOM program, which will go a long way toward rectifying past shortfalls. However, the total $17.4 million requested for the program falls far short of the amount estimated to ensure all students receive JOM

support. **The Prairie Band Potawatomi Nation supports the National Congress for American Indians' (NCAI) FY2016 request for $42 million for the JOM program.**

Adequate funding levels are also needed for Haskell Indian Nations University, an Indian Country institution which educates many of our young adults and is located nearby the Nation. Haskell is operated by the Bureau of Indian Education (BIE), and each semester nearly 1,000 students attend the school. Due to sequestration, in FY2013, Haskell received $635,000 less than in FY2012. The President's Budget Request for Haskell has been flat since FY 2014, however, and the school receives just over $12 million a year. This is insufficient to provide the University with the resources it needs to educate its students and sustain an enriching campus environment. **The Nation requests at least $15 million be appropriated in FY 2016 for Haskell Indian Nations University.**

We also want to convey the great need for adult scholarship support for our students attending college. Native students are negatively affected by the ever-increasing cost of attending college, and Native families are often the least able to fund a promising student's higher education. We have seen many of our students drop out of college because it is unaffordable, and student loans are simply untenable. While the Nation assists its students as much as possible, scholarship support will help prevent drop outs, and will enable us to help our future leaders finish college or trade school. **We request that the Scholarship and Adult Education line item be funded at $50 million.** The President has requested a modest increase of $4.6 million this year, but more funding is necessary for us to keep pace with our students' needs.

2. BIA Tribal Government Funds and Tribal Priority Allocations (TPA)

Funding under the BIA for Tribal Governments is necessary for tribes to successfully exercise self-determination and assume BIA programs themselves. The Indian Self-Determination and Education Assistance Act, Public Law 93-638, has been nothing short of a revolution for Indian tribes. It has enabled us to put tribal sovereignty to work to administer programs and services to our people at less cost and with more efficiency than the BIA. Funding to the BIA, however, is still essential, as the agency provides tribes with critical technical assistance and support. Further, since the agency is the only one that can carry out inherently federal functions, there must be adequate funding to avoid short staffing and lack of resources that can create bottlenecks for tribes at the BIA. This funding should not come at the expense of funding to Tribal programs, however. Aid to Tribal Government and other TPA funds enable tribes and the BIA to work together.

The President's Budget Request contains approximately $583.8 million for Tribal Government Programs, a $36 million increase from FY 2015 enacted levels. This includes $246 million for Contract Support Costs (CSC), an increase of $26 million. The Administration's proposed increases are welcome, but the amount for Tribal Government Programs and important Tribal Priority Allocations (which give much more control to tribes than the intermittent grant funding the BIA has offered in recent years), have been underfunded for decades. This Committee showed support for these programs when it exceeded the Administration's FY 2015 request. We ask that you do so again by increasing funding to TPA-based line items in BIA's Tribal Government Programs funds.

A part of this budget category, full CSC funding, is essential to tribal self-determination and program functioning. This Committee's work toward fully funding CSC, and the Administration's later agreement to do that, are especially welcome. We wholeheartedly support

the current effort to provide mandatory appropriations for CSC. The Supreme Court and this Committee has made it clear that these funds are not optional. Furthermore, mandatory funding of CSC will also protect vital service and program funds that could otherwise be raided to cover CSC shortfalls. **We request that this Committee support the effort to make full CSC funding mandatory going forward.**

3. Human Services

The BIA's budget for Human Services is a vital one to tribes like ours that still receive many direct services from the Bureau. It includes critical programs like welfare assistance for citizens and children, housing improvement, and social services that provide basic needs like clothing, food, and burial assistance. These services enable our Nation's families to support themselves despite joblessness, ill health, or poverty. Current funding for human services is simply insufficient for our Nation's needs.

For example, the BIA itself has identified a need of over $670 million for Housing Improvement Programs (HIP), alone. This program, part of the BIA's human services budget, provides grants to tribal people to repair, maintain, or replace their homes; homes that are often crowded far beyond capacity. This program was slashed by one-third in 2014 to a paltry $8 million. We have nearly 300 people on a waiting list for housing on our reservation; these funds are critical. HIP reached a recent high in 2005, with funding at $23 million. **The Nation requests the Committee to fund HIP at $23 million for FY 2016.**

In FY 2013, due to sequestration, BIA's Human Services budget was $7.6 million below FY 2012, and FY 2014 funding was approximately $3.6 million below FY 2012 levels. The Administration's proposed increase of $6.4 million from the 2015 level is a step in the right direction, but we are playing a losing game of catch up at those levels. **We request that the Committee focus on the Human Services budget for increases in this funding cycle.**

4. Road Maintenance

One important value of the Nation is to maintain and take care of what we have. Our road system is one of our assets, and it allows our citizens to get to school, work, and to visit one another. But harsh winters and delayed maintenance have taken their toll on our transportation network. The BIA's road maintenance fund is designed to help us protect the federal-tribal investment in that system.

However, road maintenance funding is nearing all-time lows given the number of miles in Indian Country. The fund is little more than a placeholder at this point, and funding for other transportation programs is not large enough to cover our maintenance needs. Last year, the Nation received a meager amount of TPA base funding for road maintenance: $984. We redirect funds from otherwise needy programs to cover our maintenance needs. The low funding of road maintenance is a real safety concern for the Nation. Accordingly, we **request that $40 million be allocated for the BIA Road Maintenance Program in FY 2016.**

5. Real Estate Services

We have entered a new area of economic development in Indian Country with the recent updating of the Bureau's fee-to-trust and land leasing regulations. These important changes will enable us to access and use energy resources for tribal sources and engage in economic development more easily than ever before. Additionally, the Nation has entered into an agreement with the BIA as part of the *Cobell*-initiated tribal Land Buy-Back Program. The Land

Buy-Back Program is particularly important for our Nation. Our Reservation was so affected by allotment that many parcels are not realistically usable due to the fractionation of land interests.

These developments mean that the real estate services provided by the BIA—land acquisition, trust conveyances, surface and sub-surface leasing, rights of way conveyance and monitoring, and technical assistance—are more important now than ever. Also, some new regulations come with stringent timelines to carry out activities and provide approvals. This means that the BIA must have more personnel to meet the needs, keep up with industry demands, and put more lands in the hands of tribes and individual Indians.

The Administration has requested a $16.7 million increase over FY 2015's level of $127 million. This is a step in the right direction. **We, however, support a 25% increase in funding ($31.75 million) for Real Estate Services to meet the needs of land acquisitions, energy development and the Land Buy-Back Program.**

6. Public Safety and Justice

Ensuring that our citizens are safe within our homelands is a fundamental exercise of sovereignty. Through the passage of the Tribal Law and Order Act (TLOA) and the Violence Against Women reauthorization (VAWA), Congress has taken significant steps toward recognizing the exercise of tribal criminal jurisdiction. However, tribes require both financial and technical support to exercise expanded jurisdiction under TLOA and VAWA and to support current safety and justice initiatives.

Public safety and justice was also hit hard by sequestration. In FY2013, the public safety and justice budget was $18.6 million below the FY2012 amount. The President's FY 2016 Budget Request includes approximately $364.4 million for public safety and justice, an $11.5 million increase over the enacted FY 2015 level (which was more than the President's request, thanks to this Committee). However, we must concur with NCAI's request that TLOA and VAWA efforts be fully funded. Increased funding is required to maintain and strengthen tribal court systems, reduce crime and drug rates in Indian Country, and perform law enforcement functions, all of which are vital to the Nation. **We request full funding for TLOA needs, $82 million in base funding for tribal courts under the Indian Tribal Justice Act, and $528 million for BIA Law Enforcement.** Tribal nations require this support to protect the physical safety of their citizens, and sometimes that of surrounding counties, and to eliminate harmful social and economic consequences of violence and crime from their communities.

Conclusion

Thank you for the opportunity to testify. Please do not hesitate to contact me if you have questions or need additional information.

Mr. CALVERT. I thank the gentlelady.

Good morning. Mr. Miller, you are recognized.

TUESDAY, MARCH 24, 2015.

OMAHA TRIBE OF NEBRASKA

WITNESS

VERNON MILLER

Mr. MILLER. Good morning. My name is Vernon Miller and I am the chairman of the Omaha Tribe. And the Omaha Tribe is located obviously in Nebraska because of Omaha. We are 80 miles north of Omaha. We are in the northeastern part of Nebraska, northwestern part of Iowa. Our reservation goes across two states and our reservation is also 307 square miles in both of those states. The Missouri River runs right in the middle of our reservation because we kind of geographically know where we are located. Oftentimes people think we are in Omaha but we are not. Omaha is named after us so we are north of Omaha.

So before I was the chairman of my tribe I was actually a schoolteacher. I was a high school business teacher. And so one of the most common and almost repetitive statements I always give to my students is our unemployment rate. Within Nebraska we have a 2.9 percent unemployment rate when on my reservation we have a 69 percent unemployment rate, so it is a huge disparity there. And that is going to be the theme throughout my testimony is how that affects our community and how the lack of economy, because of that unemployment, really does have a pretty vast impact on a lot of services that we cannot provide, or are limited in how we provide in our community.

We have over 8,400 tribal members in the Omaha tribe, of which about half of those live on the reservation, the other half live off in the Omaha metro area, Lincoln metro area in Nebraska. The BIA and IHS grant program dollars we do have is actually the majority of our jobs in our community. We do have a school system, of which I was a part of before I became chairman, but that is the limit of jobs that are available in my community.

Last year when I was here I talked about the flood that came through that the U.S. Army Corps of Engineers caused with the Missouri River and caused our unemployment rate to rise to 81 percent. And with our casino reopening we obviously offered 160 more jobs back to our community and so that went down to 69 percent, but you can kind of see that disparity, of being so rural, the lack of commitment from the State of Nebraska and Iowa to our tribe and even wanting to be a part of the community that we are part of there as well. As a result, like I said, it was inadequate funding.

One of the components I talked about last year was law enforcement and court services. That is a common thing that has happened again this year and it is going to continue into the fiscal year 2017 year as well.

My last year I talked about how our building facilities were obsolete. They still are. They are deteriorating even more.

Like I did last year, I talked about the youth, you know, and we have an agreement with the Butte Tribe in Colorado. It is over 1,000 miles away, so if we have any problems with our youth, we have to actually take them there. And so when you do that, that takes a lot of resources, that takes a law enforcement officer away from patrolling the reservation to transport them, and also the expense of transporting there, all those miles and everything with that.

For the past decade we have had no full-time bailiff, no process server, no child support clerk, no juvenile probation officer, so obviously we will, you know, provide, you know, legal services and prosecuting youth but we put them on probation, there is no one there to make sure that they are fulfilling that obligation for whatever that they may have done it. So as a result, you know, there is no substantial investigations that are done and prosecutions of white-collar crimes, you know, that happened because the limited resources we have are being allocated specifically for crimes of violence unfortunately. Like I said, the cost of transportation alone eats up a lot of that budget. The detention staff that we do have in our adult facility operates with a single unequipped high mileage vehicle, outdated uniforms and supplies, as well as food service equipment that have not been replaced or updated in over a decade, so that is something that we are obviously dealing with as much as we can.

We talked about roads throughout this morning, and in my reservation it is no different in my community. With the BIA funding, 70 percent of our roads have been improved. However, due to a lack of maintenance in our road system, it is now deteriorating to the point now of needing total reconstruction again because there is no maintenance dollars being allocated, and to me that is just a waste of federal funds, you know, to provide it but then not provide anything to upkeep them.

Another thing I want to talk about is our General Welfare Assistance Program. In my tribe we average around $30,000 a month in request of some form of welfare distributions whether that is general assistance or TANF or any other programs. Our Bureau is completely depleted. We try to average around $2,500 for funerals out of our own appropriations dollars that we get from land revenue but that is obviously very limited and so we have to be kind of very conservative in how we helped our tribal members out. But allocations of that would be greatly appreciated.

We talked about BIE schools in Nebraska. We do not have any BIE schools; we have public schools, but 40 percent of my students do go to BIE schools in Oklahoma and South Dakota, as well as the higher education. You know, my sister goes to Haskell and so I can tell you from visiting her school, you know, it does definitely need the resources that Chairman Onnen has talked about. Their facilities are deteriorating. You know, I see her dorm and, you know, there are bloodstains on her carpet because they do not have even that basic resource to even clean that up and so, you know, there are nails coming out of her bed and so I feel for her, you know, but that is all that they have there in that community at that school.

So I wanted to just also talk about that, as well as HIP dollars. With the lack of economy, you know, we do not have the adequate housing for homeowners that want to do that. I was a teacher. There was no housing for me when I came back to the reservation so I had to live in the limited teacher housing there, which was an apartment. But like I said, that is going to be needed as well. Like I said, we have no economy, and as a result of that, I just want to thank you for your time. I realize I am over my time as well. And my full testimony I gave to you already so—

[The statement of Vernon Miller follows:]

OMAHA TRIBE OF NEBRASKA

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Adriana Saunsoci, Vice-Chairman
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Rodney Morris
Gwen Porter
Clifford Wolfe, Jr.

Testimony
Chairman Vernon Miller
March 24th, 2015

Good morning esteemed members of this committee. My name is Vernon Miller and I am Chairman of the Tribal Council of the Omaha Tribe of Nebraska. I was elected to the Tribal Council in November 2013 and further elected by the Tribal Council as Chairman in 2014. Prior to my election, I was a High School Business Teacher at Omaha Nation Public Schools for 8 years. Because of my professional and tribal council experience, I have some personal knowledge of how the budgets of the BIA and the IHS impact our tribal members.

We are a federally recognized tribe living on the Omaha Reservation in northeastern Nebraska and western Iowa. Our total land area is approximately 307 square miles with a population of approximately 8,400. We have an unemployment rate of over 70%. The Omaha Tribe has suffered for years as a result of dishonored treaties, which translates to inadequate funding, high poverty rates, and the loss of much of our land base due to the failed federal policy of allotment. Our rural location, combined with the fact that it was only about 4 decades ago that we were able to run our own governmental programs, has made it very challenging for the Tribe to develop viable economic ventures to fund critical government and social programs.

We operate Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) programs, most of which are crucial to our tribal members. In addition to providing needed services, these programs also offer sorely needed employment for both Indian and non-Indians. These programs are offered 365 days a year using only federal funds and our limited tribal income, with very little assistance from the State of Nebraska. Current and past BIA and IHS funding have never met our full basic needs.

I'd like to discuss some of the most critical needs of my people First, in our community, we do not have federal dollars to help pay for our water systems, to repair infrastructure or provide water to our people. In essence, the IHS turned over a 30-year-old water infrastructure to us in the 1980's and said, *"Run it!"* Unfortunately, because of the lack of expertise in managing this critical infrastructure combined with lack of funding, our community suffers from frequent *"boil orders"* and is under a Consent Decree with the EPA. In sum, our Reservation lacks critical infrastructure to deliver the most basic need of a human being: *Clean Water.*

Second, like most Tribes, we have inadequate law enforcement and court services on our reservation. With regard to our Tribal Court, it relies on grant-funded programs to meet core court functions such as clerical staff and probation services. The building which houses our court and incarceration facility is literally falling apart. We are so financially burdened; our judges have been forced to cancel scheduled court days in order to limit payroll expense. We

do not have a full time bailiff, no process server, no child support clerk, or a juvenile probation officer. For at least the last decade, we have lacked a dedicated criminal investigator. As a result, we lack the resources to investigate and ultimately prosecute in areas such as "*white-collar crime*", because any resources we have must be dedicated to crimes of violence. We continue to wrestle with the issue of juvenile detention; in this regard, the closest juvenile detention facility available for long -term detention is located one thousand miles from Macy, on the Ute Mountain Reservation in Colorado. Thus, we are burdened with not only the cost of transportation, but also the loss of and expense for police officers on travel. Finally, our detention staff operates with a single, un-equipped high-mileage vehicle, and our staff operates with virtually no standardized equipment or uniforms and most of the prisoner supplies and food service equipment have not been replaced or updated in over a decade.

Third, our roads are crumbling. With the help of BIA funding, we improved the surface condition of 70% of our reservation roads; ironically, however, due to the lack of maintenance funding, our road system is again deteriorating to the point of needing total reconstruction. This is a waste of federal funds. The government should fully fund road maintenance and not rely on the tribe's road construction funds to perform road maintenance. In sum, the BIA budget for Tribes has been around $26 million for 20 years; it should be at about $160 million per year. I respectfully urge you to review the Great Plains Regional roads maintenance budget, which shows needs that are extensively documented by deferred maintenance records.

Fourth, my Tribe's General Welfare Assistance Program has suffered from a substantial deficit from last year's funding and anticipates a shortfall for the current FY 2014. Unfortunately, since 1994, Congress has included a statutory cap on the level of funds BIA can use for Welfare Assistance. Accordingly, our Welfare Assistance programs are forced to cease services due to a lack of funds. This type of a financing structure continues to fuel a crisis driven system. For example, on the Omaha Reservation, we average approximately $30,000 per month in requests for welfare distributions and we foresee a shortfall of over $100,000 for FY 2014, meaning we triage who is in more need of services: a vulnerable adult who is being financially taken advantage of by family; or, placing a child that was sexually abused by a family member; or, deciding if a family will receive financial assistance to ensure heat and food are available.

Next, is a subject close to my heart: Education. The Great Plains Region possesses a high number of Bureau of Indian Education (BIE) funded Schools. Of the $2.4 billion appropriated for the operation of Indian Programs, a mere 20% of the funding is in the BIE budget. Of the funds received to operate schools, the BIE uses two-thirds for administrative activities and the schools receive only one- third (of funds to operate. $22,000 plus is allocated per child but this results in only $7,900 per child at the local level. BIE is top heavy with high paid staff; the emphasis must shift to more funding at the local level where education of our children is taking place in challenging environments which warrant greater investment per pupil. In sum, eliminate positions at the Central Office of the Bureau of Indian Education and increase and retain Education staff at the local Agency level including funding the tribe's Tribal Education Department/Agency as The State Educational Agency. BIE should be a pass through agency for funding and allow the Educators at the local level to determine their reading programs and curriculum. I respectfully recommend that you address the BIE findings in "The Bonner Report Recommendations" and implement the BIE Recommendations.

Finally, Our people do not receive HIP dollars. Our homeowners have vacant houses falling down because we have no true economy to help us help ourselves, no money to repair a broken water pipe, or a broken water heater, and no tax base to aid us. This fiscal year Great Plains Region initiated a Pilot Project for Native Homeownership as an additional option. In an effort to leverage assistance to additional applicants, it is imperative HIP moves forward with collaborative efforts with other complementary housing programs to increase program benefits and participation. It is imperative that the Bureau of Indian Affairs expands such strategic efforts, as Housing and Urban Development's strategic plan makes no mention or reference to Indian Tribes.

Because I bring these challenges to you, I pray that you hear the reality of the lives we the Omaha who live back in Nebraska are living with. I traveled all this way here today because our needs are great, because I honor the opportunity to meet with the leaders of our United States, and because I too am a leader. Through all of this we are still Omaha, those that go "against the current", put our heads down and fight to get ahead, we are still strong today, and live together as a united people, enjoy our traditions, and our Omaha ways, share meals together, share our medicine in a sacred circles and pray to the same God that you do.

In closing, the Omaha and many other Tribes are struggling to operate our BIA and IHS budgets, on the limited dollars we are provided, and our job is made a thousand times more difficult when we are forced to operate in these conditions. Continuing resolutions result in delayed awards, and delayed awards decrease the effectiveness of our programs and services.

Mr. Chairman, thank you for allowing me this time and this opportunity to speak.

Mr. CALVERT. Your full testimony will be entered into the record.
Mr. MILLER. Yes.
Mr. CALVERT. Thank you.
Okay. Roger Bordeaux, welcome.

TUESDAY, MARCH 24, 2015.

ASSOCIATION OF COMMUNITY TRIBAL SCHOOLS

WITNESS

ROGER BORDEAUX

Mr. BORDEAUX. Thank you, Mr. Chairman, Ms. McCollum, thanks for your time.

I want to tell you that I have been involved in tribal schools primarily all of my educational life since 1974 as a teacher and administrator and a coach and everything else, and I have had the opportunity to be a superintendent in a tribal school, in a private school, in a public school.

And I want to talk about four things today primarily. One is sequestration, the other one is to look briefly at the charts that I have submitted and then the request and then the condition of the facilities that exist. Our Association is a nonprofit membership organization and so we represent schools from all over the United States. Our membership currently has a little less than 10,000 students of all of the tribal schools that have about 23-, 24,000, so a little less than half of them.

But the first thing is just to remember that, you know, the sequestration is still there and it could still happen. And the first chart really illustrates what could happen for our children in those schools is because in fiscal year 2011 there was $391 million for ISEP but because of the sequestration it went down to 368, which does not sound like a lot—it is only 20 some million dollars—but at a school when you take those kind of cuts, then you have to make some real tough decisions on what to do with those. And so just remember that. If there is an opportunity to get rid of the sequestration and the balanced budget stuff, you know, that would be nice. But it is in your hands I guess.

The other thing is when you look at the five charts that I have, which are the five major funding sources within Interior, for tribal schools, the Indian School Equalization Program transportation, facilities operations, facilities maintenance, and the grant support costs, if you looked at those numbers over the last 14 years that they have been pretty much stagnant. There have not been many increases in the majority of them. If there were increases or decreases, it was because of something that happened that was out of the control of the school or the Bureau.

And so this is the first year, the fiscal year 2016 appropriation, where there has been some good attempts at trying to remedy some of the stagnant appropriations that we have gotten for a number of years. And so in operation and maintenance, the President did request $10 million in each one of those categories and he is also requesting to fully fund the grant support cost funds, and we are recommending that those be strongly considered. And he also put

some more money into construction, not nearly enough but he put some in there.

And so just kind of keep those in mind that even though they have attempted to do some things in increasing appropriations, a little bit in '15 and some in '16, they still have got a long way to go before they fully fund based on the Bureau's own funding categories because in their own document, they try to say that they give $20,000 per student but you have got to remember when you look at those numbers, 25 percent can automatically be taken out because it is discretionary funding and more or less competitive to go after. And then some of the other categories are so restrictive, so some of the schools you cannot spend some of it on anything and everything you want and so you have got to be really cautious when you read their justification.

And then we are also requesting three or four real specific things. The Bureau uses what they call program adjustments and enhancements within school operations, which combined is about $27 million. And we kind of figure that is the director's slush fund to put together whatever he wants to do. I mean that is the way I perceive it. If you read the narrative and the justification, it says we are going to try to do some of these things but it does not specify exactly how some of it is going to be done. So they do talk about their reorganization, they talk about the five pillars, they are talking about some of the things that they want to do, but it is stuff that they think is best for what should be done at the local level for Indian children. And what we think is that money should not be spent there, given to the schools and let them determine what is best for their kids. So that is kind of what we are thinking about it.

We think there should be an increase in early childhood funding. They have had a FACE, Family and Child Education program, for a number of years but they have never opened up the program to a number of other schools, nor have they provided opportunities for other models. And that is what we think needs to happen is to allow that to happen. And we think there are some numbers in here for three-year increases that we think is necessary in order to get it up to the final amount.

And the last thing is under construction there are four main categories: replacement schools, replacement facilities, housing for employees, and then finally facilities improvement and repair. All of those have not been funded well in the last few years, and then this year they are making some attempt but they need to go a lot further. They have almost $5 billion in assets and about $1 billion of that is in poor condition, so 25 percent minimum is their facilities are in really bad shape that need to be fully replaced and then there are a lot more that need a lot of work on small stuff to medium small stuff like boiler replacements, roof replacements. All these kinds of things need to be done, too.

So I just think that when you are considering the work that you have to do on the committee, please consider our recommendations. Thank you.

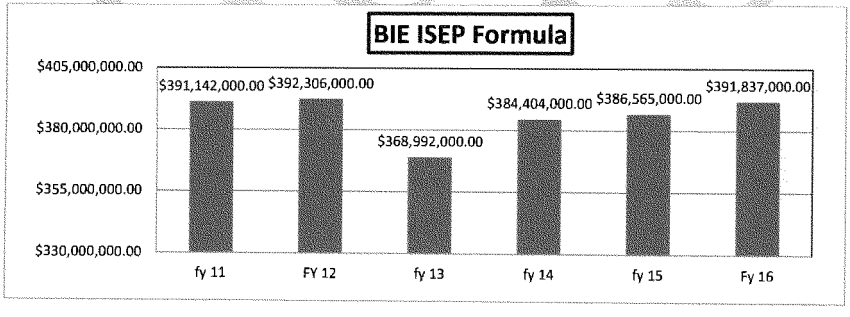
[The statement of Roger Bordeaux follows:]

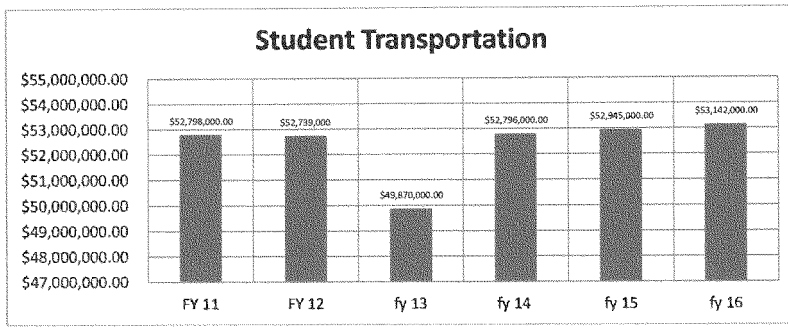
FY 16 Appropriations Testimony

My name is Dr. Roger Bordeaux; Executive Director of the Association of Community Tribal Schools Inc. (ACTS).

The tribal school movement started in 1966 with Rough Rock Demonstration School in Arizona. Currently there are over 28,000 students in 125+ tribal elementary and secondary schools. The schools are in the states of **Maine, Florida, North Carolina, Mississippi, Louisiana, South Dakota, Minnesota, North Dakota, Michigan, Iowa, Wisconsin, Kansas, Wyoming, Oklahoma, Montana, California, Washington, Idaho, Nevada, Arizona, and New Mexico**. ACTS represents a significant number of the students in the 125+ tribally controlled elementary and secondary schools. ACTS's mission is to "assist community tribal schools toward their mission of ensuring that when students complete their schools they are prepared for lifelong learning and that these students will strengthen and perpetuate traditional tribal societies."

The following charts illustrate the stagnant, and in most cases diminishing revenues over the past 6+ years.




Student Transportation
$55,000,000.00
$54,000,000.00
$53,000,000.00
$52,000,000.00
$51,000,000.00
$50,000,000.00
$49,000,000.00
$48,000,000.00
$47,000,000.00
$52,798,000.00
$52,739,000
$49,870,000.00
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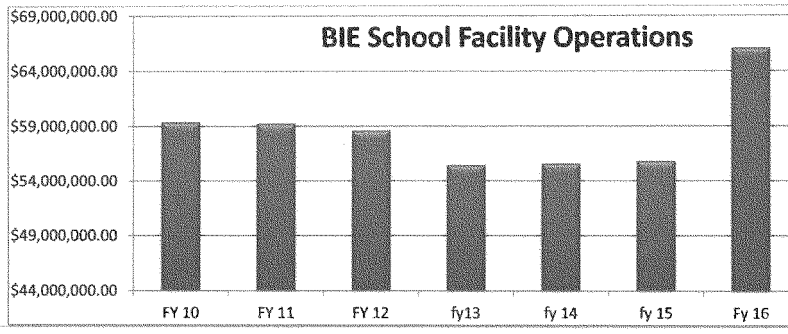
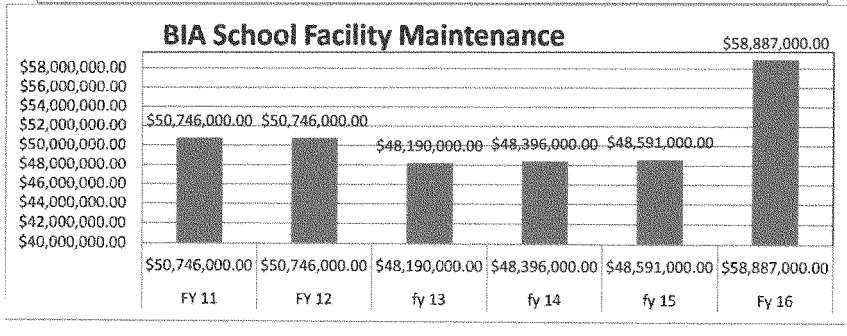
FY 11
FY 12
fy 13
fy 14
fy 15
fy 16


BIE School Facility Operations
$69,000,000.00
$64,000,000.00
$59,000,000.00
$54,000,000.00
$49,000,000.00
$44,000,000.00
FY 10
FY 11
FY 12
fy13
fy 14
fy 15
Fy 16


BIA School Facility Maintenance
$58,000,000.00
$56,000,000.00
$54,000,000.00
$52,000,000.00
$50,000,000.00
$48,000,000.00
$46,000,000.00
$44,000,000.00
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$50,746,000.00
$50,746,000.00
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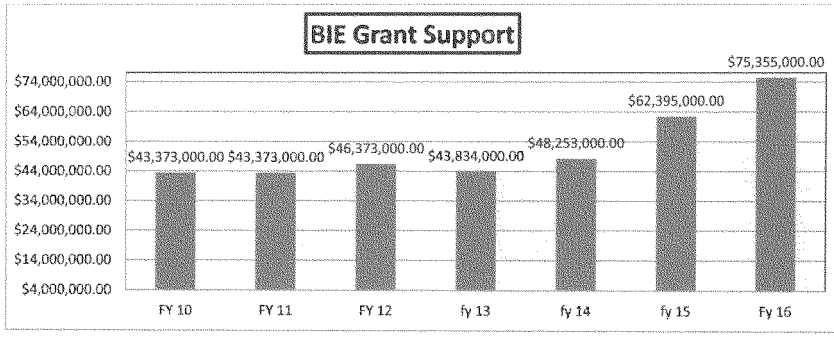
FY 16 Appropriations Testimony



Requested Action

1. Divert BIE-Elementary/Secondary Programs-Education Program Adjustments and Enhancements to ISEP. These funds often used to continue paternalistic practice of telling tribes and schools what is best for their children. ($ 27,000,000)

2. Increase Early Child and Family Development (allow for expansion) $ 20,000,000

3. Continue to annually increase accounts for next 3 years to reach need:

BIE-Elementary/Secondary Programs – ISEP	$ 25,000,000
BIE-Elementary/Secondary Programs-Tribal Grant Support Costs	$ 2,000,000
BIE-Elementary/Secondary Programs-Facility Operations	$ 9,000,000
BIE-Elementary/Secondary Programs-Student Transportation	$ 9,000,000
	$ 45,000,000

4. Construction – Education Construction. The BIA reported a nearly $ 75,000,000 annual facility deterioration rate and also reports a $3+ billion school replacement need.

Replacement School Construction	$ 65,000,000
Replacement Facility Construction	$ 25,000,000
Employee Housing Repair and Replacement	$ 10,000,000
Facility Improvement and Repair	$ 75,000,000

Eliminate Administrative Provisions:

Appropriations made available in this or any prior Act for schools funded by the Bureau shall be available, in accordance with the Bureau's funding formula, only to the schools in the Bureau school system as of September 1, 1996, and to any school or school program that was reinstated in fiscal year 2012.

Provided, That no funds available under this Act may be used to fund operations, maintenance, rehabilitation, construction or other facilities-related costs for such assets that are not owned by the Bureau: Provided further, That the term "satellite school" means a school location physically separated from the existing Bureau school by more than 50 miles but that forms part of the existing school in all other respects. (Department of the Interior, Environment, and Related Agencies Appropriations Act, 2015)

Mr. CALVERT. I thank the gentleman. I heard a common strain of self-determination and less interference and having that money to determine what you could do for your children. I could not support that more and we need to hopefully create those efficiencies. Certainly school construction has been brought up by virtually every panel. I am going to try to figure out a way to fix this and I am putting a lot of thought into school construction. We resolved the schools on military bases in the '90s and 2000s; we have got to figure out a way that we can resolve school construction on native reservations and throughout the United States. I am hoping we can get some good minds together and work on those issues.

And I am curious; how many acres are on your reservation, Mr. Miller?

Mr. MILLER. 300 square miles.

Mr. CALVERT. About 300—so, what, do you lease out most of it for farming?

Mr. MILLER. Yes, and we do try to farm some of it ourselves. We probably farm around 3,000 acres on our own.

Mr. CALVERT. Is that mainly just wheat?

Mr. MILLER. It depends on the season.

Mr. CALVERT. Corn?

Mr. MILLER. I think that it is, you know, corn one year, the next year it is obviously soybeans, and so it depends on how we are rotating it.

Mr. CALVERT. I was just curious.

Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair. Thank you for your testimony.

I think we have spent a fair amount of time in the committee talking about K–12 and the need for schools and improvement. You know, pre-K is also very important, the Head Start and other programs out in Indian Country. But with higher education, now we are starting to hear a more unified voice coming up on higher education so I appreciate the comments about Haskell.

In doing some investigation and some of the information that Indian Country has shared with myself and other members of the committee, in 1978 the authorizers put a dollar amount per student. Authorizers do not always do that in bills but they did. It was $8,000 per student. It has never been there, but instead the limited amount that was being provided for higher education per student has been subject to sequestration and other things, so we keep falling behind on that promise. Someone came up with what they thought probably was a very logical number at the time, $8,000. If you look at what we are spending in community colleges, and I am not talking about expensive or high-end 4-year institutions, it is not $8,000 per student.

So we have our work cut out for us on this. But we also really are going to need it to figure out how we fix the pre-K and the K–12 system so that the youth are not committing suicide, right? They need to feel hope and opportunity but also that they are prepared to take advantage of a first-class higher education after they have a first-class K–12 education. We need to do this not only for Indian Country; we need to do this for America. We cannot afford

to leave, to quote from Bill, any of our children behind. So thank you all for your testimony.

Mr. CALVERT. Thank you. We appreciate this panel. We are taking a recess.

This concludes our first hearing on fiscal year 2016 programs for Indian Country. Thank you again for traveling to be here today. I hope while you are in town they will have the time and chance to tell your story to other Members of Congress.

This hearing is adjourned. We will reconvene at one o'clock for our second hearing.

TUESDAY, MARCH 24, 2015.

AFTERNOON SESSION

Mr. CALVERT. Good afternoon, and welcome to the second of four public witness hearings specifically for American Indian and Alaska Native programs under the jurisdiction of the Interior and Environmental Appropriations Subcommittee. I especially want to welcome the distinguished tribal elders and leaders testifying today, and in the audience. I can assure you that your voices are heard by this Subcommittee, just as they have been in recent years under the Chairmanships of both Democrats and Republicans. American Indian and Alaska Native programs will continue to be a priority for this Subcommittee.

The Administration put this Subcommittee in a tight spot with regard to the 2016 budget by raising expectations throughout Indian Country that we will struggle to meet. The President's budget disregards the spending caps that he signed into law. That is how he is able to propose a $323 million increase for Indian affairs, and a $461 million increase for the Indian Health Service, all without an offset. Current law requires discretionary spending to stay relatively flat until fiscal year 2016, in comparison to 2015. Therefore, this Subcommittee's challenge will to be find the money from within to pay for the have-to-dos without cutting the popular nice-to-dos by so much that we cannot pass a bill.

But make no mistake, honoring the Nation's treaties and other tribal trust responsibilities are a high priority.

Most of you have traveled a long way to be here this week. I hope you will seize the opportunity to meet with other members of Congress outside this Subcommittee, including not just those representing where you live now, but those representing adjacent districts, and even those representing the districts of your forefathers. Honoring this nation's trust obligations is a responsibility all members of Congress share whether we currently have Indian tribes in our districts or not.

Before we begin, I have a few housekeeping items to share. The Committee rules prohibit the use of outside cameras and audio equipment during these hearings. This is to ensure that anything said here today is not unfairly reproduced out of context. An official transcript will be available at gpo.gov. I will call each panel of witnesses to the table one panel at a time. Each witness will have 5 minutes to present his or her oral testimony. Each witness will have full testimony included in the record, so please do not feel

pressured to cover everything in 5 minutes. Finishing in less than 5 minutes may even earn you a few Brownie points with me, so that would be great. We will be using a timer, right here. When the light turns yellow from green, witness will have 1 minute remaining to conclude his or her remarks. When the light turns red, I will ask you, please stop.

Members will be provided with an opportunity to ask questions of all our witnesses, but because we will have a full day ahead of us, which may be interrupted by votes, I expect votes here in a half an hour or so, I request that we try to keep things moving in order that we can all stay on schedule.

Mr. CALVERT. Normally at this point I would yield to Betty, but she is not here right now, so we are just going to go ahead and get going. With that, I am going to call up our first panel. Mr. Nathan Small, Chairman of the Shoshone-Bannock Tribes of the Fort Hall Reservation. Sit right there, Nathan, that would be great. Lindsey Manning, Chairman of the Shoshone-Paiute Tribe of the Duck Valley Indian Reservation. Brooklyn Baptiste, Tribal Executive Committee Member, the Nez Perce Tribe. And Vernon S. Finley, Tribal Chairman, the Confederated Salish and Kootenai Tribes. If I mispronounced that, I apologize.

So Mr. Small is in Mr. Simpson's district, so I am going to ask if he wants to—you went to high school—was he a good student?

Mr. SIMPSON. He was.

Mr. CALVERT. Good.

Mr. SMALL. I was going to say, he was, but——

Mr. CALVERT. It is probably mutually assured destruction, is that what you are saying?

Mr. SIMPSON. That is right. Too many stories.

Mr. CALVERT. Okay, too many stories.

With that, Mr. Small, you are recognized. Thank you.

TUESDAY, MARCH 24, 2015.

SHOSHONE-BANNOCK TRIBES OF THE FORT HALL RESERVATION

WITNESS

NATHAN SMALL

Mr. NATHAN SMALL. Thank you. Well, good afternoon.

My name is Nathan Small. I am Chairman of the Fort Hall Business Council for the Shoshone Tribes on the Fort Hall Indian Reservation in Idaho. Our reservation is about 544,000 acres, and we have about 5,800 tribal members. I would thank Congressman Simpson for his friendship and commitment to the Shoshone-Bannock people.

First, the needs of our tribal school. You know, the school is a tribally controlled BIE school. The school's mission is to instill pride and teach our children about language, culture, and traditions, and to assist them in becoming productive citizens. We do have a picture of some of our students over there. Our students are doing some wonderful things, and we are proud of them. The school

staff does all they can to stretch dollars to provide the best education possible, however, the school is—has critical funding needs.

In 2011 our school added a 6th grade to close a grade gap on the reservation. Due to past moratoriums on grade expansions, BIE would not provide funding for the 6th grade, and tribes have been covering 100 percent of those costs. We are pleased that the fiscal year 2014 omnibus authorized BIE to fund our 6th grade, if the DOI approved a waiver. They did approve a waiver, however, BIE indicated it can only provide funding for our 6th grade phased in over three years due to regulations. We have submitted a waiver of this regulation to DOI, and we request assistance in seeing that this waiver is being granted so that our 6th grade can be funded as soon as possible.

Overall funding needs for the school, BIE ISEP funding, the school is sorely underfunded, and relies heavily on funding from the Indian Student Equalization Program to provide all costs associated with operating the school. It is impossible to provide a quality education for a school of our size on an annual amount of $670,000. Over three years the school's ISEP funding has decreased by $270,000. This tribe requests full funding for ISEP.

The school received a Student Improvement Grant in 2012 from BIE and Department of Education that provided 1/3 of the funding for our school. The remaining 2/3 comes from ISEP. With this grant, we have been able to make significant academic gains. Our students gained 18 percent in math, 19 percent in reading in 2013–14. This grant expires this year. Loss of this funding will be a serious blow, and erase progress made at the school to improve academic achievement. We request that the school receive funding to make up for the looming shortfalls. If the BIE does not build on incremental success, how can we ever provide the quality education that our children deserve?

We have some concerns over the reorganization of the BIE. This reorg was resultant in a huge voice—in a huge void in communications and guidance. Under the reorg, the BIE eliminated many offices and personnel with whom the school has worked on a regular basis. We request that the Subcommittee help us to ensure that the reorg does not result in loss of support of the BIE school.

Second, the needs of our juveniles. Our Justice Center has improved public safety, however, we still face critical needs for juvenile education and mental health. Phrased simply, lock up our kids without providing tools for a better future, then they will likely not be able to return—be able to turn their lives around. The Administration's FISCAL YEAR 2016 budget requests zero funding for juveniles—juvenile education.

We greatly appreciate the fiscal year 2014 Omnibus clarified that the Center could also use corrections funding for juvenile end, however, our juveniles require even more help, and we urge funding to supporting the juveniles. We also thank the Subcommittee for its efforts to encourage BIA to designate our juvenile facility as a regional facility.

Third, and we have a picture of one of our old homes up there, and it is one of the many—whole houses in need of repairs on the reservation. The reservation is in urgent need of housing. Funds allocated to us from HUD addresses only a fraction of the need, and

have many restrictions. The BIA housing program is a safety net for poor families who do not meet HUD requirements. This program is solely underfunded, and we urge full funding for this program, and to allow flexibility in use of this funding.

And, lastly, we have a superfund site on our reservation. We request support to clean it up, not cover it up. The Eastern Michaud Flats superfund site located in our reservation is due to phosphate mining. The hazardous waste from this mining is stored in holding ponds that are leaking, and causing serious contamination. The contamination has severely affected our air, water, and land, including our sacred sites. We request that the Subcommittee assist us in ensuring that EPA and Department of Interior work to create a path forward on cleanup of this site. Otherwise, this contamination will be reactive for—over the next 10,000 years.

[The statement of Nathan Small follows:]

Nathan Small, Chairman, Fort Hall Business Council, Shoshone-Bannock Tribes
House Interior and Related Agencies Appropriations Subcommittee (3/24/2015)

My name is Nathan Small. I serve as Chairman of the Fort Hall Business Council, the governing body of the Shoshone-Bannock Tribes (Tribes) of the Fort Hall Reservation (Reservation). My testimony focuses on the following: (1) serious funding needs the Shoshone-Bannock Jr./Sr. High School (School), including funding for the Indian Student Equalization Program (ISEP) and Native language programs; (2) concerns over the reorganization of BIE; (3) the educational, mental health, and health care needs of Indian juveniles and other at-risk Indian children; (4) designation of the Tribes' Juvenile Detention and Rehabilitation Center as a regional facility; (5) housing needs; and (6) the need for EPA and the Department of the Interior (DOI) to ensure clean up Superfund sites on the Reservation. The Tribes deeply appreciate the work of this Subcommittee and especially our Congressman, Rep. Mike Simpson, for fighting to better meet the government's solemn obligations to tribes.

Needs of the Shoshone-Bannock Jr./Sr. High School
The mission of the School, a tribally controlled school administered by the BIE, is to instill pride and teach our children about our language, culture, and traditions and to assist them in becoming productive citizens.

Funding Need for 6th Grade at School
The public elementary school on the Reservation serves students K-5th grade. Previously, the School served students from 7th to 12th grade. Because there was a gap in a 6th grade on the Reservation and the resulting inconsistency in academic achievement of students, the School added a 6th grade in 2011 to improve student academic achievement. However, due to past appropriations prohibitions on BIE grade expansion, BIE would not provide funding for the 6th grade. As a result, the Tribes have had to cover 100% of these funds, which was @$90,000 in FY13. The federal government through the BIE should be paying for the costs to operate the 6th grade at the School.

We were pleased that the Congress, thanks to the efforts of this Subcommittee and Rep. Simpson, included a provision in the FY14 Omnibus authorizing the Interior Secretary to provide BIE funding "to support expansion of up to one additional grade when the Secretary determines such a waiver is needed to support accomplishment of the mission of the Bureau of Indian Education." Accordingly, the School submitted a request for a waiver to provide BIE funding for the School's 6th grade and requested this funding for the 6th grade in time for the School Year (SY) that started in August 2014. The Secretary approved this waiver.

However, despite the approval of this waiver, the BIA/BIE indicated it could not provide BIE funds for the 6th grade in time for SY 2014-15 due to a regulation, 25 C.F.R. Part 39.230, that only allows phased-in funding over 3 years, thereby precluding the School from receiving full funding for the 6th grade until SY 2017-18. Under this rule, the BIE provided zero funding for the 6th grade for SY 2014-15 and would provide 1/3 funding for SY 2015-16, 2/3 funding for SY 2016-2017, and finally full funding for SY 2017-18. We understand that the apparent purpose of the rule is to establish a 3-year rolling average student count for new BIE grade expansions, but this rule should not apply here given we already have a student count as the 6th grade has existed

for more than 3 years. Our average student count for the 6th grade during the years that the School has offered a 6th grade is 12.25 students. This rule has resulted in the Tribes carrying the continued burden of funding the School's 6th grade instead of the BIE.

The Tribes submitted a waiver request of the 3-year rule given the Tribes have paid 100% of the 6th grade costs since 2011 but have not received a response. ***We respectfully request that the Subcommittee assist us in ensuring that the School's 6th grade is fully funded as soon as possible.***

Concerns of Loss in Academic Achievement Gains at School Due to Expiration of Funds
BIE awarded the School a 3-year Student Improvement Grant (SIG) in August 2012. This grant has allowed the School to make major strides in improving student academic achievement. The School received SIG funding in the amount of $650,000 in each of the following years: SY 2012-13, SY 2013-14, and SY 2014-15. The School has used its SIG funding to develop strategic, intensive, and sustained support systems to improve student math and reading skills and social and life skills necessary for success. As a result, our students have made significant academic gains supported by the following test score data: a 5% math gain and an 8% reading gain in SY 2012-13 and an 18% math gain and a 19% reading gain in SY2013-14. Data is not yet available for this current year of SY 2014-15.

The SIG funds have been a tremendous resource for the School, our students, and our community over the past 3 years, creating hope due to the increased academic success of our children. However, with the SIG funding set to expire after this SY, the School does not otherwise have the funding to sustain the level of programming and systems created and implemented with SIG funding. Loss of this SIG funding will be a serious blow to the School and the rest of the Reservation, resulting in a loss of 1/3 of the School's funding. The School receives the other 2/3 of its funding from BIE Indian School Equalization Program (ISEP) funds, discussed below. For SY 2015-16, the School is faced with a drastically reduced budget that will likely erase proven academic students gains made over the past 3 years. ***We respectfully request that the Subcommittee consider providing the School with sufficient funding so that it can continue educational systems started with SIG funding that are clearly working to increase student academic success.*** If the BIE does not build on incremental success, how will it ever get to the point of providing the type of quality education that Native children deserve?

Need for Increased Funding for BIE Indian Student Equalization Program (ISEP)
As mentioned above, the School is sorely underfunded and relies heavily on BIE ISEP funding for all costs associated with operating the School, including teacher and staff salaries, equipment, supplies, maintenance, etc. It is impossible to provide a quality education for a school of our size on an annual amount of $670,050. From FY11 to FY14, the School's ISEP funding decreased by $269,100. Our funding should be increasing with each consecutive year due to increased costs and increased student population instead of decreasing. Due to this significant decrease in funding, the School had to discontinue its Professional Technical Education curriculum that the students desperately need to prepare them for job readiness after high school. Accordingly, the Tribes support the Administration's FY16 proposed $5.272 million increase to ISEP but this proposed increase is still unfortunately not enough. All BIE schools rely on ISEP for base level funding. ***We urge the Subcommittee to not only support the President's FY16 request for ISEP***

but also further increase funding for this critical program to meet the full level of need.

Need for Increased Funding for Native Language Programs at BIE
One of the Tribes' top priorities is to revitalize our Shoshoni and Bannock languages as we are losing our fluency in these languages. We seek to provide Native language curriculum, classes, and immersion programs at the School. Further, studies have shown that culturally-relevant curriculum fosters academic achievement and success amongst Native students. ***We urge the Subcommittee to provide sufficient funding for Native language immersion and revitalization programs, including funding to hire Native language teachers and funding for curriculum development, at BIE schools.***

Concerns over Reorganization of BIE and Negative Impacts Upon School
The BIE recently reorganized under the guise of efficiency. The School's Education Line Office in MT was eliminated last November as well as our Education Line Officer upon whom the School relied to provide information from BIE. Since then, the School has had little communication with BIE. The School's Associate Deputy Director (ADD) was assigned elsewhere and now the School's assigned ADD is located in the Midwest. We have not had any contact with this person. The previous ADD worked with the School on a weekly basis as we were 1 of 25 schools he oversaw. Under the new plan, the School is 1 of over 90 schools that the new ADD is supposed to support and provide guidance. It is impossible for anyone to regularly communicate with over 90 schools or to provide guidance to them, and the School and the Tribes are very concerned about this situation. This reorganization has resulted in a huge void in communication, support, and guidance for the School. ***We urge the Subcommittee to direct the BIE to provide clarity on the delineation of authority and guidance available to the School and other BIE-funded schools and to ensure that there is sufficient support for and communication with the School and other BIE-funded schools.***

Need for Educational, Mental Health, and Rehabilitation Services for Juveniles
The state-of-the-art Shoshone-Bannock Justice Center (Center), which the Tribes' built in 2010 on our own primarily through a loan even though the U.S. should have built it to replace our condemned BIA detention facility, has significantly improved public safety on the Reservation. However, we continue to face critical funding needs for juvenile education and mental health and substance abuse services. Our juvenile detention center incorporates space for treatment and education. While the BIA and IHS have obligations to serve our juveniles in custody, the Administration and Congress have failed to provide any funding for these services. If we simply lock up our kids without providing treatment, tools or hope for a better future, we will guarantee they will become career criminals.

The BIE, which is statutorily responsible for providing educational services and programs within BIA juvenile detention centers, has acknowledged that no funding has been appropriated for juvenile education in recent years. In FY11, juvenile education received $619,000 for the 24 BIA-funded juvenile detention centers across Indian Country. The BIA eliminated funding for juvenile education in FY12-FY15. The Administration's FY16 budget again requests zero funding for juvenile education. No other federal program exists to assist juveniles or other at-risk Native youth on reservations in federally administered facilities.

We greatly appreciate that the FY14 Omnibus clarified that "educational services to juveniles in custody [are] allowable costs for detention/corrections program funding." However, our at-risk youth require even more help in the form of treatment and educational services to provide them with an opportunity for a better future. ***We urge the Subcommittee to fully fund juvenile education at BIA-funded detention facilities. We also urge the inclusion of report language that directs the Department of Ed, BIA, BIE and IHS to work together to provide educational, and health services to juveniles and other at-risk youth in BIA and tribal facilities. Finally, we ask the Subcommittee to include report language to clarify that having BIE teachers provide education services in tribal juvenile detention centers is not a form of grade expansion.***

Request to Designate Tribes' Juvenile Center as BIA Regional Facility

The Tribe's juvenile detention facility, which we built on our own taking out a $16 million loan, has 20 juvenile beds and is a facility operated with BIA funds. We appreciate that the FY15 CRomnibus and previous appropriations bills encouraged the BIA to designate our Center as a regional juvenile detention facility so that we can receive increased resources for services for juveniles on the Reservation and Indian juveniles from the region. The BIA has, thus far, not designated our facility as a regional facility. ***We ask the Subcommittee to consider directing the BIE to designate and foster the development of the Shoshone-Bannock Juvenile Center as a regional juvenile detention facility.***

Need for Increased Funding for BIA Housing Program

The Reservation is in urgent need of housing. NAHASDA funds allocated to the Tribes' Housing Authority from HUD only address a fraction of need and have many restrictions on funding use. The BIA Housing Program is a safety net for extremely low-income families who cannot meet HUD program income requirements. It provides housing assistance that do not require repayment. The program is targeted for those eligible applicants most in need of assistance based upon a priority ranking that includes factors such as income, age, disability, and dependent children. This Program has been sorely underfunded for years. We urge the Subcommittee to fully fund the BIA Housing Program and to allow flexibility in use of this funding for both new construction and renovation.

EPA/DOI Support to Clean Up Eastern Michaud Flats Superfund Site on Reservation

For more than 60 years, the health, environment, and safety of our residents have been subjected to hazardous pollution caused by the FMC Corporation, which began phosphate mining on and near our Reservation lands in 1940. In 1990, the EPA listed the FMC site on the National Priority List as the Eastern Michaud Flats (EMF) Superfund Site. For decades, FMC held the hazardous waste in unlined holding ponds with unknown damage and contamination done to the earth and ground water. After EPA listed the Site, FMC lined the ponds that held the hazardous waste, but it severely mismanaged the ponds, and they caught fire on a number of occasions. FMC shut down operations in 2001 and dismantled the then-existing treatment system. Poisons continue to pollute the air and seep into the groundwater. Thousands of mammals and birds that have come into contact with the Site have died. The Site has also affected the Bottoms area, our sacred hunting grounds. DOI shares a trust responsibility with EPA to protect our lands, our well-being, and our natural resources but, thus far, has not acted to assist on in remediating this area. ***We request that the Subcommittee direct the EPA to clean and treat the EMF and direct the DOI to work with the EPA on this matter.***

Mr. CALVERT. Thank you. Thank you for your testimony. We will come back around with questions.

Mr. Manning, you are recognized for 5 minutes.

TUESDAY, MARCH 24, 2015.

SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY INDIAN RESERVATION

WITNESS

LINDSEY MANNING

Mr. MANNING. Okay. Thank you. Good afternoon, Chairman Calvert, Congressman Simpson—I would like to also acknowledge Congressman Amodei from Nevada, and members of the Subcommittee. My name is Lindsey Manning. I am the Chairman of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation. I am pleased to submit testimony concerning the 2016 budget for the BIA, BLM, and Indian Health Service. The Shoshone-Paiute Tribes are grateful for the Subcommittee's longstanding support of Indian tribes, and for sharing its understanding of tribes, and tribal self-determination, with your colleagues.

The Duck Valley Reservation is a large rural reservation that straddles the Idaho/Nevada border. It encompassed—encompasses 290,000 acres. We are a remote reservation, and assume most of the BIA and IHS services and programs under self-governance compacts. The BIA continues to provide law enforcement and detention services on our reservation.

Building and maintaining tribal infrastructure is our greatest challenge. We are replacing our administrative buildings, contaminated by mold. We have renovated a detention center to implement an alternative to incarceration program to reduce recidivism. We have undertaken road safety improvements, and reconstruction of existing roads to make our community safer. And, finally, we continue to look for economic development opportunities.

Too many times, however, our success in these areas is largely dependent on Federal appropriations, which in turn determine whether economic and social conditions on the reservation improve or worsen. We are a remote non-gaming tribe. Our resources are limited, and for this reason we support the President's fiscal year 2016 budget request for the BIA, BLM, and IHS. Without sustained growth in these Federal programs, we cannot meet our needs. We encourage the Subcommittee to build on the proposed increases in the President's budget. I will highlight four funding priorities for the next year.

One, increased funding for the BIA public safety and special initiatives program to provide alternate—alternatives to incarceration programs for adult and juvenile offenders, and to alter the detention first, treatment second mentality. We urge the Subcommittee to build on the President's $11.5 million increase for BIA public safety and justice programs.

Housing shortages limit our ability to hire and place substance abuse counselors, and mental health professionals, and detention personnel on the reservation. For that reason, we also urge the

Subcommittee to expand the Housing Improvement Program above its $8 million budget. If we can access additional HIP funds, we would free up other tribal resources to address chronic housing needs for key personnel. I also urge the subcommittee to support the President's $4 million increase for the BIA special initiatives subaccount for fiscal year 2016, and approve statutory language to make clear that such funds may be used for the purchase or lease of temporary trailers or modular units to house personnel associated with public safety. Housing is often the linchpin that enables key personnel to locate on our reservation.

Two, please fund BLM cultural resources and law enforcement programs. Please support the Administration's $2 million for BLM cultural resources management, and other BLM accounts used to manage and protect archeological and historical properties on traditional lands in the public domain. Urban growth and off-highway vehicle use on public lands continue to increase, and place increased demand on public health and safety and cultural resources program.

One time BLM funding several years ago allowed us to purchase a plane, and equipment, and hire one chief ranger and one cultural resources director to patrol public and report violations of cultural and religious sites to BLM. Aerial surveillance allows them also to report fires to BLM before the fires can do further damage.

We request special appropriations to create a multi-tribal task force to propose and design strategies for on the ground protection of Native American cultural resources for the Upper Great Basin and High Plateau of the tristate area of Nevada, Oregon, and Idaho.

We seek reoccurring BLM funds to continue this important work. We now contribute 50 percent of the required budget, but cannot sustain this important program without additional Federal funding. Our 2016 budget requires $600,000 to fully fund the above activities. Telecommunications require $500,000 to cover.

Finally, full contract support funding for BIA and IHS, and support the President's recommendation to make such funds mandatory. We think this change should be made permanent. Thank you for affording me the opportunity to present this testimony.

[The statement of Lindsey Manning follows:]

Testimony Before the House Subcommittee on Interior, Environment and Related Agencies
Fiscal Year 2016 BIA, BLM and IHS Budget
Presented by Lindsey Manning, Chairman
Shoshone-Paiute Tribes of the Duck Valley Reservation
March 24, 2015

Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee, my name is Lindsey Manning. I am Chairman of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation. I am pleased to submit testimony concerning the FY 2016 Budget for the BIA, BLM and IHS. The Shoshone-Paiute Tribes are grateful for this Subcommittee's long standing support of Indian tribes and for sharing its understanding of Indian country with your colleagues so that this Congress can continue to empower tribal governments and promote the bipartisan national goals of local control and Indian self-determination.

The Duck Valley Reservation is a large, rural reservation that straddles the Idaho-Nevada border along the east fork of the Owyhee River. It encompasses 450 square miles in Elko County, Nevada and Owyhee County, Idaho. The Reservation is 140 miles from Boise, Idaho, and 100 miles from Elko, Nevada. Many of our 2000 Tribal members make their living as farmers and ranchers, though a number of them are employed by the Tribes. We assume most duties of the BIA and IHS under self-governance compacts, although the BIA continues to provide law enforcement and detention services on the Reservation.

Building *and* maintaining tribal infrastructure is our greatest challenge:

- We are replacing our administration buildings contaminated by mold;
- We have renovated a detention center to create a modern facility that can house treatment programs and implement "alternatives to incarceration" programs to reduce recidivism.
- We are undertaking road safety improvements and reconstruction of existing roads to make our community safer;
- We are building our Cultural Resources Protection and Greenhouse/Native Plant Programs to employ and train the next generation of Tribal members to protect cultural resources sites and, in partnership with BLM, restore native plants indigenous to the region following damaging wildfires;
- We are working to restore salmon to the Reservation for the first time in over 80 years;
- We continue to look for economic development opportunities.

In too many instances, however, our success in these areas is largely dependent on Federal appropriations which, in turn, determine whether economic and social conditions on the Duck Valley Indian Reservation improve or worsen. While we contribute tribal resources to these endeavors as best we can, we look to our federal partner for support. As a remote reservation, we cannot turn to a nearby jurisdiction for help in providing essential services. The Tribal government is the only local government available. If we fall short, our members suffer. For this reason, we support the President's FY 2016 budget request for the Bureau of Indian Affairs, Bureau of Land Management and Indian Health Service. Without sustained growth in these federal programs, we cannot meet the needs of our Reservation. We encourage this

Subcommittee to build on the proposed increases in the President's budget for these essential Tribal programs. Our priorities for FY 2016 include:

1. Increase funding for the BIA Public Safety and Special Initiatives Program – To provide alternatives to incarceration for adult and juvenile offenders from Duck Valley and alter the "detention first, treatment second," mentality, we urge the Subcommittee to build on the President's modest $11.5 million increase (3.2%) for BIA's Public Safety and Justice Programs. We receive $250,000 in additional recurring funding to participate in a pilot program with the BIA's Office of Justice Services (OJS) to reduce recidivism on the Duck Valley Reservation by creating an "alternative to incarceration" model program. Housing shortages limit our ability to hire and place substance abuse counselors, mental health professionals and detention personnel on the Reservation to kick start our pilot program.

For that reason, we also urge the Subcommittee to expand the greatly reduced Housing Improvement Program (HIP) above its $8 million budget. If we can access HIP funds, it would free up other resources to address the need for housing health and law enforcement/detention professionals on the reservation where housing is simply not available.

I also urge the Subcommittee to support the President's $4 million increase for the BIA's "Special Initiatives" subaccount for FY 2016 and include statutory language to make clear that such funds may be used for the purchase or lease of temporary trailers or modular units to house personnel associated with law enforcement, corrections, probation, tribal courts and other professionals serving adult and youth offenders. For rural communities, housing is often the linchpin that enables key personnel to locate to the Reservation and make a difference.

2. Fund the Owyhee Initiative within the Bureau of Land Management (BLM). The Owyhee Initiative is a joint effort by ranchers, recreationalists, County and State officials, and the Shoshone-Paiute Tribes to protect, manage and appropriately use public lands in Owyhee County, Idaho. In 2009, Congress passed the Omnibus Public Land Management Act, Pub. L. 111-1. In 2010, we entered into a five-year agreement with BLM to protect cultural resources and increase public understanding and appreciation of these resources. Increased recreational use and encroachment within the Owyhee River Wilderness Area and other federal lands place these resources under stress. This year we seek to enter into another five-year agreement with BLM. As the Department has noted, urban growth and off-highway vehicle (OHV) use on public lands continues to increase and place increased demand on public health and safety and natural and cultural resource protection programs. We have been a good partner with BLM.

BLM funding several years ago allowed us to purchase two Cessna planes and ATV equipment and hire one Chief Ranger and a Cultural Resources Director to patrol public lands and report violations of cultural and religious sites to BLM officials. We work closely with BLM and Owyhee County officials to coordinate compatible recreation use within BLM lands in Owyhee County, especially within the wilderness areas where we seek to protect cultural resource sites important to our Tribes. The Ranger and Director also spot and report wildfires to BLM officials before the fires can do great damage to sensitive, remote areas.

We seek *recurring* BLM funds to continue this important work to protect cultural sites and establish a Reserve Ranger Program to engage tribal youth in cultural and related activities during the summer. The Chief Ranger and Cultural Resources Director are near retirement and it is essential that we hire and train replacement staff, including a pilot, to continue their important work for our Tribes. We seek BLM funds to hire an Assistant Director, one adult Tribal Ranger and two part-time Youth Rangers, train a qualified applicant as an additional pilot, purchase two more ATVs and two camp trailers to permit tribal personnel to remain in the field and overhaul the two Cessna planes per FAA regulations and construct a hanger at the Owyhee Airport to centralize our operation and increase surveillance flights over Owyhee County. We contribute nearly 50% of the required budget but cannot sustain this important program without federal support. Our plan requires $600,000 to fully fund the above activities.

We also support the Administration's $2.0 increase for BLM Cultural Resources Management and other BLM accounts used to manage and protect archaeological and historic properties on public lands. Scattered across millions of acres of high desert in southwest Idaho and northern Nevada are the remnants of campsites, villages, hunting blinds and rock inscriptions that tell the story of the Shoshone-Paiute and other tribes. After speaking with Shoshone-Bannock Tribal officials, together with northern tier Nevada tribes (including the Te-Moak, Battle Mountain, South Fork and Goshute tribes), we seek BLM funds to form a tribal cultural resources work group to spread best practices for cultural resources management and protection that we have learned over the last 20 years. We would be a good candidate for a BLM grant. We request a special appropriation to create a multi-tribal task force to propose and design strategies for on the ground protection of Native American cultural resources for the Upper Great Basin and High Plateau of the tri-state area of Nevada, Oregon and Idaho.

3. Telecommunications (fiber optics) – The Tribes continue to need fiber infrastructure over five miles for connectivity among Fish, Wildlife & Parks, Tribal Headquarters, Juvenile Services Center, Fire Station and the Owyhee Community Health Facility. The health center serves as the Wide Area Network (WAN) hub for the Tribes' and health center's computer network. Connectivity among these facilities and programs would alleviate the long-term monthly recurring cost we pay to an Ethernet Circuit provider ($96,000 annually). We require $500,000 to construct new fiber networks and cover construction inspection fees. We urge the Subcommittee to increase appropriations so that remote, rural communities like Duck Valley can improve telecommunications networks and break down communication barriers to promote education and job opportunities for our members.

4. East Fork Owyhee Salmon Steelhead Recovery and Reintroduction Project – We seek to return Chinook salmon and steelhead trout to Duck Valley and the State of Nevada through an innovative "trap-and-haul" program. Dam construction along the Columbia and Snake Rivers eliminated salmon from the State of Nevada. Duck Valley is unique in that it supports two major tributaries to the Snake River. Last year, we financed a pilot study that found that habitat in the East Fork of the Owyhee River may support a summer rearing capacity of between 3,300 and 43,000 juvenile steelhead trout and from 3,600 to 41,000 Chinook salmon. With additional funding of approximately $210,000 for the next three years, we can complete our habitat surveys of the East Fork Owyhee River, including obtaining data on non-summer river conditions, as well as an assessment of the Bruneau River habitat.

We propose to transport adult fish from Lower Granite Dam or Hells Canyon Dam and release the fish above China Dam into the East Fort Owyhee River to spawn. Emigrating juvenile fish would later be captured and released downstream from passage carriers on the Snake River to complete their migration to the Pacific Ocean. Adult salmon originating from the East Fork Owyhee River would later be captured in the lower Snake River and transported back upstream.

We urge the Subcommittee to support the President's $48 million increase to the BIA's Trust-Natural Resources Management program budget, including the Fish, Wildlife & Parks program. Tribes contract a significant part of the Natural Resources program funds. An increase to the BIA's Trust-Natural Resources budget can help us with this innovative project to restock the Reservation with salmon and steelhead trout.

5. Quagga Mussel Issue (invasive species) – The FY 2016 budget proposes to maintain funding at essentially the FY 2014 funding levels for invasive species ($6.7 million). This is penny wise and pound foolish. We seek funds to add an additional boat-washing station at the Wildhorse Reservoir near the reservation for the boat launch we lease. This will ensure that boaters who then transport their boats to tributaries of the Columbia and Snake Rivers do not transfer invasive species into those rivers. We are also working with Nevada State officials to improve existing state laws concerning this issue. Ignoring invasive species is only asking for trouble. Please augment the FY 2016 budget for invasive species above the President's request.

6. Native Plant Program/Greenhouse – In cooperation with the Idaho Bureau of Land Management, the Tribes gather, propagate and make available seed and other native plant materials that are indigenous to the region. Through a series of assistance agreements with BLM, we built a greenhouse and are growing seedlings (including sagebrush and bitterbrush seedlings) for planting on adjacent public lands. This assists BLM and other agencies in their efforts to restore lands damaged by wildfires and helps employ tribal members. This year, we are completing construction of three greenhouses, plus installation of equipment, walk-in-cooler and workshop. We plan to hire a greenhouse manger and have tribal members collect seeds. For FY 2016, we seek funding to build a facility to house equipment to dry, clean and store seed and hire part-time greenhouse staff to focus on marketing and finances. We plan to have 40,000 containerized grasses and shrub seedlings available for sale, together with willow and other riparian plant cuttings and local vegetables for sale and distribution through our "Honor Our Elders" program. We seek Interior Department appropriations of $205,000 over the next five years to expand our program and be a reliable supplier of native plants and seedlings for BLM.

7. IHS - We fully support the President's FY 2016 budget increases to the Indian Health Service (IHS) budget, especially in the area of clinical services, including Purchased/Referred Care and Contract Support Costs (CSC). We also support the Administration's request to shift CSCs to a "mandatory" appropriation beginning in FY 2017, but would want to ensure that the shift is permanent in nature. This funding must be paid. We are pleased to report that after years of litigation, the Tribes recently settled unpaid CSC claims with the IHS. The settlement will allow us to augment our available health services for the benefit of our members.

Please build on the President's budget request to meet tribal health and safety needs that strengthen our community. Thank you for affording me the opportunity to testify.

Mr. CALVERT. Thank the gentleman for his testimony.
Next, Mr. Baptiste.

TUESDAY, MARCH 24, 2015.

NEZ PERCE TRIBE

WITNESS

BROOKLYN BAPTISTE

Mr. BAPTISTE. [Speaking native language]. Good afternoon, and thank you, Chairman Calvert, and Committee members, Mr. Simpson. Appreciate you providing the opportunity for the Nez Perce Tribe to offer testimony on behalf of my people, and the future of our nations. It is important, and I appreciate it. It is not an easy thing to try to balance budgets, I know. We do it at a micro level at the tribal nations, but lives and future depend on what you do, and the decisions that you make, so we definitely appreciate the opportunity to provide testimony this morning.

As you know, the Nez Perce Tribe does a wide array of government operations. We have two health clinics, one being a satellite clinic. That is up in Kamiah, Idaho, the larger one being down in the—where the agency is located, in Lapwai, Idaho. We have a police department, Social Services, you name it. We have a comprehensive natural resource program, forestry, wildlife, fisheries. We have one of the largest tribal fisheries in the nation. We employ over—close to 500 plus employees in the summertime. We put a lot of fish back into the system, which is important for us, and it will lead into other things, as far as funding priorities for the Nez Perce Tribe.

For one, the Nez Perce Tribe has long been a proponent of self-determination because we understand it is easier for us to exercise our treaty right, as far as self-determination, to ease the burden. We know it is tough, but we have to do something to keep the funding going through us. But we also are dependent upon the government's trust obligation to the Nez Perce Tribe, as far as funding priorities. So we are definitely in need, and—a constant need. I know you will hear this throughout the next two days, but it is definitely something that will continue to be the case.

In regards to Indian health care services, the Nez Perce Tribe supports the Administration's proposed 460.6 million increase in funding over the fiscal year 2014 levels. I know contract support cost is huge, and the initiatives that are coming forward are definitely in need, because going from discretionary to non, you know, is a—is huge for us. We are put back in a hole, as far as funding requirements that have been there by law.

You know, we believe that we are a nation of laws, and that is why we are here. That is why you guys asked us to come here and speak, because we believe that those laws should have been held in abeyance to allow our people to have proper health care. And without the proper funding level for contract support costs, our people have suffered, and continue to suffer. So we look forward to the increase, and hopefully the three year cycle that is proposed might change to something more permanent so we can have something to

look forward to when we ask our—when we tell our—when we have got to go home to our own people and tell them why they cannot get a certain surgery, or they cannot get something that they can afford to keep them going.

This will help us. A budget—a non-discretionary that is put forward in a long term sense will definitely help the tribe, and help our nation, and our people, and their future as well. I think it is definitely something that we look forward because, like our language, like everything else, our culture depends on the resource, and that is our youth. If we cannot—and our elders. If they are not healthy, if they are dying because they cannot get the proper health care, then there goes our culture. There goes a large part of how we live our life, and so that is hugely important to us. Hopefully that—we will maintain that, and even grow into a permanent structure as we look forward to—we appreciate the momentum—here at the table.

The tribe also supports funding for the BIA Wildlife and Parks Tribal Priorities Allocation, that is 3.3 million, and the $6.5 million, as these funds allow for important work to be done on fish recovery and other ESA listed—the tribe—the Nez Perce Tribe depends on our BIA line agreements for ESA listed, or endangered and sensitive species. The Nez Perce Tribe does a lot of work with forestry. The Wildlife Department, we helped—we introduced wolves to the U.S. Fish and Wildlife Service protection of endangered species on or around that reservation.

We work with 11 national forests that sit in our seated territory, so we have a great working relationship with them. The tribe hosts a '16 forest meeting with them, and discuss all the things that occur, and how we better our relationship, and manage land, or species, or habitat on or near the Nez Perce Reservation or seated territory. So, you know, the Fish and Wildlife Service, the Forest Service, and our cultural protection are huge for us in the Nez Perce Tribe as we work forward, so—the Nez Perce Reservation accustomed areas, rich in natural resources, you know, it is huge for us, as well as anyone else. For the Nez Perce Tribe, we depend on that funding to help in environmental protection.

Last, but not least, we work with—on Federal air rules for reservations, and the funding, a budget of 75 million for these grants because of the importance of the funding for these tribes. It is huge for us because the state actually modeled theirs after ours, and it was because of the—this funding.

So while—I will stop there, but I am appreciative of the time that you have given me to testify, and I look forward to working with you guys, and appreciate your sacrifice. Thank you.

[The statement of Brooklyn Baptiste follows:]

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES

TESTIMONY OF BROOKLYN BAPTISTE
NEZ PERCE TRIBAL EXECUTIVE COMMITTEE

MARCH 24, 2015 PUBLIC WITNESS HEARINGS ON NATIVE AMERICAN ISSUES

Honorable Chairman and members of the Committee, as a member of the Nez Perce Tribal Executive Committee, I would like to thank you for the opportunity to provide testimony on behalf of the Nez Perce Tribe to this Committee as it evaluates and prioritizes the appropriations for IHS, BIA, EPA, the Forest Service and the Fish and Wildlife Service in relation to the needs of tribal nations for Fiscal Year 2016.

As with any government, the Nez Perce Tribe does a wide array of work and provides a multitude of services to the tribal membership as well as the community at large. The Nez Perce Tribe has a health clinic with a satellite office, a tribal police force, a social services department, a comprehensive natural resource program that does work in forestry, wildlife management, land services and land management, habitat restoration, air quality and smoke management, water quality and sewer service, and one of the largest fisheries departments of any tribe in the nation working on recovery of listed species under the Endangered Species Act. The Nez Perce Tribe conducts its extensive governmental functions and obligations through a comprehensive administrative framework, which is necessary for a sovereign nation that preserves and protects the treaty rights of the Nez Perce People in addition to providing the day to day governmental services to its members and the surrounding communities. The Nez Perce Tribe has long been a proponent of self determination for tribes and believes its primary obligation is to protect the treaty-reserved rights of the Nez Perce Tribe and its members. All of the work of the Tribe is guided by this principle. As a result, the Tribe works extensively with many federal agencies and proper funding for those agencies and their work with, for and through tribes is of vital importance. This work cannot be accomplished unless the United States continues to affirm and follow through on its trust responsibility and properly fund programs.

Indian Health Services

The Nez Perce Tribe currently operates a health care clinic on the Nez Perce Reservation, Nimiipuu Health. The main clinic facility is located in Lapwai, Idaho with a satellite facility located 65 miles away in Kamiah, Idaho. Nimiipuu Health provided service to 3,820 patients last year. These 3,820 patients represented 47,673 visits which does not include pharmacy and laboratory visits but only medical provider visits. Our expenditure total for FY14 was $13,942,622. Our Purchased/Referred Care costs for outpatient services for FY14 was $4,125,475.

Although the Nez Perce Tribe supports the proposed $460.6 million increase in funding over the FY14 levels proposed by the President, it is important to note that this increase still lags far behind where funding should be to offset the growing needs of the programs and medical

inflation which is estimated to be another $297.2 million. Also, the Tribe supports the recommendation of a $50 million dollar increase in funding proposed for purchased and referred care, but it too falls well short of the true need in Indian country as is illustrated by the spending needs of just the Nez Perce clinic. The National Congress of American Indians actually recommends an increase of 198.2 million. Additionally, the Tribe supports $718 million to be allocated for Contract Support Costs.

Because full funding of these obligations is so important to Indian Country, the Tribe supports the Administration's innovative proposal to reclassify contract support costs for the Bureau of Indian Affairs and the Indian Health Service beginning in FY17 but this reclassification should be permanent and not just for three year periods. Also, such a change in funding should not be accomplished or be off-set by reducing other funding for these agencies that would adversely affect services or programs. Nor should this funding be unnecessarily reduced by excessive set-asides for administration. The Tribe also supports funding of the Special Diabetes Program at $150 million as that funding is set to expire at the end of the current fiscal year.

Bureau of Indian Affairs

The Tribe supports the $277 million dollars for contract support costs proposed in the President's budget and the reclassification of these costs from discretionary to mandatory as well as the 12% increase in overall funding for the Bureau of Indian Affairs. The Tribe also supports the Presidential budget request to include a Carcieri fix to address legal issues that have arisen related to the transfer of land into trust and created uncertainty over the status of lands. This uncertainty will only stifle and impede economic development in Indian Country. A legislative amendment to restore the sovereign status of these lands is needed now.

In relation to the Bureau of Indian Affairs Public Safety and Justice budget, the Tribe advocates for at least the $364.4 million dollars in funding proposed in the President's budget. The Nez Perce Reservation covers 1200 square miles and covers five counties and has a mixture of tribal and non-tribal residents. The Tribe provides a full service law and justice program, beginning with a fully trained and staffed police force, tribal court, prosecutor and related administrative functions. Currently, the Nez Perce Tribe contributes over $1,497,626 per year to cover the shortfall in BIA funding for the Tribe's law enforcement, $408,821 for judicial services/probation, $319,649 for prosecutorial services, $87,072 for public defender services and $400,000 for prisoner boarding. This funding comes from tribal taxes and tribal gaming revenues. The funding for these programs needs to be increased to account for the shortfalls in funding the Tribe has to absorb to continue the operation of these vital services on the Reservation.

In relation to education, the Tribe requests $42 million for Johnson O'Malley Funding, $5 million for tribal education departments and $89.1 million for tribal colleges that would support institutions such as the Northwest Indian College that operates a satellite campus on the Nez Perce Reservation. It should also be noted that scholarship funding provided by the BIA has remained static for the past decade while the cost of attending college has risen faster than can be accounted for by simple inflation. The Tribe recently set up an educational endowment to supplement the BIA education funds but the BIA funds need to be increased.

The Tribe also relies on the BIA for funding for its work related to endangered species and protection of the Tribe's treaty resources including Chinook and steelhead salmon. The funding has also been used to supplement the research efforts of the Tribe relative to other sensitive species. The BIA Endangered Species Program should be funded at $3 million dollars as it provides tribes with the technical and financial assistance to protect endangered species on trust lands but funding of this program has declined significantly over the last 8 years. Also, the BIA Natural Resource Tribal Priority Allocations should be increased to $10 million as this funding has remained flat for years at just under $5 million. This expenditure will help increase tribal land and management capabilities.

In addition, the funding provided under the BIA Rights Protection implementation monies are critical to support the exercise of treaty reserved off-reservation hunting and fishing for tribes like the Nez Perce and it should be funded at $52 million dollars. The BIA single-line dollars do provide the foundation for core program administration and treaty rights protection activities, such as harvest monitoring and conservation enforcement. And of course, these efforts are central to the Tribe's fisheries management responsibilities as established in the treaties and further delineated in litigation regarding implementation of hunting and fishing treaty rights. It is important to understand that this funding is not for equipment but is used for job creation and this funding has stayed static.

The Tribe also supports funding for the BIA Wildlife and Parks Tribal Priority Allocations of $3.3 million dollars and $6.5 million dollars as these funds allow for important work to be done on fish recovery through hatchery operation and maintenance. As stated earlier, the Tribe has invested a large amount of its personnel and resources in the restoration and recovery of this important resource through its fisheries programs. The States of Oregon, Washington and Idaho directly benefit from this work as well through sports fisheries. These programs have been successful but more work needs to be done. The Tribal Management and Development Program also needs increased funding. The Tribe recommends $20 Million for base and programmatic funding. This program is critical for fish and wildlife management of the Tribe.

Fish and Wildlife Service, Forest Service and Cultural Protection

The Tribe relies heavily on funding sources within the Fish and Wildlife Service and the Forest Service. First, the Tribal Wildlife Grants program administered by the U.S. Fish and Wildlife Service is a cost effective expenditure for the government. This small pot of money has resulted in huge returns from the Tribe's perspective. Since 2005, we have received five such grants that have allowed us to work on such diverse issues as gray wolf monitoring, bighorn sheep research, and rare plant conservation. Continued funding for the Tribal Wildlife Grant program will allow recipient tribes to build capacity and maintain involvement in key conservation issues. It should be noted that this competitive grant does not simply dole out funds for projects but awards grants based on the quality of the proposal. As mentioned above, the Tribe has received five grants under this program totaling $1 million based on the quality of our research work. Funding for these grants was reduced in previous fiscal years. The Tribe strongly urges this committee to increase this funding to $8 million as it provides a large return in work for a small investment. It is also one of the few sources of funds tribes can tap into for wildlife research.

Related to forest management, the Tribe supports wildfire disaster funding legislation that treats wildfires like other natural disasters and emergencies to help prevent funds from having to be diverted from forest management. The Tribe also supports increasing BIA Forestry funding (TPA and Forestry Projects) by $25 million to an FY 2016 total of $76.9 million as a first step toward providing the $100 million the BIA needs as minimum annual funding to achieve parity with other federal forestry programs.

The Nez Perce Reservation and its usual and accustomed areas are rich in natural resources and encompass eleven different national forests. The Tribe works closely with each forest administration to properly manage its resources on behalf of the Tribe. These range from protecting and properly managing the products of the forest to managing the vast wildlife in each one such as elk, deer, bighorn sheep and wolves. Increased funding is necessary so that the Forest Service can meet these trust obligations and continue to work with tribes such as the Nez Perce on a government to government basis.

Finally, there should be $15 million dollars allocated for the Tribal Historic Preservation Office Program and $4 million dollars for repatriation to help ensure tribal remains and cultural properties are protected to the greatest extent possible.

Environmental Protection Agency

The Nez Perce Tribe currently implements, on behalf of the Environmental Protection Agency, the Federal Air Rules for Reservations program (FARR) and receives funding from the State and Tribal Assistance Grants Program and Tribal General Assistance Grants. The Tribe supports a budget of $75 million for these grants because of the importance of these funds for tribal governance. The FARR program monitors air quality and regulates field burning throughout the Nez Perce Reservation. The Tribe is located in Region 10 of the EPA and this increase in funding is needed for Tribes to meet their air quality needs and operate programs under the delegation of the EPA.

In addition to the air quality program, the Nez Perce Tribe is working with other Idaho Tribes on surveying fish consumption rates which is an important tool in efforts to protect the health of tribal members. Funding for this work is important. The Tribe also relies heavily on contract support dollars for our water resource programs such as storage tank remediation and watershed restoration.

Thank you for the opportunity to testify today. As you can see, the Nez Perce Tribe does a tremendous amount of work in a variety of areas. It is important that the United States continue to fund this work and uphold and honor its trust obligations to tribes.

Mr. CALVERT. Thank you, Mr. Baptiste.
Next, Mr. Finley, you are recognized.

TUESDAY, MARCH 24, 2015.

CONFEDERATED SALISH AND KOOTENAI TRIBES

WITNESS

VERNON S. FINLEY

Mr. FINLEY [Speaking native language]. Happy to be here with you this afternoon, to offer some testimony on these really important issues for the tribes. You know, I want to—I have with me the director of our Health Department, and the director of our Forestry Department, if you have any questions—technical questions, but I wanted to provide a little bit of testimony on the overall of it. And the theme of it is kind of parity, you know, funding parity. The—in two areas in particular, in health care and in forestry.

In health care, the way that the tribes are funded, the Indian Health Service is funded on the reservation, our reservation is 1.3 million acres, and we have no Indian Health Service hospital or clinic on our reservation. But the funding for the Indian Health Service is divided into two line items. One is hospitals and clinics, and the other is purchase and referred care. That cannot be—that—the services can be provided in the hospitals or clinics.

Well, we do not have an IHS hospital or a clinic, so we are heavily dependent—our reservation is heavily dependent on the Purchased and Referred Care. And so when you look at the overall budget from Indian Health Service for the per capita—and you divide it per capita-wise, and looking at the total funding, we are severely underfunded because of—we only receive the Purchased and Referred Care money.

What we—what our health director has done, though, is built a couple of clinics—two clinics on our reservation that are—with tribal monies. Now, what we would like is for waiver for—to receive—in our clinics to receive the hospital and clinic money that is in the line item for the Indian Health Service. If we could be funded at that level, that would give us some level of parity with—when you compare per capita with other tribes in the—in our region—in our area, the—we are about ⅓. So if you would look at that, and try to achieve, you know, give us a waiver for that so that we could—our hospitals and clinic line item would, you know, we could be funded through that.

The other area in health care is that—we have to—we would like to get a waiver for the IHS funding, the same as the VA, and the same as the Medicaid and Medicare exempt from sequestration so that it would, you know, the health care of our people is not any less important than the beneficiaries of those programs. And we would like to encourage the Committee to push for that.

The other are that I want to talk about is in forestry. I encourage you to read the IFMAT, which is the Indian Forest Management survey. There is one done every 10 years, and the third one was just completed in '13. And that report demonstrates how the—how underfunded the—we are in comparison to our neighbors, the For-

est Service, the BLM. When you look at the funding for the same tasks, we are severely underfunded in that area. And so, in reading the IFMAT report, which is a scientific report that is done, like I said, every 10 years, and looking at that, and comparing it, we would be able to, you know, like to seek some parity in funding for that, and funding for—let's see.

The—also, the way that the funds are divided for—in forestry for hazardous skills reduction, the plan that they have put forward has some red flags in it, as far as the way that the way that funding is. It is—it lessens timber. It lessens forest in favor of grasslands, and so I would really encourage you to support us in our efforts to make sure that the plan that is put forward in the future, that it includes real consultation with the tribe, and it includes all of the categories that are—that, you know, we have in our Forestry Department.

So thank you for the opportunity to testify.

[The statement of Vernon S. Finley follows:]

Testimony of the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation Prepared for the House Interior Appropriations Subcommittee on the Interior, Environment and Independent Agencies – March 24, 2015

Mr. Chairman and Honorable Members of the House Appropriations Subcommittee on the Interior, Environment and Related Agencies, thank you for holding these hearings that allow tribal leaders to come before this important committee to try and identify funding priorities. My name is Vernon Finley and I am the Chairman of the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation in western Montana.

I am not sure whose job is more difficult, the tribal leaders who, in five minutes, must try and relay to you what life is like on Indian reservations with budgets that are impossible to work with or yours who must sit here listening to our frustrations. I suppose it would be safe to say that neither of us are in very enviable positions today. One of the further problems I know that you have is that regardless of how convincing we may be, you are handcuffed in part due to the earmark ban. To this day I will never understand why the Congress would want to defer these funding decisions to the Administration and I hope that there is a growing understanding of the need to allow this Subcommittee to direct spending at the least for governmental programs which would include tribal governments.

I wish to focus my testimony today on two key areas, health care and forestry and I am accompanied by Kevin Howlett, the Director of our Health Department and by Jim Durglo, the head of our Forestry Department. If you have any questions they are here to help me answer them. We will of course be meeting with our delegation and others this week.

Health Care - We are in a unique position among tribes. Due to the fact that our reservation was severely allotted, combined with our proximity to Missoula, there are privately owned hospitals (St. Luke's and St. Joe's) on fee land within our reservation. Over the years when we have examined the potential with the Indian Health Service of constructing an IHS hospital or major clinic, there has been a lot of pushback from the existing hospitals who do not want to lose their Indian patients. As a result, we are surely one of the largest tribes in the US without an IHS constructed hospital or clinic. Instead we have recently built our own clinics without any construction dollars from the IHS. Since our clinics were not IHS constructed, IHS tells us that we don't qualify for funding from their Hospitals and Clinics budget, which is their largest budget line. As a result we are overly reliant on what had been called Contract Health Services (CHS) and is now known as Purchased and Referred Care (PRC). Of course these are the funds that IHS uses for referral purposes when a patient's needs are beyond the capability of what can be done at an IHS Hospital or Clinic. We are a Self-Governance Tribe and while we operate most components of IHS programs we have always strongly felt, in allocating their CHS/PRC funds, that the Indian Health Service did not take into account the fact the we do not get sufficient Hospital and Clinic funds to provide primary care and are therefore overly reliant on CHS/PRC dollars. What they would expect us to do in serving our people from the CHS/PRS budget is impossible so we do not contract for the operation of that program. IHS has an office in our clinic (they refer to it as the Flathead Service Unit) and they run the PRC program from there. Two weeks ago they told our Tribal Council that at the present rate of spending they will

not have enough money to get through the year so they are going to have to start allocating it out in lesser amounts. They are already working at a Level 12 rating which means referrals are only where "life, limb or senses are at risk." Mr. Chairman, this is unacceptable and we urge this committee's intervention. We are getting less funding from IHS on a per capita basis that the other tribes in our region because we don't receive Hospital and Clinic funds. It would seem one option to consider would be a waiver of the requirement that Hospitals and Clinic funds can only go toward IHS constructed facilities and the awarding of some amounts of those funds for our clinics. We have saved the Federal government millions of dollars in taking the initiative of building our clinics with our own funds and through aggressive third party billings. This seems like it would be a fair outcome.

Mr. Chairman the Affordable Care Act included a wholesale reauthorization of the Indian Health Care Improvement Act including provisions that authorize tribes with additional opportunities to pursue third party billings for care delivered at Indian Health Service and Tribal Health facilities. We seem to be ahead of the curve in learning the difficult and highly technical process of collecting third party payments but even with those payments it must be observed that the amount of money the IHS is allocated on a per capita basis for serving its beneficiaries is a fraction of what the Congress makes available to other beneficiaries. Medicaid spending per beneficiary is at $11,018, the Veterans Administration spends $7,154 per user, Federal employees get $4,187 and the Indian Health Service is only allocated $3,348. Is it any wonder that Indian people have such disparity when their health and lifespan are measured against other Americans? So given these comparative dollar allocations we think this committee should do all in its power to help bring parity to tribal health budgets and to assist tribes with third party collections. Can the Centers for Medicare and Medicaid Services (CMS) make billing Medicare and Medicare easier? Can you and your colleagues on other committees make billing CHIP easier? How about the VA and of course private insurance? We believe if there was a concerted effort by this and other committees to direct federal agencies to provide technical assistance to tribes, to revise their rules and regs if needed and undertake some innovative actions to help tribes learn how to master the third party billing process that it could be quite beneficial toward the goal of providing sufficient funding for our health facilities.

In the area of health care I make two further requests. First, we understand the Veteran's Administration get multi-year funding. We believe the Indian Health Service should be treated similarly. We do not know of any other way to overcome the debilitating impact on the delivery of health care to Indian people that has come as a result of government shut downs, piecemeal funding allocated during Continuing Resolutions and sequestration. Secondly, the Indian Health Service simply should be exempted from sequestration as the Veteran's Administration, Medicare and Medicaid are. The fiduciary trust responsibility that the United States has toward the Indian tribes of this country is ample justification as is the disparate health care that the Indian people suffer with.

Forestry Including Fire Issues - The Flathead Indian Reservation is approximately 1.3 million acres, over one-third of which or 460,000 acres are forested. Of that 236,000 acres are available for commercial harvest and there we harvest about 18 million board feet (MMBF) of timber annually. The remaining forests are set aside and include the first tribally designated

wilderness in the US and several primitive areas reserved for cultural use. We have a Forest Management Plan (FMP) that encompasses an ecosystem management perspective with both 30 year and 100 year goals related to forest health and restoration. In 1985, my Tribes utilized the Indian Self Determination Act, including the Tribal Self-Governance provisions and we "compacted" with the Bureau of Indian Affairs (BIA) and took over management of all natural resources on our Reservation. With the ecosystem management and more holistic approach that the Tribes took, we did have to administratively reduce the levels of harvest to levels that were more sustainable and that would ensure multiple uses including protecting fisheries and wildlife.

The re-establishment of fire on the land, both prescribed and wildfire for multiple objectives are major drivers of our Forest Management Plan. The use of fire to establish forest structures similar to those of pre-European contact, assists us in developing alternatives for consideration under our National Environmental Policy Act (NEPA) planning efforts.

It is evident that our tribal ancestors took a very active role in management of our vegetative landscape. Our Forest Management Plan (FMP) guides us in our actions of restoring fire-dependent forest ecosystems. Over the past ten years CSKT Fuels personnel have treated over 7,500 acres per year in fuels reduction treatments, including thinning, piling, pile burning, and understory burn projects. We take great pride in being active land managers, to sustain vital forest communities for our future generations.

When an Indian tribe uses the Indian Self Determination Act to take over management and operations of any program that had been operated by the BIA, one of the most pressing questions the Tribal Council asks is, "Will there be sufficient funds provided via contract or compact to ensure we can operate this program in a professional manner, that will meet necessary standards and hopefully be a source of jobs and pride for our people." While we are proud of the success we have had in managing our forests, generating income to the Tribes and creating as many jobs as we can, I must tell this Committee in the strongest terms that the funding levels we receive are so inadequate and so radically out of sync with funds received for managing similar US Forests that I wonder if our FMP can be sustained.

The lack of parity between what we receive on a per acre basis compared to what our neighbors receive for managing immediately adjacent lands owned by the US Forest Service is striking. This is not simply our perspective but an observation shared by the Indian Forest Management Assessment Team (IFMAT) in their recently published Third Decadal Review. IFMAT was created by Congress and consists of professional foresters who, once every ten years, meet and visit forested Indian Reservations to analyze the management and successes. The recent study, forwarded to this Committee, supports the arguments we have been making for years, which is that the Congress and the Administration (be they Democratic or Republican) are not providing sufficient funds that allow us to get the job done in the professional manner necessary. The facts speak for themselves and the data indicates that we are routinely receiving one-third of the money per acre that our counterparts next door in the LoLo National Forest receive. This lack of funding leads to lack of adequate staff to oversee and manage timber harvest including compliance with Federal laws such as the Endangered Species Act.

Congress directed that the decadal IFMAT studies be undertaken so that you would have data by which to make informed decisions. You now have clear data and we ask that you assist us in rectifying the problems IFMAT identified. IFMAT recommended that BIA Forestry be increased by $100 million to achieve parity with other federal forestry programs. We urge the Congress to attack that lack of equity by adding at least $25 million a year over the next four years to the BIA Forestry budget. IFMAT also recommended increasing the BIA's Forestry Projects by $12.7 million to initiate a Forestry Workforce Development program. To assist tribes to achieve sustainable harvest of timber, BIA's budget must also be increased to address invasive species, endangered species and cooperative landscape conservation.

We appreciate the recent effort that the Office of Wildland Fire has taken to engage Tribes in their continued development of the new Risk Based Fire Management Fire management funding allocation processes. However, we are concerned that this methodology is reverting back to the disastrous Hazardous Fuels Prioritization and Allocation System (HFPAS) proposal. Had tribes and Congress not convinced DOI to withdraw the HFPAS proposal, our hazardous fuels budget would have been cut by 94%. We are concerns that Agency fire directors are still discounting the value of tribal forest lands – lands that the US holds in trust as a fiduciary – while endorsing sage grouse habitat and recreation facilities. We are also very concerned with how the implementation of the recent Secretarial Order 3336 will affect tribal fire management programs. We ask this Committee's help in ensuring that tribes do not lose any Fire Management funding including for hazardous fuels reduction which is essential to keep fires in check.

Mr. Chairman, the management of forests is a complex business involving silviculture experts, foresters, wildlife biologists, hydrologists, fisheries biologists, archeologists, tribal preservation experts, range and weed representatives, and our Tribal Elders Advisory Committees as well as prescribed fire and fuels technicians. This has become even more a challenge when the economy is bad and the call for wood products is off while at the same time we must comply with various regulations and laws. We are seeing evidence that climate change will impact our forests from bug infestations to larger fires created by drought while we must simultaneously manage for fish and wildlife that are so important to our people, particularly a culture where many hunt and fish to help feed their families. We are up to the task and are proud to have the only four year bachelor's forestry degree program in Indian country at our Salish and Kootenai College. We will do all we can to manage our forests but we can't do it without the help of our trustee. As we mentioned earlier the 3rd IFMAT Report provided a road map as to what is needed to provide healthy forests and jobs for our people but an IFMAT implementation team needs to be established to turn that report into real policies and budget and we urge your support to see that team is established.

Finally I want to say that we are members of the Intertribal Timber Council and we concur in their testimony including the importance of implementing IFMAT-III Report, the concept of establishing Anchor Forests, and Stewardship Assignments as well as amending the Tribal Forest Protection Act so it can lead to actual projects being implemented as opposed to having those proposed projects mired in endless environmental and agency review.

Mr. CALVERT. All right. Thank you. Thank you for all attending today. I appreciate your testimony, and since two of our witnesses here today are from Idaho, I am going to go to Mr. Simpson first.

Mr. SIMPSON. Well, actually, three of them.

Mr. CALVERT. Three of them? Okay. I guess you go from Nevada and Idaho——

Mr. SIMPSON. Yeah.

Mr. CALVERT. Okay.

Mr. SIMPSON. This is a packed panel. I was going to say, after the Chairman's exhortation at the beginning that if we save time, he might be more favorable to my requests. I am tempted not to say anything. But thank you all for being here, and your testimony, and for working with me on issues on all of the reservations in Idaho. It is vitally important that we address the concerns.

And it has been interesting, I think, as the four of us that are here right now have probably traveled to as many reservations as anybody from the Interior Subcommittee has for years. And it has been interesting to us that the needs are different each of the reservations, and so we appreciate your testimony, and—getting us up to speed on what is necessary on the various reservations and stuff. And now we can address the real needs and the obligations that we have. Appreciate it.

Mr. BAPTISTE. Appreciate all your hard work. Thank you.

Mr. CALVERT. Well, we are not done yet. Ms. McCollum is next.

Ms. MCCOLLUM. Well——

Mr. CALVERT. If I ignore her, I will be in trouble.

Ms. MCCOLLUM. I will read your written testimony, thank you very much. And I have been in Montana, but I have not been where the trees are, so now you have given me another reason to go visit Montana, and learn more about your forest. Thank you.

Mr. CALVERT. It is all beautiful country out there. So thank you very much for your testimony, Mr. Cole, I am sorry.

Mr. COLE. Yeah. Thank you. I actually did have a couple of questions. I was really struck, Mr. Finley: 1.3 million acres, and no IHS facility. Tell me the size of your tribe, and what is the justification for an area that large not having any IHS facility at all?

Mr. FINLEY. Well, the history of it—the—see, we was allotted, and so there was homestead, and so there is a lot of feed land, and so there were—there are two private hospitals on the reservation, and so they resisted efforts—they lobbied pretty strongly whenever there was requests to build an IHS facility because they would lose the patients, and so they have kind of resisted that effort. And—but our tribal health director has, through some of the Purchased and Referred Carrier—or the reimbursement funds that we have been able to do build a couple of clinics.

We do not have the capacity yet to really do the primary care—all of the primary care, but we are going in that direction. But, you know, it is——

Mr. COLE. Well, just for the record, I think you make a compelling case that this is a very unequitable and very unfair situation. So whether it is waivers or whatever, I would hope we can work with you to address that, because we should not be in that situation.

The other thing—just two quick points, and this was actually both triggered by your testimony. This Committee, on a bipartisan basis, will tell you we are real sorry that health care was ever hit by the sequester, because that was an accident. It was—that is not supposed to, so that will not happen again. You know, that is—that problem has been fixed, and—but it is good that you bring it up, because, frankly, people need to be reminded of it over, and over, and over again.

And I think, and the Chairman and I have talked about this before, it is beyond the jurisdiction of this Committee. As a rule, I am not for moving things from, you know, discretionary to mandatory. We have done too much of that. But, in this case, I think it is very hard not to do exactly as you suggest because we do it for everybody else. And it is just simply, to me, unconscionable to have mandatory for everybody else's health care, and then discretionary, you know, for Native Americans, and we get caught in situations like sequester. That is the only reason why we were caught, people just literally did not think about that.

And—but second, I mean, we force Indian health care, and—to make economies that nobody else has to make in tough budget years. We have a trust and a treaty obligation here, so I certainly would try to work with you, and I know people on both sides of the aisle just think this is unfair.

And again, this health care situation should be funded the same for every American. We have a trust responsibility. We should not have this artificial distinction of discretionary portion of the budget funding the Indian health care service, and non-discretionary funding, Medicare, and Medicaid, and VA, all this sort of stuff. I think there is a compelling case here, just a case of pure justice, that we ought to try and figure out a way to do this. I am glad to see the Administration wants to do this. It is something I hope that we can find some common ground to work with them on. But thank you for bringing it—thank all of you, frankly, for your testimony. Yield back.

Mr. CALVERT. Thank you, and I think there is consensus, at least on—in this Committee in the House to do that. Hopefully there is consensus in the Senate, we—thank you for coming here today. Have a great day.

Our next panel will be Mr. Tony Small. Are you related to Mr. Nathan Small? I mean, that is kind of—cousins, okay. Tony Small will be on my right, with the Ute Tribe. Mr. Bob Garcia next to Mr. Small, the Confederate Tribe of Coos and Lower——

Mr. GARCIA. Go on.

Mr. CALVERT [continuing] Umpqua and Siuslaw Indians. Mr. Jack Giffen next to him, Confederated Tribes of Grand Ronde, I can pronounce that. And Gary Burke, Chairman of the Board of Trustees, Confederated Tribes of the Umatilla Indian Reservation. I think everybody is going to score me later today, and—see how I do. We are getting close to votes. We can probably get this panel done.

We appreciate your attendance today, thank you. Mr. Small, you are recognized for 5 minutes. Are you related to Nathan Small?

Mr. TONY SMALL. I believe so.

TUESDAY, MARCH 24, 2015.

UTE TRIBE OF THE UINTAH AND OURAY RESERVATION OF UTAH

WITNESS

TONY SMALL

Mr. TONY SMALL. Good afternoon, Mr. Chairman, and members of the Subcommittee. I am a member of the Ute Indian Tribal Business Committee. I want to thank you for this opportunity to testify on behalf of the Ute Indian Tribe of the Uintah and Ouray Reservation. The tribe asks the Subcommittee to focus on areas that would make a big difference for much of Indian Country. These areas are energy, law enforcement, health care. But first we have a specific request to make. We need startup funds for a new Justice Center that will be completed in one year. These funds will be used by BIA for law enforcement and detention services. The tribe was forced to spend 40 million of its own funds to construct a new justice facility after BIA closed our old facility because of safety concerns.

After almost a decade near the top of BIA's priority list with no action in sight, the tribe was forced to take matters into its own hands. Thank you for your consideration of this request. BIA could not request these funds itself because our construction schedule did not match BIA's budget schedule. I can assure you BIA supports this request, and we have been working hand in hand with BIA to construct the facility.

I would also like to address three areas the tribe would like the Subcommittee to focus on. Those areas are energy, law enforcement, and health care. To promote development of Indian energy resources, the tribe asks the Subcommittee to support BIA's proposed 4.5 million Indian Energy Service Center. The Service Center will assist local BIA offices in processing energy permits. BIA developed this proposal in response to our request for help, but we need your help in focusing the Service Center.

First, we ask the Subcommittee to direct BIA to focus the Service Center on oil and gas permitting. The focus is needed because oil and gas development is permitting intensive. Second, we also ask the Subcommittee director to direct the Interior to include the Fish and Wildlife Service in the Service Center for better coordination. Third, we ask the Subcommittee to increase BIA's energy budget to match the value of energy development on Indian lands.

In 2014, oil and gas royalties from Indian lands were about one billion, and royalties from Federal lands were about three billion. Indian lands were able to produce ⅓ of the royalties earned on Federal lands, even though BIA's budget is a small fraction of BLM's budget. Imagine what we could do with more than 100 million Congress provides BLM for oil and gas leasing on Federal lands.

Increased funding is needed for the Service Center and local BIA staff. This is true more than ever. Energy development on Indian land is growing just as fast as Federal permitting requirements. Just last week BLM issued new hydraulic fracturing regulations. BIA and BLM need the staff and resources to manage all permit-

ting requirements, not to mention EP and other Federal staff. Without Federal funding and staff to manage permitting requirements, energy development on Indian reservations would end.

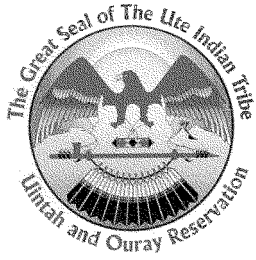
In the area of law enforcement, we asked for increased resources to keep the peace on our reservation. Our reservation is the second largest reservation in the nation, but we are served by only eight officers. This shortage leaves us with only two or three officers per shift to cover an area larger than the State of Connecticut. More funding is needed to prevent the rise of gangs and drugs on our reservation. I have lived on our reservation my whole life and seen the increase in crime firsthand. Without enough tribal police, state and county law enforcement have even begun making illegal arrests of tribal members. We have actually been forced to go to Federal Court just to protect our own jurisdictional rights.

In the area of health care, we ask the Subcommittee to raise IHS funding to meet the United States trust responsibility to Indian tribes. Health care is a treaty commitment that should not be subjected to shrinking budgets. Even worse, the formula used by IHS favors small tribes and urban Indians, while tribes with large land bases are forced to do more with less. Small tribes and urban Indians, they can choose from many clinics on their—many clinics or health care options. On my reservation, with more than 3,000 members, we are served by one small clinic. Our clinic needs to be expanded, and we need more funds to obtain contract health care.

Finally, the tribe strongly supports the President's proposal to fully fund BIA and IHS contract support costs, and its request to classify those costs as mandatory funding, beginning in Fiscal Year 2017.

Thank you for the opportunity to testify. I am available for any questions.

[The statement of Tony Small follows:]



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U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies

Testimony of Ute Tribal Business Committee Member Tony Small

March 24, 2015

Good afternoon Mr. Chairman and Members of the Appropriations Subcommittee on Interior, Environment and Related Agencies. Thank you for the opportunity to testify on behalf of the Ute Indian Tribe of the Uintah and Ouray Reservation. As in past years, our testimony asks this Subcommittee focus on a few areas where increased attention and funding can make a significant impact for the Tribe and much of Indian Country. These areas are Indian energy development, tribal court and law enforcement systems, and the Indian Health Service (IHS). We are also asking for specific start up dollars for our new tribal justice center.

First, the Tribe requests that the Subcommittee fully support BIA's proposal to provide $4.5 million to establish an Indian Energy Service Center that will assist local BIA Agency Offices process energy permits. Working on our own and with the Coalition of Large Tribes (COLT), the Tribe has been a strong advocate for increased funding and streamlined permitting for Indian energy resources. BIA's proposed Service Center is a direct result of the Tribe's efforts and the services it will provide are needed.

BIA's proposed Service Center is needed to improve and streamline the oil and gas permitting process. A single oil and gas permit requires approval by multiple federal agencies who often lack the staff or expertise to efficiency manage the permitting process that seems to grow every day. Just last week, BLM added to the process with new hydraulic fracturing requirements that will further slow oil and gas development on Indian lands.

To help address this problem, the Tribe recommends that the Subcommittee direct BIA to focus Service Center resources on oil and gas permitting. This is focus is needed because on-reservation oil and gas development is permit intensive. While federal expertise and assistance is also needed to help tribes participate in the growing renewable energy industry, a tribe is likely to need only one or two permits for its renewable energy projects. A Tribe with oil and gas resources, however, will need hundreds or even thousands of federal permits.

The Tribe also recommends that the Subcommittee direct Interior to include all relevant federal agencies within the Service Center to improve its effectiveness. Congress has long recognized that oil and gas development requires extensive coordination among federal agencies.

In fact, the "Pilot Project to Improve Federal Permit Coordination," enacted in Section 365 of the Energy Policy Act of 2005, was created for that very purpose. This Pilot Project - which has now been made permanent – includes the Fish and Wildlife Service (FWS), the Environmental Protection Agency, the Forest Service and the Bureau of Land Management (BLM), as Congress has recognized that the participation of each of these agencies was necessary to fulfill statutory requirements. That same multi-agency participation in the BIA's proposed Service Center is necessary for those very same reasons.

The Tribe also asks that the Subcommittee focus the same attention on oil and gas permitting on Indian lands as it does for energy development on Federal lands. While BIA's proposed Indian Energy Service Center is a good start, Congress and the Administration should do much more to recognize the value of Indian energy development. Interior's FY16 Budget in Brief reports that royalties from oil and gas development on Indian lands is about one-third of the royalties generated on Federal lands. Yet, BIA's oil and gas budget is only a small fraction of the amount provided to BLM for its onshore oil and gas efforts on Federal lands.

The Ute Tribe is only able to produce about 10 percent of its capacity because of limited BIA funding. In fact, our industry partners continue to cite the federal permit process as their single biggest business risk. We therefore ask that the Subcommittee support full funding for the BIA's proposed Indian Energy Service Center and we also ask you to provide additional funding to hire experienced staff in local BIA Agency Offices. Some permitting work has to be done at the local level and the Service Center cannot be as effective without it.

Second, we are requesting the Subcommittee to provide FY16 startup funds for our new Tribal Justice Facility that will be completed in February of 2016. After almost a decade of inaction by the BIA, the Tribe was forced to construct this facility with its own funds. While the Tribe is constructing the facility, once completed, the law enforcement and detention portions of the facility will be operated by BIA and its federal employees. As a result, a big portion of the facility is going to be providing much needed federal space. We will also need FY17 funds to pay for BIA funded staffing and operation and maintenance costs for this new facility, so please include those funds in your future planning efforts.

A new facility was needed because our old detention facility was forcibly closed by the Federal government in 2006 due to safety and health concerns. While its court and law enforcement space was kept open after the Tribe funded repairs to those areas of the building, the BIA knew that the entire facility needed replacement and it made that commitment to us in 2006. This replacement facility remained at the top of the BIA's construction priority list for almost a decade, yet federal funds were never appropriated. This delay left - and continues to leave - our BIA and tribal officers utilizing inadequate detention space in nearby county facilities where our people are subject to clear discrimination and mistreatment. In fact, the detention space limitations imposed by the counties have become so serious that our tribal judges are now forced to decide whether to release one prisoner in order to incarcerate another.

With no federal help in sight the Tribe was forced to obligate $40 million of tribal funds to solve this problem. Before beginning this effort; we went to the BIA, discussed the situation and obtained their participation in our planning and design approval process. When completed,

this building will solve the detention, law enforcement and court space problems currently plaguing both the Tribe and the BIA as all three functions will be housed in one building. It will also provide us with the additional court space that we need in order to fully implement VAWA.

Despite the BIA's on-going involvement with this effort, the project's schedule did not allow adequate time for the Agency to request start up and pre-opening monies in its FY16 budget. We do, however, invite you to discuss this project with Office of Justice Services' Director Cruzan and BIA Director Mike Black because I am confident that they will personally support our request, especially since the detention and law enforcement functions which will be housed in this building will be operated by the BIA itself.

Of course, the Tribe strongly supports BIA's on-going efforts to find alternatives to the long-term incarceration of Indian persons with alcohol and drug problems. In fact, our new facility was designed with that in mind. We have an existing tribal treatment program which our courts will continue to use and we will also continue to make use of the BIA's Yuma treatment/detention program.

The persons who will be detained in this new detention space are persons: (1) who are awaiting arraignment, (2) who do not qualify for pre-trial release or house arrest for safety reasons, (3) who our tribal judges believe require short term incarceration even though other alternatives are available, and (4) who otherwise meet the definition of Tier 1 eligible individuals. In short, our goal is to continue to use incarceration only when necessary to insure tribal and societal goals.

While our geographic distance from neighboring tribes limits our ability to operate this building as a regional detention facility, we are talking with BIA and some of our neighboring tribes about ways that this facility can support their efforts. We are also exploring ways that our detention and court staff can work cooperatively with our existing social service and health programs to minimize a person's stay in this facility and address the problems that brought them before the court in the first place.

The Subcommittee's support is also needed for more adequate law enforcement on our Reservation. Our Reservation is the second largest reservation in the Country, yet we are served by only eight (8) officers. This shortage leaves us with only 2 or 3 officers per shift to cover communities that are up to 60 miles apart. The result is lengthy response times and an ever-increasing number of unsolved crimes. To make matters worse, these 8 officers have been subject to inconsistent federal budgets and dramatic funding cuts from sequestration. While we are pleased that this Subcommittee has provided small increases in law enforcement funding over the last few years, when these meager increases were distributed nationwide they did not result in any increase in law enforcement on our Reservation.

Due to the absence of law enforcement, our communities have seen a significant increase in gang activity and in the sale of illegal drugs. Because of our shortage in police manpower, state and county police officers are also regularly making illegal arrests of tribal members on Indian lands, simply because there are no BIA officers available to respond to those police calls. While we have been attempting to negotiate a fair and honorable policing agreement with state

and county governments that protects our sovereign rights, this has proven difficult to do because of our shortage in officers.

Our neighbors have even gone as far as arguing that the Federal government and the Tribe had abandoned federal criminal jurisdiction in certain areas on our Reservation via their failure to enforce applicable law. As positions like this are so dangerous, we have actually been forced to go to federal court, just to protect our own tribal jurisdiction.

As we testified last year, the Tribe was pleased with the passage of the Tribal Law and Order Act of 2010 (TLOA) and the Violence Against Women Act (VAWA). However, Congress cannot simply pass laws authorizing change. Congress must also appropriate the funding needed so that BIA and Indian tribes can make change happen at the local level. Despite all of the important Congressional findings and statements made during the debate leading to the passage of TLOA and VAWA, today many of our local police calls, including those involving domestic violence and child abuse, still go unanswered. Even when an officer is available to answer a call, it is difficult to bring a successful prosecution when the officer arrives long after the crime was committed and evidence was lost, destroyed or tainted. Despite the fine language in TLOA, today most of the funding for our tribal court comes from the Tribe, not the federal government.

The Tribe would also like to thank Congressman Cole for his interest in exploring ways of addressing health and social service issues through the Heath and Human Services Appropriations Subcommittee he chairs. If that can be done, we recommend that his Subcommittee look at the holes left unfilled by the federal government's failure to fund many of family assistance, substance abuse, mental health and diversion programs called for in TLOA and VAWA. There are a number of Health and Human Services (HHS) programs that could help fill those gaps, but to be effective these program funds need to go directly to tribes in the form of long term direct funding. We cannot run programs of this importance on unreliable grants. Tribes also need to be able to contract for those HHS dollars under P.L. 93-638, and they need to have the ability to combine those HHS funds with the funding already provided by IHS and BIA. In short, tribes need to be able to operate a single program under a single set of standards. We have seen what happens when we are forced to tailor our activities to agency requirements rather than local need - money is wasted and the programs are less effective.

Additionally, we ask that the Subcommittee support the proposed increases in funding for IHS. We also ask that you make every effort to provide additional funding for those programs if at all possible. The requested increases do not make up for losses we suffered from three years of unfunded inflation, nor do they replenish the full sequester losses that we incurred.

Finally, the Tribe strongly supports the President's proposal to fully fund Contract Support Costs and its request to reclassify those costs as mandatory funding beginning in FY17. Contract Support Costs are not just a contractual obligation; they are a key component to the successful implementation of Indian self-determination.

Thank you for the opportunity to testify today. The Ute Indian Tribe stands ready to assist the Subcommittee in support of these budget requests in any way possible.

Mr. CALVERT. Thank you, Mr. Small.
Mr. Garcia, you are recognized for 5 minutes.

TUESDAY, MARCH 24, 2015.

CONFEDERATED TRIBES OF COOS, LOWER UMPQUA AND SIUSLAW INDIANS

WITNESS

BOB GARCIA

Mr. GARCIA. Good afternoon, Mr. Chairman, members of the Committee. My name is Bob Garcia. I am Chairman of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians.

We have an aboriginal territory of approximately 1.9 million acres on the beautiful Oregon coast. I wish that I was your representative of the tribal government that retained control of all of our ancestral lands, but those lands were taken from the tribe, despite the absence of any treaty. The result is that our tribal ancestral territory is today overlaid by many different political subdivisions. Our government is headquartered in Coos Bay, Oregon. We have tribal government offices and run a casino in Florence, 50 miles to the north, where Siuslaw River meets the ocean.

Now, Oregon is the public law to 80 states. One might think that, you know, because it is the public law to 80 states that our tribe would not need police funding. But, in actual fact, in Florence, Oregon, the nearest Lane County Sheriff is 50 miles away, and if you call 911, it is going to take him an hour and a half to two hours to arrive. So, as an exercise of our tribal sovereignty and self-determination, we created our own police force. And our tribal police chief is a tribal member who was also formerly a member of the Oregon State Police. He was an Oregon State Police sergeant.

So, you know, when he became the head of our police department, he went from one day having complete police authority over the entire State of Oregon, and able to arrest someone, to suddenly, the next day, only having police authority on our tribal lands. And, you know, this did not make a whole lot of sense, because the way our tribal lands are set up, we have nodes in three different distinct communities that are many miles away.

One example of what happened is, and this actually is something that was very illustrated that we brought to the attention of the state government, was our police chief was on his way between Florence and Coos Bay, and he saw a bad guy that was on a wanted list on the side of the road. Well, he called the Florence Police, which is the city which was a—closest police force, and they were going to send someone out to, you know, stop this guy, but a bridge went up. You know, the bridge went up, and the bridge was up for, you know, a boat to go through for 20 minutes. So our police chief was standing on the side of the road, hoping that this bad guy was going to, you know, stay around for the Florence Police to be able to get him. Luckily enough, he was able to keep sight of the bad guy, and was able to, you know, to get him. He was wanted on a rape charge, and had been convicted, and just had not been sentenced.

Because of that Oregon passed a law—this example and other things, Oregon passed a law that gave tribal police forces that meet the same standards as all the other state and local ones complete jurisdiction in Oregon, and we were the first tribe to actually sign up for that program. And when we did that, we looked and said, where is our additional funding for this? Can we get any funding from the BIA? I mean, we have been providing this entirely out of our general fund. And we found out, you know, because, even though we are Public Law 280, we really were not getting the service that we needed from the state government. But we were told, no, that you are Public Law 280, that you cannot get any funding for this.

Well, then we found out that other tribes, in very similar situations, were getting funding, and they were actually on it, you know, were getting funding. And it turned out that in 1999, which is many years before any of this happened, we were not on a tribal priorities allocation list for police funding. So, in essence, because of a list that we had in 1999, when we did not have a police force, you know, we are not getting any funding, and a tribe that happens to be down the street is. And it just does not seem—this is an area where it is unfair, and it is really contrary to the goals of self-determination. It is contrary to the goals of really providing better policing.

So what we are looking for is equity and fairness in the application of funds, and, you know, the—it just does not make any sense to me that, in 2015, that we should be using lists of allocations that were developed in 1999 for, you know, for spending dollars, and there has got to be a way that we can, you know, get the equal right to be able to go and get funding so that we can use our self-determination, and help our police force to do a much better job. Thank you.

[The statement of Bob Garcia follows:]

U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

MARCH 24, 2015 TESTIMONY OF

ROBERT GARCIA,

CHAIRMAN COOS, LOWER UMPQUA, AND SIUSLAW INDIANS

CONCERNING THE BUREAU OF INDIAN AFFAIRS "TRIBAL PRIORITY ALLOCATION" AND TRIBAL LAW ENFORCEMENT

The Bureau of Indian Affairs intends to play "a critical role in removing obstacles to building and promoting tribal self-determination, strong and stable governing institutions, economic development, and human capital development."[i] In many instances, the BIA has fulfilled this role in relation to the Tribe of which I am privileged to be Chairman.

Today I will focus my remarks on an aspect of the administration of appropriated federal funds that does not measure up to the standard the BIA has set for itself. My Tribe is assuming greater and greater responsibility for protecting our members and property from crime. In doing so, we are also deepening the relationship with the non-tribal communities in which our members live and work. These developments directly enhance our self-determination and help cement the Tribe's role as a strong and stable institution within our community.

The Tribal Priority Allocation (TPA) system, as it has been administered to date with respect to my Tribe in the specific area of law enforcement funding, is operating as a drag on our self-determination instead of serving as an aid in removing obstacles. Restructuring the administration of that system is necessary to remove a barrier to greater self-determination. Modifying the TPA system could also help the federal government encourage innovative efforts dissolve jurisdictional barriers to effective law enforcement that that Congress found in 2010 were "increasingly exploited by criminals."[ii]

The Coos, Lower Umpqua, and Siuslaw Indians operate the Three Rivers Casino on the Pacific Coast in Florence, Oregon due west of Eugene. Our tribal government offices are in Coos Bay/North Bend, approximately 50 miles to the south of Florence along a heavily traveled two-lane highway. The stretch of highway between the north and south of the region, in which my people have lived for more than 10,000 years, parallels the coast, is the primary access to the Oregon Dunes National Recreation Area, and cuts across three Oregon counties. Tourists, non-tribal travelers, and tribal members constantly travel these corridors. A public safety threat arising anywhere in the region is as likely to victimize a non-tribal traveler as it is to endanger a tribal member.

State and local governments in our largely rural part of Oregon gradually have disinvested in public safety services. County sheriffs, city police departments, and the Oregon

State Police never have had all the resources needed to meet all the public safety challenges of this vast area. Today, alarming new gaps have opened in their capacity to protect and serve these communities, including the Tribe and its members. Even though the Tribe is subject to PL-280, the jurisdiction granted by that statute to state and local law enforcement officials as to our property and as to our members is scarcely more effective than a paper shield.

In part to help protect the Tribe's property and members, and in part as a necessary expression of our desire for self-determination, my Tribe has invested heavily in law enforcement services. Since 2008, we have spent over $3,000,000 on law enforcement services. Our current annual budget for law enforcement totals $490,000, of which $400,000 is Tribal General Funds and the remainder derives from competitive grants administered by the BIA. Our police department today consists of the Police Chief, three uniformed officers, and an evidence clerk/records technician. My tribe's five-county service area totals 14,845 square miles.

In 2011, my tribe joined with other Oregon tribes to petition the state Legislature for legislation authorizing our officers to exercise the same law enforcement authority as state law grants city, county, and state law enforcement officers. In short, we asked the Legislature to erase some of the jurisdictional boundaries that Congress had determined were being exploited by criminals.

It was a difficult fight, but we were successful in the end. The Congressionally-chartered Indian Law and Order Commission subsequently held Oregon's new law[iii] up as one of its recommended models for improving public safety in -- and out -- of Indian Country.[iv] Recommendation 4.1 of the Commission's final report states:

> 4.1: ***Federal policy should provide incentives for States and Tribes to increase participation in*** deputization agreements ***and other recognition agreements*** between State and Tribal law enforcement agencies. (Emphasis added.)

Given the foregoing backdrop, we were very disappointed to learn in early 2013 that the Tribe was ineligible for law enforcement funding through the BIA's Tribal Priority Allocation system. We received from the BIA confusing accounts of the reason for our ineligibility. On one occasion, we understood the reason to be that our Tribe is subject to PL-280. After pointing out that other Oregon tribes that are also subject to PL-280 had received such funding, we were told that only tribes that had received TPA funds in 1999 are eligible today for such funding. We did not receive TPA funds for law enforcement purposes in 1999.

Either explanation might seem superficially appealing. In fact, in the context of my Tribe's experience, neither serves to remove obstacles to tribal self-determination, and both run counter to the course recommended by the Indian Law and Order Commission.

Starving PL-280 tribes or regions of TPA funds does not encourage tribal self-determination. Nor does it somehow encourage state and local jurisdictions to provide adequate public safety for tribes. Instead, it requires tribes like mine to rob resources from

other tribal priorities in order to pay for essential public safety services from scarce Tribal General Funds.

Limiting eligibility for these funds by reference to historic allocations is even more illogical and even more damaging to the federal government's stated goals. As described above, Oregon is four years into an experiment in law enforcement cooperation that has been identified by the Indian Law and Order Commission as a model potentially replicable everywhere in the country. That model didn't come into being until years after the BIA established the "base" expenditure system. The practice of limiting future TPA funding for law enforcement to Tribes that had received such funding in the past means that innovative tribes like mine are inhibited in their efforts to break down jurisdictional boundaries that impede the delivery of public safety services in and out of Indian Country.

Two responses could ameliorate the damaging effects of the current TPA policy as it is being applied to my Tribe. One is, at best, a stop-gap. The other is calculated to create incentives for enhanced self-determination and to improve public safety by implementing Recommendation 4.1 of the Indian Law and Order Commission.

First, Congress could increase the total amount of money appropriated to the BIA for redistribution to the Tribes. This, in turn, could free the BIA to allow funds to be distributed to Tribes like mine that had not historically received TPA funds for law enforcement, without causing an undue reduction in the allocation of funds to tribes that have historically received TPA funds for law enforcement activities.

Second, Congress or the BIA could dedicate a portion of newly appropriated or reallocated funds to law enforcement grants in jurisdictions where tribes and states have successfully demonstrated new or improved means of inter-jurisdiction law enforcement cooperation. Such a system would drive states and tribes in those states to seek their own means of improving cross-jurisdiction public safety efforts, regardless of whether the jurisdiction or tribe is subject to PL-280 and regardless of whether the tribe or tribes had, in 1999, been the recipient of TPA grant funds for law enforcement purposes. It would operate as an incentive to tribal self-determination, and it would directly implement recommendation 4.1 of the Tribal Law and Order Commission.

Thank you for the opportunity to have presented the views of my Tribe today. Oregon is surging ahead of the Nation in the field of inter-jurisdictional public safety. Federal funds should encourage this bright new future, not tie it to the jurisdictional rigidities of the ineffective past.

ENDNOTES

[i] *Budget Justifications and Performance Information Fiscal Year 2013*, The United States Department of the Interior, Prepared for the Interior, Environment, and Related Agencies Appropriations Subcommittee, http://www.bia.gov/cs/groups/xocfo/documents/text/idc016444.pdf (last viewed March 19, 2015).

[ii] Tribal Law and Order Act of 2010, Section 202 (A)(4)(b).

[iii] SB 412C, 2011 Oregon Laws Chapter 644.

[iv] Indian Law and Order Commission, *A Roadmap For Making Native America Safer Report To The President And Congress Of The United States*, pages 104 - 105, http://www.aisc.ucla.edu/iloc/report/files/Chapter_4_Intergovernmental.pdf (last viewed March 19, 2015).

Mr. CALVERT. Okay. Thank you for your testimony. Let me get one more person in before I vote. Jack Giffen, Confederated Tribes of the Grand Ronde. Am I close?

Mr. GIFFEN. Grand Ronde.

Mr. CALVERT. Grand Ronde. Okay. You are recognized for 5 minutes.

TUESDAY, MARCH 24, 2015.

CONFEDERATED TRIBES OF GRAND RONDE

WITNESS

JACK GIFFEN, JR.

Mr. GIFFEN. All right. Chairman Calvert, Ranking Member McCollum, members of the Subcommittee, my name is Jack Giffen, Jr. I am the Vice Chairman of the Confederated Tribes of Grand Ronde. Thank you for providing me an opportunity today to raise an issue of great importance to Grand Ronde and others in Indian Country, the lack of adequate law enforcement funding for Indian Country. In particular, my remarks will highlight the continued impacts termination has had on Grand Ronde's ability to secure Federal funding for much needed law enforcement services.

Grand Ronde is located in rural Northwest Oregon, and is comprised of 5,270 members. The tribe, terminated in 1954 and restored in 1983, has put significant effort into rebuilding a tribal community, including a successful Class 3 gaming operation, management of over 10,000 acres of timber—tribal timber lands, and a large—the largest health and wellness center in the area, an assisted living facility for tribal elders, various types of tribal house, an education complex, and other government offices.

While Grand Ronde has made great strides in rebuilding its reservation community, the tribe continues to suffer the effects of 29 years of termination. It continues to be disenfranchised when coming—when seeking Federal funding for infrastructure needs, such as law enforcement. Grand Ronde, like other terminated tribes, did not receive any of the Federal investments or social welfare benefits directed at Indian Country during the era of self-determination. When Grand Ronde was restored in 1983, the burden of rebuilding the reservation, its law enforcement, roads, wellness center school, tribal and elder housing, fell on the shoulders of the tribe.

Due to the tribe's remote location, police response has been slow or non-existent, so in 1997 the tribe took action to address the lack of law enforcement by entering in an enhanced service agreement with Polk County, under which the tribe paid the county hundreds of thousands per year to provide coverage in the Grand Ronde community. In 2012 the tribe started its own police department, and, following the passage of Oregon SB 412, which allows tribal police officers to be treated as police officers under Oregon law, began enforcing criminal law on the—in the Grand Ronde area. The Grand Ronde Police Department works cooperatively with local counties to provide law enforcement services throughout the area. The Polk County Enhanced Service Program has ended, and the tribe now

has primary responsibility for law enforcement in the Grand Ronde area.

The tribe has utilized COPS grants, state grants, to fund some law enforcement and emergency preparedness functions, but does not have an identified source of funding for continued operation. Due to the high crime rate and remote rural area, which also contains one of the largest tourist destinations in the state, it is imperative that, in the absence of Polk County enhanced service, the tribe operate the police department to ensure the safety of its community and neighbors. In order to do so, it requires BIA funding.

The tribe requested the Bureau of Indian Affairs enter into a 638 contract with the tribe, under which the tribe would perform law enforcement services. The request was denied on the grounds that the Bureau of Indian Affairs is not currently providing law enforcement services to the tribe, and thus there is no program to transfer. I have included correspondence with the BIA on this subject. Had Grand Ronde not been terminated in 1954, it is highly likely the Bureau of Indian Affairs would have provided law enforcement services on the reservation, thus allowing the tribe to today qualify for a 638 contract to fund the law enforcement.

The tribe understands the Bureau has a general policy of not funding law enforcement programs for tribes located in PL–280 states, except in special circumstances. The tribe believes it is the responsibility of the Bureau to provide such funding to all tribes, regardless of PL–280 status. Federal base funding for tribal justice systems should be made available on equal terms to all federally recognized tribes.

Nevertheless, the tribe would qualify for funding under the Bureau's current policy, as it fits the definition of special circumstances. Grand Ronde is similarly situated to other tribes in the region that have provided law enforcement funding pursuant to a 638 contract, such as Fort Mojave and Hoopa Valley tribes. For each of the criteria related to Grand Ronde's 638 contract request, corresponding data submitted to the tribe's—by the tribe to OJS meets or exceeds the requirements set forth by the agency funding formula.

In conclusion, Grand Ronde requests the Subcommittee's assistance in securing additional funding for BIA to be used for enhanced law enforcement efforts by the tribe and its police force. Thank you for your consideration, and I will be happy to answer any question.

[The statement of Jack Giffen, Jr. follows:]

The Confederated Tribes of the Grand Ronde Community of Oregon

Tribal Council
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9615 Grand Ronde Rd
Grand Ronde, OR 97347

Chairman Calvert, Ranking Member McCollum, members of the Subcommittee, my name is Jack Giffen Jr. I am the Vice Chairman of The Confederated Tribes of Grand Ronde.

Thank you for providing me the opportunity today to raise an issue of great important to Grand Ronde and others in Indian County – the lack of adequate law enforcement funding for Indian Country. In particular, my remarks will highlight the continued impacts termination has had on Grand Ronde's ability to secure federal funding for much needed law enforcement services.

Grand Ronde is located in rural northwest Oregon and is comprised of 5,270 members. The Tribe's lands are located in the outlying areas of Polk and Yamhill Counties and part of Tillamook County.

The Tribe, terminated in 1954 and restored in 1983, has put significant effort into rebuilding its Tribal community, including a successful Class III gaming operation, management of over 10,000 acres of tribal timber lands, the largest health and wellness center in the area, an assisted living facility for tribal elders, various types of tribal housing, an education complex and other government offices.

While Grand Ronde has made great strides in rebuilding its Reservation community, the Tribe continues to suffer the effects of 29 years of termination, and it continues to be disenfranchised when seeking federal funding for infrastructure needs such as law enforcement and certain social services programs. Grand Ronde, like other terminated tribes, did not receive any of the federal investments nor social welfare benefits directed at Indian County during the era of self-determination.

When Grand Ronde was restored in 1983, the burden of rebuilding the Reservation – its law enforcement, roads, wellness center, school, tribal and elder housing, fell on the shoulders of the Tribe. In order for its people to return to the Reservation, the Tribe knew that it had to invest in its Reservation, people and culture, which it did.

The Grand Ronde community has grown significantly over the last two decades, and along with that population growth has come an increase in crime – especially involving drugs and violent crime. Due to the Tribe's remote location, police response has been slow or non-existent, so in 1997 the Tribe took action to address the lack of law enforcement by entering into an Enhanced Service Agreement with Polk County, under which the Tribe paid the County hundreds of thousands of dollars per year to provide coverage in the Grand Ronde community.

In 2012, the Tribe started its own police department, and following the passage of Oregon SB 412 (state law which allows Tribal police officers to be treated as peace officers under Oregon law), began enforcing criminal law in the Grand Ronde area. The Grand Ronde Police Department works in cooperation with the local counties to provide law enforcement services

throughout the area. The Polk County enhanced services program has ended and the Tribe now has primary responsible for law enforcement in the Grand Ronde area.

The Tribe has utilized COPS grants and State grants to fund some law enforcement and emergency preparedness functions, but does not have an identified source of funding for continuing operations. Due to the high crime rates in the remote and rural area – which also contains one of the largest tourist destinations in the State – it is imperative that, in the absence of Polk County enhanced services, there be police protection to ensure the safety of the community. In order for the Tribe to do so, it requires BIA funding.

The Tribe requested the Bureau of Indian Affairs enter into a 638 contract with the Tribe under which the Tribe would perform law enforcement services. The request was denied on the grounds that the Bureau of Indian Affairs isn't currently providing law enforcement services to the Tribe and thus there is no program to transfer to the Tribe in a 638 contract. Attached are copies of our correspondence with the BIA on this subject.

Had Grand Ronde not been terminated in 1954, it is highly likely the Bureau of Indian Affairs would have provided law enforcement services on the Reservation, thus, allowing the Tribe to today qualify for a 638 contact to fund its law enforcement.

The Tribe understands that the Bureau has a general policy of not funding law enforcement programs for tribes located in PL-280 states, except in special circumstances. The Tribe believes that it is the responsibility of the Bureau to provide such funding to all tribes, regardless of PL-280 status. Federal base funding for Tribal justice systems should be made available on equal terms to all federally recognized tribes. Nonetheless, the Tribe would qualify for funding under the Bureau's current policy as it fits the definition for special circumstances. Grand Ronde is similarly situated to other tribes in the region that are provided law enforcement funding pursuant to a 638 contract, such as the Fort Mojave and Hoopa Valley Indian Tribes.

For Tribes already receiving BIA funding, the Office of Justice Services ("OJS") considers the following Primary Criteria:

(i) crime rates, including violent crimes;
(ii) staffing levels/shortages by standard ratio (2.8 to1,000 pop);
(iii) size – land base/acres to be patrolled;
(iv) recorded prevalence of drug or gang activity;
(v) detention facility shortages;
(vi) recorded calls for services resulting in a reportable incident; and
(vii) consideration for new Department of Justice ("DOJ") granted detention facilities that need full operating expenses.

In order for OJS to properly consider this request, the Tribe has submitted the following information:

(i) Crime rates – violent crimes: The attached map shows the Grand Ronde area and designates in purple the Grand Ronde Enhanced Service area for law enforcement. Of major concern for Grand Ronde is the prevalence of violent crimes in the area, particularly sex crimes: 24.66% of sex crimes in Polk County occur in the Grand Ronde Enhanced Service Area (latest available Polk County data – 2010-2011). This percentage is staggering, especially considering that Polk County has 79,122 residents (2010 census) and several populated areas, including the cities of Dallas, Monmouth, and West Salem. The prevalence of assault and harassment is also staggering: 30.06% of all assaults and harassment in the County occurred in the Grand Ronde Enhanced Service Area (latest available Polk County data – 2010-2011). Clearly, there is a heightened level of violent crime in the Grand Ronde Enhanced Service Area as compared to the rest of the County, and addressing these crimes through multidisciplinary teamwork with Tribal social services, prevention programs, and County resources is a priority of the Tribal Police Department.

(ii) Staffing levels/shortages by standard ratio (2.8 to 1,000 resident population): The attached map also shows the boundaries of the historic Grand Ronde Reservation. The area outlined in red is the Grand Ronde Census Designated Place ("CDP"), which has a population of 1,661 (2010 census data). As noted earlier, the area outlined in purple designates the Grand Ronde Enhanced Service Area for law enforcement. This area was created to encompass the majority of the population in the Grand Ronde area. As the Enhanced Services Area includes Fort Hill and the outskirts of Willamina, the overall population served becomes an extremely conservative 2,500. Augmenting this figure is one of the largest tourist attractions in the State of Oregon – Spirit Mountain Casino – which is located directly in the center of the Enhanced Service Area. It is not uncommon for visitor levels to the Enhanced Service Area to reach 20,000. For example, on the weekend of August 10-11, 2013, the "Rally in the Valley" attracted hundreds of motorcyclists and other attendees. The event was handled entirely by the Tribal Police Department and Casino Security staff.

It is also important to note that State Highway 18, which traverses the Enhanced Service Area, is a highly traveled arterial to the Oregon Coast and a designated Safety Corridor. According to the Oregon Department of Transportation's ("ODOT") 2011 statistics, the average daily vehicle count on Highway 18, within the Enhanced Service Area, was 17,700. This highway has a history of many serious and fatal crashes and has been a focus of both ODOT and the Tribe's Engineering Department, as they look at opportunities to improve safety in the area. The existence of this major highway through the Enhanced Service Area warrants enhanced police services. When compounded with the growing rural population and the multitude of Spirit Mountain Casino visitors, the need for 24/7 law enforcement coverage becomes magnified.

(iii) Size – land base/acres to be patrolled: The area that includes the historic Grand Ronde Reservation boundaries, the Grand Ronde CDP, and the Enhanced Service Area consists of 105.62 square miles (see attached map).

(iv) Recorded prevalence of drugs/gang activity: Drugs are a major problem in the Grand Ronde area. In fact, 47.8% of Polk County's drug offenses were reported in the Grand Ronde Enhanced Service Area in 2012. This was a 23.3% increase in incidents from 2011, indicating

that the problem is growing quickly. The Tribe is very concerned about the prevalence of drugs in the community, and continues to struggle with the impacts of those drugs on its members and youth. Law enforcement is the most effective tool in combating illegal drug use; however, even with the 24/7 coverage provided through the Enhanced Service Agreement, the problem has not been brought under control. There is a high and demonstrable need for increased law enforcement to meet this need. Surely, a reduction of law enforcement presence in the community would only result in an upswing of drug activity. Further, although there is no recorded prevalence of gang activity in the area, the level of drug-related crime suggests that gang activity could be occurring.

(v) Recorded calls for services resulting in a reportable incident: In 2012, Polk County reported 2,458 incidents, of which 563 were located in the Grand Ronde Enhanced Service Area, which amounts to 23%. The population of the Grand Ronde area is only 3.2% of the County, and its land base is 4.2% of the County. Clearly, the crime rates are much higher per capita in this area such that effective law enforcement is necessary. It should also be noted that a portion of the Tribal lands are located in Yamhill and Tillamook Counties. Though there have been incidents in Yamhill County, that data is not available at this time. Nonetheless, that data would only supplement what has already been demonstrated herein as an established need for enhanced law enforcement in Grand Ronde.

Grand Ronde requests the Subcommittee's assistance in securing additional funding for the BIA, to be used to fund law enforcement efforts by the Tribe and its police force.

As an additional matter, the Tribe works cooperatively with the State of Oregon and our neighboring counties to improve highways on and near our Reservation. These efforts include widening and installing sidewalks on Grand Ronde Road, which connects busy State Highways 18 and 22, and committing $4 million to the Newberg-Dundee Bypass, the solution to one of the major bottlenecks in the Oregon transportation system. The Tribe has also helped extend public transportation from Yamhill County and the City of Salem to the Reservation and coastal communities to the west. Good roads and access to public transportation help connect out Tribal members with jobs off the Reservation. We strongly support additional funding for highway improvements and public transportation on and near tribal reservations.

Thank you for considering these issues and I am happy to answer any questions that Subcommittee members may have.

Mr. CALVERT. I thank the gentleman. We are going to recess the committee for 20 minutes. We have to go vote, and we will be right back.

[Recess.]

Mr. CALVERT. Mr. Gary Burke, you are recognized for 5 minutes.

TUESDAY, MARCH 24, 2015.

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

WITNESS

GARY BURKE

Mr. BURKE. Chairman Calvert, Ranking Member McCollum, I am Gary Burke, Chairman of the Board of Trustees, Confederated Tribes, Umatilla Indian Reservation of Oregon. My tribe consists of 2,986 members, primarily living on a reservation in Northeast Oregon. In 1955 we signed a treaty with the U.S. Government, ceding over 6.4 million acres of the United States. We have reserved rights to fish, hunt, gather foods and medicines within our aboriginal lands of Northeast Oregon and West—Southwestern Washington. My full testimony has been submitted for the record, and I would like to focus on the key programs that we urge your support for. In general we applaud the President's budget requests for BIA and IHS, and we urge the Subcommittee to support those budget increases.

Regarding contract support costs, Umatilla has compacted nearly all available BIA and IHS functions. Our receipt of full contract support costs is essential in administering these programs. We support the CSC budget increases of 26 million for the BIA and 55 million for the IHS. We also urge support for the reclassification of CSC as permanent funding.

Of particular interest to the Umatilla Tribe is funding for BIA water rights litigation support. We are actively engaged in negotiations for a water rights settlement of our tribal homeland. A Federal Indian water rights negotiation team was appointed in 2012, and our negotiations have been ongoing since then and are making real progress. We support the $2.5 million budget for litigation support for attorneys' fees, and the $16.53 million budget for our water rights negotiation litigation line item. Umatilla technical work on its water rights settlement is premised on our commitment to achieve a water rights settlement without harm to existing water right holders, agriculture economy, and the Umatilla basin.

Moving on to health care, the Umatilla Tribe's priority is development of new clinic. The tribe has owned and operated the Yellowhawk Tribal Health Center since tribe contracted, then later compacted, in the IHS functions in 1995. Part of assuming Yellowhawk management functions includes strategies to expand health care services and address health care disparities to tribal members and other IHS eligible patients.

To meet the responsibilities, the CTUIR needs to expand health services in a manner that requires a new health facility. However, access to Federal funds for the critical facility are difficult, if not

impossible, to access. First, the proposed 100 million increase for facilities construction is limited to the IHS priority list. Second, the Umatilla applied, but was rejected, for funds under the Joint Venture Program. That leaves only one remaining path for financial assistance, and that is the IHS Small Ambulatory Programs, SAP.

The SAP has developed to assist tribes with construction funding, if they were willing to utilize their own resources for staffing a new tribal health clinic. However, the program has been—has not been funded since 2006. The SAP program leverages Federal taxpayers' dollars with tribal resources to build new health facilities. It is a win-win proposition, where the Federal clinic construction funds are matched with Federal—or tribal fundings for clinic staffing to build new tribal health facilities. Tribes who rise to the constructing their own facilities should be able to rely on the IHS for some level of assistance. The assistance can be provided by appropriating funds under the Small Ambulatory Program. We urge Congress to relocate 20 million of the health care facility construction budget to the SAP to assist the CTUIR, and other tribes who are developing ambulatory health centers.

Finally, the Umatilla Tribe would like to support the testimony of the Northwest Portland Area Indian Health Board and the Columbia River Inter-Tribal Fish Commission. Thank you for your commitment to funding these important programs. Your work here continues the solemn trust obligations of the United States.

With all that said, our treaty of the United States Government, 12th Statute 945, ratified March 8, 1859, proclaimed April 11, 1859. In that treaty there are 11 articles. Fourth article applies to hospital-type buildings. And this treaty has been 160 years old to date, June 9, and we come here—or I come here to testify to you on behalf of the Confederate Tribes, Umatilla Indian Reservation, and I thank you, and I hope you can support what we have stated. Thank you very much.

[The statement of Gary Burke follows:]

Testimony of Gary Burke, Chairman, Board of Trustees
Confederated Tribes of the Umatilla Indian Reservation
Before the House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
Hearing on FY 2016 Appropriations
American Indian/Alaska Native Programs
March 24, 2015

Chairman Calvert and Ranking Member McCollum: I am Gary Burke, Chairman of the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation of Oregon.

Summary

1) **Support the President's budget request for the BIA and IHS**
2) **BIA and IHS Contract Support Costs: Support for Full Contract Support Cost Funding**
3) **BIA Budget Comments**
   a. **Support for BIA Water Rights Litigation Support/Attorney's Fees and Negotiation/Litigation Funding**
   b. **Support for Increase in Budget for Trust – Natural Resources Management: $48 million**
   c. **Support for Increase in Budget for Trust – Real Estate Services: $16.6 million**
   d. **Support for Increase in Budget for Public Safety and Justice: $11.5 million**
4) **IHS Budget Comments**
   a. **Support for IHS Small Ambulatory Program Funding**
   b. **Support for NPAIHB Testimony**
5) **Treaty Fisheries Management: Support for CRITFC Testimony**

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) consist of 2,986 members who primarily live on our Reservation in northeast Oregon. In 1855, we signed a Treaty with the U.S. government ceding over 6.4 million acres to the United States. We reserved rights to fish, hunt, and gather foods and medicines within our aboriginal lands in northeastern Oregon and southeastern Washington.

Before I get into specific requests, I urge the Subcommittee to recognize the federal government's earliest treaty commitments when it takes action on the BIA and IHS budgets. We recognize that our country and this Congress confront a difficult budget climate, but that climate does not diminish the government's treaty and trust obligations to Tribes.

1)Support the President's budget request for the BIA and IHS

Generally the CTUIR is pleased that the President's FY16 budget request for BIA and IHS has held its ground with, or includes much needed increases over, 2015 enacted levels. Subject to our more specific comments below, we support the $231.4 million increase in the BIA budget,

and the $460.6 million increase in IHS budget over FY15 enacted levels. The President's FY 2016 budget request includes $5.1 billion to Indian Health Service (IHS) programs. This represents a much needed increase of 9.9% over FY 2015. The CTUIR urges the subcommittee support the Administration's budget increasese and commitment to addressing the significant unmet health needs throughout Indian Country.

2) BIA and IHS Contract Support Costs: Support for Full Contract Support Cost Funding

The CTUIR has compacted nearly all available BIA and IHS functions under the Indian Self-Determination and Education Assistance Act. Our receipt of full contract support costs (CSC) is essential to administering these programs and is required by the ruling of the U.S. Supreme Court in Salazar v. Ramah Navajo Chapter. The CTUIR supports the CSC budget increases of $26 million for the BIA, and $55 million for the IHS. We urge the Subcommittee to ensure that the BIA and IHS appropriations fully fund tribal contract support costs. We also urge support for the reclassification of CSC as permanent funding beginning in FY 2017.

3) BIA Budget Comments

a. Support for BIA Water Rights Litigation Support/Attorney's Fees and Negotiation/Litigation Funding

The CTUIR is actively engaged in negotiations for a water rights settlement for our tribal homeland in the Umatilla Basin, where agricultural diversion have seriously impacted once-abundant salmon runs. A federal Indian water rights negotiation team was appointed in 2012 and our negotiations have been ongoing since then and are making real progress.

The CTUIR supports the $2.5 million budget for litigation support/attorneys' fees to support our water rights negotiations. The $1.5 million in funding under this line item in previous years has clearly been insufficient to meet the needs of the CTUIR and the other tribes actively involved in water rights negotiations. Because of the complicated water rights and other legal issues associated with our water rights settlement, federal support for the payment of tribal legal costs to achieve our settlement is critical. In fact, the recent letter from House Natural Resources Chairman Rob Bishop to the Attorney General and Secretary of Interior regarding the prerequisites for Committee consideration of a tribal water rights settlement make the funding under this budget line item even more important.

The CTUIR also supports the $16.53 million budget for water rights negotiation/litigation line item, which is a much needed increase over the 2015 enacted level of $8.5 million. This funding is critical to the technical work on instream flows required to support the Treaty reserved fishing rights and the consumptive use water rights required to satisfy the Tribal homeland. The CTUIR's technical work on its water rights settlement is complicated by the over-appropriation of water in the Umatilla River, the listing of steelhead and bull trout as endangered under the Endangered Species Act and the CTUIR commitment to achieve a water rights settlement without harm to existing water rights holders and the agricultural economy in the Umatilla Basin.

b. Support for Increase in Budget for Trust – Natural Resource Management: $48 million

The CTUIR strongly supports the $48 million budget increase for Trust - Natural Resource Management which adds $20.4 million to Tribal Climate Resilience and includes increases of $4.7 million to Rights Protection Implementation, $4.1 million to Forestry, $2 million to Fish, Wildlife and Parks, and $5 million to Tribal Management and Development.

c. Support for Increase in Budget for Trust – Real Estate Services: $16.6 million

The CTUIR supports the $16.6 million increase in the Trust – Real Estate Services which includes a $9 million increase in the Rights Protection line item. The CTUIR relies upon rights protection funding to protect fishery, wildlife and water resources reserved in our Treaty.

d. Support for Public Safety and Justice: $11.5 million

The CTUIR supports the $11.5 million increase in the Public Safety and Justice budget, which includes a much needed increase of $4.9 million in funding for tribal courts. As a result of the CTUIR implementation of Sex Offender Registration and Notification Act, Tribal Law and Order Act, and the Violence Against Women Act, we have seen an increase in the use of our tribal court for law enforcement purposes. The provision of effective law enforcement, fire protection, and tribal court services are essential for effective law enforcement in our community.

4) IHS Budget Comments

a. Support for IHS Small Ambulatory Program Funding

The development of a new clinic has been a priority of the CTUIR for several years. The CTUIR has owned and operated the Yellowhawk Tribal Health Center (Yellowhawk) since the Tribe contracted, and later compacted, the IHS function in 1995. Yellowhawk provides a full range of outpatient medical, dental, pharmaceutical, laboratory, and behavioral and community health services to our tribal community. Part of assuming Yellowhawk management functions includes strategies to expand health care services and to address health care disparities to tribal members and other IHS eligible patients. To meet this responsibility, the CTUIR needs to expand health services in a manner that requires a new health facility. The growth of our patient population, increasing health needs, and lack of space for adding programs and services, have led to the need to replace the current Yellowhawk facility. The new Yellowhawk health center is the number one capital improvement priority of the CTUIR.

The Administration's proposed IHS Facilities budget includes $185 million for Health Care Facilities Construction, which includes a $100 million increase over the 2015 budget for new facilities construction. This increased budget for new facilities is not available to tribes, including the CTUIR, because the funds are directed to 4 identified projects on the IHS facilities priority list. In addition, the CTUIR application for new facility funding under the Joint Venture

Construction Program was rejected. As a result, the only form of IHS financial assistance for the new CTUIR health clinic is the IHS Small Ambulatory Program (SAP).

The SAP was developed to assist Tribes with construction funding if they were willing to utilize their own resources for staffing a new Tribal health clinic. However, the program has not been funded since 2006. The SAP program leverages federal tax payer dollars with tribal resources to build new health facilities. It is a win/win proposition where federal clinic construction funds are matched with tribal funding for clinic staffing to build new tribal health facilities. Tribes who rise to the challenge of constructing their own facilities should be able to rely on the IHS for some level of assistance. That assistance can be provided by appropriating funds under the Small Ambulatory Program.

We urge Congress to reallocate $20 million of the Health Care Facilities Construction budget to the SAP to assist the CTUIR and other tribes who are developing ambulatory health centers.

b. Support for NPAIHB Testimony

The CTUIR, as a member of the Northwest Portland Area Indian Health Board (NPAIHB), supports the testimony on the IHS budget being provided today before the Subcommittee by NPAIHB Chair, Andy Joseph.

5) Treaty Fisheries Management: Support for CRITFC Testimony

Perhaps the most cherished of our reserved Treaty rights and first foods is our salmon fishery. To assert and protect that Treaty right, the CTUIR is one of the four member tribes of the Columbia River Inter-Tribal Fish Commission (CRITFC). CRITFC serves as our policy and technical coordinating agency for Treaty fisheries management for Columbia River and international fisheries. We support the testimony you will hear today from CRITFC Treasurer Brooklyn Baptiste of the Nez Perce Tribe.

In conclusion, I want to again thank the Subcommittee for your commitment to funding these important programs to the Confederated Tribes of the Umatilla Indian Reservation. Your work here continues the solemn trust obligations of the United States.

Mr. CALVERT. I thank the gentleman for his testimony.

Mr. Small, quick question. Obviously BLM just came out with our new fracking regulations the other day, and I just wanted to—if you had a chance to go through them—Do you have—if you—an opinion yet on it?

Mr. TONY SMALL. Yes, our tribe has an opinion on it. We are opposed. This—fracking has taken place on our reservation for more than 70 years, and if it is done in a safe manner, which it has been done on our reservation, you know, I think we can continue with this. Also, I wanted to—Indian lands are not public lands. BLM also does not have the authority on Indian lands.

Second, BLM's new requirements are unnecessary because it—a company's—it increases burdens on companies that are working on the reservation, so then it takes revenue away from the tribe, which we use for social——

Mr. CALVERT. Sure. What is the—singularly the biggest objection you have to——

Mr. TONY SMALL. The biggest objection?

Mr. CALVERT. Yeah.

Mr. TONY SMALL. Our biggest objection is that, you know, I think it should be left up to the tribes to deal with this issue, and not so much BLM.

Mr. CALVERT. And you feel you have done a good job——

Mr. TONY SMALL. After 70 years——

Mr. CALVERT [continuing]. Maintaining your property, and doing all that——

Mr. TONY SMALL [continuing]. Safely——

Mr. CALVERT [continuing]. Okay.

Mr. TONY SMALL [continuing]. On our reservation, I think yes, sir.

Mr. CALVERT. Sure. Okay. Thank you. Ms. McCollum.

Ms. MCCOLLUM. On the law enforcement issue, how easy was it, or what was the tipping point, that made the state want to work with the tribal governments on it? Because we know that there are some states where that is not the case. What was it that you think made the cooperation work well? I know, even in Minnesota, we had problems with cooperation, not so much from the state, but from some of the counties. If you could enlighten me as to what you think made that so successful for you folk?

Mr. GIFFEN. I think it stems back to when we were fighting for restoration, and we went to the surrounding counties, and got their support for our restoration effort. So we have developed those relationships with the County Commissioners, the Sheriffs, and all that in the restoration process. And I believe what developed that—from that foundation developed through the years into good cooperation, even in the Enhanced Service Program that we had with Polk County. It all stems from that relationship and cooperation from the beginning, I guess, of restoration.

Mr. GARCIA. I would just add that, you know, in 2011, when this bill that was in the state legislature was first passed, it was not unanimous support at all. In fact, the Association of County Sheriffs opposed it. And—but it was, you know, it was a tight vote. This legislation was actually up for renewal this year, and it was almost unanimously—by the legislature.

And I think that is a result—because, you know, the results are in there. What we have been doing is putting more public safety officers on the road protecting the state. And so this, to me, is just, you know, what are you doing? If you are putting more police officers in an area where there are fewer police officers, you are protecting all property and all people. It is a better thing. And so I think that the state government and the tribal governments have really worked together to try to create rules that work for all of us.

Ms. MCCOLLUM. Congratulations.

Mr. CALVERT. Any other questions for this panel? I appreciate this panel. You are excused, and we will go to the next panel now.

Next, Mr. Ed Johnstone, Treasurer, Northwest Indian Fisheries Commission. If you could please sit here on my right? Mr. Brooklyn Baptiste, Treasurer of the Columbia River Inter-Tribal Fish Commission. Just sit next to Mr. Johnstone. Mr. TJ Greene, Chairman of the Makah Tribal Council. And Mr.—or Ms. Fawn Sharp, President of the Quinault Indian Nation. Welcome.

Just one more time, I think Mr. Baptiste has been here before, so he already knows the drill, but we are under the 5 minute rule, so the green light means that you are being recognized, the yellow light means that—hurry up, and the red means we are done. So, with that, Mr. Johnstone, you are recognized for 5 minutes.

TUESDAY, MARCH 24, 2015.

NORTHWEST INDIAN FISHERIES COMMISSION

WITNESS

ED JOHNSTONE

Mr. JOHNSTONE. Thank you, Mr. Chairman, and—this one? Thank you, Mr. Chairman. Mr. Chairman Calvert, and members of the Subcommittee, I thank you for this opportunity to provide testimony for fiscal year 2016 BIA and EPA budgets. I would like to also acknowledge the outstanding support from the Subcommittee in the past years. It really reflected with the times that we are facing in this era of sequestration and the Budget Control Act that we have done real well in this Committee, in recognition to the support that we have come here and expressed from our communities, from our tribes, our reservations, and our areas.

My name is Ed Johnstone. I am a Quinault tribal member. I am Fisheries policy spokesman for the Quinault Indian Nation, but today I am the treasurer of the Northwest Indian Fish Commission. Northwest Indian Fish Commission is five treaty areas in western Washington. 20 member tribes from the Cascade Mountains through Puget Sound and the Olympics, down to the Pacific Ocean, and out 200 miles, and from Canada to the Mexico border. Because of the participation and all the forms that are required by us—to us through the Pacific Salmon Treaty, Pacific Fisheries Management Council, International Pacific Halibut Commission and so forth, the Federal Government plays a large role in the management of those resources.

I am here today also not quite a year after the great loss of our Chair for many, many years, 30 plus year, Bill Frank, Jr., that had

a good working relationship with many members that have been in this—on this Committee, one of which was Congressman Norm Dicks, and now we have Mr. Kilmer here in the 6th District, which we are a member of. And it is an honor to be here, and to have the mantle passed, for this year I would be asked to provide this testimony for our tribes that signed those treaties in 1854 and 1855 that made a commitment with the United States, saying the things that we would see have happen in order for us to sign these treaties, the commitment that were made—that are made to us is so critical to our communities.

You know, Billy told us over and over again to tell our story. Today I am telling the story that reflects the advancement that we have as Indian people, as those communities, through the hard work that we do, and being able to come here in front of this Committee, and other committees, to tell our story. And this is a story partly about fish, salmon, one of the life bloods of who we are. And there are a lot of complicated issues in Puget Sound around salmon, for instance, of listed stocks. And if you see that our written testimony has the components of what we are requesting through BIA, and then through EPA, many of which have to do with the conditions of Puget Sound, and how we deal with growth, and what is happening to our habitat.

As—not long ago we were here with the village leadership, 3½ years ago, talking about treaty rights at risk. And we laid out—put a document forward that said, what are the components that are putting our treaty rights at risk? A lot of what you see here is—our requests are reflected in that document. For instance, if you look at the request for the hatchery funding, very critical not only to the tribes, but for all people in the State of Washington that enjoy the benefits of having those hatchery fish to be in, and comingling with the wild fish. That gives us the ability to feed our families, and enjoy an economy that, on both sides of the ledger, is something that is beneficial.

And when you look at EPA, and you look at the GAP program, General Assistance Program, and the work that we have done in the past, and the work that we want to do, reflective of how do you take care of that environment? How do you take care of that water? This is what Billy Frank has taught us. This is what our tribal leaders are coming to the table and talking about, that are important to us in the Northwest. I am honored to be with so many tribal Chairs, and Council, and staff to come here and talk on behalf of our people, our people that signed those treaties so the United States could grow and prosper.

And we appreciate all that has been done over the years to make those great advancements that we are making, and we are looking to keep forward, to tell our story, and move ahead. Thank you.

Northwest Indian Fisheries Commission
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**TESTIMONY OF EDWARD JOHNSTONE, TREASURER
NORTHWEST INDIAN FISHERIES COMMISSION
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
ON THE FISCAL YEAR 2015 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS &
ENVIRONMENTAL PROTECTION AGENCY**

March 24, 2015

The Northwest Indian Fisheries Commission (NWIFC) is comprised of the 20 tribes that are party to the *United States v. Washington*[1] *(U.S. v. Washington)*. To meet the many natural resources management responsibilities required of the tribes, I submit the following requests for the Bureau of Indian Affairs (BIA) and the Environmental Protection Agency (EPA).

SUMMARY OF FISCAL YEAR 2016 (FY16) APPROPRIATIONS REQUESTS

Bureau of Indian Affairs

- **Provide $17.146 million for Western Washington Fisheries Management**
- **Provide $3.082 million for Washington State Timber-Fish-Wildlife**
- **Provide $4.844 million for U.S./Canada Pacific Salmon Treaty**
- **Provide $2.4 million for Salmon Marking**
- **Provide $4.5 million for Climate Change**
- **Provide $6.582 million for Fish Hatchery Maintenance**
- **Provide $3.796 million for Fish Hatchery Operations**
- **Provide $272.0 million for Contract Support**
- **Provide $30.355 million for Tribal Climate Resilience**
- **Provide $830,000 for Watershed Restoration**

Environmental Protection Agency

- **Provide $96.4 million for General Assistance Program**
- **Provide $50.0 million for Puget Sound**
- **Provide $5.0 million for Beyond GAP**

We are generally pleased with the President's FY16 Budget Request, which includes and builds on many of the Subcommittee's actions from the past few years. It contains funding to support the tribal treaty right, including research and analysis for sustainable management of our natural resources and climate adaptation. The treaty-reserved rights are at grave risk today as the resources they are dependent on are disappearing and the reason the western Washington treaty tribes brought to the federal government our Treaty Rights at Risk Initiative. On behalf of our 20 member tribes, I am here today to speak specifically to our FY16 natural resources management and environmental program funding requests for the BIA and the EPA.

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[1] *United States v. Washington*, Boldt Decision (1974) reaffirmed Western Washington Tribes' treaty fishing rights.

JUSTIFICATION OF REQUESTS

Bureau of Indian Affairs

Rights Protection Implementation Subactivity
The 41 tribes in the Great Lakes and Pacific Northwest with similar treaty-reserved rights have collectively identified that no less than $52.0 million for Rights Protection Implementation is necessary for essential tribal treaty rights management. The President's FY16 budget includes $40.138 million for RPI, an increase of $4.718 million over the FY15 enacted level of $35.420 million. A summary of the accounts of interest to us within RPI are further identified below. However, a breakdown of these accounts in the BIA's Greenbook is not provided for FY16.

- **Provide $17.146 million for BIA Western Washington Fisheries Management**

We respectfully request $17.146 million, an increase of $8.614 million over the FY15 enacted level of $8.532 million. Funding for this program allows for continued treaty harvest management, population assessment, habitat protection and data gathering for finfish, shellfish, groundfish, wildlife and other natural resource management needs. Funds provide the necessary capacity for the treaty tribes to co-manage the resources with the state of Washington and to continue to meet court mandates and legal responsibilities.

- **Provide $3.082 million for BIA Washington State Timber-Fish-Wildlife**

We respectfully request $3.082 million, an increase of $346,000 over the FY15 enacted level of $2.736 million. Funding for this program is provided to improve forest practices on state and private lands while providing protection for fish, wildlife and water quality. This will provide the necessary funding for tribal TFW programs to fully participate in the TFW process.

- **Provide $4.844 million for BIA U.S./Canada Pacific Salmon Treaty**

We respectfully request $4.844 million, an increase of $564,000 over the FY15 enacted level of $4.28 million. The Pacific Salmon Treaty (PST) Act of 1985 charges the United States Section of the Pacific Salmon Commission (PSC) with the responsibility for implementation of the PST, a bilateral treaty with Canada. Tribes assist in meeting the Federal Government's obligations in implementing the treaty by participating in cooperative research and data gathering activities. This will provide sufficient funding to ensure that the tribes can continue to participate effectively in the bilateral PST process.

- **Provide $2.4 million for BIA Salmon Marking**

We respectfully request $2.4 million, an increase of $1.328 million over the FY15 enacted level of $1.072 million. Funding for this program was mandated in 2003 by Congress that required all salmon released from federally funded hatcheries be marked so they could be identified for conservation purposes. This allows tribes to mark salmon at tribal hatcheries and to use these marked fish to scientifically monitor salmon populations and watersheds in western Washington.

- **Provide $4.5 million for BIA Climate Change**

We respectfully request $4.5 million for Climate Change for our member tribes, an increase of $3.109 million over our FY15 allocation. The FY15 appropriations provided a total of $3.224

million, of which our member tribes received $1.391 million. Funding for this program will provide tribes the capacity to identify, respond and adapt to the impacts of our changing climate. There is a glaring need to assess the potential impacts to resources in the face of climate change, which brings different challenges for every tribal community. It is important that tribes be provided the maximum flexibility to develop specific science-based activities to meet their particular needs.

Fish, Wildlife & Parks Projects

- **Provide $6.582 million for BIA Fish Hatchery Maintenance**

We respectfully request $6.582 million, an increase of $82,000 over the FY15 enacted level of $6.5 million. Tribal fish hatcheries in western Washington are part of the largest fish hatchery system in the world. Funding for this program is provided to tribes nationwide based on the ranking of annual maintenance project proposals. Hatcheries also play a large role in recovering pacific salmon, many of which are listed under the Endangered Species Act. A comprehensive needs assessment study was conducted in FY06 by the BIA at the request of Congress which identified a need of over $48.0 million in necessary hatchery maintenance and rehabilitation costs.

- **Provide $3.796 million for BIA Fish Hatchery Operations**

We respectfully request $3.796 million, an increase of $1.939 million over the FY15 enacted level of $1.857 million. This increase reflects the needs of the western Washington treaty tribes. Funding for this program is provided to tribal hatcheries to support the rearing and releasing of salmon and steelhead for harvest by Indian and non-Indian fisheries in the U.S. and Canada. Hatcheries are a necessary part of fisheries management because of the lack of wild salmon production due to habitat degradation. They continue to play a vital role in supporting tribal fisheries and are now essential for maintaining the treaty right to harvest fish. Without hatcheries tribes would lose their most basic ceremonial and subsistence fisheries that are central to our tribal culture.

Other Subactivities and Accounts

- **Provide $272.0 million for BIA Contract Support**

We support the President's request of $272.0 million, an increase of $26.0 million over the FY15 enacted level of $246.0 million. We also support the President's legislative proposal to reclassify CSC as mandatory funding beginning in FY17. Funding for this function is provided to tribal organizations to ensure they have the capacity to manage federal programs under self-determination contracts and self-governance compacts. These funds are critical as they directly support our governmental functions, which allow us to fully exercise our right to self-govern.

- **Provide $30.355 million for BIA Tribal Climate Resilience**

We support the President's request of $30.355 million, an increase of $20.407 million over the FY15 enacted level of $9.948 million. Funding for this program will contribute to the tribal capacity needed to participate and provide input on climate change issues. It will assist tribes in being able to provide their perspective on climate change adaptation in the form of traditional ecological knowledge necessary to protect their treaty rights.

- **Provide $830,000 for BIA Watershed Restoration**

We respectfully request $830,000, an increase of $455,000 over the FY15 operating plan. The FY15 operating plan provided a total of $375,000 to western Washington treaty tribes. Funding is contained in the Forestry Subactivity – Forestry Projects – Watershed Restoration account and supports our Salmon and Steelhead Habitat Inventory and Assessment Program. This provides environmental data management, analysis, and reporting support and maintains on-going efforts to develop information sharing and exchange tools. It also supports our tribes' ability to adequately participate in watershed resource assessments and salmon recovery work.

Environmental Protection Agency

- **Provide $96.4 million for EPA General Assistance Program**

We support the President's request of $96.4 million, an increase of $30.924 million over the FY15 enacted level of $65.476 million. This funding has built essential tribal capacities and remains critical to the tribes' ability to sustain their important environmental protection programs. Funding for this program continues to provide the base capacity for tribal environmental protection programs nationwide.

- **Provide $50.0 million for EPA Puget Sound**

We respectfully request $50.0 million, an increase of $20.0 million over the President's request of $30.0 million. The FY15 appropriations provided a total of $28.4 million. The Puget Sound Geographic Program provides essential funding that will help protect, restore and enhance Puget Sound, an estuary of national significance. Funding for this program will allow the tribes to participate in the necessary scientific work, implementation measures, and policy discussions on issues that affect our treaty rights. It allows the tribes to participate in implementing the Puget Sound Action Agenda.

- **Provide $5.0 million for EPA Beyond GAP**

We respectfully request $5.0 million. The President's FY16 budget did not include any proposed funding for this new initiative. We request an annual increase to the EPA CWA 104 budget for a water pollution implementation program. Increasing the tribal allocation will allow for an immediate expansion and response to specific implementation needs. This will provide targeted funds to our member tribes for implementation of federal environmental programs and to initiate our "Beyond GAP" request. This initiative would move the EPA/tribal partnership from capacity building and limited programmatic support to a more comprehensive and consistent funding to achieve fully functional tribal environmental programs capable of implementing a broad range of necessary environmental activities.

CONCLUSION

We respectfully urge you to continue to support our efforts to protect and restore our great natural heritage that in turn will provide for thriving communities and economies. Thank you.

Mr. CALVERT. Thank you. I thank the gentleman for his testimony.

Next, Mr. Baptiste.

TUESDAY, MARCH 24, 2015.

COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

WITNESS

BROOKLYN BAPTISTE

Mr. BAPTISTE. Well, good afternoon again. Thank you for allowing me to provide testimony. My name is Brooklyn Baptiste. I serve as a member of the Nez Perce Tribal Executive Committee, and as the Treasurer of the Columbia River Inter-Tribal Fish Commission, the CRITFC organization. It is my pleasure to address you today regarding funding needs for the Columbia Inter-Tribal Fish Commission, and the fishing programs of our member tribes, one being the Nez Perce Tribe, ourself, Yakima Nation, the Warm Springs Tribes, and the Umatilla Tribes as well. I would like to speak to funding, of course, and finish with a request for reconsideration of a hatchery requirement.

Our base program funding is in the Bureau of Indian Affairs Rights Protection Implementation Account. Our programs are carried out pursuant to the Indian Self-Determination and Assistance Act. Since we conduct—Treaty Rights Implementation Program intended to maintain compliance with our tribal treaties, Court Orders, regional inter-governmental agreements, and international salmon treaties. Together we co-manage and manage lands equivalent to the State of Georgia. We are leaders in ecosystem management, working in collaboration and partnership with five states, 13 Federal agencies, and several private entities.

CRITFC and our member tribes have a goal, through regional efforts, to halt the decline of salmon, lamprey, and sturgeon populations and rebuild them to the level that supports ceremonial, subsistence, and commercial harvesting. To achieve these objectives, we emphasize the highest level of scientific rigor, cost-effective management strategies, holistic approaches for the protection of first foods, and it is usually important.

We have many success stories, and I know we have given you guys this kind of brochure before, but I will leave this with you as well. This highlights a lot of our—okay. I will submit that, but it also highlights a lot of the success stories. Even though listed species are still at risk, we do have a lot of success stories coming up the Columbia River itself.

For us, it is more of—the first foods part of it is protecting our resource, or bringing back that resource from a river system that seems to be operating more like a machine rather than a river anymore, and trying to get those fish through eight dams, back up to where people, not only the Nez Perce people, but also other tribes, the Columbia River itself. The non-tribal public in Washington and Oregon also benefit. Their economies benefit from the fisheries that we provide back into the system.

We deeply appreciate the Subcommittee's ongoing support for the tribes in our core programs, including Rights Protection Implementation, but our need still remains high, you know, just like anything else. We are asking the Subcommittee to meet or exceed the President's request for the base programs for CRITFC and our member tribes' fisheries programs, specifically the Columbia River fisheries management under Rights Protection Implementation, as well as the U.S./Canada Pacific Salmon Treaty, and the Public Safety and Justice Criminal Investigation Police Services. We support the Administration's proposal for improved collaboration between the treaty-based commissions and the Bureau of Indian Affairs.

Specifically, I would—I guess these programs allow us to be interactive on the ground when we put programs back on to each tribe. Each tribe, a member of CRITFC, has their own programs, but holistically, together, we work together on the main Columbia for bringing back those endangered fish stocks. But also there is a legal angle to this. We provide enforcement down on the river so that we can enforce ourselves, as self-determination, to protect our fishermen, but also to make sure that they are following guidelines that will specifically allow for—to be able to come back, to keep that cycle going. And it is a long process.

Finally, I would like to make a request of the Subcommittee, that is to review and ideally provide an exemption for the Columbia River Basin, known as Congressional requirement to mass mark hatchery salmon. The requirement delivered some prior Appropriations language, and, since sustained by the Committee—Subcommittee, this hatchery should be reviewed overall consistency, with the best available science.

We believe that, you know, mass marking in some form does not, I guess, cover what science can do now—tribes, including ourselves, and other tribes, are at the top end of the best scientific methodologies, as far as marking fish, and we believe mass marking is a detriment to us, and we believe that it should be given holistically, I guess, to the regions—region by region should be able to decide how they kind of work with it. You know, the Hagerman Laboratory in Southern Idaho is a fine example of that. And we will leave—I would also like to submit this. This is, you know—hatchery funding policies, but it also refers to the Hagerman—Tribe and what they do.

So I appreciate this Committee's time for allowing me to speak on behalf of the CRITFC organization and the member tribes. We look forward to continuing collaboration. Thank you.

[The statement of Brooklyn Baptiste follows:]

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TESTIMONY OF
The Honorable Brooklyn Baptiste, Treasurer
Columbia River Inter-Tribal Fish Commission
Regarding the Bureau of Indian Affairs Fiscal Year 2016 Budget
Appropriations Subcommittee on Interior, Environment, and Related Agencies
United States House of Representatives
March 24, 2015

Mr. Chairman and members of the subcommittee, the Columbia River Inter-Tribal Fish Commission (CRITFC) is pleased to share its view on the Department of Interior, Bureau of Indian Affairs' (BIA) FY2016 budget. We have specifically identified the following funding needs and one request for review:

1) **$8.95 million for Columbia River Fisheries Managemeut under Rights Protection Implementation,** ($4.4 million above FY 2015), to meet the base program funding needs of the Commission and the fisheries programs of our member tribes;
2) **$4.8 million for U.S./Canada Pacific Salmon Treaty under Rights Protection Implementation,** ($520K above FY2015) to implement obligations under the recent agreements adopted by the U.S. and Canada;
3) **$4.5 million for Tribal Climate Resilience under Rights Protection Implementation** to assist tribes in climate change adaptation and planning; and
4) **$352.5 million for Public Safety and Justice,** of which $716,00 supports enforcement of federal laws at In-Lieu and Treaty Fishing Access Sites on the Columbia River;

History and Background:
CRITFC was founded in 1977 by the four Columbia River treaty tribes: Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes and Bands of the Yakama Nation, and the Nez Perce Tribe. CRITFC provides coordination and technical assistance to these tribes in regional, national and international efforts to protect and restore our shared salmon resource and the habitat upon which it depends. Our collective ancestral homeland covers nearly one-third of the entire Columbia River Basin in the United States, an area the size of the State of Georgia.

In 1855, the U.S. entered into treaties with the four tribes[1] whereupon we ceded millions of acres of our homelands to the U.S. In return, the U.S. pledged to honor our ancestral rights, including the right to fish in all Usual and Accustomed locations. Unfortunately, a perilous history brought the salmon resource to the edge of extinction with 12 salmon and steelhead populations in the Columbia Basin listed under the Endangered Species Act (ESA).

[1] Treaty with the Yakama Tribe, June 9, 1855, 12 Stat. 951; Treaty with the Tribes of Middle Oregon, June 25, 1855, 12 Stat. 963; Treaty with the Umatilla Tribe, June 9, 1855, 12 Stat. 945; Treaty with the Nez Perce Tribe, June 11, 1855, 12 Stat. 957

The CRITFC tribes have arrived as globally-recognized leaders in fisheries restoration and management working in collaboration with state, federal and private entities. We are principals in the region's efforts to halt the decline of salmon, lamprey and sturgeon populations and rebuild them to levels that support ceremonial, subsistence and commercial harvests. To achieve these objectives, our actions emphasize 'gravel-to-gravel' management including supplementation of natural stocks, healthy watersheds and collaborative efforts.

The programs in this testimony are carried out pursuant to the Indian Self-Determination and Assistance Act. Our programs are integrated as much as possible with state and federal salmon management and restoration efforts.

Columbia River Fisheries Management within Rights Protection Implementation:
We are succeeding. The salmon, returning in greater numbers, tell us so. But along with success, management increases in complexity, requiring greater data collection and enforcement. Funding shortfalls prohibit the achievement of tribal self-determination goals for fisheries management, ESA recovery effort, protecting non-listed species, conservation enforcement and treaty fishing access site maintenance. We request an increase of $4.4 million over FY2015 for a new program base of $8.95 million for Columbia River Fisheries Management.

The BIA's Columbia River Fisheries Management line item is the base funding that supports the fishery program efforts of CRITFC and the four member tribes. Unlike state fish and game agencies, the tribes do not have access to Dingell-Johnson/Pittman-Robertson or Wallop-Breaux funding. The increase will be directed to support the core functions of the fisheries management programs of the Commission's member tribes, namely enforcement and harvest monitoring.

In 2008, CRITFC and its member tribes struck three landmark agreements: 1) the Columbia Basin Fish Accords with federal action agencies overseeing the federal hydro system in the Columbia Basin[2], 2) a 10-Year Fisheries Management Plan with federal, tribal and state parties under *U.S. v OR*, and 3) a new Chinook Chapter of the Pacific Salmon Treaty [3]. These agreements establish regional and international commitments on harvest and fish production efforts, commitments to critical investments in habitat restoration, and resolving contentious issues by seeking balance of the many demands within the Columbia River basin. While through these agreements the Tribes have committed to substantial on-the-ground projects with some additional resources from the Bonneville Power Administration, the overall management responsibilities of the tribal programs have grown exponentially without commensurate increases in BIA base funding capacity. For example, the tribes' leadership in addressing Pacific Lamprey declines is this species' best hope for survival and recovery. The tribes' are also addressing unmet mitigation obligations, such as fish losses associated with the John Day and The Dalles dams.

The funding provided through the BIA to support tribal fishery programs is crucial to the tribes' and CRITFC's ability to successfully carry out tribal rights protection, including these agreements, by providing sound technical, scientific and policy products to diverse legal, public

[2] The Nez Perce Tribe is not a Columbia Basin Fish Accord signatory
[3] *See* Salmon Win A Triple Crown" at http://www.critfc.org/text/wana_109.pdf

and private forums. Rights Protection Implementation funding takes on even greater importance as funding for State co-management agencies has become inconsistent or decreased. Below are priority need areas for CRITFC and our member tribes.

***Youth Program Initiatives*:**
The Columbia River Treaty Tribes place an emphasis on preparing our youth for careers in Natural Resources Management. However, our tribes, like tribes nation-wide, struggle to overcome barriers to Science, Technology, Engineering, and Mathematics achievement, high drop-out rates, and low percentages of students pursuing natural resources majors. Our Place-Based Workforce Development Initiative seeks to address these barriers through a blend of technical assistance, intern and externship opportunities and a summer Salmon Camp.

***Columbia River Treaty Modernization*:**
The Columbia River Inter-Tribal Fish Commission's member tribes are part of a coalition of fifteen (15) Columbia Basin tribes whose rights, as well as management authorities and responsibilities, are substantially affected by the implementation of the Columbia River Treaty. In order for Treaty modernization to succeed, the Columbia Basin tribes need to continue to coordinate internally and with other regional and national entities, as well as continue their analytical evaluation of the Treaty including the impacts of climate change, while the State Department evaluates the Regional Recommendation and completes their national interests review.

Tribal Climate Resilience:
The Treaty Right is feeling the effects of Climate Change. Shifts are occurring in salmon run timing, and berry and root ripening cycles. We support the President's request of $4.7 million to implement Tribal Climate Resilience. Specifically, these funds support the BIA Tribal Climate Change Program which will integrate climate change adaptation strategies into its policies and planning for support for the tribes, Alaska Natives and Native Hawaiians. The BIA need these resources to support active engagement of tribes, Alaska Natives and Native Hawaiians in the Landscape Conservation Cooperatives and the Climate Science Centers and to ensure adequate Government-to-Government consultation on all issues with climate effects.

U.S./Canada Pacific Salmon Treaty under Rights Protection Implementation:
The U.S. and Canada entered into the Pacific Salmon Treaty in 1985 to conserve and rebuild salmon stocks, provide for optimum production, and control salmon interceptions. The treaty established the Pacific Salmon Commission (PSC) as a forum to collaborate on intermingled salmon stocks. The U.S. Section of the PSC annually develops a coordinated budget for tribal, state and federal programs to ensure cost and program efficiencies. Congress increased funding in 2000 in order to implement the 1999 Agreement, but funding has significantly eroded since then. In 2008, the U.S. and Canada adopted a new long term Treaty agreement after nearly three years of negotiations. Both parties agreed to significant new management research and monitoring activities to ensure the conservation and rebuilding of the shared salmon resource.

For tribal participants in the Pacific Salmon Treaty, the U.S. Section has identified a program need of $4,800,000 for participating tribes. These funds provide for direct tribal participation with the Commission, panels and technical committees. The funding enables the tribes to assist

in Treaty implementation and facilitates management protecting trust resources. This funding maintains tribal resource assessment and research programs structured to fulfill required Treaty implementation activities. The FY 2016 recommended level for this program is an increase of $520,000 above the FY2015 enacted level. Our request correlates to the U.S. Section's recommendation.

Public Safety and Justice, Criminal Investigations and Police Services:
Public safety continues to be a high priority for CRITFC and our tribes. Our conservation and criminal enforcement officers are the cornerstone of public safety in the popular and heavily used Columbia Gorge area patrolling 150 miles of the Columbia River, including its shorelines in Oregon and Washington. In this area we are the primary provider of enforcement services at 31 fishing access sites developed pursuant to PL87-14 and PL100-581 for use by treaty fishers. CRITFC's officers have obtained BIA Special Law Enforcement Commissions to aid our efforts protecting and serving tribal members and federal trust properties along the Columbia River. We are also very pleased that the BIA has created OJS District 8 and housed it in Portland. CRITFC entered into a PL93-638 contract with BIA in February 2011 for enforcement services along the Columbia River. That contract currently provides funding for two enforcement positions.

Our immediate priority is to add two officers. Funding for two additional officers would cost $313,560 plus indirect. Full funding for this project would be a total budget of $716,053 plus indirect which would support four officers, a sergeant and a dispatcher.

A Request for Review of Salmon Mass-Marking Programs:
CRITFC endeavors to secure a unified hatchery strategy among tribal, federal and state co-managers. To that end, we seek to build hatchery programs using the best available science, regional expertise and supported by adequate, efficient budgets. A Congressional requirement, delivered through prior appropriations language, to visibly mark all salmon produced in federally funded hatcheries circumvents local decision-making and should be reconsidered. We have requested that federal mass-marking requirements, and correlated funding, be reviewed for compatibility with our overall objective of ESA delisting and with prevailing laws and agreements: *U.S. v Oregon*, Pacific Salmon Treaty and the Columbia Basin Fish Accords[4]. Salmon managers should be provided the latitude to make case-by-case decisions whether to mark fish and, if so, in the appropriate percentages.

In summary, through combined efforts of the four tribes supported by a staff of experts, we are proven natural resource managers. Our activities benefit the region while also essential to the U.S. obligation under treaties, federal trust responsibility, federal statutes, and court orders. We ask for your continued support of our efforts. We are prepared to provide additional information you may require on the Department of Interior's BIA budget.

Contact: Charles Hudson, Director of Governmental Affairs, CRITFC, 503-731-1257, hudc@critfc.org

[4] Letter from Bruce Jim, Chairman, Columbia River Inter-Tribal Fish Commission to U.S. House of Representatives Chairmen Frank Wolf, Mike Simpson and Doc Hastings, July 11, 2011

Mr. CALVERT. Okay. Thank you, Mr. Baptiste.
Next, Mr. TJ Greene, Chairman of the Makah Tribal Council?

TUESDAY, MARCH 24, 2015.

MAKAH TRIBAL COUNCIL

WITNESS

TJ GREENE

Mr. GREENE. Yes, that is correct. Mr. Chairman, thank you for this opportunity to testify before the Committee today. My name is TJ Greene, Chairman for the Makah Tribe. Ms. McCollum, Congressman Kilmer, thank you for the invitation to testify. Mr. Israel, it is a pleasure to be here, and let you know what our needs are for before our community, so—I will be testifying on two priority issues for the Makah Tribe, funding priorities. One is relocation of a health clinic that we have outgrown, it is too small for the services that we provide to our community, and the other is relocation of a Head Start facility. Basically the same issue. We have outgrown it, and we would like to move them both out of the tsunami floodplain, up to a safer location.

On both of those requests, I think it is important to note that the tribe has already invested millions of dollars in infrastructure for the site locations. The IHS clinic is basically a shovel-ready project. It is designed, engineered, and we are putting together a financing package, and that is part of what we are here to testify about, is the New Market Tax Credit Program. We want to make sure that that program is available for a possible funding option for that clinic. The tribe has utilized that program for a commercial dock within the last year. It is something that we are looking at doing again.

You know, also I heard the testimony earlier on the Small Ambulatory Grant Program that has not been funded for a while. That would also be a useful program. We have received money from that in the past. We currently have a wellness clinic that is on this health campus that we have designed and engineered, so that wellness clinic is one of four or five buildings that are designed and engineered for that project, and we used that Small Ambulatory Grant Program to put up that wellness facility.

So, you know, with that, we—I guess I would like to just move on right into some of the Head Start details. So—we currently have—we are currently serving about 46 eligible students. We have early Head Start, Head Start, and then there is also a child care facility that is on the same campus as that location. The infrastructure that is there has, you know, has some challenges. Settling has occurred in the area. There has been some water and plumbing issues that have added costs to the, you know, the maintenance and costs of running that facility.

So we are looking and asking the Committee to help us identify funding sources for that particular project. We do not have any in mind yet that we have identified. It is a brand new one, as—in terms of the last couple weeks. It has floated to the surface of priorities that we want to get accomplished, so we are asking for the Committee's help to identify some sources of funding for that goal.

I also wanted to update the Committee on some—or one some previous priorities that this Committee has been helpful with that we have testified previously to. The Makah people, we are an oceangoing people. You know, we have lived off that ocean for, you know, for 4,000 years, and we want to continue to do so for the next 4,000. And so we have done a lot of work in—on national ocean policy.

We have participated in some recent events to stand up the regional planning body on the west coast. There is a summit in Portland that we participated in with other tribes from Northern California and Washington. We submitted a draft charter to that body for review by the proposed memberships of that area. We are very involved in vessel traffic safety issues, and we are looking to hold a vessel traffic safety summit that will cover Washington, Canada, and the U.S. We have worked with many Federal, state, and industry partners to ensure that shipping is done in a safe and reliable manner.

One of the other things that we have worked on previously is broadband, and our broadband, for the Makah community, is pretty slow, as it is in much of the areas of the west coast. But we have been able to receive a little bit of funding, you know, from BIA. We would like to thank Regional Director Stan Speaks for his support, and BIA's support of him being able to get us, you know, $50,000 for getting our school connected to broadband capability.

One other thing is that we have a commercial dock that we had built last year, with the help from this Committee. That was the New Market Tax Credit Project. We have phase two of that dock that we are looking to fund. We have been funded under the Tiger Grant program to do the design and engineering, and we will be looking in upcoming years to construct that facility. So, once again, I would like to thank you for your help in previous years, and thank you for this time to testify before you today. Thank you, Mr. Chairman.

[The statement of TJ Greene follows:]

Testimony of Timothy J. Greene
Chairman, Makah Tribal Council
Neah Bay, Washington
March 24, 2015
House Appropriations Subcommittee on Interior, Environment
and Related Agencies On the Fiscal Year 2016

Good afternoon Mr. Chairman and Members of the Subcommittee, I am Timothy J. Greene, Chairman of the Makah Tribal Council. Thank you for this opportunity to present testimony on behalf of the Makah Tribe on the FY 2016 federal budget.

I would like to first testify today on two of our tribal funding priority issues:
1.) Our efforts to secure funding to relocate our Makah Healthcare facility above the tsunami flood zone;
2.) Our efforts to secure funding to construct a new Head Start/Childcare facility.

Also I will provide an update on our work in support of the development of a federal, tribal, and state ocean policy, Warm House Beach Dump Superfund Site, Makah Commercial Dock and Broadband efforts.

Federal Departments and Agencies involved are: Dept. of Health and Human Services, Indian Health Services, Office of Head Start, US Dept. of Housing and Urban Development, Council on Environmental Quality, National Ocean Council, NOAA, US Dept. of Transportation, US Coast Guard, US Dept. of Treasury, EPA Superfund, EPA Region 10, Bureau of Indian Affairs, US Dept. of Agriculture, and the Federal Communications Commission.

Makah Healthcare Campus Relocation Project The Sophie Trettevick Indian Health Center (STIHC) at Neah Bay, WA, is the only medical facility to service the Makah Indian Reservation with a population of approximately 1,414. Our health care facility provides comprehensive primary care, dental health services, community health services, and 24/7 telemedicine to tribal and non-tribal members alike. The nearest full service medical facility is 75 miles away in Port Angeles, Washington.

Our current facility was identified in 2005 in the Indian Health Service Portland Area Health Services Master Plan as being functionally inadequate by having a critical shortage of clinical and administrative support space. The current structure is configured in such a way that it cannot be remodeled to support standard health care system requirements. While our clinic provides the only essential medical services to our community, it is located within the tsunami flood zone.

The Makah Tribe is in the process of a phased development and implementation of a new health care campus that will relocate the existing facility to a safer upland location. Phase I of the project was completed in 2012 with the relocation of the Wellness Center. The Wellness Center provides integrative medicine, recovery services, community and public health services.

The remainder of the expansion will consist of three new buildings. Building 1 will house Primary Care, Radiology, Nursing & Administration; Building 2 - Dental/Pharmacy services; and Building 3 - physical therapy and Emergency Operations and Disaster Relief center.

In 2013 the Makah Tribal Council met with the National Development Council (NDC) to review the possibility of entering into an agreement to establish a New Market Tax Credits Leverage Equity Structure as a potential funding apparatus for the Healthcare Campus Relocation Project.

Engaging New Market Tax Credits (NMTC) as a funding strategy addresses the fact that the Makah Healthcare Campus construction has limited access to conventional financial resources. Our clinic is not designated as a Federally Qualified Health Care Center, therefore cannot fully access the Health Resources and Services Administration. Equity from NMTCs will provide 20% of the funds necessary to complete the relocation.

Head Start- Childcare Facility Relocation Project In 1997 the tribe opened a Head Start-Childcare campus that is located within a Tsunami flood zone. The campus structures have settled over the last 18 years and foundation issues have developed along with other maintenance costs. Currently our potential student population has exceeded the requirements of 35 square feet of space per child. Our Head Start is serving 46 eligible students, with a waiting list of 17. The Childcare program is licensed to serve 50 children and is applying for authorization for an increased number of children served. The complication in this process is lack of space. When monies are made available for program improvement such as the Early Head Start Childcare Partnership Grant, we do not qualify due to lack of space.

The Makah Tribal Council is committed to the education of our next generation and has subsidized the unmet needs of this program for many years. Makah has established academic sustainable success from the elementary through the post-secondary levels and understands that the foundation for this success starts with the educational services of our Early Head Start and Head Start programs as well as the alignment of Childcare services. Therefore, it is of great importance that a larger facility be constructed above the Tsunami zone to provide a safe, secure learning environment. To accomplish these goals a coordinated approach between our Head Start/Childcare programs and Housing Department will result in a cost effective solution.

The model activity under NAHASDA guidance that aligns perfectly with the Head Start and Childcare collaboration is the construction of a day care center or community building to the extent that the facility will be used by residents of affordable housing. Head Start and Childcare programs are also required to implement family outreach activities and provide services to low income families that reside within the communities affordable housing units.

The Makah Housing Department has demonstrated that self-determination can be achieved through vision and strategic planning with the completion of the 9.2 million dollar infrastructure known as "Sail River Heights". The tribe has already invested $431,000 in the infrastructure for Parcel "C" of Sail River Heights. This investment includes the ready availability of utilities. The design of a community center has also been purchased which includes a multipurpose area, USDA certified kitchen, and covered playground area. The architects that designed this original plan are still under contract and specialize in

Childcare/Head Start facilities accommodating the enhancement of the existing design. This is also an eligible activity under the Indian Community Development Block Grant.

Updates on Continuing Priority Issues The Makah Tribe has proven to be a successful example of American Indian Self-Governance and Self-Determination at work.

Ocean Policy For the Makah Indian people, indigenous to the Cape Flattery region in Washington State, the sustainability and protection of the ocean and its related environment and resources is essential to maintaining our cultural way of life and our current maritime economy. The Makah Tribal Council (MTC) views the 1855 Treaty of Neah Bay as legally enabling the MTC to act in unison with the federal government to act as a Resource Trustee to jointly protect our treaty trust resources for our tribal membership.

To that end the MTC will continue to work with the federal and state governments in creating a comprehensive National Ocean Policy (NOP). The MTC has nominated Chairman Timothy J. Greene Sr. to serve as a tribal representative on the National Ocean Council Governance Coordinating Committee. We support the standing up of the West Coast Regional Planning Body by NOAA to provide the regional aspect to the NOP. We view the synchronization of federal and tribal ocean authorities as a necessary step toward meeting our mutual trust responsibility to the Makah Tribal membership and request funding be directed to the appropriate NOAA program to address this need. To meet our tribal trust responsibility to the Makah Tribe the MTC has directed our tribal staff to develop a MTC Ocean Policy.

Climate Change Critical to the our ability to address climate related issues to Ocean Policy and pressing issues such as Ocean Acidification is the continued Congressional financial support of the Bureau of Indian Affairs Tribal Cooperative Landscape Conservation Program, which will provide funding to support tribal projects to address climate change adaptation and ocean and coastal management planning.

US/Canadian Vessel Safety Summit The MTC has participated in international, federal and state marine transportation safety and oil pollution legislation and rule makings and shipping safety initiatives. Currently we are working with US and Canadian federal authorities, British Columbia Provincial and Washington State authorities, Canadian 1st Nations and Washington State Tribes, and US and Canadian Industry concerning coal, crude by rail and oil sands exports to address shipping safety issues by convening a US/Canadian Vessel Safety Summit. Our Tribal Resource program is funding by the EPA Brownsfield grant.

The RI/FS phase identifies contaminates at the site, and measures the risk to human health and ecological exposures. Phase II of the RI/FS process will be data analysis. The RI/FS Process is the most important, as it will likely dictate the Record of Decision (ROD) which determines the final decision on what remedies will be taken to clean the site, i.e., capping or total removal. Due to the tribe's reliance and current harvesting practices of shell fish and traditional resources, the tribe is of the belief that *only acceptable* remedy would be a total removal.

Makah Commercial Dock- Phase I and Phase II The Makah Commercial Fishing Replacement Dock was designed to better facilitate the mobility of ocean products from local

and commercial fishermen to land transport and buyers. The Commercial Dock can serve as an inspiration to other Tribes around the United States for many years to come. The crucial aspect to the success of Phase I was securing the $10.24 million construction monies. We demonstrated the ability to understand and successfully utilize the complex New Market Tax Credit Program under the Department of Treasury. This financing strategy proved to be challenging at the front end, however the compliance requirements are not as difficult as other funding sources and allows the Tribe to continue to move forward with additional priorities.

The completion of Phase I accommodates Phase II, the Oil Spill Prevention and Response Access Dock by providing entrance infrastructure for semi-trucks and other transporters. Phase II will be an extension of Phase I and provide mooring and services for oil spill response vessels and access to deploy oil spill response equipment and access to the recovered oil products in the event of an incident. Facilities to house an incident command post will also be incorporated. To assist us in Phase II of this endeavor, the Makah Tribe was awarded the TIGER 2014 Grant from the Department of Transportation for planning, permitting and design funds. Directly related to Phase II is our work on the US Coast Guard Rule Making on the US/Canadian Spill Response Comparability Analysis and the High Volume Port Line mandate.

Broadband- Fast Speed Internet We receive limited internet service through an antiquated and over-saturated copper network, resulting in speeds as slow as 34KB, which is slower than dial-up service, rendering it unable to serve the both the community and anchor institutions.

The solution to this issue may be costly and take several years which is the laying of fiber from Neah Bay to the nearest access point, 30 miles away. An interim solution identified and being implemented is to have microwave transmitters placed strategically to deliver enhanced broadband speeds to the anchor institutions including government offices and the schools. The MTC would like to acknowledge the Bureau of Indian Affairs for supporting the North West Regional Director Stanley Speaks in the financial assistance he designated for this project.

Next steps, include a feasibility study, a 5-year pro forma financial projection, and engineer plans to close the fiber gap as well as research the practicality of the Tribe developing our own telecom. The feasibility study will also determine the most efficient manner to connect private homes, and small businesses to a broadband link as well as building on to the fiber backbone for the outlying tribal departments that are not located on the tribal administrative campus.

Thank you again Mr. Chairman and Members of the Subcommittee for this opportunity to testify before you today.

Mr. CALVERT. Thank the gentleman for his testimony.

Next, Ms. Fawn Sharp, President of the Quinault Indian Nation.

TUESDAY, MARCH 24, 2015.

QUINAULT INDIAN NATION

WITNESS

FAWN SHARP

Ms. SHARP. Good afternoon, Chairman Calvert, Ranking Member McCollum, and Congressman Kilmer. My name is Fawn Sharp. I am President of the Quinault Indian Nation, and I am truly honored and happy to be here to provide testimony. Thank you for the invitation. Quinault has basically three issues that we would like to highlight. The first relates to the Village Relocation Project, the second is a blue back salmon restoration project, and the third relates to drug interdiction.

First, with regard to village relocation, the Quinault Nation entered into a Treaty of Olympia with the United States in 1855. Our reservation consists of more than 200,000 acres, and 25 miles of Pacific coastline. The government offices are located in the village of Taholah, and Taholah is comprised of two different neighborhoods. We have the upper village and the lower village. More than 70 percent of our membership live in the lower village, our ancestral homeland.

Right now the lower village is located within a tsunami hazard zone. We are located just off the Cascadia Subduction Zone, and are incredibly vulnerable to both earthquake, tsunami, and liquefaction. The tribe has, on multiple occasions, declared a state of emergency, twice just this last year, related to a breach, a sea surge into our lower village, and then recently, in January, extreme flooding. The flooding event blocked access of not only our citizens from escaping and leaving the village, but from our—a good portion, probably 50 percent of our work force, from entering the village because the river surged to the point where it blocked a bridge, so we had no access in, and no access out.

Our K through 12 school is also located in the lower village, our child care center, our Head Start, our senior housing project. We also have many of our emergency services, including fire, public safety, and EMS ambulances also located in the lower village. It is no longer safe for the Quinault people, and we are taking steps to relocate to higher ground. In 2013, Quinault received a grant from the Administration for Native Americans to develop a comprehensive plan to move the Quinault people to the upper village. The total relocation project is estimated take 10 years, and it will require significant resources.

While working to relocate, we must also continue to protect our cultural and heritage of the lower village. Federal and state funding are often emergency based, and do not fund projects that take preventative measures to address ongoing property loss and infrastructure damage. Quinault supports the efforts of Congressman Kilmer to provide direct funding that would enable tribes and the Quinault Nation to take preventative measures to protect and pre-

serve coastal tribal communities through the Tribal Coastal Resiliency Act. We applaud the Department of Interior as well for including over $50 million in their FISCAL YEAR 2016 budget to enable tribes to prepare for climate change.

We urge the Subcommittee to take direct BIA prioritization, spending for tribes who are specifically located on the front lines of climate change, and include report language that mandates funding criteria, drafted in consultation with tribes, and that that be flexible enough to address the previously discussed items.

Compounding the issue of public safety is the lack of auxiliary service roads for emergency access. As I mentioned, there is only one way in, and one way out. Access to the village is often cut off during natural disasters, and when access is cut off, emergency vehicles are unable to reach both villages. Quinault proposes to link an eight mile service road that is currently being used for forest management. This will create two exit and entry points.

With that request, we urge the Subcommittee to support the 26.7 million funding requests for the BIA Road Maintenance Program to address transportation safety concerns of tribal communities. We also urge the Subcommittee to include report language giving funding priority to tribes with safety and emergency access concerns.

Our second issue is the Upper Quinault Blueback Restoration Project. In the 1950s we had millions of blueback stock run through the Quinault river system. In 2007 we only had 4,000. So the Quinault Nation has invested six million for river restoration, and to complete restoration, we need full funding over the next 40 years.

Lastly, I would like to speak to the issue of drug interdiction. The Quinault reservation, as I mentioned, occupies 25 miles of international border. We have 22 points of entry from the Pacific Ocean to Highway 101, and that is not being patrolled. So we urge the Committee to increase law enforcement funding, and support the budget request of 194.5 million for criminal investigation and police services.

On behalf of the Quinault Indian Nation, I appreciate the opportunity to testify, and happy to answer any questions. Thank you.

[The statement of Fawn Sharp follows:]

Quinault Indian Nation Appropriations Testimony
House Interior Appropriations Subcommittee
March 24, 2015

Good afternoon Chairman Calvert, Ranking Member McCollum and Members of the Subcommittee. I am Fawn Sharp, President of the Quinault Indian Nation ("Quinault"). The Quinault Reservation ("Reservation") is located on the southwestern corner of the Olympic Peninsula. I represent nearly 3,000 tribal members. Thank you for holding this hearing to examine the critical funding needs of Indian Country. My testimony focuses on the following priorities: (1) our plan to relocate the Quinault community to higher, safer grounds due to impacts related to natural disasters; (2) the need for additional road to access our village; (3) our request to restore the Blueback salmon and Upper Quinault River; and (4) the need for funding to support drug interdiction.

U.S. Responsibility to Meet its Treaty and Trust Obligations to the Quinault People

Through treaties, executive orders, and other agreements, Indian Tribes ceded hundreds of millions of acres of our homelands to the Federal government to help build this great nation. In return, the United States made promises to provide for the education, health, and welfare of reservation residents.

For the Quinault, the promises of the United States were detailed in the Treaty of Olympia, which was signed on July 1, 1855, and on January 25, 1856 (11 Stat. 971). The lands and waters of the Quinault Reservation consist of 207,150 acres of beautiful forest lands, mountains, rivers, a lake, and 25 miles of relatively undisturbed Pacific coastline. There are two major villages and one housing community located within the Reservation. The village of Taholah, which is where the Quinault government operations are headquartered, is located in the southern portion of the Reservation. Taholah consists of two locations known as the "Upper Village" and "Lower Village." The village of Queets is situated in the northern portion of the Reservation.

Under our Treaty, the Quinault retained our inherent sovereign rights to govern our lands, properties, resources, and our people. This includes access to our usual and accustomed lands and waters, and the right to co-manage the natural resources outside of our Reservation border. The United States has legal treaty and trust responsibilities to keep the promises it made to Quinault. Sadly, the United States has fallen short of meeting its obligations as appropriations cuts, sequestration, inflation and other factors impede our ability to meet the growing needs of our people. As a result, Quinault spends $4.4 million annually to supplement lapses in Federal funding because the United States has failed to meet its solemn obligations.

Dire Need to Move the Quinault People to Higher Ground

"Noskiako's" is a Quinault phrase that means "the water coming." The phrase aptly describes the Lower Village, which is the ancestral home of the Quinault people and is located along the banks of the Quinault River at the mouth of the Pacific Ocean. The area is a tsunami hazard zone. On multiple occasions, the tribe has had to declare a state of emergency due to seawall breaches. Despite the Army Corps of Engineers rebuilding and reinforcing our seawall after the breach in March, 2014, persistent natural disasters related to climate change, flooding, sea level rise, storm surge, mud slides, tsunamis, earthquakes and ensuing liquefaction continue to threaten the safety

of our people. Compounding the issue of public safety is the lack of auxiliary surface roads for emergency access to and from the villages. The villages of Taholah and Quects each have direct access via only one highway (State Route 109 and US 101 respectively).

The Lower Village is no longer a safe place for the Quinault. We are taking steps to relocate our people to higher ground. In 2013, Quinault received a $700,000 grant from the Administration for Native Americans to develop a comprehensive master plan to move Quinault people from the historic Lower Village, located below sea level, to the Upper Village, which is mostly protected from flooding at approximately 120 feet above sea level. Moving Tribal members out of the flood and tsunami zone is a priority of Quinault. More importantly, our K-12 Tribal School, our child care center, our Head Start program, and our senior housing center are located in the lower village and have less than a 15 minute evacuation window in the event of an earthquake or tsunami. This puts our children and elders at extreme risk. Further, many of our emergency services such as fire, public safety and EMS/ambulance are also located in the lower village. Quinault cannot take on this endeavor alone, and we urge the Subcommittee to address these important safety issues.

Request Funding for Relocation Project

The Quinault relocation project has five components: (1) Land Acquisition; (2) Master Planning for Upper Village Development and Lower Village Reclamation; (3) Infrastructure Development; (4) Engineering and Architectural Planning; and (5) Workforce Development and Construction. Completion of the project is estimated to be 10 years. We hope to secure funding for the relocation project through a combination of public and private sources.

The first phase of the plan is the acquisition of 246 acres of fractionated interests in individual land allotments in the Upper Village. The Quinault Indian Nation will work cooperatively with the Bureau of Indian Affairs ("BIA") to buy the individual allotments to be taken into tribal trust for uses that will benefit the entire community. The Tribe is hoping to use Cobell land buy-back funds for these acquisitions. Due to the highly fractionated land on the Reservation, we estimate this process alone will take up to 18 months per parcel due to BIA requirements, including the necessary surveys, appraisals, and notice to land owners that must to be completed. Phases one and two of the project will occur concurrently.

When completed, the newly relocated village will fulfill Quinault's goal of promoting the health, safety, and wellbeing of our people. The area planned for development is largely without basic infrastructure. Our master planning incorporates pedestrian and bicycle friendly roadways, transit access, water systems, and green utilities. We also plan to build sustainable and affordable housing for our members, incorporating passive solar heating technology. Our plans also include a new emergency operation center and a mixed-use community facility to accommodate early education, daycare, and workforce training programs. This project will create jobs on our Reservation, which has an unemployment rate significantly higher than the surrounding areas. We will provide the job training and certification necessary for Quinault members to obtain employment during the construction phases of the relocation project.

Coastal Tribes are among the most vulnerable populations to suffer the devastating impacts of natural disasters such as storm surge, earthquakes and tsunamis. Funding from both State and Federal agencies are too often emergency based and do not adequately cover preventative

measures to address ongoing hardship, property loss, and infrastructure damage to our villages. Quinault supports the efforts of Congressman Kilmer to provide direct funding to protect and preserve costal tribal communities through the Tribal Coastal Resiliency Act. While working to relocate, we must not allow our culture and heritage to be destroyed by natural disaster. The Tribal Coastal Resiliency Act will give tribes resources to ensure their heritage areas are protected.

We applaud the Department of the Interior for including $50 million in their FY16 budget for tribes to prepare and respond to climate change. We urge the Subcommittee to direct the BIA to prioritize spending for tribes on the front lines of climate change, and include report language that mandates funding criteria, drafted in consultation with the tribes, be flexible enough to address the needs described above.

Request Funding for an Additional Road to Access Quinault's Village of Taholah

Exit and entry access to the village of Taholah, where Quinault's government offices are located, is limited to a single highway. Access to the village is cut off during natural disasters and weather events as downed trees, mudslides, and treacherous conditions make the road impassible. This is a serious concern for our people. When access is cut off, emergency vehicles are unable to reach the villages. The lack of adequate emergency response recently contributed to the death of an elder when access to our village was shut off due to the impact of storms. Our community remains vulnerable to similar emergency response failures if we do not address this critical concern.

Quinault proposes to link an 8.2 mile service road, known as BIA Road 29 or McBride Road, primarily used for forest management and harvest activities, to a nearby highway. This will create two exit and entry points to our village. We estimate that this project will cost $3.5 million for road construction and improvement activities.

We urge the Subcommittee to support the $26.7 million funding request for the BIA Road Maintenance Program to address the transportation safety concerns of tribal communities. We also urge the Subcommittee to include report language giving funding priority to tribes with safety and emergency access concerns.

Request to Support Blueback Salmon and Upper Quinault River Restoration

The Quinault Indian Nation is leading the effort to restore the Upper Quinault River and the productivity of Blueback salmon ("Blueback"). Our most important salmon resource is the Blueback, which spawns only in the Upper Quinault River ("River"). The Blueback, as well as other salmon stocks native to the River, have significantly declined over the past 50 years due primarily to habitat loss associated with instability of the river due to removal of floodplain forests and other associated factors. In 2008, we developed a river restoration plan to restore the Upper Quinault River. Support for our plan includes the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the Army Corp of Engineers. We also have numerous State partners including the Governor's Salmon Recovery Office, Department of Natural Resources, Department of Fish and Wildlife, Department of Ecology, Washington Coast Sustainable Salmon Partnership, and the Pacific Coast Salmon Coalition.

Quinault has raised and invested approximately $6 million in river restoration over the past decade through grant funding and tribal dollars. While we have made significant progress, there is still much to be done to achieve full restoration.

We urge the Subcommittee to provide $5.79 million over a period of 5 years to support Upper Quinault River and Blueback Salmon restoration efforts. These funds will allow for the restoration of 7.7 miles of river, 860 acres of new floodplain, 140 engineered logjams, 537 acres of new forest and 61 permanent and seasonal jobs.

Need for Funding for Drug Interdiction Efforts

The Quinault Nation Reservation is remote, consisting of 25 miles of undeveloped coastline bordered by a major interstate highway. This setting offers many secluded entry points onto the Reservation for organized criminal enterprises that have plagued our community. In 2012, tribal police, working with federal, state and local officials helped an investigation that uncovered black tar heroin and liquid methamphetamine and led to 17 arrests of persons with ties to drug cartels. While these arrests should stand as a warning to anyone seeking to use our Reservation as a target for drug activity, we have reason to believe that non-Natives continue infiltrate the Quinault Reservation for drug activity and takings of our trust natural resources.

We continue to work with federal and local law enforcement to intercept those engaging in criminal activity on our Reservation. Unfortunately we are limited in our response by both jurisdictional restrictions and capacity. The Quinault Nation has a ten-man police department that has no criminal jurisdiction over non-tribal offenders. As we continue to build a closer relationship with the local U.S. Attorney's office and the FBI, our ability to fight drug related crime has improved. However, access to Federal grant programs specifically for drug interdiction is difficult to obtain. While Quinault invests $970,000 in tribal funds annually into law enforcement activities, including drug interdiction, this is not enough to adequately address and prevent this activity.

We support the budget request of $194.5 million for criminal investigations and police services, which contains. However we urge the Subcommittee to increase the line item of $9.7 million within criminal investigations to combat drug trafficking and crime in Indian Country and ask that report language be included to ensure that these funds can be used by all coastal and border Tribes which are among the most susceptible to drug cartels and smugglers.

Conclusion

The Quinault Indian Nation is taking steps to build a brighter future for our people. We are guided by our traditions and deep desire to control our own destiny. We are doing our part to improve the lives of our people and to create opportunity on the Reservation, but we can't do it alone. We urge the Subcommittee to honor treaty and trust responsibilities to Quinault and to support our requests.

Mr. CALVERT. Thank you, thank you.

Mr. Johnstone, obviously Norm Dicks is a good friend of this Committee. He was just here last week, checking up on us, making sure we are doing our job, and I am sure he misses Billy Frank—our condolences.

Because of Mr. Dicks's effort, and Mr. Simpson, myself, we have invested quite a bit of money into Puget Sound, and I know that we have—Mr. Kilmer here I am sure he will address that also, but do you see any improvements that have happened in the short term as we move forward on this? I guess that is—maybe that is both for Brooklyn and for you at——

Mr. JOHNSTONE. Yeah. Well, we have—we have got some examples of that. We are happy to share that. Unfortunately, the habitat is also being destroyed at a quicker pace. We can talk about the shoreline in Puget Sound, and the good work that tribes do, some cities are doing, counties are doing, something to the magnitude of restoring a mile a year in good projects. And then, because of processes, permitting processes, about four times that many were—being lost.

So it is a, you know, it is that game of we are doing all these good projects, and then here we have on the other end, where it continues to be—the habitat is being impacted. And one of the things that we asked for in our Community Rights at Risk is that the Federal money that some of these projects that are out there be conditioned on—that they cannot impact those wild stocks that are listed and are threatened.

Mr. CALVERT. And this is mainly, what, real estate development, or——

Mr. JOHNSTONE. Well, it is all kind of different—kinds of development on the shoreline. It could be a home, it could be a municipal project. I mean, there is—we have lots of examples, and we will be happy to share that with you.

Mr. CALVERT. All right. If you would like to submit that for the record.

Mr. JOHNSTONE. Okay. Appreciate it.

Mr. BAPTISTE. Yeah, and I would say definitely it has, but it—especially in the environment. As my counterpart was talking about, the environment still seems to be pretty volatile, and when you have some—a species that are not, I guess, in decline as drastic as they were, we are doing something positive. We still have people, non-tribal as well, being able to harvest the resources. That is including an enormous growth of sea lions in the Columbia River, you know, the—I mean, there is a large number in the environment. I mean, I do not fault them. They are just evolving to a situation that has occurred. But I think we are moving ahead, but the funding has definitely helped, and will continue—it is vital to be able to sustain our fisheries.

Mr. CALVERT. Sure. Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chairman. I have a couple of questions, though some of them might not be necessarily before funding that this Committee does directly. One of them goes to Head Start. You have a waiting list of 17 children, but you have a building that is inadequate. Head Start funding comes out of HHS, which Mr. Cole is now chairing, and I am very excited about

that. Does the building come out of there too, do you know? I asked a tough question, and we are going to do some dragging but I thought you might know. I am not trying to play stump the band.

Mr. GREENE. Right. Well, you did stump the band. I do not know the answer to that——

Ms. MCCOLLUM. That is part of the whole government——

Mr. GREENE. Right.

Ms. MCCOLLUM [continuing]. Approach that we need to be——

Mr. GREENE. Right.

Ms. MCCOLLUM [continuing]. Taking. Homeland Security and Department of Justice funding is also something we are going to dig a little deeper into too. We might have to have them have tribal public hearing days on some of these issues.

But the thing I do want to touch on—because we do have the EPA, and USGS, and other things—is that you have all touched on climate change in one way or another. So do you think that we are doing enough, through the EPA and some of the other environmental agencies that are funded out of the Department of Interior, to address your needs? Are people listening to you? Is your input being taken into account here? I mean, especially with relocation.

Mr. JOHNSTONE. You know, I think we have some examples through the Northwest Union Fish Commission, as we looked into the idea of climate and climate change. You know, we looked at Interior, and we noticed a few years ago there were big dollars, $450 million, $375. When you looked at the Bureau of Indian Affairs at that time, it had a $200,000 line item that they created internally to even get something on the books that showed the tribes that they were addressing, you know, climate issues.

And over time, including now, you look to what is the proposed budget from the President of—under the resiliency, 20 million, I think it is, but I think we include that in our written. That has been really slow to come to Indian Country. You know, facing all the issues in the coastal communities, for instance, in the lower 48 and in Alaska, it is overwhelming.

I mean, my present—my Chairman—Chairwoman—in this village relocation, it is the whole gamut. Storm surges we believe associated with sea level rise. The winds are more terrific, so the erosion is just amazing. And then the weather patterns in general, just—it is absolutely crazy. And——

Mr. CALVERT. The gentlelady——

Mr. JOHNSTONE [continuing]. There is not a lot of money.

Ms. MCCOLLUM. Yes, what?

Mr. CALVERT. I am just curious, is FEMA involved at all in any of this?

Ms. SHARP. Yes. In the last 2 years the Quinault Nation has declared a state of emergency, and FEMA was there to assist in both circumstances. But to answer your question directly, with regard to EPA funding being adequate, no, it is not adequate for relocation efforts. It doesn't provide building or infrastructure costs, so the answer is no.

Ms. MCCOLLUM. Okay. Mr. Chairman, I thank everybody for their testimony. Mr. Baptiste?

Mr. BAPTISTE. Oh, I was just going to reiterate the EPA but the sister agencies under the Interior, I think funding needs to be at

an equitable level because you are talking about nationwide funding, and you have coastal tribes and you have interior tribes there. The environment is totally different than that. An interior tribe like ours who works, we have plants, animals, waterways that are being affected. Huge droughts have affected us and so our medicinal plants, our first foods are being affected along that line. But I think funding definitely needs to be up, and I think agencies can probably collaborate a lot more. It is up to them, but that would be huge for us.

Ms. MCCOLLUM. Okay. Well, thank you, Mr. Chair. Mr. Chair, I was just shocked to find out that your internet speed is slower than dial-up, and I know how slow dial-up is. Oh, my stars. Okay. Thank you.

Mr. CALVERT. Mr. Kilmer.

Mr. KILMER. Thank you, Mr. Chair, thank you all for being here, and thank you, Ed, for reminding us of Billy Frank's suggestion that we all tell our story.

There are a number of tribes along the coast that are dealing with these resiliency issues. In several instances they are now looking at relocating facilities either because there is a risk to people or there is a risk to sacred sites. Can you talk about what federal agencies you work with in that regard? You have already mentioned a couple, but I just think it is useful to get some sense of which agencies are involved. As someone who is on the ground dealing with this, do you see an adequate level of coordination between federal agencies or is that something that we ought to be more focused on?

Ms. SHARP. Thank you. I appreciate the question. There needs to be much more agency, interagency coordination, and we do applaud the efforts of the Tribal Coastal Resiliency Act because that is an absolute necessity for us to respond to the immediate threats. Every year we are finding that these extreme weather events are becoming more and more frequent, more and more intense. I received a call from a tribal elder at 10:00 at night that the ocean is breached and has taken out his smokehouse. That was the state of emergency we had last year.

So there needs to be increased funding. There needs to be better coordination, and that is to deal with the direct emergency impacts of climate change, but there is also the preventative measures that we need for adaptation mitigation that we just don't have any funding to build tribal capacity. We are finding we have very limited sources of climate change funding. Tribes are talking amongst ourselves to try to figure out, how can we do an intertribal effort just to garner enough funding to make a difference? So both in terms of adapting and mitigating the impacts of climate change, there is not enough funding. There is not enough funding for building our own internal capacity, and there is not enough funding to respond to the direct and immediate impacts of climate change.

Mr. KILMER. Thank you. Thank you, Mr. Chair.

Mr. CALVERT. Thank you. If there is no further questions, this panel is excused. Thank you for your attendance. Next is Mr. Tim Ballew, II, Chairman of the Lummi Nation. If you will sit here on my right where Mr. Johnstone was sitting? Mr. W. Ron Allen, Tribal Chairman, Jamestown S'Klallam Tribe.

Mr. ALLEN. Klallam.

Mr. CALVERT. Klallam. Okay. Sorry about that. Oh, and Ron Allen again, Commissioner, Pacific Salmon Commission. And Jim Peters, Councilman, of the Squaxin——

Mr. PETERS. Squaxin Island.

Mr. CALVERT. Okay, Island Tribe. I will take your word for that. As the day goes longer, my vocabulary becomes worse. We welcome you, and first, let me recognize Mr. Tim Ballew, II. Did I pronounce that correctly? Okay.

TUESDAY, MARCH 24, 2015.

LUMMI NATION

WITNESS

TIM BALLEW, II

Mr. BALLEW. Good afternoon, Chairman. Yes, you did pronounce that correctly. Tim Ballew. I am the Chairman of the Lummi Nation, and I am very humbled to be in front of the committee today as well as with the other tribal leaders here in the room who made the trip over to testify for fiscal year 2016. We have submitted our written testimony for the record, and today I would like to focus on a few issues that were in the written testimony.

The Lhaq'temish people, or the Lummi Nation, have lived and celebrated on the shores of the Puget Sound and San Juan Islands and Cascade Mountains since time immemorial and have in large part lived as a community by harvesting the resources of the Puget Sound and Salish Sea. Currently we have 5,000 enrolled members who still heavily rely on that harvest, and that harvest, though different reasons, is endangered and requires attention to meet as Ed Johnstone mentioned earlier, to respond to our treaty rights that are at risk.

The Fraser River sockeye is one of our main staple foods and subsistence for our people and our commercial fisheries. There was a fish disaster declared for the 2013 sockeye fishery and we are pursuing a disaster for commerce for the 2014 fishery. In 2014 the sockeye diverted around U.S. waters by a rate of 99 percent leaving only a small fraction available for our fishermen, both tribal and state.

Also, we have been forced to close our shellfish beds due to instream flow contaminants from our upstream neighbors on the Nooksack River basin. The last time such an event happened and such level of polluting occurred, we were forced to close our shellfish beds for a decade, and hundreds of our families lost out on subsistence and commercial harvests. And we ask for relief for our fishermen as well as support for policy change that would help prevent this from happening again.

The Lummi Nation members depend on these harvests and subsistence to make a living by commercially harvesting the fish and shellfish, and each time there is a disaster declared or a closure occurs, our families suffer. We can't control the bad actors of our river basin from polluting our shellfish beds and we can't control the climate change in the open waters that divert our salmon. In

the words of our late, great human rights activist, Billy Frank, Jr., our treaty rights are at risk.

We ask our Trustee to help us and step up and protect, promote, and preserve our treaty right. While we work to adapt to the climate change, we need to supplement our native and wildstock fisheries with some good, sound hatchery programs. Our nation operates two hatcheries, two salmon hatcheries, that help contribute to the Puget Sound fishery for both tribal and non-tribal fishermen and enhancing these productions by funding upgrades to the infrastructure and increasing the number of positions at NOAA to review and approve HGMPs will help produce more stock and protect the fishery for all fishermen.

In addition to our fishery concerns, we too have a need for a new health clinic. As a service provider for 8,000 natives in the Whatcom County region, we have a facility that is over 3 decades old and at this time of construction only serviced less than 800 tribal members. Since then, our tribal membership population has grown fivefold, and we also provide services to other natives, not just Lummi tribal members who live within Whatcom County. A new facility for a growing population is desperately needed.

Without responses like these funding requests, these solutions would be ignored and our treaty rights would be in threat, and there would be a potential breach in Trust. And we look to help for support of our fisheries, good healthcare, and the other rights reserved by the Point Elliott Treaty.

I appreciate the opportunity to testify today. Again, thank you for the consideration and look forward to working with you for improved solutions.

[The statement of Tim Ballew, II follows:]

LUMMI INDIAN BUSINESS COUNCIL
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Testimony of the Honorable Timothy J. Ballew II,
Chairman of the Lummi Nation
Before the House Appropriations Subcommittee on
Interior, Environment and Related Agencies on the FY 2016 Budgets
for the Bureau of Indian Affairs and the Indian Health Service Programs

Good Morning and thank you Mr. Chairman and distinguished Committee members for the opportunity to share with you the appropriation priorities of the Lummi Nation for the FY 2016 budgets for the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS).

Background Information

We are the Lhaq'temish, "The Lummi People". We are the original inhabitants of Washington's northernmost coast and southern British Columbia and is the third largest Tribe in Washington State serving a population of over 5,000. The Lummi Nation is one of the signatories to the Point Elliot Treaty of 1855. The Lummi Nation is a fishing Nation and for thousands of years we have worked, flourished and celebrated life on the shores and waters of the Salish Sea which is referred to as Puget Sound. We have drawn our physical and spiritual sustenance from the marine tidelands and waters of the Salish Sea since time immemorial, and we understand the challenge of respecting our traditions while making progress in a modern world - to listen to the wisdom of our ancestors, to care for our lands and waterways, to educate our children, to provide family services and to strengthen our appropriate ties with neighboring communities and jurisdictions.

Lummi Specific Requests – BIA and Bureau of Indian Education (BIE)

- **+$200,000** - funding to continue the Lummi Nation's successful water rights restoration and management program and all water litigation expenses. (BIA)
- **+$800,000** - Emergency Funding is needed to improve water supply for Skookum Creek Hatchery. (BIA)
- **+$800,000** - Funding to improve water supply line from river to Lummi Bay Salmon Hatchery. (BIA)
- **+600,000** – Funding to address commercial shellfish closure impacts to harvesters due to upriver water pollution. (BIA)
- **+$500,000** additional funding for staff needed to address ESA impacts on Treaty Fishing Rights. (BIA)
- **+$540,600** for Lummi Nation Head Start and Childcare Center for new Head Start buses, additional funding for child and adult care food program (CACFP) and for childcare expansion funding. (BIE)

- **+$1,586,600** million for the Lummi Nation School (LNS) for school teacher retirement, teacher and staff professional development, coast salish institute for training, vocational training for students and for facilities expansions. (BIE)

Lummi Specific Requests – Indian Health Services

- **+$20 million** - to allow for Indian Health Service & Department of Health and Human Services to provide minimal funding to the Lummi Nation under the Health Care Facilities Construction Program to allow for a modern medical facility, staffing, operating costs and equipment. (IHS)

Lummi Specific Requests Justifications – BIA/BIE

- **+$200k – funding to continue the Lummi Nation's successful water rights restoration and management program and water litigation expenses:**
    - Nooksack River salmon stocks are depleted and disappearing; salmon are needed for commercial, ceremonial, and subsistence purposes are disappearing.
    - Nooksack River watershed is over-allocated; demand for the limited water supply is increasing and State instream flow rules are not effective and are not enforced.
    - Federal protection for instream flows is needed for ESA and Restoration.
    - Most of the expensive technical water work has been completed on a cooperative basis with the state and county governments.
- **+$800k – New Skookum Creek Hatchery intake:** Emergency funds are needed to replace Skookum Creek Salmon Hatchery water intake. The intake was damaged by large land slide and continues to be threatened by potential land slides; 2.5 million Coho and 700,000 spring Chinook are at risk.
- **+$800k – Funding to improve water supply line from Nooksack river to Lummi Bay Salmon Hatchery Phase 1:** The existing system only provides 850 GPM to our hatchery. To increase production to a level that will sustain tribal and non-tribal fisheries alike, we need to increase our water supply four-fold. This request is for the first phase of a four phase approach.
- **+$600k – Funding to address commercial shellfish closure impacts to harvesters:** The State of Washington and the Federal Government, with its trust responsibility, have failed to enforce Clean Water Act standards against polluting dairies and other entities within the Nooksack River watershed. The resulting water quality degradation has caused conditional closure in Lummi's shellfish beds, shutting off the only source of income to families and individuals this time of the year. We request relief for these harvesters and their families.
- **+$500k – Additional funding to support additional staff to address ESA impacts on Treaty Fishing Rights:** Salmon habitat has been damaged, causing salmon numbers to decrease. Habitat needs time to recover, hatcheries have been developed to mitigate for salmon impacts due to habitat degradation. The rehabilitation to damaged habitat, will take many years. Nooksack River salmon have been listed under Endangered Species Act (ESA). The Hatchery Genetic Management Plans, pursuant to NOAA ESA recovery guidelines, impose additional unfunded requirements for monitoring and conservation measures which will require more staff.
- **+$540k – for Lummi Nation Head Start and Childcare Center for the following (BIE):** Current busses require frequent repair and maintenance and the cost to replace

and purchase 3 news busses is at $96,000 each. Reimbursement for CACFP does not meet need to adequately fund and provide basic food and nutritional services to the students and $20,000 is needed, to offset extreme poverty of students. There are two rooms available at the child care center and no funds to fully operate the rooms and there is a need for up to five (5) staff and costs start up supplies at the expense of $232,600.

- **+$1,586,600 million for the Lummi Nation School (LNS) for the following (BIE):** $215,405 annually for school teacher retirement to match state benefits, as the LNS loses certified staff to state positions on annual basis. $315,000 for teacher and staff professional development which LNS budgets $9,000 less per teacher ratio compared to the state, $8,000 for Coast Salish institute for training for up to 35 teachers for cultural training/curriculum, $48,200 for vocational training for up to 20 students and $1 million for facilities expansions—physical activity and weight training facility.

Lummi Specific Requests Justifications – IHS

- **+$20 million for a modern medical facility, staffing, operating costs and equipment:** A medical facility that can provide a comprehensive mix of natural and science based medicine for health screenings, treat those with cancer, identify diabetes related health conditions, obesity, heart disease, physical therapy and pain clinic, occupational therapy, obstetrics that includes a birthing center, day surgery. We are in need of short term in-patient behavioral health supports, state of the art X-Ray, MRI and CT scans for early detection of chronic internal medical conditions and to provide accurate pathways to treatment.

Committee Direction to Department of Interior (DOI) Requests

- Direct the DOI and BIA to provide increase via tribal base funding instead of through grants to tribal governments.
- Direct the DOI and BIA Law Enforcement Branch to solicit and assist Tribal governments who incur incarceration costs and interested in developing their own Tribal Specific Corrections Plan.

Committee Direction to DOI Requests Justifications

- The grant process for every single tribe is ineffective and tribal leaders have been advocating for years to move away from grant funding. New BIA funding streams should be distributed using formulas with consultation with all tribes. This would allow tribes to have control over its funding allow tribes to full operate under the Indian-Self Determination Act.
- This will provide tribes with corrections services consistent with that plan to negotiate with BIA-Law Enforcement branch their fairs share of operational costs identified in annual appropriations.

Committee Direction to IHS National Requests

- Direct IHS to support the existing structure of funding for the Methamphetamine and Suicide Prevention Initiative (MSPI) and the Domestic Violence Prevention Initiative (DVPI) and allocate additional funding.

- Direct IHS Reauthorize and fund the Special Diabetes Program for Indians (SDPI) at $200 million with 5 year renewal.
- Direct the US Indian Health Services to support the efforts of Tribes to address their own health care facilities.
- Direct the Centers for Medicare and Medicaid Services to solicit and assist Tribal government interested in developing their own Tribal Specific Medicaid Plan.

Committee Direction to IHS National Requests Justifications

- The current MSPI and DVPI funding structure allows the Lummi Nation to continue to receive funding and any future changes could negatively impact the Lummi Nations allocation for addressing drug and suicide's and domestic violence.
- The Lummi Nation along with a consortium of northwest tribes receives SDPI funding in order to address the alarming and growing issue of diabetes. It is vital to these communities that funding continue after the September 30, 2015 expiration date.
- Direct IHS to annually solicit Joint Venture and Small Ambulatory Health Clinic applications from Tribes and assist Tribes to overcome deficiencies in their application such that their application can be approved in subsequent years.
- This will help tribes provide heath care services consistent with that plan to negotiate with CMS to develop approvable plans and health care delivery systems.

Regional Requests: The Lummi Nation supports the requests of the Affiliated Tribes of Northwest Indians, the Northwest Portland Area Indian Health Board and the Northwest Indian Fisheries Commission, that is beneficial to the region and our tribal interests.

National & Self-Governance FY 2016 Budget Priorities: In general, all BIA and IHS line items should be exempt from any budget rescission and discretionary funding budget reductions.

BIA

- Fully fund Contract Support Costs (CSC) – Seek permanent full funding for contract support costs that will not come at the expense of direct program funding or retained tribal shares. Without deduction from tribes amount to cover federal reconciliation.
- Increase the Fish Hatchery Maintenance funding from $6.8 million to $15 million.
- Increase funding to the Detention/Correction funding from $95 million to $150 million and increase contracts funds with county correctional facilities

IHS

- Provide $814.8 million increase to the Indian Health Service over the FY 2015 President's budget request.
- Fully Fund Contract Support Costs (CSC) – Provide increase over the President's FY 2015 request needed to fund the CSC shortfall and to fulfill its contract obligation.
- Program Services Increases from FY 2015 budget: +$17 million increase for dental health services, $54.2 million increase for mental health services, $49.5+ million increase for Alcohol and Substance Abuse Programs (ASAP) and $198.2 million increase to provide for Purchased/Referred Care (PRC).

Thank you for this opportunity to provide Lummi Nation appropriations priorities for FY 2016. Hy'shqe (Thank You).

Mr. CALVERT. Thank you, Mr. Ballew. Next, Mr. Allen in two capacities. Welcome.

TUESDAY, MARCH 24, 2015.

JAMESTOWN S'KLALLAM TRIBE

WITNESS

W. RON ALLEN

Mr. ALLEN. Thank you, Mr. Chairman. I have been coming here for a lot of years, so I figured out how to get in line twice, you know? We know all about the 5-minute restrictions.

Well, on behalf of my tribe, we appreciate the committee taking our testimony and putting it in the record and observing the various details of our testimony and both for my tribe as well as the Pacific Salmon Commission which is implemented in the U.S./Canada treaty. It is important to us in the Northwest.

I want to say first of all, you know, on behalf of my tribe—and I have been an active tribal leader for many years, and we fully support, you know, the recommendations that are coming from the National Congress of American Indians and National Indian Health Board and Portland Area Indian Health Board and Northwest Indian Fish Commission. They all make really good, strong recommendations with regard to their areas of expertise and responsibilities, and we certainly do support them.

I want to say for the 25 years that I have been advocating for full, 100 percent funding of contract support, that was a big-ticket item. You know, it was—for years I would come and testify with regard to getting paid 100 percent of contract support as a federal obligation, you know, to contractors, and this is with Indian nations.

So when you guys stepped up and gave 100 percent, you gave instructions that they will be paid 100 percent, that was a major benchmark in federal/tribal relations, and I deeply appreciate that.

We are clearly very supportive of the idea, the mandatory idea, and we look forward to working with you and hoping that would be something that would be of interest to Congress, the support of—as well as hopefully considering moving it up into fiscal year 2016 and not wait for 2017.

For my tribe, I have a list of issues in here, but the one I will highlight is we made a special request for a little over $700,000 to move our contract. We have a self-governance contract. We have been a part of the self-governance movement since its inception back in '88, and we didn't move into the calendar year. That is a big-ticket item. That is a big issue for us, and we want to move from the fiscal year into the calendar year. In all fairness, the CRs drive us nuts. You know, we have to go out and borrow the money, you know, in order to carry out these federal functions.

Mr. CALVERT. Are those——

Mr. ALLEN. Yeah, it is very frustrating, and more often than not, Congress does come to some sort of an understanding and those CRs don't get extended. The ones that are piecemeal in 2 weeks or a 1½ or so are very frustrating. And for those tribes that just don't

have any leverage, you know, they are really in a world of hurt. But we would like to be able to do that for our tribe, and that is something that is very important to us.

Rights protection is an area that is very important to us, like the Northwest tribes who are all fishers. We are, too. And so that category is a very important area that is of high priority for us. So we would urge you to consider that. We were very delighted that IHS and BIA both propose budgets, increase budgets in the President's budget. We know it is a heavy lift, but quite frankly, they are addressing some very specific areas of deep concern.

I will also underscore in it is the loan guarantee program, so you can't solve all of our problems. But quite frankly, helping tribes become more self-reliant so that we can generate other resources, you know, unrestricted resources on our own is how we are going to fulfill that unmet need.

The tribes will be coming in and tell you that the need for IHS is not $5.1 billion, it is more like 30. They will tell you that the need for BIA is not $2.6 billion. It is more like 30. You will never get there.

So how do we get there? Help us become self-reliant, loan guarantee programs that generate businesses or even build infrastructure so that we can leverage that into low-interest loans. That would be of great value.

So I will leave the tribal testimony at that. It is an important agenda for all of us, and we look forward to working with you. Your staff has been great to work with over the years, and we look forward to many more fruitful experiences and problem-solving like you said Johnstone said.

[The statement of W. Ron Allen follows:]

U.S. House of Representatives Committee on Appropriations

Sub-Committee on Interior, Environment and Related Agencies FY-2016 Appropriations Testimony for the Bureau of Indian Affairs and Indian Health Service

Written Testimony of
The Honorable W. Ron Allen, Tribal Chairman/ CEO
Jamestown S'Klallam Tribe
March 24, 2015

On behalf of the Jamestown S'Klallam Tribe, I am pleased to submit this written testimony on our funding priorities and requests for the Fiscal Year (FY) 2016 Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) budgets. Funding for Indian country is appropriated in the non-defense discretionary portion of the Federal budget. We, therefore, renew our request that Congress work together to achieve a balanced approach to the budget deficit that includes raising new revenue sources and that doesn't rely solely on cuts to discretionary spending.

We strongly support the Administration's FY2016 Budget Proposal as it reflects an improved commitment on behalf of the Federal government to uphold treaty and trust obligations with an investment in Indian programs that includes a 12% increase for the BIA over the FY2015 enacted level, a 9% increase for the IHS, and mandatory funding for contract support costs. These proposed increases are extremely important to Tribes because we rely on this funding to support our core governmental programs and critical services that promote the safety and well-being of our Tribal citizens and Indian community. We also advocate for the expansion of Self-Governance so that Tribes can continue to have the flexibility to redesign programs and services throughout the Federal government to better address their community needs.

In addition to the items detailed below, our Tribe would like to reiterate that we are a direct beneficiary of the collective and continuing efforts of the **National Congress of American Indians, the Affiliated Tribes of Northwest Indians, the Northwest Portland Area Indian Health Board, and the Northwest Indian Fisheries Commission.**

TRIBAL SPECIFIC BUDGETPRIORITIES:
Indian Health Service and Bureau of Indian Affairs

1. **$737,000 - Five Quarter Funding to Move the Jamestown Self-Governance Funding Agreements from Fiscal Year to Calendar Year**

REGIONAL BUDGET PRIORITY - Bureau of Indian Affairs:

2. **Increase Rights Protection Implementation to $52 million**

NATIONAL BUDGET PRIORITIES

3. **Exempt Tribes from Sequestration and Rescissions and Restore 2013**

Sequestration Cuts

4. **Full Funding/Mandatory Funding for CSC which is included in President's FY 2016 Budget Request**

Indian Health Service

5. **Increased Funding for Purchased and Referred Care to $198.2 million**
6. **Maintain Current Services $166.1 million**
7. **Special Diabetes Program for Indians $200 million a year for five years**

Bureau of Indian Affairs

8. **Economic Development: $15 million Loan Guarantee/$9 million Surety Bonds**
9. **Support for Tribal Governments Fixed Costs/Paycosts**
10. **Roads Maintenance $40 million**

TRIBAL SPECIFIC BUDGET REQUEST JUSTIFICATION - $737,000 to extend our FY 2015 Jamestown Self-Governance Funding Agreements in the Indian Health Service (IHS) and the Bureau of Indian Affairs (BIA) from fiscal year to calendar year funding:

Estimate of funds needed to extend our FY2015 Funding Agreement to December 31, 2015: Indian Health Service (based on FY2015 total funds and AFA) $352,560.14 (92 days of funding) Department of Interior (based on FY2015 AFA and FY2014 Contract Support Costs actual) Direct Funding $435,467.26 / CSC Funding $301,120.79 / Total = $736,588.05

We are requesting this change in the funding cycle of our Annual Funding Agreements to minimize the impact the Tribe has incurred because of Continuing Resolutions (CR) have on our programs and services for the nearly two decades. Since FY1998, there has only been one year (2006) in which the Interior, Environment and Related Agencies Appropriations Bill has been enacted before the beginning of the new fiscal year. Delayed appropriations undermines Tribal Self-Governance because it creates budgetary uncertainty, disrupts programs and service delivery which impedes the Tribes' ability to efficiently and effectively utilize our Federal funds. We currently operate our programs and services under a fiscal year annual funding agreement that is consistently not available to us until half-way or later in the fiscal year due to CRs. This year, we received our final allocation for IHS facilities money on February 11, 2015, or, four and a half months into the fiscal year. On the BIA side, we are still waiting for almost $1 million dollars of contract support costs (CSC). When we do not receive our funding in a timely manner it interrupts our government operations in the following ways: we are forced to borrow money from our Tribal businesses to supplement our programs and services; we have to work out deals with our vendors to extend payments which costs us additional money in finance costs; projects are postponed; our ability to invest in economic development and job creation is limited; and the amount of money we can leverage to enhance programs and services is not realized. Program performance is a significant factor that influences budgetary decision-makers. Yet, we cannot demonstrate program success or the effective and efficient use of Federal funds when we do not receive our funding at the beginning of the fiscal year. Self-Governance was designed to allow Tribes flexibility to redesign programs, services, functions and actions to meet the needs of our Tribal citizens. We therefore respectfully request five quarter funding to allow us to transition from fiscal year to calendar year funding.

REGIONAL BUDGET REQUEST - Rights Protection Implementation: Increase to $52 Million (BIA)

Rights Protection Implementation funds important court ordered management activities which support off reservation treaty rights of 49 Tribes and other intertribal management efforts. This funding is essential for the protection of tribal economic, subsistence, cultural and medicinal

practices as well as the sustenance of healthy productive Tribal nations and their surrounding states, local governments and neighboring communities.

NATIONAL BUDGET REQUESTS

3. Exempt Tribes from Sequestration and Further Rescissions and Restore 2013 Sequestration Cuts (BIA and IHS):
Budgetary reductions undermine Indian Treaty Rights and Federal obligations. The Federal trust obligation must be honored and vital programs and services for Tribes must be sustained despite the budget deficit. In FY2013, the Budget Control Act imposed a $228 million reduction for the Indian Health Service which translated into a reduction of 3,000 inpatient admissions and 804,000 outpatient visits for American Indian/Alaska Natives to IHS and Tribal hospitals and clinics. In addition, the BIA endured a $119 million reduction which directly impacted public safety, education, housing, roads, Indian child welfare and social services for Tribal citizens and Indian communities. Sequestration and rescissions further exasperate an already precarious budgetary situation undermining the Tribes abilities to maximize their unfunded operations and provide basic services to our Tribal citizens. We urge Congress to exempt Tribes from any further reductions imposed by the Budget Control Act and to restore funding cuts due to the 2013 sequestration and rescissions.

4. Full Funding/Mandatory Funding for Contract Support Costs (BIA and IHS):
- **BIA $277 million, an increase of $26 million above the FY2015 enacted level**
- **IHS $718 million, an increase of $55 million above the FY2015 enacted level**

Although we are pleased that the Federal government has provided full funding for contract support costs under the Indian Self-Determination and Education Assistance Act (ISDEAA) in FY 2014 and 2015, Tribal programs should not be subjected to programmatic decreases in order to fulfill the Federal government's contractual obligations. CSC should be appropriated as a mandatory entitlement. Under the ISDEAA, the full payment of CSC is not discretionary, but is a legal obligation of the United States to pay Tribes for services. We strongly urge Congress to fund CSC on a mandatory basis as included in the FY 2016 President's Budget Proposal.

5. Increase Funding for Purchased/Referred Care (formally called Contract Health Services) - $198.2 million: Purchased and Referred Care (PR/C) is important to Tribes in the Northwest because we do not have any hospitals to address emergency and specialty care services. Much of the secondary care, and nearly all of the tertiary care needed must be purchased from the private sector. PR/C funds are used to purchase essential health care services, including inpatient and outpatient care, routine emergency ambulatory care, and transportation and medical support services. These funds are critical to securing the care needed to address many of the diseases which are among the leading causes of death for American Indian and Alaska Natives (AI/AN). Tribes have been forced to rely on 3rd party revenue (Medicare, Medicaid and Private Insurance) when PR/C funds have been depleted. The IHS has established medical priorities because PR/C funding is inadequate to fund all needed medical services. Most Tribal facilities are only able to address Priority 1 life and limb and catastrophic healthcare emergency cases. We request an increase of $198.2 million for Purchased/Referred Care in the FY 2016 budget to meet this critical need.

6. IHS Mandatory Funding (maintaining current services – +$368.9 million over the FY 2015 President's proposed budget: Current Services include mandatory costs that are required to maintain health services to include population growth, medical and non-medical inflation,

paycosts and CSC. When these mandatory costs are not funded, Tribes are faced with having to cut programs and services for our Tribal citizens. Tribes cannot continue to absorb these costs and maintain the level of quality care our Tribal communities deserve.

7. Special Diabetes Program for Indians – $200 million a year for five years (Special Appropriations administered by IHS))
American Indian/Alaska Natives (AI/AN) are two to four times as likely to develop diabetes compared to other races. The SDPI program has proven effective in combatting diabetes and enhancing care and education in AI/AN communities. As a result, the program has successfully reduced costly health complications and the incidence of the disease itself.

8. Economic Development/Loan Guarantee/Surety Bonds - $15 million Loan Guarantee/$9 million Surety Bonds (BIA)
Tribal governmental revenues depend entirely on effective economic development to support nearly every aspect of reservation life and government operations. Chronic underfunding of Indian programs and the severe lack of private investment has left the economic potential of Indian country unrealized. The Loan Guarantee Program provides eligible Tribal and individual Native borrowers a mechanism to obtain conventional lender financing for businesses and economic development projects. Funding the Surety Bonding component of the Loan Guarantee Program would create an avenue for Tribes to compete for Federal contracts. In order for Tribes to attain economic self-sufficiency, they need access to capital, investment in infrastructure, parity in funding and tax incentives and resources for technical assistance and training to develop Tribal capacity.

9. Support for Tribal Government TPA / Fixed Costs Paycosts – +$139 Million Increase (BIA)
The BIA Tribal base funding allows Tribes to exercise their inherent right to Self-Governance and is used to support core governmental programs. These funds pay the wages of our cops, firefighters, social workers, child welfare workers, and resource managers. Since 1996, Tribal government core services are operating with over a 30% reduction in base funds. While base funding has decreased, there has been an increase of grant funding. Allocating new funding for BIA via grant opportunities marginalizes and impedes the exercise of Tribal self-determination because grants limit the flexibility and local control available to Tribes under the ISDEAA. Tribes advocate for an increase to base funding instead of funding Tribes with grants. Tribal paycosts represent the only TPA base increase most Tribal service programs receive. Most Federal agencies receive annual increases to their fixed costs rates each year to address inflationary costs associated with fringe benefits and pay costs. Partially funding or failing to fund paycosts devastates Tribal communities by causing critical job losses.

10. Road Maintenance $40 million - The Road Maintenance Program is frequently identified as one of the Tribes top budget priorities, and yet, it is frequently targeted for funding reductions and remains one the BIA's most underfunded programs. Tribes often have to use their maintenance dollars for day to day activities to maintain public safety such as snow and ice removal on Tribal roads. Currently the deferred maintenance backlog is about $75 million but road maintenance is currently funded at less than $25 million.

Thank you on behalf of the Jamestown S'Klallam Tribe. I respectfully request that these recommendations be included in the FY 2016 budget in order to honor the trust responsibility and support tribal prosperity and well-being.

TUESDAY, MARCH 24, 2015.

PACIFIC SALMON COMMISSION

WITNESS

W. RON ALLEN

Mr. ALLEN. On the U.S./Canada, I will shift into that real quickly. The U.S./Canada treaty we consummated back in 1985 that ended fish wars. Salmon is a way of life in the Northwest from Alaska to the upper reaches of Columbia River. Maybe the comments that you heard from your testimony from the Northwest Tribes is how to protect salmon, how to restore habitat, and so forth. The U.S./Canada treaty is about harvest management. We assess the conditions of the various species and the stocks within the species, from Alaska all the way to the upper reaches of the Columbia River, all along the coast and the Puget Sound. That is our job.

And so bottom line is the tribes are a big part of that. When you look at the breakout of that Commission, I currently am the chair of it, and I have been involved since '85 in that process. It is working better, but it does take resources to make it happen. So when you get into this very complicated forum in terms of how you manage each of the species, from Chinook to Coho to Chum to Sockeye and the Pink, it requires a lot of political and fishery expertise as well as technical expertise.

So what we are asking for from this committee with regard to the Interior, is the treaty is broken down by—the State Department has the international role in regard to that function, the Commerce Department deals with the State and with NOAA responsibilities, and Interior deals with the tribes and Fish and Wildlife. So in our request, you know, we are asking for the tribes to be bumped up in rights protection from the $4.2 million to the $4.8. That gives us the kind of capacity we need to deal with our responsibilities, and we are currently getting geared up for renegotiation of a key annex that has chapters in it for each of these species. The more complicated one is Chinook. But Coho is a big deal to us, and Chum is a big deal to us. The Sockeye and Pink is not for 2 more years, but it is very complicated in terms of the negotiating within the United States. Alaska and the three States, Washington, Oregon, and Idaho, and the tribes all have to come to terms. Then we can get on the table with Canada and work that out. That requires resources to make that happen. We run these very complicated models in terms of how you figure out who gets to catch what and how do we protect those fisheries.

We have asked for some more resources to restore Fish and Wildlife. They have a very small but important role, and then the Pacific States Marine Fishery has a regional mark center that has a very technical function, and we would like to get them restored. That is about $127,000.

So I will stop there. Fishery is a way of life. It is the way of our culture, but it is important to the Northwest, Indian and non-Indian alike. We are the ones helping make this treaty go and protect a very important resource. That protects and preserves thousands of jobs up and down the West Coast. Thank you, Mr. Chairman.

[The statement of W. Ron Allen follows:]

U.S. Commissioners
W. Ron Allen
Phil Anderson
Charles Swanton
Robert Turner

UNITED STATES SECTION of the PACIFIC SALMON COMMISSION

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Statement Submitted by
W. Ron Allen, Chair
U.S. Section of the PACIFIC SALMON COMMISSION
BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
On the FY 2016 Budgets for the
Bureau of Indian Affairs and the U.S. Fish and Wildlife Service

March 24, 2015

Mr. Chairman, and Honorable Members of the Committee, I am Ron Allen, the Tribal Commissioner and Chair for the U.S. Section of the Pacific Salmon Commission (PSC). The U.S. Section prepares an annual budget for implementation of the Pacific Salmon Treaty. The integrated budget details program needs and costs for Tribal, Federal, and State agencies involved in the Treaty. Tribal participation in the Treaty process is funded in the Bureau of Indian Affairs budget.

> In order meet the increased obligations under the 2009-2018 Pacific Salmon Treaty Agreement the 25 affected tribes identified costs at $4,800,000 for tribal research projects and participation in the U.S.-Canada Pacific Salmon Treaty process, an increase of $520,000 over FY 2015 enacted level. The funding for tribal participation in the Pacific Salmon Treaty is a line item in the BIA's budget under Rights Protection Implementation.

Under U.S. Fish and Wildlife Service programs, the U.S. Section identified needs as follows:

> USFWS participation in the Treaty process is funded at $379,919 for FY 2015. The Pacific States Marine Fisheries Commission's Regional Mark Center (PSMFC) receives support from the USFWS to provide data services to the PSC process at a level of $225,435 for FY 2015. The total for the two programs is $605,354. This represents a decrease from FY 2010 levels, which were $417,673 for USFWS and $315,000 for PSMFC, resulting in total of $732,673. The US Section recommends restoring both programs to previous funding levels, which is an increase of $127,319. This funding level allows the Mark Center to maintain the same level of service to the US Section.

This base funding for the U.S. Fish and Wildlife Service supports critically important on-going work. The funding for Pacific States Marine Fisheries Commission's Regional Mark Center is utilized to meet Treaty requirements concerning data exchange with

Canada. These program recommendations are integrated with those of the state and federal agencies to avoid duplication of effort and provide for the most efficient expenditure of scarce funds.

Funding to support activities under the Pacific Salmon Commission comes from the Departments of Interior, State, and Commerce. The U.S. Section will provide a cross-cut budget summary to the Committee. Adequate funding from all three Departments is necessary for the U.S. to meet its treaty obligations. All of the funds are needed for critical data collection and research activities directly related to the implementation and are used in cooperative programs involving Federal, State, and Tribal fishery agencies and the Department of Fisheries in Canada. The commitment of the United States is matched by the commitment of the Government of Canada.

The U.S. Section of the PSC is recommending an adjustment to support the work carried out by the twenty-four treaty tribes' that participate in the implementation of the Treaty. Programs carried out by the tribes are closely coordinated with those of the states and federal agencies. Tribal programs are essential for the United States to meet its international obligations. Tribal programs have taken on additional management responsibilities due to funding issues with state agencies. All participating agencies need to be adequately supported to achieve a comprehensive US effort to implement the Treaty.

The U.S. Fish and Wildlife Service activities are necessary so the U.S. can maintain the critical database to implement the Treaty. The work of the Regional Mark Processing Center includes maintaining and updating a coastwide computerized information management system for salmon harvest and catch effort data as required by the Treaty. This work has become even more important to monitor the success of management actions at reducing impacts on ESA-listed salmon populations. Canada has a counterpart database. The U.S. database will continue to be housed at the Pacific States Marine Fisheries Commission.

Mr. Chairman, the United States and Canada established the Pacific Salmon Commission, under the Pacific Salmon Treaty of 1985, to conserve salmon stocks, provide for optimum production of salmon, and to control salmon interceptions. After more than twenty years, the work of the Pacific Salmon Commission continues to be essential for the wise management of salmon in the Northwest, British Columbia, and Alaska. For example, upriver bright fall Chinook salmon from the Hanford Reach of the Columbia River are caught in large numbers in Alaskan and Canadian waters. Tribal and non-tribal fishermen harvest sockeye salmon from Canada's Fraser River in the Strait of Juan de Fuca and in Puget Sound. Canadian trollers off of the west coast of Vancouver Island catch Washington coastal Coho salmon and Puget Sound Chinook salmon. In the Northern Boundary area between Canada and Alaska, fish from both countries are intercepted by the other country in large numbers. The Commission provides a forum to ensure cooperative management of salmon populations. In 2008, the U.S. and Canada

successfully concluded lengthy negotiations to improve this management, including the adjustments to the coastwide abundance-based management regime for Chinook salmon and a framework for abundance based management for southern Coho populations. The agreement is intended to last through 2018. The U.S. and Canada completed a revised Fraser River sockeye and pink chapter in 2013. The U.S. and Canada are preparing to negotiate revisions to the current agreements. Based on past experience, the negotiation process will require additional meetings to reach a successful conclusion. It is important to have adequate resources for U.S. participants to negotiate the best outcome.

Before the Treaty, fish wars often erupted with one or both countries overharvesting fish that were returning to the other country, to the detriment of the resource. At the time the Treaty was signed, Chinook salmon were in a severely depressed state as a result of overharvest in the ocean as well as environmental degradation in the spawning rivers. Under the Treaty, both countries committed to rebuild the depressed runs of Chinook stocks, and they recommitted to that goal in 1999 when adopting a coastwide abundance based approach to harvest management. Under this approach, harvest management will complement habitat conservation and restoration activities being undertaken by the states, tribes, and other stakeholders in the Pacific Northwest to address the needs of salmon listed for protection under the Endangered Species Act. The 2008 Chinook agreement continues these commitments. The combination of these efforts is integral to achieving success in rebuilding and restoring healthy, sustainable salmon populations.

Finally, you should take into account the fact that the value of the commercial harvest of salmon subject to the Treaty, managed at productive levels under the Treaty, supports the infrastructure of many coastal and inland communities. The value of the recreational fisheries, and the economic diversity they provide for local economies throughout the Pacific Northwest and Alaska, is also immense. The value of these fish to the twenty-four treaty tribes in Washington, Oregon, and Idaho goes far beyond their monetary value, to the cultural and religious lives of Indian people. A significant monetary investment is focused on salmon as a result of listings of Pacific Northwest salmon populations under the Endangered Species Act. Given the resources, we can continue to use the Pacific Salmon Commission to develop recommendations that help to ensure solutions that minimize impacts on listed stocks, especially if we are allowed to work towards the true intent of the Treaty: mutually beneficial enhancement of the shared resource.

Mr. Chairman, that concludes my written testimony submitted for consideration by your Committee. I want to thank the Committee for the support that it has given the U.S. Section in the past. Please feel free to contact me or other members of the U.S. Section to answer any questions you or Committee members may have regarding the U.S. Section of the Pacific Salmon Commission budget.

Mr. CALVERT. Thank you. Next, Mr. Jim Peters. And I will leave it to you to pronounce your tribe.

TUESDAY, MARCH 24, 2015.

SQUAXIN ISLAND TRIBE

WITNESS

JIM PETERS

Mr. PETERS. Yes. Thank you very much, Chairman, and members of this committee. I want to congratulate Congressman Kilmer of being a new member of the committee. It is good to see you here.

My name is Jim Peters. I am here on behalf of the tribal leadership and the citizens of the Squaxin Island Tribe. We are located in Southern Puget Sound in Mason County. We are at what we would like to call the headwaters of the Salish Sea. It is a privilege and an honor to be here to present our priorities and recommendations for the fiscal year 2016 budget for both Bureau of Indian Affairs and Indian Health Service.

The Squaxin Island Tribe has a couple specific requests that we are asking for this committee to take—to have recommendation. The first one is $500,000 for shellfish management. As you may know, the tribes have co-management responsibilities to manage shellfish in the State of Washington and Puget Sound, and since the decision came down, we have been piecemealing that management. And we are unable to continue our side of the deal until we get these management dollars to come forward. And along with the states' cutting their natural resources budget and the tribes taking over a lot of their programs, it is putting a burden on our management dollars that we have. Along with that management dollars, it is to do surveys both on state lands, private lands, also working with water quality issues with the Department of Health, to keep our shellfish beds open and clean.

The other request is for $2 million to build and operate an oyster and clam nursery. This is in cooperation with some of the other shellfish growers in the area. So this is actually part of the Lummi Shellfish Hatchery Program where they would actually produce the seed, and then the seed would come to us to grow them out a little bit more.

The reason why we need this is because you had mentioned in the previous panel climate issues, and part of that is affecting our ability of our natural-producing shellfish is ocean acidification, and that is part of the climate change and climate issues that we are dealing with in Puget Sound. This will help not only the tribal shellfish industry but the non-tribal shellfish industry in Southern Puget Sound.

The other one is a $1.5 million increase in our Northwest Indian Treatment Center. This treatment center came about in I think 1994. It was our way of—because our people with substance abuse issues who were having very low success rate in the standard treatment facilities around there. We created this facility and started bringing back some of our traditional healing methods and the spiritual, the cultural, and things like that. We need to be able to

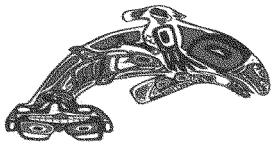
bring those funds back up to the level that will actually keep that program going. We have had high success rates of not only people going through our facility but also maintaining their sobriety, you know, 5, 10 years after the fact, and a lot of them coming back and working at our facility as success.

We also, as the other tribes support the increase in Tribal Rights Protection Program, we also fully support the affiliated tribes, the Northwest Indians request, the Portland Area Indian Health Board, and the Northwest Indian Fish Commission's budget request.

One of the things that we are also requesting is to restore monies that were cut because of sequestration. We believe that this is something that shouldn't be applied to our tribal budgets, both in the BIA and IHS contracts and that to bring those type of funds back in—one of the things that I quickly wanted to, a personal note, is that we are having issues of our own tribal members being able to get services. And so at this point in time, we are struggling and trying to get some of our youth and some of our tribal elders getting basic dental care, basic healthcare, to be coming into our clinics. A lot of our tribal members have insurance, and they are able to fund a lot of that. But there is always the co-pay that comes into play. And so we are trying to get some of these things done preventatively so then we don't have to wait when something happens later on which is usually happening with IHS, is waiting until the problem gets really big. And actually, they are going to be spending more money in more of the emergency situations than if they would have took care of it in a preventative manner. So being able to increase those funds are very important for my people.

So thank you very much for your time today.

[The statement of Jim Peters follows:]



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Testimony of Councilman Jim Peters, Squaxin Island Tribe
Submitted to the House Interior, Environment and Related Agencies
Appropriations Subcommittee
On the Fiscal Year FY 2016 Budgets for the
Bureau of Indian Affairs and the Indian Health Service
March 24, 2015

Good morning distinguished members of this Subcommittee and special congratulations to Congressman Derek Kilmer, a new member from the State of Washington. On behalf of the Tribal Leadership and citizens of the Squaxin Island Tribe, it is an honor to provide our funding priorities and recommendations for the FY 2016 Budgets for the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS). Squaxin Island Tribe requests that Tribal program funding throughout the Federal government be exempt from future sequestrations, rescissions and disproportionate cuts.

We support the President's FY 2016 proposal to fully fund the BIA and IHS contract support costs (CSC) as a mandatory funding line item beginning in 2017. And, for the first time ever a new proposal in the FY 2016 budget to request $277 million, which based on the most recent analysis, will again fully fund Tribal contract support costs in 2016 which is consistent with the full funding for CSC in both FY 2014 and 2015.

THE FY 2016 SQUAXIN ISLAND TRIBAL SPECIFIC REQUESTS:

1. **$500,000 Shellfish Management Program – BIA**
2. **$2 Million to Build and Operate an Oyster and Clam Nursery for Southern Puget Sound – BIA**
3. **$1.5 Million Increase for Northwest Indian Treatment Center (NWITC) Residential Program in IHS**

THE FY 2016 SQUAXIN ISLAND REGIONAL REQUESTS:

1. **+$4.7 million increase for Rights Protection**
2. **Fully support the budget requests from the Affiliated Tribes of Northwest Washington (ATNI) and the Northwest Portland Area Indian Health Board (NPAIHB) and the Northwest Indian Fisheries Commission**

NATIONAL REQUESTS AND RECOMMENDATIONS – BUREAU OF INDIAN AFFAIRS

1. *Restore 2013 Sequestered Cuts ($119 million) to Tribal Program Funding*
2. *+26% Increase for Natural Resources; $48 million over FY 2015*
3. *+ $139 million increase for Tribal Priority Allocations to be provided via Tribal base funding agreements*
4. *Fully fund all the provisions of the Tribal Law and Order Act of 2010*

NATIONAL REQUESTS AND RECOMMENDATIONS – INDIAN HEALTH SERVICE

1. *Restore 2013 Sequestered Cuts ($220 Million) to Tribal Health Services*
2. *+$368.9 million increase for IHS Mandatory Funding (maintain current services)*
3. *+$70.3 million support proposed increase for Purchased and Referred Care (PRC)*

OTHER - Provide Funding Increases - Office of Tribal Self-Governance (IHS) and the Office Self-Governance (DOI) to fully staff and support the number of Tribes entering Self-Governance

SQUAXIN ISLAND TRIBE BACKGROUND

We are native people of South Puget Sound and descendants of the maritime people who lived and prospered along these shores for untold centuries. We are known as the *People of the Water* because of our strong cultural connection to the natural beauty and bounty of Puget Sound going back hundreds of years. The Squaxin Island Indian Reservation is located in southeastern Mason County, Washington and the Tribe is a signatory to the 1854 Medicine Creek Treaty. We were one of the first 30 Federally-recognized Tribes to enter into a Compact of Self-Governance with the United States.

Our treaty-designated reservation, Squaxin Island, is approximately 2.2 square miles of uninhabited forested land, surrounded by the bays and inlets of southern Puget Sound. Because the Island lacks fresh water, the Tribe has built its community on roughly 26 acres at Kamilche, Washington purchased and placed into trust. The Tribe also owns 6 acres across Pickering Passage from Squaxin Island and a plot of 36 acres on Harstine Island, across Peale Passage. The total land area including off-reservation trust lands is 1,715.46 acres. In addition, the Tribe manages roughly 500 acres of Puget Sound tidelands.

The Tribal government and our economic enterprises constitute the largest employer in Mason County with over 1,250 employees. The Tribe has a current enrollment of 1,040 and an on-reservation population of 426 living in 141 homes. Squaxin has an estimated service area population of 2,747; a growth rate of about 10%, and an unemployment rate of about 30% (according to the BIA Labor Force Report).

TRIBAL SPECIFIC REQUESTS JUSTIFICATIONS:

1. $500,000 – SHELLFISH MANAGEMENT - The Squaxin Island Tribes faces a budget deficit to maintain and operate the shellfish program at the current level. To effectively grow and develop the program, an annual minimum increase of $500,000 to address the shortfall and ensure the continuance of this program is requested.

Shellfish have been a mainstay for the Squaxin Island people for thousands of years and are important today for subsistence, economic and ceremonial purposes. The Tribe's right to harvest shellfish is guaranteed by the 1854 Medicine Creek Treaty. ***It is important to remember that these rights were not granted by the Federal government. They were retained by the Tribe in exchange for thousands of acres of Tribal lands.*** On December 20, 1994 U.S. District Court Judge Edward Rafeedie reaffirmed the Tribe's treaty right to naturally occurring shellfish. Rafeedie ruled that the Tribe(s) has the right to take up to 50 percent of the harvestable shellfish on Washington beaches.

The Squaxin Island Natural Resources Department (SINRD) is charged with protecting, managing and enhancing the land and water resources of the Tribe, including fish and shellfish habitat and species. In so doing, the Department works cooperatively with state and Federal environmental, natural resources and health agencies. The shellfish management work of the SINRD includes working with private tideland owners and commercial growers; surveying beaches; monitoring harvests; enhancing supply (prepping, seeding, monitoring beds) and licensing and certifying harvesters and geoduck divers. We estimate that 20% of treaty-

designated state lands and 80-90% of private tidelands are inaccessible to us due to insufficient funding.

In FY2011, the shellfish program represented only $250,000 of the $3.3 million budget. The result is we are unable to fully exercise our treaty rights due to lack of Federal support for shellfish.

2. $2 Million - Build and Operate an Oyster and Clam Nursery for Southern Puget Sound

In the past few years, problems with seed production have developed in the shellfish industry. These problems have been primarily caused by weather and or other environmental factors, and their effects on the industry have resulted in the lack of viable and large enough seed for growers. The Squaxin Island Tribe recognizes that it is uniquely positioned to develop a new nursery to serve the shellfish growers of the South Puget Sound region. A shellfish nursery is a capital project that is both proven and a cost effective technology that takes small oyster and clam seeds and provides a safe and controlled environment for the seeds to grow to a size that can survive integration onto a regular beach placement. We have an ideal location for a nursery because it will not be disturbed by residents or recreational boaters.

Our efforts will be an extension of another project that was created through a U.S. Department of Agriculture appropriation nearly two decades ago for the Lummi Tribe, which created an oyster and clam hatchery in Northern Puget Sound. The Lummi project over years has been very successful and they have supplied not only their own beaches but other Tribes' in their region as well. The project would benefit not just Squaxin Island Tribe. It would further improve the quality and quantity of seed and make the seed process more effective for Tribal and non-Tribal growers. The users of the facility would be the Squaxin Island Tribe, other Tribes, and non-Tribal clam and oyster businesses that have been largely unable to find sites for this type of operation.

The Tribe's project will be a joint venture with the Lummi Nation, in that Lummi would be a primary larvae supplier. The project, with the expected grow-out and expansion of the industry attributable to the improved supply of seed, would offer jobs in a depressed employment area. Once established, the venture would be fully self-sustaining through sales of the product grown and at the nursery.

This project would be a capital cost of approximately $2 million. The Tribal in-kind contribution to the efforts would include land and shoreline and operating costs. Comparable land and shoreline, if privately owned, would be easily valued in the millions.

3. $1.5 Million Increase for Northwest Indian Treatment Center (NWITC) Residential Program in IHS
"D3WXbi Palil" meaning "Returning from the Dark, Deep Waters to the Light" – NWITC has not received an adequate increase in its base Indian Health Service budget since the original Congressional set-aside in 1993.

The Squaxin Island Tribe has been operating the Northwest Indian Treatment Center (NWITC) since 1994. Ingenious in creativity, the center offers a wide variety of cultural activities and traditional/religious ceremonies, making it a natural place to heal - body, mind and soul. Fittingly, the center was given the spiritual name "D3WXbi Palil" meaning "Returning from the Dark, Deep Waters to the Light." Since the original Congressional set-aside in 1993, NWITC has not received an adequate increase in the base Indian Health Service budget. It is critical to increase the NWITC's annual base in order to sustain the current services to the Tribes of the Northwest. An increase of $1.5 million would restore lost purchasing power and meet the

need to add mental health and psychiatric components to the treatment program through other funding agents. This increase would allow NWITC to continue its effective treatment of Native Americans.

NWITC is a residential chemical dependency treatment facility designed to serve American Indians from Tribes located in Oregon, Washington and Idaho who have chronic relapse patterns related to unresolved grief and trauma. NWITC is unique in its integration of Tribal cultural values into a therapeutic environment for co-occurring substance abuse and mental health disorders. It is a 28 bed, 30-60 day residential facility.

Welcomed and hailed by Tribal Leaders who felt the urgent need for such a facility, NWITC is centrally located in Grays Harbor County between Olympia and Aberdeen, on 2.5 acres in the small rural town of Elma, Washington. NWITC accepts patients that are referred through outpatient treatment programs, parole and probation services, hospitals, assessment centers and child and family service centers. Medical care is provided through local Indian Health Service clinics and other medical service providers. NWITC has responded with an overwhelming success rate of nearly 65 percent.

In 2011, the NWITC served 225 patients from 28 Tribes and added intensive case management and crisis support to alumni in order to continue to promote positive outcomes for clients. Despite funding challenges, NWITC has continued to develop and deliver innovative, culturally appropriate services to meet increasingly complex demands.

The Treatment Center's traditional foods and medicines program is supported through a partnership with the Northwest Indian College and is funded through grants from the Washington Health Foundation, the National Institute of Food and Agriculture, The Potlatch Fund and several Tribes. Weekly hands-on classes focus on traditional foods and medicines, including methods for growing, harvesting, processing, and preparation. Twice a month, Tribal elders, storytellers, and cultural specialists speak as part of the program. A monthly family class allows patients to share what they are learning with their loved ones. Patients gain hands-on experience by working in three on-site teaching gardens. This program serves as a model for other Tribal communities.

It is ironic that we were forced into a lifestyle and to give up our land, and that which we retained or have since regained is threatened by the promises you made and have since recanted!

Thank you.

Mr. CALVERT. Thank you very much. I appreciate your testimony. Mr. Allen, in your testimony when you were talking about loan guarantee programs, I am just curious because I don't know the answer to the question so maybe you do, there are some existing loan programs, TIFIA, for instance, on transportation programs, WIFIA on water resource programs. Have you looked into those programs or do tribes qualify to use those programs?

Mr. ALLEN. I am sure we do. The answer is no, first. But I am sure we do qualify. I have to look into it and will. Without a doubt, BIA has a program that is extensively used. It is phenomenally successful. The recovery rate of the loans they guarantee is very impressive, quite frankly. And SBA has one and Agriculture has a small program.

So each of them have their complications in terms of, you know, accessing them, leveraging them, or the size of the loans you can actually get. So the ones that you referenced, I don't know but I can certainly find out. The more we can open up those kind of opportunities, the more tribes you are going to be able to handle things on their own.

And just to give you a quick example, Jim was talking about—and so did T.J. on healthcare facilities. We couldn't wait. The queue list for IHS for healthcare facilities and hospitals is way too long. So what we did is we turned our healthcare into a business, leveraged it into a loan. Now it was a hard way to do it. It would be nicer if we had a loan guarantee program, and we could have got a better interest rate on it. But that is the only way we are going to get these facilities, unless you can somehow get up on the queue. And the facility's needs, whether it is healthcare, education, incarceration facilities, the juvenile detention facilities, the need is overwhelming.

Mr. CALVERT. I understand that.

Mr. ALLEN. Thank you.

Mr. CALVERT. Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair. Mr.—is it Ballew?

Mr. BALLEW. Ballew.

Ms. MCCOLLUM. Ballew? I wasn't being rude during your testimony. I was doing investigation work on my phone after I heard what you said about what happened to your shellfish. It is pollution. It is upstream. So my questions are: where is the EPA and the USDA working with you? How could the Waters of the U.S. rule possibly help your ability to protect your shellfish beds? You are in the perfect storm it looks like, from what I read, between temperature and E.coli. So the outbreaks are more intense and lasting longer. You are probably going to a lot of people for help. Are they working together to help you? Because it is dairy upstream, right?

Mr. BALLEW. It is——

Ms. MCCOLLUM. Yeah, these things are dangerous.

Mr. BALLEW. Unfortunately the tribe in mid- to late-'90s did suffer from a shellfish closure similar, very similar to what we are experiencing right now. The fortunate part of that is that we do have a method so to speak of working with the state and other local governments to correct the problem locally. So we are going through that exercise right now. If we don't receive the solutions, you know,

quicker than 10 years like it was before, we will be looking to EPA to help us with that.

EPA is coming out in about 2 weeks to hear about what we are working on, but in short, we are attempting to correct the problem with the state and county first. And so we are hoping that we can replicate what was done 10 years ago but make it stick this time rather than letting those policies get lax and not checking the behavior of the dairy and egg industry.

Ms. MCCOLLUM. But who makes you whole? You have lost money. Do you have a recourse where you can go back to the state? I mean, you are laying people off and it is just terrible.

Mr. BALLEW. There is a—it is said that the problem was a clam-cow connection of, you know, be the point to go after for the damages to our fishermen because each of the fishermen are their own individual business owners, and yes, they lost out on $10 million collectively over 10 years of lost time.

Ms. MCCOLLUM. And Mr. Peters, is your venture helping the Lummi Tribe, when times are bad, or does your venture depend upon him having clean water?

Mr. PETERS. Our venture depends on him having clean water, and I would like to speak on that because I have been on the State Conservation Commission since '98, and I have been trying to deal with this issue for a long time. And with NRCS' funds and the states' funds, it is all on a voluntary process and things. So there are some good things going on out there, but unfortunately, with our agricultural part of this, there isn't any enforcement. There is a lot of finger-pointing on that. Well, I don't have authority. I am not a regulatory agency. And then when the regulatory agency does try to do something, then unfortunately the next year, their enforcement budget gets cut.

So our own method here to deal with this is at EPA, at the federal level, that Trust Responsibility to protect our tribal resources. So that is where the EPA coming in and trying to work with the local governments, the agricultural community and the state agencies to try to resolve this and have a long-term solution with best management practices that get applied to the ground for long-term purposes. And if some people are getting the money—we are spending the money. We talked about the habitat before. Spending a lot of good money out there, but it is not meeting water quality standards. It is not protecting——

Mr. CALVERT. If the gentlelady would yield on that issue.

Ms. MCCOLLUM. Yeah.

Mr. CALVERT. I used to have a large dairy district so I——

Ms. MCCOLLUM. Oh, I am not against dairy.

Mr. CALVERT. No, I suspect—is it holding pond failure that is the primary problem here?

Mr. PETERS. Leakage. Yeah, that is part of it.

Mr. CALVERT. And so some of the larger dairies ironically probably have a better—because they have a lot of dollars to put in large holding ponds and maintain those holding ponds, and some of the smaller guys because they just don't have the capital have a harder time. From my own area, I used to notice that myself. So they have all since moved away to Washington. So they are all there.

Mr. PETERS. The application of manure, the manure management, is part of that, too. And Ecology for the State of Washington is trying to get that through this year, and part of that is the timing of the year, the saturation of the soils and things like that. And a lot of times if you don't have a large enough lagoon, then they try to sneak it out at times when you are not supposed to. And it is actually getting into the groundwater and affecting wells, people's drinking water and then also the surface water that runs out into the——

Ms. MCCOLLUM. Mr. Chair, a lot of this is all within our purview, and we should work with Region 10 to create a win/win, a win for the dairy farmer, a win for you folks. But this is one of the reasons why I am so interested in what is going on with water basin quality, and with some of the leases the Bureau of Land Management is looking at doing that could potentially affect wild ricing.

So we have to look at these water basins in their totality and how they affect one another. Thank you, Mr. Chair.

Mr. CALVERT. Yeah, and I am going to recognize Mr. Kilmer. But I, since we are on this issue of lagoons, I know we had the same issue here in this area in the Chesapeake with the pig farms, but that can be worked with the industry to do better management, to manage their waste product, and at the same time it is a win/win deal and get everybody back on track. Mr. Kilmer?

Mr. KILMER. Thanks, Mr. Chairman. Thank you all for being here. You know, we just had a conversation around water quality, and you, Jim, talked about the issue of ocean acidification. We have got, I think, 3,400 people in Western Washington whose jobs are tied to shellfish growing, and I hope you could just say a few more words about how ocean acidification is affecting the tribe. What is the implication if we are not able to tackle this?

Mr. PETERS. So there was actually this blue-ribbon panel that came out with a report that deals with ocean acidification, and what it does to the shellfish production is it causes them not to produce the shell on itself. And so then it is more vulnerable to predators and things like that and then will die before it can get old enough to actually take care of itself.

So there is a lot of recommendations—oh, thank you very much, sir—a lot of recommendations in that blue-ribbon panel that is suggesting how to deal with these. Buffers, manure management type of things, and you know, gutters, lined manure lagoons, things like that. It did target not just agricultural but other resources, the storm water runoffs of things, some of the emissions that are coming out from roadways. Now, we have resolved some of the issues in Washington State with the lead and the brake pads and all that type of stuff, bringing those things out that was causing a lot of those type of water run quality issues. But it is clearly a water quality thing that is getting into our systems and going downstream.

We are also trying to, in Washington State, our State Department of Ecology is dealing with their tri-annual review of cleaning up the water, new water quality standards, and we just raised the fish consumption rate to actually help that out. However, we are dealing with a cancer risk rate that got lowered. So they are going to impact more people or allowing more people to get cancer, and

that is in fact going to impact people like myself and my fellow tribal members here that eat a lot more fish than other people to come up with cancer.

So there is a lot of work being done out there. We just need to start implementing it, and we need to get the right people. And I think the questions that were asked to the previous panel, talking about funds being able for tribes, we are ready and we have some expertise to be involved in these processes. But we need the monies to participate in there and get our scientists involved in some of these things and work within the local communities again to make sure that our practices that we are applying to the ground are actually helping all these issues out. We have the science. We just got to implement it.

Mr. KILMER. Thank you. Thanks, Mr. Chair.

Mr. SIMPSON [presiding.] Thank you. Things are back in their rightful place now. The world is square again. I feel good about this. Thank you for being here today. We appreciate it very much.

Our next panel is Mr. Farley—Farley, are you here?

Mr. YOUCKTON. Yes.

Mr. SIMPSON. Pronounce your last name for me.

Mr. YOUCKTON. Youckton.

Mr. SIMPSON. Youckton? That is kind of what it looks like. But I didn't want to take a chance. David Bean? Carolyn—Carolyn?

Ms. LUBENAU. Lubenau.

Mr. SIMPSON. What is it?

Mr. SIMPSON. Lubenau? Okay. And Jim Boyd. Jim, I like your name. I can pronounce it.

Thank you for being here today to testify. Farley, you are up next.

TUESDAY, MARCH 24, 2015.

CONFEDERATED TRIBES OF THE CHEHALIS RESERVATION

WITNESS

FARLEY YOUCKTON

Mr. YOUCKTON. Good afternoon, Chairman, the rest of the members of the subcommittee. On behalf of the Confederated Tribes of the Chehalis Reservation, I appreciate this opportunity to provide the subcommittee with our views of funding for the Bureau of Indian Affairs and other Indian programs.

By way of background, the Chehalis Reservation is located on the confluence of the Black and Chehalis Rivers in Southwest Washington State. The Chehalis Reservation is approximately 4,200 acres. The tribe also has additional non-contiguous reservation Trust land located in Thurston County and Grace Harbor Counties. We have about 900 tribal members, 300 of which are actually under the age of 18. You know, we feel like we have been the leader in Indian Country when it comes to innovative economic development. In 2008 the tribe partnered with the publically traded company and opened up a Great Wolf Lodge Resort, conference cen-

ter, water park, hotel, on the reservation. And it is the only Great Wolf resort that is actually on an Indian reservation.

Despite the tribe's efforts to diversify our economy, our tribe and our tribal members still face challenges caused by historically inadequate funding levels for Indian programs. We have three recommendations for the subcommittee as it finalizes their fiscal year 2016 spending bill. The first one is we ask that you support the administration's proposed $6 million increase for BIA Social Services for the Tiwahe Initiative and provide an additional $10 million increase for BIA Social Services generally. Traditionally our Social Services have not received much attention as other Indian Affairs programs. The tribe believes, however, that they are the most important because of the impact on our tribal members and our communities. The tribe appreciates the BIA's Social Service programs are slated for the fiscal year 2016 and fully supports the Tiwahe Initiative. The tribe believes, however, that in addition to the Tiwahe Initiatives, additional increases are warranted for the BIA Social Services that will benefit all tribes. The tribe therefore requests the subcommittee to provide an additional $10 million increase for this account.

On a related note, the tribe also supports the Indian Health Services' request for a $25 million increase for behavioral health programs as well. IHS' behavioral health complements the BIA Social Services programs. Both of these programs work together to serve our tribal citizens.

The second request that the tribe asks for the subcommittee's support is the administration's request for Natural Resources Programs and provide additional $10 million increase for the Rights Protection Program. The tribe supplements BIA Natural Resources Programs for fisheries and salmon, habitat restoration by $508,000 or about 130 percent when compared to the funding that the BIA provides. These activities directly affect tribal Trust resources. The tribe recommends that the subcommittee increase the BIA Rights Protection Program by an additional $10 million.

And third, the tribe asks that the subcommittee provide a $20 million increase for the BIA law enforcement to hire and retain tribal officers in Indian Country. The Chehalis Tribe provides nearly 70 percent of its total law enforcement budget with BIA funding comprising less than ⅓. Like many other tribes nationally, without the tribe providing additional resources, we would be unable to provide adequate police services on our reservation.

Equipment and vehicles are important, but providing additional base funding to the Criminal Investigation and Police Services Account to hire and retain more officers in Indian Country, it is critical to ensuring our safe tribal communities. We urge the subcommittee to provide a $20 million increase to this account.

This concludes my testimony, and I appreciate the opportunity to testify. And I would be happy to answer any questions that you may have.

[The statement of Farley Youckton follows:]

Testimony of the Honorable Farley Youckton

Treasurer
Confederated Tribes of the Chehalis Reservation

Public Witness Hearing, Native American Witnesses

Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

March 24, 2015

Good afternoon Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee. On behalf of the Confederated Tribes of the Chehalis Reservation ("Chehalis Tribe" or the "Tribe"), I appreciate the opportunity to provide the Subcommittee with the Chehalis Tribe's views on funding for Bureau of Indian Affairs (BIA) and other Indian programs in the FY 2016 appropriations cycle.

The Chehalis Tribe recommends that the Subcommittee:

(1) support the Administration's proposed $6 million increase for BIA social services for the Tiwahe Initiative and provide an additional $10 million increase for BIA social services generally;

(2) support the Administration's request for Natural Resources programs but provide an additional $10 million increase for the Rights Protection program; and

(3) provide a $20 million increase for BIA law enforcement to hire and retain more tribal officers in Indian country.

BACKGROUND ON THE CHEHALIS TRIBE

The Chehalis Tribe is a federally-recognized Indian tribe that governs a reservation at the confluence, and within the floodplain, of the Black and Chehalis Rivers in Southwest Washington State. The Chehalis Reservation constitutes approximately 4,200 acres of the Tribe's aboriginal homelands and was created by Secretarial Order in 1864 for "the use of the Chehalis Indians." In addition, the Chehalis Tribe has additional non-contiguous Reservation trust land located in Thurston and Grays Harbor Counties. The Tribe has approximately 800 enrolled members, three hundred of whom are under the age of 18.

The Tribe has been a leader in Indian country for innovative economic development. In 2005, the Tribe and Great Wolf Resorts, Inc., a non-Indian publicly-traded corporation and the nation's leading family of indoor water park resorts, developed 39 acres of a 42.99 acre tribal trust land parcel adjacent to Interstate 5 in Grand Mound, Washington, into a Great Wolf Lodge destination conference center, hotel and water park. The Great Wolf Lodge on the Chehalis Reservation opened in April 2008 and is the only Great Wolf Resorts property located on an Indian reservation.

SOCIAL SERVICES PROGRAMS

The BIA is responsible for providing a wide range of human services programs in Indian country. In addition to social workers, these programs include the General Assistance program, vocational and job training, and the Indian Child Welfare (ICWA) program.

Traditionally, these programs have not received as much attention as other Indian Affairs programs. The Chehalis Tribe believes, however, that they are among the most important because of their impact on our tribal members and communities.

Funding for the BIA Social Services account has never come close to the actual need. The Chehalis Tribe utilizes its own funds to fully support the General Assistance program, elder assistance, and funding for tribal member emergencies. The Tribe funds 60 percent of the budgets of its ICWA and social services programs.

For these reasons, the Tribe is pleased that the Administration has requested a $6 million increase to BIA Social Services programs as part of its Tiwahe Initiative in 2016. We understand that the intent of this proposed increase is to show how the integration in the delivery of services to children, youth, and families will preserve the family unit. The initiative appears to be targeted toward Indian children, youth, and families exposed to violence, especially in domestic violence and child endangerment situations.

The Chehalis Tribe appreciates that the BIA social services programs are slated for increases in FY 2016 and fully supports the Tiwahe Initiative. The Tribe believes, however, that in addition to the Tiwahe Initiative, additional increases are warranted to the BIA Social Services account that will benefit all tribes. The Tribe therefore requests that the Subcommittee provide an additional $10 million increase for this account.

The Tribe also supports the Indian Health Service's request for a $25 million increase for behavioral health program. IHS behavioral health complements the BIA Social Services programs. Both of these programs work together to serve our tribal citizens.

BIA NATURAL RESOURCES PROGRAMS

The Chehalis Tribe invests significant tribal funds to acquire land both within and outside our reservation boundaries. The Tribe currently budgets $5.1 million for land acquisition and carries out other natural resources management activities on that land, including fish and wildlife regulation. For these reasons, BIA funding for natural resources programs are of great interest to the Tribe.

The Tribe supplements BIA natural resource programs for fisheries and salmon habitat restoration by $508,630—or about 130 percent—when compared to the funding that the BIA provides. These activities directly affect tribal trust resources. The Tribe recommends that the Subcommittee increase the BIA Rights Protection program by an additional $10 million account to ensure that these trust resources are adequately managed and protected.

In addition to land purchase, the $5.1 million that the Tribe budgets for land acquisition also covers activities that should be covered by BIA Real Estate Services, another program within the BIA Natural Resources budget. These activities include surveying, environmental assessments, and associated activities necessary to complete land acquisitions and exchanges. The Tribe received just over $30,000 from the BIA for these activities in FY 2015. BIA funding for these activities has steadily decreased during the past decade, most notably funding for cadastral surveys, which was eliminated entirely in FY 2013 and has only been partially restored since.

The Tribe is pleased that the Administration has proposed a $16.2 million increase for Real Estate Services to increase staff to address the large workload generated by trust land transactions. Being able to complete transactions involving Indian trust land in a timely manner is a key to attracting off-reservation economic development. For many years Indian tribes have demonstrated that they can do more with less. Having additional resources will allow tribes and BIA regional offices to complete these transactions more quickly. The Tribe encourages the Subcommittee to support the Administration's proposed $16.2 million increase for Real Estate Services.

BIA LAW ENFORCEMENT

The Tribe provides nearly 70 percent of its total law enforcement budget, with BIA funding comprising less than a third. Like many other tribes nationally, without the Tribe providing additional resources we would be unable to provide adequate police services on our reservation.

Equipment and vehicles are important, but providing additional base funding to the Criminal Investigations and Police Services account to hire and retain more police

officers in Indian country is critical to ensuring safe tribal communities. We urge the Subcommittee to provide a $20 million increase to this account.

This concludes my testimony. I appreciate the opportunity to testify today and would be happy to answer any questions that the Subcommittee may have.

Mr. SIMPSON. Thank you. David.

TUESDAY, MARCH 24, 2015.

PUYALLUP TRIBE OF WASHINGTON

WITNESS

DAVID BEAN

Mr. BEAN [Speaking native language], Mr. Chairman, Ranking Member, members of the subcommittee, [speaking native language]. My name is David Bean. I am a member of the Puyallup Tribal Council of the Puyallup Tribe of Indians. I want to thank you for this opportunity to provide testimony for fiscal year 2016 appropriations for Indian programs within the Interior, the Environment, and IHS. I bring with me the kind regards of our Chairman, Bill Sterud, who could not be with us today.

Puyallup Tribe is an independent, sovereign nation which provides services to nearly 4,900 Puyallup members and more than 25,000 Native Americans from approximately 355 federally recognized tribes. The Puyallup reservation is a checkerboard reservation comprised of tribal land, tribal and fee land, and non-tribal fee located within the Seattle metro, Seattle-Tacoma metropolitan area.

I want to first begin by thanking the committee for its work in securing full funding for contract support costs for the last 2 years, 2 fiscal years. We fully support the administration's proposal to fully fund contract support costs in fiscal year 2016 and looking forward to working with Congress on making that funding a mandatory appropriation.

Public safety is the first priority, and our priority is ensuring the safety and secure community. Over the past several years, we have been working in concert with the BIA Office of Justice Services on staffing and operating a 28-bed correction facility, a project which was initially funded through the Department of Justice ARRA Grant. The facility is now online, but the BIA only funded this operation at 27 percent of the actual need. So we are deeply concerned that the proposed budget did not request an increase for operation of facilities that came on line last year but were not fully funded by fiscal year 2015 appropriations. Therefore, although we support the proposed $11.5 million increase for BIA public safety and justice funding, the Puyallup Tribe requests funding for detention and corrections be increased by $32.2 million for fiscal year 2016. In addition we ask for the subcommittee's support for increasing funding for operations and maintenance for tribal adult correctional facilities and to support a much-needed increase to Tribal Courts Program.

In the area of natural resources, our resource management responsibilities cover thousands of square miles in the Puget Sound region of Washington with an obligation to manage production of anadromous and non-anadromous fish, shellfish, and wildlife resources. Existing funding levels are inadequate to reverse the trend of resource and habitat degradation which results in economic loss to both native and non-native fishermen in the surrounding com-

munities. While the Puyallup Tribe supports the administration's proposed increases in 2016, we join with the Northwest Indian Fish Commission that increased funding is needed for the following programs: The Western Washington Fisheries Management, Fish Hatchery Operations and Maintenance, Timber Fish and Wildlife Supplemental, and unresolved hunting and fishing rights.

The Puyallup Tribe operates a pre-K through 12 school system called Chief Leschi. We have over 900 students from several federally recognized tribes this present school year. With an increase in pre-K enrollment, the Chief Leschi Schools is on track to very quickly outgrow the intended population. Now I lost my spot. Oh, in addition, the cost of operation and maintenance continues to increase due to rising supplies, energy, and student transportation costs. The tribe supports its proposed budget's focus on improving Indian education and requests the subcommittee to appropriate increased funding for the following programs: Tribal Grant Support Cost for Tribally Operated Schools, Student Transportation, School Facilities Accounts, Facilities Operations and Maintenance in the Indian School Equalization Formula. Increased funding will better enable the tribe to empower our tribal youth to set and realize their life's ambition and goals.

The BIA Operations of Indian Programs is in dire need of increased funding. The tribe supports the administration's proposed increases. The Tribal Priority Allocation Budget functions include the majority of funding used to support ongoing services at the tribal local level. These functions have not received adequate and consistent funding to allow tribes to fully exercise self-determination and self-governance, policies strongly supported by both Congress and the administration.

We request support from the committee to increase funding for Indian Child Welfare Program, the Urban Indian Child Welfare Program, and the Child Welfare Assistance Program. In the area of Indian health, the inadequate funding for Indian Health Service is the most substantial impediment to the current Indian health system. The Puyallup tribe has been operating a healthcare program since 1976 through Indian Self-Determination Act. Our health facilities' current patient load exceeds 9,000 clients of which approximately 1,700 are Puyallup tribal members. Since there are no IHS hospitals in the Portland area, all specialty and hospital care has been paid for out of our precious Referred Care Allocation which is drastically insufficient to meet the actual need resulting in the tribe subsidizing the balance. The tribe fully supports the proposed increase for PRC as well as proposed increase for clinical services, Medicaid, and full funding contract support costs.

On behalf of the Puyallup Tribe today, we thank you for receiving this testimony, and if I get a moment, I would love to share our story about Billy Frank.

[The statement of David Bean follows:]

TESTIMONY OF THE PUYALLUP TRIBE OF INDIANS
COUNCILMAN DAVID Z. BEAN
BEFORE THE U.S. HOUSE
APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
BIA AND IHS
FISCAL YEAR 2016
March 24, 2015

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide testimony on the FY 2016 appropriations for American Indian and Alaskan Native programs. My name is David Z. Bean, Tribal Council Member for the Puyallup Tribe of Indians. The Puyallup Tribe is an independent sovereign nation having historically negotiated with several foreign nations including the United States in the Medicine Creek Treaty of 1854. This relationship is rooted in Article I, Section 8, of the United States Constitution, federal laws and numerous Executive Orders. The governing body of the Puyallup Tribe of Indians is the Puyallup Tribal Council which upholds the Tribe's sovereign responsibility of self-determination and self-governance for the benefit of the 4,875 Puyallup tribal members and the 25,000 plus members from approximately 355 federally recognized Tribes who utilize our services. The Puyallup Reservation is located in the urbanized Seattle-Tacoma area of the State of Washington. The 18,061 acre reservation is a "checkerboard" of tribal lands, Indian-owned fee land and non-Indian owned fee land. Our reservation land includes parts of six different municipalities (Tacoma, Fife, Milton, Puyallup, Edgewood and Federal Way).

The following written testimony documents the Puyallup Tribe's views concerning the President's FY 2016 Federal Budget. My written testimony will focus on the proposed budget for the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS). Within the BIA budget, *$2.7 billion is proposed for FY 2016, an increase of $231.4 million above the FY 2015 levels.* For the *IHS, $5.1 billion is proposed, an increase of $460.6 million over the FY 2015 enacted level.* Included in both budgets the President proposes to fully fund Contract Support Costs (CSC) in FY 2016. The budget provides $277 million for BIA CSC and $718 million for IHS CSCs. We appreciate the increased funding being proposed for the BIA and IHS, and funding CSCs at 100%. However, the years of inadequate funding and the effects of inflation have impacted the Tribe's ability to fully exercise self-determination and self-governance. As negotiations proceed on the FY 2016 budget and future appropriations, efforts to insure adequate funding is provided for Indian programs will be paramount. To preserve the increased funding levels realized in recent years and contained in the proposed FY 2016 budget for the BIA and IHS, the increases should be viewed by Congress and the Administration as new *"base funding"* amounts with annual increases to meet actual need. Specific issues and needs are:

Department of Interior – Bureau of Indian Affairs

Public Safety & Justice: The *FY 2016 Budget request includes $364.4 million for BIA Public Safety & Justice.* This represents a *$11.5 million increase* over the FY 2015 enacted level which is fully supported by the Puyallup Tribe. The *$93.3 million for Tribal and BIA detention and corrections funding is of great importance to the Puyallup Tribe.* While this increase is

supported by the Puyallup Tribe, it is of concern that there is no requested increase for the operation of tribal detention facilities that came online last year and that were not fully funded by FY 2015 appropriations. In FY 2009, the Puyallup Tribe received a Department of Justice ARRA grant, in the amount of $7.9 million to construct a 28 bed adult corrections facility. Construction on the facility was completed in February 2014 and came online in May 2014. Over the past three (3) years the Puyallup Tribe has worked closely with the BIA-Office of Justice Services National and Regional staff on identifying the operating and staffing costs associated with the Puyallup Tribe's new adult corrections facility. The Puyallup Tribe submitted a P.L. 93-638 contract request to the BIA for Operations and Maintenance funding for the new facility, including Pre-Award, Start-up, Transitional funding, Staffing and O&M funding. The agreed upon estimated cost of operating the facility was set at $2.6 million annually. The BIA base funding offered to the Tribe in FY 2015 was $704,198 or 27% of actual need. *Due to current budget realities, we support the President's proposed FY 2016 funding of $95.3 million, for Detention & Corrections. However, we are requesting support from the Subcommittee to fund the Tribe's Adult Corrections facility at the established true cost of operations, estimated at $2.6 million annually. Further, the Puyallup Tribe requests the Subcommittee's support to increase funding for BIA Detention/Corrections by $32.2 million to reflect actual funding need.*

In addition, we operate a Tribal Court program through a P.L. 93-638 contract with the BIA. In FY 2015, our base funding was increased from $45,000 to $194,996 and remains at this amount for FY 2016. While this increase to our Tribal Court Base funding is appreciated, it does not equal the amount of tribal funds necessary to fully operate the Tribal Court program. In FY 2015, the Tribe has allocated $1.172 million of tribal funds for the Tribal Court budget. Since its enactment in 1993, the Indian Tribal Justice Act has remained unfunded. Originally authorized to provide $50 million for base funding increases to assist with expanding judicial systems, Tribes are left with no option than to utilize tribal revenues to fully implement legislative acts, such as the Tribal Law and Order Act and the Violence Against Women Act. *We are requesting support from the Subcommittee to fund the Indian Tribal Justice Act at $82 million.*

Natural Resources Management: The Puyallup Tribe, as stewards for land and marine waters in the Usual and Accustomed fish, shellfish, and wildlife areas, has treaty and governmental obligations and responsibilities to manage natural resources for uses beneficial to the tribal membership and the regional communities. Despite our diligent program efforts, the fisheries resource is degrading and economic losses are incurred by Native and Non-native fishermen and surrounding communities. Our resource management responsibilities cover thousands of square miles in the Puget Sound region of the State of Washington with an obligation to manage production of anadromous and non-anadromous fish, shellfish and wildlife resources. Existing levels of support are inadequate to reverse the trend of resource/habitat degradation. *For FY 2016, a minimum funding level of $8.562 million is necessary for BIA Western Washington (Bolt Decision) Fisheries Management program, and we agree with the Northwest Indian Fisheries Commission (NWIFC) that increased funding is needed.* The increase in funding would provide new monies for shellfish, groundfish, enforcement, habitat, wildlife and other natural resource management needs. As the aboriginal owners and guardians of our lands and waters, it is essential that adequate funding is provided to allow Tribes to carry-out our inherent stewardship duties.

The Puyallup Tribe continues to operate a number of salmon hatcheries that benefit Indian and non-Indian commercial and sport fisheries in the Pacific Northwest/Puget Sound. We work cooperatively with the Northwest Indian Fisheries Commission, neighboring tribes, Federal agencies, and state fishery managers to insure the success and sustainability of our hatchery programs. The Puyallup Tribe will continue to advocate and secure increased funding for Fish Hatchery Operations and Maintenance funding. *We are in agreement with the NWIFC recommendation that additional funding is necessary for the Fish Hatchery Operations and Maintenance programs, and request the Subcommittee's support to fund FY 2016 Fish Hatcheries Operations and Fish Hatchery Maintenance at $3.35 million and $6.582 million, respectively.*

The Timber, Fish and Wildlife (TFW) Supplemental and U.S./Canada Pacific Salmon Treaty programs have allowed for the expansion of tribal participation in the state forest practice rules and regulations and participation in inter-tribal organizations to address specific treaties and legal cases which relate to multi-national fishing rights, harvest allocations and resource management practices. *We request Subcommittee support for the funding recommendations of the NWIFC for the FY 2016 TFW Supplemental program and the U.S./Canada Pacific Salmon Treaty program.*

The Puyallup Wildlife Management program has been the lead agency in management activities to benefit the South Rainier elk herd since 2004. The South Rainier elk herd is the primary stock of elk harvested by the Puyallup Tribe. The Tribe has not only established more reliable methods for population monitoring, but has also been proactive in initiating habitat enhancement projects, research and land acquisition to ensure sustainable populations of elk for future generations. Funds that are available to the Tribe have been on a very competitive basis with a limited amount per program via USFWS Tribal Wildlife grants and the BIA Unresolved Hunting and Fishing Rights grant program. *We request Subcommittee support to provide base funding to the Tribe's Wildlife Management Program in the amount of $150,000 through the BIA Unresolved Hunting and Fishing Rights program in FY 2016.*

Education: The Puyallup Tribe operates the pre-K to 12 Chief Leschi Schools which included a verified 2014-2015 School student enrollment of 910 + students, including ECEAP and FACE programs. With an increasing number of pre-kindergarten enrollment, Chief Leschi Schools will soon exceed design capacity. Additional education facility space will be necessary to provide quality educational services to the students and tribal community. In addition, the cost of operation and maintenance of the Chief Leschi Schools' facilities continues to increase in the areas of supplies, energy and student transportation costs. The FY 2016 Budget request for the Bureau of Indian Education (BIE) is $904 million, an increase of $93.9 million over the FY 2015 enacted level. While this increase is appreciated, once again the funding level does not meet the actual operational needs of tribal education programs. The Tribe will continue to work with Congress, BIE and the National Congress of American Indians to increase funding in FY 2016, including; *Tribal Grant Support Cost for Tribally Operated Schools - $73 million*; *Student Transportation - $73 million*; *School Facilities Accounts - $109 million in facilities operations and $76 million in facilities maintenance*; and *Indian School Equalization Formula (ISEF) - $431 million.*

Operations of Indian Programs & Tribal Priority Allocations: The BIA Operations of Indian Programs budget is in drastic need for increased funding. Within the Operations of Indian Programs is the Tribal Priority Allocations (TPA). The TPA budget functions include the majority of funding used to support on-going services at the "local tribal" level, including; natural resources management, child welfare, other education, housing and other tribal government services. These functions have not received adequate and consistent funding to allow tribes the resources to fully exercise self-determination and self-governance. Further, the small increases "TPA" has received over the past few years have not been adequate to keep pace with inflation. *The Puyallup Tribe is requesting support from the Subcommittee to fund the Operation of Indian Programs at the FY 2016 request of $2.7 billion, an increase of $231.4 million over the FY 2015 enacted level, and TPA at $982.6 million for FY 2016, an increase of $56.2 million over the FY 2015 level.* We further request support from the Subcommittee to increase funding for Indian Child Welfare (TPA) by $45 million; Increase Urban Indian Child Welfare programs by $15 million; and increase BIA Child Welfare Assistance by $55 million.

Department of Health and Human Services – Indian Health Service

The inadequate funding of the Indian Health Service is the most substantial impediment to the current Indian Health system. The Puyallup Tribe has been operating healthcare programs since 1976 through the Indian Self-determination Act, P.L. 93-638. The Puyallup Tribal Health Authority (PTHA) operates a comprehensive ambulatory care program to the Native American population in Pierce County, Washington. The current patient load exceeds 9,000, of which approximately 1,700 are Tribal members. There are no IHS hospitals in the Portland Area, so all specialties and hospital care have been paid for out of our contract care allocation. The Purchased/Referred Care (PRC) allocation to PTHA remains inadequate to meet the actual need. In FY 2004, the Puyallup Tribe subsidized PRC with a $2.8 million dollar contribution. In FY 2015, the tribal subsidy has grown to $6.2 million. Given that the PTHA service population is only comprised of 17% Puyallup Tribal members, tribal budget priorities in F.Y. 2011-2015 have made continued subsidies to the PTHA financially difficult for the Puyallup Tribe. The *FY 2016 Budget requests $5.1 billion in discretionary budget authority for the IHS. This represents a $460.6 million increase over the FY 2015 enacted level.* For *Health Services programs, the FY 2016 budget requests funding for Clinical Services ($4.4 billion), Purchased/Referred Care ($984.4 million), Medicaid/Medicare ($1 billion) and Contract Support ($718 million).* The Puyallup Tribe fully supports funding increases for existing IHS programs and will work Congress to continue efforts to increase funding for IHS and the critical programs administered by this Agency.

Thank you for affording the Puyallup Tribe the opportunity to testify.

Mr. SIMPSON. Thank you. I apologize for my coughing throughout this, but for some reason I have a ticklish throat that occurred about a week ago, and I can't get rid of it. So Ms. Chairwoman, go ahead.

TUESDAY, MARCH 24, 2015.

SNOQUALMIE TRIBE

WITNESS

CAROLYN LUBENAU

Ms. LUBENAU. Good afternoon, Mr. Chairman and the committee members. Thank you for the opportunity to share with you the history of a place where my people draw our strength, our faith, our healing, and our hopes from, a place that has existed since time immemorial, our Sacred Snoqualmie Falls.

My great-grandmother would tell us stories of when she was a child. The most important of those stories was our tribe's creation story. This is the story of how the first man and woman were created by Moon the Transformer. Moon the Transformer was the son of one of two Sisters who was married to a star. It was Moon the Transformer who created our Sacred Snoqualmie Falls. The mists rising from the powerful cascading waters were created so our prayers could be carried by the mists to the Creator. The Falls and the area around the Falls have always been used as ceremonial grounds, and the surrounding areas are our burial sites.

My testimony today focuses on preserving and protecting our most sacred site. I have heard a lot of testimony today about preserving and feeding our physical selves and taking care of our physical selves, but just as important is the feeding and care of our spirits.

Snoqualmie Falls is a 268-foot waterfall 30 miles east of Seattle and is listed on the National Register of Historic Places as a Traditional Cultural Property. My great-grandmother would tell us of her childhood and going to the Falls. She would describe the way the earth shook and where the mists were so heavy she thought they could carry her to the stars above with their power. Over the years, that power and those mists have been reduced to a mere shadow of what they were in her day. The earth no longer shakes there. The mists are just a light veil. They have been restrained and their power harnessed for the sole purpose of producing an insignificant amount of electrical power.

The development of the Snoqualmie Falls began in 1898 when a hydroelectric generating plant was built at the Falls. The development has reduced the massive, awe-inspiring flow from my grandmother's days to a mere trickle. Today, our sacred site is in imminent danger of further development and desecration.

In 2012, the City of Snoqualmie proposed to develop a roundabout directly adjacent to the Snoqualmie Falls off of Tokul Road. The Tokul roundabout is necessary for further development in the area. We learned of this project through an announcement in a local newspaper on the verification of the Army Corps of Engineers' Nationwide Permit, NWP. The NWP was required because the

project proposed the filling in of certain wetlands in the project area. Because of our concerns, the Army Corps agreed to consult with us under Section 106 of the National Historic Preservation Act.

After many meetings with us, the Army Corps determined that the project would have an adverse effect on my tribe, and in May of 2013 they issued a letter suspending the NWP until consultation with my tribe was completed. After an extremely poor and unsatisfactory consultation effort with my tribe, the Army Corps determined that the Section 106 was complete. In February of 2015 they sent my tribe a letter in which they stated the proposed project does not impair the tribe from exercising their religion.

This claim is shocking, and we absolutely reject it. The Army Corps has no legal, practical or rational basis to determine how Indian people, or anyone for that matter, can practice their religion. Indeed, the United States Supreme Court has held the government cannot make such determinations. It is safe to say that our experience with the Corps has shown us they are completely indifferent to Native American history, culture, and religion.

I am here today to ask Congress and members of this committee for their assistance in ensuring the Federal Government carries out its Trust Responsibility. The religious and cultural practices of my tribe are at stake. My request to you today is to partner with us in preserving Snoqualmie Falls by helping us halt the construction of this roundabout. Snoqualmie Falls is one of the greatest gifts from Moon the Transformer created to enrich our spirits and fill us with hope. We invite you to experience this gift by coming to the Falls to feel the healing mists. You will experience a place of immense power and beauty, a place that must be protected. Thank you for this opportunity to share such an important part of myself.

[The statement of Carolyn Lubenau follows:]

Testimony of the Snoqualmie Indian Tribe
Chairwoman Carolyn A. Lubenau
Before the U.S. House Appropriations
Subcommittee on Interior and Related Agencies
March 24, 2015

Introduction

Good Afternoon Mr. Chairman, Madam Ranking Member and distinguished Subcommittee members, thank you for the opportunity to share with you the history of a place where my people draw our strength, our faith, our healing, and our hopes from. A place that has existed since time immemorial, where my Tribe has gathered in times of celebration, in times of sharing and in times of grief. Our Sacred Snoqualmie Falls where I was taken as a child with my Great-Grandmother, my Grandmother, my Uncles and Aunties, and where my Mother taught me how to pray.

My name is Carolyn Lubenau and I'm the elected Chairwoman of the Snoqualmie Indian Tribe. We are the original inhabitants of Washington's Salish Sea, which is referred to as Puget Sound. We lived along the rivers, on the prairies above the rivers, along the lakes and streams, drawing our food and spiritual strength from the bounty that was set before us. We are one of the signatories to the Point Elliot Treaty of 1855. We were known as the "Fierce Fighters" and "People of the Moon". We were at the time of the signing of the Treaty, the largest Tribe in Washington Territory and now we are under 650 tribal members.

Snoqualmie Indian Tribe Creation Story

My Great-Grandmother would tell us of the stories she was told as a child, stories that would take many days to tell, over long winter nights. The most important of those stories was our Tribe's creation story. This is the story of how the first man and woman were created by Moon the Transformer. Moon the Transformer was the son of one of two Sisters who was married to a star. It was Moon the Transformer who created our Sacred Snoqualmie Falls. The mists rising from the powerful cascading waters were created so our prayers could be carried by the mists up to the Creator. The Falls and the area around the Falls have always been used as ceremonial grounds and the surrounding areas are our burial sites where souls are returned to the Creator and reside forever in our memories. The spirit of the Snoqualmie Falls is there to strengthen, heal and renew us. The Falls are the center of who we are as a people.

Background

My testimony today focuses on preserving and protecting our most sacred site, Snoqualmie Falls. Snoqualmie Falls is a 268 foot waterfall 30 miles east of Seattle and is listed on the National Register of Historic Places as a Traditional Cultural Property (TCP). My Tribe holds the Falls sacred and we continue in an ongoing effort to protect the Falls and the surrounding area from the destruction that further development would cause to our sacred site and the practice of our religion.

My Great-Grandmother would tell us of her childhood and going to the Falls. She would describe the way the earth shook with the power of the Falls, where the mists were so heavy she thought they could carry her to the stars above with their power. Over the years, that power and those mists have been reduced to a mere shadow of what they were in her day. The earth no longer shakes there, the mists are just a light veil, they have been restrained and their power harnessed for the sole purpose of producing an insignificant amount of electrical power.

Development of Snoqualmie Falls

The development of the Snoqualmie Falls began in 1898 when the Puget Sound Power & Light Company built a hydroelectric generating plant at the Falls. In order to make this plant the company blasted the face of the Falls and excavated an underground cavern. In 1957 they built yet another power plant bellow the Falls. This development has reduced the massive, awe-inspiring flow from my Grandmother's days to a mere trickle. Today, our sacred site is in imminent danger of further development and desecration.

Tokul Roundabout Project

In 2012, the City of Snoqualmie, proposed to develop a roundabout directly adjacent to Snoqualmie Falls off of Tokul road and Highway 202. The Tokul roundabout will sit at the base of a large hill and is necessary for utility and infrastructure development in the area. We only learned of this roundabout project through a Public Announcement placed in a local newspaper on the verification of the Army Corp of Engineer's Nationwide Permit (NWP). The NWP was required because the project proposed the filling in of certain wetlands in the project area. Subsequently, as the lead Federal Agency overseeing NWPs, the Army Corps agreed to consult with us on our concerns. After many meetings with us, the Army Corps determined that the project would have an "Adverse Effect" on my Tribe and in May of 2013, they issued a letter suspending the NWP until consultation with my Tribe was complete. The consultation for the project took place under Section 106 of the National Historic Preservation Act (NHPA).

After an extremely poor and unsatisfactory consultation effort by the Army Corps with my Tribe, the Army Corps determined that the Section 106 consultation was complete. The Army Corps sent my Tribe a letter in February, 2015 in which they stated the "proposed project [does not] impair the Tribe from exercising their religion." This claim is shocking and we absolutely reject it. The Army Corps has no legal, practical or rational basis to determine how Indian people, or anyone for that matter, can practice their religion. Indeed, the United States Supreme Court has routinely held the government cannot make such determinations[1] and accordingly has explicitly stated that "Courts are not arbiters of scriptural interpretation."[2] It is deeply troubling that the Army Corps of Engineers feels entitled to determine how Native American Tribes exercise and practice their religion.

Since the issuance of the permit for the Tokul roundabout, the owners of the surrounding land have stated that they plan to further develop the land around the roundabout and the Falls. The Tokul roundabout project is currently in the bid process and is targeted to begin construction on March 28, 2015, with a closeout date of October 31, 2016. These development plans threaten my Tribe's use of the Falls for cultural and spiritual needs and are deeply disrespectful of the sacred Falls that form the very core of who we are as a people.

My Tribe's efforts at reasonable consultation with the Army Corps on this issue did not bear fruit. It is safe to say that my experience with the Corps has shown me they are completely indifferent to Native American history, culture and religion.

Preservation of the Snoqualmie Falls and Solutions

I am here today to ask Congress and the members of this Committee for their assistance in ensuring the federal government carry out its Trust responsibility. The religious and cultural practices of my Tribe are at stake. The Falls are the birthplace of our creation story and the bones of our ancestors are buried there. It is our most sacred duty, honor and responsibility to protect them and the Snoqualmie Falls.

My request to you today is that you partner with us in preserving the Snoqualmie Falls and the area around the Falls by helping us halt the construction of this roundabout. We also request that you partner with us to ensure that no further development proceeds. We will do everything in our power to fight this development and protect our Sacred Snoqualmie Falls.

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[1] *See Holt v. Hobbs*, 135 S. Ct. 853 (2015).
[2] *Thomas v. Review Board of Indiana Employment Security Division*, 450 U.S. 707 (1981).

Snoqualmie Falls is one of the greatest gifts from Moon the Transformer, created to enrich our spirits and fill us with hope. We invite you to experience this marvelous gift and for you to come to the Falls to feel the healing mists. You will experience a place of immense power, beauty and grandeur, a place as sacred and moving as any site on earth. A place that must be protected. Thank you for this opportunity to share such an important part of myself and my Tribe with you.

Mr. SIMPSON. Thank you. Thank you for your testimony. I appreciate it.

Jim.

TUESDAY, MARCH 24, 2015.

CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

WITNESS

JIM BOYD

Mr. BOYD. Good afternoon, Congressman Simpson and Congressman Kilmer. My name is Jim Boyd, and I am Chairman of the Colville Business Council from Confederated Tribes of the Colville Reservation in Washington State, and I thank you for this opportunity to provide my tribe's testimony for the fiscal year 2016 spending bill.

We are a large tribe located in North Central Washington, and we have nearly 9,500 tribal members, about half of which live on or surround the areas of the reservation. And we are on 1.4 million acres, which about 800,000 of the acres are forest land. And first we would like to request that the subcommittee increase BIA forestry funding by $25 million, and this is a first step to bringing parity to tribal forests compared to what other federal land managers like the U.S. Forest Service received to manage the forests on those federal lands. For many Indian tribes, forests are the lifeblood of the economic activity, and we at Colville are no different. We have diversified in the past 3 decades, but we still—you know, timber harvesting and forest management remain a critical part for the tribe and the tribal local economy to where we are on the reservation.

And in addition to this specific request, the Colville Confederated Tribes would also like to fully support the recommendation put forward by the Intertribal Timber Council which I understand was in front of the subcommittee earlier today.

Our second request is that the subcommittee increase BIA law enforcement funding by $20 million which, in agreement with the gentleman from Chehalis down here is very important, which would help to increase tribal officers and deploy and retain more officers on the reservations. And as the subcommittee is aware, large land-based tribes usually lack a sufficient number of tribal police officers, and we at Colville are no different. This often results in police response times in excess of 4 hours, and sometimes we might have one officer actually, you know, working the whole entire 1.4 million acre reservation at a time. So we have some pretty big problems there. And to make matters worse, the Colville tribe has seen a rash of gang violence and drug smuggling activity in recent years including trafficking activities with ties to Mexican cartels. And other Indian tribes have a lot of the same problems. I know that we have here a significant problem throughout Indian Country.

The Police Services Account within the BIA's budget, which funds the police officers' salaries, and we have—at Colville, we

have tried to renegotiate our 638 contracts, but we have been unsuccessful at this, you know, because with the lack of additional base funding which is a point that has been raised in congressional hearings.

So the fiscal year 2016 request includes a minimal $1.6 million increase for the Criminal Investigations and Police Services Account, and the Colville Tribes request that the subcommittee provide a $20 million increase to help bridge the gap and get more tribal officers on the ground.

And finally, we ask the subcommittee to include language in its bill or in the accompanying report that directs IHS to implement a system for allocating any increase it might receive to those tribes with low historic staffing levels. From the information that we have been told by the IRS, our staffing levels, you know—some of the numbers were started in the 1930s with the first health clinic that we had on Colville there, and they haven't changed since then. So, you know, while we are delivering approximately 5,000 citizens, we are still using the 1930s staffing levels. So this not only means waiting times for our tribal members, but it is also third-party reimbursements that are a problem because there is a lack of administrative support in collecting these.

That concludes the testimony that I have, and thank you very much.

[The statement of Jim Boyd follows:]

The Confederated Tribes of the Colville Reservation

Prepared Statement of the Honorable Jim Boyd, Council Member
Confederated Tribes of the Colville Reservation

House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies

Public Witness Hearing—Native Americans

March 24, 2015

Good morning Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee. On behalf of the Confederated Tribes of the Colville Reservation ("Colville Tribes" or the "CCT"), I thank you for this opportunity to provide the Colville Tribes' recommendations for the Subcommittee as it drafts its FY 2016 spending bill.

The CCT recommends that the Subcommittee (1) increase funding for BIA Forestry by $25 million, to $76.9 million, as recommended by the InterTribal Timber Council, as a first step to bring parity with other federal forestry programs; (2) provide at least a $20 million increase to the Criminal Investigations and Police Services account to allow for deployment of more police officers in Indian country; and (3) direct the Indian Health Service (IHS) to more equitably staff IHS facilities when it allocates funding increases.

BACKGROUND ON THE COLVILLE TRIBES

Although now considered a single Indian tribe, the Confederated Tribes of the Colville Reservation is, as the name states, a confederation of twelve aboriginal tribes and bands from all across eastern Washington State. The Colville Reservation encompasses approximately 1.4 million acres and is located in north central Washington State. The CCT has nearly 9,500 enrolled members, making it one of the largest Indian tribes in the Pacific Northwest. About half of our tribal members live on or near the Colville Reservation. The Colville Reservation has more than 800,000 acres of forest land. Forestry and wood products have been the CCT's traditional source of revenue.

I. BIA FORESTRY

The CCT requests that the Subcommittee increase BIA forestry by $25 million as a first step to bringing parity to tribal forests compared to what other federal land managers like the U.S. Forest Service receive to manage the forests on those federal lands. For many Indian tribes, forests are the lifeblood of economic activity. Although the CCT has diversified its economy during the last three decades, timber harvesting and forest management remain a critical part of our tribal and local economy.

As recognized by the InterTribal Timber Council (ITC), of which the CCT is an active member, the chronic underfunding of BIA Forestry contributes to the failure to harvest the full annual allowable cut (AAC) of timber. Failure to meet the AAC targets not only negatively impacts tribal economies but also has potentially catrostrophic forest health implications. In the Pacific Northwest, the annual snowpack from this past winter is at historically low levels. There is always a risk of wildfire, but an overgrown forest increases the scope of this risk. Funding for BIA Forestry is therefore critical in ensuring that these risks are kept to a minimum and that our tribal forests are managed properly.

A $25 million funding increase is an essential step toward providing Indian forests with funding equal to that provided other federal forests, improving tribal economies, and sustaining the health and productivity of tribal forests. In addition to this specific request, the CCT also fully supports the funding recommendations put forward by the ITC.

II. FUNDING FOR ADDITIONAL TRIBAL LAW ENFORCEMENT OFFICERS

As the Subcommittee is aware, large land-based tribes usually lack a sufficient number of tribal police officers. The Colville Tribes is no different. This often results in police response times in excess of four hours. There are occasions when the Colville Tribes has only a single officer on duty for the entire 1.4 million acre reservation.

To make matters worse, the Colville Tribes has seen a rash of gang violence and drug smuggling activity in recent years, including trafficking activity with ties to Mexican cartels. Other Indian tribes have similar or even more harrowing stories. There is a constant need for additional funding for the Criminal Investigations and Police Services account within the BIA's budget, which funds tribal and BIA police officer salaries. Repeated requests by the Colville Tribes to renegotiate its law enforcement 638 contract with the BIA in recent years have been rejected because of the lack of additional base funding, a point that has been raised in congressional hearings.

The much heralded passage in 2013 of the Violence Against Women's Act reauthorization will provide those tribes with sufficient resources the ability to prosecute non-Indians for domestic violence offenses. But for the majority of tribes, this new authority will mean little if there are not enough police officers on the ground in the first place.

The FY 2016 request includes a minimal $1.6 million increase for the Criminal Investigations and Police Services account. The Colville Tribes requests that the Subcommittee provide a $20 million increase to help bridge this gap and get more tribal officers on the ground.

III. DIRECT IHS TO MORE EQUITABLY STAFF IHS FACILITIES

Like other direct service tribes, the CCT lacks sufficient staff at its IHS service unit in Nepselem, WA. From the information that we have been able to obtain from IHS, our historical staffing levels were set in the 1930s when our first health clinic was constructed. While funding levels have increased with IHS's base budget in the intervening decades, the initial staffing ratios have

not changed. In other words, we are trying to provide modern health delivery to approximately 5,000 citizens using 1930s staffing levels. Lack of adequate staffing not only means longer wait times for our tribal members, it also means that our IHS service unit is unable to fully process third party reimbursements because of lack of administrative support.

The CCT asks that the Subcommittee include language in its bill or in the accompnaying report that directs IHS to implement a system for allocating any increases it might receive to those tribes with low historic staffing levels. In our discussions with IHS, they themselves seemed uncertain about how the historic funding formulas were developed or why they continue to be used.

This concludes my testimony. At this time I would be happy to answer any questions that members of the Subcommittee may have.

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Mr. SIMPSON. Thank you all. You know, over the last several years we have focused on Indian Health Services and trying to make sure that we increase Indian Health Services funding and get those to an adequate level, and we have done a pretty good job. We still have a ways to go, and now we are starting to focus a little bit on Indian education. From some of our trips out to various reservations and stuff, we have seen schools that frankly I wouldn't send my kids to, these schools need improvement all across this country.

The other one that we heard about a lot was law enforcement activities that have been mentioned by several witnesses. Just out of curiosity, what do you think your shortfall is and what do you need for law enforcement on your reservation? I look at $20 million, for all tribes. What does that mean per tribe? What would that do for you?

Mr. YOUCKTON. It is a great question. You know, I just can speak for my tribe because actually my full-time job that I get paid for is actually a probation officer. But I actually have worked in corrections as well for a few years. And you know, as far as more officers, you know, we are understaffed, you know, through the BIA when they come in and actually do their audits every year. They have always said that we are understaffed, and you know that was our basic only shortfall. And you know, we felt like, you know, we are already supplying 70 percent of the salaries and, you know, for supplies and things like that, that that is one of the areas.

But the other thing is, you know, for law enforcement, we are understaffed as well. We are growing, you know, on the reservation. We are trying to diversify, you know, eight miles away. We have a small piece of reservation out there as well that we have to patrol with our Great Wolf Lodge. But you know, it is just really hard that once we actually hire people and send them off to the BIA Training Academy, Washington State requires that we send our officers to the Washington State Academy as well, you know, for a couple more weeks. And so once we actually get our officers trained, you know, with some experience, what they actually really want to do is actually go work now for a city or a county and things like that. And you know, truthfully, we just cannot compete with the county, you know, salaries for our officers. So as soon as they get that opportunity to jump ship—I mean, I don't blame them. I would take that pay increase as well.

Mr. SIMPSON. Okay. What does it mean on your reservation?

Mr. BOYD. Well, there are pretty similar needs that we have also. We have contributed—the tribe puts in about $800,000 a year also when we, you know—to this. But a lot of the problems that we have, it is—and we do have—we are in two different counties, actually, in Eastern Washington. We are in Ferry County and Okanogan County. So we work respectively with each county when it comes to some of those—with some of their jurisdictional issues and such.

But we also have—you know, with the BIA, the rate of, you know, violent crimes that they put in for, we have tremendously violent crimes on reservations that just, you know, that we just need help with. You know, we don't have enough—you know, they can't—I mean, some of the problems that we actually have is trying

to, you know—gosh, it is just investigate, you know, or trying to move forward with some of the investigations to try to figure out where they fall, you know.

Mr. SIMPSON. Is there a salary cap imposed by the BIA or is it just limited resources?

Mr. BOYD. From what I understand, it is actually limited resources, you know, because what we do is actually through our tax dollars, you know, for the gas tax. You know, we actually spend $2.6 million of our own, you know, for that shortfall.

We do have a few officers, probably more than most, but you know, it really is just a shortfall of——

Mr. SIMPSON. What I am trying to do is get a sense when you look at how many tribes there are and what the needs are in each of these tribes because we have been to a lot of reservations already, and when we were on Pine Ridge they had the same situation. It might be a couple hours before law enforcement can reach the crime scene or call. And that creates some problems. What does a $20 million increase do exactly? Does it help? Sure. But I mean, does that really help?

Mr. BEAN. You know, we have a lot of unmet needs, and I will give an example for Puyallup. You know, our public safety budget prior to our corrections opening was $5 million. Ninety percent of that was funded by the tribe. Yet, we have to cover an area that is several hundred square miles. Now what the Puyallup Tribe has done is to get creative. We have traded inter-local agreements with our neighboring jurisdictions with Pierce County Sheriff, the City of Tacoma, the City of Fife, and it has allowed us to, you know, pool our resources and have the officers come on reservation, have kind of deputization as well as Puyallup Tribe's——

Mr. SIMPSON. Do you have cross deputization?

Mr. BEAN. We have cross deputization agreements, yes, sir. And so that has allowed us to cover more ground with the limited resources that we have because we have marine patrol, we have ground patrol, and then we have foot patrol, hunting and fishing activities, you know. So we are spread pretty thin. So $20 million, that is really low. You know, our needs are much greater than that. And we have been carrying the water for a long time, you know. We have had good partners within our community, and then so any help you give to us, to us tribes, because in a lot of instances, we are the largest employers in our region. In Washington alone, 27,000 jobs are created by tribes of which 66 percent are non-native.

So you know, the resources, they don't just benefit tribes. They benefit the Washington State community.

Mr. SIMPSON. You were going to tell us a story about Billy Frank.

Mr. BEAN. Yes, I was. Thank you for that. You know, I grew up and went to our school system, Chief Leschi, that I mentioned, and you know, we are sat down in circle every week and we are taught 10 traditional ways. And I will spare you all of them to share one of them with you that came to mind as I was reading my testimony here.

You know, one of them is that we are taught that all natural things are our brothers and sisters. They have much to teach us if we area and listen. And you know, as I am talking about the nat-

ural resource and habitat degradation, you know, the funding not being adequate to reverse those effects, you know, I listen—that came from Billy Frank, Sr., those traditional ways handed down in our language.

Now, we have seen it, lived through the life of Billy Frank in talking about the fish, talking about Mother Earth. Mother Earth is sick, you know, our fish runs are dwindling. Our fish are dying systematic of Mother Earth as being sick, and it is our responsibility to take care of Mother Earth. And I just wanted to share that story that the lessons were taught from Billy Frank, Sr., the lessons that were carried out to Billy Frank, Jr. So I just want to say thank you for allowing me to share that.

Mr. SIMPSON. Well, we miss Billy and wish he was here testifying still. He was a great guy. I really came to love that guy and enjoy his testimony when he was here.

Carolyn, I oversee the Army Corps of Engineers budget when I am not sitting in this chair. We will have some words with them.

Ms. LUBENAU. Thank you.

Mr. SIMPSON. When was that picture taken? Do you know? Is that a recent picture or is that before the development?

Ms. LUBENAU. The development hasn't—well, there is some development. You can see the power plant and that. That was—you know, they built one——

Mr. SIMPSON. The power plant——

Ms. LUBENAU [continuing]. In 1958——

Mr. SIMPSON [continuing]. Is there now?

Ms. LUBENAU. There has been two, one in 1998 and one in 1957. But what they are proposing is to build 175 homes facing the falls, which——

Mr. SIMPSON. I know. I appreciate your testimony. Thanks for being here today and sharing your story with us.

Ms. LUBENAU. Thank you.

Mr. SIMPSON. Mr. Kilmer?

Mr. KILMER. Thank you.

Thank you, Mr. Chair, and thanks to each of you for being here. I want to particularly thank Madam Chairwoman for saving my bacon this morning. We visited, and I shared with her that I had thought to propose to my wife at the base of Snoqualmie Falls, but then I chickened out because there were so many people there. And she said well, hopefully you can take your wife on your anniversary. And it struck me, today is, in fact, my anniversary. So she completely saved my bacon. So thank you, Madam Chair.

Ms. LUBENAU. I said it is a sign. Don't you think that is a sign?

Mr. KILMER. It is heaven sent because of you.

Mr. SIMPSON. Let's write this down, a little tattoo on your hand.

Mr. KILMER. It is going into the calendar now permanently. But thank you.

Ms. LUBENAU. I will call and remind you.

Mr. KILMER. Every year if you could do that, that would be great. Councilman Bean, I actually have just a very short question for you. I think your comments around your justice center are very compelling, and the fact that your capacity to actually staff it up is very, very limited. Would you have built that in the first place

if you hadn't known that the operating funds would have been available?

Mr. BEAN. That is a great question. Thank you for asking it. The answer is absolutely not. You know, we went round and round with the Bureau of Indian Affairs, Office of Justice Services, Department of Justice. We have been to D.C. We have been to Billings, Montana. We have been to New Mexico working, you know, with all of the agencies in formulating the budget. And it was through massaging that budget back and forth that we came up with the number that we came up to operate it, and then to find out it was 27 percent of what we all had agreed to that was the actual need, we were shocked. But by then, the facility was already done, you know? It is like are we going to sit there with a federally funded building and leave it empty? The answer is no. We opened it and put it to work, and you know, we are going to, you know, again try and be creative in operating it. But at this point, you know, it is not at a full capacity of 28 people. So we are going to have to send our folks out into the neighboring jurisdictions.

Mr. KILMER. Thank you. Thanks, Mr. Chair.

Mr. SIMPSON. I thank you all for being here today and for your testimony. It is important to us as we try to put together our next budget year, so thank you.

Ms. LUBENAU. Thank you.

Mr. SIMPSON. You bet. Our last panelists today are Mr. Andy Joseph, Jr., and Mr. Ralph Forquera, right?

Mr. FORQUERA. Very good. You remembered.

Mr. SIMPSON. No, he told me. Okay, Ralph.

TUESDAY, MARCH 24, 2015.

SEATTLE INDIAN HEALTH BOARD

WITNESS

RALPH FORQUERA

Mr. FORQUERA. Thank you, Mr. Chairman. I appreciate the opportunity to be here. In listening to the testimony today, I was just amazed at the enormous need that exists in Indian Country in all the different areas, whether it be healthcare or the whole jurisdictional issues. You know, it was amazing to me.

I am here representing the Seattle Indian Health Board which is an urban Indian health program representing urban Indian people. Seventy-one percent of American Indians living in the United States supposedly live in cities. It is a significant population, and they are really not under the jurisdiction of a tribal authority if the Federal Government says that it has a Trust Responsibility to serve Indian people. And one of the areas that I think is at the core of taking care of Indian people is really this whole area of health. Without good health, people can't participate in society. They can't go to school. They can't learn. They can't hold a job. And so investment in health is probably one of the fundamental things that I think the Federal Government can do on behalf of Indian people.

And I work for an urban Indian health organization. Our responsibility is to serve not only federally recognized Indian people but

also the Indian people that have been displaced as a result of relocation during the 1950s and '60s, and Indian people today who may belong to multiple tribes but because they belong to multiple tribes don't have the capacity to be able to enroll in any of the tribes. And so they are not an enrolled member of any given tribe. And we frequently are—and the question is asked of us whether or not the individual, once they leave the reservation, uses their access to benefits and protections that the Government is supposed to provide for Indian people, and too frequently they do not get the resources or the services or the assistance that they need.

So I am here to basically beg, borrow, and plead to whatever degree I can for some assistance for the urban Indian population. We want to thank the Committee for giving the urban Indian programs an increase last year of close to $3 million. This year we are requesting though that we really seriously consider making some major investments in the urban Indian program. The request I am making is for a $20 million consideration. I know that is a lot of money, but a lot of the urban programs over the last several years have really struggled with sequestration, with budget shortfalls, with changes that have been going on as a result of healthcare reform, and the inability to be able to adapt to those changes as they are coming down. So there are a number of programs that are really on the margin, and I am really afraid that without some kind of investment could easily go under. And that would be an enormous loss for just those programs that are there.

The $20 million is really—the National Indian Health Board and the National Congress of American Indians have both recommended $15 million which we support. The $5 million is really for some facilities. A lot talked today about infrastructure and the importance of facilities. Many of our organizations are lacking in the capacity to be able to meet certain obligations that are required of them for the facilities that they operate, especially in cities where there is a lot more pressures on them to meet local standards in order to compete. So we are requesting that.

And in the reauthorization of the Indian Healthcare Improvement Act last year, there was no authority that was given. So we are asking for some consideration and possibly putting some money in that particular direction.

We would also like to recommend the subcommittee instruct the Indian Health Service to evaluate how the agency's programs and services for urban Indians have changed or really need to change as a result of the Indian Healthcare Improvement Act and the Affordable Care Act. There really hasn't been a lot of attention paid in both the President's budget and the Indian Health Service who testified here a few weeks ago, didn't make any request for urban Indians. And we have had that happen repeatedly over and over again. There has not been attention paid to the urban Indian population. We really feel that maybe it is time to ask the question as to what does the Indian Health Service feel is their obligation to serving the urban Indian population?

Both the Congress and the Supreme Court have repeatedly stated that there is an obligation to assist off-reservation Indian people. How that is done and to what level that is done is really a decision by the Congress itself in the appropriations process as a re-

sult of the Snyder Act. So we really would ask that the committee consider asking the Indian Health Service about that as a way of at least getting the conversation started and hopefully getting them to help to respond to some of these initiatives.

We are very supportive of President Obama's all-of-government approach to Indian Country, but we would strongly urge that that also include urban Indian in those conversations. We work with primarily the Indian Health Service around these kinds of issues. There are a variety of other agencies within the Department of Health and Human Services that would be prime for us.

We also are vehicles within our own communities as economic development tools for the native population. We are the only places where native people can come together and see other native people. So we could be a catalyst for a lot of those kinds of things. We think there are opportunities there.

So my time is up, but I just want to come and again make a strong plea for the committee to look favorably upon the Indian health area. It is the only area where you really aren't contributing anything to the urban Indian population right now. We are not doing law enforcement. We are not doing special education which are areas of enormous concern to our communities, and we look forward to continuing to work with the committee and especially with the Congress drawing more attention to our needs. Thank you.

[The statement of Ralph Forquera follows:]

Seattle Indian Health Board

For the Love of Native People

TESTIMONY OF RALPH FORQUERA
EXECUTIVE DIRECTOR
SEATTLE INDIAN HEALTH BOARD
FOR
HOUSE APPROPRIATIONS SUBCOMMITTEE
ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
Tuesday, March 24, 2015, 3:30 p.m.

Chairman Calvert, Ranking Member McCollum and members of the Subcommittee on Interior, Environment, and Related Agencies, my name is Ralph Forquera. I am the Executive Director for the Seattle Indian Health Board, a contractor and grantee with the Indian Health Service as an urban Indian health organization (UIHO).

Seventy-one percent of Americans self-identifying as having heritage in an American Indian tribe live in American cities, according to the 2010 United States Census.[1] An additional 7% lived in non-reservation rural areas of the nation.[ibid] Both the urban Indian population and the non-reservation rural population do not live under tribal jurisdictions, yet based on Supreme Court decisions and Congressional proclamations, they continue to be subjects of the federal government's trust obligation toward Indian people.[2,3] This trend toward the urbanization of American Indians has been on-going since first documented with the 1970 census.

In FY 2015, Congress appropriated $43,604,000 to assist urban Indians, less than one-percent of the overall Indian Health Service budget of over $4.6 billion. While we appreciate the need to support health services for Indians on Indian reservations, there is an equal need to understand and help Indians living in cities.

You likely noted that the Indian Health Service did not ask for additional funding for urban Indian health during its recent testimony before this Subcommittee. You may also be aware that the President's FY 2016 budget also did not seek additional resources to aid urban Indians. We have faced this challenge many times in the past as the focus of the Indian Health Service has shifted away from serving Indians to serving Tribes. While we appreciate the unique relationship that exists between the federal government and federally-recognized Indian tribes, in the area of health, Congress has acknowledged that the federal obligation for health does not end at the reservation boundary.[4]

This lack of attention to the health needs of urban Indians over nearly four decades since the authority to aid urban Indians was created with the original Indian Health Care Improvement Act in 1976 has resulted in a need for explicit data on the health status of this group. Studies using data from national reporting surveys, like vital statistics and the

behavioral risk factor surveillance studies conducted by the Centers for Disease Control and Prevention (CDCP), that do not focus exclusively on Indian health still show a dramatic disparity in health status for urban Indians.[5] Surveys on social factors that influence health such as poverty, unemployment, a lack of health insurance, etc. are also found more frequently among urban Indians.[6] These findings call for a need to bring attention to the health of urban Indians and increase the nation's investment in their welfare.

While we support continued health investments for tribal citizens, we also believe that the needs of urban Indians deserve greater recognition. The 1921 Snyder Act gives the Congress broad discretion in allocating funds for the "care, benefit, and assistance of Indians throughout the United States." [7] This includes the nearly 3.7 million American Indians now living in cities.

In recognition of a renewal in the welfare of Indian people regardless of where they live, I am recommending consideration of a $20 million increase to the urban Indian health funding for the FY 2016 fiscal year. Both the National Indian Health Board and the National Congress of American Indians have recommended a $15 million increase for urban Indian health. Of the $20 million requested, I am recommending that $15 million be directed to support base funding increases for existing urban Indian health contractors and grantees and $5 million be allocated for urban health programs' facility needs. Section 1659 of S. 1790 as it was incorporated by reference to Section 10221 of the Patient Protection and Affordable Care Act, P.L. 111-148 now authorizes funding for facility renovations and expansions. I recommend initiating funds for this purpose as we continue our efforts under health reforms.

I am also recommending that the Subcommittee instruct the Indian Health Service to evaluate how the agency's programs for and services to urban Indian have changed or need to change in light of health reforms, including the Affordable Care Act. I suggest that the Subcommittee ask the IHS to build into its FY 2017 budget justification a summary of how IHS views its role in serving urban Indian people, moving forward to implement both statutes – the Indian Health Care Improvement Act and the Affordable Care Act - now that urban Indian health is a permanent authority.

There are particular areas were greater attention is needed, including funds for children and youth mental health care, violence prevention, a greater focus on human trafficking among urban Indian youth, and additional aid for those struggling with substance abuse problems. Beyond diabetes, there are other chronic conditions needing attention such as asthma and arthritis. A greater focus on preventive medicine, such as immunizations and pre-natal care, has taken a back seat to our focus on chronic disease. While an important strategy, the needs of younger Indians should not be forgotten.

Recently, President Obama launched a broad-based youth initiative for Indian Country, Generation Indigenous. However, a closer review of the initiative indicates a continuing emphasis toward tribal communities, again by-passing urban Indian youth.

We endorse the President's "all-of-government" approach to addressing Indian concerns, but it is critical that the agencies directly responsible for Indian welfare like the Indian Health Service anchor these efforts. For this reason, expanding the role of this agency to reach all Indians by improving funding for the majority of Indian people who now call cities their home is an important first step.

Increasingly, more and more Indian people are no longer affiliated with a federally-recognized Indian tribe. Since individual tribes can determine criteria for membership, we find that more and more Indians find themselves unable to qualify for tribal enrollment. This is true for both Indians who inter-marry with someone from a different tribe and those who marry someone from a different racial group. The children of these unions are often unable to achieve tribal enrollment status. We here in cities are often asked the question whether being denied membership in a federally-recognized Indian tribe makes these individuals ineligible for the benefits and protections granted by the Congress for Indian people. In the sphere of health, the answer has always been that urban Indian health organizations can and do serve all Indians. The definition used for this program at the IHS includes many groups unable to get care at IHS facilities themselves (terminated tribes, state-recognized tribes, descendants, etc.).

In the report that accompanied the original Indian Health Care Improvement Act in 1976 that defined the IHS policy, the House noted that *"The most basic human right must be the right to enjoy decent health. Certainly, any effort to fulfill Federal responsibilities to the Indian people must begin with the provision of health services. In fact, health services must be the cornerstone upon which rest all other Federal programs for the benefit of Indians*, (H.R. Report No. 94-1026, pt. I at 13 (1976) *as reprinted in* 1976 U.S.C.C.A.N. 2652, 2653). I wholeheartedly endorse this premise and ask the while we cannot correct the past, we can determine the future. Therefore, I urge the Subcommittee to recommend a $20 million increase for urban Indian and Alaska Native health in the FY 2016 IHS appropriation as a modest step toward realizing decent health for all Indian people regardless of where they choose to live.

[1] U.S. Census Bureau. (2010). Census 2010 American Indian and Alaska Native Summary File; Table: PCT2; Urban and rural; Universe Total Population; Population group name: American Indian and Alaska Native alone or in combination with one or more races.

[2] United States Supreme Court in *Board of County Commissioners of Creek County v. Seber*, April 19, 1943.

[3] Memorandum from the Assistant Solicitor, Division of Indian Affairs, Department of the Interior to the Commissioner of Indian Affairs, Dec. **9, 1971.**

[4] Senate Report 100-508, Indian Health Care Improvement Act Amendments of 1987, September 14, 1988, page 25.

[5] Castor ML, Smyser MS, Taualii M, Park A, Lawson SA, Forquera R. (2006). A nationwide population-based study identifying health disparities between American Indians/Alaska Natives and the general populations living in select urban counties. American Journal of Public Health, 96(8), 1478-84.

[6] Urban Indian Health Institute, Seattle Indian Health Board. (2011). *Community Health Profile: National Aggregate of Urban Indian Health Organization Service Areas.* Seattle, WA: Urban Indian Health Institute.

[7] 25 U.S.C. §13, 1921.

Mr. SIMPSON. Thank you. Andy.

TUESDAY, MARCH 24, 2015.

NORTHWEST PORTLAND AREA INDIAN HEALTH BOARD

WITNESS

ANDY JOSEPH, JR.

Mr. JOSEPH. Good afternoon, Mr. Simpson, and Mr. Kilmer. It is an honor to be able to present my testimony before you. [Speaking foreign language] Badger is my name, Andy Joseph, Jr. I chair the Health and Human Services Committee for the Confederated Tribes of the Colville Indian Reservation, also the Chair of the Northwest Portland Area Indian Health Board, the National Indian Health Board on the executive committee. I co-chair the IHS budget and IHS Contract Support Cost Work Groups as well.

I have my written testimony and it has been submitted for the committee for the record. I will summarize my recommendations. For the fiscal year 2016 IHS budget, we recommend the following. One fundamental principle for the Northwest Tribes is IHS programs must be preserved by the President and Congress in the budgeting process. You do this by funding inflation population growth in order to maintain the current level of healthcare services. If you do not maintain the program, how can unmet needs services ever be addressed?

In the fiscal year 2016, we estimate the—recommended that the subcommittee provide at least $297 million to fund medical and general inflation and population growth. While the President's increase is adequate to fund these requirements, the distribution of the increase to funding staffing and program increases will not adequately cover these costs. The subcommittee can correct this by providing additional funding or reallocating facilities, construction, and other program increases to cover these mandatory costs.

Two, the subcommittee fund health facilities' construction. It should do so to maximize taxpayer resources and provide equal opportunity through tribes that participate in facilities construction programs. Funding for the Small Ambulatory Construction Program will do this by leveraging federal dollars for construction with tribes covering the cost of staffing. We recommend the subcommittee include $20 million in the fiscal year 2016 for the Small Ambulatory Program. We recommend that the subcommittee include $20 million for an area distribution fund in the fiscal year 2016.

Three, the subcommittee support to the PRC program over the past years has been generous, and this is without doubt historical significance in its potential to make a positive impact on the health of American Indians and Alaskan Native People. While the President's budget request, a $70 million increase in PRC, we recommend the subcommittee provide Purchase and Preferred Care Program an increase of $100 million.

Four, we recommend the subcommittee to continue to require IHS to fully fund contract support costs and work with tribes and the administration to authorize the CSC payments on a mandatory

basis proposed in the administrative proposal. Portland Area Tribes Support this approach to deal with the CSC payments so they do not compete with the program increases in IHS budget process.

In working with the budget overall, I know we have submitted requests for urban clinics as well. My tribe—our area has three urban clinics, and Spokane is one of them that—native project, and there is 160 families from Colville that live there. And if they don't get funded, then they travel home and they take our limited resources. My chairman was here, and he talked about the shortage of providers and the ability to provide services at home as it is, and to me, that is really something I wish that Congress would order some sort of an investigation to look to see how many tribes are funded, how they are funded for staffing. We would like to be like Cheyenne or Sioux or the Kent, these other tribes that it is like hitting the lottery. If you get a new facility that the government completely pays for and gives you 100 percent staffing, you know, the Affordable Healthcare, it has the Indian Healthcare Improvement Act in it. And our tribes would like to be like one of those tribes that are fully funded, have full staff, to be able to bill that third party. But when you are limited providers, you can only funnel so many people through there. And because of that, we are losing a lot of people at home to I guess healthcare issues that could have been prevented.

[The statement of Andy Joseph, Jr., follows:]

Testimony of Andrew Joseph, Jr.
The Northwest Portland Area Indian Health Board

Before:

House Subcommittee on Interior, Environment, and Related Agencies
Public Witness Hearing

March 24, 2015

Established in 1972, NPAIHB is a P.L. 93-638 tribal organization that represents 43 federally recognized Tribes in the states of Idaho, Oregon, and Washington on health care issues. Over the past twenty-one years, our Board has conducted a detailed analysis of the Indian Health Service (IHS) budget. It is used by the Congress, the Administration, and national Indian health advocates to develop recommendations on the IHS budget. It is indeed an honor to present you with the recommendations from our "Twenty-second Annual Budget Analysis and Recommendations Report.'

Indian Health Disparities

The Indian Health Care Improvement Act (IHCIA) includes a declaration of national Indian health policy for the Congress and this Nation. The Act states that in fulfillment of the United States' special trust responsibilities and legal obligations to Indians—and to ensure the highest possible health status for Indians is achieved—that the Nation will provide all resources necessary to effect this policy.[1] This declaration recognizes that Congress has a duty to elevate the health status of American Indian and Alaska Native (AI/AN) people to parity with the general U.S. population and to provide the resources necessary to do so.

While there has been success at reducing the burden of certain health disparities, evidence continues to document that other types of diseases are on the rise for Indian people.[2] An analysis of Medicaid data in Washington State indicates that infant mortality among AI/ANs was twice the rate for the Medicaid population as a whole. Compared to the rest of the world, the AI/AN infant mortality rate was higher in Washington State than in Poland, Slovakia, Estonia, Malaysia, Thailand, and Sri Lanka. Contributing factors included deaths due to Sudden Infant Death Syndrome (SIDS) at a rate 3 times higher among Indians compared to the total Medicaid population, deaths due to injuries at a rate 5 times higher among Indians, and a rate of deaths from complications of pregnancy and delivery 50 percent higher than the total Medicaid population. According to the most recent reports from IHS, AI/ANs die at higher rates than other Americans from chronic liver disease and cirrhosis (368% higher), diabetes mellitus (177% higher), unintentional injuries (138% higher), assault/homicide (82% higher), intentional self-harm/suicide (65% higher), and chronic lower respiratory diseases (59% higher).[3] A number of factors contribute to persistent disparities in AI/AN health status. AI/ANs have the highest rates of poverty in America, accompanied by high unemployment rates, lower education levels, poor

[1] 25 USC § 1601
[2] Please note findings in, *The Health of Washington State: A Statewide Assessment of Health Status, Health Risks, and Health Care Services*, December 2007. Available: http://www.doh.wa.gov/hws/HWS2007.htm.
[3] "Mortality Disparity Rates: AI/AN in the IHS Service Area, 2006-2008 and US All Races Data for 2007," available at: http://www.ihs.gov/Public Affairs/IHSBrochure/Disparities.asp, accessed March 15, 2014.

housing, lack of transportation and geographic isolation. All of these factors contribute to insufficient access to health services.

Per Capita Spending Comparisons

The chronic under-funding of the Indian healthcare system relative to its total needs has resulted in problems with access to care and limited the ability of the Indian healthcare system to provide the full range of medications and services that would prevent or reduce the complications of health disparities. The consequence of this is that the IHS budget is diminished and its purchasing power has continually been eroded over the years. The IHS Federal Disparity Index (FDI) is often used to cite the level of funding for the Indian health system relative to its total need. The FDI compares actual health care costs for an IHS beneficiary to those costs of a beneficiary served in mainstream America. The FDI uses actuarial methods that control for age, sex, and health status to price health benefits for Indian people using the Federal Employee Health Benefits (FEHB) plan, which is then used to make per capita health expenditure comparisons. It is estimated by the FDI, that the IHS system is funded at less than 60 percent of its total need.[4]

Analysis of the President's FY 2016 IHS Budget Request

The President's proposed increase of $461 million is a respectful increase. The request will go a long way to restore the $217 million that was lost in FY 2013 budget sequester. Unfortunately the distribution of the increase among the sub-sub accounts will not allow enough funding for inflation, population growth, or contract support cost requirements. Northwest Tribes caution the Committee to not be duped by the Trojan horse (a substantial budget increase) and lose sight of the real issue in this budget request—and that is the allocation of the $461 million among the sub-sub accounts. NPAIHB estimates that it will take $297.2 million to fund inflation and population costs for IHS programs. While there is adequate funding to provide for inflation and population growth in the President's budget, the Administration only requests $147.3 million for these costs. This means that after $313 million is funded for proposed program expansion, Tribes will have to absorb over $149 million in unfunded inflation and population growth. This will result in Tribes cutting services to absorb these costs.

Recommendation No. 1: Maintain Current Services by funding $297 million for Inflation, Pay Costs, and Population Growth

Portland Area Tribes recommend that the $100 million increase requested for health facilities construction be reallocated to cover the true costs of current services. The fundamental budget principle for Northwest Tribes is that the basic health care program must be preserved by the President's budget request and Congress. Preserving the IHS base program by funding the current level of health services should be a fundamental budget principle of Congress. Otherwise, how can unmet needs ever be addressed if the existing program is not maintained? Current services estimates' calculate mandatory costs increases necessary to maintain the current level of care. These "mandatories" are unavoidable and include medical and general inflation, federal and tribal pay act increases, population growth, and contract support costs.

[4] Level of Need Workgroup Report, Indian Health Service, available: www.ihs.gov.

Inflation and population growth alone using actual rates of medical inflation extrapolated from the Consumer Price Index (CPI) and IHS user population growth predict that at least $297 million will be needed to maintain current services in FY 2016. The President's proposed increase for current services is only $147 million. The budget falls short by over $150 million to fund current services. Yet there are adequate resources within the President's request to do so. The impact of building new health facilities and staffing continue to have a negative effect on the ability to maintain current services. The facilities costs in the President's FY 2016 budget will take over 44% of the proposed $461 million increase. It calls the question, "why do we build and fund new facilities when we cannot take care of the programs we have?" We recommend that Congress redirect these resources to help maintain the current health care program.

Recommendation No. 2: If Congress funds health facilities construction it should do so to maximize taxpayer resources and provide equal opportunities for Tribes to participate in the facilities construction program.

Ideally, the Subcommittee should place a moratorium on IHS facilities construction process including staffing packages for new constructed facilities. The Subcommittee must recognize that when new facilities are constructed it carries a liability for a staffing package that must be funded on a recurring basis. The inequity of facilities construction funding is that it provides a disproportionate share of funding to a few select Tribal communities. The significance of facilities funding, both for construction and staffing new facilities, is that it removes funds necessary to maintain current services (pay costs, inflation, and population growth) from the IHS budget increase. It has been over 15 years since the Interior Appropriations Committee directed the IHS to revamp its facilities construction priority system. However the IHS has ignored this request and never provided an updated facilities construction priority system. The Agency has ignored Congress on this issue. We urge the Subcommittee to request the IHS to release its revised priority system and to request funding so that all Tribes have some opportunity to apply for facilities construction resources.

We recommend that the Subcommittee include $20 million in FY 2016 for the Small Ambulatory Program.

We recommend that the Subcommittee include $20 million for an Area Distribution Fund in FY 2016.

Recommendation No. 3: Provide the Purchased and Referred Care (PRC) program an increase of $100 million.

The Subcommittee's support to the PRC program over the last four years has been generous and is without a doubt of historic significance in its potential to make a positive impact on the health of AI/AN people. Past year's increases have had a very positive impact for Portland Area PRC programs. PRC is the most important budget line item for Northwest Tribes. In FY 2013, there were over 73,000 deferred services that were within the PRC medical priorities but had to be deferred due to insufficient PRC funding. These deferred services are estimated to cost over $322 million. In addition, there were over 42,000 denied services (estimated to be $186 million) because they were not within the PRC medical priorities. Clearly additional resources are needed for the PRC program. NPAIHB recommends an increase of $100 million in FY 2016 for the PRC program.

Recommendation No. 4: We recommend the Subcommittee continue to require the IHS to fully fund contract support costs (CSC) and work with Tribes and the Administration to authorize CSC payments on a mandatory basis.

NPAIHB acknowledges and thanks the Subcommittee to work for its with Tribes to get the Administration to fully pay CSC payments on Indian Self-Determination contracts and compacts. CSC funds assist us to administer programs and provide jobs and services in our communities. When CSC requirements are not funded, Tribes are forced to absorb these costs by cutting services or using their own resources that displace funds for other program purposes. The President's budget request includes a proposal that Congress establish a mandatory appropriation for contract support costs. The proposal requests a three-year mandatory appropriation at stated dollar amounts for IHS with up to 2% of the sums so designated to be available for IHS' administrative activities. The President's Budget also proposes that this measure go into effect beginning in FY 2017. NPAIHB wants to notify the Subcommittee that our Portland Area Tribes are very supportive of the Administration's proposal with exception of the 2% set-aside for IHS' administrative activities. We believe there are alternatives for the IHS to cover these administrative costs.

Until the IHS, Tribes, and the Congress can finalize the details of the Administration's proposal to authorize CSC payments on a mandatory basis, we request the Subcommittee to continue to require the Administration to obey the law and continue to pay full CSC payments in FY 2016 consistent with recent Supreme Court decisions and congressional action.

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Mr. SIMPSON. Thank you. It is an interesting issue. I grew up in Idaho, and all the tribes in Idaho have reservations and I thought all the tribes had reservations and didn't realize that in Oklahoma, they don't have reservations there. And then I never really thought about urban Indians, Indians that live within urban settings. And it is a good suggestion to have the BIA or someone look at how the needs have changed given the Affordable Care Act and some other things that have passed and how we need to address that. So I appreciate you being here and for your concern. Mr. Kilmer.

Mr. KILMER. Thank you, Mr. Chair. I just want to express my gratitude for the testimony. It is very powerful. So thank you.

Mr. JOSEPH. You know, with our elders they have a program called Money Follows the Person, and in Indian Healthcare Improvement Act, the Sioux tribes get expanded chizda area, and I don't think there is any chizda requirements written in any treaties. But somehow, part of the IHS' problem is in order for one of my people that live in Spokane to get treated, they have to live in our chizda, which is a 50-mile radius of our reservation. If we had like a money follows the person, then you would open that chizda area wherever they live and then you know we could actually count them and use them in the billing process so that they could be funded for the secondary care that is needed. In other words, they are stuck in kind of a place where it is hard to get help.

Mr. SIMPSON. Right.

Mr. JOSEPH. I was a relocation baby when I was born, and the Relocation Act pushed a lot of our people off the reservation.

Mr. SIMPSON. Yeah. Well, again, thank you for being here. This concludes our second of the four public witness hearings specifically for American Indians and Alaskan Native Programs under the jurisdiction of the Interior and Environment Appropriations Subcommittee. I want to again thank all of the distinguished tribal elders and leaders who testified today and sat in the audience.

As the chairman said in his opening, I hope this is—that you will seize the opportunity to meet with other Members of Congress outside this subcommittee because honoring this Nation's Trust obligations is a responsibility all Members of Congress share, whether we currently have any tribes in our districts or not.

This hearing is now adjourned and will reconvene tomorrow morning at 9:00. Thank you.

WEDNESDAY, MARCH 25, 2015.

TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

PUBLIC WITNESSES—AMERICAN INDIANS/ALASKA NATIVES

Mr. STEWART [presiding]. Good morning, and we would like to welcome all of you to the third of our four public witness hearings, specifically for American Indian and Alaskan Native programs under the jurisdiction of the Interior and Environmental Appropriations Subcommittee.

I especially want to welcome the distinguished tribal leaders and the elders testifying today and in the audience. I want you to know that your voices are heard by this subcommittee, just as they have been in recent years under the chairmanships of Democrats and Republicans alike. American Indian and Alaska Native programs will continue to be priority for this subcommittee.

The Administration has put the subcommittee in a bit of a tight spot with regard to the 2016 budget by raising expectations throughout Indian Country that we will struggle to meet. The President's budget disregards the spending caps that he signed into law. That is how he is able to propose a $323 million increase for Indian Affairs and a $461 increase for the Indian Health Services, all without having any offsets. Current law requires discretionary spending to stay relatively flat in the fiscal year 2016 in comparison to 2015. Therefore, 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 can't pass a bill. But make no mistake. Honoring the Nation's treaties and other tribal Trust Responsibilities are a high priority.

Most of you have traveled a long way to be here this week, and I hope you will seize the opportunity to meet with other Members of Congress outside of this subcommittee including not just those representing where you live now but those representing adjacent districts and even those representing the districts of your forefathers. Honoring this Nation's Trust obligations is the responsibility all Members of Congress share, whether we currently have Indian tribes in our districts or not.

Before we begin, a bit of housekeeping we need to attend to. Committee rules prohibit the use of outside cameras and audio equipment during these hearings. This is to ensure that anything said here today is not unfairly reproduced out of context. An official hearing transcript will be available at GPO.gov.

I will call each panel of witnesses to the table, one panel at a time. Each witness will have 5 minutes to present his or her testimony. Each witness' full written testimony will be included in the

record. So don't feel pressured to cover everything in just 5 minutes. We know that is not very much time. Finishing in less than 5 minutes is fine, and you can even earn some brownie points from the chairman if you do. But we will try to keep on time other than that.

We will be using a timer to track the progress of each witness. When the light turns yellow, the witness will have one minute remaining to conclude his or her remarks. When the light blinks red, I would ask you to conclude your testimony.

Finally, members will be provided an opportunity to ask questions of our witnesses, but we do have a full day ahead of us which may be interrupted by votes. In fact, I can almost guarantee it will be interrupted by votes. So we request that we try to keep things moving along in order to stay on schedule.

And at this point I would like to turn the time over to the Ranking Member, Ms. McCollum, for her opening remarks.

Ms. MCCOLLUM. Thank you, Mr. Chairman, and welcome to those who are testifying today. We had an exhilarating day of testimony yesterday in which many of us learned much more about Indian Country. There is always more to learn each and every time you come. So it is so important that you come. And I concur with the chairman's remarks. Please engage members in the hall as you see them. Introduce yourself. Let them know that you are here. Share your stories and your hopes and ambitions for the children that you are also here representing.

We do have a slightly different way of looking at the President's budget. I am pleased that the President submitted the budget that he did. The President shows us a way forward from sequestration, a way forward from the Budget Control Act. You may agree or disagree with how the President offsets those goals and objectives in his budget, but it gives us a document and a framework so we can stop talking about sequestration. We can stop talking about the Budget Control Act, and we can start talking about how we move America forward for hardworking people all across this country.

So I am pleased that we have an opportunity to hear from you, hear your goals, your dreams, your ambitions for the people that you are here directly representing and that we collectively represent to make your nation and America stronger. Thank you, Mr. Chair.

Mr. STEWART. Thank you, Ms. McCollum. I would like to recognize just briefly my friend, Mr. Cole. I am sure he will have the opportunity to address you after and to make comments or ask questions, but until then, we look forward to your testimony.

So introducing members of this first panel, Mr. Mickey Peercy, Executive Director of Self-Governance from the Choctaw Nation of Oklahoma; Mr. Bill John Baker, Principal Chief; and Ms. Aurene Martin, Board Member, who is representing the National Indian Child Welfare Association.

Mr. STEWART. Mr. Peercy.

Mr. PEERCY. Okay. Thank you.

WEDNESDAY, MARCH 25, 2015.

CHOCTAW NATION OF OKLAHOMA

WITNESS

MICKEY PEERCY

Mr. PEERCY. Thank you. Thanks for having me here. Welcome to the new members of the panel, the subcommittee, and always good to see Mr. Cole who has been a friend of Choctaw Nation for many, many years.

It is a privilege to be here on behalf of Gary Batton, Chief of Choctaw Nation of Oklahoma. You have my written testimony. There are several things though that have to be said. I appreciate the comment on sequestration. Sequestration rescissions definitely impact healthcare and any other program within the tribes. Tribes are underfunded, and then when sequestrations hit, it takes away any moves that we made to increase services. Sequestration—I had a conversation with our congressman, Congressman Mullin several months ago, and I understand he is new but it was in a town hall meeting and I said no sequestration. And really, the comment back was, well, sequestration only affects certain items. So I would ask, and without being disrespectful at all, because I tried to educate that sequestration hurts us badly. So I would ask whoever has him under his wing to maybe let him know that sequestration—because I have tried. Sequestration hurts everyone. It hurts us bad. And you don't get it back. You don't restore it. You don't give it back to us. Take it and then that cuts into programs. So sequestration is a big issue.

Joint venture, I would like to say something just about that. We were fortunate enough that we will be moving with a joint venture for the Durant Clinic in Oklahoma in Choctaw Nation. It is the best program in Indian Health Service. It allows—one of the best. It allows a tribe who has the resources or who can manage those resources to build a building and then have staffing for a percentage of that. So we support. I know in the President's budget it was $18 million, but we are suggesting $100 million. We are asking that $100 million be put in. It is a great program.

Third quickly is Special Diabetes Program for Indians. Again, it has to be reauthorized every 2 years. I made a comment in some meeting with staffers that it is like running for Congress. You got to run every 2 years, and the staffers are out there, and they don't know if they are going to have a job next time or not. So we hire people in the diabetes program to treat people. They don't know if they are going to be there every 2 years. So they don't stay long. You know, we train them and they go somewhere else with stability. We think maybe there is a fix going on right now for Special Diabetes Program, but we are asking that it be a 5-year reauthorization at $200 million instead of the $150 million. It has been in place forever. So we would appreciate movement on that.

The big thing I think I want to talk about is a little touchy. It is contract support costs. Everybody knows issues with contract support costs with Title I, Title V programs on BIA and Indian Health Service. And I guess what I am asking from you guys—you guys. Excuse me. From this subcommittee. I got an Oklahoma kind

of thing, you know—but from this subcommittee is make the agencies, go to the agencies, go to the BIA, go to the Indian Health Services. They follow the law. Oh, that is unique, right? I have been in it since it started, and I have never seen it the way it is right now where the—Indian Health Service, just a real quick example. You know the settlement on contract support costs and all the lawsuits and stuff? Choctaw Nation had a sizeable shortfall. We had $53 million shortfall on contract support costs. We tried going to—I just got a minute. We tried with the agency to negotiate. We couldn't. They offered $11 million. We had to go to the attorneys. We ended up with $53 million after a lot of attorney's fees, after a lot of travels back and forth, negotiation with the U.S. Magistrate up here. Guess what? We ended up with $53 million. $13 million of that went to the lawyers. And we had to have it. I am not bashing lawyers much. I am bashing more the Service. Same way with the BIA.

I am out of time. We run out of time? Follow the law. Follow the law. Thank you.

[The statement of Mickey Peercy follows:]

Choctaw Nation of Oklahoma
PO Box 1210 • Durant, Oklahoma 74702-1210 •(580) 924-8280

Gary Batton
Chief

Jack Austin, Jr
Assistant Chief

ORAL TESTIMONY PRESENTED BY
MICKEY PEERCY, EXECUTIVE DIRECTOR, SELF-GOVERNANCE,
CHOCTAW NATION OF OKLAHOMA
ON THE FISCAL YEAR 2016 BUDGETS FOR IHS AND BIA
TO THE U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
March 25, 2015

Good morning to distinguished members of this Subcommittee and a special congratulation to new members, Messrs. Derek Kilmer and Steve Israel. Thank you for inviting the Choctaw Nation of Oklahoma to present oral testimony on the FY 2016 President's Proposed Budgets for the Indian Health Service (IHS) and the Bureau of Indian Affairs (BIA). I submit this testimony which identifies the funding priorities and budget issues important to the Choctaw Nation and its citizens.

This is a very important Subcommittee for American Indians and Alaska Natives because you determine just how much funding will be appropriated for the Bureau of Indian Affairs and the Indian Health Service to support basic essential services for Indian people to fulfill the United States' trust responsibility. While there have been increases in both agencies over the past decade, Tribal programs remain underfunded and Tribes are expected to do more with less. We incurred the wrath of cuts from the 2013 Sequester and we were hit with additional cuts in 2014 and 2015 to fully pay Contract Support Costs (CSC). We remain resilient and are optimistic that the FY 2016 President's Budget Proposal will address the long-term fix for CSC and bring attention to the forefront regarding the lack of budget equity for Tribal program funding that has persisted for far too long. We want to rebuild our faith in the government-to-government relationship that we have invested in for many generations – but partnerships involve more than one party to make it happen!

We recommend the following:

INDIAN HEALTH SERVICE

1. **Joint Venture Program – Increase President's Request to $100 million**
2. **Special Diabetes Program for Indians – Reauthorize for 5 years at $200 million/year for 5 years**

INDIAN HEALTH SERVICE AND BUREAU OF INDIAN AFFAIRS

1. **Contract Support Costs – Fully Fund in 2016 and shift into Mandatory funding beginning in 2017 with 3 Year Spending Authority**
2. **Exempt Tribal Government Services and Program Funding From Sequestrations, Unilateral Rescissions and Budget Cuts**

3. **Provide funding increases - Office of Tribal Self-Governance (IHS) and the Office of Self-Governance (DOI) to fully staff to support the number of Tribes entering Self-Governance**

The Choctaw Nation of Oklahoma is the third largest Native American Tribal government in the United States, with over 208,000 members. The Choctaw Nation territory consists of all or part of 10 counties in Southeast Oklahoma, and we are proudly one of the state's largest employers. The Nation operates numerous programs and services under Self-Governance compacts with the United States, including but not limited to: a sophisticated health system serving over 33,000 patients with a hospital in Talihina, Oklahoma, nine (9) outpatient clinics, referred specialty care and sanitation facilities construction; higher education; Johnson O'Malley program; housing improvement; child welfare and social services; law enforcement; and, many others. The Choctaw Nation has operated under the Self-Governance authority in the Department of the Interior (DOI) since 1994 and in the Department of Health and Human Services' IHS since 1995. As a Self-Governance Tribe, the Nation is able to re-design programs to meet Tribally specific needs without diminishing the United States' trust responsibility. Self-Governance is now a permanent reality for many Tribes.

In 2014 the Choctaw Nation of Oklahoma was designated one of the five, and the only Tribal, Promise Zones in the United States. The initiative will enhance cooperation between Federal agencies, local government branches, community advocates and the Choctaw Nation to focus on key areas that will contribute to economic growth and revitalize opportunities for a better quality of life in Southeastern Oklahoma.

JOINT VENTURE CONSTRUCTION PROGRAM – INCREASE PRESIDENT'S REQUEST TO $100 MILLION

The Joint Venture Construction Program (JVCP) is a unique opportunity for the Indian Health Service to partner with Tribes and make scarce Federal dollars stretch much farther than in the traditional Federal construction programs. The President's proposed level of $18 million will not support the intent of the JVCP and should be increased to $100 million at a minimum. Tribes have taken on great risks in financing the construction of new or replacement facilities. These risks are taken with a commitment from the IHS to fund necessary staffing and operating costs upon completion of facility construction. Failure to fund staffing and operating costs in a sufficient and timely manner leaves Tribes without the means to safely operate these facilities, compromising their ability to service loan agreements while jeopardizing the health and safety of our entire communities.

In 2014 the Choctaw Nation applied for and was awarded a JVCP for a new Regional Health Care Facility in Durant, Oklahoma. There are no IHS facilities in the County and the 2014 estimated user population is 6,939 with projected primary provider visits of almost 29,000 which speak volumes to the need. The Nation will design, construct, and equip the new facility consisting of 123,780 sq. ft. (11,500 sq. m) in size and it will be operated under the Nation's Self-Governance Agreement.

Upon projected completion of construction the IHS agrees to request Congressional appropriations for additional staffing and operations based on the Tribes' projected dates of completion, beneficial occupancy and opening. Another key element to a successful JVCP partnership is full payment of contract support costs (CSC). Without reimbursement of contract support cost, offsetting program reductions must be made and services reduced. Upon entering into an agreement the IHS should include staffing and contract support costs in the IHS annual appropriations requests to ensure that the facility can open and begin operations as planned.

SPECIAL DIABETES PROGRAM FOR INDIANS – SUPPORT 5 YEAR REAUTHORIZATION AT $200 MILLION/YEAR

The Special Diabetes Program for Indians (SDPI) has been a top priority for the Choctaw Nation since it was initially authorized in 1997. SDPI is currently reauthorized through March 31, 2015 at a flat-line rate of $150 million/year (since 2004). Continuing support of the SDPI will maintain critical momentum in diabetes research and care to help bring diabetes-related costs under control. The permanency of SDPI would be a great asset to promoting stability for this important health program and for reversing the trend of Type 2 diabetes in Indian Country. In addition it will provide for staff retention, programmatic long-term planning which increases and improves patient care, and more stable outside contracts with vendors and suppliers.

Congressional funding remains the critical factor in the battle against diabetes and we request that as we continue to work for permanent authorization and mandatory program status, that you urge your colleagues to extend the reauthorization to five (5) years and increase funding to $200 million/year for the SDPI program.

CONTRACT SUPPORT COSTS – FULL FUNDING FOR BIA AND IHS IN 2017 WITH THREE YEAR RE-AUTHORIZATION

Full funding of contract support costs in the FY 2014 and FY 2015 budgets was timely and appreciated, however it was at a price that severely impacted Tribal program funding in both the Bureau of Indian Affairs (BIA) and the IHS. The Choctaw Nation supports the President's FY 2016 Budget proposal which bears the likes of a two-prong conundrum: (1) obtaining fair compensation for past CSC shortfalls; and (2) ensuring full CSC funding for all contracts or Self-Governance compacts to manage programs previously administered by the Department of the Interior and Department of Health and Human Services. The law is very specific, "Tribes contracting and compacting under the Indian Self-Determination and Education Assistance Act (ISDEAA) are entitled to full contact support costs."

Today, we find ourselves at a place that many thought was not in the foreseeable future. However, a long-term proposed fix to fully fund CSC is underway. Over the years, both the BIA and IHS established CSC workgroups, consisting of Tribal and Federal representatives, to work on

resolving the CSC shortfall and to develop strategies to fully fund CSC. While many Tribes have settled their CSC claims in IHS, it was an onerous and costly exercise for most of us.

The Choctaw Nation engaged in negotiations with the IHS and because of the recalcitrance of the agency representatives, we had to engage legal counsel. The CSC shortfall due Choctaw was reduced to 75% after we incurred the legal cost, 25%, to get through the negotiations. The unfortunate part for the Tribe is that the total amount paid by IHS was the "original" full CSC shortfall amount due to the Nation. However because of the haranguing and lack of facilitating in good-faith on behalf of the United States, the Nation did not receive the full 100% - simply put because we had to pay legal fees which should have been spent on services for Tribal citizens.

The BIA has been just as asinine. The Choctaw Nation cannot settle our claim because "not all Tribes [17]" have negotiated their settlement and the agency is withholding ALL of the payments to avoid incurring overpayments to Tribes. So rather than settle and close claims with Tribes at the table, BIA has put a hold on payments unless settlements for all Tribes have been negotiated. There is nothing in the law that allows the agency to withhold funds. Tribes continue to bear the brunt of their ineptness at math and their unwillingness to follow the intent of Congress and fully implement the law to pay ALL CSC claims.

The Choctaw Nation asks that Congress directs the BIA and IHS to enter into these negotiations with the honor and respect intended by Congress and not to invoke its own judgement during these proceedings. Lawyers should not be factored into the government-to-government relationship that is between Tribal Governments and the United States.

EXEMPT TRIBAL GOVERNMENT SERVICES AND PROGRAM FUNDING FROM SEQUESTRATIONS

The Choctaw Nation requests that Congress exempts ALL Tribal programs from future sequestrations, unilateral rescissions and budget cuts. American Indian and Alaska Natives are the most at risk population in the United States and we do not rebound from extreme cuts, such as the 2013 sequestration, in a few years because our programs are disproportionately underfunded. Traditionally, Tribes have borne an unfair share of the budget deficits to our health care systems, law enforcement, education and essential governmental services, just to name a few. Sequestration reneges on the United States contract with Tribal governments and cripples services and benefits to our citizens.

We are continually subjected to the broken and empty promises by our Federal trustees. We ask the United States to step up and honor the agreements and treaties between our great Nations and protect the funding of Native American programs.

The Choctaw Nation supports the budget requests of the National Congress of American Indians and the National Indian Health Board. Thank you.

Mr. STEWART. Mr. Peercy, thank you for your testimony. I assure you, we are not offended when you say you guys on this panel, and you are more than welcome to bash attorneys at any point in time.

Mr. PEERCY. I love to. Thank you, sir.

Mr. STEWART. Mr. Bill John Baker representing the Cherokee Nation.

WEDNESDAY, MARCH 25, 2015.

CHEROKEE NATION

WITNESS

BILL JOHN BAKER

Mr. BAKER. Good morning. Chairman Stewart, Ranking Member McCollum, and members of the subcommittee. [Speaking native language.] That is how we say hello in Cherokee. I am Principal Chief, Bill John Baker, of the Cherokee Nation. Thank you for the opportunity to testify.

The Cherokee Nation is the largest tribe in the United States with more than 315,000 tribal citizens. Improving access to quality healthcare for Cherokee people is my highest priority. We have invested more than $100 million of our business profits to expand and renovate health clinics. We are the largest tribal health provider seeing more than a million patient visits in 2014.

Last year I testified before this subcommittee and requested IHS Joint Venture program be reopened. We are deeply grateful to Representative Cole, Ranking Member McCollum, and members of the subcommittee for your efforts that result in IHS reopening the program in fiscal year 2014. The Cherokee Nation was selected for joint venture, and the tribe will fund construction of the new healthcare facility. We request the subcommittee that IHS meets its obligation by funding the staffing and operations of our joint venture facility. Despite this tough fiscal climate, the subcommittees have increased funding to IHS. We ask that the subcommittee support the Indian Health Service fiscal year 2016 request of $5.1 billion for IHS. We request the subcommittee increase the purchased and referral care program by $70 million. Current funding levels are primarily used for life and limb cases which leaves too many people untreated. To address this gap, I signed legislation that took 5 percent of our profits and put it into contract health services for our people. With federal and tribal funds, we provide services from outside providers for chronic illnesses, but we still have too many citizens whose needs are unmet.

We also request that the subcommittee increase the Maintenance Improvement Program by $35 million. Our hospital was built 30 years ago and designed to serve 65,000 patient visits a year. Last year our hospital served more than 400,000 patient visits. While our new joint venture facility will accommodate our growth, it is vital to maintain the health facilities. The Cherokee Nation and other tribes have successfully litigated three cases before the U.S. Supreme Court. These cases establish the Federal Government is legally obligated to fully fund BIA and IHS contract support costs. Last year we negotiated a $29.5 million settlement with IHS to col-

lect nearly a decade's worth of underpaid contract support costs. Unlike IHS claims, resolution to BIA's case has been slow. We request the subcommittee encourage BIA to work harder to reach a settlement with the tribes.

We also request the subcommittee support the President's fiscal year 2016 proposal to fully fund IHS and BIA contract support costs. The budget proposes a $718 million for IHS and $277 million for BIA.

We also request that the subcommittee support the President's proposal to reclassify contract support costs as a mandatory appropriation. We request that proposal occur in fiscal year 2016 instead of 2017. Mandatory reclassification would protect these costs from sequestration which in fiscal year 2013 cost our health programs $8 million.

In addition, we request that the subcommittee direct BIA and IHS to assess their staffing needs and report back to the subcommittee instead of authorizing as IHS proposes up to 2 percent for program administration. We also ask the subcommittee to oppose IHS' 5-year reconciliation plan. They could make adjustments to contract amounts.

Finally, given that most federal programs are tied to tribal enrollment verification, we request that the subcommittee clarify that tribal enrollment activities are reimbursable indirect costs with the Department of Interior. Further, we urge that Interior consult with tribes before making changes to indirect cost policies. For more than 20 years, our tribal enrollment activities have been reimbursed to the tribe. Last year, Interior, without consultation, determined these activities were disallowed. We stand to lose half-a-million dollars annually if this policy is not reversed. The National Congress of American Indians adopted a resolution in October of '14 urging the administration to reinstate the original practice.

In closing, we are doing our part to improve lives in Northeastern Oklahoma. We look forward to working with the subcommittee on our request. God bless each and every one of you. God bless the Cherokee Nation.

[The statement of Bill John Baker follows:]

Testimony of Bill John Baker, Principal Chief, Cherokee Nation
House Interior Appropriations Subcommittee
March 25, 2015

I am Bill John Baker, the Principal Chief of the Cherokee Nation. Our tribe is the largest federally recognized Indian tribe in the United States, with more than 315,000 tribal citizens, and spans more than 7,000 square miles in all or part of 14 counties in northeast Oklahoma. Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee, I deeply appreciate and thank you for this opportunity to share a few of our key priorities for the upcoming fiscal year.

Fund IHS Joint Venture Construction Projects

Last year, I testified before this Subcommittee requesting that you urge the Indian Health Service (IHS) to reopen the Joint Venture (JV) Construction Program, which Congress established in 1992 as a cost-effective way for the federal government to address the more than $2.2 billion backlog of IHS health facilities construction projects. I would like to especially thank Representative McCollum and Representative Cole for spearheading an effort that resulted in several members of Congress, including members of the Subcommittee, sending a bipartisan letter urging the IHS to reopen the Joint Venture program to a new round of solicitations. Due to your efforts, IHS reopened the Joint Venture application process in late FY14, allowing tribes throughout the United States to compete for a JV project. In January, the Cherokee Nation was selected as the number two project from a pool of 37 applicants competing for a JV project. We will fund construction of a new ambulatory care facility in Tahlequah, Oklahoma, our capital city, and IHS will request appropriations from Congress to fund staffing and operations.

When completed, this project will be the third Joint Venture project the Cherokee Nation has been awarded by IHS and funded by Congress. We appreciate the opportunity to partner with the federal government to provide world-class health care to Native Americans across northeast Oklahoma. Cherokee Nation has been focused on ensuring that each of its citizens has access to quality health care in state of the art health care facilities. Cherokee Nation Businesses, the holding company for all of Cherokee Nation's companies, has invested more than $100 million in profits to build, expand and renovate our eight health care centers and one hospital. These facilities received 1.1 million patient visits in 2014. Ultimately, our goal is to have a health care facility within 30 miles of every Cherokee citizen living within our 14-county jurisdiction. Investing in ourselves is a step in the right direction, but without the support of IHS through the Joint Venture program and Congress, we would be much further away from achieving our goal.

We are deep in the planning stages for our new JV facility, and we are committed to fulfilling our obligation to construct a new facility. ***We request that the Subcommittee work with IHS to***

ensure the federal government meets its obligation by funding the staffing and operations for our Joint Venture facility, including full funding of contract support costs.

Provide Full Funding for Contract Support Costs

Cherokee Nation has long been a leader in the self-governance arena. We were among the first tribes to enter into self-governance compacts: our compact with the Department of the Interior was signed in 1991, and we followed that with a compact with Indian Health Service in 1993. We filed our first claim for contract support costs in 1994. For more than twenty years, Cherokee Nation and other tribes have been litigating contract support cost issues to establish that the federal government's legal obligation to fully fund these costs is necessary to fulfill the policy of tribal self-determination. The U.S. Supreme Court has, on three occasions, confirmed this principle in *Cherokee Nation et al. v. Leavitt* (2005), *Salazar v. Ramah Navajo Chapter* (2012) and *Arctic Slope Native Association v. Sebelius* (2012).

Despite these court rulings, the federal government has not always lived up to its obligations. When the United States does not fully pay contract support costs, we must find ways to make up the shortfall. This means possibly realigning our priorities and reducing funds budgeted for critical health care, education and other tribal services. For every $1 million that Cherokee Nation must divert from direct patient care to cover contract support costs, we must forego nearly 6,000 patient visits. Failure to fully fund these costs impedes our ability to meet the growing health care needs and other needs of our citizens.

In recent years, both IHS and the Bureau of Indian Affairs (BIA) have reinstituted contract support cost workgroups and engaged in meaningful consultations with tribal leaders, and tribal input has informed long-term solutions. These efforts, combined with the bipartisan support of this Subcommittee, have helped to ensure resolution of pending IHS tribal claims. Last year, Cherokee Nation successfully negotiated a $29.5 million settlement with IHS to recoup nearly a decade of underpaid contract support costs. These funds are being used to improve our health care system.

In January, IHS reported that approximately 94 percent of pending claims were settled. Unlike the IHS claims that deal with individual tribes, BIA's case relates to a class action. Cherokee Nation is a member of this class with claims against BIA. Even though the 2012 *Ramah* case has already established the government's liability to fully fund contract support costs, resolution of this case has been slow. ***We request that the Subcommittee urge the BIA to work with all deliberate speed to reach a settlement with the Ramah class.***

The Cherokee Nation supports the President's FY16 budget proposal to fully fund IHS and BIA contract support costs. For IHS, the budget proposes $718 million, which is an increase of $55 million over the FY15 enacted level. The budget proposes $277 million for BIA, an increase of $26 million over the FY15 enacted level. In addition, we support the proposal to reclassify contract support costs as a three-year mandatory appropriation and remove these costs from the discretionary budget. Mandatory classification would protect these costs from political

wrangling, especially during sequestration. In FY13, sequester cuts cost the Cherokee Nation more than $8 million in our health programs alone. We also support implementation of this proposal in FY16, rather than 2017. However, we are concerned about the maximum 2 percent set aside for agency administration. Instead, we believe that BIA and IHS should perform an assessment to determine their exact staffing needs and report these findings to the Subcommittee. Further, we are concerned that the five-year reconciliation initiative proposes to make possible adjustments to contract amounts over the five-year period, which is a departure from current practice of completion at the end of the fiscal year. ***We request that the Subcommittee provide full funding for contract support costs and reclassify these costs as a mandatory appropriation. We also ask the Subcommittee to direct BIA and IHS to assess their exact staffing needs and report back to the Subcommittee instead of authorizing up to 2 percent for agency administration. Finally, we ask the Subcommittee to oppose the five-year reconciliation initiative.***

Clarify that Tribal Enrollment functions are allowable Indirect Costs

For 22 years, under Republican and Democratic administrations, indirect costs associated with administering Cherokee Nation's tribal enrollment activities have been reimbursed to the tribe as a component of the indirect cost reimbursement rates negotiated with the Department of the Interior (DOI). Last year, DOI's Interior Business Center (IBC) unilaterally, and without tribal consultation, determined that these particular activities would be disallowed in FY15. This decision means that Cherokee Nation alone would lose more than $400,000 in indirect cost reimbursements if this policy is not reversed. IBC based its decision on internally developed guidance that has no foundation in law. Given that most federal programs and services require tribal enrollment verification, it stands to reason that administering enrollment functions would fall within the scope of what's considered allowable reimbursable indirect costs. The National Congress of American Indians adopted resolution #ATL-14-030 in October 2014, urging the Administration to reinstate its original practice and to make no changes to policies and procedures governing indirect costs prior to engaging in tribal consultation. ***We request that the Subcommittee clarify in report language that tribal enrollment activities are allowable as reimbursable indirect costs, and urge DOI-IBC to consult with tribes in accordance with Executive Order 13175 before making a change in policy that has tribal implications.***

Support Proposed IHS Budget Increases

I want to thank the Subcommittee for working across partisan divides with your colleagues to increase overall funding for IHS in this tough fiscal climate. The Cherokee Nation supports the Indian Health Service FY16 budget request of $5.103 billion, an increase of $461 million over the FY15 enacted level. Within this amount, we support the request for hospitals and health clinics of $1.9 billion, an increase of $99.5 million over the FY15 enacted level that would fully fund medical inflation, pay raises and partially fund population growth. Funding for these fixed costs are necessary to maintain current service levels. Further, we support the proposed increase for the health care facilities construction program of $185 million, which is an increase of $100 million over the FY15 enacted level. ***We request that the Subcommittee support the***

proposed increases for IHS, hospitals and health clinics, and the health care facilities construction program.

Additionally, the Purchased and Referred Care (PRC) program, formerly known as "contract health services," is critical to providing comprehensive health care services to our citizens. Through PRC, we are able to provide essential health care services from outside (non-IHS or non-tribal) providers. These services include inpatient and outpatient care, emergency care, transportation, and such necessary medical support services as diagnostic imaging, physical therapy, laboratory, nutrition, and pharmacy services. Without PRC funds, we cannot adequately treat injuries, cardiovascular and heart disease, diabetes, or cancer, which are among the leading causes of death for Native Americans. The Cherokee Nation supports the budget request for PRC of $984 million, which is an increase of $70.3 million over the FY15 enacted level. ***We request that the Subcommittee support an increase of $70.3 million for PRC to help us better serve our citizens.***

We also support the budget request of $89 million for the maintenance and improvement program, which is an increase of $35 million over the FY15 enacted level. We appreciate that maintaining our facilities is vital to delivering adequate health care to our patients. In the Cherokee Nation, we have one hospital that was built 30 years ago and designed to serve about 65,000 patient visits a year. Last year, the hospital received more than 400,000 patient visits. While we are committed to serving our citizens, our hospital's infrastructure was not designed to handle this influx of patients.. While we are fortunate that our new Joint Venture facility, when completed, will accommodate our growth, it is vitally important that health care facilities receive adequate funds to maintain, repair and improve existing facilities, like our hospital. ***We request that the Subcommittee increase the maintenance and improvement program by $35 million to keep current facilities in sound condition.***

Conclusion

The Cherokee Nation is taking steps to build a brighter future. We are guided by our traditions and deep desire to make life better for the Cherokee people. We are focused on health care, because the Cherokee people are truly our most valuable resource. We are doing our part to improve the lives of our people, but we can't do it alone. Through self-governance programs and partnerships with IHS, we have already enjoyed a longstanding relationship with the federal government. We believe that our requests further our shared goal of improving the lives of our people. We look forward to working with the Subcommittee on our requests.

Mr. STEWART. Thank you, Chief. Ms. Martin.

WEDNESDAY, MARCH 25, 2015.

NATIONAL INDIAN CHILD WELFARE ASSOCIATION

WITNESS

AURENE MARTIN

Ms. MARTIN. Good morning, everyone. My name is Aurene Martin, and I am a member of the Bad River Band of Lake Superior Chippewa and Wisconsin. I am also a member of the Board of Directors of the National Indian Child Welfare Association.

NICWA is a National American Indian and Alaska Native organization with over 30 years' experience in public policy development related to child welfare. Our mission is twofold. We address the issues of child neglect and abuse through training, research, and policy development as well as community development. We also support compliance with the Indian Child Welfare Act.

I appreciate the opportunity to provide these comments today, and before I begin with the body of my recommendations, I would just like to thank you for your efforts over the last few years to fund child welfare programs and Indian programs generally. It has been a challenging atmosphere, and it has not gone unnoticed that you have actually increased funding, even when budget proposals aren't as high as what you are doing. So we appreciate that.

The primary focus of my comments today will be on BIA programs serving Native families, and we have three priority recommendations. First, we are recommending funding for three programs authorized by the—I have to look at my notes for this because I always make it wrong—Indian Child Protection and Family Violence Prevention Act, also increased funding for tribes and Native organizations to provide ICWA services in both reservation and urban areas and increased funding for BIA Welfare Assistance programs.

In a report issued last November by the Attorney General's Advisory Committee on American Indian and Alaska Native Children Exposed to Violence, the task force found extremely striking, the finding, that Native children are exposed to violence at a rate of three times more than the general population. Additionally, Native children experience post-traumatic stress syndrome at a rate equal to Iraq and Afghanistan veterans returning from the war.

We also know that Native children are more than twice as likely to end up in foster care. Yet, tribal governments have some of the most limited access to funding for programs that can treat these problems, and in some cases they don't have any direct access at all to this funding. It is for these reasons that we make our recommendations.

Our first recommendation is to fully fund programs authorized under the Indian Child Protection and Family Violence Prevention Act. The Act was passed to provide tribes with the resources to establish Child Abuse Prevention and Treatment programs. It also established requirements for background checks and reporting of child abuse. The programs under this fund are actually the only

funds that are available directly to tribes to treat these problems. As I said earlier, they don't generally have direct access, and sometimes they have to go through states to get the access to any funding at all. We know that when children have access to this treatment that the outcomes are much better, and when they don't have access, it actually causes lifelong problems that sometimes can't be overcome.

Our second priority is to address funding for ICWA programs. ICWA provides benefits to Native children on reservation and in urban areas pursuant to the requirements of the Act. And so we are recommending funding for both tribal and urban ICWA programs.

Over the past several years, we faced some serious obstacles. We have had losses and victories associated with ICWA. The Baby Veronica case was a stunning and painful loss. We have learned from that, and it actually energized us. And then within the last month, we have had some victories. The BIA published guidelines for addressing ICWA in tribal and state courts, and they also published a proposed regulation to deal with the same. Tribes take their responsibilities under ICWA very seriously, and increased funding can help them do an even better job with what they have.

Finally, we are recommending increased funding for Child Welfare Assistance funding. It is a safety net for Native families. It helps provide funding for grandparents and other kinship caregivers to help provide for children in their homes.

In closing I would like to again thank you for your efforts to fund Child Welfare programs, and I urge you to prioritize Child Welfare programs for 2016. [Speaking native language.]

[The statement of Aurene Martin follows:]

Aurene Martin—Board Member, National Indian Child Welfare Association

National Indian Child Welfare Association FY 2016 Testimony
United States House of Representatives
Committee on Appropriations, Subcommittee Interior, Environment, & Related Agencies
Department of the Interior; Bureau of Indian Affairs Recommendations

The National Indian Child Welfare Association (NICWA) is a national American Indian/Alaska Native (AI/AN) nonprofit organization. NICWA has provided leadership in the development of public policy that supports tribal self-determination in child welfare and children's mental health systems for over thirty years. This testimony will provide recommendations for the following programs administered by the Bureau of Indian Affairs (BIA) in the Department of the Interior: Indian Child Protection and Family Violence Prevention ($43 million), Social Services ($47 million), Welfare Assistance ($80 million), Indian Child Welfare Act On-Reservation Program (Tribal Priority Allocation—$15.6 million; Self-Governance—$16.5 million), and Indian Child Welfare Act Off-Reservation Program ($5 million).

Congress has unequivocally recognized that there is nothing "more vital to the continued existence and integrity of Indian tribes than their children." (25 U. S. C. § 1901[3] [2006]). Congress must promulgate a budget that empowers tribes to provide the programs and services necessary to safeguard their children and strengthen their families. A recent report from the Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence emphasized this very point:

> Congress and the executive branch shall direct sufficient funds to AI/AN tribes to bring funding for tribal criminal and civil justice systems and tribal protection systems into parity with the rest of the United States and shall remove barriers that currently impede the ability of AI/AN nations to effectively address violence in their communities. *The Advisory Committee believes that treaties, existing law, and trust responsibilities are not discretionary and demand this action.*[i]

As this recommendation suggests, Congress must prioritize the safety and well-being of *all* children. According to the advisory committee, "AI/AN children are generally served best when tribes have the opportunity to take ownership of the programs and resources they provide."[ii] The recommendations below suggest funding increases that will provide tribes with sufficient child welfare funding and avoid unnecessary restraint on tribal decision-making. We urge Congress, as they make budgetary decisions for FY 2016, to not forget AI/AN children and families.

Priority Program Recommendation

Indian Child Protection and Family Violence Prevention Act Recommendation:
Appropriate for the first time $43 million for the three grant programs under this law—$10 million for the Indian Child Abuse Treatment Grant Program, $30 million for the Indian Child Protection and Family Violence Prevention Grant Program, and $3 million for the Indian Child Resource and Family Service Centers Program to protect AI/AN children from child abuse and neglect.

The Indian Child Protection and Family Violence Prevention Act (ICPFVPA), Pub. L. No. 101-630 (1991), was enacted to fill gaps in tribal child welfare services—specifically child protection and child abuse treatment—and to ensure better coordination between child welfare and domestic violence programs. The act authorizes funding for two tribal programs: (1) the Indian

Child Protection and Family Violence Prevention Program, which funds prevention programming and supports investigations of family violence and emergency shelter services; and (2) the Treatment of Victims of Child Abuse and Neglect program, which funds treatment programs for victims of child abuse. It also authorizes funding to create Indian Child Resource and Family Service Centers at each of the BIA regional offices.

Child abuse prevention funding is vital to the well-being and financial stability of AI/AN communities. Beyond the emotional trauma that maltreatment inflicts, victims of child maltreatment are more likely to require special education services, more likely to be involved in the juvenile and criminal justice systems, more likely to have long-term mental health needs, and have lower earning potential than their peers.[iii] Financially, child maltreatment costs tribal communities and the United States $210,012 per victim.[iv] Child abuse prevention funding is essential, therefore, to the well-being of families and the social and economic development of tribal communities.

Therefore, tribes, like states, need adequate resources to effectively prevent and respond to family violence in their communities. However, unlike states, tribes do not have access to the key Department of Health and Human Services (DHHS) child protection programs, the Child Abuse Prevention and Treatment Act (CAPTA) Basic Funding Program and the Social Services Block Grant (Title XX). The programs authorized under ICPFVPA were created to fill this gap but, without appropriation, tribes are left without funding for child protection and child abuse prevention services.

Other Program Recommendations

Social Services Recommendation: *Increase funding by $6 million as recommended by the President's proposed Tiwahe Initiative for a total appropriation of $47 million so that child social services programs and families in Indian Country can be strengthened.*

The Social Services Block Grant Program provides a wide array of family support services filling many funding gaps for tribal programs, and ensuring federal staff and technical assistance for these programs. These funds are desperately needed. A recent assessment of BIA social services found that, in large part due to inadequate funding:

> BIA and tribal social services staff prepare, authorize, and document various social services activities as part of their daily activities. Some tribes reported frequent vacancies and staff turnover in social services programs and mentioned a need for BIA to provide basic guidance and supporting materials to ensure continuity of services throughout tribal communities...
>
> Technical support is one area where roles and responsibilities remain unclear, as demonstrated by BIA's social services contracts with tribes. The contracts, or annual funding agreements, state that BIA will provide technical support with social services issues as needed. Contrary to these agreements, we uncovered reports of insufficient or nonexistent technical support. In some cases, tribes could wait up to three weeks before receiving a response, or they might receive no response at all.[v]

As this assessment describes, the program is drastically underfunded, and tribal programs, families, and children suffer as a result. In FY 2015 this program saw a $5 million increase. This

is to be commended and the momentum must continue. Another $6 million must be appropriated for this program, as suggested in the President's budget to support the *Tiwahe* (family) Initiative—children and families depend on it.

Welfare Assistance Recommendation: *Increase current funding levels to $80 million to provide a safety net for Native families and assist grandfamilies and other kinship caregivers in tribal communities.*

The Welfare Assistance line item provides five important forms of funding to AI/AN families: (1) general assistance, (2) child assistance, (3) non-medical institution or custodial care of adults, (4) burial assistance, and (5) emergency assistance. These programs often provide the assistance necessary to help a family make ends meet, prevent neglect, and keep their children safely in the home. Currently the need far exceeds the funding provided by this program.

AI/AN adults on reservations—including parents and kinship caregivers—are unemployed at a rate more than two times the unemployment rate for the total population.[vi] Thirty-four percent of AI/AN children live in households with incomes below the poverty line as compared to 20.7% of children nationwide.[vii] AI/AN families live much closer to financial crisis than the average American family. AI/AN child welfare programs and social service agencies need to have the resources necessary to support families in times of crisis and uncertainty to promote stability and prevent abuse. In light of these identified needs and current underfunding, funds should be increased by $5 million to provide tribal governments the resources they need to support families and children in crisis.

ICWA Funding Recommendation: *Increase the ICWA On or Near Reservation Program appropriations by $2.5 million and the Self-Governance and Consolidated Tribal Government ICWA On or Near Reservation appropriations by $2.5 million, for a total increase of $5 million to help tribes meet the needs of their communities. Appropriate an additional $5 million for the authorized, but unfunded, Off-Reservation ICWA Program to ensure ICWA protects all children.*

	FY 2012 Enacted	FY 2013 Enacted	FY 2014 CAA	FY 2015 Enacted	FY 2016 Recommended
On-Reservation ICWA Program	$10,850,000	$10,628,000	$10,710,000	~$13,060,000	**$15,628,000**
Tribal Priority Allocation Self-Gov; Consol. Tribal Gov't Program (On-Res. ICWA)	$11,300,000	$11,480,000	~$11,480,000	~$13,650,000	**$16,480,000**
Off-Reservation	$0	$0	$0	$0	**$5,000,000**

As the Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence recently stated "If AI/AN children today are to be provided with a reliable safety net, the letter and spirit of [the Indian Child Welfare Act] must be enforced."[viii] ICWA provides protections to AI/AN families in state child welfare and judicial systems. It also

recognizes the sovereign authority of tribal nations to provide child welfare services and adjudicate child welfare matters. To effectuate these provisions, ICWA authorized grant programs to fund child welfare services on or near reservations and for ICWA support in off-reservation, urban Indian programs.

ICWA funding is the foundation of most tribal child welfare programs. Compliance with the letter and spirit of ICWA necessitates adequate funding so that tribal child welfare programs can monitor state court proceedings and provide community-based, culturally appropriate services to children and families. At the time that ICWA was passed in 1978, Congress estimated that between $26 million–$62 million would be required to fully fund tribal child welfare programs on or near reservations (S. Rep. No. 95-597, p. 19 (1977)). Even after an important FY 2015 increase, for which we thank Congress, current funding levels fall far short of this estimate—especially after adjusting for inflation. Funding must be increased by an additional $5 million dollars, $2.5 to the On-Reservation program and $2.5 million for the Tribal Priority Allocation.

According to the 2010 Census, 67% of AI/AN people lived off-reservation. These children and families are best served when state child welfare systems are not only working with the child's tribe, but also with urban Indian child welfare programs. These programs provide assistance to states and the child's tribe, and provide culturally appropriate child welfare services. For this reason, ICWA authorizes child welfare funding for urban Indian programs. From 1979–1996, funding was allocated to urban organizations serving Native children and families. When funded, off-reservation programs provided important services such as recruitment of Native foster care homes, child abuse prevention efforts, and culturally appropriate case management and wraparound services. When funding stopped, the majority of these programs disintegrated even as the population of AI/AN children off-reservation increased. This funding must be reinstated. We recommend a $5 million appropriation to support AI/AN children and families living off-reservation.

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[i] U. S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. (2014). *Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence: Ending violence so children can thrive* (p. 51). Retrieved from http://www.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2014/11/18/finalaianreport.pdf

[ii] *Ibid.*

[iii] Fang, X., Brown, D. S., Florence, C. S., & Mercy, J. A. (2012). The economic burden of child maltreatment in the United States and implications for prevention. *Child Abuse & Neglect, 36,* 156–65. doi: 10.1016/j.chiabu.2011.10.006.

[iv] *Ibid.*

[v] Department of the Interior, Office of Inspector General. (2012). *Management of social services in BIA: Opportunity for action* (Report No. WR-EV-BIA-0001-2012). (pp. 5–6) Retrieved from http://www.doi.gov/oig/reports/upload/WR-EV-BIA-0001-2012Public.pdf

[vi] Stegman, E. & Ebarb, A (2010). Sequestering opportunity for American Indians/Alaska Natives. *Center for American Progress.* (Para. 1). Retrieved from https://www.americanprogress.org/issues/poverty/news/2013/11/26/80056/sequestering-opportunity-for-american-indians-and-alaska-natives/

[vii] U. S. Department of Health and Human Services, Health Resources and Services Administration, Maternal and Child Health Bureau. (2013). *Child health USA 2012* (p.9). Rockville, MD: Author.

[viii] U. S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. (2014). *Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence: Ending violence so children can thrive* (p. 75). Retrieved from http://www.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2014/11/18/finalaianreport.pdf

Mr. STEWART. Thank you, Ms. Martin, and to all the panel members I would say thank you for your testimony. You were persuasive and excellent spokesmen for your interest. Thank you for that.

Knowing that Mr. Cole is under time constraints, I am going to cede my time to him, and I will reclaim his time at the end of the panel. So Mr. Cole.

Mr. COLE. That is very generous and unexpected. Thank you, Mr. Chairman, I appreciate that. It is good to be here with so many good friends. You can't leave the Choctaws and the Cherokees by themselves. You have to have Chickasaws there, too. So I am delighted to be working with my friends again, and Ms. Martin is an old and valued friend as well and has done so much for Native people as Acting Secretary at the BIA. So she has kind of worked both sides of the fence here but always with the right goal.

Let me make a couple of quick statements, and then there are a couple of things I want to get to because I am very interested in what you had to say about BIA's decision on this tribal enrollment issue. I think that is something that this committee needs to focus a great deal of attention. With all due respect to BIA, it is not up to them to decide who Indians are and aren't, and that is up to the tribes themselves and who qualifies, and who doesn't, and what the numbers—we have had this problem before in a different format when Congress arbitrarily decided that we were going to decide how many Native American kids there were in school, without taking a census so that we didn't have to raise Johnson-O'Malley funding. And this to me is a sort of step in that direction, and it needs to be stopped quickly. So I am glad you brought it to our attention.

This budget issue is a challenging thing. Ms. McCollum has been a big part of this committee for 4 years in a row, and has actually done more in Indian health, and more at the BIA, than the administration even requested. That is not to be critical of them because they have been good partners. I particularly appreciate the budget they have laid out this year. It is aggressive and it is based on some things that at this stage are not likely to happen. That never bothers me in budget negotiations because all a budget is is not laws and opening the position in negotiation. We will have an opening position that we will have. Our friends have one on the other side of the aisle. The Senate is doing one. So this process is being worked on, but we are always better off when somebody sets a high mark because we have had a little bit of healthy and virtuous confrontation between the two parties to try and do more than they have done historically. This committee, under Democratic and Republican chairmen, has been a big part of that. I thank my friend, Ms. Martin, for pointing that out. It has actually been an area that has brought us together across the partisan divide, and hopefully it will continue to do that.

Going forward, Chief Baker, I want to give you a chance again to talk a little bit more at length if you would about this issue of enrollment figures. What do you think was behind BIA thinking? What explanation were you given? They abandoned a practice that was well-established and then frankly working quite well.

Mr. BAKER. It is not based in law. It is based in some direction that they got from an inner policy. But they funded it for the last

20 years, and almost every funding source that the Federal Government has with tribes is based on enrollment. And to not reimburse those support costs for something that is pretty much mandatory to do and it is a basic function of government to determine who your citizens are. And like I say, the Congress asked what are those numbers when it comes to funding? So to just unilaterally say, yeah, we have done it for 20 years but we are not going to do it anymore, and you know, it is going to cost us half-a-million dollars a year if it is not reversed. And we truly hope that—and you know, National Congress passed a resolution in '14, you know, asking that they not do this. And so your help would help all of Indian Country because it is a very important function that has costs, and it is not like we can just stop doing it.

Mr. COLE. And just for the committee's edification, this is my view. We have had actually quite an expansion in tribal membership in Oklahoma in recent years, and the reason is because tribes have actually been able to provide services that historically they couldn't. It is much more attractive. And you know, each tribe has its own mechanism of determining citizenship. For most of our tribes in Oklahoma it is based on census at the time of the Dawes Commission and then direct descent. We don't get into blood quantum. We don't worry about that. Cherokee Nation is not only the largest tribe, they are by far the most racially diverse tribe in America, no question about it. Always have been and have been much more broadly integrated into the wider society around them than most tribes. That was true before removal. It has certainly been true since removal. It is part of who they are. It is part of their culture, part of Choctaw culture, Chickasaw culture as well.

So again, you get into these arbitrary decisions made by other people as to—you know, the Cherokee Nation will decide who is and isn't a Cherokee, and the Choctaw Nation will decide who is and isn't a Choctaw. It is really not the BIA's function to do that. And I tend to think this was a budgetary device, and this committee shouldn't allow that to happen.

Let me also ask both of you, and I am sorry. I am going to my tribal members. But I agree with Ms. Martin on everything for my fellow members of different tribes in Oklahoma, but you both mentioned joint venture, which you both have used extremely effectively. Frankly is a big bargain for the Federal Government because basically you are leveraging your dollars that you are not obligated to help us with our healthcare infrastructure needs which are tremendous. And this is another example of these two tribes, and other tribes, taking advantage of a program that is saving the American taxpayers a lot of money because, again, we have an obligation here. So I want to ask you what your experience has been. Do you have concerns that the Indian Health Service will not be able to meet its obligations to you once you made the capital investment?

Mr. BAKER. Obviously, that is what we are asking is that we fully fund it so that they can—they have agreed to the joint venture, but it needs to be funded. And like I say, we are getting ready to do $100 million clinic that has been agreed to the joint venture. Now we need it funded so that we can have the doctors and the nurses and equipment and all those things that go along with it.

But it will be one of the best bargains in the country because all of a sudden, you know, we have got a million patient visits, and we don't only just take care of Cherokees. We take care of all Native Americans in Northeastern Oklahoma. A lot of Chicks, a lot of Chocs.

Mr. PEERCY. We have got to talk about that.

Mr. COLE. Hey, we do the same, too, you know. Plenty of Cherokees.

Mr. BAKER. But so I mean, it is a true bargain, one that we can get in front of the curve, and you know, we have invested—we are opening four clinics this year that we didn't ask for a joint venture on. We are doing that organically. But the big one, really, we needed, and it is really how we are going to make healthcare really work the way it is supposed to in Northeastern Oklahoma.

Mr. PEERCY. And if I may real quickly, I know we are pushed for time, but in the day, you know, we had a joint venture with Idabel Clinic. You remember that. And the funding came fairly soon. What we are faced with now is that there is not enough money in joint venture because the clinic we are building is 136,000 square feet, $73 million that we are investing to build it. But as joint venture, we don't not start the clinic. We open it when we open it. And if the joint venture money is not there, that is a big chunk. We are expecting in staffing with the size and the population approximately $21 million for staffing, which is not full staffing but it is partial staffing. And if the money is not there, we operate the clinic without those dollars, and that is real difficult.

Mr. COLE. I want to yield back my time. The chairman has been very generous in both order and the time, and I do want to associate myself with Mr. Peercy and Chief Baker's remarks about taking the Federal Government to court to get them to do what they are obligated to do. Cherokee has been doing this longer than anybody in America and more successfully than anybody else. But they shouldn't have to do this. The obligation is very clear. The Supreme Court spoke, and so we shouldn't ever have to resort to this. But thank you for leading because you have not only helped yourself, you have helped tribes all across the country when you have done it.

I yield back. Thank you, Mr. Chairman.

Mr. STEWART. Thank you, Mr. Cole. Ms. McCollum.

Ms. MCCOLLUM. Thank you, and thank you for the discussion on all the great work that your tribes are doing and joint ventures. Mr. Cole has really done an outstanding job of making sure that we are fully educated if we are missing any pieces on that.

I would like to shift gears a little bit. Ms. Martin, yesterday suicide came up quite a bit in some of our discussions, suicide among young adults in particular, although we do know that suicide is something that plagues all ages in Indian Country.

You deal with families that are under a tremendous amount of stress, young children that are faced with circumstances that they have absolutely no control over, whether it is abuse, or drug and alcohol use of a parent, or a grandparent trying to do the best that they can. Would you elaborate a little more on how the funds that you receive supporting families could really play a role in providing a more secure environment for a young adult, or even for a young

child? Kids that aren't even pre-teens now are sometimes committing suicide. Some of the stressors that, if you were fully funded, you think you would be able to address in your communities that might help alleviate this terrible epidemic that we heard about yesterday? And then gentlemen, if you want to add anything, that would be interesting, too. But Ms. Martin I know has really devoted her life to making the world a better place in Indian Country for children.

Ms. MARTIN. Thank you. I appreciate that. Well, I think the one thing that we do know is that when children are able to receive the services they need when they are experiencing trauma, when they are in homes where they have experienced abuse or have other stressors in their life, that when they receive services early that some of those problems are alleviated if not eliminated by placement or for our finding of a safe placement for them to live until their parents can get back on their feet.

Funding the Indian Child Protection and Family Violence Prevention Act programs, which hasn't been done since the '90s and other programs that treat children at the earliest stages of these situations, help prevent problems later on, help stave off depression that could keep cycling and cycling and cycling to the point where they want to commit suicide. So that is what we know, having the money for those programs, and being able to have those interventions and provide services as early as possible helps prevent those problems later on. That is the direct effect that they can have.

Ms. MCCOLLUM. Gentlemen?

Mr. BAKER. We have invested a great deal in our One Fire Task Force where it is a one-stop shop. They are in the Cherokee Nation for abused women and children and getting them into safe places as quickly as possible. But the Cherokee Nation is very large, and having one One Fire one-stop shop in one county when we cover 14 counties, there is no doubt if there were more resources, then we could spread out the safe homes, spread out the services that we do provide much, much better because it is not always workable to bring them in. Some of them have to drive 2 hours to and from, I mean, each way, to get to the one-stop shop. And so you know, the more resources—we are finding that it is working. We just can't expand it fast enough to get it to the four corners of the Cherokee Nation.

Mr. PEERCY. Just real quickly. I know we are running late again. I am no social worker by training and education. Majority of suicides disease is isolation and desperation, and you have to have funds. If you start with the youngsters, pre-school, earlier than that, as quickly as you can get them involved with others, get the self-esteem going, get them involved in whatever activity you can whether that is learning the language, the Head Start programs, all of those things, the likelihood of suicide drops. And Choctaws, that is what we are trying to do. We are starting to focus, you know, the cradle-to-grave kind of a thing. We are starting with those youngsters and the elders to make them happy, to make them involved with stuff, make them secure in their own self. It is tough to do with the meth issues we have got. All the social issues are there and involved with suicide. But if you can get that

youngster feeling like he or she, if they are a part of something, you have gone a long ways. Thank you.

Ms. MCCOLLUM. Thank you. Thank you, Mr. Chair.

Mr. STEWART. Thank you, Ms. McCollum. Again, as the chair, my primary responsibility is score-keeping and keeping us on time. So we thank you. I would maybe conclude with just this thought of my own. I represent the State of Utah, and I was sitting here as you were speaking thinking of the number of tribes in my State, and there are a number of them: Shoshone, Ute, Paiute, Goshute, I think probably some Navajo as well, and I hope I haven't missed any. And a number of us have said this word, Indian Country, and I think what does that mean? Because the reality is I don't know that there is any state in the country that doesn't have some tribal interest there. There might be a few, but there aren't very many. And we all are interested in this.

So once again, panel, you have been excellent witnesses. Thank you for your time, and we release you now. Thank you.

Mr. BAKER. Thank you, Chairman.

Mr. STEWART. And we would call the second panel. If you would, please? And while we are in transition, I will announce the second panel so you know who you are. Mr. Fred S. Vallo, Mr. Quinton Roman Nose, Mr. Michael Chavarria, and Mr. Lawrence Mirabal.

Again, gentlemen, thank you for joining us. We look forward to your testimony as well, and I will introduce you with more details individually as we go along, but we will begin with Mr. Fred S. Vallo from the Pueblo of Acoma.

WEDNESDAY, MARCH 25, 2015.

PUEBLO OF ACOMA

WITNESS

FRED S. VALLO, SR.

Mr. VALLO. Thank you, Chairman. Thank you for this opportunity to present to you some of our issues in our pueblo in New Mexico.

First of all, a little background on what I am about. My name is Fred Vallo, and I am currently the Governor of the Pueblo of Acoma. Each of the 19 pueblo governors of New Mexico carries a cane presented by President Abraham Lincoln 150 years ago to acknowledge—the cane symbolizes the acknowledgment of our tribal sovereignty and tribal authority over our lands and our peoples. This cane is a symbol of our unique status with the United States and the commitment of the United States Government to protect and respect our sovereign rights as well as to support the well-being of our communities through these Trust Responsibilities. That commitment is embodied in the federal budget process.

I thank the subcommittee for frequently proposing an increase in levels for federal Indian programs. I applaud you for that. I also ask that the subcommittee consider what it would take for the United States to fully live up to its Trust Responsibility to our Native peoples in the fiscal year 2016 budget.

I would emphasize several points. First, the Federal Trust Responsibility includes the defense of tribal water rights. The Pueblo of Acoma is currently a party in the water adjudication in New Mexico, the State of New Mexico v. Kerr McGee, which was filed in 1983 to adjudicate water rights on the Rio San Jose a tributary of the Rio Grande in New Mexico. Paying for this litigation is a financial hardship for Acoma, and we therefore seek additional federal support for water rights adjudication costs.

Secondly, Acoma remains deeply concerned about the potential impact of uranium mining on Mt. Taylor, a sacred mountain to my people. Our past experience teaches us that uranium mining is dangerous to individuals, to families, and to communities. That said, we have been working with the company Roca Honda which has agreed to build a pipeline to deliver water produced by mine dewatering and treated to potable standards to the Rio San Jose providing the precious resource for Acoma and many other users of the water.

Acoma seeks $5 to $9 million in federal funds to partially cover the cost of this $40 to $45 million pipeline. Most of the costs will be by the Roca Honda uranium company.

Third, our irrigation structures are in need of improvement which could be accomplished by funding the Pueblo Irrigation Infrastructure Improvement Act. Congress enacted the Pueblo Irrigation Infrastructure Act in 2009 which directs the Secretary of Interior to conduct a study of the irrigation infrastructure of the Rio Grande Pueblos. It also authorized the funding of federal projects to correct deficiencies identified by that study. The implementation of the Act will favorably affect Pueblo traditional lifestyle and culture which for hundreds of years has been based on agriculture and irrigated lands. Acoma requests that this Act receive proper funding.

Fourth, the smaller Indian Health Service hospitals are in the front line of healthcare in Indian Country and needs support. Acoma's health facility provides critical care services to the Pueblos of Acoma and Laguna and the Tahajlee and of Navajo. However, the quality and quantity of services offered at our facility has declined markedly in recent years resulting in an adverse effect on the health status of the three communities which already suffer from high rates of diabetes and other serious medical conditions. Please provide funding that will expand health services not just at the large centralized facilities but at the local Indian Health Service facilities as well.

Fifth, there is a need to increase funding for historic preservation. It is very important to increase funding to the tribal Historic Preservation Officer program within the National Park Service pursuant to the National Historic Preservation Act to assure cultural preservation issues are fully addressed. You can never restore a destroyed ancestral sacred site which is a problem that we encounter almost on a daily basis with development going on near our tribal lands.

Sixth, the Johnson-O'Malley program provides supplementary educational services for Indian children attending public schools by promoting student achievement and incorporating Native American languages and culturally based educational activities into the

learning process. This is a worthy and popular program and should be fully funded.

Seventh, we also need support to address crumbling infrastructure and build critical new infrastructure. The Pueblo of Acoma is bisected by a major transcontinental rail line. With over 80 large trains passing through the reservation every day——

Mr. STEWART. The gentleman's time is expired. Would you conclude?

Mr. VALLO. Sure. But we need an overpass over the bridge as we are situated with all our hospital facilities on the north side of the railroad tracks and all the first responder emergency medical service programs on the south side of the railroad tracks. Therefore, when we are transporting or responding to any emergencies on the north side and trying to get trauma patients to the hospital from the south end, it creates an issue.

Mr. VALLO. But with that, Chairman and honorable members of the committee, thank you for the time.

[The statement of Fred S. Vallo, Sr. follows:]

Written Testimony of
Fred S. Vallo Sr., Governor
Pueblo of Acoma
House Interior Appropriations Subcommittee
FY 2016 Federal Indian Programs Budget
Wednesday, March 25th, 2015

Requests for additional funding and/or support:

1. **Water Litigation Funding**
2. **Uranium Mining and Water—Building a Bridge with a Pipeline**
3. **Traditional Irrigation Systems**
4. **Smaller IHS Hospitals**
5. **Historic Preservation**
6. **Johnson O'Malley Program**
7. **Mesa Hill Bridge**
8. ***Carcieri* "Fix"**

Introduction. The Acoma people are an ancient people. We have lived at Acoma Sky City, our mesa-top home, for at least 1000 years, making it the oldest continuously inhabited community in the United States. We are proud to be U.S. citizens and proud that we retain the culture, language and beliefs of our ancestors from a time long before the establishment of the United States. Acoma Sky City is the heart of our community. Acoma religious, cultural and social life revolves around Acoma Sky City, both on a daily basis and during festival times. Acoma Sky City is one of only 28 National Trust for Historic Preservation sites, and has received numerous other designations including National Landmark status and listing as a World Heritage Site. One of the youngest historic buildings at Acoma Sky City is a Spanish mission that is, itself, over 360 years old. However, far older structures remain, with the oldest integrated into a three-story row of adobe buildings just off Sky City's central plaza. Based on our research, these traditional Acoma homes are likely the oldest continuously inhabited homes in the United States.

The Trust Responsibility. As this Subcommittee understands, the relationship between the United States and Indian Tribes is unique. Because of the course of history, there has arisen a trust responsibility on behalf of the United States to support Indian Tribes in our efforts to develop and maintain thriving, healthy communities. Regrettably, that responsibility has not been fully met, although I would like to thank this Subcommittee for frequently proposing increased funding levels for Federal Indian programs. I ask the Subcommittee to consider what it would take to fully meet that responsibility and to stand strong in defense of America's first commitment, which is to its Native peoples.

The Lincoln Canes and the Government-to-Government Relationship. Additionally, Tribes are not like other groups within American society. We are sovereign governments and have a government-to-government relationship with the United States. Every Pueblo governor carries a cane from Abraham Lincoln, which was specifically presented to the

governors 150 years ago to acknowledge our sovereign authority over our lands and our people. This cane is a physical embodiment of the recognition of our status and of the commitment of the United States to protect and respect our sovereign rights, as well as to support the well-being of our communities.

For most of the budget areas set forth below, I have set forth a description of a real-life example from Acoma of the need.

1. **Water Rights Adjudication Funding.** The Pueblo of Acoma is a party in the water adjudication, *State of New Mexico v. Kerr McGee*, which was filed in 1983 to adjudicate water rights on the Rio San Jose, a tributary of the Rio Grande in New Mexico. Each year, Acoma applies for Federal funding to support negotiation and litigation, usually receiving between 13% and 45% of its request. This is a financial hardship for Acoma, whose economic revenues have declined dramatically in recent years. The federal trust responsibility includes the defense of tribal water rights **Acoma seeks additional Federal financial support for water rights adjudication costs.**

2. **Uranium Mining and Water—Building a Bridge with a Pipeline.** Acoma remains deeply concerned about the potential impact of renewed uranium mining on Mt. Taylor – a mountain sacred to the Acoma people. Our past experience teaches us that uranium mining is dangerous to individuals, to families and to communities. Mining proponents claim that uranium mining can "now" be done safely, but Acoma insists that this be demonstrated to a high degree of scientific certainty. We have had a positive experience, however, with one company, Roca Honda, which has agreed to build a pipeline to deliver water produced by mine dewatering and treated to potable standards to the Rio San Jose, providing a precious resource for Acoma and many other users of water. **Acoma seeks $5-9 million in Federal funds to partially cover the costs of this $40-45 million pipeline.**

3. **Traditional Irrigation Systems - Rio Grande Pueblos Irrigation Infrastructure Improvement Act.** Congress enacted the Pueblo Irrigation Infrastructure Act as Section 9106 of the Omnibus Public Land Management Act of 2009. That Act directs the Secretary of the Interior to conduct a study of the irrigation infrastructure of the Rio Grande Pueblos. It also authorized the funding of projects to correct deficiencies identified by that study. The implementation of this Act will favorably affect Pueblo traditional lifestyle and culture, which for hundreds of years has been based on agriculture and irrigated lands. However, minimal funding has been allocated for implementation of this Act. **Acoma requests that this Act receive substantial funding.**

4. **Smaller IHS Hospitals – Funding Health Care at the Front Line.** The Acoma-Cañoncito-Laguna Indian Health Services Facility (ACL hospital) provides critical health care services to the Pueblo of Laguna and the Pueblo of Acoma, as well as services to the I-40 corridor and to surrounding Navajo and other communities. However, the quality and quantity of services offered by the ACL hospital has declined markedly in recent years, resulting in an adverse effect on the health status of the two Pueblos, which already suffer from high rates of diabetes and other serious medical conditions. It is Acoma's

sense that the IHS has made a calculation that it is more economically efficient to fund a handful of centralized facilities, then to maintain higher healthcare services and programs at the smaller facilities located in many Indian communities. While that might be economically efficient, it comes at the price of providing quality care within many Native communities, forcing patients to travel substantial distances and thus creating one more hurdle to assuring adequate care. **We urge sufficient funding for IHS to provide an expanded range of health services at all of its facilities.**

5. Historic Preservation. It is very important to increase funding for tribal historic preservation programs. We are our culture and our culture is an important part of the American Experience. **We urge an increase in funding for the historic preservation programs.**

6. Johnson O'Malley Program. The JOM programs provides supplementary educational service/assistance to meet the unique and specialized educational needs of Indian children attending Public Schools by promoting student achievement and incorporating Native American languages and culturally based educational activities in the learning process. In 1995 the Bureau of Indian Affairs froze the student count, effectively placing a moratorium on the establishment of new JOM programs despite that the fact that the Indian student population has increased overall and more school district have been established. The Johnson-O'Malley Program is the only federal program that by law (25 CFR Part 273) gives "vested authority" to the parent committees to design and implement their own JOM programs. Based on a need assessment, each plan is tailored to meet the unique and specialized educational needs of Pueblo children to ensure that they reach their educational goals. **We urge an increase in funding for JOM.**

7. Mesa Hill Bridge – A Growing Safety Concern. Acoma is bisected by a major trans-continental rail line. With over 80 large trains passing through the reservation everyday, but no bridge over the tracks, Acoma has experienced significant safety issues as the hospital is on the north-side of the tracks, while the school, Head Start, government and Acoma housing areas are on the south-side. **Acoma urges support for funding to build this important safety project.**

8. Support the *Carcieri* "Fix." Although there is no question that Acoma was "under Federal jurisdiction" in 1934, and thus is not subject to the immediate harmful effects of the Supreme Court's decision in *Carcieri v. Salazar*, it is still important that this holding be overturned by Congressional legislation. The President has included *Carcieri* "fix" language in his FY 2016 budget, and this Committee strongly supported "fix" language earlier, including it within the FY 2011 appropriations bill. Passing this legislation is the right thing to do, and will help prevent numerous jurisdictional and other uncertainties that would hamper many of our fellow tribes.

Conclusion. Thank you for this opportunity to provide testimony before this Subcommittee. Your work is of great importance to America's Native peoples and it is greatly appreciated.

Mr. STEWART. Thank you, Governor. Mr. Roman Nose.

WEDNESDAY, MARCH 25, 2015.

TRIBAL EDUCATION DEPARTMENTS NATIONAL ASSEMBLY (TEDNA)

WITNESS

QUINTON ROMAN NOSE

Mr. ROMAN NOSE. [Speaking native language.] Good morning, Mr. Chairman, Ranking Member McCollum, and members of the committee. My name is Quinton Roman Nose. I am Cheyenne from Oklahoma, and I serve as Executive Director for the Tribal Education Departments National Assembly, also known as TEDNA.

I come here in the spirit of my great-grandfather who came with Captain Pratt 150 years ago as one of the Plains warriors who came asking for funding for Carlisle Indian School. That was the start of Federal Indian Policy in education.

So I come here in that spirit asking something for the benefit of our children to help us grow as tribes. Back then we didn't have any input as a tribe in federal policy. Today we have a growing movement that tribes are taking more control of their education through their tribal education department.

TEDNA is a non-profit. They also are one the Executive Branches Agencies of American Indian and Native Alaskan and Native Tribal Governments responsible for tribal education matters.

First and foremost, I would like to offer my sincere gratitude, I really do, sincere gratitude, for appropriating funds for fiscal year 2015 to support TEAs, Tribal Education Agencies. This appropriation was greatly appreciated, and TEAs will make substantial progress because of this support. However, more funding is needed in order to keep these programs moving forward.

TEDNA once again respectfully asks $2 million to support TEAs in the Department of the Interior, Environment, and Related Agencies Appropriations bill for fiscal year 2016 to conduct much-needed Indian education activities.

Authorization for this funding comes from No Child Left Behind, Title X, Section 1140, also in the U.S. Code also known as 6 and 2020 in the BIA. Federal education policy is failing Native American students. I have got information about data coming from dropout rates, disproportionally suspensions and identification in the data snapshot given by Office of Civil Rights. Also we talk about the reading, 18 percent are more likely to read below levels in both reading and math. At the same time tribal government involvement in education of Native American students has been severely restricted until recently. Since 1988, 25 years ago, Congress has authorized funding specifically to build tribal capacity to directly serve Native American students in BIE schools.

Funds were appropriated for the first time last year, but these TEAs need continued funding in order to fulfill the critical needs of Native American students. Last year's appropriation provided tribal governments with crucial funds to move forward.

However, these programs are just getting started, and a comparable appropriation is needed in order to guarantee continued success. A similar authorization for tribal capacity building at public schools and on Indian reservations has been funded since our fiscal year of 2012 resulting in the Department of Education's primary STEP program which is the State-Tribal Educational Partnership Program. STEP only addresses one aspect of existing need. While the corresponding funding opportunity for BIE schools is constrained by lack of resources, our Native American students in BIE schools have continued to be underserved.

In our written report we give examples of the work of STEP programs, but I would like to continue from my reading. These examples of success from the STEP pilot program and other programs demonstrate the positive impact tribal involvement has on Native American students. The success of these programs shows why tribes need to be more involved in Native American education.

If once again appropriated by this Subcommittee, these funds would be used to facilitate tribal control in all matters relating to Native American education on reservations. More specifically, there are three areas of focus. First, TEAs can use funding to support early education initiatives, develop culturally relevant curriculum and assessments. Secondly, increased tribal which would include coordination, administration support. This appropriation would fund the development and enforcement of tribal codes and other items.

Additionally, TEDNA supports the President's approach to transform the BIE into an agency that functions to facilitate and support tribes in their endeavor to deliver a proficient and culturally relevant, meaningful education to Native American students. Such reforms is timely, as the BIE-funded system is one of the lowest-achieving school systems in the Nation. Moreover, tribal governments, acting through their TEAs, should have a central role in the reform of BIE school system.

Therefore, TEDNA supports the President's fiscal year 2016 budget request for the BIE Indian Education. Frankly, it is long overdue. It is a step in the right direction. I have one more minute or can I finish?

Mr. STEWART. We are under really quite severe time constraints.

Mr. ROMAN NOSE. Okay.

Mr. STEWART. We have a joint session that is coming up, and we will have to conclude the hearing.

Mr. ROMAN NOSE. A couple more statements then. In conclusion, TEDNA respects $2 million for TEAs in the Department of the Interior, Environment, and Related Agencies appropriations bill for fiscal year 2016. TEDNA also supports the President's fiscal year 2016 budget with plans to overhaul BIE to serve as a capacity builder and service provider to support tribes in educating their youth, and we urge Congress to appropriate the requested funds for fiscal year 2016 for that purpose. Thank you.

[The statement of Quinton Roman Nose follows:]

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Kerry Venegas, *Hoopa Valley Tribe*

House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

Testimony Requesting FY 2016 Funding for Tribal Education Departments
March 25, 2015

Chairman Calvert, Ranking Member McCollum, and Members of the Committee, my name is Quinton Roman Nose and I am the Executive Director of the Tribal Education Departments National Assembly ("TEDNA"). TEDNA is a national non-profit membership organization for Tribal education agencies/departments ("TEAs"), which are executive branch agencies of American Indian and Alaska Native tribal governments responsible for Tribal education matters. There are an estimated 200 TEAs, located in 32 states, serving over 700,000 American Indian and Alaska Native ("Native American") students. First and foremost, I would like to offer my sincerest gratitude for appropriating funds for Fiscal-Year 2015 to support TEAs. This appropriation is greatly appreciated, and TEAs will make substantial progress because of this support. However, more funding is needed in order to keep these programs moving forward. TEDNA once again respectfully requests $2 million to support TEAs in the Department of the Interior, Environment, and Related Agencies appropriations bill for Fiscal-Year 2016 to conduct much needed Indian education activities.

AUTHORIZATION FOR FUNDING

Federal funding for TEAs is authorized in the No Child Left Behind Act of 2002, Title X, Section 1140 (25 U.S.C.§ 2020).

JUSTIFICATION FOR FUNDING

Federal education policy is failing Native American students. Native American students drop out of high school at a higher rate and score lower on achievement tests than any other student group. The national dropout rate of Native American students is double that of their non-Indian

peers. Likewise, the U.S. Department of Education's Office of Civil Rights ("OCR") Data Collection: Data Snapshot (March 21, 2014) recently recognized that Native American elementary and secondary students in public schools are disproportionately suspended and expelled. OCR also found that Native American kindergarten students are among those held back a year at nearly twice the rate of white kindergarten students, and that 9% of Native American ninth grade students repeat ninth grade.

In achievement, Native American 8th grade students are 18% more likely to read or perform in mathematics at a "below basic" level. Only a quarter of Native American high school graduates taking the ACT score at the "college-ready" level in math and only about one-third score at the "college-ready" level in reading. Although new data released on March 16 by the U.S. Department of Education indicates that graduation rates for Native American students have increased in recent years, Native Americans continue to have the lowest graduation rates of all ethnic and racial groups.[1]

At the same time, Tribal government involvement in the education of Native American students has been severely restricted until recently. Since 1988, Congress has authorized funding specifically to build Tribal capacity to directly serve Native students in BIE schools. Funds were appropriated for the first time last year, but these TEAs need continued funding in order to fulfill critical needs of Native American students. Last year's appropriation provided Tribal government programs with crucial funds to move forward. However, these programs are just getting started, and a comparable appropriation is needed in order to guarantee continued success. A similar authorization for tribal capacity building aimed at *public schools* on Indian reservations has been funded since Fiscal-Year 2012, resulting in the Department of Education's pioneering State-Tribal Education Partnership Program ("STEP"). Though very important, STEP only addresses one aspect of the existing need. While the corresponding funding opportunity for BIE schools is constrained by lack of resources, our Native American students in BIE schools have continued to be underserved.

TEAs are in a unique position to halt and reverse the negative outcomes for Native students. TEAs have already proven that they are capable of improving Native American student outcomes. For example, the Chickasaw Nation of Oklahoma, one of the STEP grantees, has a science, technology, and math program, among many other education programs, that serves approximately 250 Chickasaw students. Ninety percent of senior students participating in the program enroll in college. Through the STEP grant, Chickasaw has already put in place the framework to improve student outcomes and attendance. For example, before the co-governance model was in place, several Native American students were falling through the cracks and being expelled. Now, the Chickasaw Nation has stepped in to move expelled students into other alternative high school programs. Through this process, Local Education Agencies ("LEAs") now understand that this is exactly the type of situation that the Chickasaw Nation TEA can address before the expulsion stage so intervention services can be provided, such as counseling, to students that are at risk. Thus, the STEP Program put in place a process allowing the TEAs

[1] U.S. Department of Education, Achievement Gap Narrows as High School Graduation Rates for Minority Students Improve Faster than Rest of Nation (March 16, 2015), available at: http://www.ed.gov/news/press-releases/achievement-gap-narrows-high-school-graduation-rates-minority-students-improve-faster-rest-nation.

and LEAs to proactively flag at risk students and provide the necessary intervention services.

The work of the Nez Perce Tribe's TEA is another good example. The most current research indicates that Native American academic achievement must include effective teaching strategies. Also, researchers studying the achievement of Native American students have found a connection between low achievement and low cultural relevance. The Nez Perce Tribe, another STEP grantee, has made a large in-road to providing teacher training on the integration of cultural pedagogy, tribal education standards, and common core standards. In addition, technical assistance is provided by the Nez Perce TEA to their partner LEA's on use of the Native Star Culture and Language Indicators. These indicators address culturally-responsive school leadership, community engagement, and infusion of culture and language into the school's curriculum and instruction.

The State of Idaho's State Education Agency ("SEA") acknowledged that it does not have the expertise to provide training or technical assistance in meeting the unique educational and cultural needs of Native American students. Nez Perce's STEP grant has provided a platform for the Tribe's TEA and the local LEAs and SEA to work together to improve Native American student performance in this manner vis-à-vis the three federal Elementary and Secondary Education Act programs (Title I, Part A; Title II, Part A; and School Improvement Grants). Nez Perce also has a family engagement piece to their STEP grant that recognizes the role of the family as the first educator and organizes the parents and school staff to work together to assess parent involvement programs, policies, and practices. The end goal is to improve the educational experience and college/career readiness of the students.

A final example is The Hoopa Valley Tribe of California, which operates a learning center that works with at risk students. The Hoopa Valley TED identifies K-12 students at risk, pairs the students with mentors, and develops student-learning plans. Students are tutored in target academic areas and coached in life skills. This program alone has improved student academic performance by two letter grades in core academic areas.

These examples of success from the STEP pilot program and other programs demonstrate the positive impact Tribal involvement has on Native American students. The success of these programs shows why tribes need to be more involved in Native American education. If once again appropriated by this Subcommittee, these funds would be used to *facilitate tribal control* in all matters relating to Native American education on reservations. More specifically, there are three areas of particular focus. First, TEAs can use this funding to support early education initiatives and develop culturally relevant curriculum and assessments. Second, increased tribal participation will include TEAs providing coordination, administrative support services, and technical assistance to schools and education programs on Indian reservations. This would include maintaining and sharing electronic data regarding Native American students, and implementing programs to increase graduation rates and post-secondary school readiness. This would also foster much-needed cooperation and coordination with entities carrying out education on Indian reservations. Third, this appropriation would fund the development and enforcement of tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs. As Congress has already recognized, these three areas are core educational functions that are most appropriately left to

Tribes.

TEDNA also supports the President's approach to transform the BIE into an agency that functions to facilitate and support Tribes in their endeavor to deliver a proficient and culturally meaningful education to Native American students. Such reform is timely, as the BIE-funded system is one of the lowest-achieving school systems in the nation. Moreover, Tribal governments, acting through their TEAs, should have a central role in a reformed BIE school system. TEDNA, therefore, supports the President's FY16 budget request for the Bureau of Indian Education. Frankly, it's long overdue, but it is a step in the right direction. Not only will the FY16 request finally replace two schools that have languished on the school construction priority list since 2004, but it also provides funding to replace individual buildings and plan and design additional schools in FY17 (+58M over FY15 enacted). The FY16 request also ensures that tribes, principals, and teachers have high-speed Internet, sufficient funding to pay for instructional programs, operational costs, and day-to-day maintenance and repairs, including:

- Facilities Improvement and Repair (for major repairs such as replacing a roof): $68M (increased by $18M over FY15 enacted);
- Tribal Grant School Support Costs: $75M (increased by $13M over FY15 enacted);
- Facilities Operations and Maintenance (for minor repairs and day to day maintenance): $125M (increased by $20M over FY15 enacted);
- Education Information Technology: $41M (increased by 34M over FY15 enacted); and
- Indian Student Equalization Program Formula Funds: $392M ($5M increase over FY15 enacted).

This funding ensures that principals and teachers at all BIE-funded schools have the resources and support they need to provide 21st-century education. We must invest in education — it is the only way we will break the cycle of poverty on the many reservations that have BIE-funded schools. Investment in TEAs is sound federal policy as direct Tribal involvement in education eliminates undue bureaucratic barriers and streamlines administration. Thus, this Subcommittee is presented with a unique opportunity to increase tribal involvement and leverage the expertise of TEAs in educating Native students.

REQUEST

TEDNA respectfully requests $2 million for TEAs in the Department of the Interior, Environment, and Related Agencies appropriations bill for Fiscal-Year 2016. TEDNA also supports the President's FY16 budget and plan to overhaul of the BIE to serve as a capacity builder and service provider to support Tribes in educating their youth, and we urge Congress to appropriate the requested funds for Fiscal-Year 2016 for that purpose.

Mr. STEWART. Okay. Thank you. And I know you felt rushed. We apologize for that. I hope you understand that we are trying to maintain time for other panels as well. So thank you, though.

Mr. Governor.

WEDNESDAY, MARCH 25, 2015.

SANTA CLARA PUEBLO

WITNESS

MICHAEL CHAVARRIA

Mr. CHAVARRIA. [Speaking native language.] Good morning, Chairman, Ranking Member McCollum, and members of the committee for this opportunity to testify before you on the fiscal year 2016 federal budget.

My name is Michael Chavarria. I serve as Governor for Santa Clara Pueblo in New Mexico. In 2011, the Santa Clara Pueblo was devastated by the Las Conchas Fire, at the time the largest fire in New Mexico history. Although mercifully no lives were lost, no homes were burned, we saw our traditional and treasured homeland and spiritual sanctuary, the Santa Clara Canyon, practically destroyed. Because the Santa Clara Canyon has been stripped of its vegetation, the pueblo has experienced severe flooding.

Indeed, since the Las Conchas fire, the Pueblo has been the subject of five Presidential Disaster Declarations, all involving catastrophic flooding. This flooding has wiped out the pre-existing water control structures within our Santa Clara Canyon.

The U.S. Army Corps of Engineers has partnered with Santa Clara Pueblo to undertake and implement a number of projects to address or mitigate the risk of further disasters. However, these safeguards are temporary and although they have widened our margin of safety, they do not guarantee it in certain scenarios. We still have a need for a permanent solution. Additionally, to protect the remaining 20 percent of our forests, we need fire suppression resources. Finally, we must address short-, mid-, long-term watershed restoration projects as identified through the Recovery Support Strategy, a component of the National Disaster Recovery Framework, NDRF.

As a proactive approach, Santa Clara Pueblo has begun discussions with the U.S. Forest Service to implement the Tribal Forest Protection Act, an act that authorizes the Secretaries of Agriculture and Interior to give special consideration to tribally proposed stewardship contracting or other projects of Forest Service and BLM lands bordering or adjacent to Indian trust land and in order to protect the Indian trust resources from fire, disease, insects, infestation, or other threats coming off of that forest or BLM land. These stewardship agreements are important to all for fighting the ever-growing threat to wildfire in the West. Empowering tribal governments as caretakers to protect tribal lands and by managing adjacent federal lands is a smart policy. Santa Clara urges the committee to support appropriations of this program for both the Department of Agriculture and by the Department of the Interior.

In recent years as more tribes have created the position of Tribal Historic Preservation Officers, pursuant to the National Historic Preservation Act, the federal funding for those THPOs have stayed flat. As a result, it is difficult for the THPOs to assist federal agencies in their preservation compliance responsibilities and perform other important tribal duties and functions. We urge the subcommittee to increase funding for historic preservation in the Interior budget.

Again as was mentioned earlier, the Joint Venture Program—this past year, the Santa Clara Pueblo applied for the Joint Venture Construction Program under which a tribe builds and equips a facility. In return, IHS will commit a minimum of 20 years for staffing the facility. Unfortunately, we were not selected as one of the top seven, and we were placed on a waiting list. While we remain committed to the funding and building of this facility, Congress must fund and expand its financial commitment for additional tribes to participate in this program. Santa Clara asks this committee to make that commitment.

Self-governance contracting of the National Park Service units. Functions. As a self-governance tribe, Santa Clara can assume functions at National Park Service units. With passage of legislation to transfer the Valles Caldera National Preserve, which is adjacent to our reservation and holds many sites, we are interested in assuming certain National Park Service programs, functions, services, and activities. Santa Clara urges the committee to continue funding for tribal self-governance contracting.

Finally, I would like you to know that Santa Clara relies on EPA Indian General Assistance Program for its core programs to address environmental issues such as programs addressing drinking water, underground storage tanks, illegal dumping, recycling, and other issues. We strongly urge you to protect that from any future budget cuts and indeed request for increase in funding.

It will take generations for our community and lands to recover from the devastation of the Las Conchas fire, but this is our spiritual sanctuary which is our church, our grocery store, our pharmacy, our clothing store, our classroom, but most important, our home. It is the place that we have been entrusted with since time immemorial. Again, thank you. [Speaking native language] for your support and for the invitation to testify before the subcommittee. Thank you.

[The statement of Michael Chavarria follows:]

Testimony of
J. Michael Chavarria, Governor
Santa Clara Pueblo
Before the
House Interior Appropriations Subcommittee
Wednesday, March 25, 2015

Introduction. Thank you, Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee, for this opportunity to testify on the FY 2016 Federal budget. My name is J. Michael Chavarria. I am the Governor of the Santa Clara Pueblo. My testimony will focus on:

- **Emergency Disaster Funding;**
- **Fighting Wildfires: Tribal Forest Protection Act;**
- **IHS Joint Venture Program Funding;**
- **Funding Self-Governance Contracting of National Park Service Functions;**
- **Funding Tribal Historic Preservation Officers; and**
- **EPA: Indian General Assistance Program.**

As the Subcommittee works on the FY 2016 Interior appropriations budget, I would urge your continued commitment to fulfilling the Federal trust responsibility. In very important ways, this Subcommittee is empowered to do the most in that regard by providing adequate funding to meet the basic needs of Indian country. We appreciate that the Subcommittee has sought to increase Indian program funding levels in recent years.

Las Conchas Wildfire. In the summer of 2011, the Santa Clara Pueblo was devastated by the Las Conchas Fire, at that time the largest wildfire in New Mexico history. Although mercifully no lives were lost and no homes were burned, we saw our traditional and treasured homeland and spiritual sanctuary, the Santa Clara Canyon, practically destroyed. We estimate that more than 16,000 acres of our forest lands burned in this fire and, together with the lands that we lost in the Oso Complex Fire of 1998 and the Cerro Grande Fire of 2000, 80% of our forests and a huge part of our heritage has been destroyed. The fire burned thousands of acres of our traditional lands that are outside our current reservation and that continue to hold cultural sites and resources of great importance to us. This area encompasses our lands of origin, the P'opii Khanu - the headwaters of our Santa Clara Creek, and numerous cultural and traditional sites.

The loss of the forest is devastating to wildlife and wildlife habitat, recreational resources, and to the purity of our water - which we use for irrigation and many traditional purposes. In the last decade we have faced four forest fires - the Oso, Cerro Grande, South Fork and Las Conchas fires - and none of them originated on our lands. Although fate plays its part, we have suffered horrible consequences largely due to the failure of others to properly guard in some fashion against causing a fire. Throughout this tragedy, the Santa Clara people have shown extraordinary courage and determination to persevere and to begin the long road to recovery so that, while my generation may never see the canyon in its glory again, that will not be said of the next generation.

Preventing the Next Disaster – Post-Fire Flooding. Because the Santa Clara Canyon has been stripped of its vegetation, the Pueblo is at tremendous risk of flooding. Over 50% of the Santa

Clara Pueblo watershed burned during the Las Conchas fire. Due to the high severity of the burn, there has been a dramatic reduction in the infiltration rates in the burned area – the soil is now what is termed by soil scientists as "hydrophobic." This has resulted in a four-to eight-fold increased runoff and sediment/debris flow into the Santa Clara Creek, posing a severe threat to the lives and safety of the people of Santa Clara Pueblo and increasing the potential for widespread property damage. The channel through Santa Clara Pueblo has lost the conveyance capacity necessary to safely pass large post-fire flows. Hundreds of residential structures, as well as several public structures are at risk from flood and debris flows if more action is not taken.

Indeed, since that fire, the Pueblo has been the subject of five Presidential Disaster Declarations, principally involving catastrophic flooding. This flooding has wiped out the existing water control structures within the canyon. As a result, the Pueblo is in greater danger today of a catastrophic flood that could result in a major loss of life and property than it was in the immediate aftermath of the fire. This danger, which as a statistical certainty will occur, hangs over the head of the Pueblo every moment of the day during the monsoonal season.

The Army Corps has partnered with Santa Clara to undertake a number of projects to address the fallout from these natural disasters, and has put in place some important safeguards. However, these safeguards are temporary and although they have widened our margin of safety, they do not guarantee it in certain scenarios. We still need a permanent solution. We are still at the beginning of the flood mitigation and forest recovery effort. The fire raised numerous, interrelated, short and long-term concerns for Santa Clara and other surrounding communities, almost all of which intersect with Federal laws and regulations.

We must address the environmental impacts of this fire. This includes the physical health impacts from the huge quantities of smoke, as well as the devastating emotional impact to our community of such a great loss. It also includes water quality impacts as tons of ash, debris and other materials flow into the Santa Clara Creek affecting fisheries, wildlife consumption, agriculture and cultural uses, and safety issues within our Santa Clara Canyon due to the destabilized landscape resulting in falling boulders and dead and down trees. This runoff flows into the Rio Grande, affecting water quality for communities like Santa Fe that are downstream or that use the Rio Grande. We are still assessing how to recover from the loss of an unprecedented amount of cultural resources and sites, from damage to sacred places, to the loss of animal and plant species that have been integral to Santa Clara cultural and spiritual practices for generations. Santa Clara has suffered extended financial impacts from the direct efforts to address the fire, as well as the closure of Puye Cliff Dwellings, and subsequent reduction in arts and crafts sales due to the decline in tourists and visitors to our hotel. To protect the remaining 20% of our forests, we need fire suppression resources. Finally, we must address the long term restoration of the forests. This is a project that we anticipate will take several decades but one to which we have already set our minds.

Fighting Wildfires: Further Implementation of the Tribal Forest Protection Act. The Tribal Forest Protection Act (Public Law 108-278) authorizes the Secretaries of Agriculture and Interior to give special consideration to tribally-proposed stewardship contracting or other projects on Forest Service or BLM land bordering or adjacent to Indian trust land in order to protect the Indian trust resources from fire, disease, or other threat coming off of that Forest Service or BLM land. These stewardship agreements are an important tool for fighting the ever-growing threat of

wildfires in the West. In New Mexico, where the Santa Clara Pueblo has experienced devastating consequences from four wildfires over the last 20 years, all of which originated off of tribal lands, the wider use of such agreements could have greatly mitigated the impact of these fires. Empowering tribal governments as caretakers to protect tribal lands by managing adjacent federal lands is a smart policy. **Santa Clara urges the Committee to support the expansion of this program by both the Department of Agriculture and by the Department of the Interior.**

Developing a New Health Facility – Funding the Joint Venture Construction Program at the Indian Health Service. Santa Clara recently applied to participate in the IHS Joint Venture Construction Program under which the Pueblo would build and equip a new $45 million ~~hospital~~ clinic if IHS promised to staff it for 20 years. Our application was not successful, although we were placed on a waiting list if any of the successful candidates drop out. The Joint Venture program is a powerful tool to get new facilities in place through a Tribal-IHS partnership. Santa Clara's health center was built in 1981 and was not designed for the number of patients presently seen there. From FY 2007 to FY 2009, annual patient visits to the Health Center surged from 14,878 to 27,884, or 87%. Such a dramatic increase in patient visits has pushed the Health Center well beyond its capacity to effectively serve its clients. **We remain committed to fund and ultimately construct a health facility to provide adequate healthcare to our people, but for this to work Congress must fund and, indeed, expand the Joint Venture program.**

Funding Tribal Historic Preservation Officers. The preservation of tribal sacred sites is of the highest priority for tribes and is also of national importance. In recent years, as more tribes have created the position of tribal historic preservation officers (THPO) pursuant to the National Historic Preservation Act, the federal funding for those THPOs has stayed flat, meaning that the same funds are distributed among far more recipients. This funding is not sufficient to support a THPO (much less a staff to implement the specific duties a THPO is responsible to do). Also, funding has been tied to reservation acreage, but many sites are off-reservation and that is not a good metric. As a result, it is difficult for THPOs to assist federal agencies with their preservation compliance responsibilities, and perform other important tribal duties and functions. **We urge this Subcommittee to increase funding for historic preservation in the Interior budget.**

Self-Governance Contracting of National Park Service Functions. Santa Clara is a self-governance tribe, meaning that we have assumed control of federal programs and funds for many functions at our reservation. As a self-governance tribe, we can similarly assume functions at National Park Service units. With passage of legislation to transfer the Valles Caldera, which is adjacent to your reservation and holds many sites sacred to us, to the National Park Service we are interested in assuming certain National Park Service functions. **Santa Clara urges the Committee to continue funding for contracting tribal self-governance programs.**

EPA: Indian General Assistance Program (GAP). The Indian General Assistance Program (GAP) within the EPA budget provides funding for tribes to maintain environmental programs addressing drinking water, underground storage tanks, illegal dumping, recycling and other issues. The Santa Clara Pueblo relies on GAP funding for its core program to address

environmental issues that are important to our community members. **We strongly urge you to protect GAP from any cuts and indeed to increase funding.**

Conclusion. Never again in our lifetime will we see our traditional and treasured homeland and spiritual sanctuary, the Santa Clara Canyon, as we have known it. It will take generations for our community and lands to recover from the devastation of these fires. But this is our only homeland; it is the place we have been entrusted with since time immemorial. While we intend to devote the resources we can to the healing of our land and the protection of our community we do not have the resources to do it alone. We turn in this hour of need to our Federal trustee and ask for your sustained assistance in addressing this calamity and assuring the remediation of our sacred homeland. At the same time, we ask Congress not reduce funding in critical EPA programs like the GAP fund, as these programs make a significant impact at a local level and we ask for your support as we seek to invest in our health care systems in partnership with the Indian Health Service.

Mr. STEWART. Excellent, Governor, and you were within 3 seconds of your time. That is impressive.

Mr. Lawrence who is representing—I am sorry, Mr. Lawrence Mirabal. Mirabal, thank you, who represents the Institute of American Indian Arts.

WEDNESDAY, MARCH 25, 2015.

INSTITUTE OF AMERICAN INDIAN ARTS

WITNESS

LAWRENCE MIRABAL

Mr. MIRABAL. Thank you. Good morning, Mr. Chairman and subcommittee members. My name again is Lawrence Mirabal, and I am the Chief Financial Officer for a most unique and special place, the Institute for American Indian Arts. Thank you very much for the opportunity to testify here before you today.

We are located in Santa Fe, New Mexico, and we are the birthplace of contemporary Native art. We were chartered by Congress as an independent college in 1986. We are one of only three congressionally chartered colleges in the United States and the only one that is Native-serving. The other two are Howard and Gallaudet.

We offer associate's degrees, bachelor's degrees, and in 2013 began offering our first master's degree in MFA and creative writing. We currently have over 500 students enrolled, and they represent 75 tribes from across the country.

I want to express gratitude to the subcommittee for its support of the college in fiscal year 2015. Our core funding in 2015 was $9.469 million which was a $100,000 increase over fiscal year 2014. This has allowed us to address several strategic priorities including the reintroduction of our performing arts program, the expansion of our master's program. We were able to offer a modest 1 percent COLA to our employees and equip and staff our student health clinic.

It should also be noted that our congressional charter encourages us to raise private funding to augment our core congressional funding. To this end, in the last 5 fiscal years, IAIA has raised $51 million from external sources. This is almost equal to the $51.9 million that the college has received in core appropriation.

For fiscal year 2016, the administration is requesting $9.619 million in core funding. This equates to $150,000 increase over fiscal year 2015. This will allow us to accommodate the tremendous growth we have seen in enrollment. It has more than doubled from 2007 through 2014. We will be able to further expand our successful master's program and address increased energy and maintenance costs as our campus square footage has grown by 45 percent since just 2009.

I do want to call special attention to an important component of the administration's fiscal year 2016 request. This is the request for $2 million in forward funding. In the scope of the budget, it is a small thing. But on our campus, it is everything. IAIA is currently only one of five of 37 tribal colleges that does not receive for-

ward funding. As you are aware, forward funding is not new funding but an advance on a subsequent year's funding. Without forward funding, we were extremely vulnerable during the 2013 government shutdown. Unlike other federal agencies, we are unable to put up barriers, put up a sign, and say that we are closed due to government shutdown. We are responsible for housing, feeding, and educating hundreds of some of the most fragile students from across the United States. In this way, federally funded colleges are very unique and particularly vulnerable to sudden changes in funding.

Students on our campus were truly worried that their dreams of a college education at a Native-serving institution were very much in jeopardy when the shutdown occurred. Since the majority of our students are first-generation matriculants, this was especially disheartening. Even in years without a shutdown, it is still very difficult to start an academic year in August when funding for the next fiscal year does not arrive until a quarter or sometimes two after the start of classes. We are especially appreciative of this committee's careful consideration of this very important request.

In conclusion, I want to thank you once again for your past support and for your consideration of the administration's fiscal year 2016 request. I also want to extend an invitation to each and every one of you to come visit us on our campus in Santa Fe and to attend our spring commencement ceremony which will take place on Saturday, May 16, at 11:00 a.m. in the morning. Having you there would greatly enhance our event, and it will also be our first graduating class from our master's program.

Thank you once again for your time and the opportunity to testify.

[The statement of Lawrence Mirabal follows:]

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES

TESTIMONY OF:
LAWRENCE MIRABAL, CHIEF FINANCIAL OFFICER
INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
CULTURE AND ARTS DEVELOPMENT

March 25, 2015

Introduction

Good afternoon Mr. Chairman and Subcommittee members, my name is Lawrence Mirabal, and I am the Chief Financial Officer, Institute of American Indian Arts, Santa Fe, New Mexico. I express gratitude for the opportunity to present this testimony on behalf of my college: for clarification, our official name is the Institute of American Indian and Alaska Native Culture and Arts Development (IAIA). IAIA was established in 1962 as the only Bureau of Indian Affairs boarding school teaching Native arts and culture. IAIA is the birthplace of contemporary Native art.

In 1986, IAIA became an independent college chartered by the United States Congress to empower creativity and leadership in Native arts and culture. The enabling legislation states that Native arts and cultures are Indigenous to the United States and thus must be enthusiastically maintained and supported so that they are not lost for future generations. IAIA is only one of three schools in the United States chartered directly by the Congress. The other two are Gallaudet University and Howard University, located in the District of Columbia.

IAIA's congressional non-profit charter encourages IAIA to raise funds from private sources while authorizing basic, core funding from the United States Congress. Over the course of 29 years, IAIA has taken this charge to raise private funds very seriously. In the past five fiscal years we have raised approximately $51 million in funds from external sources–almost equal to the $51.9 million we have received in federal core funding. It is our intention to maintain, if not exceed, that level of external fund raising in the future. In the past several years we raised $4.5 million from federal agencies, the state of New Mexico and private donors to fund our new Welcome Center; renovate the vacated space in the administration/academic building for painting studios, classrooms and expanding the student gallery; and equipping and staffing the Student Health Clinic.

Program and Campus Development

IAIA has evolved from a high school in the early years to a college offering bachelor's programs in Studio Arts, Cinematic Arts and Technology, Creative Writing, Museum Studies and Indigenous Liberal Studies. In 2013, we expanded our mission to include our first graduate program, an MFA in Creative Writing, and it is proving to be extremely successful with more than 60 students enrolled. At the May 16, 2015, commencement ceremonies, our first Master's degrees will be awarded. IAIA currently serves more than 500 students representing 75 tribes from across Indian country.

IAIA is unique in that it is accredited by two organizations – the Higher Learning Commission of the North Central Association, and the National Association of Schools of Art and Design. We are proud of our dual accreditation and work hard to maintain it.

FY 15 Budget

On behalf of IAIA's faculty, staff and students, I express gratitude to the subcommittee for its strong, consistent support for our federal core funding request throughout the FY 2015 appropriations process. IAIA's FY 15 appropriation of $9,469,000 represents a $100,000 increase over the amount received in FY 14. Although the enacted core funding level did not include the $2 million the administration requested for forward funding, this funding level will permit us to address critical strategic priorities: continue our summer school bridge program; support a counselor position in our student support services division that was lost due to the sequester; fund additional faculty positions in our Academic Division; continue to adequately fund our new Master of Fine Arts graduate program in Creative Writing; fund increased facilities operations and maintenance costs; and fund a modest employee cost-of-living adjustment (COLA).

FY 16 Budget Request

The President's FY 2016 budget request for IAIA is $9,619,000 million in federal appropriations, which includes a $150,000 increase in funding over what was enacted in FY 15. The requested FY 16 baseline federal funding would assist IAIA in addressing the following issues:

- IAIA's student body has more than doubled since 2007. (200 students enrolled in 2007; over 530 enrolled for the 2014 Fall Semester).

- IAIA has added more than 75,000 square feet of operating space with three new campus buildings constructed since November, 2009. Even with LEED designed buildings, energy and maintenance costs have increased. Most recently, IAIA's Welcome Center, a key component in the college's master plan, was completed in March 2014, adding an additional 16,000 square feet that must be maintained for both student and administrative use.

- Sustain and expand the recently restored summer school program, which maximizes the use of IAIA state-of-the-art programs, facilities and equipment by providing key classes in an additional session during the summer months.

- Sustain the recently restored counselor position in student support services.

- Continue funding of three key new faculty and staff positions in the Academic Division.

- Adequately fund our first MFA graduate program in Creative Writing.

- Fund an extremely modest, one-percent faculty and staff cost-of-living adjustment (COLA). The ability to award meaningful cost-of-living adjustments is essential retain high caliber faculty and staff. In addition, IAIA continues to absorb fixed cost increases associated with worker's compensation, retirement, health insurance and unemployment benefits.

Forward Funding

Fortunately, the President's FY 16 budget request again asks for $2 million in forward funding to alleviate the uncertainty caused by continuing resolutions and federal government shutdowns. The sixteen day shutdown in 2013 had devastating effects on faculty, staff and student morale. Rumors flourished that faculty and staff would be furloughed and not receive their paychecks. Students believed that the college would be forced to close and they would be sent home. In addition, continuing resolutions bring their own challenges. It is difficult to plan for the academic year at a college when the funding level is not known until well into a given fiscal year.

IAIA is one of five tribal colleges (along with Navajo Technical University, United Tribes Technical College, Southwestern Indian Polytechnic Institute and Haskell Indian Nations University) that do not receive forward funding. The nation's other tribal colleges have received forward funding for the past four years. Forward funding has helped our sister tribal colleges (which are funded under different authorizing legislation from us) by providing greater predictability and timeliness in receiving their core funding. For certain, forward funding would have the same positive impacts on IAIA. As you know, forward funding is not new funding but is rather an advance of funding for the subsequent year.

Conclusion

If IAIA is to continue offering high quality bachelor's and master's degrees in Native arts and culture to American Indian and Alaska Native students and retain excellent faculty and staff, it is imperative that IAIA's FY 16 federal core funding is at the level requested in the President's budget: $9,619,000. Accordingly, I respectfully request the Subcommittee act again in Fiscal Year 2016 as you did in FY 15 – to support the Administration's request for IAIA core funding in the Independent Agencies title of your

bill. That request once more includes $2 million in forward funding, which would place IAIA on equal footing with other federally funded colleges and universities and help stabilize all aspects of our operations. Again, we greatly appreciate your consideration.

This concludes my testimony. I again thank the Chairman and the Committee members for the opportunity to speak on behalf of IAIA. I also want to take this opportunity to invite you to visit us in Santa Fe to observe first-hand our beautiful campus and state-of-the-art facilities as well as meet our creative and talented students. I especially extend an invitation to attend IAIA's 2015 Commencement Ceremonies scheduled for 11 A.M., Saturday, May 16, in which we will award our first Master's degrees in Creative Writing. Your presence would honor our graduates and greatly enhance the festivities. I would be pleased to respond to any questions that you may have.

Mr. CALVERT. Thank you, and I apologize I wasn't here earlier. I had a prior commitment I had to attend to. But any questions for this panel? I know we are in a short timeframe unfortunately because we have the President of Afghanistan coming in at 10:35 for a joint session.

Ms. McCollum, any questions?

Ms. MCCOLLUM. Mr. Chair, I want to make sure everyone gets in. You folks all know where my office is. Thank you, thank you, thank you.

Mr. CALVERT. Mr. Stewart.

Mr. STEWART. Mr. Chairman, I would just maybe say this. Again, panel, you have done an excellent job representing your interests. Your interests are varied: fire suppression and control, historic preservation, irrigation systems. You spent a lot of time talking about
portance to you, that these are a priority that you would need to have some help with. And I think many members of this subcommittee recognize that and want to help you with that. So we appreciate your attendance here today. Thank you, Mr. Chairman.

Mr. CALVERT. Thank you, and I will look for any excuse to go to Santa Fe, New Mexico.

Mr. CHAVARRIA. We would love to have you.

Mr. CALVERT. We will have to do a little trip over there. Thank you. You are excused. We appreciate your testimony.

Mr. STEWART. Thank you very much.

Mr. CALVERT. Next panel is Ms. Rosa Honani, Tribal Council Representative, Hopi Tribe, Spider Mound; Terry Rambler, San Carlos Apache Tribe; Mr. Louis Manuel, Ak-Chin Indian Community; and Ms. Suzanne Acuna, Board Member of the Blackwater Community School. And if Rosa, you would be right here on my right, start there and then everyone else, Terry next and Louis and Suzanne. I think we have everybody. Great. Somebody will be there to help you out.

We appreciate your attendance. Thank you for coming, and I will let Rosa get organized there and I will recognize you first. Good morning.

WEDNESDAY, MARCH 25, 2015.

HOPI TRIBE, YUWEHLOO PAHKI (SPIDER MOUND) COMMUNITY

WITNESS

ROSA HONANI

Ms. HONANI. [Speaking native language.] Good morning, Chairman Calvert and members of the committee. My name is Rosa Honani. I am Water/Cloud Clan. I am a Tribal Representative from the Hopi Reservation. I am also a resident of Yuwehloo Pahki, Spider Mound, the Hopi relocation community located on the far east side of the Hopi Reservation. I am here today to call your attention at Yuwehloo Pahki and the failure of the Office of Navajo Hopi Relocation to follow through with its promises to provide decent, safe, and sanitary homes to the Hopi relocates to give up their homes

and accepted relocation pursuant to the Navajo-Hopi Settlement Act.

I have met many of you during your visit to Hopi and our community this past January. It is good to see all again.

The relocation of the Hopi families occurred during the 1970s through the 1990s. We left our homes in the Diddital area; where we lived was given to the Navajo Tribe.

The Navajo Hopi Settlement Act required that the replacement homes for relocates be decent, safe, and sanitary. But many of the homes at Yuwehloo Pahki do not meet that standard and never met the standard. In fact, when we visited Melvina Navasie's home, we saw how her plumbing was encased in cement. They are unable to ever repair that.

We saw how they have buckets under their sinks to catch the water and throw out later.

ONHIR sent out letters promising safe, decent, and sanitary homes, you are eligible for benefits. I guess that meant just the four basic walls with plumbing encased in cement. ONHIR said this is okay. To me, ONHIR did not care.

When I first moved to Yuwehloo Pahki in 1992 into a home where the electricity had not yet been hooked up and was told it would happen soon, it is 23 years later, and I still do not have a connection to electricity. Twenty-five percent of the Hopi Relocates are still without electricity.

Melvina Navasie is our 92-year-old matriarch in Yuwehloo Pahki. You visited her home, and there are other elders in the community, and she was one of the first relocates. She came to Congress and testified and her main concern was to make sure that they be relocated in decent homes with accessible roads. And today she says nobody listens. She was probably in her late 40s, early 50s when she came before Congress, and she is 92 years old today. And to her, things have not improved at all. Things that were promised she has not seen.

And so I am here today for her and the people of Yuwehloo Pahki to ask that these promises that were made be fulfilled. The children, we have a lot of children that are in elementary and high school who have to walk out to the roads during the winter and the rainy season. They wear their muddy clothes, muddy shoes to the bus and then take off their muddy clothes. They have clean school clothes underneath. They change into their clean school shoes. Upon returning home, they change back into them to walk back home. These are the things that are still happening today. They always still live through that.

And a lot of the families, when the roads become impassible, they will move out to someone else's home in the meantime until the roads dry up and they move back home, and that is still happening today.

It is our strongly press that this committee provide funding in a directive to ONHIR to provide what was promised to the residents of Yuwehloo Pahki when they accepted relocation which would be electricity, water, and decent roads. We believe ONHIR has the authority and ability to fix this, but most of all, we believe ONHIR has a moral and legal obligation to provide the Hopi relocates with the basic necessities that were promised to them when

they accepted relocation. [Speaking native language.] Thank you for the opportunity to testify before you today.

[The statement of Rosa Honani follows:]

Testimony of
Rosa Honani
Yuwehloo Pahki Community of the Hopi Tribe
Before the
Committee on Appropriations
Subcommittee on the Interior, Environment and Related Agencies
March 25, 2015

Nukwungtalongva, Good morning, Chairman Calvert and members of the Interior Subcommittee, Committee of House Appropriations, My name is Rosa Ellen Honani, I am Water/Cloud Clan from Yuwehloo Pahki, (Spider Mound Community). I am an Elected Hopi Tribal Representative from the Hopi Nation. I will not read from my prepared statement I will only speak from it. The focus of my statement is to call your attention to our plight at Yuwehloo Pahki, and the failure of the Office of Navajo Hopi Relocation to follow though with its promises to provide decent, safe and sanitary homes to the Hopi relocates who gave up their homes and accepted relocation pursuant to the Navajo-Hopi Settlement Act.

I have met many of you during your visit to Hopi and our Community this past January. It is good to see you again.

As stated above, I am here today representing the 22 federally relocated families from the Hopi Tribe.

The relocation of the Hopi families occurred pursuant to the Navajo - Hopi Settlement Act, Public Law 93-531. The relocation for our people occurred during the 1970's to 1990's. When the Navajo-Hopi Settlement Act was finalized, our original home sites were located in an area called the Joint Use Area. According to the terms of the settlement the Joint Use Area was transferred to the Navajo Tribe and our original homes were "partitioned" – given - to the Navajo.

According to the terms of the settlement, we left our original homes, and the memories of where our grandparents, our ancestors and our parents raised their families and farmed. We were relocated to lands on the far east side of the Hopi Reservation. We call the Hopi relocation community Yuwehloo Pahki (Spider Mound).

Background

When the Navajo – Hopi Settlement was enacted and relocation program created the Hopi were quick to accept their responsibility under the terms of the law and began to relocate. We were the very first families to relocate.

The Navajo Hopi Settlement Act required that the replacement homes for relocates be decent, safe and sanitary. The Office of Navajo Hopi Relocation has defined that to mean homes that

have "water, sewer and electricity in good working order". See Office of Navajo and Hopi Relocation, Policy Memorandum #6, August 3, 1992.

When we accepted relocation we were promised homes possessing these basic necessities, and in fact, we were promised that our homes would have running water, electricity and accessible roads. We received letters from the ONHIR promising these things, but they have never materialized.

In several cases, we moved into our homes before the electrical lines and roads were constructed on the promise that these were in the works and would be provided, accepting temporary solutions such as portable solar units or gas fueled generators to provide electricity, in the interim. I first moved to Yuwehloo Pahki in 1992, into a home where the electricity had not yet been hooked up and was told that it would happen soon. It is 23 years later, and I still do not have connected electricity. 25% of the Hopi Relocatees are still without electricity.

We were also promised safe, accessible roads that would be built so that we could travel to and from our homes. Yet many of our homes are located on dirt roads which are inaccessible except to heavy-duty four wheel drive vehicles for large portions of the year. During the winter, residents routinely leave their homes while the roads are frozen in the morning and have to wait until they are frozen again at night to return home. When you visited Yuwehloo Pahki, you traveled over some of these roads.

Additionally, many of the homes were poorly constructed and designed. Several of our homes were built with a faulty design plan, and the plumbing for those homes is encased in concrete. The plumbing in those homes have failed, and the plumbing is inaccessible unless the floor of homes is removed to provide access to the pipes. Our residents do no have the means to pay for such massive repairs. One home in particular that the Committee visited this past January utilizes a catch bucket for sink water drainage.

Over thirty-five years ago, then Hopi Chairman Abbott Sekaquatewa and Hopi Relocatee Melvina Navasie testified in front of the Senate Committee on Indian Affairs concerning the Navajo Hopi Land Settlement Act and the federal relocation process. They spoke of the dire living conditions of the new home sites even then, no water, no utilities and no paved roads. At that time, the Hopi knew the Relocation Commission moved on from the Hopi relocation efforts to focus on the Navajo families. Many of our people gave up hope that help to have water, adequate plumbing, and public access to utilities was simply a luxury, out of reach for them even though it was promised as a term of their removal to the area.

As I stated earlier, many of you remember the living dire conditions of the Hopi Relocatees during your fact-finding tour to Hopi. You heard the Relocatees' testimonies including the children who walk daily on treacherous roads to the highway to meet the school bus, elders who have to employ coal-burning stoves to cook and heat their residence.

You also toured some of the Navajo communities built by the ONHIR for Navajo relocatees. You saw, as we see everyday, neat homes with concrete driveways built in planned subdivsions with paved roads.

It is clear to us from seeing these projects that the Office of the Navajo Hopi Indian Relocation has the delegated federal authority pursuant to the Navajo-Hopi Land Settlement Act (Pub. L. No. 93-531) and Public Law 96-305 (discretionary funds) to remedy the infrastructure issues. I would like to point that in their fiscal yearly budgets, ONHIR has consistently requested and received monies for infrastructure of relocated housing. We, Yuwehloo Pahki, are literally in the dark as to why ONHIR has failed to address the dire housing conditions for the Hopi Relocatees. We live there.

In 1992, ONHIR issued a policy memorandum acknowledging that the relocatees were being placed into houses without running water or a utility infrastructure in the immediate area. This policy memorandum explicitly stated that residents would no longer be allowed to establish occupancy of their replacement home until these services were provided to the site. It also established the ONHIR policy to work with the respective tribes in obtaining projects and with other federal agencies such as the Indian Health Services and the local tribal utility authority.

The ONHIR policy directive also stated if relocatees were to move away from their homesite, the relocatees would be monetarily penalized and possibly never have the opportunity to receive a replacement home that provides the basic necessities.

This puts the residents of Yuwehloo Pahki in a very difficult position. We cannot leave our homes without losing the only thing of value we received in exchange for our removal, but we live in homes that do not have the basic necessities that everyone else takes for granted.

We believe the ONHIR has the authority and ability to fix this, but most of all, we believe that the ONHIR has moral and legal obligation to provide the Hopi relocatees with the basic necessities that were promised to them when they accepted relocation.

The ONHIR's proposed fiscal year 2015 budget, the Agency projected their 2015 costs for infrastructure for their Relocatees stating "The primary mission of this unit is to insure that relocatee dwellings meet all applicable decent, safe, and sanitary standards, and that building sites offer families the best possible structural alternatives" at $635,000.00 for the discretionary fund line item. In the same Fiscal Year 2015 budget, ONHIR cites their responsibility to fund utility line connections to their clients.

When my family moved to the area, the Office of Navajo Hopi Indian Relocation would send out their field monitors. It was the only time, we would see ONHIR. Their workers would ask us to fill out surveys asking us what we needed for our houses. After the fifth year and no home improvements, we told ONHIR we would no longer complete their forms. We need action, not a federal agency paper trail to substantiate their administrative expenditures.

Conclusion

In closing, our people know the history of the Relocation. We are familiar with amendments to the original PL 93-531. We know there has been other congressional committee hearings that were held to address the problems including the socio-economic effect of relocating people, both Hopi and Navajo. We look at the "promises" made by the federal government when our land

was taken, they promised to provide the Hopi Relocatees with the opportunity to protect and keep our families together and protect our way of life and based upon those promises of an equal life in another area, we are still waiting.

The residents of Yuwehloo Pahki understand that this Committee is considering several options for dealing with the ONHIR, which include sunsetting the relocation program altogether and eliminating or reducing funding.

Although we have no position on whether you end this program or close the ONHIR, we do request one thing.

It is our strong request that this Committee provide funding and a directive to the ONHIR to provide what was promised **to the residents of Yuwehloo Pahki** when they accepted relocation – electricity, water and decent roads.

Askwali (Thank you) for the opportunity to testify before you today. I would be happy to answer any questions you might have.

Mr. CALVERT. Thank you very much. We appreciate your testimony. Next, Mr. Rambler.

WEDNESDAY, MARCH 25, 2015.

SAN CARLOS APACHE TRIBE

WITNESS

TERRY RAMBLER

Mr. RAMBLER. [Speaking native language.] My name is Terry Rambler, Chairman of the San Carlos Apache Tribe. Thank you for this opportunity to testify today. I am here to speak for our at-risk youth, for the safety of our community, and to address threats to our culture and our way of life.

Before I begin, I want to acknowledge representatives from San Carlos are here today and ask them to stand. These men are working directly with our children and working to protect our community. Thank you.

Despite recent efforts that have decreased unemployment and violence at San Carlos, methamphetamine continues to plague our community, our families, and our children. The San Carlos Youth Home is the primary safe haven for children exposed to violence or neglect. The home has accepted an average of 12 newborns exposed to methamphetamine in recent years. I will leave this picture here with you of our youth home.

Mr. CALVERT. Thank you.

Mr. RAMBLER. The Youth Home was built in the 1970s. It is in constant disrepair. The wood is rotting, the roof is leaking, and the electricity fails. To address these needs, we support the IHS requests for the mental health and alcohol and substance abuse programs including the increases for the Generation Indigenous Initiative. In addition, we urge the subcommittee to appropriate $17 million for the construction and operation of youth shelters as authorized under the Tribal Law and Order Act. Because of the lack of available treatment, some of our youth fall into the justice system which too often lacks healthcare, education services. Without these services, Native youth sit on concrete floors behind bars with no opportunity or hope for a better future.

For the time being, San Carlos has been fortunate to hire Ms. Rowena Bilgerra to teach at our juvenile detention center. Ms. Bilgerra is an amazing teacher who has been able to reach the most at-risk youth in our community. She has reduced recidivism in just two years. However, her funding is tentative and depends on an agreement with the local governments. I believe we would make a fatal mistake if we give up on tribal and at-risk youth. A small investment goes a long way in turning their lives around.

To meet the health and education needs if these kids, we urge you to fund health and education services at $7 million as authorized under the Tribal Law and Order Act.

San Carlos is also working to improve education services on our own. We are near completion of a new elementary school that will serve as an anchor for the Bylas community. However, the only ac-

cess to the school is a 4-mile dirt road that is unsafe for travel for a school bus full of children. I will leave this picture with you also.

We urge the subcommittee to increase appropriations for BIA Road Maintenance program to target funding for roads that provide access to reservation schools.

Moving to the needs of our public safety officers, San Carlos thanks Interior and this subcommittee for funding the HPP Initiative which reduced violent crime on our reservation. However, our community continues to struggle with substance abuse and related crime. Part of our struggles stem from the lack of an adequate facility to house our public safety officers. The San Carlos Police Department has been housed in BIA-owned Building 86 which the BIA ordered condemned in 2009. The building poses a constant threat to the safety of our officers, visitors, and the community. It suffers frequent power outages causing the loss of communication with officers in the field. We are working with the BIA to move our police and courts into temporary modular. However, the BIA has not yet identified a permanent solution. We urge the subcommittee to restore BIA public safety construction funding to fiscal year 2010 levels at $64 million.

Another critical issue facing our officers is the lack of hand-held radio coverage. While industry standards require 95 percent coverage for law enforcement, San Carlos has only 55 percent of coverage. Because of the lack of hand-held radio coverage, we had five officer-involved shootings in the past 2 years. All officers were patrolling in radio dead zones and were unable to communicate their need for backup. The men and women who place their lives at risk to protect our community deserve this most basic tool to do their job. As a result, we ask that BIA Information Resources Technology be increased and funding directed to improve public safety coverage for reservations with less than 60 percent of radio coverage.

Finally, I would like to address the recent enactment of the Southeast Arizona Land Exchange. The House of Representatives pulled the land exchange from Floor consideration twice in the 113th Congress due to a lack of support. Despite this opposition, the bill was attached to the Defense Authorization Act minutes before midnight. Adding this bill as a midnight rider is the antithesis of democracy. I want to thank Representative Cole and Representative McCollum for your efforts to stop this injustice. However, it was enacted into law.

I know my time is short, so I will close by pointing your attention to two images, the bottom two. One shows a young San Carlos woman preparing to dance at her coming of age ceremony in our sacred homelands. The other shows the certain destruction of these lands if the land exchange moves forward. The dances will stop along with our religion and way of life. I urge the subcommittee to work to repeal the land exchange. Thank you.

[The statement of Terry Rambler follows:]

Terry Rambler, Chairman, San Carlos Apache Tribe
House Interior and Related Agencies Appropriations Subcommittee (03/25/2015)

Good morning Chairman Calvert, Ranking Member McCollum and Members of the Subcommittee. I am Terry Rambler, and I am honored to serve as Chairman of the San Carlos Apache Tribe, representing 15,000 tribal citizens. The San Carlos Apache Reservation constitutes a small portion of our ancestral aboriginal territory, and spans 1.8 million acres in southeastern Arizona. My testimony today focuses on the unmet needs facing our youth, the public safety needs of our community, and threats facing our culture and way of life.

Need to protect at-risk Native youth. Despite cooperative efforts that have led to decreased unemployment and violent crime at San Carlos in recent years, methamphetamine continues to plague our community. The resulting impacts on our children and families are devastating.

The San Carlos Youth Home serves as the primary provider of shelter and safety for infants and children exposed to violence, endangerment, or neglect. In 2013 and 2014, the Home accepted an average of 12 newborns exposed to methamphetamine each year. The Home is a 16-bed facility that was built in the 1970's. The Home is open 24-7 and serves children ages 0 to 17. Once placed in the Home, children receive treatment and testing from the Arizona Early Childhood Intervention where they are assessed to ensure that they are mentally and physically stable. If necessary, they are also referred to BIA Criminal Investigators to investigate allegations of abuse or neglect. Under high supervision, we attempt to ensure that infants are able to bond with their parents, and if the parents are not capable, we attempt to connect the infants with their extended family. Five staff members work at the Youth Home, earning barely minimum wage.

The Home is in constant disrepair: the roof leaks; the plumbing often backs up; there is no sprinkler system; and the heating and cooling systems often fail. In September 2014, the Home experienced a kitchen fire. After the fire, the facility was boarded up until repairs could be completed. The building needs to be completely renovated to accommodate the therapeutic needs of the children we serve, who often suffer from behavioral and mental health disorders due to being subjected to violence, substance abuse, and other forms of neglect and abuse. The Tribe has a 638 Self-Determination contract for mental health and substance abuse services. However, with no on-Reservation service provider, we are forced to send children off-Reservation to treatment providers. Children are taken away from their local support system and separated from culturally appropriate intervention. Some of the youth improve, but many regress and get worse.

Congress acknowledged the need to treat and educate at-risk Native youth in Indian Country when it enacted the Tribal Law and Order Act of 2010 (TLOA). TLOA authorized funding for the construction ($10M annually) and staffing and operation ($7M annually) of "emergency shelters or halfway houses for Indian youth" (25 USC 2433).
REQUESTS: *To address the impacts of methamphetamine and the unmet needs facing our youth and families, we urge the Subcommittee to support the Budget request of $84.5M (+$3.5M) for IHS Mental Health services and the Budget request of $227.1M (+$36M) for the IHS Alcohol and Substance Abuse program, which includes $25M as part of the Generation Indigenous (GenI) Initiative. We recommend report language to require behavioral health providers hired under this initiative to provide services at youth homes and shelters.*

To help heal San Carlos families, we urge the Subcommittee to support the Budget request of $47.1M (+$6.3M) for BIA Social Services within the Tribal Priority Allocations line as part of the Tiwahe Initiative to strengthen Indian families and fortify tribal communities.

We urge the Subcommittee to appropriate $17M for the construction, staffing and operation of emergency youth shelters as authorized under TLOA (25 USC 2433).

Provide Health Care and Education for Native Youth in Custody. Because of the lack of treatment and services, some of our Native youth walk a path that leads them into the justice system. The BIE and IHS have not met their obligations to provide health and education services at the approximately 24 detention centers serving Native youth on Indian lands.

San Carlos is fortunate to have a detention center that serves our youth. Through a funding agreement with a local government, we were able to hire an amazing teacher that has been able to reach the most at-risk youth in our community. Through her work, on a shoestring budget, we have been able to significantly reduce recidivism at our juvenile detention center in just two years. We consistently hear positive reports back from families of youth that leave our center. However, this funding is tentative and our teacher works completely without support staff.

The November 2013 Indian Law & Order Commission (ILOC) Report highlighted the dire situation facing many Native youth in custody. It acknowledged, "Indian country juvenile justice exposes the worst consequences of our broken Indian country justice system." The Report confirmed that "secondary educational services are either lacking or entirely non-existent" in facilities operated or funded by the BIA. The BIE confirmed to the ILOC that no funding has been appropriated for juvenile education in recent years. We face similar problems when seeking to use or request health and mental health services from IHS for Native youth in custody.

Congress acknowledged the need to treat and educate at-risk Native youth through enactment of TLOA. TLOA directed Interior and Justice to work with tribes to develop a long-term plan for the construction and operation of Indian juvenile detention and treatment centers and alternatives to detention by July 29, 2011. TLOA also required BIE and IHS to coordinate with tribes to provide health and education services at BIA and tribal juvenile centers. TLOA authorized $7 million for this purpose. We are unaware of the existence of the long-term plan or the BIE/IHS efforts to provide these services.
REQUEST: *It is unclear whether the Genl Initiative will provide funding for health and education services for Native youth in custody. If it does not, we urge the Committee to fund juvenile education at BIA-funded detention facilities at 100% of need, including $7 million as authorized under TLOA for juvenile education and health care. We also urge the inclusion of report language that directs the Departments of Education, BIA, BIE and IHS to coordinate to provide education, health, and treatment services to juveniles in BIA and tribal facilities.*

Elementary School Access Road. To improve opportunities for our children, the Tribe is nearing completion of a new elementary school to serve the Bylas community. The new school sits on the foothills of Mt. Turnbull. Currently, the only access road to the new school is a four-mile dirt road that is not fit to transport a bus full of young children. The road will prove especially hazardous during the rainy season, common dust storms, or snowfall. Funding for the

BIA Road Maintenance Program has never recovered from the cuts after FY92 when it was funded $41 million. This lack of funding costs lives. Over the past 25 years, 5,962 fatal motor vehicle crashes occurred on Indian reservation roads, with 7,093 lives lost.
REQUEST: *We urge the Subcommittee to appropriate $50 million for the BIA Road Maintenance Program in FY16 and ask that you include report language that will target and include a funding preference for roads that provide access to Reservation schools.*

Public Safety: San Carlos thanks the Interior Department and this Subcommittee for funding provided under the BIA-OJS High Priority Performance Goal initiative, which significantly reduced violent crime on the Reservation. However, our community continues to struggle with meth, substance abuse, and the resulting impacts on our children and families.

Public Safety Construction Funding. The San Carlos Police Department has been housed in BIA Building 86 since we first contracted for law enforcement services in the mid-1990s. Building 86 was constructed in the 1970s to house police and adult detention services. In 2009, the BIA ordered the Building condemned, and moved the BIA Criminal Investigators into a refurbished BIA Building. However, the San Carlos police and courts have been forced to work in this facility that suffers from serious structural and electrical problems, leaky roofs, and broken fixtures. There are frequent power outages, causing the police department to lose communication with officers in the field, posing serious risks to the officers and the community. Building 86 is located in a flood plain and during monsoons the building floods, contaminating evidence and jeopardizing cases. The Tribe is working with the BIA to move our police and courts into temporary modulars. However, the BIA has not yet identified a permanent solution to house our essential justice and public safety personnel.

REQUEST: *The BIA public safety construction (PSC) budget has funded only maintenance and repairs for the past five years. In FY09, PSC was funded at $39.3M. In FY10, PSC was funded at $64.4M. From FY11-15, PSC funding has not exceeded $11.3M. One rationale for the cuts was that new PSC funding would flow through the DOJ. This line at DOJ had averaged $34M/year from FY99-FY02. However, the DOJ PSC funding has leveled at $9-10M since FY06. We urge the Subcommittee to restore BIA PSC funding to FY10 levels at $64.4M.*

Law Enforcement Radio Communication Coverage. The San Carlos Apache Reservation spans 1.8 million acres. The TIA-TSB-88 (Telecommunications Industry Association - Telecommunications Systems Bulletins) acknowledged by the National Public Safety Telecommunications Council requires 95% radio coverage of law enforcement territory. San Carlos has only 55% of coverage, because there are not enough radio repeater towers. The lack of coverage results in a high number of dead spots for officers on foot. With only 24 police officers, our officers are often forced to patrol alone relying solely on radio communication to share information with other officers. Too often, these officers find themselves in a dead zone with no ability to communicate with dispatch or other cars from their handheld radios.

Over the past two years, there were five (5) officer-involved shootings (OIS). Details of these five shootings have been shared with the Subcommittee. In all five incidents, the officer tried to call for backup, but because of the lack of radio coverage – they were unable to communicate the urgent need for help. No officers were physically hurt during these incidents; however, they are

living with the mental trauma associated with the OIS. Upgrading the radio coverage in San Carlos is vital to health and mental health of the men and women who place their lives at risk daily to protect our community. The Tribe needs three-four radio towers to gain 95% coverage.
REQUEST: *The Budget request of $44M for BIA Information Resources Technology will not support the upgrades needed at San Carlos. BIA-IRT funding should be increased and funding directed to improve public safety coverage for Reservations with less than 60% of radio coverage. We urge the Subcommittee to direct Interior to coordinate with other agencies to develop a plan to provide consistent funding to for law enforcement communications coverage.*

Special Law Enforcement Commission (SLEC). The SLEC program is critical to filling gaps in criminal jurisdiction in Indian Country. The program enables tribal police that meet certain training and background check requirements to enforce federal laws. Tribes are then required to enter into an agreement with the BIA in order to receive the SLEC cards. Our Police Department is concerned that BIA can revoke a tribal officer of his or her SLEC card without notice, hearing or process. In addition, while the BIA and DOJ have improved the SLEC program, our police officers are concerned with inflexibility of the program. The BIA has refused to transfer an SLEC when an officer moves from one tribe to another, even within the same state.
REQUEST: *We ask the Subcommittee to include report language to enforce common sense no-cost changes to the SLEC program to acknowledge the transfer of SLEC cards and language to require the BIA to implement processes and procedures prior to revoking an SLEC.*

Parity in federal forest management funding. The U.S. is legally responsible for the health of tribal forestlands, which are critical to the San Carlos Apache culture, religion, and economy. Tribal members continue traditional cultural and ceremonial practices tied directly to the health of our forests. San Carlos has one of the few remaining active timber sales programs and operational sawmills, which maintains the health of our forest and provides critical jobs to our people. Despite these obligations, tribal forest management funding remains at one-third of that for National forests and one-tenth of federal funding for state forests.
REQUEST: *We urge the Subcommittee to follow the funding recommendations set forth in the Indian Forest Management Assessment Team (IFMAT) III Report, including: increasing BIA Forestry funding by $25M to $73M for FY16; increase DOI Office of Wildland Fire Management – Fire Risk Management (which includes Fuels Management) to $206M (+$28M over the Budget request of $178M); among other funding goals of IFMAT III. In addition, we support language that would treat extreme fire costs (above 70% of the 10 year average) as natural disasters, which would free up funding for tribal forest management.*

Repeal the SE AZ Land Exchange. Minutes before midnight on December 2, 2014, the Southeast Arizona Land Exchange was included as Section 3003 of the 2014 National Defense Authorization Act, despite the fact that the House pulled this bill from floor consideration twice in the 113th Congress. This is the antithesis of democracy. San Carlos greatly appreciates the efforts of Rep. Cole and Rep. McCollum for their efforts to strike Section 3003. However, the provision was enacted into law and now threatens our religion and very way of life.
REQUEST: *We urge the Subcommittee to work to repeal the Southeast Arizona Land Exchange and in the interim to mitigate damage to the lands that will result in the destruction of our religion, the San Carlos Apache way of life, and the water and environment in the region.*

Mr. CALVERT. Mr. Manuel. Good to see you again.

WEDNESDAY, MARCH 25, 2015.

AK-CHIN INDIAN COMMUNITY

WITNESS

LOUIS MANUEL

Mr. MANUEL. Good morning. [Speaking native language.] I am Louis Manuel, Chairman of the Ak-Chin Indian Community. Our reservation is situated approximately 30 miles south of Phoenix, Arizona. It neighbors the City of Maricopa which has grown from a population of about 1,000 to approximately 45,000 in under 15 years. This growth has brought both new challenges and new opportunities to the community. In recognition of these changes, we have taken the initiative to self-fund several substantial public projects including our central plant, wastewater treatment plant, surface water treatment plant, roads, and infrastructure projects and most recently, our multi-purpose Justice Complex. We have two photos. That is the old photo off on the left and the new Justice Complex on the right.

The Justice Complex is truly state of the art, a 56,000 square foot facility. It houses the community's police department, public defender's office, prosecutor's office, detention and probation center, and of course, all under one roof.

As a subcommittee with jurisdiction over the BIA, we hope that you will help the community as we continue to seek eligibility for operations and maintenance funding as if we had gone through the standard BIA Justice Facilities Construction Process. We thought it was necessary to fund this $18 million facility ourselves as the backlog of justice construction needs that already exist in Indian Country are outpacing federal construction appropriations.

Many other tribes are likely already doing the same and will continue to do so in the future. Our justice complex was constructed in full compliance with all BIA health and safety code requirements. It has been issued a permanent certificate of occupancy by the BIA Office of Facilities Management and Construction. This is the only regulatory requirement for O&M eligibility which would be a key incentive for other tribes to also follow the codes.

Also, as new facilities have helped us to meet the full public safety needs of our community, we have seen a modest but noticeable increase in our O&M costs. Tribes funding such a project themselves should not be penalized for working outside the standard bureaucratic funding process. Our Justice Complex was completed and dedicated on June 6, 2014. Yet, we remain in limbo about whether or not we will be eligible to receive operation and maintenance funding for the future operations of the facility. The community and BIA still have more work to do on this issue, but we must emphasize the importance of eligibility for O&M funding to Ak-Chin, and likely to many tribes taking on similar projects in the future.

While navigating the Bureau can often be frustrating for tribes, we sincerely appreciate the assistance of the many dedicated em-

ployees throughout the BIA and hope that Congress will continue to help the agency become more flexible and responsive to the new challenges facing tribes.

Building our own Justice Complex was an act of self-governance. We are building to capacity of our people to run our government far into the future. In all areas we want information sharing from the BIA to best make our governmental decisions and ensure we are a valuable and effective governmental partner.

Tribal governments are leading innovators developing new and creative ways to build our communities and better serve the needs of our people. This innovation should be embraced and encouraged by our federal partners, especially the BIA. We need a BIA that is flexible and willing to break free from the institutional and bureaucratic practices of a bygone era. We hope Congress will continue to personally challenge the BIA to modernize and adapt to the realities facing tribes in the 21st century.

In conclusion, I would like to thank all of you for your willingness to listen directly to the challenges facing tribal governments. We look forward to working with you all and toward building healthier tribal communities for our future generations. Thank you.

[The statement of Louis Manuel follows:]

TESTIMONY OF
CHAIRMAN LOUIS MANUEL
ON BEHALF OF THE
AK-CHIN INDIAN COMMUNITY

BEFORE THE
U.S. HOUSE OF REPRESENTATIVES
APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT AND RELATED AGENCIES

March 25, 2015
Rayburn House Office Building B-308

Mr. Chairman, Madam Ranking Member, and Members of the Subcommittee;

I am Louis Manuel and I currently serve as the Chairman of the Ak-Chin Indian Community ("Community" or "Ak-Chin"). Our Reservation was established in 1912 and is located adjacent to the City of Maricopa, Arizona, approximately 35 miles south of downtown Phoenix, Arizona. Maricopa has experienced rapid growth in recent years, making it one of the fastest growing suburbs in the greater Phoenix metropolitan area. The effects of this growth have brought new opportunities to the Community, as well as new challenges to which we are continuing to adapt.

We have always been a farming Community. Indeed, Ak-Chin is an O'odham word meaning "people of the wash," which refers to the wash runoff that our ancestors used to irrigate beans, corn and squash. Today, the Community owns and runs Ak-Chin Farms, which employs 84 people and cultivates 16,000 acres of farmland. Gaming and hospitality have emerged as major sources of economic development for the Community and we continue to look to diversify our economic ventures as Maricopa continues to grow at a rapid pace.

We are a small tribe with currently just over 1,020 enrolled members, of which 78% live on the Reservation. Meanwhile, our neighbor, the City of Maricopa, Arizona has grown astronomically, from a population of 1,040 people in the 2000 Census, to approximately 45,500 in 2013. Such growth has brought several new "big-city" problems to the Community, such as addressing traffic and crime in ways not seen before. This growth is only expected to continue well into the future and the Community is working hard to plan accordingly.

Throughout these changing circumstances, we remain committed to protecting the future of our Community for the next generation while continuing to be good neighbors to the surrounding communities. Indeed, these most basic objectives are shared among tribes universally, but felt most directly by the many tribes who are navigating the opportunities and challenges created by nearby growth. To best respond to these challenges, we need a Bureau of Indian Affairs (BIA) that is flexible and willing to break free from the institutional and bureaucratic practices of a bygone era. We hope Congress will continue to push and challenge the BIA to modernize and adapt to the realities facing tribes in the 21st Century.

Operations and Maintenance Funding for the Ak-Chin Justice Complex

In recognition of the changes and growth in the broader community, the Community made the decision nearly a decade ago to construct the Ak-Chin Multi-Purpose Justice Complex ("Justice Complex"). The Community saw the need and funded the planning and construction entirely on our own, without the federal government, at a cost of over $18 million. To the best of our knowledge, it is the first tribal justice center that was fully funded by a tribe.

We believed self-funding the project was necessary due to the lack of federal appropriations for tribal facilities construction and the backlog of justice construction needs that already exist in Indian Country. As tribal government facilities and infrastructure continue to age and deteriorate far faster than the funds being appropriated for facilities construction we expect many tribes in the future will also decide to self-fund major government construction projects. This will apply far beyond justice related projects, but also to schools, roads, sewage plants, hospitals and other infrastructure projects as tribes continue to exercise greater degrees of self-governance. Indeed, the Community has also self-funded our Central Plant, Waste Water Treatment Plant, Surface Water Treatment Plant, as well as roads and infrastructure projects.

When tribes have the resources and make the decision to take on these projects themselves, we should not be penalized for working outside the standard bureaucratic process. Our Justice Complex was completed and dedicated on June 6, 2014, yet we remain in limbo with the BIA about whether or not we will be eligible to receive Operations & Maintenance funding for the future operation of the facility.

Our Justice Complex is a truly state-of-the-art 56,000 square-foot complex. When the Community committed to funding the project through to completion we established a planning committee that was made up of our police chief, chief judge, detention sergeant, capital projects manager and our contract and grants manager. They traveled across the country to research other tribal justice facilities and learn best practices from other tribes who had been able to benefit from federal appropriations for facilities construction.

Through this process we realized the benefits and efficiencies of housing all aspects of the judicial system under one roof. Accordingly, our Justice Complex houses the Community's police department, public defender's office, prosecutor's office, detention and probation center and courts. It was designed to use modern water and energy saving technologies throughout. Further, the design will ensure that detainees have the opportunity to practice their religious beliefs, while also taking GED or college courses online, and receiving CPR or food handling certifications.

The Justice Complex is a symbol of our inherent right to exercise our tribal sovereignty through self-governance and we hope it will serve as a model for other Indian communities well into the future. In addition to funding the project ourselves, the Community and the planning committee worked diligently to ensure that the Justice Complex would be fully compliant with all BIA code requirements for the health and safety of everyone who would be associated with the facility. After several intensive examinations by the BIA Office of Facilities Management and Construction (OFMC), our Justice Complex was issued a Permanent Certificate of Occupancy.

Despite meeting all of the code requirements and obtaining a Permanent Certificate of Occupancy, it remains unclear if our Justice Complex will be eligible for Operations and Maintenance Funding ("O&M Funding.") The Community and BIA still have more work to do on this issue, but we must emphasize the importance of eligibility for O&M Funding to Ak-Chin and, likely to many tribes taking on similar projects in the future.

Indeed, there is nothing in federal law or Department of Interior Regulations that would call into question O&M Funding eligibility for a tribe that funded its own construction project. The Operations and Maintenance Program is explained in Part 80, Chapter 3 of the Indian Affairs Manual and provides;

> O&M funding shall be provided to Locations or facilities approved by the Deputy Director, OFMC after meeting these prerequisites:
>
> (a) Approved Agreement for Ownership and Title of facilities
> (b) Approved Plan for Demolition or Transfer of facilities
> (c) Approved Request for Space Expansion, Chapter 2.3.B(4), applicable to permanent facilities as well as portables, modulars, trailers, and towers
> (d) Approved Inventory
> (e) Final Acceptance
> (f) Certificate of Competency

While meeting these requirements should be a straight forward process, it has become a maze for the Community to navigate back and forth between local, regional and national BIA officials. As tribal leaders have often illustrated to this Subcommittee, there seems to be little, if any, coordination or consistency in the information we receive from one BIA office to another. Clearly, our process remains ongoing and we appreciate the assistance of the many dedicated employees throughout the BIA.

Just as we hope that our Justice Complex will serve as an example for other tribes, we also hope our experience navigating the bureaucratic process with the BIA can help make that process more user friendly and workable for other tribes who are certain to face the same situation in the future. As the Members of the Subcommittee are well aware, tribes often come to Congress when frustrated with roadblocks or delays in seemingly straightforward matters are passed back and forth among various officials within the federal agencies. In that way, our issue is not new.

It is a relatively new development, however, that tribes are both capable and willing to exercise self-determination through significant construction investments in our own communities. This should be recognized and encouraged. More and more tribes, who are able, will choose to invest in their communities outside of the BIA construction process and the system should have the flexibility and understanding to work as smoothly with such tribes as with those following the traditional construction process.

Indeed, as more tribes decide to invest in facilities on their own there is a greater incentive for the BIA to ensure a system that incentivizes following the health and safety codes required to be eligible for O&M Funding. If Ak-Chin ultimately cannot receive O&M Funding after the expense and years of work we put into building a completely OFMC health and safety code compliant Justice Complex, there would be little incentive for any tribe financing their own facility to follow these regulations in the future.

Tribal Governments are the leading innovators developing new and creative ways to build our communities and better serve the needs of our people. This innovation should be embraced and encouraged by our federal partners, especially the BIA. As we continue to work to obtain O&M Funding for the Ak-Chin Justice Complex we look forward to working with our delegation and the BIA to ensure the Community's eligibility. Furthermore, we hope Congress will continue to work with the BIA to build a bureaucracy that is more flexible and responsive to the ever changing needs and capabilities of tribal governments.

Tribal Self-Governance

As we have taken some significant steps forward to protect our community for future generations by investing in the Ak-Chin Justice Complex, we also recognize the need to invest beyond brick and mortar community projects. To ensure a healthy community for our children, we need to ensure that we are building the human capital necessary to ensure a stable and effective tribal government for generations to come. By taking on more responsibility for governing ourselves, we are building not just the Community, but also our future leaders.

Self-governance enables tribes, not the BIA, to run our own programs and ensure that these programs conform to our history and traditions to best serve our people. By running our own programs we are also building the capacity of our people to effectively operate programs and our government far into the future. Indeed, self-governance benefits our community well beyond the people served by our programs.

Accordingly, we need more opportunities to run our programs, not just those at BIA or IHS, but throughout the federal government. We need the information sharing necessary to make our governmental decisions and we need the technical assistance to build up our people and ensure that we are a valuable and effective governmental partner to the United States, our state, our county, and our neighboring communities.

Conclusion

In conclusion, Mr. Chairman, Madam Ranking Member, and Members of the Subcommittee, I would like to thank all of you for your willingness to listen directly to the challenges facing tribal governments. Our Community has high hopes that this Committee will continue to work to address the challenges tribes face from population growth, bureaucratic hurdles and in exercising the opportunities and promises of expanded tribal self-governance. We look forward to working with you all toward building healthier tribal communities for our future generations.

Mr. CALVERT. Thank you. And Ms. Acuna, you are recognized.

WEDNESDAY, MARCH 25, 2015.

BLACKWATER COMMUNITY SCHOOL

WITNESS

SUZANNE ACUNA

Ms. ACUNA. Good morning. My name is Suzanne Acuna. I first want to address those parts of the Indian Affairs budget request that we fully support and then discuss those with which we have concerns.

First, we fully support the Bureau's request for school construction to complete the Education Facilities Replacement Construction priorities list published in the Federal Register on March 24, 2004, as well as the Bureau's Replacement Facility Construction request for $11,935,000. Blackwater is one of 42 schools in poor condition that requires replacement. Due to increased enrollment we now have more than 70 percent of our students attending school in portable classrooms.

In 2008 the Bureau of Indian Education conducted a space analysis and determined our school needed more than 13,000 additional square feet of space and also required a multi-purpose facility. Since the 2008 space analysis was conducted, our enrollment has increased by 60 percent, and our need has increased to more than 25,000 square feet. We need a new school, and the Replacement Facility Construction Request is critical to that happening.

We also support the request to increase Facilities Improvement and Repair due to the need of more than $377 million. In the Bureau of Indian Education budget, we strongly support the request for tribal grant support costs that will fully fund the administrative support costs for tribes. We also support the increase in education IT. Since schools were connected 15 years ago, BIE schools have not been provided adequate support to improve connectivity to the Internet nor provided funding to train staff or procure up-to-date hardware and software.

We support the request to increase Facilities Operations and Maintenance by $10 million dollars and urge Congress to continue this level of funding for the next 3 years. We note there isn't an increase in the Indian School Equalization Account. This account forms the foundation for school operations. Over the past 4 years this account actually decreased by $5 million, and if Congress appropriates funding at the BIE requested amount, will result in less than a $700,000 increase over a 5-year period.

If schools are to implement the No Child Left Behind requirements and Common Core curriculum, it is critical to have sufficient resources to do so. At the same time the BIE has requested significant increases for the Education Program Enhancement Account. This fund so far seems to have been used more as a BIE slush fund as few schools have received any benefit, while at the same time too many schools are not making adequate yearly progress.

As an example, this year schools were contacted in March to apply for Education Program Enhancement funds to provide profes-

sional development to their staff. It is too late to make a difference in student learning this school year. More than 16 percent of BIE schools are failing according to the BIE's GPRA report. If schools are to be successful, more resources need to be directed to schools who are most familiar with their students' needs.

The Bureau wants to use millions of dollars to reorganize this bureaucracy and has requested an increase of $2.5 million in Education Program Management to do so. These funds if focused appropriately could increase student achievement and have a positive impact on Native children's lives.

We request Congress move the Education Program Enhancement and Education Program Adjustment funds to ISEP. This would result in a $27 million increase to ISEP and provide an opportunity for schools to appropriately manage and conduct meaningful professional development, attract high-quality staff, and improve achievement scores.

For the past 25 years the BIE has implemented a high-quality early childhood/family literacy program, the Family and Child Education program, or FACE as it is called. It is the only BIE program that has been evaluated over the past 25 years paid for by the BIE itself and has a record to demonstrate its effectiveness. According to the Bureau of Indian Education funded independent evaluator, Research and Training Associates, children who attend FACE preschool enter below the national percentile rank but leave on a level playing field with children nationally, and children who attend FACE have high levels of Kindergarten readiness due to the program's direct, significant, and meaningful impacts on preschool attendance, books and literacy resources in the home and increased literacy activity overall. The program also helps adults earn their GED and become employed. Over 300 parents became employed each year as a result of attending FACE.

FACE is underfunded. Each program was funded at $250,000 25 years ago, and today, the program receives $289,000. As a comparison the federally funded Head Start program receives over $9,000 per child compared to FACE funding of $3,400 per child. If the Consumer Price Index were used to determine an appropriate funding level, each site should receive $455,000 based on the last 20 years of CPI data.

While Congress appropriated funds for the FACE program requested by BIE, over the past 3 years it has not allocated those funds to the schools. As a result BIE currently has a carryover of $7 million in that account.

While we support early childhood programs in all communities, we request Congress fund FACE at an appropriate amount and not jeopardize the quality of this program. Thank you for allowing this testimony.

[The statement of Suzanne Acuna follows:]

March 25, 2015

Testimony of Ms. Suzanne Acuna
School Board Member
Blackwater Community School
Coolidge, Arizona

Good Morning. My name is Suzanne Acuna. I am a school board member of the Blackwater Community School located on the Gila River Indian Community. Thank you for allowing me to testify at this important hearing on the Department of the Interior's budget submission for Indian education.

I first want to address those parts of the Indian Affairs budget request that we fully support and then discuss those with which we have questions and concerns.

First, we fully support the Bureau's request for school construction to complete the Education Facilities Replacement Construction priorities list published in the Federal Register on March 24, 2004 as well as the Bureau's Replacement Facility Construction request for $11,935,000. Blackwater is one of 42 schools in poor condition that requires replacement. Our school was constructed in 1939 for no more than one hundred students. Due to increased enrollment we now have more than 70% of our students attending school in portable classrooms. We also have a portable kitchen\cafeteria because the old food service area was too small for our student population. In 2008 the Bureau of Indian Education conducted a space analysis to determine if our school was undersized. They determined our school needed more than 13,000 additional square feet of space and also required a multi-purpose facility. Since the 2008 space analysis was conducted our enrollment has increased by 60% and our need has increased to more than 25,000 square feet. We are still waiting for the new multi-purpose facility as well as new classrooms and other education space. We also support the request to increase Facilities Improvement and Repair and recommend it be increased due to the need of more than $377 million in the current backlog. As long as there aren't sufficient resources to reduce deferred maintenance the condition of the schools will continue to deteriorate. We also recommend the minor improvement and repair account be increased beyond the $25 million. This account addresses critical items such as HVAC systems, roofs, and electrical needs. Our school currently needs roof replacement on three buildings that will cost more than $50,000. Older buildings such as those at most schools in poor condition require constant repair. We recommend the minor improvement and repair account be increased by $5 million dollars.

In the Bureau of Indian Education budget we support the request for Tribal Grant Support Costs that will fully fund the administrative support costs for tribes. For too long tribes and schools have operated without sufficient costs to meet the

requirements to administer their programs. This has too often resulted in audit findings that could have been prevented if schools received adequate resources to administer their program. We urge Congress to provide the amount requested.

We strongly support the increase in Education IT. Since schools were connected fifteen years ago as a presidential initiative, Access Native America, BIE schools have not been provided adequate support to improve connectivity to the Internet nor provided funding to train staff or procure up to date hardware and software. This funding is critical especially now given the new requirement to test students on line.

We support the request to increase Facilities Operations and Maintenance by $10 million dollars. While we realize budgets overall in the government are constrained even if Congress increases these two accounts it is not sufficient. If a school does not have sufficient resources to make repairs or to pay utilities, the funds must come from another account that too often means ISEP, transportation or other direct school operations accounts. These accounts are all linked and schools must use them as one to operate their schools. Due to the significant shortfall in these two accounts we recommend they be increased over the next three years by $10 million dollars each year.

We note there isn't an increase in the Indian School Equalization account. This account forms the foundation for school operations. Over the past four years this account actually decreased by five million dollars and if Congress appropriates funding at the BIE requested amount, will result in less than a $700K increase over the past five years. While inflation is low there are increased costs to schools to pay for salaries to recruit and maintain high quality staff which is especially critical to rural isolated schools; increased costs for new materials and training to implement the Common Core curriculum; and in our case, costs to provide for increased enrollment that due to the rolling average used by the BIE, hurts schools that have spikes in enrollment. If schools are to implement the No Child Left Behind requirements it is critical to have sufficient resources to do so. At the same time the BIE has requested significant increases for the Education Program Enhancement account.
From reading the budget justification for this account it is difficult to determine how the funding will be used. It contains a laundry list of activities without clear goals or measures. This fund so far seems to have been used more as a BIE slush fund as few schools have received any benefit, while at the same time too many schools are not making Adequate Yearly Progress. More than 65% of BIE schools are failing according to the BIE's GPRA report and now this agency wants to turn over these schools to tribes with inadequate funding. If schools are to be successful more resources need to be directed to improve schools. As an example this year schools were contacted in March to apply for Education Program Enhancement funds to provide professional development to their staff. The school year is almost over and students are already taking standardized tests. It is too late to make a difference in student learning this school year. No wonder schools are failing when the BIE manages these funds in such an irresponsible manner. The BIE has not had a clear

strategic plan for the past four years to support student learning and now that they have failed, have decided to turn over schools to tribes. At the same time the Bureau wants to use millions of dollars to reorganize it bureaucracy and has requested an increase of $2.5 million dollars in Education Program Management. These funds if focused appropriately could increase student achievement and have a positive impact on native children's lives. We request Congress move the Education Program Enhancement and Education Program Adjustment funds to ISEP. This would result in a $27 million dollar increase to ISEP and provide an opportunity for schools to conduct meaningful professional development, attract high quality staff, and improve achievement scores. The BIE has forgotten their mission is to provide a high quality education for native children and instead has focused on establishing a large bureaucracy and as history has demonstrated, will have little impact on student learning.

For the past twenty-five years the BIE has implemented high quality early childhood\family literacy program-the Family and Child Education program (FACE). FACE is a dual generation program that provides adult education programs as well as high quality early education experiences for three and four year old children and their parents, usually a mother, to assure strong educational outcomes and upward economic mobility. The program also includes home visiting and an intensive parent engagement component. FACE focuses on children and parents because the latest research shows that early childhood education alone is not sufficient to assure children's education success-that a mother's education and economic status is critical to a child's success in school and later through life.
It is the only BIE program that has been evaluated over the past twenty-five years **by the BIE itself** and has a record to demonstrate its effectiveness. According to the Bureau of Indian Education funded independent evaluator, Research and Training Associates, children who attend FACE preschool enter below the national percentile rank, but leave on a level playing field with children nationally, and children who attend FACE have high levels of kindergarten readiness due to the program's direct, significant, and meaningful impacts on preschool attendance, books and literacy resources in the home, and increased literacy activity overall. Parents who attend FACE are more engaged than those who do not participate in FACE. Increased parent engagement still holds steady when children enter 3rd grade. The program also helps adults earn their GED and become employed. Over 300 parents became employed in 2013 as a result of attending FACE.
Each program was funded at $250K twenty five years ago and today, the program receives $289,000, and that funding level only started last year. The increase of 15% is not sufficient to maintain a high quality early childhood\family literacy program. As a comparison the federally funded Head Start program receives over $9000 per child compared to FACE funding of $3400 per child. If the Consumer Price Index were used to determine funding levels, each site would receive $455,000 based on the last twenty years of CPI data.
While Congress appropriated funds for the FACE program requested by BIE, it has not allocated those appropriated funds. As a result BIE currently has a carryover of 7 million dollars in that account. Now the BIE wants to start another early childhood

program with that funding. While we support early childhood programs in all communities we request the funds Congress appropriated for FACE be allocated appropriately, to the FACE programs. Flat funding for 25 years endangers the quality and effectiveness of this high quality program. The BIE last year conducted a cursory evaluation of the FACE program. They only evaluated two programs in close proximity to Albuquerque and tried to extrapolate those results to the entire program. We believe if a review of the program is to be reliable BIE needs to conduct a comprehensive review, publish their results, and hold consultation sessions throughout the country with tribes and tribally controlled schools on their results. Without doing this, the BIE's review will not be viewed as valid.
In summary, we request Congress require the BIE to use Congressionally appropriated funds for the purpose for which they were requested and appropriated-to fund the FACE program adequately. If the BIE wants to start new early childhood programs they should request a separate appropriation for that purpose. By doing this, each FACE site would immediately receive $350,000. This would help FACE maintain its high quality program.

Thank you for allowing me to provide testimony at this hearing.

Mr. CALVERT. Thank you, and thank you for your testimony. Ms. Honani, as you mentioned, we were at the Navajo-Hopi Reservations earlier this year, and obviously there is a lot of dissatisfaction with the Relocation Commission, and from a budgetary process, I look at it as a businessman. When you have an organization that has 70 percent overhead, it is inefficient to say the least. And we are taking a very strong look at that from my own perspective and how we can deal with this. I would much rather see money granted to the tribal councils and let them make their own determinations on how that money is to be spent. I think you probably have a heck of a lot more influence over that than you would from the Relocation Commission.

So we are seriously looking at this problem, both from the Navajo perspective and from the Hopi perspective and trying to come up with a better solution than what you are dealing with right now.

Mr. Rambler, it seems that meth is epidemic throughout any country. I hate to say throughout the United States. And heroin is growing because of the cartels in Mexico which are pushing the meth and heroin up through the borders. You are right on the border, so I suspect you are getting a lot of that. We need to have enforcement to make sure that we stop that from happening.

And I hear you on the self-governance, Mr. Manuel. I agree with you. I think that the tribes in America are competent enough to handle their own affairs, and I would rather see money not just for general operations but education, the rest pushed to local tribes. They probably know their children better than we do. And I suspect you will probably do a better job. So we look forward to trying to simplify the bureaucracy in the BIA and make it more effective and efficient.

Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chairman, and thank you for having us to lunch at Spider Mound, and the information that you shared with us. We are still discussing it and we appreciate the opportunity to meet with the Hopi people.

And to the other two gentlemen, thank you for your testimony. To the chair's point, we talk about public/private partnerships and how successful they are. Well, these are nation-to-nation partnerships that can be extraordinarily successful. So thank you for pointing out ways to move forward.

If I could, we are going to follow up, Suzanne, on some of the early childhood questions that you had. I couldn't agree with you more. One of the reasons why I did not vote for No Child Left Behind was it doesn't test children in real time to make real-time interventions in their lives and then provide the support to do that. So thank you for acknowledging that about testing. I am a former teacher. You give the test at the end of the chapter so you can go back and cover those things that the students missed right away. You don't give the test and then move to the next grade and then hope through magic somehow that they understood or rediscovered something that they missed that showed up on the test. So thank you so much. We will follow up with you on the early childhood issues because we have some rather technical questions.

Ms. ACUNA. Thank you.

Ms. MCCOLLUM. Thank you. Thank you, Mr. Chair.

Mr. CALVERT. Thank you. And one last point on the school construction issue, Ms. McCollum and I and the committee are trying to think out of the box to come up with a solution to this huge problem we have throughout the United States. We dealt with it on military bases. We need to deal with it on all the national Indian reservations throughout the United States. So I am hoping to come up with a more universal solution to that problem.

This will conclude our third of four public witness hearings, specifically for American and Alaska Native Programs under the jurisdiction of the Interior and Environment Appropriations Subcommittee. I want to again thank all the distinguished tribal elders and leaders who testified today and sat in the audience.

As I said in my opening which I wasn't here for, I hope you will seize the opportunity to meet with other Members of Congress outside of the subcommittee because honoring this nation's trust obligations is the responsibility all Members of Congress share, whether we currently have Indian tribes in our district or not.

This hearing is now adjourned. We will reconvene this afternoon at 12:30. Thank you.

WEDNESDAY, MARCH 25, 2015.

AFTERNOON SESSION

Mr. CALVERT. Good afternoon, and welcome to our fourth and final public witness hearing regarding the fiscal year 2016 budget for American Indian and Alaska Native programs under the jurisdiction of the Interior and Environment Appropriations Subcommittee.

I especially want to welcome the distinguished tribal elders and leaders testifying today and in the audience. I can assure you that your voices are heard by this subcommittee, just as they have been in recent years under the chairmanships of both Democrats and Republicans alike. American Indian/Alaska Native programs will continue to be a high priority for this subcommittee.

This subcommittee is in a tight spot with regard to the 2016 budget because of current law. Discretionary spending has to stay relatively flat. Meanwhile, the President is proposing a $323 million increase for Indian Affairs and a $461 million increase for Indian Health Service. Therefore, this subcommittee's challenge will be to find the money from within to pay for the highest priorities without cutting popular, perhaps lower-priorities by so much that we cannot pass a bill.

Most of you have traveled a long way to be here this week. I hope you will seize the opportunity to meet with other Members of Congress outside the subcommittee. Honoring the nation's trust obligations is the responsibility for all Members of Congress. We share that whether we have Indian tribes in our district or not.

Before we begin, I have a few housekeeping items to go over. Committee rules prohibit use of outside cameras and audio equipment during these hearings. An official hearing transcript will be available at GPO.gov.

I will call each panel of witnesses to the table one panel at a time. Each witness will have 5 minutes to present his or her testimony. Each witness will have full testimony included in the record so please do not feel pressured to cover everything in 5 minutes. Finishing in less than 5 minutes may even earn you a few brownie points. We will be using a timer to keep track. Green means you are on, yellow means let's summarize, and red means to conclude the remarks.

We are on a tight schedule today because we expect votes around 3:30 or so and we will be out for a long time so we are going to try to wrap everything up by then if possible. Members will have an opportunity to ask questions of our witnesses but we will keep on schedule so we can finish before the vote series that I mentioned earlier.

Mr. CALVERT. Thank you for all being here today. I am happy to yield and now to our distinguished ranking member, Betty McCollum, for any opening remarks she would like to make.

Ms. MCCOLLUM. Mr. Chair, I think you said it all. We are here to listen and, to the best of our ability, to matchup your priorities for the people that you represent, which we all represent, right?

So, Mr. Chair, with that and in light of the fact that we would hate for the last panel to have to wait around for an hour for us, I am done talking.

Mr. CALVERT. Thank you. I appreciate that.

Mr. Phelps, good to see you again. You are recognized for 5 minutes.

WEDNESDAY, MARCH 25, 2015.

NAVAJO-HOPI LAND COMMISSION

WITNESS

WALTER PHELPS

Mr. PHELPS. Chairman Calvert, Honorable McCollum, it is a pleasure to see you again, your staff and your colleagues. I thank you for the opportunity to come and testify before the committee. And I am here on behalf of the Navajo-Hopi Land Commission. My name is Walter Phelps. I am a member of the 23rd Navajo Nation Council and I am also chairman of the Navajo-Hopi Land Commission.

First of all, I want to thank you and the members of this subcommittee for your recent visit to the Navajo Nation in the latter part of January. The Nation, perhaps more than any other party involved, desires to bring closure to the relocation process.

The Navajo-Hopi land dispute has largely been a product of federal Indian policy resulting in the forced relocation of over 10,000 Navajos. This forced relocation stripped families and communities of their homes and livelihoods. Forced relocation has devastating spiritual, psychological, and cultural consequences that continue to this day. Although we want a speedy recovery, effective end to relocation, we also recognize that the work is not done. Relocation has left the Navajo Nation as a population of relocatees that have yet to receive the benefits Congress intended. We also have a population within the Hopi partitioned land on Hopi land finding life hard outside the jurisdiction of Navajo Nation.

Finally, relocation has left us with a population in the Former Bennett Freeze Area that is severely economically depressed due to federally imposed 40-year development freeze. Meanwhile, the Office of Navajo and Hopi Indian Relocation, known as ONHIR, has failed to complete relocation. The recent report by the Department of Interior's Office of Inspector General identified two causes for the delay: ONHIR's failure to complete eligibility determinations, and the complicated and lengthy administrative appeals process.

ONHIR spends approximately 75 percent of its budget on administrative costs. It routinely denies applications, forcing people into a lengthy and dehumanizing appeals process. Additionally, ONHIR's routine denials and reliance on the adversarial process diverts funds away from building homes for certified families.

Still, ONHIR is the only entity with the expertise to complete the job of relocation. However, the agency needs full funding, redirection to focus on home construction, and the appointment of a permanent commissioner to provide oversight. The agency has not had a permanent commissioner for almost 20 years.

We have six requests. First, we respectfully request the subcommittee provide funding necessary to complete relocation in the relatively near future.

Second, we request $20 million to address critical needs in the Former Bennett Freeze Area. This area desperately needs housing, safe drinking water, electricity, emergency response, telecommunications, and community facilities.

Third, in order to further assist the Former Bennett Freeze Area, we ask that you support Congresswoman Kirkpatrick's bill to provide regulatory relief in the impacted areas, as well as address certain technical failures in the current law.

Fourth, we ask this subcommittee to support increased oversight. The OIG stated in its report that with additional funding it could review ONHIR eligibility, appeal, and relocation practices. These matters desperately need review. We also request a GAO study of ways ONHIR could be made more efficient and could be reoriented to focus on home construction.

Fifth, we request that you direct the BIA to expand rehabilitation efforts in the Former Bennett Freeze Area.

Finally, we ask that you include report language to establish a DOI task force to undertake a review of Interior programs with the goal of assisting Navajo Nation in job creation, workforce development, and strengthening relocation-impacted communities.

[The statement of Walter Phelps follows:]

Written Testimony of Walter Phelps
Chairman, Navajo-Hopi Land Commission
23rd Navajo Nation Council

Prepared for the

United States House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

March 25, 2015

Requests:

1. **Provide necessary funding to complete relocation in an effective and timely fashion.**
2. **Provide $20 million for critical needs in the Former Bennett Freeze Area.**
3. **Support incentives for private sector investment and the streamlining of regulations.**
4. **Increase oversight of the relocation and rental payment processes.**
5. **Expand BIA efforts to mitigate hardship in the relocation and redevelopment processes.**
6. **Establish a DOI Task Force to assess opportunities to aid redevelopment.**

Introduction. Chairman Calvert, Ranking Member McCollum, and honorable members of the Subcommittee, thank you for this opportunity to provide testimony on behalf of the Navajo-Hopi Land Commission (NHLC) of the 23rd Navajo Nation Council. My name is Walter Phelps, Chairman of the NHLC and a Council Delegate. On behalf of the NHLC, I sincerely thank the Subcommittee for its recent trip to the Navajo Nation to witness the devastating effects of relocation first-hand. The Navajo Nation, perhaps more than any other party involved, desires to bring closure to the relocation process, which has marked a sad chapter in American and Navajo history. We believe, however, that the Federal government has a responsibility to bring this closure about in a conscientious and compassionate manner.

Continuing Consequences of Forced Relocation. The Navajo–Hopi "land dispute" has largely been a creature of federal Indian policy and resulted in the forced relocation of 10,000–15,000 Navajos—the largest forced relocation since the Japanese internment. This forced relocation stripped once self-sufficient families and communities of their homes and livelihoods and had devastating spiritual, psychological, and cultural consequences that continue to this day.

It has been over 40 years (or over two generations) since the Navajo Hopi Land Settlement Act of 1974. Relocation has left the Navajo Nation with a population of relocatees, many of whom have yet to receive the full benefits Congress intended; a population within Hopi-Partitioned Lands that struggles living outside the jurisdiction of the Nation; and a population in the 1.6-million acre Former Bennett Freeze Area (FBFA) that remains severely economically depressed in large part due to the U.S.-imposed, 40-year development freeze.

ONHIR Operations. The Department of Interior's (DOI) Office of Inspector General (OIG) recently published a report on the Office of Navajo and Hopi Indian Relocation (ONHIR) that identified two causes for the delay in completing relocation: ONHIR's failure to complete eligibility determinations; and the complicated and lengthy administrative appeals process.

ONHIR routinely denies applications that subsequent court decisions and administrative review have determined should have been granted. ONHIR's routine denials force people into a lengthy and dehumanizing appeals process, with the vigorous cross-examination of Navajo elders adding to the suffering that relocation has imposed upon the Navajo people. Many of these elders do not speak English and are not accustomed to adversarial processes, making ONHIR appeals particularly difficult for them. This appeals process is also costly for the agency, with 75% of ONHIR's funding spent on administrative costs, resulting in a situation in which the agency builds only an estimated 13 houses per year despite its $7.5–8 million budget. ONHIR has also enacted new policies without consulting the Navajo Nation, such as heightening the burden of proof at eligibility hearings.

ONHIR's routine denials of applications and reliance on the adversarial process have increasingly diverted funds away from building homes for certified applicants. There are currently approximately 110 certified applicants and approximately 120 applicants awaiting an appeals hearing. Meanwhile, many relocatees that have received benefits live in ONHIR-built houses that are literally falling down around them.

Despite ONHIR's failures, the NHLC recognizes that over the years ONHIR has built up expertise that gives it a greater capability than the Bureau of Indian Affairs to work on these issues. Nonetheless, ONHIR requires full funding, and redirection to focus on home building. Additionally, ONHIR requires greater oversight. The agency has not had a Commissioner in 20 years, since the resignation of Commissioner Kunasek in 1994. The NHLC requested appointment of a new Commissioner on October 24, 2013 in Resolution NHLCO-36-13(A). With greater oversight, redirection, and full funding, the agency should be able to accomplish a timely and compassionate conclusion to the relocation era.

The Former Bennett Freeze Area. The 40-year development freeze imposed by Commissioner of Indian Affairs Robert Bennett in 1966 affected a 1.6-million acre area that encompasses nine Navajo Chapter communities in the western portion of the Navajo Nation. For the FBFA to recover and redevelop, there must be a sustained reconstruction program implemented over a decade or more. This would be consistent with the findings of the Senate Interior Appropriations Subcommittee's July 1993 field hearing. The nine Navajo chapters in the FBFA have extended lists of projects they need to adequately serve their communities, including housing and related infrastructure, solid waste transfer station facilities, fire departments, telecommunications infrastructure, assisted living centers for seniors, and community facilities such as cemeteries and recreation parks. Funding for road repair and maintenance is also an enormous challenge. Although the Federal government bears great responsibility to the harm that those in the FBFA continue to suffer, the NHLC recognizes that full redevelopment ultimately lies in our own hands. In addition to seeking funds, we ask this Subcommittee to the support private sector partnerships and incentives needed for transformational change.

Requests:

1. **Provide necessary funding to complete relocation in an effective and timely fashion.**

The President has requested $8.4 million for ONHIR, but we request that the Subcommittee approve a far higher level in order to complete relocation in the relatively near future in an effective, yet humane, fashion. We do not request a specific amount because various scenarios have been put forth about how to accomplish relocation. All scenarios, such as those identified in the OIG report, require a substantial increase over current funding levels in order to accomplish ONHIR's purposes.

At an estimated $144,000 per home, it would take at least an additional $13 million over the President's request in order to clear ONHIR's current backlog of approximately 100 homes. Additionally, we request that funds be explicitly restricted to building homes and attendant infrastructure so that ONHIR may not use budget increases to further inflate its administrative costs.

2. Provide $20 million for critical needs in the Former Bennett Freeze Area.

Critical needs of the FBRA include housing, safe drinking water, electricity, timely emergency response services, telecommunications infrastructure, and community facilities. We request the Subcommittee allocate $20 million for housing and related improvements in the FBFA out of the BIA Trust Natural Resources Account (Natural Resources Subactivity). Notably, the NHLC will be expanding its own housing construction and repair services based on revenues from the lands it manages for the benefit of relocatees, and this program may prove to be the appropriate vehicle for funding efforts in the FBFA.

3. Support incentives for private sector investment and the streamlining of regulations.

The NHLC asks the Subcommittee to support new incentives to encourage private sector investment in the FBFA and other relocation-impacted areas. Although legislation to advance incentives may not strictly fall within this Subcommittee's jurisdiction, as efforts are made to advance and pass such legislation, this Subcommittee may well be asked to be of assistance.

Last Congress, Representative Ann Kirkpatrick introduced legislation (H.R. 5039) to support this kind of assistance to the FBFA. We expect Representative Kirkpatrick to reintroduce a version of this bill shortly, and we request that the Subcommittee support the advancement of such legislation, even if its origin does not fall within the Subcommittee's jurisdiction.

4. Increase oversight of the relocation and rental payment processes.

We ask the Subcommittee to support increased oversight over the relocation process. The Department of Interior's OIG stated that if the Subcommittee provided additional funding, it could review ONHIR's eligibility determination, administrative appeal, and relocation practices. These matters desperately need review. Additionally, we request a GAO study of ways ONHIR could be made more efficient and could be reoriented to focus on home construction. We also request that the Subcommittee in report language encourage the prompt appointment of an ONHIR Commissioner.

We also request report language encouraging DOI to conduct a study and furnish a report regarding lease payments due from the Navajo Nation to the Hopi Tribe (see 25 U.S.C. § 640d-15(a)). The BIA delays for years in making these rental determinations, resulting in huge interest payment obligations on the part of the Navajo Nation.

5. **Expand BIA efforts to mitigate hardship in the relocation and redevelopment processes.**

We ask that the Subcommittee direct the BIA to expand efforts to rehabilitate the former Bennett Freeze and to facilitate other technical amendments needed to humanize the relocation processes.

We also request relief for the Navajo trust obligation and reauthorization of the Navajo Rehabilitation Trust Fund (NRTF) to be used for developing areas impacted by the Bennett Freeze. The NRTF provided resources to the Nation to address "the rehabilitation and improvement of the economic, educational, and social condition of families and Navajo communities that have been affected by" the relocation law. 25 U.S.C. § 640d-30.

Congress should also seriously consider authorizing ONHIR to oversee reconstruction activities within the FBFA, with the Navajo Nation having the option of assuming control of those activities affecting Navajo people and lands and the option of assuming control of the proposed trust fund.

6. **Establish a DOI Task Force to assess opportunities to aid redevelopment.**

We request the Subcommittee include report language that would establish a DOI taskforce to undertake a review of Interior programs that would benefit the FBFA and assist the Navajo Nation in creating jobs and supporting workforce development with a goal of strengthening the relocation-impacted Navajo chapter communities. Such taskforce should include the BIA, Bureau of Reclamation, U.S. Geological Survey, Fish and Wildlife Service, and Office of Surface Mining and should examine programs such as the Economics and Resource Planning Team and Rural Tribal Water Projects.

Conclusion. The major legal struggles between the Navajo Nation and the Hopi Tribe are largely over, but there remain significant humanitarian issues resulting from Federal relocation policy. The NHLC is committed to working with you to find ways to bring about the end of the relocation era in an efficient, effective, and compassionate manner. Thank you for the opportunity to present this testimony.

Mr. PHELPS. Thank you, and I am happy to answer questions. But here is also—I would like to share a book with you that I hope you can——

Mr. CALVERT. Oh, thank you. You are very proud of this.

Mr. PHELPS. Yes.

Mr. CALVERT. Thank you. Yes, I enjoyed the statue there at your headquarters.

Mr. PHELPS. Thank you, sir.

Mr. CALVERT. Very nice. Thank you.

Ms. Nez, you are recognized for 5 minutes.

WEDNESDAY, MARCH 25, 2015.

DINÉ BI OLTA SCHOOL BOARD ASSOCIATION, INC.

WITNESS

ANGELA BARNEY NEZ

Ms. NEZ. Thank you, Mr. Chair. I would like to share also my appreciation to you and the committee to come out to the Navajo Nation. We have two schools and one of them you visited, Little Singer, and the other one is Cove Day School for facility school construction.

My name is Angela Barney Nez and I am here on behalf of 66 schools that are represented under the Diné Bi Olta School Board Association, and the acronym there is DBOSBA.

We are in the Navajo Nation Code to represent local school boards on the Navajo Nation and we feel that there is at least 45 percent of the total Bureau operation that is located on our nation and Navajo. We feel that the federal budget this year is a very serious budget in our estimation regarding the years of the broken federal budget process and that the years that the Interior has been trying to upgrade and help the schools, we feel that the federal budget this year answers a lot of those questions, concerns that we have had over the years.

In terms of the federal budget regarding the Indian School Equalization Program, we support the President's budget, over $1 billion over a multiyear period. And in the case of this multiyear period, we feel that it speaks to the seriousness of the effort in terms of the budget.

We feel that finally the ISEF will not be bailing other programs out, as it has been over the years. We know that the student-generated funding has been used to pay for other need because of the shortfalls in other areas in the line items and we feel this year's budget is an answer to a lot of those concerns we had over the years.

We strongly support Indian self-determination, and in so doing, the federal budget speaks to 100 percent for administrative costs grants and we are very happy that the Department has indicated that kind of an effort toward administrative costs grants this year. We support the President's budget of 75 million in this line item.

And over the years DBOSBA has been repeatedly concerned about this effort to fully fund Administrative Costs Grants, and in that also is the Sovereignty in Education Grants, and we would

like to have the committee consider a clearer definition on how that Sovereignty in Education Grant is to be used for tribes in terms of establishing regulatory control instead of tribal or operational control of the schools. So in our nation we have a Navajo Nation Code that speaks to the regulatory functions and the operational functions and we would like some clarity in that funding category.

Also, we support the President's budget, the increase in facilities, operations, and maintenance, a line item of 20 million. And we know that you have seen the dilapidated facilities out there at Little Singer, for an example, and we appreciate the increase in this item.

In terms of technology, the broadband, the Navajo Nation is an area of the country that is severely underserved in this area. We can see a classroom full of computers and students ready to take, in our case, the PARCC test in New Mexico but then the lines are there, the computers are there, the children are there but the connectivity and the accessibility to the material is still a problem. We would like your support in this funding category of 34 million.

And also the teacher licensure in terms of the line item that is increased for certifying teachers and improving its administrative capacity of 2.5 million, DBOSBA knows that we have our Navajo Nation Code that authorizes the Navajo Board of Education to license teachers and we would like to see the Bureau look at this in a more flexible manner so that our nation can do the licensing of teachers in the three states that we are located.

Many times, a licensed teacher or administrator that is licensed in Arizona and teaching in New Mexico will have to go back to Arizona to learn a finance system when actually the finance system of the Bureau is the part that needs to be learned. So we would like some consideration for the Nation for this line item to be accorded toward the Navajo Nation in terms of its development.

In school construction, we cannot say enough about how much we support the increases of 58.7 million to a total of 333 million this year. That is absolutely astounding to us. We would like to see that fully funded and there is numerous line items in that category as well.

So I would like to say thank you to the committee. And one more last thing. The Department of Defense model is what we would like to see in the new ESEA.

Thank you, Mr. Chair.

[The statement of Angela Barney Nez follows:]

DBOSBA-15-01-001
Exhibit "A"

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DINÉ BI OLTA SCHOOL BOARD ASSOCIATION, INC.
Position Statement on the Proposed FY 2016 Federal Budget
Marcxh 25, 2015

Greetings Honorable Members of the House Sub-Committee on Interior Appropriations. My Name is Angela Barney Nez. I serve as the Executive Director of the Diné Bi Olta School Board Association, Inc. (**DBOSBA**). Pursuant to Navajo Nation Code 10§301 et.seq.. the Navajo Nation established the DBOSBA organization as the only school board association recognized by the Navajo Nation to represent local community school boards to address the views and situations of community controlled schools operated and funded by the Bureau of Indian Education. There are currently 66 federally funded schools on the Navajo Nation, 34 of which are operated by a grant or contract under P.L. 93-638 or P.L. 100-297 as amended.

After several years of a broken federal budget process, the numbers that have been proposed by U.S. Department of the Interior for BIE Education look very good. The Diné Bi Olta School Board Association, Inc. (DBOSBA) hereby submits its position on the FY 2016 Budget Request and also provides remarks on the overall direction in which we would like to see the BIE Education System go.

- DBOSBA appreciates the long term nature of this budget proposal involving a $1 billion investment over a multi-year period. While we have limited details concerning the long term direction, this investment speaks to the seriousness of the effort. While the proposed FY 2016 budget increases do not directly involve general increases to ISEP, several of the increases will reduce the extent to which ISEP funding will have to be used to "bail out" line items that have previously been under-funded. This will result in a substantial increase for instructional activity and return balance to the budget process; for example, the facilities management activity will have it own identified funding rather than having to somehow get what it needs from other budget categories.

- DBOSBA strongly supports the commitment to self-determination, particularly the proposal to finally fund 100% of the Administrative Cost Grants at $75 million (a $12.9 million increase), as well as the Tribal Sovereignty in Education grants at a level of $22 million (a $10 million increase). Through the years, DBOSBA has repeatedly requested funding for these two line items. Concerning the use of the Sovereignty in Education grants, it should be made clear that grant funds can be used for tribes to establish "regulatory" control instead of "operational" control of their schools. On Navajo, there is little interest or enthusiasm for the Navajo Nation to actually be running schools, but there are authorizing Navajo Nation statutes in place for developing and enforcing standards, certifying administrators and teachers of Navajo language and culture, assuring school compliance with tribal laws, developing its own definition of AYP (adequate yearly progress), and generally assuming regulatory control of many of the administrative processes that are currently controlled by BIE or deferred to the states.

- DBOSBA strongly supports the increase in Facilities O & M of $20 million to a total of $125 million. The failure through the years to adequately fund this line item results in small problems evolving into major problems. The failure to fund this program adequately has been a disgrace for many years and has resulted in dilapidated buildings, facility conditions that are uncomfortable and sometimes unsafe for students and faculty.

- DBOSBA strongly supports the $34+ million for bringing Broadband and digital access to all Bureau schools. In the past such efforts have failed seemingly for lack of adequate funding and technical expertise. A great many innovative teaching techniques and materials, now including testing materials; are based on digital platforms and cannot be used without such access. The Navajo reservation is one of those significantly underserved parts of the country and providing this access has the potential of dramatically improving educational performance. The BIE indicates that some of this funding will be used for training and resources for staff. DBOSBA would like to underscore the importance of training in this area. We do not want to see computers piled in the corner of classrooms unused for want of a teacher who knows how to use them effectively. There are many unproductive ways to use computers and the BIE must plan carefully to ensure that these resources are not wasted. We believe that many of our teachers are no yet comfortable using computers and many schools may not have access to the type of exciting software that is available.

- DBOSBA needs more information concerning the use of the $2.55 million proposed for certifying teachers and improving administrative capacity. This is an area where significant reform is necessary. In the case of the Navajo Nation, DBOSBA believes the Navajo Nation's Board of Education needs to take the lead in developing licensing criteria that is better suited for the Navajo federally funded schools. DBOSBA urges the BIE to be flexible in its approach to this subject. Just to cite one obvious example, what good does it do a would be principal at a BIE funded school to take university coursework in the AZ public school financing system when he/she needs to find out about the BIE's school finance system. Years ago the Bureau should have collaborated with colleges and universities to establish appropriate and useful coursework for administrators and teachers of BIE funded schools and the Bureau should have developed its own certification criteria to ensure that administrators were familiar with the System they would be working in. Failure to establish such criteria has resulted in widespread failure of administrators in BIE funded schools due to their ignorance of the laws and requirements they were working in.

School Construction

- DBOSBA strongly supports the increases in funding, $58.7 million to a total of $133 million. It is vitally important that the BIE consult with the tribes and school officials concerning the procedures for developing the priority lists for the specific categories. Increases by category include Replacement School Construction ($25.3 million increase), Facilities I & R ($17.7 million increase), Employee Housing Repair ($13.7million increase), as well as the seemingly new category of Replacement Facility Construction ($11.9 million increase). These increases should be very helpful in the process of improving the safety, comfort, and general condition of the school and residential facilities serving BIE Education. This in turn should increase the score on the Facilities Condition Index (FCI), currently at 77% in 2014, meaning that 77 % of the BIE facilities are identified as in "good" or "fair" condition.

Department of Defense Budget Model

As the Committee is aware the Department of the Interior has been involved with developing a major initiative for BIE Education. One of the possible options that came out of those discussions/consultations was an idea to utilize the Department of Defense budget model as it relates to the flow-through funding coming from the Department of Education. Currently the BIE receives a substantial amount of about $200 million from the Department of Education via a set aside in the authorizing legislation (ESEA). On the other hand, the Department of Defense Education System receives its total funding through its own appropriation. *It is therefore free to develop its educational program to meet the needs of the students it serves.* This is a fundamental difference between the two education systems operated by the Federal government. In our estimation, there is no question that the Department of Defense model is superior to the Bureau of Indian Education model.

Memoranda of agreement have been reached through the years whereby the BIE is supposed to function as an SEA (State Education Agency) in order to receive the Department of Education funds and administer the various programs to the LEAs (Local Education Agencies). Rather than work with tribes and local BIE funded schools in designing its curriculum and ensuring that the needs of its students are met, the Bureau is forced to jump through the hoops that the Department of Education has devised for the states to follow pursuant to the provisions of the laws and rules of the various programs.

Following the passage of NCLB, these "hoops" became much more detrimental to BIE school programs. The Bureau began neglecting its own statutory authorizations in favor of its clearer SEA role as the enforcer of NCLB rules. The result was that the BIE Education System, supposedly set up to meet the special needs of Indian children, was forced instead to try to set up the same education system that was in the process of failing in most of the rest of the country. Even the option for tribes written into the law (NCLB) to develop there own definition of AYP, the rules were so prescriptive that tribes could only receive approval from the BIE and Department of Education if they developed a definition which was essentially the same as the states were developing. No tribal alternatives were accepted by the Department of Education. Of course, the failures in Indian country were predictable and they have been more significant since the BIE was ignoring the very principles that have been developed through the years based on numerous studies and years of experience in Indian Education. Increases in funding were funneled into NCLB implementation. Any genuine initiatives toward self-determination, including two on Navajo, were squelched due to lack of funding.

The current 2016 budget attempts to get back to the key mission of Indian education and correct some of the excesses of NCLB. As such, we strongly support the budget request, but we also believe that it is time for a major change in the structure. The set aside from the Department of Education in ESEA should be removed and the funding should be transferred to the Interior Budget. The BIE should then have substantive consultations with the tribes and the BIE funded schools and school boards involved *to create a system deemed to be the most beneficial and effective for Indian youth.*

Mr. CALVERT. Thank you. You have been listening to our earlier testimony.

Mr. Yazzie, you are recognized for 5 minutes.

WEDNESDAY, MARCH 25, 2015.

ASSOCIATION OF NAVAJO COMMUNITY CONTROLLED SCHOOL BOARD

WITNESS

FERNIE YAZZIE

Mr. YAZZIE. Okay. Thank you, Chairman Calvert and members of the committee here. My name is Fernie Yazzi. I am the Executive Director for Association of Navajo Community Controlled School Board. I have been in this position for the past 10 years in assisting in the local community grant school within the Navajo Nation.

While I work with this community, the schools, there were numerous areas that we had noticed and had been—have been identified the past several years. One of them I know my colleague here had identified is tribal grant support costs. As you know, the majority of this funding has been cut drastically. Only one time since the enactment of Public Law 100-297 was fully funded is in 1988. Since then, the grant itself has been going down, and the latest one is I believe like 58 percent.

We would like to request to have that full funding at $75 million due to the fact that local schools, some of these business offices that they run, have a combined position of two or three job titles. For an example, some of these business managers, they have three titles, business manager/human resource director/payroll clerk. So our staff has actually been stressed out, have been overworked at the local level, the majority with the Navajo Nation would have 66 BIE-funded schools.

Of the 66, there are 32 grant schools. And when I visit these schools, they actually have a lot of problems with the funding. So a lot of these positions are being combined, shortfall, and I see a lot of these staff under stress and they are overworked. So I would like to have this committee consider fully funding. I know that last year the committee was considering full funding of this $75 million.

The other thing is I would like to thank this committee also for transportation. I know recently you guys visited the Navajo Nation. At that time you guys experienced the bus route from Winslow to Little Singer Community School. So, the majority, that is what our students experience.

And I am also an elected school board member, too, and also a chapter president for Casamero Lake Chapter, and we have been really experiencing the same thing. One of the concerns I have is the time that the student gets on the bus in the morning. Some of these students actually arrive at one hour and a half to the school, so by the time they get to the school, they would be already tired and be sleepy on the bus. So, again, hopefully we get full funding of this transportation for student fund also because, as a local leader, I try my best to help improve the school bus routes. So I am

working with New Mexico, that is later, to secure some funding for road improvement and also at the same time working with the county and Navajo Nation also. So we would like to have this student transportation to be increased. Recently with experience with my school at Borrego Pass School, we had our one engine blowout at the washboard road and all that. So that is one of the areas that we have a big concern, student transportation to get fully funded.

The other one is the facility operation and maintenance and also for a new school construction. Some of these schools were identified under the Navajo Nation that 22 schools need a new school construction. I know yesterday I had a meeting with the Department of Interior and hopefully they can help us out, funding for a new school, replacement for the 22 new schools that we want. And so for my school built in the 1960s and '50s. It is very old and some of these students are—at least we make AYP this year, too, even though our school building is really old so that is a good thing about our new school facilities. So we ask this committee to fully fund the facility maintenance at $76 million and $109 million for fully funded facility operations. So those are some of the things.

The last one is Indian School Equalization Formula. It is one of the most needed funding that we need. For most BIE-funded schools, it is really a shortfall and we have to combine other funds to pay off such as from facility, transportation, and tribal grant support costs we have to use to actually cover some of these areas. So this ISEF money is really needed at a local level. I know the Administration proposed 391 million for ISEF, restores the funding for fiscal year 2010 level, but it does not acknowledge the shortfall that has been building for years. ANCCSB Member Schools respectfully request to be fully funded at $431 million. So thank you.

[The statement of Fernie Yazzie follows:]

"ANCCSB, INC."
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"A partnership of communities working together to inspire and advocate for excellence in Dine Education"

Written Testimony of Fernie Yazzie, ANCCSB Executive Director

Submitted to

United States House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

Regarding the FY 2016 Indian Affairs Budget

March 20, 2015

The Association of Navajo Community Controlled School Board (ANCCSB), Inc. is an organization of 11 member school boards who operate federally-funded schools on the Navajo Reservation in Arizona and New Mexico under contracts or grants from the Bureau of Indian Education (BIE).

We urge that the BIE school system be exempted from any further reductions in Federal spending, we highlight below four of the most pressing areas of need that directly impact our schools' educational programs, facilities, student transportation, and administrative management.

Tribal Grant Support Costs

Since the 1988 Elementary and Secondary Education Act reauthorization, tribally-operated elementary and secondary schools have received funding for the administrative expenses incurred for the operation of BIE-funded schools through an Administrative Cost Grant, now called *Tribal Grant Support Costs* (TGSC). These funds are used for costs of essential services such as contract/grant administration; program planning and development; human resources; insurance; fiscal, procurement, and property management; required annual audits; recordkeeping; and legal, security and other overhead services.

Impact. Since TGSC appropriations have historically been insufficient to meet the level of need without other sources of revenue, we must re-direct more and more funds from our education program budgets to cover essential administrative costs. Our schools must make difficult decisions—such as delaying purchase of new textbooks and other materials, paying non-competitive teacher salaries, reducing the number school days—to fit within these reduced budgets. Even with these cost-saving measures, some schools are still struggling with further reductions in management and business-office personnel at the risk of prudent internal controls and meeting the federally-mandated requirements for fiscal processes and operation of education grants/programs. TGSC is forward-funded, so the FY 2016 appropriation would provide TGSC funds for SY 2016-17.

We are gratified that this year the Administration proposes to follow through on commitments to pay *full* TGSC funding for all BIE-funded schools, and to include in its request

sufficient funding for schools that are deciding to transition to grant or contact school status. Up until last year, schools had only received, at most, two-thirds of the TGSC needed to cover overhead costs. ANCCSB applauds this Subcommittee's and the Administration's decision to treat schools' support costs the same as contractors with the Bureau of Indian Affairs and the Indian Health Service.

Request. We fully support the Administration's proposal that TGSC and startup costs be funded at $75.34 million, and request that this Subcommittee provide this level of funding for TGSC.

Facilities Operations and Maintenance

Facilities Maintenance funds are intended to provide for the preventative, routine, and unscheduled maintenance for all school buildings, equipment, utility systems, and ground structures. The FY 2016 Facilities Maintenance request contains a $10 million proposed increase, which is a marked improvement from its current level, but will not meet the needs of our schools or others. We are faced with rising costs of maintaining school buildings—particularly for the older facilities that make up much of the BIE schools.

There are numerous studies which attest to the fact that there is a close correlation between poor or inadequate facility conditions and poor student and staff performance. According to the Administration's FY 2016 request, 42 of the 183 BIE-funded schools and dormitories (one-third) are still rated in "poor" condition in the Bureau's Education Facility Condition Index (FCI). Further, the Administration's FY 2016 request elaborates that there is *$377.1 million in deferred maintenance backlogs*! It is clear that there is a long way to go with regard to upkeep of our schools. Part of the maintenance problem will be solved by replacing school wholesale, but Federal resources for this crucial need must increase so our schools buildings can make it to their replacement date.

Facilities Operations funding is for the ongoing operational expenses such as electricity, heating fuels, custodial services, communications, refuse collection, water and sewer service, grounds maintenance, etc. This budget category is also underfunded, with the latest estimates indicating that federal funds provide only an estimated *46% of need*. This is the first year the Administration requests funds that will be over the recent high-water mark of $59.4 million from FY 2010, as the proposed budget contains $66.1 million for Facilities Operations. However, this level is still only 60% of the need.

Impact. Our schools are making every effort to make do with the meager facilities funding. Since we cannot delay paying our utilities or avoid taking actions that would impact student safety, we often have to resort to using our other education or academic program monies. We caution that insufficient funding to for facilities maintenance and operations will mean delaying routine, as well as unscheduled, maintenance of buildings, equipment, utility systems and grounds–thereby jeopardizing student and staff safety. Attempts to moderate electrical and/or heating costs, or reduce custodial and refuse services and similar costs cutting measures would only make our already compromised learning conditions more uncomfortable and

unhealthy for students and staff. If we cannot provide a decent learning environment, how can we expect our students to focus on achieving academic success?

Request. To fully fund Facilities Maintenance would require $76 million, and $109.8 million would be needed to fully fund Facilities Operations.

Student Transportation

The Student Transportation account is intended to cover: 1) the costs of the daily bus services for children attending the BIE-funded elementary and secondary schools; and 2) air travel for children who attend distant boarding schools. School transportation costs include vehicle rental (buses, vans), maintenance and repair, fuel, and qualified bus driver salaries. The BIE budget justification states that students at BIE-funded schools travel 16% of their miles on unimproved roads, and that the BIE-funded schools have transportation routes where the mileage covered is "significantly higher than in metropolitan areas."

For the schools located on the Navajo Reservation, the percentage of unimproved roads traveled by our buses is much higher and in some cases it can be as much as 90%. Further, these unpaved roads are often subject to becoming "washboards" due to adverse weather impacts such as mud and snow. At times these roads become impassable so we must resort to using 4-wheel drive vehicles to ferry the students to a waiting bus. There have been times, however, when even the 4-wheel vehicles cannot reach the students so they are prevented from making it to class through no fault of their own. These conditions take a tremendous toll on vehicles, resulting in greater maintenance and repair costs, and greatly increase student travel time as well as the drivers' work day.

The Administration must be aware of the enormous increases in costs over the past several years. Nonetheless, the Administration seeks a paltry increase of $197,000 in the proposed FY 2016 budget. The Administration's proposal will prevent our schools from making any forward progress on safely and reliably getting our children to school.

From our experience, the 66 BIE-funded schools on the Navajo Reservation must supplement our Student Transportation allocated amounts by at least $70,000 to $100,000 each year. The best estimates show that there is a $21 million shortfall in funding for Student Transportation as the BIE has allowed funding to fall far behind need, and has been willing to allow schools to poach other school funds for transportation purposes. This, in the face of multiple challenges for schools at Navajo, including transporting students to/from evaluations to determine eligibility for Special Education services (when evaluators will not drive to our remote areas to conduct assessments), additional bus runs related to after-school academic services (many parents lack transportation or are not employed close-by to pick up children), and extra miles traveled around washouts or road hazards.

Impact. As with the other program shortages, varied cost cutting measures have been instituted—from reducing the number of bus routes (resulting in longer rides for our students) to delaying vehicle replacements as long as possible. Nonetheless, underfunding Student

Transportation will continue to adversely impact classroom programs since each year schools have no choice but to use scarce education program dollars to subsidize transportation costs.

Request. We request that the Subcommittee provide at least $73 million for Student Transportation in the BIE system.

Indian School Equalization Formula (ISEF)

The Indian School Equalization Formula (ISEF) is the core budget account for Educational and Residential programs of the BIE elementary and secondary schools and dormitories. These funds are used for instructional programs at BIE-funded schools and residential programs at dormitories, and include salaries of teachers, educational technicians, principals, and other school-level program administration, kitchen, and dormitory staff. The ISEF amount due to each school is determined by a statutorily-mandated formula established by regulation (24 C.F.R. §§ 39.12(g)(1)-(2), 39.13, & 39.14).

During the eight-year period of FY 2003 to FY 2010, the ISEF account increased by almost $45.5 million; but in only two (2) of those years – FY 2009 and FY 2010 – the increase was actually an increase in program funding. For the other years, the requested increases were limited to amounts needed for fixed costs and related changes, as opposed to actual program increases. Funding for ISEF began to fall in FY 2011, and the FY 2015 level was actually $5 million less than in FY 2010.

Impact. For most BIE-funded schools, the chronic shortfall in the other key school accounts has a negative impact on ISEF funding, because ISEF funds are often diverted to make up the shortfalls in other accounts such as Student Transportation, Facilities, and Tribal Grant Support Costs when a tribe or tribal school board has no other source of revenue to satisfy those shortfalls. This means fewer dollars are available for the education and residential programs.

Request. The Administration's proposal of $391.8 million for ISEF restores the funding to FY 2010 levels, but does not acknowledge the shortfalls that have been building for years. ANCCSB Members Schools respectfully request funding of ISEF at least $431 million.

Conclusion

Thank you Chairman Calvert, Ranking Member McCollum, and Members of this Subcommittee for the opportunity to relay our needs to you.

Questions regarding this document may be directed to:
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Mr. CALVERT. Thank you. Thank you for your testimony.
Ms. Alonzo, you are recognized for 5 minutes. Thank you.

WEDNESDAY, MARCH 25, 2015.

RAMAH NAVAJO CHAPTER

WITNESS

NANCY R. MARTINE-ALONZO

Ms. MARTINE-ALONZO. Honorable chairman and committee members, I am Nancy Martine-Alonzo. I am the secretary-treasurer for the Ramah Navajo Chapter. Thank you for the opportunity to provide oral testimony for consideration under the fiscal year 2016 budget. This testimony focuses on three priorities of our community, but first of all, the Ramah Navajo community sincerely appreciates this subcommittee for holding these hearings on an annual basis. You have listened to us, you have taken action to resolve our issues, and you have moved forward on other matters for resolution.

Our testimony from past years have seen results such as the contract support costs is now funded at 100 percent; and number two, we had requested to retain the Ramah Navajo BIA agency and you have listened and intervened and we are happy about that. And three, the settlement case, Ramah v. Salazar, has reached a final settlement. We are in the process of making further agreements to that settlement, and a year from now we hope to see the first settlement funds distributed to the tribes in 2016. So thank you for all of those efforts.

This year we are bringing three priorities to your attention and we respectfully request your sincere consideration and advocacy with appropriate agencies to resolve these outstanding needs. The first one is the detention facility operation and maintenance fund request. Ramah was awarded an ARA grant funds from the Department of Justice for 3.8 million in 2009. Our detention facility is 80 percent complete at this time with a final completion date by June 30, 2015, and it will be ready for operation on October 1, 2015. To open our doors we need the following funding that is listed in the table that you see in the written testimony, operational costs, facility maintenance, and the startup cost for a total of $3,750,200.

The second request is to ask Congress to recognize the identified needs for the Ramah Navajo chapter to increase funds at 25 percent across the board for all of the Public Law 93–638 funds. Funds are not coming down to the tribes that are contracted under Indian self-determination. We are kept at the previous funding level each year and we have not received increases but we see BIA-operated programs receiving additional funds that have the newest vehicles, equipment, technology for their programs, yet the chapter is using old equipment, working in antiquated buildings, and have limited technology. Our employees have not had a cost-of-living increase since 2009, and in the table that is provided, you will see decrease in funds from 2011 to 2015 by $74,025.

The third and final request is for law enforcement appropriation funds for 500,000 to correct the wage disparities for our police officers in order for them to comply with the CFR. Currently, our police officers are paid $4–$7 an hour below the starting salary level and $7–$10 an hour below the midpoint salaries of surrounding state, county, and federal wages, so we would appreciate this funding so we can get them up to par and we can keep from losing them.

In closing, the Ramah Chapter has been very successful and diligent stewards in operating Public Law 93–638 programs, and we have been meeting the needs of our land of Ramah Navajo since 1986 and we value the funds that are appropriated by Congress. It has made a difference in the lives of our people. We have had clean audits since 1986 and so we appreciate the continued support of Congress and we appreciate that you are making funds and laws available for Indian nations and organizations so that we can continue to provide services to our people. We will be happy to provide you with further information on any of the foregoing projects.

For the record, Ramah Navajo Chapter supports the written testimony by Ramah Navajo School Board, Inc., and also that of the National Indian Health Board.

Thank you very much for this time.

[The statement of Nancy R. Martine-Alonzo follows:]

Written and Oral Testimony of Nancy R. Martine-Alonzo Secretary/Treasurer
Ramah Navajo Chapter-Ramah Band of Navajos
Submitted to the US Congress:
HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENTAL AND RELATED AGENCIES FY 2016 FEDERAL BUDGET REQUEST, SUPPORT AND CONCERNS FOR: DEPARTMENT OF INTERIOR (DOI)--BUREAU OF INDIAN AFFAIRS (BIA)

March 25, 2015

HONORABLE CHAIRMAN AND COMMITTEE MEMBERS:

I am Nancy Martine-Alonzo, Secretary-Treasurer of the Ramah Navajo Chapter. Thank you for the opportunity to provide oral testimony for consideration under the DOI-BIA FY 2016 Budget. This testimony focuses on the **(1) Detention Facility Operation and Maintenance Funds; (2) The Annual Budget Formulation and Appropriation vs. Actual Funds; and (3) Law Enforcement Appropriations.**

First of all, the Ramah Navajo community sincerely appreciates the House Appropriations Subcommittee on Interior, Environmental and Related Agencies holding these hearings on an annual basis. You have listened to us, taken action to resolve our issues and move forward other matters for resolution. Our testimonies from past years have seen results, such as these: (1) The Contract Support Cost issues has been funded at 100%; however the Direct Contract Costs have not been part of Ramah Navajo Chapter BIA funding since 2012, which is an unresolved issue; (2) Our request to maintain the Ramah Navajo BIA Agency has been addressed and we are very grateful for the intervention by Congressional Delegation and by this committee; (3) Settlement of the class action suit, *Ramah v. Salazar,* is moving toward a final settlement with one more year to go through the process of approvals. If we stay on that schedule, tribes will start receiving their portion of the settlement in the Spring of 2016.

This year we are bringing our priority needs and issues to your attention. We respectfully request your sincere consideration and advocacy with appropriate Agencies to resolve these outstanding needs and issues. They are:

1) **Detention Facility Operation and Maintenance Funds**
Request: BIA-OJS Funding for the Operation and Maintenance of the Detention Facility, $3,757,200.

Ramah was awarded a TARP Recovery Act Correctional Facilities grant from the Department of Justice for $3.8 million on September 21, 2009. Our Detention Facility is at 80% completion with final completion by June 30, 2015 and ready for operation on October 1, 2015. To open our doors, we need the following additional funding:

Additional Reoccurring Operational Costs	$2,908,925.00
Detention Facility Maintenance	$ 379,638.00
Start Up Costs and Other Costs	$ 468,637.00
Total	$3,757,200.00

a) Additional Recurring Operational Costs for FY 2016 and Thereafter- $2,908,925. We are in the process of redesigning the staffing, operations and maintenance of the new detention facility with certified corrections personnel as required by law. To meet the BIA standards and requirements, the Detention Center must be funded at this level in FY 2015 and 2016. We have submitted numerous requests with the BIA-Office of Justice Services for additional funds that are needed in three areas: (1) Add sixteen (16) certified corrections officers to staff the new facility that will be opening in the fall of 2015. The new facility will require a total staff of 25.5 full time certified staff to operate the facility per BIA standards and requirements; (2) Additional operational costs of a modern detention facility, including complex technological security systems and communications; and (3) Network with other services on behalf of inmates, which is much needed.

b) Additional Recurring Facility Maintenance Costs for FY 2016 and Thereafter- $379,638. The Office of Justice Services has to incorporate the Facilities Operation and Maintenance as a cost of new detention facility. This is to pay for maintenance, including janitorial services, utilities, refuse disposal, fire protection, vehicle maintenance, communications, pest control, personnel services, equipment, material and supplies, travel, and training.

Detention Facility	12,943 square feet
Outdoor Recreation Units for Inmates	1,795 square feet
Sidewalks	4,032 square feet
Driveways	18,300 square feet
Parking Lots	16,470 square feet
Landscaped Area	1,144 square feet
Total	**54,234 square feet**

c) Start Up Cost and Other Funds- $468,637. Startup cost include: furniture, equipment, one time installation of utilities hardware, transitional costs and other items to make the center operational and comply with BIA standards and requirements. The new facility is located at a site, about four miles from where it was previously. Therefore the cost of the new facility will be a separate expanded detention program transitioning from a 1,550 square feet antiquated building to a 54,234 square feet modern facility. The current detention center has little or no equipment or furniture that they can take to the new facility and be in compliance with BIA standards and requirements. These are onetime costs.

2) **Annual Budget Formulation and Appropriations vs. Actual Funding**
Request: Congress to Recognize the Identified Needs of the Chapter and Appropriate Funds.

a) BIA Funding Process is not Transparent nor Fair. Every year the BIA puts tribes through an "exercise" to prioritize unmet needs and budget requests. The Chapter complies with these requests, and even though our local priorities makes it to the national priorities list, the funding increase is never received at our 638 tribal contracted level. However, the

BIA federal operated similar programs receive the substantial increase such as in law enforcement.

b) Increase overall P. L. 93-638 Funding for the Chapter. At this time, the Chapter's P. L. 93-638 funds need to be increased 25% across the board to begin to meet the needs of the community. Further increases are needed to continue to meet the needs of this community.

c) Funds are not coming down to the tribes that are contracting under Indian Self-Determination Act, P.L. 93-638. We are kept at the previous funding level each year and we have not receive increases unless a program has become one the top priorities at the national level. But we see BIA operated programs receiving additional funds that have the newest vehicles, equipment, and technology for their programs. Yet, the Chapter is using old equipment, working in antiquated buildings, and have limited technology. Our employees have not had a cost of living increase since 2009.

The table below shows over the past five (5) years what Ramah Navajo Chapter has received;

Contract	Year-2011	Year-2012	Year-2013	Year-2014	Year-2015
Master-CTGP	$ 786,209	$ 784,103	$ 764,290	$ 764,290	$ 764,290
Fac. O&M	$ 135,978	$ 135,978	$ 106,259	$ 99,138	$ 108,968
Law Enforcement	$ 667,377	$ 674,906	$ 650,868	$ 673,323	$ 650,868
Correction	$ 369,882	$ 377,500	$ 361,295	$ 363,903	$ 361,295
Total:	**$1,959,446**	**$1,972,487**	**$1,882,712**	**$1,900,654**	**$1,885,421**

3) **Law Enforcement Appropriations**

Request: Congress to Appropriate Monies for Ongoing Services Needed by the Ramah Navajo Chapter.

a) Appropriate Funding to Correct Wages Paid to Ramah Chapter Police Officers- $500,000 to Comply with CFR 25, Subpart D, §12.34. All contracted police officers through P. L. 93-638 must be paid the same wages as a BIA police officer; however, the BIA does not fund this mandate. At this time, we are losing officers to other jurisdictions because they can pay better than the Chapter. That is about $75,000 an officer that the Chapter has trained, sent the Academy, and holds commissions from the Federal Government, the State of New Mexico, the Navajo Nation, and several counties. We lose that much every time an officer leaves because of poor pay. In 2014 two officers left for better pay and more opportunity, In 2012 and 2013, 5 officers left the RNPD for other opportunity.

It is true that there is currently a "feeding frenzy" from larger agencies who are giving pay increases, officer sign on bonus money, college education loan payments, housing down payments, and other stipends for knowledge, abilities, and skills like bi-lingual, college degree, specialty team, etc…, to solicit and offer smaller agency personnel (like RNPD) who have certified police officers, to come to work for the larger agency.

We are asking for this ongoing appropriation to comply with regulations and to keep good, hard-working officers in our Police Department. Our Officers should be salaried at the same rate as Federal/Bureau Police Officers and comparable to the chart below.

SALARY TABLE 2014-RUS (LEO) including special base rates at GS-3 through GS-10 and incorporating the 1% general schedule increase and a locality payment of 14.16% for the locality pay area of rest of U.S. total increase; 1% effective January 2014.

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
1.	20,527	21,213	21,896	22,575	23,558	23,659	24,333	25,014	25,040	25,679
2.	23,080	23,629	24,393	25,040	25,320	25,064	26,808	27,553	28,297	29,041
3.	30,216	31,055	31,894	32,733	33,572	34,411	35,550	36,089	36,928	37,768
4.	33,920	34,862	35,804	36,746	37,688	38,629	39,571	40,513	41,455	42,397
5.	39,012	40,067	41,122	42,176	43,231	44,286	45,341	46,396	47,451	48,505
6.	41,130	42,304	43,479	44,654	45,828	47,003	48,178	49,353	50,527	51,702
7.	44,403	45,709	47,015	48,321	49,626	50,514	52,238	53,544	54,850	56,156
8.	46,282	47,728	49,174	50,621	52,067	53,513	54,960	56,406	57,853	59,299
9.	49,520	51,117	52,715	54,312	55,909	57,506	59,103	60,700	63,297	63,894
10.	54,534	56,293	58,053	59,812	61,571	63,330	65,089	66,849	68,608	70,367

In closing, the Ramah Navajo Chapter has been very successful and diligent stewards in operating programs under the P.L. 93-638 and has been meeting the needs of the Band of Ramah Navajos since 1986. We value the funds that are appropriated by Congress that has made a difference in the lives of our people. We have had "clean" audits since 1986. The Ramah Navajo Chapter appreciates the continued support of Congress as it strives to make funding and laws available for Indian Nations and their organization to provide services to their people. We would be happy to provide you with further information on any of the foregoing projects.

Thank you.

Nancy R. Martine-Alonzo

Nancy R. Martine-Alonzo, Secretary/Treasurer,
Ramah Navajo Chapter

Mr. CALVERT. Thank you. I appreciate your testimony. Mr. Phelps, it is good to see you again. I like to think everything comes to an end someday, you know, but——

Mr. PHELPS. That is right.

Mr. CALVERT. Ronald Reagan used to famously say the closest thing to eternal life is a government program. And as you know, the Navajo-Hopi Commission was set out as a 5-year commission, and how many years has it been now?

Mr. PHELPS. It has been since 1974.

Mr. CALVERT. So it has been 40 years. If I could wave a magic wand I think because, as you know, your overhead numbers are pretty high relative to the amount of money that is being distributed.

Mr. PHELPS. Right.

Mr. CALVERT. Most of us have been in business. We look at those efficiency costs and say, hey, you know, this does not make sense. Like I said, if I could wave a magic wand I would rather give the money to the tribal councils, both the Navajo and the Hopi, and let them make the determination of where they should spend the money and get the problems fixed. I suspect, just like all politicians, they have to listen to those that are paying their salaries. So I am going to work with you here. We ought to get this thing done because there is a level of frustration everywhere, with the Navajo, with the Hopi, and certainly here in Washington D.C.

And certainly self-determination is an important thing. I think we are all together on that. I think Native Americans around the country are competent enough to run their own affairs and I think we ought to get to that. Plus, I think it would be much more efficient use of dollars.

I know the school construction issue is something that Ms. McCollum and I both share. We need to come up with an idea that can build all these schools around the country. We did it for the Department of Defense; I think we can do it for Native Americans. And so we have to put good minds together to come together to find a solution to that problem because obviously we solved the contract support costs. We can solve this. And I think also the issue of detention facilities is an important one, too. We need to certainly focus on that, technology and the rest.

But a lot of issues. I am glad you came here today to talk about it and we will see if we can come to some resolution.

Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair. Thank you all for your testimony.

I do have one question to make sure that I understood it right, Ms. Nez. So Arizona, New Mexico, you said there were three states in which you pull from licensed teachers. What is the third state?

Ms. NEZ. Utah.

Ms. MCCOLLUM. I do not know how the licensing necessarily works but if you are working on a federal facility, we need to find a way that if the federal facility is located, for example, in New Mexico and the teacher was licensed in Utah, that is what you are looking for help with, right?

Ms. NEZ. Yes.

Ms. MCCOLLUM. Okay. So we are going to do some digging around and see if we can work with you to do a waiver or something like that. I think that that should be doable. I cannot make a promise I cannot keep. The Federal Government has done plenty of that for you so I am not going to, but I am going to look into that.

Ms. NEZ. We support the 2.5 million increase in that area. We want to see it work.

Mr. CALVERT. Thank you. Any other questions?

Thank you for coming today. We appreciate your attendance and your testimony. You are excused. We hope to see you all soon. Thank you. Thanks for the book.

Mr. PHELPS. You are welcome.

Mr. CALVERT. Okay. Okay. Our first witness is from Maine, so I am sure Ms. Pingree might want to say something about the first witness, Mr. Kirk Francis, the chief of the—how do you pronounce that?

Ms. PINGREE. Penobscot.

Mr. FRANCIS. Penobscot.

Mr. CALVERT. Penobscot Indian Nation of Maine, welcome; William Harris, the Catawba Indian Nation—right over there, yes—and then, William Harris, right next to you, Phyliss Anderson. I said William Harris. And then Dr. James Jarvis at the end. Have you got it all straightened out here? Mr. Harris, you are right there, right there in front of me. Okay.

And I am going to recognize Ms. Pingree because I imagine she wants to say something nice about Mr. Francis.

Mr. FRANCIS. I will sit up then.

Ms. PINGREE. Thank you very much, Mr. Chairman. I will not take up too much time, but I do appreciate the committee having these public witnesses and wish that we all had more time to be in all of them. I know my colleagues are always divided between a lot of things so I am sure everyone wishes they could be here, particularly to see this panel.

And I want to thank Chief Francis. It is a real honor for me to work along with the Tribe and I know we have some unique issues in Maine because of our Indian land claim settlements. And, you know, I am grateful that you will talk to us a little bit about that and I will definitely spend some time chatting with my colleagues about the complexities of that because I am lucky enough to serve with people who have worked on these issues for a very long time and I am sure they can advise me.

So thank you for being here. Thank you to the entire panel. And I know some of you have visited us in Maine recently and it was nice to have you.

Mr. SIMPSON. It was pleasant, thank you.

Ms. PINGREE. Thank you. Next time we will make sure it is a little warmer. Ms. McCollum was there, too. It could have been Minnesota.

Mr. CALVERT. Well, you can all visit California and thaw out.

Welcome to this committee and remember we are on the 5-minute rule, so green means fine and yellow means hurry up. So we are trying to stay under the 5 minutes.

Mr. Francis, you are recognized for 5 minutes.

WEDNESDAY, MARCH 25, 2015.

PENOBSCOT INDIAN NATION OF MAINE

WITNESS

KIRK FRANCIS

Mr. FRANCIS. Thank you, sir.

Good afternoon. As mentioned, my name is Kirk Francis. I am the proudly elected chief of the Penobscot Indian Nation up in the great State of Maine. Chairman Calvert, Ranking Member McCllum, and of course our great Representative Chellie Pingree, thank you for the opportunity. And I also want to thank you very much both for visiting Maine and coming up to the Penobscot Reservation, and we would extend that invitation to you as well, Mr. Chairman.

So, you know, in terms of the budget, the Nation supports the increases obviously and specifically the $4 million increase for law enforcement and $5 million for the tribal courts, as requested by the Bureau of Indian Affairs. With the passage of the Tribal Law and Order Act and tribal amendments to VAWA, tribal law enforcement and courts need increased resources to implement these important provisions.

Penobscot is investing heavily in its court system to be able to extended jurisdiction to better serve our community. Over the past few years in order to address our community's substance abuse-related issues, we have developed our Wellness Court, better known as Drug Courts at times, and this offers a variety of counseling and other supportive services and been tremendously successful.

The Nation also supports an increase of $6 million to the BIA Social Services, as requested. Additionally, funding this is critical to the hiring of social workers focused on holistic approaches and achieving long-term goals and family services.

The Nation also supports the $25 million for the new Tribal Behavioral Health Initiative to provide 200 health programs with a dedicated behavioral health provider focused on our youth. As we know, suicide is the second-leading cause of death for Native American youth, 2½ times the national rate. Nearly 39 percent of native adolescents 12 to 17 years old have a lifetime prevalence of illicit drug use.

The Nation also supports BIA and IHS budget request to fully fund contract support costs in fiscal year 2016 and then make those costs mandatory for '17 and beyond.

However, the single most important challenge, as we have talked about, comes from the attacks and the inability to fully access programs from these attacks on our sovereignty in the State of Maine. The Maine Indian Land Claims Settlement Act was passed in 1980 to resolve the land claims of the Penobscot and Passamaquoddy tribes. Since its passage, the state has consistently sought to diminish the Nation's authority through narrow interpretations of a provision in the act preventing any congressional legislation from applying to the Maine tribes that it believes affects state law.

For example, currently we are being challenged by the Attorney General's Office on the implementation of VAWA in the tribal provisions because the tribes were not specifically mentioned in this legislation, despite Penobscot having established a full faith and credit court under the settlement act can be one of six tribes nationally to meet all the requirements for the VAWA pilot project.

Tribal amendments to VAWA do not remove state jurisdiction, as we know. Our community is affected by domestic violence at similar rates as other tribal communities, including nearly 80 percent of perpetrators being non-Indian. It is essential to be able to address this issue locally and holistically.

We do not believe that Congress intends to exclude certain tribes when it passes general legislation for the benefit of tribes. However, this is what is happening. Now, the state is asserting that the Nation has no authority within its sacred Penobscot River. Even though the river has always been central to our territory and culture, the Settlement Act reaffirms the Nation's sustenance fishing rights; it was the very core of this settlement. And the state has acknowledged the Nation's authority in this area in previous Attorney General opinions.

Unfortunately, the Nation has been forced to file suit in federal court to protect its connection to the river. The United States has intervened on our behalf and has been very supportive in this matter.

Litigation has been an all-too-frequent interaction between the Nation and the state. Since the act passed in 1980, the Nation and the state has been in some form of litigation for almost half those years. This cannot again be what Congress intended. These attacks have had an effect of costing the Federal Government and the nation considerable financial resources to fight and also limiting our ability to be economically self-sufficient by limiting our jurisdictional authority to develop economic projects, and it has limited the ability of the Nation to fully access the great programs created by you all.

We are appreciative of the Department of Interior, the EPA, and the Department of Justice for their involvement in efforts to push back on these challenges. The Nation requests that Congress takes an oversight role and investigates matters of the Settlement Act and how those are being applied to the tribes of Maine.

Thank you all very, very much.

[The statement of Kirk Francis follows:]

Chief Kirk Francis, Penobscot Indian Nation
House Interior Appropriations Subcommittee (03/25/15)

My name is Kirk Francis, and I am the Chief of the Penobscot Indian Nation (Nation). The Nation has approximately 2,400 members and over 86,000 acres of trust land with our seat of government located at Indian Island on the Penobscot River in Maine. My testimony will focus on a few important programs of the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) including: (1) BIA Social Services, Law Enforcement, and Tribal Courts; (2) IHS Behavioral Health and Purchased/Referred Care programs; (3) Contract Support Costs for both BIA and IHS; as well as a matter of critical importance to the Nation, (4) the challenges to our sovereignty as a tribal government by the State of Maine's narrow interpretation of the Maine Indian Claims Settlement Act.

BUREAU OF INDIAN AFFAIRS (BIA)

The Nation supports the $323M increase to the overall BIA budget for a total of $2.9B as requested in the President's FY 2016 Budget for a total of $2.9B. Some key funding initiatives included in the requested increase are:

Law Enforcement and Tribal Courts: The Nation supports increases of $4.0 million for Law Enforcement and $5.0 million for Tribal Courts as requested by the BIA. These increases could help to enhance the Nation's ability to provide the necessary protection and overall wellness for our community. The Penobscot Nation has been very proactive in developing numerous programs that are designed to protect and assist our people, such as domestic violence, child protection, and child support enforcement programs. To operate these programs the Nation must have both a strong Law Enforcement Department and Tribal Court that is capable of enforcing and adjudicating not only the laws and ordinances applicable to these programs, but all other criminal and civil laws.

Over the last few years, in an effort to address our communities' substance abuse problems, the Nation has developed a "Drug Court", which we commonly refer to as our "Wellness Court". Within its 2 years of operation, we are starting to see great success from this approach. The number of participants is increasing; we are experiencing self-referrals; monthly drug educational sessions are being held; and most importantly, the majority of participants have moved on to productive lives, either through enrolling in higher education or being employed. Our Wellness Court has been able to offer drug treatment opportunities, counseling, and other supportive services that are essential for the success of the participants. Unfortunately, the Wellness Court was funded under a 3-year grant that is expiring shortly. The Nation will not have the required resources to continue with this successful initiative on its own, nor will we be able to replicate its success with a much-needed Juvenile Wellness Court that the Nation would like to start.

Further, with the passage of the Tribal Law and Order Act and the tribal amendments to the Violence Against Women Act (VAWA), law enforcement and courts in Indian country need increased resources to adequately implement these important provisions. At Penobscot, we are investing heavily into our tribal court system in order to be able extend tribal jurisdiction to better serve our community.

REQUEST: *The Nation asks that the Subcommittee support the proposed increases of $4M ($335M total) for Law Enforcement and $5M ($28.2M total) for Tribal Court programs that are not only essential for providing public safety but also for providing alternatives to address our community needs holistically.*

Social Services: The Nation supports an increase of $6.0 million for Social Services as requested in the President's FY16 Budget Request to support the Tiwahe Initiative. The Tiwahe Initiative's goal is to empower individuals and families through health promotion, family stability, and the strengthening of tribal communities as whole.

Currently, most tribal social services programs have very limited staff and supportive resources. Generally, these programs only have the capacity to respond to day-to-day emergency needs and have little time to work with families in achieving long-term goals that will improve their overall quality of life and reduce their dependency on welfare assistance. The proposed additional funding of $6.0 million will provide tribes with additional resources to develop a more comprehensive service delivery approach, including the hiring of additional social workers who will be able to focus on families as a whole and provide assistance in attaining education, job training, child welfare and family services, child care, and housing.

REQUEST: *The Nation requests that the Subcommittee increase funding for the BIA's Social Services Program by at least $6M ($47.2M total) to assist our social services programs to be able to proactively support the needs of our people.*

INDIAN HEALTH SERVICE

The Penobscot Nation supports the President's FY16 Budget Request for IHS that provides $6.4 billion, $486 million above the FY 2015 enacted level. Specifically, the Nation supports proposed funding increases of $147 million for direct and tribally provided health care services to cover increased costs relating to population growth, pay cost increases, and medical inflation; a $70.3 million increase for the Purchase/Referred Care Program; and $25 million for a new Tribal Behavioral Health Initiative for Native American Youth. These proposed increases, and all other Indian Health Services increases, are vital to the health of the Penobscot Nation's members.

In 2010, the Penobscot Nation conducted a health assessment of our people, and the results provided some astounding findings pertaining to the health status of the Penobscot. For instance, Penobscot people are 2.3 times more likely to be diagnosed with diabetes, 1.4 times more likely to have high blood pressure, and 1.7 times more likely to have angina or coronary heart disease. Sadly, health disparities such as these not only exist within Penobscot Nation, but throughout all Indian Country.

Currently, our health clinic only provides on-site services. Due to lack of funding, outside referrals are basically limited to situations involving loss of life or limb. All other outside referrals that cost over $12,000 are put on the deferred maintenance list. In the meantime, patients are often prescribed pain medication that some will become

dependent upon, exacerbating the prescription drug abuse problem we are already battling. Increased funding for the Purchased/Referred Care program is essential for Penobscot's health program to be able to provide the proper medical care for our patients.

In addition, the new Tribal Behavioral Health Initiative is a much-needed program throughout Indian Country. Recent research shows that suicide is the second leading cause of death, 2.5 times the national rate, for Native American youth. Native American children are 70% more likely to be identified in school as students with an emotional disturbance. An estimated 38.7% of Native adolescents ages 12 to 17 have a lifetime prevalence of illicit drug use. The Initiative looks to provide 200 health programs with a dedicated behavioral health provider focused on our youth.

REQUEST: *The Nation requests that the Subcommittee increase funding for the Indian Health Service (+$486M), including $70.3M ($984.5M total) for the Purchased/Referred Care program, $25M for the Tribal Behavioral Health program, and an increase of $147.3M to meet the needs of medical inflation for current services.*

CONTRACT SUPPORT COSTS

The full funding of Contract Support Costs (CSC) has been an ongoing issue for too long and needs to be finally and fully resolved. The FY16 Budget Request proposes to fully fund CSC for FY16 with a $26 million increase for BIA and a $55 million increase for IHS. The Budget Request includes a proposal to fund BIA and IHS contract support costs as mandatory funding, rather than discretionary, beginning in FY 2017. Stabilizing this funding will ensure that direct program dollars are being used to fulfill program objectives, rather than on-going contract support shortfalls.

REQUEST: *The Penobscot Nation requests that the Subcommittee fully fund CSC in FY16 ($272M for BIA and $718M for IHS) and asks for your support in reclassifying contract support costs as mandatory beginning in FY 2017.*

CHALLENGES OF THE MAINE INDIAN CLAIMS SETTLEMENT ACT

As important as these programs are to the Penobscot, the single most important challenge the Nation faces comes from attacks on our sovereignty from the State of Maine (State). The State, through its elected officials, courts, Attorney General, and governmental administrators, has consistently sought to diminish the Nation's authority through a narrow interpretation of the Maine Indian Claims Settlement Act (Settlement Act).

Congress passed the Settlement Act in 1980 to resolve the significant land claims of the Penobscot Indian Nation and the Passamaquoddy Tribe. The Settlement Act provided funding for the tribes of Maine to reacquire lands, but also contained provisions about how the State and tribes would interact. While the Settlement Act did limit certain aspects of the Nation's authority, it affirmed the inherent self-governing authority of the Nation to govern internal tribal matters, free from any State authority, in keeping with long-standing protections recognized in federal law. However, the State has used a narrow interpretation of a provision in the Settlement Act to essentially prevent any

federal beneficial act for tribes that it believes affects state law. The State's interpretation of this provision clouds the Nation's ability to provide important services to our people.

For example, in 2013, Congress passed the tribal amendments to the Stafford Act to clarify that tribes may directly request from the President a declaration of emergency or disaster. However, the Maine Attorney General's office has asserted that this amendment does not apply to the tribes in Maine because the tribes are not specifically listed in the legislation even though the legislation does not take any authority away from the State to request a declaration but simply adds authority to a tribal government.

Of even greater concern, the Attorney General of Maine has publicly stated that the tribal amendments to VAWA allowing for tribal court jurisdiction over non-Indians in cases of domestic violence do not apply to the Maine tribes, again because the tribes are not specifically listed in the legislation despite establishing a full faith and credit court under the Act, being one of six tribes nationally to meet all the requirements for the VAWA pilot project, and now full implementation across the country. However, the tribal amendments to VAWA do not remove state jurisdiction from these cases but instead provide for concurrent jurisdiction. The Nation has worked hard to develop its justice system in order to meet the requirements of the VAWA tribal amendments and address the needs of our community. Our community is affected by domestic violence at similar rates as other tribal communities around the country, including nearly 80% of the perpetrators of domestic violence being non-Indians. Like any community, it is essential that we be able to address these issues holistically.

We do not believe that Congress intends to exclude certain tribes when it passes general legislation for the benefit of tribes. However, this is what is happening as a result of the State of Maine's interpretation of the Settlement Act.

Not only has the State challenged the Nation's authority to implement federal laws, but it is now also asserting that the Nation has no authority within the Penobscot River, even though the River has always been central to our territory, culture and very existence; the Settlement Act reaffirms the Nation's sustenance fishing rights; and the state has acknowledged the Nation's authority in prior Attorney General opinions. Unfortunately, the Nation has been forced to file suit in federal court to protect its connection to the River as a result of the State changing this view and redefining our reservation in 2012. The United States has also intervened and agrees with the Nation on this matter.

This has been an all too frequent outcome of interactions between the Nation and the State. Since the Settlement Act was passed in 1980, the Nation and the State have been in some form of litigation for at least half of those years. This can't be what Congress intended when the Settlement Act was passed. It certainly was not the belief of the Penobscot when they approved the Settlement Act that the State of Maine gets to decide what federal laws apply to the tribe and which ones do not.

REQUEST: *As a party to this Settlement, the Nation requests that Congress take an oversight role and investigate the effects of the Settlement Act upon the tribes of Maine.*

Mr. CALVERT. Thank you very much for your testimony.
Mr. Harris, the Catawba Indian——
Mr. HARRIS. Catawba.
Mr. CALVERT. Okay. You did a great job. I knew that one.

WEDNESDAY, MARCH 25, 2015.

CATAWBA INDIAN NATION

WITNESS

WILLIAM HARRIS

Mr. HARRIS. Well, it is a pleasure to be before this group, a very supportive group I may say. So thank you. Let me begin by saying on behalf of the Catawba Nation, thank you for this opportunity to testify before this subcommittee. My name is William Harris. I am the chief of the Catawba Nation. This committee has heard me testify before and it has been very supportive of the Catawba.

Today, I come to you with what may first appear to be an odd appropriations request. I ask you increase funding for the Interior's Solicitor's Office to allow for expedient processing of trust applications and related legal review. My tribe exists under some very curious circumstances. We are known to historians as a tribe with whom George Washington closely allied both before and during the Revolutionary War. Notably, George Washington wrote in 1754 that due to a threat from the French "I think it would not be amiss to invite the Catawbas and the Chickasaws to come to our assistance." And I am sorry Mr. Cole is not here to hear this but I will go forward with it.

Mr. CALVERT. I am sure he already knows.

Mr. HARRIS. So I tip my hat to my ancient ally, the Chickasaws, and to one other modern day leader, Congressman Cole of the subcommittee.

Historians also credit the Catawbas with making the difference at the Battle of Kings Mountain, which is considered the turning point of the American Revolution, which turned it in favor of the Americans, as we well know. As one historian wrote, "The Catawbas prove highly successful as scouts, but for their friendship, the course of the war in South Carolina may have not taken another direction. There may have been no victory at Kings Mountain." In the winning of the West, Theodore Roosevelt wrote of the Kings Mountain account, "This brilliant victory marked the turning point of the American Revolution." Thomas Jefferson called it the turning of the tide for success.

That is what historians say but do you know that the Catawba Indians may be the only tribe that has to pay to send its children to public school? This provision, buried in the Catawba Settlement Agreement with the State of South Carolina, was thought harmless because the agreement provided that the payments shall be reduced by impact aid funds. However, impact aid is only available to local educational agencies if a certain minimum population threshold is met. We do not meet that threshold. The result is that the public school district charges Catawba the out-of-county state

rate and the tribe owes the district $4 million, which is far greater than the assets of the tribe.

Did you know that the Catawba Indian Nation may be the only tried that has to pay a tax to a state for bingo operations even went those operations lose money? The tribe recently reestablished its bingo operations with the new operations has yet to turn a profit, but yet the state has nearly collected a half-million dollars in revenue from the tax.

Did you know that the Catawba Indian Nation, when it gave up its treaty and land rights in both North and South Carolina was promised it could conduct games on its reservation that the State of South Carolina authorized elsewhere but that the state has threatened to launch a public raid if we do so? A few years ago the state legislature authorized casino gaming and those ships operating out of South Carolina, counties are collecting the revenue, and of course South Carolina companies are involved in the gaming operations and South Carolina citizens are the primary principle patrons of this operation. Despite a clear South Carolina policy to allow and regulate this activity, the South Carolina Supreme Court ruled that it is not the same as authorizing games within the meaning of the agreement with the tribe. So we are cheated once again.

Did you know that the Catawba Indian Nation settled land and treaty-based claims in both North and South Carolina for the right of 4,200 acres for our own reservation? Today, we only have 1006. Today, the tribe seeks to place land into trust within its congressionally established service area as Kings Mountain, North Carolina, the site of the famous battle, which is about 30 miles from the current reservation. However, the processing of this application has been delayed in part due to the lack of resources within the Interior Solicitor's Office, which conducts legal reviews in BIA land and trust applications.

We urge this committee to provide additional funding to the Interior Solicitor's Office and to encourage the Department of Interior to expedite a positive determination of the tribe's land and trust application.

I thank you.

[The statement of William Harris follows:]

Testimony of William Harris
Chief, Catawba Indian Nation
Before the
House Interior Appropriations Subcommittee
FY 2016 Federal Indian Programs Budget
Wednesday, March 25, 2015

The Curious Case of the Catawba

Appropriations Request: Increased funding for the Interior Solicitor's Office to allow for expeditious processing of trust applications and related legal review.

Introduction. On behalf of the Catawba Indian Nation, a federally recognized tribe with a congressionally established service area in North Carolina and South Carolina, thank you for this opportunity to testify before the House Interior Appropriations Subcommittee. My name is William Harris. I am the Chief of the Catawba Indian Nation. Our Settlement Act specifically refers to the "policy of the United States to promote tribal self-determination and economic self-sufficiency" and it is about fulfilling this promise of support for economic self-sufficiency that I appear before you today. According to the latest available census data, the Catawba Indian Nation had a per capita income of just $11,096. The estimated current unemployment rate among the Catawba is more than double that of the state of South Carolina, which itself has very high unemployment. So much work needs to be done.

This Committee has been very welcoming to the Catawba Indian Nation over the last several years and we are very thankful for your assistance in several matters.

It is important to provide some historical context for our request of aid from our long-time ally, the United States:

Did you know that George Washington closely allied with the Catawba both before and during the Revolutionary war?[1]

"I am sorry the Catawbas only propose staying one Moon longer, I hope You will be able to prevail with them to stay the Winter. You do well in giving them good Usage, it is also my fix'd Inclination;" (Letter of R. Dinwiddle to George Washington, December 10, 1756)

"Capt. Bullen and Capt. French two Catawbas much esteem'd for their Bravery and steady attachment to our Interest, were kill'd about ten days ago on their way from

[1] Even after the Revolutionary Way, the Catawba were a force to be treated with. "This cannot Effect America but in the most advantageous manner, for the force of Germany added to that of Britain when opposed by Russia will not be so Dangerous to America as that of the Catawba Indians." (Letters of Delegates to Congress, J. Sullivan to J. Wendell, July 17, 1781) Fortunately, the Catawba were closely allied with the young United States!

Winchester to this Camp by the Enemy we got very early notice of it at this place (it happening within 3 Miles) and sent out several Partys to pursue which they did fruitlessly." (Letter of George Washington to F. Fauquier, September 2, 1758)

"And we are informed that the Indians of the Six Nations, and the Outawas, are coming down Scido-Creek, in order to join the French who are to meet at the Ohio; so I think it would not be amiss to invite the ... Catawbas, and the Chickasaws[2] to come to our Assistance...." (Letter of George Washington to R. Dinwiddie, April 25, 1754)

"Colo. Peter Randolph & Colo. Byrd are going Commissioners to the Catawbas & Cherokees, with a handsome present to confirm them to our Interest, & to prevail with them to send a Number of their Warriors to our Assistance in the Spring, & I hope they will succeed." (Letter of R. Dinwiddie to George Washington, December 14, 1755)

"Your Honor spoke of sending some Indians to our assistance, in which no time should be lost, nor means omitted to engage all the Catawbas ... that can possibly be gathered together and immediately dispatched hither. For without Indians to oppose Indians, we may expect but small success." (Letter of George Washington to R. Dinwiddie, April 24, 1756)

"The French policy in treating with the Indians is so prevalent, that I should not be in the least surprised, were they to engage the ... Catawbas, &c. unless timely and vigorous measures are taken to prevent it." (George Washington to R. Dinwiddie, October 17, 1755)

"As Colonel Washington is to hold conference with the Catawba Indians, betwixt eleven and twelve o'clock. He desires all the Officers in town to attend at that time. And during the time of conference, he orders a Sergeant and Drummer to beat through the Town, ordering all Soldiers and Towns people to use the Indians civilly and kindly; to avoid giving them liquor, and be cautious what they speak before them: as all of them understand English, and ought not to be affronted." (George Washington, General Orders, October 28, 1756)

"As the ... Catawba Indians appear to Us well attacht to our Interest We are desirous of preserving Them, therefore endeavor to please & satisfy them. We have furnished them with what could be got here: what is yet wanted and you can procure Please to accommodate them and Send or bring the Accots. thereof –" (Letter of W. Fairfax to George Washington, March 22, 1757).

Did you know that historians credit the Catawba with making the difference at the Battle of King's Mountain, which is considered the turning of the tide of the American Revolution in favor of the Americans?

"It is interesting to note that this is THE EXACT TRIBE who sided with the Patriots. It is this tribe who supported the Patriots in a roll of the dice gamble to try and create a new

[2] The Catawa Indian Nation remembers this tie to the Chickasaws as reflected in this letter; a tie that continues today as we appreciate the support the Tribe has received from Congressman Tom Cole.

nation that would change governance on earth away from Monarchies - over to elections. … Here we have our local battles of **Kings Mountain,** Cowpens and Guilford Courthouse – all victories. Who are the locals that revealed the secrets of the land as warriors and scouts in battle? "The People of the River" by the noted Douglas Summers Brown and "The Indians' New World" by James Merrell go into great detail about the Catawbas' services in the Revolution, In Brown's often cited book, he sums up the Catawbas' contributions to the entire war effort (page 264): ***"The Catawbas proved highly useful as scouts. But for their friendship, the course of war in South Carolina might have taken another direction. There might have been no victory at King's Mountain..."*** *[Note: King's Mountain is located on the North Carolina border with the main battlefield just across the border in South Carolina, approximately 30 miles from the current Catawba reservation.]*

"In The Winning of the West, Theodore Roosevelt wrote of Kings Mountain, "This brilliant victory marked the turning point of the American Revolution." Thomas Jefferson called it, "The turn of the tide of success." Herbert Hoover's address at Kings Mountain said, "This is a place of inspiring memories. Here less than a thousand men [including the Catawbas], inspired by the urge of freedom, defeated a superior force entrenched in this strategic position. This small band of Patriots turned back a dangerous invasion well designed to separate and dismember the united Colonies."

Martin CJ Mongiello, MBA, Chief Financial Officer, The American Revolutionary War Living History Center (ARWLHC)

Did you know that the Catawba Indian Nation may be the only tribe that has to pay to send its children to public school? This provision, buried in the Catawba settlement agreement with the state of South Carolina, was thought harmless because the agreement provided that these payments shall be reduced by Impact Aid funds. (Agreement in Principle, §18.10) However, Impact Aid is only available to local educational agencies if the number of federally connected children is at least 400 or 3% of the children in average daily attendance. 20 U.S.C. 7703(b)(1)(B). The Catawba children in the school district number around 100 and are less than 1 % of the population. The result is that the school district charges the Catawba the out-of-county rate and asserts that the Tribe owes the district more than $2 million, an amount greater than the Tribe's total liquid assets! The Tribe is working with the district to find a resolution, but it is fundamentally unfair that the Tribe has been hamstrung with this obligation.

Did you know that the Catawba Indian Nation may be the only tribe, or indeed the only entity, that has to pay a tax to a state for business operations even when those operations lose money? The Tribe is required under its agreement to pay the state 10% of all gross revenues on its bingo operations. (Agreement in Principle, §16.4.3). The Tribe thought this was the price for having what the State called a "monopoly", but subsequently the State lowered its tax rate on other competing commercial bingo operations and started a competing lottery, virtually destroying the Tribe's advantages and leading to the shutdown 12 years ago of the Tribe's bingo operation. The Tribe has just recently reestablished those operations. However, the new operation has yet to turn a

profit but the state has received hundreds of thousands of dollars in gross receipts-based payments! How can this be fair?

Did you know that the Catawba Indian Nation, when it gave up its treaty and land claims, negotiated for the right to operate on its reservation those electronic games the State of South Carolina "authorizes" but when the Tribe sought to do so the South Carolina Supreme Court ruled "No" and local law enforcement threatened to raid the Tribe if the Tribe sought to exercise this right? The Tribe's settlement agreement with South Carolina expressly allows the tribe to operate electronic play devices on our reservation "to the same extent that the devices are authorized by State law" (Agreement in Principle, § 16.8). A few years ago, the State legislature authorized casino cruise ship gambling, with ships operating out of South Carolina ports, the State exercising police power over the ships and the counties taxing the revenues. Of course, South Carolina companies are involved in the gaming operations and South Carolina citizens are the principal patrons of these gaming operations. Despite a clear South Carolina policy to allow and regulate this activity, the South Carolina Supreme Court ruled that this is not the same as "authorizing" electronic play devices within the meaning of the agreement with the Tribe.

Did you know that the Catawba Indian Nation settled land- and treaty-based claims in both North Carolina and South Carolina for the right to a 4,200 acre reservation, but only has a 1,006 acre reservation? The Tribe settled any and all land- and treaty-based claims we had in North Carolina and South Carolina for the promise of a reservation of up to 4,200 acres. Twenty years later, our reservation is only 1,006 acres and our ability to add further lands has largely been thwarted by a combination of state and local action, as well as private party action that greatly inhibits the Tribe from acquiring lands or from acquiring it at a reasonable price.

Today, the Tribe seeks to place land into trust within its congressionally established service area at King's Mountain, North Carolina (site of the famous battle referenced above), about 30 miles from the current reservation. However, the processing of this application has been delayed, in part, due to a lack of resources within the Interior Solicitor's office, which conducts legal reviews of BIA land into trust applications.

We urge this Subcommittee to:

- provide additional funding to the Interior Solicitor's Office; and
- encourage the Department of the Interior to expedite a positive determination on the Tribe's land into trust application.

Conclusion. I thank you for this opportunity to talk about the needs of the Catawba Indian Nation. Your support for our people and, indeed, for all Native peoples is greatly appreciated and truly in the best traditions of the government-to-government relationship.

Mr. CALVERT. Thank you, Mr. Harris.
Ms. Anderson, you are recognized for 5 minutes.

WEDNESDAY, MARCH 25, 2015.

UNITED SOUTH AND EASTERN TRIBES

WITNESS

PHYLISS ANDERSON

Ms. ANDERSON. Chairman Calvert, Ranking Member McCollum, and committee members [speaking native language]. My name is Phyliss Anderson and I am the tribal chief of the Mississippi Band of Choctaw Indians. I am here today to testify on behalf of the United South and Eastern Tribes.

USET wants to thank this committee for its consistent support in federal Indian programs. Budgets are tight and everyone wants more, but because of the federal trust responsibilities, tribes are different and USET believes your spending priorities should reflect the fundamental fact. Please do not repeat the mistake of sequestration. When most health programs were exempt from sequestration, the failure to protect IHS and other Indian programs was devastating.

My written testimony details USET's position on the President's budget request. I will highlight a few key points.

USET strongly supports fully funding contract support costs and making them mandatory in both BIA and IHS. Many of you cast politically difficult votes to amend VAWA. We cannot let this hard work and courage be undermined by a failure to adequately fund our tribal courts and law enforcement needs.

USET supports the President's long-overdue increase in BIE. Native students lag far behind on every educational indicator. I commend each of you for visiting Indian schools. Last year, I asked Secretary Jewell, who saw our largest elementary school, which has more than 700 students, 200 of them who are in portable classrooms. This is just not an education issue. This is a health and safety issue that needs immediate attention. Every year we hear that there is no money for construction so every year our school becomes overcrowded. And thank you for your comment earlier about the school constructions.

It breaks my heart to tell some Choctaw families that there is no room for them at our elementary school in Pearl River. Then I see them enroll these students into the public schools where they will not be taught in Choctaw and they will not be exposed to the culture that is so important during those years. If we are serious about fixing this problem, we need more funding for school construction so USET urges the support of the President's BIE request.

On a positive note, we just opened up a new Choctaw health center and I would like to thank this committee and IHS for supporting us in the joint venture.

Because IHS is chronically underfunded, USET supports advanced appropriations in IHS. We must never substitute full funding but such a change would create greater budget certainty, espe-

cially when appropriations are not enacted on time. USET requests that Congress reauthorize the Special Diabetes program for Indians for 200 million, which is 50 million more than the President's request.

USET supports the President's proposal for Medicaid-like rates for all purchased services. While underfunded in this factor, so is the high cost of that care. Not only is it more expensive, it is immoral to charge Indians more than anyone else just because we are Indians.

USET commends this committee for previously including the Carcieri fix language and its appropriations bill. I know that you have heard from multiple witnesses on Carcieri so I simply will say this: It is not right that multiple often pointless legal challenges to Indian lands can threaten everything we have worked so hard to achieve. USET implores that this committee overturn this misguided decision once and for all by including a Carcieri fix in this year's bill.

In conclusion, USET recognizes that in challenging times all Americans must sacrifice for the common good. As chief, making difficult choices and prioritizing those needs is what I do every single day. However, when it comes to sacrificing, the historic record demonstrates that no one has sacrificed more than the Native Americans. Again, it is about trust and treaty responsibilities that distinguish this request for funding by tribes from anyone else who comes before this Congress. USET asks that this committee support a budget that reflects these sacrifices, responsibilities, and obligations. Thank you.

[The statement of Phyliss Anderson follows:]

Written Testimony of Chief Phyliss J. Anderson and United South and Eastern Tribes, Inc.
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Fiscal Year (FY) 2016 American Indian and Alaska Native Public and Outside Witness Hearing
March 25, 2015

Chairman Calvert, Ranking Member McCollum and members of the Interior Appropriations Subcommittee: Halito! My name is Phyliss J. Anderson, and I am the Tribal Chief of the Mississippi Band of Choctaw Indians, one of the founding Tribes of United South and Eastern Tribes (USET). I would like to thank my fellow Tribal leaders for giving me the honor of testifying on USET's behalf on funding for the BIA, BIE, IHS, as well as other major policy issues facing Indian Country. I would also like to thank this Committee for its consistent support for increased funding for Federal Indian programs.

USET represents 26 Federally-recognized Tribes from Texas to Florida to Maine. USET Tribes are within the Eastern Region of the Bureau of Indian Affairs and the Nashville Area of the Indian Health Service, covering a large expanse of land compared to other regions. Due to this large geographic area, USET Tribes have great diversity in cultural traditions, land holdings, and resources. From an economic standpoint, some of our Tribes have highly developed economies, while others remain mired in poverty.

Because of the trust obligation of the Federal government to Native peoples, funding for Federal Indian programs is fundamentally different from other spending and should be considered mandatory in nature. Unfortunately, because the vast majority of Federal funding is classified as discretionary, the specter of sequestration remains. The sequester of FY2013 was devastating to Federal Indian programs. While Congress provided an alternative budget structure for FY2014 and FY2015, USET is concerned that sequestration could be re-imposed in FY2016. USET urges Members of this Committee to educate your colleagues that sequestration violates the trust responsibility, does not make economic sense, and should not be imposed going forward. When a majority of Federal health programs were rightfully exempted from sequestration, the failure to protect the IHS was, as the New York Times editorialized in 2013, a "little-noticed example of moral abdication." On behalf of USET, I appeal to this Committee, Congressional leaders and the President of the United States: please do not make this mistake again.

USET unanimously supports efforts to increase and fully fund Federal Indian programs and to shield them from sequestration. The President's FY2016 Budget Request proposes an 8% funding increase in Indian Programs across all Federal agencies, while avoiding the devastating and immoral cuts of sequester.

In 2013, I testified before the Senate Indian Affairs Committee that the Office of Management and Budget (OMB) and Congress must amend the interpretation of the Budget Control Act of 2011, and the Balanced Budget and Emergency Deficit Control Act of 1985, to ensure that all IHS funding is exempted from sequestration. During that hearing, we were talking about the FY2014 appropriations bills. I must admit I am disappointed to be here again asking for the same thing as part of the FY2016 appropriations bills.

Bureau of Indian Affairs. USET supports the President's request of $2.9 billion, a 12% increase, for the BIA. With the BIA severely and chronically funded at less than 50% of need, increases are sorely needed in order for the Agency to effectively deliver on the solemn obligations of the federal trust responsibility. Within the BIA budget, USET (through the Eastern Region BIA Budget Formulation process) has identified the following priority line items for funding increases:

---**Contract Support Costs.** In the face of annual CSC shortfalls, Tribes were forced to divert vital program dollars to subsidize the Federal government's responsibility. Following the Supreme Court decision in *Salazar v. Ramah Navajo Chapter* holding that CSC must be paid in full, shortfalls persisted

due to inaccurate estimates of CSC need and the unwillingness of some officials to comply with the Court's ruling. USET strongly supports the President's FY2016 proposal fully funding CSC and moving it from discretionary to mandatory funding.

---**Tribal Courts and Public Safety.** Increased funding is imperative in order to meet the objectives of the Tribal Law and Order Act and the Violence Against Women Act, enhanced Tribal Justice Systems and increased safety in Indian Country. Many of you, including the two Senators and two Congressmen who represent Mississippi Choctaw, cast politically difficult votes to amend VAWA. We cannot let that hard work be undermined by a failure to adequately fund Tribal courts and Tribal law enforcement.

---**Social Services.** Tribes must have the resources to meet the challenges of widespread poverty head-on. We support the proposed $122 million for the Tiwahe Initiative, which seeks to empower families and individuals through a holistic combination of health promotion, job training, and education.

---**Consolidated Tribal Government Programs.** USET supports efforts such as CTGP to promote self-determination and a community-based approach by allowing Tribes to combine programs into one contract agreement, simplifying and reducing administrative and reporting requirements, and distributing funding to local priorities.

---**Aid to Tribal Government.** USET supports funding for ATG programs, which also promote Tribal sovereignty by supporting Tribes in the development of strong and stable Tribal governments, including through the development of Tribal codes, laws, and ordinances, as well as Tribal enrollment.

Bureau of Indian Education. We support the President's FY2016 budget request for the BIE. Frankly, this increased investment is long overdue, but is a step in the right direction. Due to issues with BIA's FY16 National Budget Formulation process, education did not rank among the top priorities. However, improving Native education remains a top priority for all Tribes, as Native students lag far behind their peers on every educational indicator, from academic achievement to high school and college graduation rates.

I would like to commend every Member who has visited an Indian school. I was honored to host Interior Secretary Sally Jewell at Mississippi Choctaw last year, especially when she and Assistant Secretary Kevin Washburn sat on the floor of Pearl River Elementary and talked with some of our students. Pearl River is a glaring example of what happens with perennially underfunded budgets. Built in 1991 for a capacity of 350 students, Pearl River now has approximately 700 students, 200 of whom are housed in portable classrooms, some of which are 40 years old. This isn't just an education issue; this is a serious health and safety issue that demands an increase in school facilities funds, for both Operations & Maintenance and new school construction.

The President's FY16 request provides $68 million for Facilities Improvement and Repair, an $18 million increase over the FY2015 enacted level, as well as $125 million for Facilities Operations and Maintenance-$20 million over FY15. The FY16 request will complete the 2004 construction priority list, and will also provide funding to replace individual buildings, and plan and design additional schools in FY17 (+58 million over FY15). The President's budget also requests full funding for Tribal Grant Support Costs ($75 million, an increase of $13 million over FY15). Many Tribes with BIE schools have been fighting for full funding for years, and I commend the President and our friends in Congress for their tireless efforts. We also support long overdue efforts to bring high-speed Internet, school-to-home services and other technology-based education programs to Indian Country. Our students can't receive a 21st century education that should prepare them for college and/or a career with 20th century technology. The FY16 request provides $41 million for Education Information Technology, which is an increase of $34 million over FY15 enacted.

We are grateful that the President's request finally addresses many of these long-standing needs at the BIE, and we implore Congress to support the Administration's request.

Improved BIA Data Collection. USET believes that Tribal Governments must have the ability to make informed decisions on community initiatives. However, access to reliable data remains elusive for Indian Country. The best way to strengthen arguments for increased funding is to provide data and statistics related to need and outcomes. We support the FY 2016 Budget Request for $12 million for the BIA to work with Tribes and other federal agencies to improve the quality of data in Indian Country.

Indian Health Service. USET supports the President's request of $5.1 billion for IHS, which, at 59% of need, also suffers from chronic underfunding. With the average life span for citizens of USET's 26 Tribes at 60 years old, Congress must continue to work to increase funding for IHS. The following are line item priorities identified by USET Tribes through the IHS Nashville Area FY 2016 Budget Formulation process:

---**Current Services.** Current Services, also known as fixed costs, are necessary to maintain services at the same level as the previous year. If increased funding is not appropriated to cover these fixed costs, Tribes will have to absorb these costs within their existing program allocations, which could result in a reduction of services. USET appreciates that the FY16 Request contains an increase of $147.3 million for IHS Current Services, even though the IHS notes that its request for population growth is only partial funding, meaning tribes such as Mississippi Choctaw must absorb any shortfall.

Mississippi Choctaw worked for 10 years on a Joint Venture with IHS in order to build a new health care facility. Our Tribe just opened the new Choctaw Health Center earlier this month and I would like to thank this Committee and the IHS for supporting the Joint Venture program. The main reason that the new Heath Center was so desperately needed is that the previous facility was built in the 1970's to service a population of 3,000 people. We now have almost 11,000 enrolled members, so population growth is a very real issue in Mississippi Choctaw and throughout Indian Country. Given the impossible task of diminishing program capacity and funding in order to provide required services to more patients, we urge the Committee and the Administration to fully fund for population growth.

---**Purchased/Referred Care.** Purchased/Referred Care (PRC) funding is a top budget priority for USET Tribes. IHS and Tribes serve primarily small, rural populations and provide mainly primary care and community health services. Much of the secondary care, and nearly all needed tertiary care, must be purchased from outside providers and facilities. At current funding levels, most IHS and tribal PRC programs are approving only emergency referrals to preserve life or limb, while less urgent, routine and/or preventive care must be deferred or denied (146,928 denials nationwide in FY2013). You know the warning "if you're an Indian, don't get sick after June" This is because Indian facilities exhaust their PRC funds well before the end of the fiscal year and are only able to provide outside treatment in matters of life or limb. While underfunding is a contributing factor to this shortfall, so is the high cost of purchased care.

USET supports the President's call for a regulation implementing the payment of a Medicare-Like Rate for all purchased services. However, we are concerned by the lack of an enforcement mechanism, such as conditioning the acceptance of the Rate on participation in the Medicare program. We urge the Committee to consider such enforcement language in order to ensure access to care at Medicare-Like Rates.

---**Hospitals and Health Clinics.** Funding for Hospitals & Clinics (H&C) remains a top tribal budget priority, as more than half of the IHS H&C budget is transferred under P.L. 93-638 contracts or compacts to Tribes, who are responsible for 58% of the IHS outpatient workload and 50% of the inpatient workload.

---**Mental Health.** The high incidences of mental health disorders, suicide, violence, substance abuse and behavior-related chronic diseases are well documented in Indian Country. The integration of culturally appropriate mental health and alcohol/substance abuse programs into comprehensive behavioral health prevention and treatment programs, and the further integration of behavioral health services with primary care provide great promise in changing not only lifestyle choices and risk behaviors, but the many social determinants that also impact the health of our tribal communities.

---**Contract Support Costs.** As with BIA contract support costs, funding shortfalls have forced the IHS and Tribes to use critical program dollars in order to fund that which the Federal government should have fulfilled upon execution of ISDEAA contracts and compacts. USET calls for an increase in CSC funding, and strongly supports the proposal in the FY2016 Budget Request that would make the CSC line item in the IHS and BIA budgets mandatory for 3 years. We urge Congress to adopt this language in any final FY2016 appropriations legislation.

Clean Legislative Fix to *Carcieri*. This Committee has previously included *Carcieri* fix language in its appropriations legislation. In doing so, this Committee has sought to overturn the unjust Supreme Court decision in *Carcieri v. Salazar*, which has led to two classes of Tribes – those that can take land into trust and build up their communities and those that cannot. In an era of Tribal Nation rebuilding and the pursuit of economic success and prosperity, mushrooming legal challenges to Indian land holdings acquired under the Indian Reorganization Act threaten Tribal businesses, reservation contracts and loans, and discourage businesses from investing in Tribal economies and essential Tribal government infrastructure projects, including housing projects and schools. USET implores this Committee to put an end to the effects of this misguided decision once and for all by including a clean *Carcieri* fix in this year's appropriations bill.

Special Diabetes Program for Indians (SDPI). The President's FY 2016 request proposes that the SDPI be reauthorized at $150 million for three years. SDPI has proven effective in the fight against diabetes at Mississippi Choctaw and throughout Indian Country, with documented success in the improvement of blood pressure control, the reduction of "bad" cholesterol, and a decrease in incidence of End-Stage Renal disease. However, Funding for SDPI has been flat since 2002, in spite of inflation and rising medical costs. USET requests that Congress reauthorize the SDPI at $200 million annually for a period of five years.

Advance Appropriations. USET strongly supports budgetary changes that would authorize advance appropriations for federal Indian programs. While advance appropriations is not a sufficient substitute for fully funding programs that have been significantly underfunded for far too long, such a change would create a greater level of budget certainty, especially when Congress and the President fail to enact appropriations in a timely fashion. USET supports H.R. 395, the Indian Health Service Advance Appropriations Act, introduced by Rep. Don Young (R-AK) that would provide for advance appropriations for the IHS. We urge this Committee to include H.R. 395 in the FY2016 Interior Appropriations bill.

Conclusion. USET recognizes that in challenging times, all Americans must sacrifice for the common good. As the Chief Executive of a Tribe with nearly 11,000 members, making difficult choices and prioritizing need is what I do every single day. However, when it comes to sacrificing for the good of all Americans, the historic record demonstrates that nobody has sacrificed more than Native Americans. No other ethnic group has served in our nation's armed forces at a higher per capita rate than Native Americans. Moreover, as discussed earlier, there exist Federal trust and treaty responsibilities that distinguish requests for Federal funding by Tribes from anyone else who comes before this Congress. We ask that this Committee continue to support and advocate for a budget based on American values that reflects these responsibilities.

Mr. CALVERT. Thank you.
Mr. Jarvis, you are recognized for 5 minutes.

WEDNESDAY, MARCH 25, 2015.

AMERICAN ACADEMY OF PEDIATRICS

WITNESS

JAMES JARVIS

Dr. JARVIS. Yes. My name is Jim Jarvis. I am a pediatrician from western New York and I am here on behalf of the American Academy of Pediatrics, which I think everybody at this table knows represents 62,000 pediatricians around the country. I am also the chair of the AAP's Committee on Native American Child Health, which conducts annual reviews of all aspects of child health that sites in Indian Country in order to both identify best practices but also key challenges. I am also a professor of pediatrics at the State University of New York at Buffalo. I have been working on Indian child health issues for about 30 years and I am of Akwesasne Mohawk ancestry through my great-grandmother.

I am grateful for this opportunity to testify today about the critical importance of federal investment in native child health. We appreciate this subcommittee's continued prioritization of programs serving native children. Unfortunately, as you know, even with the proposed increases in the President's budget, the IHS will still fall significantly short of meeting native child health needs. The AAP therefore strongly supports the appropriation of at least $5.103 billion that the President has proposed for IHS to support the provision of a Central Child Health Services.

Poverty, alcoholism, substance abuse, chronic illness, child abuse, and other poor health and social conditions are not the cause but the symptoms and native communities. Native children face disproportionate exposure to adverse childhood experiences, which contribute to toxic stress and lifelong negative health and cognitive outcomes.

I have seen this firsthand back when I worked in Oklahoma. During that time, I took care of a patient who experienced significant trauma. While his uncle was babysitting for him and his 5-year-old sister, the uncle was also huffing paint. The uncle lashed out and strangled the 5-year-old girl to death in front of my patient. I think that this experience left an indelible and lifelong traumatic effect on this young man and I actually think, as a pediatric rheumatologist, that it probably influenced his developing lupus.

Preventing and treating toxic stress is central to improving native child health and we have many successful and cost-effective examples on how to do so. For example, in the Albuquerque area my friend and colleague Tom Faber took a $5,000 Community Access to Child Health Grant and turned it into a $500,000-a-year Zuni Youth Enrichment Program. The Seattle Indian Health Board—friends are behind me from that organization—has a Youth Ambassadors Program that pairs high school seniors with at-risk freshman leading to increased school attendance and reduced drop-

outs. Home visiting programs such as Family Spirit are an old culturally-based practice for which we now have lots of cost-effectiveness evidence.

Given the critical nature of the work that IHS does for native children, the AAP strongly supports the provision of advanced appropriations, as my colleague from Choctaw Nation have mentioned. This no-cost policy would benefit children through better policy services delivery, improved recruitment and retention of pediatric health advisers, and more cost-effective public health programming.

Throughout my career, I have taught and mentored native students in Oklahoma, now in New York, and I can tell you that student loan debt is a significant problem and a major impact on their career decisions. We were very pleased to see that the IHS budget proposal would tax exempt the IHS Health Professions Scholarship Program and the Loan Repayment Program. I think that effective recruitment and retention tools like this do help cultivate the continuity of care which our native children need.

The other issue also mentioned is our Purchased and Referred Care Funds that are consistently inadequate to meet the need for services impending access of native children. For example, I gave away my rheumatology services just so kids could have access to that. So we strongly support the implementation of Medicare-like rates for PRC.

There are many cost-effective ways to improve native health. They have broad applicability to problems all over the United States, whether it is Gary, Indiana, rural West Virginia, east Los Angeles. What we are learning in IHS is how to handle the problems of childhood stress and poverty and so I want to thank you for your ongoing commitment to native children and for the funding necessary to take care of them.

And I am happy to answer any questions.

[The statement of James Jarvis follows:]

James Jarvis, MD, FAAP- American Academy of Pediatrics
"American Indian and Alaska Native Programs", 3/25/2015

Good Morning Chairman Calvert, Ranking Member McCollum, and Subcommittee Members:

My name is Dr. Jim Jarvis, and I am here today on behalf of the American Academy of Pediatrics, which represents 62,000 pediatricians around the country. I am the chair of the AAP's Committee on Native American Child Health, a group of leading national experts on this issue. For 50 years, the AAP has formally conducted work on AI/AN child health issues. Our Committee conducts annual site visits to review all aspects of child health at four sites in a different Indian Health Service (IHS) Area each year. Through this work, the AAP helps identify best practices for IHS to promote and replicate elsewhere, and determine key challenges to the provision of child health services in need of additional resources and support.

In addition to my role within the AAP, I am currently a professor of clinical pediatrics at the State University of New York in Buffalo. I personally have worked on American Indian and Alaska Native (AI/AN) child health issues for over 30 years. My research expertise focuses on the disproportionate prevalence of rheumatic disease among AI/AN children, and the way that trauma and toxic stress cause epigenetic changes that contribute to poorer health outcomes across the life span. I am also of Native descent myself, with Akwesasne Mohawk ancestry through my great grandmother.

I am extremely grateful for the opportunity to testify today on behalf of the AAP to discuss the critical importance of federal investment in AI/AN child health. We appreciate that through a constrained fiscal environment this Subcommittee has continued to recognize the importance of investing in the IHS and other programs serving the needs of AI/AN children. These have built upon the substantial progress in AI/AN child health indicators over the past half century, including the burden of infectious diseases and infant and child mortality.[1] However, at current funding levels there is still significant unmet need. Even with the increases in the President's proposed IHS budget, the Agency will still fall significantly short of being able to serve the health needs of AI/AN communities. This is all the more important with the knowledge that sequestration will return to IHS in FY 2016 without Congressional action. The AAP urges the Subcommittee to maintain its commitment to AI/AN child health needs in FY 2016 with strong investments in the IHS

FY 2016 Appropriations: The AAP supports the provision of at least the IHS funding requests outlined in the President's proposed FY 2016 budget, which would provide $5.103 billion in discretionary authority to IHS. The proposed budget provides a total of $3.4 billion for clinical services and $163 million for preventive health. The proposed $460 million increase above the FY 2015 enacted level would include $147.3 million for the continuation of current services by addressing factors including population growth and inflation and $313.3 million to increase support of priority IHS programming.

Challenges to the Provision of Care to AI/AN Children: The IHS has a significant task in providing both direct health services and public health programming to a service population of 2.2 million from 566 federally recognized tribes in 35 states. The predominantly rural geography of Indian Country complicates the delivery of care. The unique trust responsibility relationship between the federal government and the tribal nations requires the maintenance of federal commitment to the health care of Native Americans regardless of the federal fiscal climate. The

provision of high-quality pediatric care is critical to IHS's work. Native American children constitute a considerable proportion of the AI/AN population; over one-third of AI/ANs are under 15 years old. AI/ANs are disproportionately affected by childhood overweight and obesity, preterm birth, infant mortality, motor-vehicle related morbidity and mortality, and alcohol and drug use and their associated conditions.[ii]

Through the work I lead within the AAP and my own professional experience, I have seen firsthand the unmet health needs of Native children across all IHS service areas. During my time working in Oklahoma, I cared for a patient who experienced significant trauma. While his uncle was babysitting him and his younger sister, the uncle was huffing paint. His uncle lashed out and strangled the younger sister to death in front of my patient. This experience left an indelible and lifelong traumatic effect on this young man.

I raise this challenge to highlight the importance of supporting the work that medical and public health professionals do in Indian Country. Poverty, alcoholism, substance abuse, chronic illness, child abuse, and other poor health and social conditions are not the cause of problems in Native communities, but the symptoms of them. Every child needs safe, stable, and nurturing relationships, a healthy environment, and good nutrition. Children who experience strong, excessive, and/or prolonged adversity in childhood without the buffer of stable and supportive relationships with caring adults suffer from toxic stress. Toxic stress contributes to negative health outcomes across the life span. AI/AN children face disproportionate exposure to adverse childhood experiences, making the prevention and treatment of toxic stress and its detrimental health effects central to improving AI/AN child health.

Success in Serving AI/AN Children: Investing in programs to serve the health needs of Native children provides long-term benefits in the form of improved health and reduced costs. In addition to funds to provide basic health care needs, it is critical that IHS has the support it needs to ensure that AI/AN children have access to high-quality prevention and public health programming. I've watched over time in the Albuquerque Area as Tom Faber took a $5,000 Community Access to Child Health grant and turned it into a $500,000 a year operation in the Zuni Youth Enrichment Program. This past September I was on a team that visited the Seattle Indian Health Board, where we heard about their impressive Youth Ambassadors program that pairs seniors with at-risk freshmen in area high schools, which has been associated with increased attendance and a lower dropout rate in participating schools. The Family Spirit home visitation model is an additional example of a culturally-based program that promotes resilience and improves health. Home visiting is an old cultural practice, and one for which we now have evidence-based data to indicate its effectiveness.[iii] In addition, certain home visiting models have demonstrated that the benefits they generate exceed their costs.[iv]

The Special Diabetes for Indians Program is exemplary of this effect; through 2011, SDPI-supported programs were associated with a reduction in mean blood sugar levels that translates to a 40 percent reduction in diabetes related complications.[v] Through the work I do within the AAP, we began seeing the emergence of high incidence of type 2 Diabetes among AI/AN children 20 years before it became a problem nationally, and many of the strategies now used broadly are the same that first proved effective in Indian Country. Many of the health problems the IHS encounters and addresses have broad applicability to other communities across the U.S.,

and the IHS is often working on the forefront of these issues. Extrapolating solutions gleaned from IHS's work can mean savings for our entire health care system,

Advance Appropriations for IHS: Give the critical nature of the work IHS does, its significant impact on Native children, and the unique federal trust responsibility underlying this work, the AAP strongly supports the provision of advance appropriations to IHS. Advance appropriations would enable IHS to augment the value of its funding through longer term planning, improved budgeting, and better contracting options. These improvements would benefit children through better health service delivery and more cost-effective public health programming.

Advance appropriations would enable IHS to better recruit and retain pediatric health care providers. This would increase the proportion of AI/AN children receiving care from a dedicated medical home, and improve the quality of pediatric care for AI/AN children. Public health interventions that generate child health improvements would benefit from budget continuity and the improved planning it would facilitate. Dedicated people are using their creativity and passion to do amazing work in Native communities across America. This policy would generate important child health benefits without additional cost to the federal government, as demonstrated by the Veterans Health Administration since 2009.

IHS Workforce Recruitment and Retention: Effective recruitment and retention programming is central to ensuring IHS has the workforce necessary to meet the health needs of Native children. We were extremely pleased to see that the IHS budget proposal would make the Indian Health Service Health Professions Scholarship Program and Health Professions Loan Repayment Program tax exempt. Doing so would bring the status of these programs in line with the National Health Service Corps and Armed Services Health Professions scholarships. There are over 1,550 health professionals vacancies in IHS, indicating significant unmet need.[vi] Making IHS loan repayment tax free would save the Agency $5.71 million, funding an additional 115 awards.

Throughout my career, I have taught and mentored Native students interested in practicing pediatrics in Indian Country. In talking with them, it is clear to me that the burden of student loan debt is a clear and compelling factor in the decisions they make. In addition, the fact that the tax status of these programs erodes the available funding for the Agency means that fewer slots are available for health professionals who would like to serve in Indian Country. Without a sound recruitment and retention base it is difficult to cultivate the continuity of providers needed to ensure Native children receive coordinated and high-quality care in a medical home. With a budget impact of only $9.5 million, this policy offers a high-value outcome at a low cost.[vii]

Purchased and Referred Care: We were also pleased to see that the President's proposed budget included an increase of $70.3 million for Purchased and Referred Care (PRC). PRC is a critical component of the federal responsibility to provide health care for Native Americans. These funds ensure access to services not otherwise available at IHS/Tribal/Urban Indian (I/T/U) programs. However, the funds within PRC are consistently inadequate to meet the need for services. Once PRC funding is expended in a given fiscal year, there are no remaining funds for Native children and their families to access services through this program. Many services from which Native children would benefit, including behavioral health services, are simply not available within PRC

because available funding falls so short of need. In FY 2013, IHS and tribal PRC programs denied approximately $761 million for 146,928 needed contract health services.[viii]

Given the need to maximize the purchasing power of federal government dollars under PRC, the AAP strongly supports the implementation of Medicare-like rates for PRC, including for all physician and other health care professional services and non-hospital-based services. Harmonizing PRC payment with Medicare rates will improve the capacity of the PRC program and improve access to care for children, particularly for specialty care. The U.S. Government Accountability Office (GAO) has determined that the IHS PRC program would have saved $32 million in 2010 just on physician services through the use of Medicare payment methods.[ix] Such a policy must not reduce children's access to needed health services, and therefore we also believe that any such policy must include exceptions that take geography and the availability of specialty care into account.

Conclusion: Thank you again for the opportunity to provide public comment today on the important issue of AI/AN child health needs. Native children need the important health services and public health programs funded through IHS. While there are challenges to improving AI/AN child health, it is clear that there are many successful examples of ways to do so that are cost-effective. Furthermore, strategies and solutions that we devise in caring for AI/AN children will be broadly applicable to problems facing the broad spectrum of American children, whether they live in rural Maine or Nebraska or inner city Dallas or Miami. We thank you again for your ongoing commitment to Native communities, and urge you to provide the funding necessary to meet the health needs of AI/AN children. I would be happy to answer any questions that you may have for me.

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[ii] Centers for Disease Control and Prevention. *American Indian and Alaska Native Populations.* Updated February 3, 2015. Retrieved from http://www.cdc.gov/minorityhealth/populations/REMP/aian.html#Disparities

[iii] Schmitt, S., Schott, L., Pavetti, L., and Matthews, H. *Effective, Evidence-Based Home Visiting Programs in Every State at Risk if Congress Does Not Extend Funding*. Center on Budget and Policy Priorities. February 9, 2015. Retrieved from http://www.cbpp.org/cms/?fa=view&id=4103

[iv] Zaveri, H., Burwick, A., and Maher, E. *Home Visiting: The potential for cost savings from home visiting due to reductions in child maltreatment*. Chapin Hall, Mathematic Policy Research, and Casey Family Programs. March 2014.

[v] National Indian Health Board. *Special Diabetes Program for Indians (SDPI)*. Retrieved from http://www.nihb.org/legislative/sdpi.php

[vi] Department of Health and Human Services. *Fiscal Year 2016 Justification of Estimates for Appropriations Committees- Indian Health Service*. January 2015, 2015. Retrieved from http://www.ihs.gov/budgetformulation/includes/themes/newihstheme/documents/FY2016CongressionalJustification.pdf

[vii] ibid

[viii] ibid

[ix] U.S. Government Accountability Office. *Indian Health Service: Capping Payment Rates for Nonhospital Services Could Save Millions of Dollars for Contract Health Services*. Report to Congressional Addressees. April 2013. GAO-13-272.

Mr. CALVERT. Thank you, Mr. Jarvis. We appreciate your testimony.

And, Mr. Francis, one thing that I listened to on Drug Courts, I think they are very effective, more effective than detention and cost a lot less money. And, you know, it has been very successful in California, and Texas of all states has a remarkable record on the use of Drug Courts and keeping people out of detention of getting people on the right path. So I was happy to hear that testimony.

And, Mr. Harris, thank your tribe for helping us win the Revolutionary War. We would not be sitting here.

Mr. HARRIS. Well, we did turn the tide there.

Mr. CALVERT. Yes. Yes. We would be speaking in British.

Mr. SIMPSON. Speaking British.

Mr. CALVERT. Yes. Yes. You caught it.

And, Ms. Anderson, thank you. Obviously, Indian Health Service was mistreated during this and that was a mistake and we are trying to get that fixed. And I think Mr. Cole had language in the budget to deal with that so hopefully that will be a short-term problem.

And the issues of what is going on with native children—and we have all been to various tribes—it is a tragedy and we have to deal with that. And so thank you for what you are doing. I appreciate that.

Ms. McCollum.

Ms. MCCOLLUM. Mr. Chair, I am going to bail you out. I was actually with His Royal Highness, the Prince of Wales, and he does sound different from you so you do not speak British. Remember that. I might need something someday.

Mr. CALVERT. Separated by a common language.

Ms. MCCOLLUM. Yes.

Mr. CALVERT. That is it.

Ms. MCCOLLUM. I want to thank all of you for your testimony and congratulations on opening up your health facility. One thing that has really struck a chord in me, we all know about the suicide rates, right? We are starting to hear that maybe there is an uptick. With social media things are starting to change a lot with what is going on, especially with younger and younger children thinking about suicide. Can you get more information on toxic stress to my office later on, because we need to start developing a better all-hands-on-deck strategy and more supportive of tribal communities. That means all the support systems that are out there, whether it is juvenile justice or some of the support when children have to be removed from the home and they are with elders, right into all the health care and clinics and hospitals that tribes are opening up under self-determination.

I have heard about the suicide crisis before but what I heard this week is just really overwhelming. I think, not that you are used to it, but you have been struggling with it for so long and not seeing a break that it may be starting to creep up and you are talking about it again and we need to figure this out together. They are your nation's children but they are America's children.

Thank you, Mr. Chair.

Mr. CALVERT. Thank you.

Mr. Simpson.

Mr. SIMPSON. No questions. I just would say one thing, though. A couple of you mentioned and others have in the past about advanced appropriations. Everybody would like that in every function of government. In fact, we would like the budget committee to give us an advanced budget for the next 2 years instead of just 1 year so that we could do it. The problem is when things are underfunded as they currently are—and I think we would all agree that most of these programs are underfunded; we have been doing a good job of trying to bring them back in a lot of areas and we still have a lot of work to do—but trying to find 2 years of appropriations funding in 1 year just puts us further behind. And that is the challenge that we face in trying to do advanced appropriations.

Mr. CALVERT. Ms. Pingree.

Ms. PINGREE. Thank you, Mr. Chair. I was fortunate enough to say a few words in the beginning but just thank you all to the panel for being here and bringing up some important issues. I will look forward to working with my colleagues.

Mr. CALVERT. I appreciate it. Thank you.

Thank you to this panel. We appreciate you. Thank you for being here. You are excused.

Next panel is Ms. Audrey Hudson, Mayor of the Metlakatla Indian Community on my right. Yes, I did that with a British accent. Michael Douglas, I know that name, from the Southeast Alaska Regional Health Consortium. Okay, Audrey, Michael, and Luke Welles.

Welcome. We appreciate your being here. And I know Don Young is on his way so we are getting the message from him to say hi. I am going to go ahead and recognize you because we are under a time squeeze today because we have votes starting pretty soon.

So, Audrey, you are recognized.

WEDNESDAY, MARCH 25, 2015.

METLAKATLA INDIAN COMMUNITY

WITNESS

AUDREY HUDSON

Ms. HUDSON. Thank you.

I am Audrey Hudson, Mayor, Tribal Chair, City Manager, and Police Commissioner of Metlakatla, Alaska.

Ms. MCCOLLUM. Women can do it all.

Ms. HUDSON. Metlakatla Indian Community is located on the Annette Island Reserve in far Southeast Alaska. We are the southernmost community in Alaska. I have been Mayor since 2013 and I am honored to be the first woman elected to this position.

My community is the only reservation in Alaska as we have opted out of the Alaska Native Claims Settlement Act, thus preserving our trust land and reservation intact. Our written testimony addresses BIA natural resources funding and Indian Health Service matters. My oral comments will start by focusing on the funding needs of our natural resource programs.

The community is rich in natural resources but we cannot afford to responsibly manage and benefit from them. The BIA's assistance is very limited. We receive only $957,000 in total. Let me repeat that. We receive from BIA only $957,000 in total for our natural resources management.

Our request is simple. We ask that the BIA natural resources budget be increased significantly and the BIA should reassess the natural resources funding it allocates to the Metlakatla Indian Community.

Let me explain our needs in two specific areas—fisheries and forestry—for you to appreciate our challenges. First, let me talk about fisheries. We own the Marine water 3,000 feet out from our shorelines. State-managed waters, however, surrounds ours. There is no court-ordered co-management between us and the state and we have to manage our fisheries in a way that accounts for our needs, as well as consideration of the state's interests. State management at times preempts our subsistence and harvest rights.

Managing fisheries requires complex technical and scientific expertise which takes money. The disparity between the fishery management support the BIA provides to western Washington tribes and the support available to the community is enormous. For example, unlike the Columbia River Intertribal Fish Commission, which can draw on economies of scale and staff, we are on our own. We cannot afford to pay for scientists and resource managers to help us protect our fishing rights and conserve our fishery resources.

Our Tamgas Creek is, to our knowledge, the largest tribally operated hatchery in the nation but we received not one penny of BIA hatchery operations funding. Compare this to virtually every tribal fish hatchery in Washington State that receives some hatchery operations funding.

Let me now talk about forestry. For this program, we receive $62,000 from the BIA. I did not stutter. We received $62,000 only from the BIA. This amount is insufficient to hire even one position, let alone employ the many types of expertise that are needed to manage our forested lands. We have 21,172 acres of commercial forest land and 54,197 acres of noncommercial forest land and associated muskeg habitat.

Using a forest management formula commonly used by the BIA, we should be receiving a minimum of $646,000 in order to ensure forest health. In my written testimony we have requested about ⅔ of that amount. We require significantly increased funds if we are to have a job and income-providing forests that are healthy and not susceptible to fire risk.

The bottom line is that our natural resource programs are badly underfunded. We need your help to correct this situation.

Let me also make a few comments on two other areas addressed in my written testimony: contract support costs and health issues. First, we urge Congress to fund IHS and BIA contract support costs on a mandatory basis, as the Administration has proposed. We thank the subcommittee for its leadership in recognizing that full funding for contract support costs is a federal obligation.

Second, we ask that the Indian Health Service budget be exempt from the future sequestration of funds, as Congress has done for our veterans' health programs.

Finally, please extend the Special Diabetes program for Indians as soon as possible so that the services and contracts under this crucial program can continue uninterrupted.

Thank you. I am happy to answer any of your questions.

[The statement of Audrey Hudson follows:]

Metlakatla Indian Community
P.O. Box 439
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Audrey Hudson, Mayor

Testimony submitted to the House and the Senate Appropriations Subcommittees
on Interior, Environment and Related Agencies
March 19, 2015

Concerning the FY 2016 Indian Health Service and Bureau of Indian Affairs Budgets

Summary. The requests of the Metlakatla Indian Community for FY 2016 are:

- Support the Administration's request to make Contract Support Costs funding mandatory, with a preference that such a change occur beginning in FY 2016.
- Exempt the IHS from any future sequestration, as Congress has done for the Veterans Health Administration programs.
- Extend the Special Diabetes Program for Indians.
- Substantially increase funding for BIA Natural Resources; the Administration requested a $48 million increase but given the wide array of programs for which the Metlakatla Indian Community has historically received far less funding than necessary, the need is much more than that.

* * *

The Metlakatla Indian Community (Community) is located on the Annette Island Reserve in southeast Alaska, a land base of 87,000 acres. Through our Annette Island Service Unit we provide primary health services at our outpatient facility through funding from the IHS as a co-signer to the Alaska Tribal Health Compact under the Indian Self-Determination and Education Assistance Act. We have significant fish and forestry resources but as noted elsewhere in this testimony, we require more resources to fully manage them.

Contract Support Costs (CSC) Mandatory Funding. We are encouraged by the Administration's policy proposal changes with regard to contract support costs and the widespread recognition that these costs are mandatory in nature. In our testimony of just two years ago we were fighting against the Administration's proposals to not only underfund CSC but to cap each BIA and IHS individual contract. Now we are testifying in support of an Administration proposal to move IHS and BIA contract support costs to a mandatory funding basis and in amounts that appear to be sufficient for full funding.

We support the Administration's proposal to make IHS and BIA contract support costs funding mandatory although we and other tribes and tribal organizations would like this designation to begin with FY 2016. It differs from our and others in Indian Country proposal that CSC be funded indefinitely and not capped, but we acknowledge the Administration's proposal as a huge step for the federal agencies directly involved and the Office of Management and Budget. We are hopeful that the $718 million proposed for CSC funds for IHS and $277 million for the BIA will be sufficient for full funding for FY 2016 – a lot of work has gone into the estimated calculations and that should bode well for future estimates as well.

Under the Indian Self-Determination and Education Assistance Act, the full payment of CSC is not discretionary; it is a legal obligation, affirmed by the U.S Supreme Court. Funding of CSC on a discretionary basis has placed the House and Senate Committees on Appropriations, in their own words, of being in the "untenable position of appropriating discretionary funds for the payment of any legally obligated contract support costs."

We ask for this Subcommittee's intervention with the Budget Committee and any others that may influence this proposal for mandatory CSC funding. You have had a great deal of experience in talking with Alaska Native and Indian leaders over the years about the frustrations and the inequity of tribes and tribal organizations who contract to assume administration of federal programs not being paid for the true costs to administer them. You have much to offer others in Congress who will weigh in on this issue.

Sequestration. We ask that IHS funding be exempt from sequestration, as is the Veterans Health Administration programs. We understand that a number of members of Congress, including some on this Subcommittee, have indicated that it was an oversight that IHS was not exempted from sequestration and that it should be corrected. We are grateful for this and trust it will be done this year. That oversight that resulted in a $220 million cut in funding IHS for FY 2013, made worse by the fact that it had to be absorbed in a matter of a few months. Those sequestered levels then become the base for future funding.

The Veterans Health Administration (VA) was made fully exempt from the sequestration for all programs administered by the VA. *See* § 255 of the Balanced Budget and Emergency Deficit Control Act (BBEDCA), as amended by P.L. 111-139 (2010). Also exempt are state Medicaid grants, and Medicare payments are held harmless except for a 2 percent reduction for administration of the program. We thus strongly urge the Subcommittee to support an amendment to the BBEDCA to fully exempt the IHS from any future sequestration, just as the VA's health programs are exempt.

Special Diabetes Program for Indians. The authorization and funding for the Special Diabetes Program for Indians (SDPI) expires at the end of FY 2015. The SDPI provides crucial funding for diabetes treatment and prevention programs for Alaska Natives and American Indians, among whom diabetes is an epidemic. The SDPI is showing significant outcomes – both in terms of dramatically increased access to treatment and prevention services and for improved blood sugar control and blood lipid levels. The President's FY 2016 budget proposal recommends extending SDPI for three years at its current level of $150 million per year, and we appreciate their advocacy. However, we join with others in Indian Country in recommending a

five-year extension at $200 million per year. We ask for your support of the efforts to pass such a multi-year extension of the SDPI and that the extension be accomplished as quickly as possible—well in advance of its expiration in September, 2015—so that these indispensable programs can continue to provide uninterrupted care and contracts can be renewed without disruption and loss of expertise.

BIA Natural Resources Funding. The Metlakatla Indian Community has the only reservation (Annette Island Reserve) within the State of Alaska—87,000 acres, plus the marine waters 3,000 feet out from the shorelines of Annette Islands. We did not participate in the Alaska Native Claims Settlement Act (ANCSA), though were given the opportunity to do so. Instead we communicated to the Congressional drafters of ANCSA the need for the Reservation to stay intact. As a result, Section 19 of ANCSA excludes the Metlakatla Indian Community, thus preserving the Community's trust land and reservation intact.

Today I want to bring to your attention a terrible injustice: the BIA has, for decades, underfunded our natural resource programs. We recently conducted a detailed analysis of not only the funding we currently receive to carry out BIA natural resource programs ($957,205), but an analysis of the funding necessary to adequately protect the trust assets (our lands, waters, habitat, minerals, and fish and wildlife), and also to steward those trust assets to meeting tribal needs on an ongoing basis. We determined that our BIA natural resource programs require a total funding of $4,274,731 on an annual basis, which means additional appropriations in the amount of $3,317,526.

This breaks down as additional funds needed for the Community in the following budgetary accounts: BIA Hatchery Operations (+$500,000); Fisheries Management and Development & Wildlife Management and Development (+$1,006,068); Forestry (+$464,545); Natural Resources General/Administration (+$533,369); Other Rights Protection (including water) (+$191,709); Mineral Development (+$304,372); and Invasive Species Management (+$317,463).

We urge the Committee to fully fund these needs to that the Community can adequately carry out responsibilities that are critical to ensure that the Community's natural resources programs are adequately funded. I discuss below two of these program areas—Fisheries and Forestry—to greater illustrate all that is involved in carrying out these natural resource programs, the existing inequitable share of these funds that the Community receives in comparison with other Tribes in the Northwest, and why this funding is so critical to the Community.

Fisheries: Because State-managed waters surround the Reservation's waters, and because there is no court-ordered co-management relationship between the Community and the State, Tribal fisheries must be managed in a way that accounts for the Community's fishing effort, as well as the State's. This must be done without having any influence over the State's management strategies, which, at times, have been preemptive of our subsistence and harvest rights. In order to properly manage our fishery resources, we need to bring our own scientists and resource managers to the table, but have insufficient funding to do so.

We manage the following commercial fisheries (subject to Secretarial approval): *Salmon*—The Community's fishery is the largest tribally managed salmon fishery in the Nation. In fact, the Community annually harvests more salmon than the five top fishing tribes in western Washington combined; *Herring*—we manage the second largest herring stock in southeast Alaska (second only to the Sitka fishery), the largest (almost certainly the only) tribally managed herring fishery in the Nation; *Halibut*—our halibut fishery is comparable to the tribal halibut fisheries in western Washington; and *Dive Fisheries for Sea Cucumber and Geoduck*—Comparable to tribal fisheries in western Washington.

The tribes of western Washington, which conduct fisheries that are most similar to the Community's, also have complex managerial, technical and scientific needs. Yet, their funding, although substantially greater than the Community's, is still inadequate to cover the costs of retaining staff in each of the individual disciplines that, in combination, make up a legitimate fishery management program. However, Congress, through the BIA, makes millions of dollars available to the Northwest Indian Fisheries Commission (NWIFC) for that very purpose. The NWIFC, like the Columbia River Inter-Tribal Fish Commission, is able to draw on economies of scale and consortia staff, so that when tribes meet with the State, or other management authorities, they are supported by expertise that the State cannot ignore. By contrast, the Community not only does not have the funds necessary to hire its own experts, we are also not able to draw upon the expertise of an inter-tribal consortium. Our Tamgas Creek Hatchery is possibly the largest tribally-operated hatchery in the nation, but it inexplicably receives $0 in the Hatchery Operations line item in the BIA budget, while Oregon and Washington tribes receive substantial funding. Our Community is very much on its own. When considered in this light, the disparity between the fishery management support available to western Washington tribes and the support available to the Metlakatla Indian Community is enormous. As a result, we are severely handicapped in efforts to protect our fishing rights and conserve our fishery resources.

Forestry: A second example of critically needed funding to meet tribal natural resource program needs is in the forestry program. We receive $62,000 for our forestry program. This is insufficient funding to hire even one position in the program, let alone plan, design, and implement silvicultural prescriptions, forest harvest, conservation, and wildfire prevention and control strategies on the 21,172 acres of commercial forestland, and 54,197 acres of non-commercial forestland and associated muskeg habitat. Using the formula developed by the IFMAT III team in 2011, the Community's forestry program should receive a minimum of $646,223.32 in federal funding in order to ensure forest health and federal trust obligations are met. We have requested less than this full amount, or only an additional $464,545.

We are glad to provide any additional information you may request. Thank you for your consideration of our concerns and needs.

# # #

Mr. CALVERT. Thank you, Ms. Hudson. We are going to go through the panel and then we will have questions and I am sure we will hear from Mr. Young. And I know he knows how to pronounce the name of your tribe.

Ms. HUDSON. He sure does.

Mr. CALVERT. I am going to ask him to do that.

Mr. Douglas.

WEDNESDAY, MARCH 25, 2015.

SOUTHEAST ALASKA REGIONAL HEALTH CONSORTIUM

WITNESS

MICHAEL DOUGLAS

Mr. DOUGLAS. Good afternoon. Chairman Calvert, Ranking Member McCollum, and distinguished members of this committee, thank you for the opportunity to share with you Southeast Alaska Regional Health Consortium's priorities for the 2016 budget.

SEARHC provides healthcare services throughout southeast Alaska. My service area covers 35,000 square miles, which is roughly the size of the State of Indiana, and almost all the communities we serve are accessible either only by boat or by plane. Given the size and remoteness of this service area, our biggest challenges are ensuring that we have adequate facilities and ensuring that we are able to meet the high cost of providing services in these remote areas.

I would like to focus on four priorities that are critically important to SEARHC today. The first is facilities funding. Our hospital, Mt. Edgecumbe Hospital in Sitka, is the oldest facility in Alaska and one of the oldest in Indian Country, and it is in serious need of restoration and repair. IHS estimates that it will cost some $30 million just to complete the updates to this facility, and delaying these updates, which include telecommunications, electrical, HVAC system updates create potential risks of interruptions of critical care, which include emergency services and pose significant health risks to our patients.

Aging IHS facilities are a problem nationwide. IHS estimates that the funding needs are around $8.1 billion and this number just continues to rise as little is being done to repair these facilities.

We feel that four things need to be done to address this issue. First, Congress needs to commit to start replacing these aging facilities.

Second, we urge the committee to increase facilities funding in the current budget proposal to better address the existing backlog of critical facilities maintenance.

Third, I would ask this committee to direct IHS to enter into more joint venture program projects, which will enable us to build facilities with the promise that IHS will provide the funds to staff them.

Finally, we ask this committee to fund Indian Health Care Improvement Act's Renovation Program, which, similar to the Joint Venture Program, will permit us to renovate IHS facilities with a

commitment from IHS to staff them. However, this program has never been funded.

We would also encourage the committee's members to support the extension of the Rural Community Hospital Demonstration Program, which is due to sunset at the end of this fiscal year. This program allows hospitals in rural areas like SEARHC's Mt. Edgecumbe Hospital to use cost-based reimbursement rates as opposed to the standard Medicare and Medicaid rates because the standard reimbursement rates do not adequately cover the cost of providing care in the rural areas that we serve.

We understand that two bills have been introduced to extend this program, including Congressman Young's bill, H.R. 672, and we hope the members will be able to support this legislation.

SEARHC is also concerned with the fiscal cliff facing community health centers as 11 of our community clinics are community health centers. The Community Health Center Fund will run out of monies at the end of this year, and without congressional action, community health center funding will be reduced by 60 to 70 percent. We understand that the pending bill H.R. 1470 will reauthorize this fund through 2017 and I respectfully urge all members of this committee to support this provision as well.

Finally, I would just like to mention contract support costs. These funds are crucial to our ability to meet high overhead costs we experience in providing healthcare in rural Alaska. I want to thank this committee for the extraordinary work you have done to bring us into this era of current full funding for contract support costs, so thank you. We appreciate that effort very much.

The Administration has appropriately proposed making contracts support costs funding a mandatory appropriation and we strongly agree with this conceptual proposal. However, our concern to any solution would only provide mandatory funding for a 3-year period and then have to revisit it 3 years from now is not enough. Rather than to go through the debate and process once more, we respectfully urge that this committee provide permanent mandatory appropriation for contract support costs.

I submitted written testimony that provides additional detail on these priorities and I am happy to answer any questions at the committee's request.

[The statement of Michael Douglas follows:]

House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies

Hearing on the Fiscal Year 2016 Budget

Testimony of Michael Douglas, Vice-President/Chief Legal Officer
SouthEast Alaska Regional Health Consortium

March 25, 2015

My name is Michael Douglas and I serve as the Vice-President and Chief Legal Officer to the SouthEast Alaska Regional Health Consortium (SEARHC). I am honored to be here to testify before this Committee about SEARHC's priorities and I thank Chairman Calvert, Ranking Member McCollum, and all members of the Committee for the opportunity to do so.

SEARHC is an inter-tribal consortium of 15 federally-recognized Tribes situated along the southeast panhandle of Alaska. Our service area stretches over 35,000 square miles, and with no roads connecting many of the rural communities we serve, we work hard to provide quality health services to our communities. These services include medical, dental, mental health, physical therapy, radiology, pharmacy, laboratory, nutritional, audiology, optometry and respiratory therapy services. We also provide supplemental social services, substance abuse treatment, health promotion services, emergency medical services, environmental health services and traditional Native healing. We provide these services through a network of community clinics and the Mt. Edgecumbe Hospital located in Sitka, Alaska.

The urgent health care needs across Indian Country are well known and the challenges in meeting those needs are heightened in areas like Southeast Alaska where communities are isolated and transportation and facilities costs are high. SEARHC applauds the Administration for recognizing these needs by increasing the IHS budget. It is vital that these increases be preserved. But even these increases will not be enough to allow SEARHC and other tribal organizations to meet the health care needs of the people we serve. We will meet these challenges, but to do so we will need your help.

Facilities Funding

Our greatest need is for increased facilities funding. We reported to this Committee last year on this topic and another year of use has only increased those needs. At 67 years old, the Mt. Edgecumbe Hospital is the oldest facility in Alaska and one of the oldest in the Nation. According to IHS's Facilities Engineering Deficiency System, the cost to update SEARHC's facilities is $29,600,000. This results in potential health telecommunications and electric outages, which translates into potential interruptions in critical care services including emergency services. Further, the funding deficiency delays many necessary improvements, impacts physician staffing, and hurts SEARHC's ability to expand and enhance services, such as tele-health. And we are not unique. Estimates place IHS facilities funding needs at $8.13 billion, a number that keeps on rising because IHS lacks sufficient funding to maintain these

facilities. We do our best to patch the problem, but the bottom line is that without adequate facilities, SEARHC cannot provide adequate services.

We request the Committee do four things.

Replace aging IHS facilities. We need a commitment from Congress to start replacing aging IHS facilities. This will require reordering the current facilities priority list, which was created on a first come, first served basis. All rankings should be based on true need.

Increase facilities funding in the current budget proposal. The President's budget contains modest funding increases for facilities needs, totaling $179 million. While we applaud the Administration for taking this first step, it is only a first step, addressing only 2% of the $8.13 billion needed. Similarly, the President's budget proposes for the first time in years, an increase in Maintenance and Improvement funds of $35 million, for a total of $89 million in M&I funding. That said, there is a critical maintenance backlog of $467 million. This means that $378 million of critical maintenance is not going to be addressed. We strongly encourage the Committee to increase the facilities funding in the IHS budget.

Joint Venture Projects. The JV project provides IHS funds to staff facilities built with tribal funds. SEARHC submitted a proposal in the most recent Joint Venture project funding round. Despite receiving a very high score, our proposal to build a facility on Prince of Wales Island was not selected. And in fact, of the 37 applications submitted, only 13 were put on a list to eventually receive funding. The fact that qualified projects were not selected is evidence of the fact that the need for such facilities far outstrips IHS's willingness to enter into these agreements.

Our situation is a good example. Currently, our hospital in Sitka serves people living as far away as Klawock. Travel to Sitka requires a lengthy combination of automobile, ferry, and airplanes and takes at least a day and often is an overnight trip. If weather is bad, as it often is in Southeast Alaska, it can take even longer. The only alternative are costly air ambulance flights. We proposed to construct a Critical Access Hospital in Klawock. This would have strengthened the primary care service in the area, while first the first time also offering complex diagnostic services and acute and emergency care to one of the remotest, most rural area of the Nation. Despite the overwhelming need for these services, our project was rejected.

In order to provide funding for this project, as well as the other JV projects that were not selected this year, we urge this Committee to direct IHS to enter into more Joint Venture Agreements.

The Indian Health Care Improvement Act (IHCIA) renovation program. Finally, we recommend the Committee provide funding for tribally renovated IHS buildings, pursuant to section 1634 of the IHCIA. The IHCIA allows Tribes to renovate IHS facilities and authorizes IHS to provide staffing and equipment for the newly renovated structure, mirroring the JV program. But Congress has never funded this program. We strongly urge the Committee to realize the promise of this program by providing $10 million to fund it. We would be delighted to do an Alaska demonstration project for this new initiative.

Contract Support Costs

In recent years, much progress has been made on the issue of contract support costs, thanks in large part to this Committee. First, Congress's decision to fully fund contract support costs in 2014 recast the issue from one of contention to one of cooperation. And Congress's continued support for full CSC funding has continued to strengthen the relationships between tribal organizations and the Federal Government.

Now we see a new opportunity for your leadership on this issue. The President has requested that, starting in 2017, CSC be funded as a mandatory three-year appropriation. While SEARHC supports the idea of mandatory CSC appropriations, we strongly believe that it should not be limited to three years. As the President's budget request reflects, CSCs are amenable to a mandatory appropriations scheme because they are recurring every year and are required to be added to all new programs that tribal organizations contract from IHS or the BIA. Plus, mandatory appropriations would ensure that neither IHS nor the BIA ever has to redirect funding from direct programs to CSC funding, as the IHS did this year. All these reasons will apply equally five years from now as they do today, and there is no reason to only implement mandatory appropriations for three years. We therefore urge the Committee to work with other relevant committees to support a permanent mandatory appropriation for CSC.

We also hope the Committee will address the Administration's apparent plan to now keep each tribal organization's contract open for five years after the end of the contract year for reconciliation purposes. This approach is simply unworkable. Even now, IHS struggles to get funding out on time, when it is only facing reconciling one year back while also working on the current year funding issues. Trying to reconcile 5 years of contracts plus the current year will frankly be an unnecessary and avoidable disaster. Plus, neither IHS nor our tribal organizations can afford the considerable time such a reconciliation process would demand. It is in al the parties' interest to quickly finalize the amounts needed under the last year's contract so that we can focus on the current year. We therefore request this Committee direct IHS to finalize contract support cost payments to all Tribes within 60 days of the end of each contract period.

We also urge the Committee to include language in the appropriations act making clear that IHS must pay contract support costs on MSPI and DVPI program funds. Despite years of acknowledging that CSC are due on these program funds, IHS recently reversed course and required Tribes to cover CSC costs with program funds. This is contrary to Congress's clear directive in the Indian Self-Determination Act and should be addressed immediately.

Rural Communities Hospital Demonstration Program

SEARHC renews our request from last year that the Committee members support the extension of the Rural Community Hospital Demonstration Program (RCHD). This program supports hospitals like Mt. Edgecumbe that are located in rural areas but do not qualify as critical access hospitals. Because these hospitals do not qualify as critical access hospitals, they would generally be required to bill at the standard Medicare and Medicaid rates. But in rural areas, the costs of providing services are much higher than in other areas of the country and thus the standard rates undercompensate rural providers. The RCHD remedies this problem by allowing qualifying hospitals to use cost-based reimbursement rates for billing Medicare and Medicaid.

Over the past three years, 2012 through 2014, SEARHC recovered $8 million more for inpatient services provided to Medicare-eligible individuals. Without this program, SEARHC would lose money on inpatient Medicare services. As a rural hospital, SEARHC is the least able to absorb such negative margins. We already pay more in every step of the health care delivery chain, from increased cost for providers, to increased transportation costs, to increased food and shipping costs. We simply cannot afford to subsidize treatments to Medicare-eligible individuals.

As important as the RCHD program is, it is due to sunset at the end of this fiscal year. It is vitally important to SEARHC, as well as many other tribal organizations that run rural hospitals, that this program be extended. We hope you will become advocates for this program so that hospitals like Mt. Edgecumbe can continue to provide services in remote areas.

Communities Health Center Funding

SEARHC also urges the Committee members to support adding additional monies to the Community Health Center (CHC) Fund in 42 U.S.C. § 254b–2. This Fund, which provided critical dollars to fund CHCs, is due to run out at the end of this fiscal year.

11 of SEARHC's clinics are Communities Health Centers. This program allows us to provide vital services to remote and underserved communities. Without the CHC Fund, we will have to reduce our services and perhaps even close some of our health centers, leaving individuals without access to primary care in their home communities. A trip to the doctor would mean traveling hundreds of miles by boat or plane. Important care will be foregone, routine care will be deferred, and health outcomes will worsen.

We therefore encourage all Committee members to support appropriating more funds to the CHC Fund.

* * *

Thank you for the opportunity to present to the Committee on SEARHC's priorities.

Mr. CALVERT. We appreciate your testimony, Mr. Douglas. Mr. Welles, you are recognized for 5 minutes.

WEDNESDAY, MARCH 25, 2015.

ARCTIC SLOPE NATIVE ASSOCIATION

WITNESS

LUKE WELLES

Mr. WELLES. Thank you, Mr. Chair. Thanks for the opportunity to testify before you today.

My name is Luke Welles. I am the vice president of Arctic Slope Native Association located in Barrow, Alaska, the northernmost community in the U.S. We serve six different communities scattered throughout the North Slope and relatively remote. The closest hospital to the East of us is in Whitehorse, Canada. The closest one to the west of us is in Kotzebue, about 220 miles away, air miles, and the closest one to the southwest is in Fairbanks.

So the reason I bring that up is because I would like to speak about unintended consequences. A few years ago when there was a shortfall in the Postal Service funding, they stopped funding the regularly service scheduled flights into many rural communities. So what this ended up doing was to increase the cost or increase the number of medevacs that was done, a regularly scheduled commercial flight, $3–$500 in a community versus a rural community to a hub community is about 20,000 a pop, to go from a hub community to Anchorage is 50,000. This year's price to go from Barrow down to Anchorage is 80,000 and Anchorage down to Seattle for burn victims is in excess of 100,000 this year.

So that cut ultimately cost the government quite a bit more. We saw an increase from 5,500 medevacs. Now, we are running on a 3-year trend of over 6,500 medevacs. So not having those regularly scheduled flights we have seen an increase, and those can be for relatively minor injuries. If you do not get someone out within 48 hours, you have to do a medevac. And so that was an unintended consequence.

And I would like to thank the committee for fully funding contract support. That has been a huge, huge benefit. But one of the concerns that we have got is the 3-year funding only for contract support and then it drops off. We want to see mandatory funding because the 3-year appropriation is not sufficient to protect the rights of full contract support cost funding. We have seen that especially with the every-3-year renewal battle to renew the Special Diabetes money. And so it is just not guaranteed. It is very difficult to plan when you know it is not going to be there.

And so the really big difference between the diabetes money and the contract support cost money is the sheer size of it. Contract support costs are too large of a line item to all of a sudden go into the discretionary budget to be absorbed. It is too big and it is a big threat if that were to occur. So we really would like to see the mandatory funding of the contract support be done. That will make a huge difference as we move forward.

We are also asking that the right dollar amount be funded. We have got a great methodology now for moving forward on knowing what the dollar amount is. We want what is owed, not a penny more and not a penny less, just what is owed and we have got good projection methods to do that into the future.

We have also submitted written testimony that can go into detail, and like everyone else, we can answer any questions. Thanks.

[The statement of Luke Welles follows:]

HOUSE APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES HEARING ON THE FY 2016 PRESIDENT'S BUDGET REQUEST

TESTIMONY OF LUKE WELLES, VICE PRESIDENT OF FINANCE
ARCTIC SLOPE NATIVE ASSOCIATION

Thank you for the opportunity to testify before you today regarding the FY 2016 budget for the Indian Health Service. My name is Luke Welles and I am the Vice President of Finance for the Arctic Slope Native Association (ASNA). We are an inter-tribal health organization based in Barrow, Alaska. We operate under the resolutions of six federally recognized Tribes situated across Alaska's North Slope and serve the communities of Barrow, Anaktuvuk Pass, Atqasuk, Kaktovik, Nuiqsut, Point Hope, Point Lay and Wainwright. Our mission is to provide culturally sensitive quality healthcare for all the communities we serve.

Our Samuel Simmonds Memorial Hospital in Barrow is the core of our program. This facility was rebuilt in 2013 with IHS funds and our state-of-the-art hospital means we can provide more services close to home instead of sending our ailing community members far away from their support networks. To give you an idea of our location, the closest hospital to the east is in Whitehorse, Canada; the closest hospital to the west is in Kotzebue, 220 air miles away; and the closest hospital to the south is in Fairbanks, 400 air miles away. Thank you so much for your support over the years in funding the construction of our hospital. It has made an enormous difference in the quality of health care our people are receiving.

I would like to speak today about unintended consequences. Sometimes a matter that appears to be simple can actually have unforeseen effects in other areas. The easiest way to understand this concept is with an example, and one that has really hit us hard in Alaska. In our rural villages, when an elder slips and hits his head or when a child breaks an arm, that person must be flown to access medical care. In the past, we used to be able to rely on scheduled commercial flights for much of this transportation. However, when Congress made cuts to the postal service and several of these rural contracts were cancelled, we could no longer rely on commercial flights to arrive in villages on a regular basis. And if no flight was due to arrive within 48 hours, we would have to schedule medivacs, even for relatively minor injuries. Due to these unanticipated consequences, the number of medivacs in our state has increased over the past several years from an average of 5,500 per year to over 6,500 per year. This means the travel expenses associated with this health care rose dramatically, from about $300 to $500 per occurrence to <u>close to $20,000 per medivac</u> from village to hub community, and <u>over $50,000 per medivac</u> from a hub community to either Anchorage or Seattle. This year's rates for a medivac from Barrow to Anchorage exceed $80,000, regardless of which service is used. It is important for this Committee to consider these unintended consequences as it reviews other portions of the President's Budget proposals.

Next, I would like to thank the Committee for its commitment to full contract support cost funding. Contract support costs (CSC) are necessary to operate our hospital and village clinics and ensure we are able to spend program funds on actual services. Our contract support costs recur every year, though historically IHS funding was unpredictable. Instability in this area even continues today. In 2014 our contract support cost payments were reconciled several times, and the amounts were changed several times throughout the year. We must have certainty. When we cannot plan for a certain amount of funding, we must use program funds to cover these costs and the only way to do that is to cut services. Therefore, we are extremely grateful for the strong message sent by this Committee to the agency last year and we hope things improve in 2015.

Given the vital role CSC plays in our health care delivery system, we also support a permanent mandatory appropriation for contract support costs. The move will protect funds designated in the IHS budget for providing services from being reduced to fund the agency's legally-binding obligation to pay contract support costs, but unlike a separate discretionary fund it will also guarantee full payment. That said, we do not see the wisdom of the limited three-year provision proposed by the Administration. A three-year appropriation is not sufficient to protect full contract support cost funding. Now that we have spent over two decades in the courts securing that right, we do not want to have to fight in Congress every two or three years to ensure this obligation remains funded.

Our experience with the Special Diabetes Program for Indians only confirms the difficulty of having to continually seek renewal for such an appropriation: that program initially received a five-year authorization and then was renewed for a six-year period, a one-year period, a two-year period, another two-year period, and two successive one-year periods running through FY 2015. Today its future is far from clear. CSCs is too large of a line item for the agency's discretionary budget to absorb if the mandatory appropriation is not renewed, and timing issues make it nearly impossible for this Committee to react in time to add enough funds to the discretionary side if the mandatory appropriation falls through. An approximate $1 billion hit to the IHS program budget may very well end up being the unintended consequence of a three-year appropriation.

We agree with the Administration that the X-year nature of the funds is essential to the Administration's proposal, because while the accuracy of CSC estimates is continually improving, the agency needs some flexibility to deal with changing tribal needs. However, this issue would become moot if the amount appropriated each year was simply the amount that is "necessary" to fulfill all CSC requirements.

We respectfully oppose the Administration's request that up to 2% of the funds be used for program administration. We understand the agency currently feels overwhelmed, but that is only because it is still resolving past claims, making current year payments, continuously reconciling current year payments, estimating future needs, and also discussing pressing policy issues with Tribes. However, once the agency resolves all of its past claims and decides on its new policies, the CSC workload will be considerably lightened. There will be no need for additional administrative support, which in any event should be paid for with routine discretionary appropriations.

Additionally, we ask this Committee to reiterate its instruction to IHS that the agency must streamline and simplify its CSC calculations. Now that it has taken us decades to achieve full funding, including multiple court battles, we no longer want contract support costs to dominate so much of our administrative time. We know tribal advocates have advanced several proposals this year to streamline CSC calculations, including allowing for the negotiation of fixed CSC options and the option to choose a flat percent for direct CSC calculations, but the agency has not committed to implementing any of these proposals. We fully support these tribal proposals and ask this Committee to direct IHS to commit to some of these options so that the agency decreases, instead of expands, the burden associated with CSC calculations. To be clear, we believe CSC funding should not be increased to support internal agency bureaucracy.

Thank you for the opportunity to present testimony on these important issues.

Mr. CALVERT. Thank you. Thank you for your testimony.

I am going to recognize Mr. Young from Alaska because these are his folks.

Mr. YOUNG. Thank you, Mr. Chairman.

I first want to compliment the witnesses and their testimony, what they have spoken to you about. It is not necessarily new. We have probably the best participation in healthcare in the State of Alaska because of this committee and their efforts. It has been outstanding. We need some help and I want to thank this committee, especially the former chairman and the present chairman, for the work you did in contract support last time. This is very, very, very important for all the health facilities within the state concerning Alaska Natives.

And I know the President came down with a recommendation. I had Dr. Yvette Roubideaux with IHS testify before my Subcommittee and it sounds good, looks good. Maybe they did not have an offset. We have an offset and I have got some suggestions, like $100 million for climate change here and there. I have got all kinds of good little things in that bill that I can give you as suggestions for how we can raise money for a more important thing, and that is healthcare.

And each one of you made good presentations, and it is the Tsimshians, right? Is that——

Ms. HUDSON. Yes, Tsimshians.

Mr. YOUNG. Tsimshians. And we have lots of different tribes up there but that is one I do remember I can tell you that. Metlakatla is a fine community. If you come to Alaska, you have to go. They have great fishing, a beautiful little community that has made progress and is very self-sufficient, one of the few reservations we have in the State of Alaska. The rest of them have land-based corporations.

So, Mr. Chairman, I again thank the witnesses. I do not have any specific questions to the panel. I thank you for your courtesy and we will work together. As you know, I am a strong advocate for the Alaska Natives and American Indians. As chairman of the Indian, Insulav, and Alaska Native Affairs Subcommittee, we authorize and you make the money go in the right directions. That is what we want. God bless you.

Mr. CALVERT. Well, if you remember, Mr. Young, I filled in for you 20-some years ago in a CODEL in Alaska. You remember that was an interesting CODEL.

Mr. YOUNG. He filled in for me and I found out something. Being president is not always the best. It was the best-recognized CODEL in the State of Alaska and he was the chairman of it at that time and I really appreciated what he did for me and that is another story.

Mr. CALVERT. Yes. I would not want to talk about it here.

Mr. YOUNG. Thank you.

Mr. CALVERT. Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair.

Well, we often say that Oklahoma is different with not having reservations and Alaska with the native corporations is different, and every tribal nation is different and unique, but I learned something about Alaska today. Thank you so much for coming.

So is your tribal area the only one that did not sign into one of the 16 regions?

Ms. HUDSON. That is correct. We did not sign on for ANCSA, yes.

Ms. MCCOLLUM. And everything is different, just as Red Lake is the only closed reservation in Minnesota because when the lumber barons came through, the tribal leaders said in Red Lake no one signs, so it is still an intact reservation.

I am going to learn more and we will be in contact via email, and that is for my staff. But I just want to share something with the committee that I found online. The Department of Interior has consistently interpreted this language and other provisions cited above, and that goes to the Alaska Settlement Act, that to form a reservation in Alaska and ending its supervisory role over those lands has refused to accept. So if you did not go into land and trust and you did not become one of the regional groups, pretty much the Federal Government kind of said we are done. They still have some role in there but that is part of the reason I think that you are not seeing some of the support and some of the increases you are asking for.

So I want to learn more because that was a rightful and lawful choice that your tribe made. And what was that, 1972 when that passed?

Ms. HUDSON. Yes.

Ms. MCCOLLUM. So I want to learn more about it. So thank you for coming today. Thank you all.

Mr. CALVERT. Thank you.

Mr. Simpson.

Mr. SIMPSON. I just wanted to thank this panel. Certainly health services is a challenge in Alaska because of the distances. I have been up to Barrow a couple of times and that is a challenge living there. The weather and the challenges of just being that far north. But we appreciate what you are doing.

Mr. Young is very effective in telling us what is going on in Alaska. You cannot avoid him so we listen to him very closely. I have been up to your area where your reservation is one time and caught the biggest halibut of my life. It was bigger than me and that is saying something.

Ms. HUDSON. I believe you.

Mr. SIMPSON. Yes.

Mr. CALVERT. We appreciate your being here. You are excused. Thank you very much.

Ms. HUDSON. Thank you.

Mr. CALVERT. Our next panel, Mr. Ryan Wilson, President of the National Alliance to Save Native Languages; and Dr. Katherine Gottlieb with the Southcentral Foundation. Matter of fact, I just got a copy of this book called Code Talkers so you are here protecting native languages and I guess that is a good thing the Japanese did not know Navajo at that time.

Okay. I am going to recognize, just to stay in order with our testimony, Mr. Wilson first. You are recognized for 5 minutes.

WEDNESDAY, MARCH 25, 2015.

NATIONAL ALLIANCE TO SAVE NATIVE LANGUAGES

WITNESS

RYAN WILSON

Mr. WILSON. Thank you, Chairman and members of the committee. [Speaking native language.] Relatives, I am just greeting you as relatives.

Former Chairman Simpson, again, I always want to thank you for coming to Pine Ridge and, Ranking Member McCollum, congratulations on moving up in the committee as well. And the Congresswoman from the great State of Maine, I want to introduce myself to you, and Chairman, and your iconic staff in Indian Country where a lot of tribes would like to adopt Darren to their tribe. I think a lot of tribes would want him to marry someone in their tribe, too.

I do not want to be one-upped by the Navajo Nation so I want to give this book to the committee as well. I try to bring you a book every year. The treaty exhibit at the Smithsonian is, you know, a one-of-a-kind opportunity for all of you and that treaty book, and none of us would be here, this committee would not even be here without our treaties so I want you to, you know, kind of read that at your pleasure.

I come here today for the same reason I testified last time. The Alliance is asking this committee to designate $3 million not as an earmark, not for one specific tribe, not for one school but to enhance and promote this immersion effort that we have all been talking about for quite a long time. And, you know, former Chairman Simpson, your tribe Fort Hall testified here; the great Chairman Nathan Small asked for this, too; you just heard from Phyliss Anderson from the Choctaws how important language is to them. We could go on down the line on a lot of these Bureau-funded schools, but the main thing I would like to say is that we appreciate the report language that you guys included last year that promoted native language and immersion instruction. We would like you to take it a step further this time and actually designate an amount of money behind that.

Now, you will see in my written testimony what we saw with the President's budget. We are highly supportive of the $1 billion investment in Indian Education. That is also coupled with the Generation Indigenous, the new initiative from the White House. We are highly supportive of that. Our main concern is we are not really sure in the Greenbook exactly how much is going to be designated. We have received signals from the director of the Bureau of Indian Education, who we support greatly, Dr. Monty Russell.

Out of their Education Program Enhancement Program, which is funded at $12 million now, they are asking for a $10 million increase. Part of that increase they intend to spend on immersion programs. However, what I would ask you to do is to include it and designate it and identify it, and in my written testimony I go over the authorization and what your authority would be to do that and explain it.

We have had some people ask us, well, who supports this in Indian Country and why? And we want you to be aware that the Great Plains Tribal Chairman's Association has supported this request, the United Tribes of North Dakota has supported this request, the National Congress of American Indians passed resolution last year supporting it, and recently, the National Indian Education Association passed a resolution. And you will be hearing from their incoming president later this afternoon, but part of that resolution says they will not support the realignment of the Bureau of Indian Education without a program for immersion schools within the Bureau of Indian Education. We felt that was pretty important.

Again, I want to reiterate that we support the President's budget. I know a lot of you may be concerned about the leadership from the Administration on designating with their priorities are. We share that concern as well. And I put in my written testimony and it was not meant to be humorous or anything but when I look at the trust responsibility, measurable trust standards and the trust corpus, I see a lot of money designated and priorities and other areas where there is no trust responsibility. In historical sites, there are civil rights sites that are in there now that they are trying to fund, national treasures so to speak, and I am wondering, you know, why is it that the White House does not want to include native languages as part of the family of America's national treasures as well? I think that is really critical.

I cannot say we support sagebrush preservation over language preservation or things like that, and I use that as a symbolic gesture on other things that are in there and you guys are aware of that. So like the great Congressman Young, I will show you some ideas for offsets as well and get those to Darren.

And I want to just conclude by saying you have heard a lot over the last two days about suicide, about the drug and alcohol epidemic in our communities. You heard about the teen pregnancies probably, you have heard about the bullying, the incredible violence that we are having in a lot of our communities, the crime. You know, you could just look at all these things and you have to understand there is no comprehensive approach that can be legitimate without including native languages and the culture, the kinship, the teachings that come from our languages and those things.

And in closing, you have to understand as well there is a separate issue from teaching native languages for a half-hour or an hour as a class versus using that language as the medium of instruction. And, Chairman, I do not want our kids just speak in a dialect of British either. You know, we want them to have this opportunity as well. So I conclude by saying that.

I thank all of you for allowing us this time.

[The statement of Ryan Wilson follows:]

Testimony of Ryan Wilson (Oglala Lakota), President
National Alliance to Save Native Languages
Before the
U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

March 25, 2015

Request: We request $3 million for Bureau of Indian Education Immersion Programs and Demonstration Projects.

Introduction. Chairman Calvert, Ranking Member McCollum, Members of the Subcommittee. My name is Ryan Wilson, President of the National Alliance to Save Native Languages. I am honored to testify today to provide the views of the Alliance on the importance and benefits of Native language immersion programs in the Bureau of Indian Education (BIE) system.

Continued Challenges in Indian Education. Improving the educational achievement and academic progress of American Indians is a top priority of Indian country, this Subcommittee, and the Obama Administration. The United States has a unique political and legal relationship with American Indian tribal governments and a special historic responsibility for the education of American Indians and Alaska Natives. Recent reports by the Department of Education reiterate the academic failure of American Indian and Alaska Native students. *See* National Assessment of Educational Progress (2011); National Indian Education Study (2011); The Education Trust, "State of Education for Native Students," (2013). In addition, the September 2013 Government Accountability Office Report on the BIE discusses the poor condition of Indian Education.

Trust Overview. The federal government's failure to fulfill its trust responsibility regarding Indian education is demonstrated in the aforementioned studies and reports. This Subcommittee has a broad reaching trust authority because it provides both resources and oversight through the appropriations process. Fiduciary duties owed to the trust beneficiary must be administered within the context of the unique character and nature of the trust responsibility of the United States to Indian tribes. The responsibility for Indian education and treaty -based educational rights can best be summarized as the need to protect equality of educational opportunity and ensure that actions support tribal control of the use and development of educational entities and resources that are vital to academic achievement and to the survival of tribal languages and traditions.

To further the federal government's trust responsibility, a comprehensive Native Language Development and Culturally Based Education policy is needed to: (1) help tribal governments meet the linguistically unique educational needs of their children, including the need to preserve, revitalize, and use Native languages; (2) promote American Indian and Alaska Native tribal language immersion schools and develop the capacity of tribal communities to create successful immersion schools; (3) protect tribal language immersion schools from the promulgation of adverse rules and regulations and inappropriate assessment standards and tools that are incongruent with existing Native language law; and (4) promote intergovernmental (tribal/federal) collaboration and partnership.

Generation Indigenous. The 2016 Interior budget proposal is $13.2 billion over the 2015 enacted level, an increase of 8 percent. This includes a $1 billion investment in Indian education for a comprehensive transformation of the Bureau of Indian Education. The Generation-I initiative proposes a comprehensive approach to improving the lives and opportunities of Native youth. We strongly support Generation-I and the Administration's commitment to increasing funding for Native education. Additionally, the proposed budget is a necessary step to transform the BIE into an organization designed to support Tribes in educating their own youth and delivering a world-class and culturally appropriate education throughout Indian Country.

We support heightened Congressional and Administration engagement to comprehensively address the needs of Native learners. A truly comprehensive approach to Native education, however, necessarily includes culturally based educational efforts and, more specifically, Native language immersion. Significant research identifies Native language development as a crucial asset in the lives of Native youth academically, socially, and spiritually. Resiliency factors in Native youth are strongly linked to cultural indicators that embolden self -worth, self -reliance and kinship with ones tribal community.

Unfortunately, despite Generation-I's vast proposed budgetary increases, the initiative does not include a specific budget for immersion efforts and genuine, culturally based education. The $1 billion education investment proposed by Secretary Jewell does not contain a single identified dollar to support existing immersion schools or BIE schools wishing to launch immersion programs. Without specified funds for language immersion, Generation-I and the Administration's Native education priorities cannot be considered truly comprehensive and will not address a critical element in turning the tide for Native youth.

While the proposed 8 percent increase in the full Interior budget contains hundreds of millions in new spending for preserving and protecting America's natural and cultural resources, it does not expressly address its Native languages. The budget request appropriately addresses rivers, lakes, civil rights sites, and other national treasures, but it omits Native languages from America's family of national treasures. Ironically many of the historical sites and natural sites under protection of the Interior Department bear names from tribal languages, yet the languages themselves are not afforded the protection they deserve.

Proposed Native Language Demonstration Project. Approximately 42,000 American Indian students attend the Bureau of Indian Education's 182-school system. Tribes, Indian organizations, BIE schools, Native learners, and language stakeholders are proposing an initiative to support Tribal Language Immersion Schools within the BIE system by creating "Demonstration Tribal Language Schools" within existing BIE schools. Demonstration Project selection criteria would center on capacity to offer a tribe's language as the medium of academic instruction for a minimum of 900 hours per academic year.

We request that the Subcommittee **provide BIE with $3 million specifically allocated for Demonstration Tribal Language Magnet Schools** in FY 2016 by repurposing existing BIE and BIA resources. There are four existing Immersion programs within the BIE system: Rough Rock School (Chinle, AZ), Rock Point School (Rock Point, AZ), Lac Courte Orelles Waadookodaading Ojibwa Immersion (Hayward, WI), and Nigaani (Leech Lake, MN). Competitive grants housed under the Director of the BIE would support and strengthen existing programs and enable others to participate, such as Wounded Knee (Manderson, SD) and Little

Wound (Kyle, SD), which wish to engage in full scale immersion programming but have been prohibited by lack of resources.

Demonstration Project Authority. Executive Order 13592, "White House Initiative on Improving Indian Education," promises Native learners the opportunity to learn their Native Languages." Additionally, Public Laws 93- 638, 100-297, offer the promise self-determination and tribal control of BIE schools. The Native American Languages Act of 1990 (Pub. Law 101-477) and the Esther Martinez Native American Preservation Act (Pub. Law 109-394) promote a policy of investing in Native languages and supporting Tribal Language Immersion Schools. Finally, the Snyder Act (Pub. Law 67-85) broadly authorizes Congress to appropriate resources for such activities in the Department of Interior and grants considerable flexibility to the Administration to support and initiate new activities in the area of Indian Affairs.

Indian Country Support for Native Language Immersion Programs. Broad-based support exists for tribal language immersion schools. The Administration heard this during Indian education consultation hearings, meetings, advisory groups, town halls, listening sessions, as well as receiving volumes of testimony supporting immersion schools and culturally based education. Further, the National Advisory Council on Indian Education has included in its annual reports recommendations supporting immersion schools for Indian Country and the National Congress of American Indians (NCAI) and National Indian Education Association (NIEA) joint recommendations for the Elementary and Secondary Education Act reauthorization call for a formula grant program for Native language immersion schools.

NIEA recently passed Resolution 2014-06, which supports a $3million appropriation in FY16 for BIE immersion schools. NCAI passed the same resolution. The Tribal Interior Budget Council has also formally passed a motion approving this budget request. As a result of demonstrated Indian country support, this Subcommittee included a highly favorable endorsement of immersion schools in its FY15 Report Language. We hope that FY16 will include the funding necessary to make immersion schools a reality.

The Need for Immersion-Specific Funds. Unfortunately, Executive Order 13592 has not achieved its promise because it does not offer a pathway to creating venues for learning Native languages. Furthermore, budget cuts and assessment models that do not account for culturally based education or instruction have meant that the unique linguistic needs of Native learners have not been met, stalling development of tribal language immersion schools and immersion programs. The pending restructuring of the BIE, and difficulty forecasting budget challenges have also created a climate of retreat.

Native language instruction under the current Administration has decreased, not increased. Meanwhile, most tribal communities are one generation away from losing the cultural and linguistic capacity to offer immersion instruction.

Austerity has severely impacted Native language development because language programs rank at the bottom of academic priorities within the BIE. BIE schools that wish to launch meaningful language programs cannot do so because they already receive less than half the federal support needed for basic school operations. Additionally, there exists no "identified" support for continued development of tribal language immersion schools within the leadership of the BIE/BIA and Department of Interior. Making matters worse, Congress has placed a moratorium

on the expansion of BIE schools freezing the number at the current level (182). This does not provide expanding tribal communities with the opportunity to develop new federally supported schools through the BIE system. BIE facilities, staff, administration, school boards and so forth are fundamentally set and not flexible in accommodating new programs (Immersion tracks) without new resources.

The Administration for Native Americans, housed in the Department of Health and Human Services, does offer planning grants to launch immersion efforts through its Esther Martinez programs. Although these investments are vital to initiate immersion activities they are not sustainable because they have a three year maximum award. These hotly contested dollars are among the most competitive and are not designed to ensure programs' long-term solvency. Sustainable federal support for tribal language immersion schools simply does not exist.

BIE schools that wish to engage in the development of tribal language immersion schools need federal support that is additional to and separate from that which currently exists to support BIE school operations.

Conclusion. Indian Country believes that we have a sacred birthright, treaty right, policy mandate, and existing statutory vehicles for continued use and development of our tribal languages, cultures, and ceremonial practices—all of which are essential for our general well-being and identity as American Indian, and Alaska Native peoples. Our interest in achieving high levels of academic performance requires support for the proposed Demonstration Project, which is required by the demands of a multi-cultural and multi-lingual world. Native learners and their communities/parents who are seeking the benefits of tribal language immersion and culturally based education must have the opportunity to attend and participate in educational venues that promote fluency in their heritage language.

The mission of the Bureau of Indian Education is purposeful and supports this request: As listed in Title 25 CFR Part 32.3, **"BIE's mission is to provide quality education opportunities from early childhood through life in accordance with a tribes needs for cultural and economic well-being, in keeping with the wide diversity of Indian tribes and Alaska Native villages as distinct cultural and governmental entities. Further the BIE is to manifest consideration of the whole person by taking into account the spiritual, mental, physical and cultural aspects of the individual within his or her family and tribal or village context."** The proposed demonstration project helps the BIE execute this mission and addresses every aspect of this mission.

We affirm with the highest conviction that there are significant cognitive, psychological, and academic benefits for our children and communities when they can participate in tribal language immersion schools. Thank you for this opportunity to provide testimony and for considering this much-needed Demonstration Project.

Mr. CALVERT. All right. Thank you very much.

Katherine, you are recognized for 5 minutes. Good to see you.

WEDNESDAY, MARCH 25, 2015.

SOUTHCENTRAL FOUNDATION

WITNESS

KATHERINE GOTTLIEB

Ms. GOTTLIEB. All right. Thank you very much, Mr. Chairman, and it is nice to see you again.

My name is Katherine Gottlieb and I want to thank also the rest of the committee for this invitation to present before you. My name is Katherine Gottlieb. I am here on behalf of Southcentral Foundation. I am representing 150,000 Alaska Native American Indians that we serve through our services in Anchorage. We provide medical, dental, optometry, behavioral health services, substance abuse treatment, OB/GYN, and pediatric services. We also serve veterans in our Matsu area, over 1,000 of them through our agreements with the Veterans' Administration, and thank you again, Mr. Chairman, about talking with us with Senator Lisa Murkowski about how we can expand those services and we are doing that, having that conversation with her.

But before this committee today I would like to ask and point out three things. I am in agreement with my sisters and brothers who are already up here talking about contract support costs and continuing that funding for contract support costs, and I will speak specifically to those; and also about the Meth and Suicide Prevention Initiative and Domestic Violence Prevention Initiatives that they are entitled to those contract support costs and I will talk about that; and then also a little bit about IHS to streamline contract support cost calculations, so that is my topic for today is contract support costs.

I am asking the committee to focus on general program increases which fund medical inflation raises and population growth that maintain current services also with Indian Health Service. This year, less than 1/3 of IHS requested increases, all in this category. These increases have been shortchanged in recent years, which has been extremely difficult for Southcentral Foundation and our service population that has increased 20 percent since we last received a population growth increase in 2010. Without increases, it is nearly impossible to meet the needs of our growing population.

Specific program increases are important. They are not more important than other parts of the budget but especially for our tribal organizations that provide direct care services. Again, we support the Meth and Suicide Prevention and Domestic Violence Prevention Initiatives, funds that battle two huge issues in our community. But we are deeply concerned about how these funds are being handled. IHS recognized a contract support cost need associated with these programs when we first took on those initiatives, and even though it could not actually pay that need at the time, but now just when contract support costs funding has become a reality, IHS has seemed to have changed their tune in saying that these programs

are special initiatives and they are not covered by Indian Self-Determination Act and they are not eligible for any contract support costs. The agency now making that determination is saying it is not Indian programs and thereby it forces us once again, which we have already done in the last 20 years, to reduce our program funds to cover overhead.

So we are asking that this committee to make clear that these funds are treated like any other IHS program funds subject to the Indian Self-Determination Act. Contract support costs funding is necessary to operate our health programs.

So again, we want to thank this committee for all your support and ensuring that our contract support costs are now fully funded and now we must decrease the administrative burden of negotiating and reconciling these contract support costs calculations so we can devote more of our focus to providing quality healthcare to our people.

For example, IHS could simplify calculations by accepting a proposal to negotiate lump sum amounts for contract support costs for 5 years at a time, and this would ease the agency's burden and provide us more certainty about the funding we receive each year. When we go before the agency, we bring solution; we do not just bring a problem and this is part of our solution.

Lastly, I ask this committee to work with the fellow members of our Congress to ensure our Community Health Center funding, and thank you for already doing that work, that it be reauthorized. And on behalf of Southcentral Foundation and the Native American people we serve, it has been an honor to speak to you here today. Thank you, Mr. Chairman and House Committee, once again for the opportunity to provide this testimony.

[The statement of Katherine Gottlieb follows:]

HEARING BEFORE THE HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES ON THE FY 2016 PRESIDENT'S BUDGET REQUEST
MARCH 25, 2015

Testimony of Dr. Katherine Gottlieb
President and Chief Executive Officer
Southcentral Foundation

My name is Katherine Gottlieb and I am the President and Chief Executive Officer of Southcentral Foundation (SCF). SCF is a tribal organization that compacts with the Secretary of Health and Human Services under Title V of the Indian Self-Determination Act (ISDA) to provide primary care services to Alaska Native patients within the Anchorage area and throughout the region. SCF acts pursuant to tribal authority granted by Cook Inlet Region, Inc., an Alaska Native regional corporation designated by Congress as an Indian Tribe for contracting purposes under the ISDA. Thank you for the opportunity to testify on behalf of the Southcentral Foundation and the 150,000 Native American people we serve.

For more than 25 years SCF has carried out Indian Health Service (IHS) programs under ISDA agreements. In accordance with our compact, SCF currently provides medical, dental, optometry, behavioral health and substance abuse treatment services to over 52,000 Alaska Native and American Indian beneficiaries living within the Municipality of Anchorage, the Matanuska-Susitna Borough to the north, and nearby villages. SCF also provides services to an additional 13,000 residents of 55 rural Alaska villages covering an area exceeding 100,000 square miles. Finally, SCF provides statewide tertiary OB/GYN and pediatric services for approximately 150,000 Alaska Native people. To administer and deliver these critical healthcare services, SCF employs 1,900 people.

SCF requests that in FY 2016 Congress (1) focus on general IHS program increases; (2) continue funding the Methamphetamine and Suicide Prevention Initiative (MSPI) and Domestic Violence Prevention Initiative (DVPI) and clarify these programs are entitled to contract support costs (CSC) when operated by Tribes; and (3) encourage IHS to implement solutions to streamline CSC calculations and reduce the administrative burden associated with these calculations.

* * *

IHS has split its budget request into two parts, requesting (1) an additional $147.3 million for current services to fully fund medical inflation, pay raises, and partially fund population growth, and (2) $313.3 million to fund specific program increases. We encourage the Committee to refocus attention on the first part—the request to increase the appropriation to maintain current services. As a result of sequestration and two years where the agency has diverted increases to cover CSC shortfalls, the agency has effectively short-changed increases to cover added costs of inflation and population growth. This is extremely serious for an organization like ours where the number of IHS beneficiaries has increased 20% since we last received a population growth increase in FY 2010. This dramatic growth, combined with the ever rising costs of doing

business, make it nearly impossible to meet the needs of our population without funding increases.

In years past, these base increases have been put aside as the agency advocated for specific program increases, such as increases for the purchased/referred care (PRC) line item. In similar fashion, this year less than one third of the requested increases are devoted to maintaining current services. While PRC is important, it is not more important than other portions of the budget, especially for tribal organizations like us that mostly provide direct care services. We ask this Committee to ensure the agency's favored projects are not given priority over the need to maintain and improve our baseline of care.

* * *

We also want to provide our unqualified support of the Methamphetamine and Suicide Prevention Initiative and the Domestic Violence Prevention Initiative. These initiatives provide crucial support in our effort to combat two blights that disproportionately afflict our community. For instance, at SCF we implemented the Family Wellness Warriors Initiative to provide a means for organizations and individuals to effectively address the spiritual, emotional, mental and physical effects of domestic violence, abuse and neglect.

That said, we are deeply concerned about how these funds are being handled.

Congress first appropriated funds for the MSPI in 2008, and first appropriated DVPI funds in 2009. Congress directed that both of these funds should go to the areas that needed them the most. IHS distributed these funds to contracting and compacting Tribes and tribal organizations through amendments to each Tribe's annual funding agreement. These amendments always occurred late in the fiscal year, long after the CSC appropriations had already been spent, so the agency always recognized the Tribe's CSC need associated with these programs but it could never actually pay that need. Now, just when full CSC funding has become a reality, IHS has changed its tune. The agency now says these programs are "special initiatives," they are not covered by the ISDA, and they are not eligible for any CSC support.

Now that full CSC funding is the law, the agency should not be permitted to redesign these programs and try to turn them into discretionary grants. This change affects more than nomenclature: it effectively decreases funding for Tribes that operate these programs, in contravention to the spirit and letter of the ISDA. It is telling this year that the agency requests a $25 million increase for the MSPI, but plans to devote $3 million of that amount for "national management," data reporting and evaluation. In short, the agency is requesting significant amounts to increase its own bureaucracy, while at the same time denying tribal organizations funding for the fixed administrative costs they incur running these vital programs. We ask that in providing amounts for these programs, this Committee make clear that these funds are to be treated like any other IHS program funds subject to the ISDA.

* * *

We would also like to thank this Committee for ensuring that our CSC is fully funded. We completed a historic settlement with the agency last year and we are excited to put these funds to good use. We have some CSC experts on our staff that have been working with the agency on these issues for over 20 years. My staff tells me that the agency and Tribes have made more progress on CSC issues in the past few months than they ever have before. And with all that said, we would like to be done with this issue. Instead of spending hours and hours of staff time each year in negotiations and disputes over calculations, we would like to move on and do what we do best—provide quality health care to our people.

In order to get to that point, we ask this Committee to emphasize its instructions to IHS last year—the agency must simplify and streamline these calculations. For example, we submitted a proposal to negotiate lump sum amounts for CSC that would be in place for five years and that could be renewed by tribal option. This amount would increase only for inflation or for large program expansions. This sort of proposal drastically cuts down on the administrative burden associated with renegotiating and reconciling amounts every year. More importantly, we will have more certainty about the funding we will receive each year and can budget accordingly. We can then focus our efforts on the most effective use of these funds. We ask this Committee to instruct the agencies to embrace these sorts of solutions and to encourage the agencies to reduce bureaucracy.

Similarly, we support a permanent mandatory CSC appropriation. Moving the CSC line item to a mandatory appropriation will protect our core program funds and will ensure the amount appropriated each year for CSC is only the true amount of the need and not merely an estimate. Moreover, it will drastically cut down on the need for agencies to spend countless hours developing these estimates. But this proposal can only work if it is permanent and the funding is not in jeopardy every three years. Only a permanent appropriation would fulfill our need to put the era of CSC disputes behind us and let us simply manage health care.

* * *

Although not germane to this Committee, I must mention one other issue that has grave impacts across Indian Country. We are facing a potential fiscal cliff for our community health center (CHC) funding, which was greatly augmented in 2010. This funding supports ongoing health center operations, creates new health center sites in medically-underserved areas, and expands preventive and primary care services at existing sites. We rely on this funding at SCF to support our health centers in McGrath, Nikolai, Takotna, Iliamna, Sutton, and St. Paul, and we are looking to expand these funds to Port Alsworth and Tyonek. To view the full magnitude of this issue, 27 organizations receive this funding in our State, supporting over 150 sites in Alaska alone. If this appropriation expires in 2016, however, our rural health center funding will be cut by approximately 70%. Since these centers typically provide the only access to health care in these areas, we ask this Committee to work with fellow members of Congress to ensure this funding is reauthorized.

* * *

Thank you again for the opportunity to testify on behalf of the Southcentral Foundation.

Mr. CALVERT. Thank you, and thank you for your testimony.

Unfortunately, Mr. Wilson, I was not able to get up to Pine Ridge when Mike was chairman. I remember that was in August when I had a conflict so I missed out. But one of these days I will get up there.

Mr. WILSON. Thank you.

Mr. CALVERT. I know I have met a number of folks from that area. Talk about extreme weather; you have it.

Mr. WILSON. Yes.

Mr. CALVERT. And language is important. It is the basis of our identity. It is the basis of culture and I know throughout all the tribes in the United States, languages are dying out. So it is something that we need to focus on so I promise we will do that.

And I am looking forward to working with Sen. Murkowski: I have met with her several times and that is a good thing for Alaska to have her as the chairman of the—matter of fact, not only is she chairman of the Authorizing Committee, she is chairman of the Appropriations Committee, which we would all love to do one of these days, just have a meeting with ourselves and decide what we are going to authorize and appropriate.

We are all supportive of contract support services and hopefully we will have enough money to continue to do this, and that is one of our primary obligations is to get that done so we are going to continue to support that.

Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair.

So speaking of authorization, Esther Martinez and some of the other funding for putting together a total immersion language package, they are up for reauthorization and so we will work with you to make sure that those things happen.

If I could ask for some clarification, on page 2 of your testimony——

Ms. GOTTLIEB. Yes.

Ms. MCCOLLUM [continuing]. After the three stars you talk about you want to provide unqualified support for the Methamphetamine Suicide Prevention Initiative, Domestic Violence. In between those stars then and the next paragraph, the second-from-the-bottom paragraph it says "Now, just when CSC funding becomes a reality, IHS has changed its tune in calling these programs special initiatives." You were referring to the programs up above?

Ms. GOTTLIEB. Yes.

Ms. MCCOLLUM [continuing]. I just want to understand so, in the past, sometimes they would pay for these out of contract support or portions of them or if you submitted bills for methamphetamine treatment or someone going in for mental health? I am trying to understand. Just give me a little——

Ms. GOTTLIEB. Yes.

Ms. MCCOLLUM [continuing]. More depth.

Ms. GOTTLIEB. So when these initiatives began, what we were told by the agency was that contract support costs would come with these initiatives, but then after we had the funds in hand and had begun going forward with our program, which is to end domestic violence, child abuse, child neglect in this generation, the agency then changed their mind about allocating contract support costs.

Ms. MCCOLLUM. Well—okay. So some of it is programming, putting together a program.

Ms. GOTTLIEB. Yes.

Ms. MCCOLLUM. Some of it would be direct, right——

Ms. GOTTLIEB. Yes.

Ms. MCCOLLUM [continuing]. That someone would be going in and getting counseling? So are they paying for the counseling or not paying for the counseling because it is in domestic violence or methamphetamine or are they just saying that they will pay for direct counseling but they are not going to pay for a wraparound program? Which is it?

Ms. GOTTLIEB. So what we have the funds for is the direct services, and what we are saying is that we should be allocated overhead cost, which is contract support costs money. So the overhead cost usually comes with the package, and actually we were told they would come with the package. Now that we do not have those funds and when and if we do not receive the contract support costs fund, we have to take it out of the direct funding. That means instead of providing direct services with those funds, we will use it for overhead costs.

Ms. MCCOLLUM. Mr. Chairman, I need to understand this better because I know contract support usually goes for supporting something that is billable by a physician or a counselor or something like that and so I need to understand what they promised you and what they changed. Thank you.

Mr. CALVERT. Well, we promise we will look into that and see what the situation is.

Mr. Simpson, any other questions?

Thank you. We appreciate your attending and you are excused.

Ms. GOTTLIEB. Thank you.

Mr. CALVERT. We will see you again soon. We will get up to Alaska soon.

Ms. GOTTLIEB. Thank you. You are invited.

Mr. CALVERT. And South Dakota.

Okay. Next, Mr. Victor Joseph, President of the Tanana Chiefs Conference; Mr. Lloyd Miller, the National Tribal Contract Support Costs Coalition; Ms. Bambi Kraus, President of the National Association of Tribal Historic Preservation Officers; and Mr. Phil Rigdon, President of the Intertribal Timber Council. Welcome.

Many of you have been here before so you all know the 5-minute rule, so with that, I appreciate your being here.

Mr. Joseph, you are recognized for 5 minutes.

WEDNESDAY, MARCH 25, 2015.

TANANA CHIEFS CONFERENCE

WITNESS

VICTOR JOSEPH

Mr. JOSEPH. Thank you, Mr. Chairman, committee members. My name is Victor Joseph and I am the president of Tanana Chiefs Conference. It is an honor to be here and speak with you today.

I would like to start my remarks by discussing contract support, not that you have not heard it enough, but we will keep on going. These administrative costs are vital to the contracted programs TCC operates on behalf of IHS and BIA. Full funding of contract support costs means that we are now able to ensure our program dollars are actually going towards direct services instead of being diverted to cover administrative costs.

On behalf of the people we represent, I would like to thank this committee for your actions that led to the full funding, so really [speaking native language].

Now that we have achieved full funding, our next priority is to ensure these costs remain fully funded. Along those lines, we were happy to see the President's proposed budget contains a good estimate for the amount of contract support costs that will be needed in 2016. Accurately projecting the amount of contract support costs is the first step to ensuring that our costs are paid in full.

Secondly, the President had also proposed to fund contract support costs as amended appropriation for a 3-year period. While we agree contract support should be funded on a mandatory basis, TCC believes it should be a permanent mandatory appropriation and we hope this committee will champion this request.

Turning to IHS, TCC was very encouraged that the Administration's proposed budget increased funding for IHS overall. In particular, TCC supports the increased support purchase and referred care. These dollars used to buy medical services when TCC itself cannot provide the services are critically important to ensure that TCC beneficiaries receive the necessary medical care.

Over the past 8 years as TCC increased its patients' encounter, we have seen a growth of 97 percent in the utilization of purchase and referred care while the budget only increased 47 percent. That being said, we are still denying people services. So the proposed increases in the 2016 budget we hope will help us reduce our unfunded need and we hope you will work to protect it.

On the other hand, the Administration budget did not include additional funding for Domestic Violence Prevention Initiative. As we discussed with you last year, this program is vital to TCC efforts, not to mention the broader national effort to combat this terrible high rate of domestic violence in our community. We encourage this committee to add more funding to a desperately needed program.

The DVPI program is one part of a larger battle against domestic violence as well. IHS budget did not add DVPI funding. DOJ budget includes funding for combating domestic violence in native communities and the BIA budget includes funding for public safety initiative called Supporting Indian Families and Protecting Indian Country program. We hope you will protect these increases, which will support efforts to reduce domestic violence.

I would like to take a moment to talk about public safety funding in Alaska. Alaska is one of the six P.L. 280 states where primary responsibility for addressing crime in native communities rests with the states. The BIA prioritizes public safety funding in non-P.L. 280 states under the assumption that the P.L. 280 states are investing sufficiently in public safety in native communities. But in Alaska, as reported by the Indian Law and Order Commission,

makes it clear that is simply not so. The central law enforcement and justice system in Alaska does not meet the public safety needs of the native and rural communities.

And the situation is not going to improve because Alaska itself is facing a budget deficit. And with the cut, it is cutting funds and public safety spending in rural Alaska. These include $1.6 million to cut from the Village Public Safety Office budget, which will be achieved by cutting vacant positions and not filling new vacancies.

Additionally, the budget proposes to cut trooper support positions and proposes cut to trooper aircraft fleet. This is especially concerning considering the time it takes to get out when a callout is happening. We therefore ask the committee not only to support the President's increases for public safety funding in the native communities but to substantially increase these amounts for tribes in P.L. 280 states.

As someone who grew up in a household where domestic violence was the norm, I have personally witnessed the devastating transitional generational effects of this trauma. Everyone should feel safe growing up in their homes. To end domestic violence we have to work together, tribal organizations, states, and many different federal agencies. It will take significant investment in public safety and tribal courts and support services for victims and many others. We will only succeed if we all work together.

Before I finish I would just like to say, Ms. McCollum, I know last year when we were talking during my presentation you asked a little bit about long-distance delivery. I was able to get that to you. It was a little late in coming but I hope you did receive it.

But, Mr. Chairman, thank you again for this opportunity to share with you TCC's priorities. My written testimony includes more detail on topics as I discussed with you today. And thank you.

[The statement of Victor Joseph follows:]

Testimony of Victor Joseph, President and Chairman
Tanana Chiefs Conference

House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

Hearing on the Fiscal Year 2016 Budget
Mareh 25, 2015

It is a pleasure to be back to share the Tanana Chiefs Conference's (TCC) priorities with this Committee. Thank you for the opportunity to be here.

TCC is a non-profit intertribal consortium of 39 federally recognized Tribes located across Alaska's vast interior. TCC serves approximately 13,000 Native American people in Fairbanks and the surrounding rural villages. Our traditional territory and current service area occupy a mostly roadless region that is nearly the size of Texas. It stretches from Fairbanks clear up to the Brooks Range and over to the Canadian border.

Remoteness poses many challenges, but I can assure you TCC meets those challenges every day. When I testified last year, I had just recently been elected President of TCC. The more I understand every aspect of TCC's work, the more I am impressed with what TCC accomplishes every day. Recently, our full Board of Directors met to develop a new 5-year strategic plan. In the coming years, our highest priorities will include substantially expanding medical care and public safety services, a new emphasis on wellness and prevention, oversight of fish and game management, ensuring responsible economic development, and increasing employment in the villages. We welcome Congress's partnership to help us achieve these goals.

CONTRACT SUPPORT COSTS

It has long been known that TCC provides far better services to our communities than the BIA or IHS ever could. Consequently, TCC contracts programs from both the BIA and IHS. Our ability to maximize the results of our self-governance and run robust programs depends on our receiving full contract support costs (CSC) to support these programs.

In the past couple of years, significant strides have been made in this area, and thanks in large part to this Committee we are now in an era of full funding. We were delighted that the President's budget estimate for CSC is a very good one. An accurate projection will help ensure that neither the BIA nor IHS feel compelled to redirect program funding to pay for CSC. An accurate CSC estimate is the best way to avoid the unfortunate reprogramming actions which occurred last year.

We are very encouraged by the President's proposal to make CSC mandatory, though we are disappointed that the request is only for three years. CSC funding should be a permanent mandatory appropriation. These funds must be added to any contracted program dollars, and making it a permanent mandatory appropriation will end all future efforts by either Agency to avoid funding these required costs. Litigation will be over and certainty will be the order of the day. Such a scheme will allow TCC and the BIA and IHS to focus on the important work of providing health care services, public safety services, and the myriad of other services we provide in our communities. We therefore hope that the Committee Members will support a permanent mandatory appropriation for CSC.

Finally, we ask that the Committee direct IHS to finalize CSC payments within 60 days of the close of the contract year. IHS recently developed a scheme to continue reconciling CSC payments for up to five years. This ridiculous plan is not only unnecessary; it will also divert scarce resources away from service delivery. This will benefit neither IHS nor the tribal organizations, and we therefore ask that the Committee intervene to stop IHS from pursuing its current plan. All our other grants are closed out monthly; why should IHS and BIA compact funds be any different?

IHS BUDGET

TCC was very pleased to see that the President's budget contains a 9% increase over 2015 enacted levels. These additional funds are vital to addressing the critical need for medical services for Native Alaskans and we hope the Committee is able to find the funds to meet these targets.

Similarly, TCC is happy to report that $70 million of those increases are targeted to Purchased and Referred Care (PRC). These funds are used to buy health care when a tribal organization or IHS cannot provide the services. As we reported to you last year, the demand on PRC dollars has increased as health care costs, especially provider fees, have increased. The increase this year will provide $44 million for inflation and $25 million for program increases. These dollars will provide much needed relief to PRC programs across the country and especially for TCC.

But TCC was disappointed to see that the President's Budget contains no increase for the Domestic Violence and Prevention Initiative (DVPI). These funds support efforts to reduce the incidence of domestic violence, which affects Native Alaskan women at a much higher rate than other populations. The statistics are not new. The Indian Law and Order Commission's report made clear just how bad the situation was: Women in tribal villages and Native communities in Alaska report rates of domestic violence up to 10 times higher than in the rest of the United States. Physical assault victimizations rates are 12 times higher.

TCC is encouraged that the President requested additional funding to combat domestic violence in the Department of Justice's budget, but in order to adequately address domestic violence in Native communities, the DVPI program funds also need to be increased. We must do more to help victims of domestic violence, and we need Congress's help to do so. We request that you add funds to this very successfully and urgently needed program.

BIA BUDGET

TCC was also pleased to see that the President's BIA budget is also higher than the enacted 2015 levels—12% higher in fact. This increase is desperately needed to address the effect of years of flat budgets. Again, we hope this Committee will be able to fund these increases.

Two of these increases came in programs that TCC highlighted last year as requiring additional funding: Probate in Trust and Rights Protection. Probate in Trust would receive a 7.3% increase, and this will help TCC keep the process of estate distribution flowing smoothly. This, in turn, is important for ensuring residents of our communities are able to use their land—whether for a home or other endeavors. This promotes self sufficiency in our communities. The Rights Protection program would receive a 13.3% increase. This program provides support to Tribes in defending their trust land (such as allotments) and other trust resources through legal actions. Like the Probate in Trust program, this program is integral to protecting our ability to use our land. Both of these programs are acutely in need of additional funds and we therefore urge the Committee to fund the requested increases.

TCC was disappointed to see that funding for the Environmental Quality line remains essentially flat. In fact, the .9% increase is not even enough to cover inflation and thus represents a decrease in the effectiveness of the current appropriation. As we reported to this Committee last year, these funds support archaeological investigation and approval that is required before any development is done on our lands. As such, these funds both help us develop our land resources responsibly while also making sure that our cultural resources are protected. The funding provided, however, is simply not enough to meet the demand for these services. We encourage the Committee to add funds to this program to help TCC responsibility develop our lands.

TCC has recently embarked on a coordinated campaign to protect its subsistence resources. These resources provide not only critical nutritional value to our communities but also are important elements of our culture and traditions. We were pleased to see that the President's budget includes $40 million for Supporting Tribal Resilience in Indian Country. This program will allow Tribes and tribal organizations to prepare for climate changes, which will

impact our fish and wildlife services. Many of these impacts will hit Alaska especially hard, and we appreciate the additional funding to prepare for the challenges ahead. In particular, we appreciate the increase for the Tribal Management and Development Program, which allows Tribes and tribal organizations to manage their own fish and wildlife resources.

Finally, TCC remains committed to ensuring public safety in our communities. As the Indian Law and Order Commission's report made clear, there is a lot of work to be done to ensure public safety in Alaska's rural communities. Alaska is one of six states, called P.L. 280 states, in which jurisdiction over crimes in Native communities rests mainly with the States. The BIA doesn't have enough funding to go around and so it prioritizes funding public safety efforts in non P.L. 280 States on the assumption that P.L. 280 States are investing sufficiently in public safety and law enforcement in Native and rural communities. But this is simply not so. The Alaska Department of Public Safety, which has primary responsibility for providing law enforcement in rural Alaska, provides only 1.0 to 1.4 field officers for every one million acres. This means that at least 75 communities in Alaska lack any law enforcement presence at all. In most Alaska villages, the tribal courts are the only meaningful judicial voice for anything other than the most serious and violent of crimes.

The President's budget moves in the right direction by providing $15 million in its Supporting Indian Families and Protecting Indian Country program. As part of this program, the President's budget requests $4 million for Law Enforcement Special Initiatives and $5 million for tribal courts. While this is a good first step, TCC encourages this Committee to substantially increase these amounts for Tribes in P.L 280 States. In order to truly address the issue of public safety in Native communities, we must have additional resources.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

We also invite all Members to support the Tribal Behavioral Health Grant Program. This program is administered by the Substance Abuse and Mental Health Services Administration (SAMSHA) and would provide funds to tribal organizations to reduce the shocking rates of substance abuse and suicide in their communities. According to the Indian Law and Order Commission's report, Alaska Natives experience suicide at four times the national average, and suffer the highest rates of alcohol abuse. The Tribal Behavioral Health Grant Program will provide desperately needed funds to combat these problems.

Thank you again for the opportunity to testify on behalf of TCC.

Mr. CALVERT. Thank you. Thank you for your testimony.

Mr. Miller, good to see you again. You are recognized for 5 minutes.

WEDNESDAY, MARCH 25, 2015.

NATIONAL TRIBAL CONTRACT SUPPORT COST COALITION

WITNESS

LLOYD B. MILLER

Mr. MILLER. Thank you, Mr. Chairman. Members of the committee, I am Lloyd Miller. I am counsel to the National Tribal Contract Support Cost Coalition.

The Coalition has been in effect for more than 20 years to champion the right of tribes to be paid in full on the contracts they carry out for services rendered to the United States, no more complicated than that. Unfortunately, it took me two U.S. Supreme Court cases, a unanimous case in the Cherokee Nation case, and a 5-4 decision in the Ramah Navajo case to arrive at the point where we are today.

I would like to confine my remarks a little bit to the past. I know you are interested in that, the present, and future. With regard to the past, this chart will show you the claims that have, to our knowledge, been settled by the U.S. Indian Health Service. We do not have a complete set of knowledge because the Indian Health Service does not publish its settlements. The Justice Department does but IHS does not so we only learn of the cases we are handling, cases friends of ours are handling, and judgments paid on the Treasury Department's website. That shows that over the last 2 years since the Ramah case came down, the government has paid $760 million to settle 641 claims.

Mr. CALVERT. Is this coming out of the judgment account?

Mr. MILLER. Yes, Mr. Chairman. Of those 641 settled claims, I have handled about 2/3 of them and I am pleased to say that almost every state in the union that has an Indian tribe in it has had claims settled. Some are still in litigation. For instance, in the State of Maine, but some of the claims in the Bemidji area, including the Red Lake claims, have been settled.

We are making progress. If I would ask the committee anything with regard to the history, it is just to kick the agency a little bit more. They have made a lot of progress. They were very slow in 2012; no progress in 2013; thanks to your urging, a lot of progress in 2014. They were going to be done by the end of December; they are not there. They have still got a lot to go. They would commit to you to be finished this calendar year. That would be great progress.

With regard to the Bureau of Indian Affairs, as the committee knows, there is a class action there. I am class counsel and I am under restrictions from the court not to discuss the settlement negotiation except to say this: As of December we had made "substantial progress" in the case, and but for the routine process for getting a settlement approved inside the Department of Justice, that

can take 3 or 4 months, but for that I think we will have a settlement this summer. We are very pleased about that.

I cannot speak at all to the amounts except what has been published. As the United States once told the Supreme Court they thought the case involved about $1 billion. Well, we will see.

That is the past. The present, the present is working out very well in a strange way because of your delayed appropriations process and the fiasco with the agency in 2014, which led to corrective actions, you were able to correct your numbers, the agency was able to correct its numbers, and that is in the past, and in 2015 we have good numbers, you have good numbers. Indian Country will be paid in full for services rendered the United States like every other government contractor.

Going forward, the Administration has proposed a mandatory appropriation, so shifting from the 6, $700 million you have in your bill over to the mandatory side. It is not a new idea. It is an old idea. I am sorry Chairman Young left because it was his idea. In 2000 he introduced H.R. 4148, which provided a mandatory appropriation. It was before the courts had ruled that the money had to be paid and so CBO scored it at a couple billion dollars and it went nowhere. Now, talk about scoring, we wonder if it would score at all because your bill is scored by CBO at the full cost of the contracts, so if the full cost moved from your committee over to the mandatory side of the ledger and not one penny more is being paid, it should not cost any more money. It will not cost any more money. It will not cost one penny more in outlays to the Treasury. Now, I do not know how CBO does their funding math.

Mr. CALVERT. Neither do we.

Mr. MILLER. But logic tells us that if you are just moving money across the table from one side to the other, it is not going to cost any more.

You have heard critiques of the short-term approach here. We are concerned about that as well and the coalition exactly for that Special Diabetes program. We do not know today if Special Diabetes will be reauthorized. Thank goodness it is in this chamber's bill. It is going to go over to the Senate shortly. But here we are at the end of the cycle and hopefully it will be reauthorized for a couple of years, but we have been limping along. We hope that this is a provision that can be made permanent and done inside the Doc Fix bill.

Then I wanted to talk a moment about the Methamphetamine and Suicide Prevention Initiative funding. Unlike contract health, contract support costs pay for the fixed overhead costs that the tribal healthcare providers have. Insurance is a great example, workers' compensation insurance, audit costs. What Katherine Gottlieb was saying was that when Methamphetamine and Suicide Prevention funds are not supported with contract support, the money has to come out of the program. They reduce staff. Actually, they do reduce staff. They cannot hire the staff they would hire with the fixed amount of program dollars they get because the agency changed its mind. This year, the first year they have full funding and they decided, well, we have full funding but we are not spending it on that. I do not think that is lawful but we do not

want to get into that. We just want the agency to obey the law and hopefully with your support they will. Thank you.

[The statement of Lloyd Miller follows:]

HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
HEARING ON THE PRESIDENT'S 2016 BUDGET REQUEST

March 25, 2015

Testimony of Lloyd B. Miller
Counsel, National Tribal Contract Support Cost Coalition

My name is Lloyd Miller and I am a partner in the law firm of Sonosky, Chambers, Sachse, Miller and Munson, LLP. I appear here today as counsel to the National Tribal Contract Support Cost Coalition. The Coalition is comprised of 21 Tribes and tribal organizations situated in 11 States. Collectively, they operate contracts to administer almost $500 million in IHS and BIA programs and services on behalf of over 250 Native American Tribes.[1] The NTCSC Coalition was created to assure that the federal government honors the United States' contractual obligation to add full contract support cost funding to every contract and compact awarded under the Indian Self-Determination Act. I also litigated the Supreme Court *Cherokee* and *Arctic Slope* cases, and co-litigated the *Ramah* case, all of which held that IHS and BIA contracts with Indian Tribes are true, binding contracts which must be paid in full no less than any other government contract.

Every year I recall for this Committee that no single enactment has had a more profound impact on tribal communities than has the Indian Self-Determination Act. In just three decades Tribes and inter-tribal organizations have taken control of vast portions of the Bureau of Indian Affairs and the Indian Health Service, including services previously provided by the federal government in the areas of health care, education, law enforcement and land and natural resource protection. Today, not a *single* Tribe in the United States is without at least one self-determination contract with the IHS or the BIA, and collectively the Tribes administer nearly $3 billion in essential federal government functions employing an estimated 35,000 people. Under all of these contracts, the Tribes must cover contract support costs—essentially overhead—to responsibly manage their programs. They have to make payroll. They have to manage their finances and their information technology systems. They have to buy insurance. They have to procure goods and services. All of the same things the government has to do, the Tribes have to do—and even more: the Tribes must complete costly annual audits, negotiate indirect cost rates, and comply with a raft of federal mandates.

These costs are fixed, and they must be paid. Otherwise, they are paid out of program funds or paid out of tribal trust funds. Thus, full payment of contract support costs is essential to

[1] The NTCSCC is comprised of the: Alaska Native Tribal Health Consortium (AK), Arctic Slope Native Association (AK), Central Council of Tlingit & Haida Indian Tribes (AK), Cherokee Nation (OK), Chickasaw Nation, Chippewa Cree Tribe of the Rocky Boy's Reservation (MT), Choctaw Nation (OK), Confederated Salish and Kootenai Tribes (MT), Copper River Native Association (AK), Forest County Potawatomi Community (WI), Kodiak Area Native Association (AK), Little River Band of Ottawa Indians (MI), Pueblo of Zuni (NM), Riverside-San Bernardino County Indian Health (CA), Shoshone Bannock Tribes (ID), Shoshone-Paiute Tribes (ID, NV), Southeast Alaska Regional Health Consortium (AK), Spirit Lake Tribe (ND), Tanana Chiefs Conference (AK), Yukon-Kuskokwim Health Corporation (AK), and Northwest Portland Area Indian Health Board (43 Tribes in ID, WA, OR).

keeping faith with the Government's contractual commitments, honoring the Government's trust responsibility, and permitting the Tribes to prudently carry out the contracted programs, from law enforcement to range management to full-on hospital operations.

Four years ago this Committee explained its views on contract support costs:

> The Committee believes that both the Bureau [of Indian Affairs] and the Indian Health Service should pay all contract support costs for which it has contractually agreed and directs the Service to include the full cost of the contract support obligations in its fiscal year 2013 budget submission.

H.R. Rep. No. 112-151, at 98 (2011). See also *id.* at 42 (addressing the BIA). The Committee was remarkably prescient in its assessment of the government's liability: the very next year the Supreme Court ruled that "[c]onsistent with longstanding principles of Government contracting law, we hold that the Government must pay each tribe's contract support costs in full." *Salazar v. Ramah Navajo Chapter*, 132 S. Ct. 2181, 2186 (2012). The Supreme Court emphasized that "the Government's obligation to pay contract support costs should be treated as an ordinary contract promise." *Id.* at 2188. Two months later the U.S. Court of Appeals for the Federal Circuit applied the *Ramah* ruling to the Indian Health Service, concluding that "[t]he Secretary [was] obligated to pay all of ASNA's contract support costs for fiscal years 1999 and 2000." *Arctic Slope Native Ass'n, Ltd. v. Sebelius*, No. 2010-1013, Order at 6, 2012 WL 3599217 (Fed. Cir. Aug. 22, 2012), *on remand from* 133 S. Ct. 22 (2012).

Today it is beyond any debate that the payment of contract support costs is a binding contractual obligation owed to all Tribes that operate BIA and IHS contracts. The only issue remaining has been how to meet that obligation.

Thanks to this Committee's vision and decisive action, fiscal year 2014 was the first year in which contract support costs were paid in full through the ordinary appropriations process. For the agencies, particularly IHS, it was a rocky start, as early mistaken estimates gave way to the reality that the agency has missed the mark by millions of dollars. A major reprogramming action was necessary to make Tribes whole, but the agency weathered the storm with a minimum of disruption to direct service operations, and all contracts were paid in full.

Last year's appropriation followed a crooked path to final enactment. But an unintended benefit of the delayed FY 2015 appropriations cycle was that this Committee, the agencies and tribal advocates (including this Coalition) were able to compare notes last December and this Committee was able to adjust the FY 2015 final appropriation levels to assure that all Tribes will be paid in full for carrying out their government contracts—and this time, without any disruption to ongoing program or agency operations. We are truly in a new era.

FY 2016

For FY 2016 the Administration has proposed contract support costs payment levels of $718 million for IHS and $272 million for the BIA. Based upon actual experiences in FY 2014, there is every reason to believe these amounts will be sufficient to cover all contract

requirements next year. The National Tribal Contract Support Cost Coalition fully supports the President's proposed FY 2016 funding levels, reflecting a full Administration commitment to tribal self-determination and self-governance.

FY 2017 and Beyond

Going forward, the Administration has proposed a three-year mandatory appropriation at stated dollar amounts for each agency, with up to 2% of the sums so designated to be available for agency administration. The National Tribal Contract Support Cost Coalition deeply appreciates the President's effort to find a solution to the multi-decade underfunding of contract support costs, and agrees that the long-term solution lies in a mandatory appropriation. A mandatory appropriation is an effective answer to the dilemma posed by locating a legally binding obligation within an appropriation structured to address discretionary requirements. It protects the discretionary side of the ledger while assuring that tribal contractors and compactors will be paid in full for services duly rendered to the United States.

But care in this area must be taken, and a half measure could be more disruptive than no measure at all. A time-limited mandatory appropriation is ill-suited to paying a permanent obligation, because each renewal is subject to the vagaries of the political process. The best example of those vagaries is reflected in the history of the time-limited mandatory appropriation enacted for the Special Diabetes Program for Indians (SDPI).[2] This instability is orders of magnitude more destabilizing when it comes to the payment of contract support costs for the delivery of core governmental functions, including the annual operation of police departments, schools and entire hospitals and clinics serving many of the Nation's most vulnerable populations. It is one thing for a discrete program to end; it is quite another thing for an entire hospital or police department to close or be cut back by a third because contract support cost payments suddenly cease. One can imagine the grave instability that would ensue if by March 2019, Congress had not yet renewed the measure and yet the Budget Committee was developing its discretionary caps for the coming year and this Committee was holding these hearings.

Given these practical considerations, the Coalition respectfully urges all Members of this Committee to build upon the President's proposal by supporting a permanent mandatory appropriation.

The Coalition also respectfully urges this Committee's Members to support a mandatory appropriation which only appropriates what is needed, and not a penny more.[3] In recent listening sessions the agencies have explained that the specific sums requested are somewhat higher than the sums each agency projects it will actually need. This makes no sense to us, and will only drive up the cost of any measure.

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[2] Pub. L. No. 105-33, § 4922, 111 Stat. 251 (1997) (5 years); Pub. L. No. 107-360, § 1(b), 116 Stat. 3019 (2002) (6 years); Pub. L. No. 110-173, § 302(b), 121 Stat. 2492, 2515 (2007) (one year); Pub. L. No. 110-275, § 303(b), 122 Stat. 2494, 2594 (2008) (2 years); Pub. L. No. 111-309, § 112(2), 124 Stat. 3285, 3289 (2010) (2 years); Pub. L. No. 112-240, § 625(b), 126 Stat. 2313, 2352-53(2014) (1 year); Pub. L. No. 113-93, § 204(b), 128 Stat. 1040, 1046 (2014) (1 year).

[3] See 31 U.S.C. § 1305 (appropriating "such amounts as may be necessary" for specified purposes).

To the extent the higher amounts are designed to make available up to 2% of the designated sums for agency overhead, the Coalition strongly opposes those amounts. A flat 2% would authorize IHS to spend over $20 million on overhead costs to pay tribal contractors, 10 to 20 times what the agency currently spends on this activity out of its discretionary appropriation. No explanation has been offered for such excessive sums, and IHS has readily acknowledged that far lesser sums would be sufficient.

The Coalition appreciates that the agencies would each benefit from additional resources to administer their obligations under the law to pay full contract support costs. But before increasing existing sums, the Committee should direct the BIA and IHS to perform an assessment to determine their exact staffing needs and associated funding requirements. Whatever sum is necessary for agency overhead, those costs should be left within each agency's discretionary appropriation, where the Appropriations Committees can continue to monitor and respond on an annual basis to agency and tribal concerns. No reason has been offered by anyone for transferring such sums to a mandatory appropriation.

On an issue closely related to agency overhead, the Coalition respectfully requests that the Committee caution the agencies against developing any new initiatives that would leave contract support cost accounts open for five years. IHS is already moving in this direction, which would be both unprecedented and directly at odds with standard grant practices, including IHS's own grant programs. Contracts should be closed out within 60 days of the close of the fiscal year, and both agencies should be directed to develop initiatives which make contract implementation and close-out more efficient and speedier, not more complex. Multi-year arrangements for fixed rates, or fixed lump-sum amounts subject to inflationary adjustments, should be strongly encouraged as an efficient alternative to lengthy annual recalculations and reconciliations.

Finally, the Coalition respectfully urges the Committee to amend the Appropriations Act's language to require that contract support costs be added to program funds covering the domestic violence prevention initiative (DVPI) and methamphetamine and suicide prevention initiative (MSPI). A recent federal court confirmed that such funds are subject to the Indian Self-Determination Act, consistent with IHS's position since 2010. But this past year, just when full CSC funding finally became a reality, IHS unilaterally—and without any consultation whatsoever—changed position, announcing that hereinafter Tribes must divert their domestic violence and methamphetamine and suicide prevention program dollars to cover all overhead costs. On average, this will reduce the program funding amounts nationwide by 25%. Congress should not tolerate this irrational change to these programs.

* * *

It is a privilege to appear before this Committee once again. On behalf of the over 250 federally-recognized Tribes represented by the National Tribal Contract Support Cost Coalition, I thank the Committee for this opportunity to testify on the FY 2016 Budget.

Mr. CALVERT. Thank you, Mr. Miller. Ms. Kraus, good to see you again.

WEDNESDAY, MARCH 25, 2015.

NATIONAL ASSOCIATION OF TRIBAL HISTORIC PRESERVATION OFFICERS

WITNESS

D. BAMBI KRAUS

Ms. KRAUS. Thank you very much, Mr. Chairman Calvert and Ranking Member McCollum.

I represent the National Association of Tribal Historic Reservation Officers. We are based here in Washington, D.C., but my family, especially my mother because that is all that matters in Tlingit society really, lives in Kake, Alaska, which is in Southeast Alaska. So it is great to hear from all the other Alaskans here.

And it is really tough to follow Lloyd Miller in talking about contract support costs but, you know, I feel like our issue is equally important in a very different way and it is related to cultural preservation, identity, language, repatriation of sacred items, and ancestors. So it is very different but you know as the Interior Committee, this is very diverse range of topics that you cover.

So I have submitted my testimony for the written record and just to touch on a couple of highlights, fiscal year 2016 will be the 20th year of funding for the Historic Preservation Fund for the tribal line item, and in those 20 years the level of funding per THPO has actually gone down. So the first 12 THPOs received an average $83,000 and today they are receiving less than $60,000 each and that is because a number of tribes participating in the program, it is going beyond the capacity of a line item to be increased. So on one hand you have this wildly successful program that a lot of tribes see and want to be involved in and it is making a huge difference on the local level, and yet the level of funding is struggling to keep up with the number of tribes participating.

So we appreciate your support over the years and this is going to be a record year in terms of the 20th anniversary hopefully, at least with the President's request. I just want to point out that if the expected 160 tribes in fiscal year 2016 received $83,000 each, we are talking more like $13 million rather than $10 million that is in the President's budget. So I just wanted to give you a demonstration of the need there.

And just as a point of reference is that not per se the districts that you represent but the states, the five states here that you collectively represent, there are 57 tribes, and that actually brings in more than $3 million to those five states. So I would like to point out that it is not just the tribal community benefit but, you know, this is money that gets spent in Minnesota or California and Idaho, so I think that it is definitely a win-win program for everybody.

So just to touch on the National Park Service's National NAGPRA program, we had seen a typical historical request for money was about $2.3 million and the Park service has dropped that amount over the past 3 to 4 years, which is really unfortunate

because the need for more money for tribes and museums to work on repatriating human remains and sacred objects could not be greater than the time now, and yet the money has reduced significantly. And the Park Service has also continued to take money out of the grant line item to offset their own administrative costs, and we have been very vocal in not supporting the practice and yet, you know, it continues to some degree. And what we would like to see rather than taking money from the grants line item is that more money for the administrative costs for the Park Service to run whatever programs they deem fit.

On the Bureau of Indian Affairs, there continues to be a need for basic infrastructure for cultural resource protection and compliance with the Historic Preservation Act and NEPA and we have not seen any movement on that per se but, nonetheless, I, you know, have to say that we advocate for it because it is important and it is one of the agencies within your jurisdiction.

And then actually to sum up quickly is that the President's request included money for the state historic preservation officers and we certainly support money for states because they do the same role and work as the tribes do in their own respective communities and they have a continued need. And, you know, inflation has taken away some of their spending power as it were.

And then the President's request also included quite a significant increase for a new grant program in civil rights identification and protection, and it is a $30 million request, which is significant and, you know, in terms of tribal civil rights and if we were allowed to participate in this program, I think it would be a great addition to the story of civil rights of the United States because I am sure many of you already are familiar with some of the stories that have come about with Indian Country and, you know, how we have had to fight for our own voice in the entire piece of American history.

So with that I will wrap up and thank you very much for your time.

[The statement of D. Bambi Kraus follows:]

NATHPO

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Contact: D. Bambi Kraus, NATHPO President Hearing Date: March 25, 2015

TRIBAL CULTURAL PRESERVATION NEEDS IN FY2016
Testimony to the House Appropriations Subcommittee on the Interior, Environment and Related Agencies Budget, Fiscal Year 2016

The National Association of Tribal Historic Preservation Officers (NATHPO) is pleased to submit testimony to the House Appropriations Subcommittee on Interior, Environment and Related Agencies regarding Fiscal Year 2016 budgetary needs for tribal cultural preservation activities. Each of the recommended line item amounts are discussed in detail below.

1. National Park Service, Historic Preservation Fund, Tribal line item ($15 million))
2. National Park Service, National NAGPRA Program:
   a. Exclusively for NAGPRA Grants ($2.331 million)
   b. Program administration ($1 million for Program/Alternative Use)
3. Bureau of Indian Affairs – Create line items and support the following divisions:
   a. 12 Regional Offices support for Cultural Resource compliance ($3 million)
   b. Central Office cultural resource efforts throughout the bureau ($200,000)
   c. NAGPRA compliance work ($765,000)
   d. To fight ARPA crimes on Indian reservations ($200,000)
4. Smithsonian Institution: For repatriation activities, including Review Committee and repatriation office ($1.25 million)
5. Additional National Park Service Programs, Historic Preservation Fund

1. National Park Service, Historic Preservation Fund – Tribal line item ($15 million)

As of March 20, 2015, there are 157 National Park Service (NPS)-recognized Tribal Historic Preservation Officers (THPOs). Each THPO represents an affirmative step by an Indian tribe to assume the responsibilities of the State Historic Preservation Officers (SHPOs) for their respective tribal lands, as authorized by Congress in the 1992 amendments to the National Historic Preservation Act (NHPA). Collectively, these THPOs exercise responsibilities over a land base exceeding 30 million acres in 30 states. The Historic Preservation Fund (HPF) is the sole source of federal funding for THPOs and the main source of funding to implement the nation's historic preservation programs and its revenues are generated from oil and gas development on the Continental Shelf.

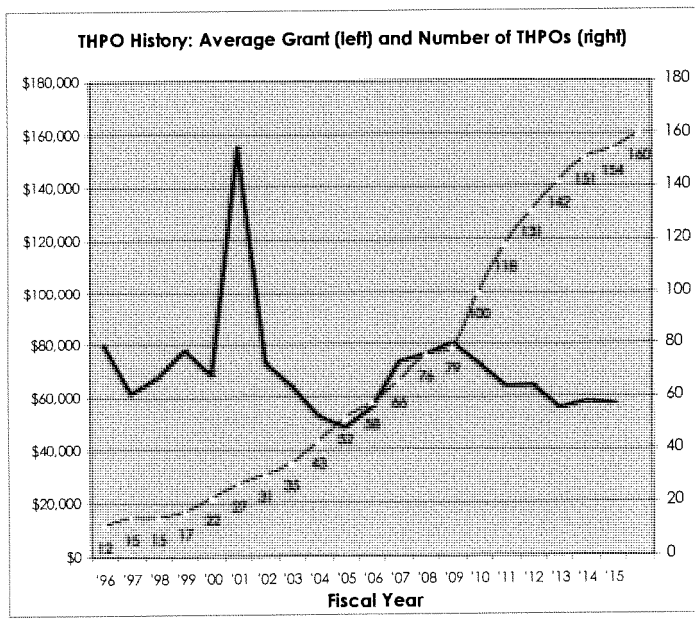
What are Tribal Historic Preservation Officers (THPOs)? THPOs are federally recognized tribal governments that have entered into an agreement with the Department of the Interior to assume the federal compliance role of the SHPO, as codified in 36 CFR Part 800. They are actively involved with projects to improve Indian schools, roads, health clinics and housing. THPOs are also the first responders when a sacred site is threatened, when an ancestral home is uncovered, and when Native ancestors are disturbed by development. THPOs are also often responsible for their tribe's oral history programs and operating tribal museums and cultural centers. They perform many functions and responsibilities in Indian country and, through their activities, represent an active expression and exercise of tribal sovereignty. For the past 15 years, these programs have become increasingly popular and successful with tribal

governments. For the first time, they are recognized as the official representatives of cultures and societies that have been in existence for countless generations.

What is at stake without additional funds for Indian tribes? Without an increase in FY2016 to take into account the expected increase in the number of tribes participating in the THPO program, Native American cultural properties located on millions of acres of tribal lands are at risk. For the past several years, each THPO program has been asked to conduct important federal compliance work mandated by the NHPA with an artificially low and inadequate level of financial resources.

In the first year of congressional funding support for THPOs (FY1996), the original 12 THPOs each received an average of $83,000 per THPO. There are currently 154 THPOs in FY15 and there is an expectation that there will be at least *160* THPOs in FY16. If 160 Tribes each received the average $83,000 per THPO received in FY 1996, Congress would need to appropriate well over the $15 million being requested today, if adjusted for inflation. In FY 2015, however, the tribal HPF line item was only $8.8 million and the average award per THPO has fallen or stayed flat almost each year since the program's inception.

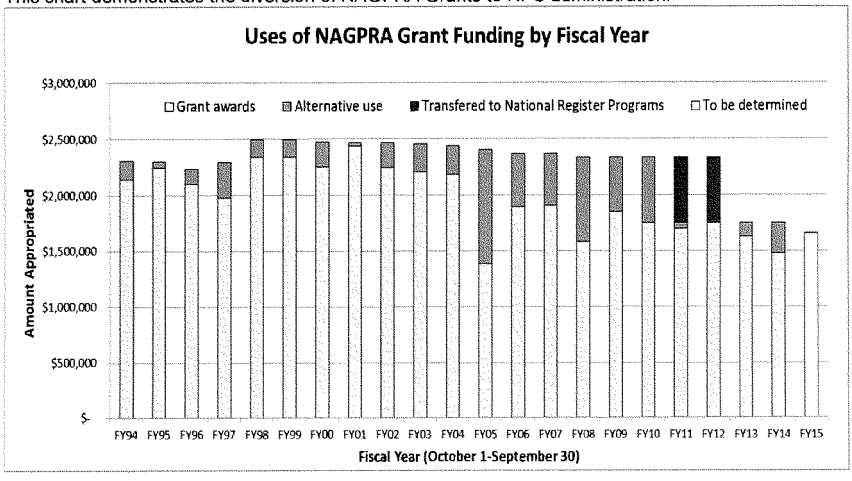
It is essential that THPO programs be provided with adequate funding to meet the increasing needs and demands on their time to comply with federal, state, and tribal laws. Funding for THPO programs overall cannot remain static or decrease while the number of THPOs participating in the program continues to increase. This chart demonstrates the program growth and an unmet funding need:



2. **National Park Service, National NAGPRA Program**

The Native American Graves Protection and Repatriation Act (NAGPRA) provides for the disposition of Native American cultural items[1] removed from Federal or tribal lands, or in the possession or control of museums or federal agencies, to lineal descendants, Indian tribes, or Native Hawaiian organizations based on descent or cultural or geographic affiliation. NAGPRA prohibits trafficking of Native American cultural items and created a grants program exclusively for Indian tribes, Native Hawaiian organizations, and public museums.

NAGPRA Grants Program – NATHPO Recommends for FY2016:
a. $2.331 million to be used exclusively for NAGPRA Grants to Indian tribes, Native Hawaiian organizations, and museums. We recommend that the Committee restore the amount that the NAGPRA grants program received each year for most of its history prior to when the NPS began to divert a greater amount of funds for administrative use within the cultural resource division. Starting in FY2011, the NPS first "cut" the $2.3 million NAGPRA grants program by transferring $581,000 to fund NPS "cultural resources/National Register programs" via an "internal transfer or other non-policy/program change," and with other NPS reductions, only $1.698 million was awarded in actual grants. NATHPO also requests that steps be taken to ensure that these moneys are used exclusively for grants to Indian tribes, Native Hawaiian organizations, and museums and not for continued internal transfers for other NPS purposes. This chart demonstrates the diversion of NAGPRA Grants to NPS administration:



b. $1 million, additionally, for NAGPRA program administration, including the publication of Federal Register notices, grant administration, civil penalty investigations, and Review Committee costs.

3. **Bureau of Indian Affairs – Create line items and support the following divisions:**

The BIA has federally mandated responsibilities to work with Indian tribes and comply with the National Historic Preservation Act (NHPA), the National Environmental Policy Act (NEPA), and NAGPRA. Currently the BIA does not have any budget line items that are devoted to complying

[1] Cultural items include human remains, funerary objects, sacred objects, and objects of cultural patrimony.

BIA, continued

with these federal laws, nor does the BIA have resources dedicated to compliance with the Archaeological Resources Protection Act (ARPA) and executive orders and directives in the cultural resource field. Funds are not only needed for the BIA to comply with their internal development efforts, such as roads and forestry, but also to conduct project reviews of outside development projects, such as oil and gas development that are estimated to number over 7,000 per year.

ARPA crime on Indian reservations continues to be a major problem, as looters and traffickers continue to steal valuable cultural resources from tribal and federal lands. The BIA does not have any special agents or law enforcement forces to combat this uniquely destructive crime in Indian country and we urge the creation of a dedicated line item within the BIA.

In 2010, the Government Accountability Office (GAO) released the results of their audit that included the BIA, "NAGPRA: After Almost 20 Years, Key Federal Agencies Still Have Not Fully Complied with the Act." This report marked the first time that federal auditors have examined a major federal Indian law enacted to facilitate the return of Native American human remains and cultural objects. In order to comply with the GAO recommendations, the BIA needs to devote funds to comply with NAGPRA, but at this time, no line item is dedicated for this function.

NATHPO recommends the BIA create line items and support the following divisions:

a. To support Cultural Resource compliance at the 12 Regional BIA Offices ($250,000 x 12 regional offices = $3 million)
b. Central Office cultural resource efforts throughout the bureau ($200,000)
c. NAGPRA compliance work ($765,000)
d. To fight ARPA crimes on Indian reservations ($200,000)

4. <u>Smithsonian Institution, National Museum of the American Indian and the National Museum of Natural History Repatriation Programs</u>

NATHPO requests that the Smithsonian Institution receive $1.25 million for its repatriation activities, including operation costs of the Review Committee and repatriation office.

5. <u>Additional National Park Service Programs, Historic Preservation Fund</u>

In addition to the Tribal line item in the Historic Preservation Fund, NATHPO supports FY2016 appropriations for these other line items of the Historic Preservation Fund:

- $60 million for State Historic Preservation Officers
- $30 million to assist in documenting and protecting historic properties related to the Civil Rights Movement and the African American experience (new grant program)
- $2.5 million for Historically Black Colleges and Universities
- $500,000 underrepresented communities in the historic preservation movement grant program

Background on the National Association of Tribal Historic Preservation Officers:
NATHPO is a national not-for-profit membership association of tribal governments that are committed to preserving, rejuvenating, and improving the status of tribal cultures and cultural practices by supporting Native languages, arts, dances, music, oral traditions, cultural properties, tribal museums and cultural centers, and tribal libraries. NATHPO assists tribal communities protect their cultural properties, whether they are naturally occurring in the landscape or are manmade structures. In addition to members who serve as the Tribal Historic Preservation Officer (THPO) for their respective tribe, our membership includes Indian tribes that support our mission and goals.

Mr. CALVERT. Thank you. And thank you for your testimony.
Mr. Rigdon.

WEDNESDAY, MARCH 25, 2015.

INTERTRIBAL TIMBER COUNCIL

WITNESS

PHIL RIGDON

Mr. RIGDON. So, good afternoon and thank you, Mr. Chairman and members of the subcommittee.

I am Phil Rigdon. I oversee the Department of Natural Resources for the Yakama Nation and I represent the Yakama with the Intertribal Timber Council and they made me president. And it is an honor to be here.

I want to start off, last year at this time ITC provided the subcommittee copies of the IFMAT III report, which is an independent review of Indian forestry that is statutorily required every 10 years. Like our testimony last year, several ITC requests are going to be based on that report itself.

But to start off, I really wanted to first of all think the committee and staff. Last year, Indian forestry was facing a proposed cut in the President's budget and we came in here and worked with the committee and staff and we were able to at least keep that funding and protect it in conference. Those additional funds are really important for us as it keeps our people the boots on the ground and is doing the forestry activities that are necessary, and I just want to personally thank the committee for that commitment to Indian forestry.

Going back to IFMAT III, you know, one of the big findings in IFMAT III is that the federal funding of Indian forestry is 1/3 of what is compared to the Forest Service or other federal agencies, and with that it is chronically insufficient. And IFMAT III finds that forestry staffing shortages continuing to grow. BIA needs an additional 800 forestry position. Last year in my report I talked about the Yakama Reservation where 33 of the BIA's 55 positions were unfilled. It is still that way this year. We continue to struggle to be able to meet the needs of my community and my tribe in that way.

Using the BIA's most recent available data, and fiscal year 2014 BIA forestry funding and staffing shortfall caused a harvest 40 percent below of the tribally designated annual allowable cut resulting in a loss of about $41 million and you would say about 15,000 jobs. And understand, the economy has recovered. We went through some really tough times in the timber economy and instead of us ramping up to achieve the annual allowable cut, we are stagnant into this place where we are not achieving those milestones that I think would be really important for us.

And so, you know, the ITC wants to say we appreciate the 1.8 million this subcommittee restored into BIA forestry for fiscal year 2015 and we also appreciate the $4.2 million increase request for fiscal year 2016, but to begin to correct the disparity, you know, In-

dian forestry funding, the ITC requests an additional 25 million to meet those needs.

Separately, we are asking for 12.7 million to increase BIA forestry to start a Forestry Workforce Development Program, as recommended by IFMAT III. Our foresters and our people that work out the woods, they are getting older. We need to put those types of programs that will bring those things forward.

We have several other requests and a lot of those things are in the written report, but I also wanted to move to kind of the interior wildland fire management budget. You know, the ITC supports the Administration's preparedness proposal, including designation for travel preparedness contract support and for BIA and tribal fire workforce development, but we are asking for more transparency in the distribution of tribal contract support. For fiscal year 2015, much of those funds were siphoned off for administrative purposes greatly reducing the funds that were intended to help tribes cover on-the-ground costs.

We also ask that the fields management be increased to $206 million, the amount provided in 2010, and that amount that the 10 million designated for travel projects on reserve treaty rights lands also be allowed on tribal lands.

I also want to note a couple things that the Intertribal Timber Council has been working on quite a bit, and it is our work with the Forest Service. We please urge the committee and the Forest Service to expand their use and support for Anchor Forest Initiative. This initiative is looking to act as management in the surrounding areas to support our communities. The value of our trust resource of the timber are those things is impacted significantly if your haul cost is 2, 3, 400 miles away, and maintaining the type of forest infrastructure means that you need your federal agencies to also be doing active management and reducing the risk from fire and the other catastrophic events that we have seen all across the West. It is an important part and so I just wanted to make sure that was a priority.

And a real key element for us is the Tribal Forest Protection Act and so we are urging, you know, the support that we need that we have received from the subcommittee and the different parts to, you know, make them more of a useful tool. Next week we are going to be having the training with Forest Service and Tribal put together. In that training we are hoping that we can expand the use of that and we really do appreciate your support for that.

There are quite a few other things I could go on but I want to thank you for this time you have given us to talk.

[The statement of Phil Rigdon follows:]

TESTIMONY OF PHILIP RIGDON, PRESIDENT, INTERTRIBAL TIMBER COUNCIL, PRESENTED TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE FOR THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES ON FY 2016 APPROPRIATIONS FOR THE B.I.A., DoI WILDLAND FIRE MANAGEMENT, AND THE U.S. FOREST SERVICE, MARCH 25, 2015

Summary

Mr. Chairman, members of the Subcommittee, I am Phil Rigdon, President of the Intertribal Timber Council (ITC) and Deputy Director of Natural Resources for the Yakama Nation. The ITC offers the following recommendations for FY 2016 Indian forestry-related activities in the Bureau of Indian Affairs (BIA), the Department of Interior (DoI) Office of Wildland Fire Management (OWF), and the U.S.D.A. Forest Service (USFS):

BIA

1) Increase BIA Forestry by $25 million, to $76.9 million, as a first step to providing the $100 million needed for funding parity with other federal forestry programs, as recommended by the IFMAT III report. Require tribal participation in allocation of this increase.
2) Separately, increase BIA Forestry Projects by $12.7 million to initiate a BIA Forestry Workforce Development program, as recommended by IFMAT III.
3) Support BIA's Tribal Climate Resilience program request of $30.355 million.
4) Increase the BIA Endangered Species funding to $10 million.

OWF

5) Support the Preparedness request of $323.7 million, with transparency for tribal Contract Support Costs (CSCs).
6) Increase Fuels Management funding to $206 million; allow RTRL funds on tribal lands.
7) Support the Disaster Fire Funding legislative proposal. And
8) Support the $30 million Resilient Landscapes initiative.

USFS

9) Encourage expanded support for the ITC *Anchor Forest* initiative.
10) Continue encouraging the USFS to improve implementation of the TFPA.

IFMAT III

Many of our comments and recommendations reflect the third IFMAT report, the statutorily required (PL 101-630, Sec. 312) decadal review and report on tribal forests and forestry conducted by an independent Indian Forest Management Assessment Team (IFMAT). The IFMAT III report (in two volumes plus an executive summary) was completed in and dated 2013, and was printed and distributed the spring of 2014, including a copy to the Subcommittee.

The IFMAT III report examines tribal forests using a "FIT" framework: Fire, Investment and Transformation: "Fire" for the large role wildland fire and other threats present to tribal forest health and productivity; "Investment" for the federal funding and trust support needed for meeting the federal trust and ensuring a sustainable future for Indian forests; and "Transformation" for the role of Indian forestry as a model for sustainable land management.

IFMAT III examines eight specific review areas required by the statute, including staffing and funding, and looks at additional issues including Indian forest benefits, climate change, and the Anchor Forests initiative and implementation of the Tribal Forest Protection Act.

IFMAT III found that chronically insufficient funding and worsening staff shortages are threatening tribal forests and communities from foregone economic opportunities, inadequate management, and resource losses due to wildland fire, insects, disease, and climate change. Federal trust management funding of Indian forests is still only one third of that for National Forests; an additional $100 million in base funding is needed to bring Indian forestry and wildfire management to parity. Staffing shortfalls are jeopardizing the capacity to care for forest resources: 800 additional positions are needed for adequate staffing and $12.7 million is needed annually for staff recruitment, training and retention.

Against this background, the ITC makes the following comments and requests for FY 2016.

BIA

1) Increase BIA Forestry by $25 million, to $76.9 million, as a first step to providing the $100 million needed for funding parity with other federal forestry programs, as recommended by IFMAT III. Require tribal participation in allocation of this increase.

Within the total 56 million Indian acres in federal trust, 18.6 million acres are forested, of which 7.3 million acres are designated as commercial forest capable of supporting an annual allowable cut (AAC) of 723 million board feet per year. We request that the FY 2016 BIA Forestry budget be increased by $25 million, to $76.9 million, to begin to reduce the glaring $100 million funding disparity with other federal forestry programs as discussed in the IFMAT III report. The ITC also asks the Subcommittee to require tribal participation in the allocation of these additional funds to help assure appropriate allocation among various BIA Forestry and Wildland Fire programs.

BIA Forestry's chronic underfunding contributes to the failure to harvest the full AAC, with serious repercussions for tribal economies and the health of the trust corpus. The AAC reflects tribal policy decisions on balancing multiple use considerations involving economy, ecology, and cultural values. The difference between the AAC and the actual harvest level funded and overseen by the BIA is a key metric that can be used to help measure the degree to which the US is fulfilling its fiduciary duties for managing the Indian trust forests. In FY 2014, the 437 million board feet of timber harvested from Indian forests generated $62 million in stumpage income and supported over 22,000 jobs (tribal and non-tribal communities combined), but these benefits were 40% below the levels that would have been received had the full AAC been harvested. The failure to harvest the full AAC in FY 2014 reduced stumpage revenue by over $41 million and represented a loss of over 15,000 jobs (tribal and non-tribal combined). Since IFMAT I was issued in1991, the failure to harvest the full AAC has resulted in the loss of $727million in stumpage income and 272,000 jobs in Indian Country.

The chronic underfunding of Indian trust forests also impacts and potentially jeopardizes non-timber forest products, with an estimated national annual value of $10 million, and places these forests and all their benefits at risk of catastrophic loss from wildfire, climate change, insects, disease, trespass, and invasive species. A $25 million funding increase is an essential first step toward providing Indian trust forests with funding equal to that provided other federal forests, improving tribal economies, sustaining the health and productivity of the trust forests, and avoiding the prospects of future trust mismanagement lawsuits.

2) Separately, increase BIA Forestry Projects by $12.7 million to initiate a BIA Forestry Workforce Development program, as recommended by IFMAT III.

BIA and tribal Forestry are facing a staffing crisis. The IFMAT III report states 800 additional BIA Forestry positions are needed, and an increasing number of existing positions are unfilled due to retirements and funding shortfalls. Trained personnel are essential for the sustainable trust management of our forests, including timber for tribal economies and healthy forests for tribal communities. As an example, on my reservation - the Yakama Nation - 33 of the 55 BIA Forestry positions have not been filled for a long time, despite repeated Tribal pleas. Harvest targets sought by the Tribe are not being met, forest health is suffering, and economic opportunities are being lost. Nationally, to begin to address this large and growing personnel shortage and its negative consequences on the federal trust and tribal economies, $12.7 million is needed to start a program to attract, train and retain forestry staff.

3) Support BIA's Tribal Climate Resilience program request of $30.355 million.

ITC supports the BIA $30.355 million request for the Tribal Climate Resilience program. This provides a useful amount needed for evaluating climate change on our homelands, and to plan and conduct actual on-the-ground projects to begin addressing its consequences. America's 566 Indian tribes are a segment of the population most closely tied to and reliant upon our lands, which are our history, our culture, our livelihoods, and our future. We appreciate and support this request to help protect our homes from the impacts of climate change.

4) Increase BIA Endangered Species funding to $10 million.

ITC requests BIA ESA be funded at $10 million so the myriad listed species throughout Indian Country nationwide can be better addressed. BIA's $3.7 million request for ESA is an improvement over past years, but the proposal is less than the ESA per-acre funding for BLM and still only slightly above the $3 million appropriated for BIA ESA in FY 2002. A further significant increase in BIA ESA to $10 million is fully warranted.

<u>DoI Wildland Fire Management</u>

5) Support the Preparedness request of $323.7 million, with transparency for tribal CSCs.

Within this requested amount, ITC supports designations for tribal contract support costs (CSCs) and for BIA and tribal fire workforce development. However, we ask that the Department be directed to dialogue transparently with tribes on the allocation of these designated funds, particularly CSCs, which are being siphoned off by the administering agency, leaving only a fraction of the designated amount to help tribes cover the costs of contracting preparedness functions on the ground.

6) Increase Fuels Management funding to $206 million; allow RTRL funds on tribal lands.

For FY 2016, ITC again urges Fuels Management funding at its FY 2010 $206 million level. The Department's fuels reduction backlog remains huge, funding has never come close to need, and prevention is more cost effective than suppression. Within the FY 2016 Fuels Management appropriation, ITC strongly supports the designation of $10 million for Reserved Treaty Rights Lands (RTRL) landscape restoration, to allow tribes to engage in proactive fuels and forest health projects to protect tribal trust assets on treaty lands. However, we ask that these

funds be allowed on tribal lands, and not just off-reservation. The ITC also wishes to note again our appreciation of OWF for its efforts to engage tribes in its policy and funding considerations.

7) Support the Disaster Fire Funding legislative proposal.

ITC supports the legislative proposal to address extreme fire suppression costs (above 70% of the 10 year average) as the natural disasters that they are, reducing the adverse impacts of these large costs on both DoI's operations and budgets.

8) Support the $30 million Resilient Landscape initiative.

With this initiative, fuels and health projects can be more broadly and cooperatively applied across landscapes and beyond the wildland-urban interface (WUI).

USFS

9) Encourage expanded support for the ITC *Anchor Forest* initiative.

We ask that you support, and encourage continued Forest Service support of, the ITC's *Anchor Forest* initiative. The initiative, in which tribes play a key role, works across forest landscape boundaries and diverse stakeholders to foster long-term collaboration to maintain ecological functions and sustain economically viable infrastructure for management, harvesting, transportation, and processing of forest products. Currently, the ITC is engaged in a pilot project involving three *Anchor Forest* study areas in Washington and Idaho (involving Yakama, Colville, and the Spokane and Coeur d'Alene Tribes), with participation and support from USFS, BIA, Washington State, the conservation community, and local forestland owners and businesses that are affected by forest health and productivity. Tribes in the Lakes States, the Plains States, Alaska, and the Southwest are beginning to express interest in the *Anchor Forest* concept, so we ask the Subcommittee to encourage continued and expanded USFS support of the initiative.

10) Continue encouraging the USFS to improve implementation of the TFPA.

Finally, we thank the Subcommittee for its FY 2105 report language encouraging DoAg and DoI to make wider use of Tribal Forest Protection Act (TFPA, PL 108-278) agreements, in which tribes are authorized to conduct address fuels and health projects on adjacent federal forests to help address threats like fire, disease and insect infestations. ITC appreciates the Subcommittee's oversight interest in TFPA and urges its continuation. Some progress is being made: this spring, the USFS and ITC are conducting regional workshops for USFS and other federal personnel, tribes, and other interested parties to learn about TFPA and to actually start forging TFPA agreements. But there is still a dearth of active or new TFPA projects, and we urge the Subcommittee to continue its active oversight support of increased TFPA projects.

Intertribal Timber Council background.

The ITC is a 39 year old association of forest owning tribes and Alaska Native organizations that collectively manage more than 90% of the 18.6 million acres of BIA trust timberland and woodland that provide thousands of jobs and significant economic activity in and around Indian Country. In addition, our forests store and filter the water and air, sustain habitats, and produce foods, medicines, fuel, and materials for shelter, transportation, and artistic expression. We invite you to come visit.

That concludes my statement. Thank you.

Mr. CALVERT. Thank you. And thank you for your testimony.

Alaska, we talked about this earlier with some other folks that were here, just the challenge of distance is enormous and I do not think people realize how big Alaska is and, you know, just getting from Anchorage to Barrow or from Anchorage to Sitka is just a huge distance to travel across.

And so I know that you have some real champions for the State of Alaska in both the Senate and the House and I know that we are going to be taking a close look at making sure that Alaska is well served on those issues.

And it seems that domestic violence is epidemic in Indian Country, not just Alaska, all around the country, so we need to continue to work with that.

And I happy that the accountants over and the Department of Justice are returning money to Native Americans that is a good thing.

Mr. MILLER. It is, Mr. Chairman. The only I think disappointing note which will strike a personal note is that of all tribes, the Riverside San Bernardino Indian tribal organization has waited eight months, as you will hear from their chairperson later on today, to get their money from the Treasury Department, no explanation as to why.

Mr. CALVERT. This is embarrassing. I know the chairman here. We have got to get that taken care of. We will get that fixed right away.

How about Minnesota? Have they all been paid off?

Ms. MCCOLLUM. No.

Mr. CALVERT. Okay. They are on the way.

Ms. MCCOLLUM. I have the list.

Mr. CALVERT. Okay. We will both have to work on that.

And, Bambi, you are doing great work. And how many human remains, by the way, are stored in the Smithsonian and other places around town?

Ms. KRAUS. It is shockingly in the thousands. So the federal agencies actually have more than 18,000 individual Native Americans.

Mr. CALVERT. Are they making any progress at all repatriating those remains?

Ms. KRAUS. Well, right now it is the tougher ones in terms of identification and repatriation so it is the most challenging time, which is why we are advocating for more grant money because most tribes still do not have the resources to, you know, put that level of research and work into it. But altogether there is a database of, you know, including federal agencies and museums, it exceeds 126,000 Native Americans have not been repatriated——

Mr. CALVERT. Wow.

Ms. KRAUS [continuing]. Which I point out is a small town. It is the size of Peoria or Bellevue, Washington.

Mr. CALVERT. Yes. Okay.

And, Mr. Rigdon, we all support Mike's bill here, you know, the Wildlife Fire bill. He reminds us of it every day. Did we get the language in the budget on that?

Mr. SIMPSON. No.

Mr. CALVERT. Darn. I guess I should not have brought that up.

Mr. SIMPSON. We are still working on it.

Mr. CALVERT. We are still working on it.

Ms. McCollum.

Ms. MCCOLLUM. Thank you.

So I wanted to ask a question on sacred sites and sacred objects because I have been having discussions with different tribes, and it is kind of a Catch-22. They want to protect things, lots of times they are in reservation areas or adjacent to reservation areas. But if they get into too much identifying exactly where something is, it becomes a problem. People rush to go visit it and then it is, you know, desecrated or destroyed.

And then the same thing I heard with some of the sacred objects and they will be working with the museum and the state and they will know it is an Indian artifact and they will say what is this used for? And the tribe is wanting to say like none of your business but that is not an option.

So, you know, do we need to do more in being supportive of tribal nations on sacred sites and sacred objects in the way that they interact either with the Federal Government or with state governments who have historical societies?

Ms. KRAUS. Well, thank you very much for the question. And as you already realized, it is very complex. But in terms of identification, over the years people have managed to come up with a process that allows for buffer zones so you are not exactly told, you know, dig here, exactly here, but rather given a general area. So that has worked to some extent but I think confidentiality has been a big issue in terms of wanting to release information that federal agencies might have. We continue to support tribal interests that do not release too much confidential information so that we are not compromising the site or a particular practice.

And the bizarre thing to me is that the more sacred an American Indian object is, the more it is valued in the black market. And so, for example, we have been doing a lot of work with auction and auctioneers and monitoring it because a lot of them contain migratory bird feathers that are illegal to sell. And I mean there are many facets to this so that is something that we have been getting into but it is definitely an issue that we track.

Ms. MCCOLLUM. And then, Mr. Chair, just one other point. I mean we talked about fire and you talked about some other things but one of the things that I know some tribal leaders are concerned about is the emerald ash borer, and I noticed that you have a little bit in here about wanting to do things about invasive species. But, you know, can I get you on the record about a little more on that besides just fire?

Mr. RIGDON. Well, it is not just fire. I think that when I talk about the Tribal Forest Protection Act, tribes take great pride in actually managing our land in a way to reduce those type of risks. And so—and each forest, when you talk about the—and—in Minnesota, or in the Midwest, that is a lot different than the Northwest was. We had—first bloodworm. And so each tribe is dealing with these type of insect disease problems that you are seeing.

The thing is, what we are watching is weird little islands surrounded by the Forest Service, and those islands end up being, you know, we are doing the right thing, but the things surrounding us

are not being done, and so the problem festers there, and then comes, and we are dealing with those things. And our goal is, how do we treat those things? And using the Tribal Forest Protection Act, and dealing with the right—applications, and responsible management at the same time, meeting the needs to keep that forest industry and the forest economy alive that supports our communities.

And so—I—well, I guess what I am going to say is yes, we support all those things, and we are involved, and our member tribes are—actually, we were in—two years ago at one of our symposiums, and we went and we showed off some of the stuff in Wisconsin that our tribes are active, and all of the tribes, you know, a member—many of the member tribes are, you know, are dealing with those type of issues.

Ms. MCCOLLUM. Well, I want to make sure the Forest Service has the money to do what it needs to do with the—but also, then, to work directly with you, so thank you.

Mr. RIGDON. And I will just note, and this is my note, sometimes I think the Forest Service—how do we get them to actually do on the ground projects? Because sometimes I think it gets caught into—I think tribes can add a lot of voice to active—how we actively manage our lands.

Mr. CALVERT. Any other questions? Mr. Kilmer.

Mr. KILMER. Thank you, Mr. Chair, and thank you all for your testimony. I had a couple questions. One for Phil: there has been a lot of attention paid to the Forest Service's outreach, with the potential update to the Northwest Forest Plan, and the sense that there is not adequate outreach happening to communities that have been impacted by it. Is that a concern that is shared by Intertribal Timber Council?

Mr. RIGDON. I did not—I—let me see. From Yakima, where I come from, we have been notified. The whole part is what is meaningful consultation as we do this? Is it, you know, they have already got the plan written and we are responding to it, or are we bringing the priorities that I think would be important, such as, you know, the—those—the, you know, forest protection type of things, and the activities that our communities need to be able to support, you know, that are active management roles? And so I think that is an important thing. So what I say, I think there is some effort, but I think it could go a lot further.

Mr. KILMER. Thanks. And, Bambi, I had a question for you. I represent the Olympic Peninsula, and there are a number of coastal tribes that have concerns about the vulnerability of sacred sites as we see more severe storms and the potential for a tsunami. Do you think the Federal Government is doing adequate work on the prevention side to ensure the protection of sacred sites?

Ms. KRAUS. Well, in terms of—for example, I talked to Janine Ludford, who is the—we talked about this very issue yesterday, actually, because they are in a tsunami zone, and they realized that they probably have to move some of their sacred objects up to higher ground. And in terms of working with NOAA, or other agencies that are not within your jurisdiction, I think that there is definitely a perceived awareness, and, you know, about we need to start

doing more to protect our sacred sites, sacred objects. Does that answer your question?

Mr. KILMER. Yeah. Thanks.

Ms. KRAUS. Thank you.

Mr. KILMER. Thank you, Mr. Chair.

Mr. CALVERT. Thank you, and we certainly thank the witnesses for attending. You are excused. We appreciate you being here.

Mr. MILLER. May I leave this for the Committee?

Mr. CALVERT. Certainly. Thank you.

Mr. MILLER. It is a one page document, and language that we——

Mr. CALVERT. It is impossible for a lawyer to give you one page. It is physically——

Mr. MILLER. Yet I did it. Thank you, Mr. Chairman.

Mr. CALVERT. Thank you.

Mr. CALVERT. Next is Mr. Brian Cladoosby, President of the National Congress of American Indians, Ms. Patricia Whitefoot, President-Elect, the National Indian Education Association, Ms. Donna Keeler, National Council of Urban Indian Health, and Dr. Maxine Feinberg, President of the American Dental Association. I am just standing up while everybody is sitting down. Okay. Well, we will recognize you first. We do not have anybody from the National Orthopedic Society, do we? Or chiropractic society, I should say.

Mr. SIMPSON. I was trying to get rid of all that candy on the table.

Mr. CALVERT. Yeah, before the Dental Association showed up. You are making a horrible example.

Mr. SIMPSON. I am going to go right back to my office and brush my teeth.

Mr. CALVERT. There you go. Okay. Thank you for coming. Thank you for your attendance. And first is Brian. Brian, how do you pronounce that? Cladoosby?

Mr. CLADOOSBY. Cladoosby.

Mr. CALVERT. Cladoosby? Okay. You are recognized for 5 minutes. Thank you.

WEDNESDAY, MARCH 25, 2015.

NATIONAL CONGRESS OF AMERICAN INDIANS

WITNESS

BRIAN CLADOOSBY

Mr. CLADOOSBY. Thank you very much. I submitted written testimony, and I have got—my staff prepared a brief of that testimony, but I am going to divert from that just a little bit. I am going to read into the record a report that was put out in 2003 called The Quiet Crisis.

So the Federal Government has a long established special relationship with Native Americans, characterized by their status as governmental independent entities, dependent on the United States for support and protection. In exchange for land, and in compensation for forced removal from their original homelands, the govern-

ment promised, through laws, treaties, and pledges, to support and protect Native Americans.

However, funding for programs associated with those promises has fallen short, and Native peoples continue to suffer the consequences of a discriminatory history. Federal efforts to raise Native American living conditions to the standards of others have long been in motion, but Native Americans still suffer higher rates of poverty, poor educational achievement, substandard housing, and higher rates of disease and illness. Native Americans continue to rank at or near the bottom of every social, health, and economic indicator.

And so, Mr. Chairman, you know, as we sit here today, you and I inherited this relationship. As the 21st President of the National Congress of American Indians, it is an honor to be here to advocate for 566 nations. But you and I inherited a unique relationship. Many of us are treaty tribes, and many of you have sworn to uphold the Constitution, and the Constitution say—says that treaties are the supreme law of the land.

And, you know, we have had to suffer historical trauma at unprecedented numbers. You are familiar with the Federal policy of kill the Indian, save the man. If you are not, you should look into that history. As a result—that was a boarding school switch introduced into our society as physical abuse, verbal abuse, mental abuse, and sexual abuse. That was brought back into our communities after this boarding school experience.

And so they say it takes two generations to break a cycle. We suffer from the highest alcohol and drug abuse, the highest suicide, the highest Unemployment rate, the highest dropout rate. So what we have here is—we are looking for you to invest in our future, invest in our kids. The policy of the Federal Government, their marshal plan for Indian Country was Welfare, and that was a failed policy.

And—so we see this budget as a way to invest in our kids. We see this as a way to educate our kids. We believe education and health care is the key to destroying poverty, drug and alcohol abuse, getting our people off Welfare, off food stamps, and giving them a chance. Right now we will save you money by getting our people off Welfare, if we educate them, by getting them off food stamps. They will not be having run-in with the cops. They will not be dealing with the courts. And Native Americans are killed at the highest rate of any group in the U.S. by cops, any group. Might be shocking to you, because you hear about all those others, but you just do not hear the Native Americans going out there and protesting like you hear other ethnic groups.

And so we will reduce the Federal Government's budget in the long run. Our people will not be in the courts. They will not be drug dealers. They will not be running to the drug dealers. There will not be jail costs. There will not be prison costs. The health care will go down. So your investment with this budget, in 20 years, I guarantee you, will save the Federal Government money.

And so—I could go through all the numbers and everything, but you have heard it the last couple days. But we just encourage you to look at this as an investment in the future, as a preventative measure. You know, many of our tribes are investing heavily in

education right now. It is an awesome thing, and we are seeing—as I travel around the nation, and I am asking our parents and our kids, raise your hand if you are raising your kids in a drug and alcohol free home, and just the smiles and the hands are going up like crazy. That is because of the investment, and that is because it is working, and it will work.

And so I encourage you to not only look at this budget seriously, but increasing it, because I can guarantee you, in the long run, we will save the Federal Government money with this investment. Thank you.

[The statement of Brian Cladoosby follows:]

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NATIONAL CONGRESS OF AMERICAN INDIANS

U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

March 25, 2015

On behalf of the National Congress of American Indians (NCAI), we thank you for holding this important hearing on the President's Fiscal Year (FY) 2016 Budget for Native American programs. As the most representative organization of American Indian and Alaska Native tribes, NCAI serves the broad interests of tribal governments across the nation. As Congress considers the FY 2016 budget and beyond, leaders of tribal nations call on decision-makers to ensure that the promises made to Indian Country are honored in the federal budget.

Effective tribal government, with all the necessary tools and resources to address the public service needs of their people, represents a key component for any balanced tribal nation. The leaders and citizens in Indian Country, living in cultures at once traditional and modern, carry the potential and insights to address the reverberations of historical trauma, the lingering effects of relocation, forced assimilation, broken treaties, and economic and political injustices generally. The trust relationship in the 21st Century must maintain the nation-to-nation treaty obligations, such as the provision of education, public safety, health care and more, while promoting tribal capacity and governance.

NCAI includes recommendations for Interior and Indian Health Service, but the FY 2016 Indian Country Budget Request includes many more recommendations. NCAI also supports the testimony of the National Indian Health Board, National Indian Child Welfare Association, National Indian Education Association, and American Indian Higher Education Consortium.

Department of the Interior: In preparation for the President's budget, the Interior Department consulted with tribes about programs in the budget, and some recommendations from Indian Country are included in the FY 2016 proposal. The budget proposes an overall increase of 12 percent for BIA over the FY 2015 enacted level, the largest increase in more than a decade (excluding Recovery Act funding). The FY 2016 budget for the Operation of Indian Programs (OIP) account is $2.7 billion, an increase of $231.4 million above the FY2015 level, an increase of about 9 percent. The FY 2016 budget request for Construction is $189.0 million, an increase of $60.1 million (or about 46.6 percent) above the FY2015 level. These increases are desperately needed throughout Indian Country and NCAI urges Congress to keep them in the FY 2016 appropriations bill.

Tribes at NCAI conferences continue to call the federal funding of treaty and trust obligations a *Quiet Crisis*.[1] The increase of 12 percent in BIA overall is higher than the overall percentage increase for the entire Interior budget, which would be nearly 8 percent over the FY2015 enacted level. For years, NCAI and tribal leaders at the Tribal Interior Budget Council (TIBC) have pointed out the disparity in support for

the core tribal government funding that BIA provides relative to the other agencies in the Interior Department and federal government overall. This request is very encouraging to tribal leaders who have been struggling to meet urgent demands in their communities but with inadequate resources to do so.

Mandatory Contract Support Costs: The FY2016 budget includes a proposal to reclassify contract support costs as permanent funding beginning in FY 2017. NCAI and tribes have called for moving contract support costs to mandatory funding in resolutions across Indian Country and in NCAI's tribal budget requests. The FY 2016 request also will fully fund contract support costs, based on the most recent BIA and IHS analysis. If enacted, permanent funding for Contract Support Costs (CSC) will help stabilize this vital funding as called for in tribal consultation over many years. Consultation will be held on the proposal, but tribes are looking forward to the reclassification, if possible even in FY 2016. Although NCAI would prefer that all treaty obligations in the federal budget were classified as mandatory, the CSC proposal is a very strong expression of support for Indian Self-Determination and we hope Congress will support it.

One-Stop Tribal Support Center: The budget request acknowledges BIA's important role as a central Federal services provider and coordinator in proposing $4 million to establish a One-Stop Tribal Support Center. The proposal would support tribes in accessing services across the Federal government. NCAI considers this an important proposal that could provide much needed technical support for tribal governments. The Office of Management and Budget (OMB) has released a Native American cross cut, which shows a large range of federal funds that are available to tribes. Tribal leaders have requested details on the type of federal resources, such as whether the funds are baseline recurring funding streams, competitive grants, tribal set-asides, or state pass through funds. While anticipating the outcome of DOI's tribal consultation and work through the White House Council on Native American Affairs to develop the center, NCAI considers the concept overall beneficial for Indian Country. While the goal of the center is to facilitate streamlined communication and information exchange to help tribes easily access federal programs and opportunities, emphasis should be made on stable base funding for tribal governments.

BIA Data Initiative: The President's budget includes $12 million to improve Evidence and Evaluation to Support Indian Affairs Activities. The proposed funding will be used to improve federal data quality and availability, to work with the U.S. Census Bureau to address data gaps for Indian Country, and create a capability within DOI's Office of Policy Analysis to support effective, data-driven, tribal policy making and program implementation. The goals include improving program performance, delivering more effective services, and helping deliver results to Indian Country. NCAI agrees that tribal leaders and communities need access to quality data and information as they make decisions, and has supported tribally-driven efforts in the past, such as the Tribal Data Exchange. The proposal includes $2 million for internal capacity building to study Indian Affairs policy, evaluate programs, and develop tribal datasets to support tribal decision-making. The proposal would offer staff to address statistical, economic, and evaluation issues. A second element of the proposal is $9 million for agreements with the Census Bureau to improve tribal data and address data gaps. The work would be to develop, test, and implement additional tribal data collection, increase the sample sizes for data collections on Indian lands, and develop protocols and datasets to allow federal agencies to present a more accurate socioeconomic statistics for Indian Country. The third element is $1 million for

outreach and consultation on data collection to address data and evidence gaps. Tribal leaders and decision-makers need the tools to define the contours of the modern Indian Country economy and whether the federal government is meeting its trust responsibility.

The data initiative could help BIA address NCAI's resolution ATL-14-084, "Recommendations for Addressing the State of Emergency in Federal Underfunding of the Trust Responsibility." Recommendations include: 1) all agencies must be required to regularly assess unmet obligations to tribes, comparing needs with available resources and identifying gaps in service delivery; 2) an assessment similar to the Indian Health Service's Federal Disparity Index should be replicated by other agencies, with the results used to prioritize spending and assess the status of programs; 3) a full-scale evaluation must analyze the spending patterns of every federal agency's funding of trust responsibilities; 4) OMB must develop government-wide standards for tracking spending on tribal programs.

Tiwahe: The FY16 budget would provide $15 million to expand the Tiwahe Initiative, $6 million more for Social Services (under BIA Human Services), $4 million more for law enforcement for alternatives to incarceration and $5 million more for aid to tribal family courts. NCAI strongly supported this initiative last year and urges Congress to continue funding for this initiative.

The Social Services Program provides a wide array of family support services filling many funding gaps for tribal programs and ensuring federal support for these programs. Importantly, the Social Services Program provides the only BIA and tribal-specific funding available for child protective services in Indian Country. It also funds BIA social workers at regional and agency offices and technical assistance to tribal social service programs. These funds are desperately needed. A recent assessment of BIA social services found that, in large part due to inadequate funding, tribes report frequent vacancies and staff turnover.[ii] Tribes commend the $5 million FY15 increase and urge that the momentum be continued. Another $6 million must be appropriated for this program.

NCAI also supports funding under the Indian Child Protection and Family Violence Prevention Act: $10 million for the Indian Child Abuse Treatment Grant Program, $30 million for the Indian Child Protection and Family Violence Prevention Grant Program, and $3 million for the Indian Child Resource and Family Service Centers Program. Increased investments in ICWA funds and Welfare Assistance should also be included.

The $5 million increase for tribal courts is also critical, which will complement the additional resources in Law Enforcement Special Initiatives, ensuring that the judicial branch of tribal public safety systems can effectively meet family and community needs under the Tiwahe initiative.

Education would see an increase of $138.4 million for BIE activities and construction. Increases include: $45.5 million for Elementary and Secondary Education; $12.9 million to fully fund Tribal Grant Support Costs; $10 million for the Education Program Enhancement program for incentive funding; $20 million for BIE maintenance and operations; $34.2 million for education information technology to enhance broadband and digital access; $4.6 million for scholarship and adult education and an increase of $250,000 for Special Higher Education Scholarships; $2.6 million for Johnson O'Malley. Education Construction would receive a $58.7 million increase,

for a total of $133.2 million. The increase includes $25.3 million for replacement school construction to complete construction on the final two schools on the 2004 replacement school priority list. Tribal leaders have strongly supported education in Indian Country, specifically scholarships and adult education as well as Johnson O'Malley.

BIA Natural Resources would receive an important increase of $48 million over FY 2015 for sustainable resource management and preparing and responding to the impacts of climate change, such as drought, wildfires, changes to plants and animals important to subsistence and culture, rights protection, coastal erosion and rising sea levels.

Indian Health Service: The Indian Health Service budget (IHS) request for FY16 of $5.1 billion in budget authority is an increase of $460.6 million (9.9 percent) above the FY15 enacted level. Tribes have requested $5.4 billion for the agency in budget formulation. While the IHS budget has made gains in the last several years, many of the increases funded contract support costs obligations, inflation and population growth. Moreover, the IHS Tribal Budget Formulation Workgroup estimates that a true Needs Based Budget for IHS would be $28.7 billion.

Environmental Protection Agency (EPA): NCAI supports EPA's requested an increase of $31 million for the Tribal General Assistance Program. This increase in base funding will increase the average size of grants made to eligible tribes and further EPA's partnership with tribes to address a wider set of program responsibilities. EPA acknowledges that tribal communities need assistance to address sanitation and drinking water infrastructure. To help address this situation, EPA is requesting a tribal funding floor of two percent, or $30 million for the Clean Water State Revolving Fund (SRF) or $20 million for the Drinking Water SRF, whichever is greater, of the funds appropriated in FY16. NCAI supports the efforts to address sanitation and drinking water infrastructure in Indian Country.

Conclusion: Many factors contribute to restoring wellness to Indian Country: developing sanitation systems,[iii] increasing tribal self-determination and accountability, easing housing overcrowding,[iv] addressing transportation needs, lowering poverty rates, eliminating food insecurity,[v] and strengthened tribal child welfare programs,[vi] for instance, all support health and wellness. Tribal nations and leaders often apply a holistic approach to healing, drawing on a sense of connectedness with culture, place and land. The federal government, in meeting its treaty and trust obligations, plays a key role in Indian Country. If Congress shrinks away from its commitments, the ensuing shortfalls lead to grave impacts to the harmony of tribal communities. But when the federal government honors its commitments based in the trust responsibility while promoting tribal self-determination, Native people and leaders can solve long-standing social and economic dilemmas.

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[i] US Commission on Civil Rights. (2003). *A quiet crisis: Federal funding and unmet needs in Indian Country*.

[ii] Department of the Interior, Office of Inspector General. (2012). Management of social services in BIA: Opportunity for action (Report No. WR-EV-BIA-0001-2012). (pp. 5-6)

[iii] Indian Health Service. (2000). The Sanitation Facilities Construction Program of the Indian Health Service, PL 86-121 Report for 2000

[iv] U.S. Centers for Disease Control. (2008) National Hospital Ambulatory Medical Care Survey: 2006 Emergency Department Summary. Retrieved from http://www.cdc.gov/nchs/data/nhsr/nhsr007.pdf

[v] Cook, J. T., Frank, D. A., Levenson, S. M., Neault, N. B., Heeren, T. C., Black, M. M., Berkowitz, C. Casey, P. H., Meyers, A. F., Cutts, D. B., & Chilton, M. (2006). Child Food Insecurity Increases Risks Posed by Household Food Insecurity to Young Children's Health. American Society for Nutrition

[vi] U. S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. (2014). Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence: Ending violence so children can thrive (p. 51).

Mr. CALVERT. Thank you. I appreciate the testimony. Patricia, you are recognized for 5 minutes. Thank you, you are excused.

Mr. CLADOOSBY. I have got Amber Ebarb here from the National Congress, if you have any questions. Amber.

Mr. CALVERT. Sure, we will get her name and put it in the record, and you are excused from the hearing. Thank you. Have a good day.

Patricia, you are recognized for 5 minutes.

WEDNESDAY, MARCH 25, 2015.

NATIONAL INDIAN EDUCATION ASSOCIATION

WITNESS

PATRICIA WHITEFOOT

Ms. WHITEFOOT. Good afternoon. [Speaking native language] Patricia Whitefoot. My English name is Patricia Whitefoot, and I am a citizen of the Confederated Tribes and Bands of the Yakima Nation, and I am President-Elect of the National Indian Education Association once again, and I am also former tribal counsel for the Yakima Nation in the State of Washington. Thank you, Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee for this opportunity to highlight several critical priorities for Native education. I have been working in Indian education for about 40 years, both at the tribal level, and also the state level as well, and in public education.

Native education is in a state of emergency. As Secretary Jewell recently stated, Indian education is an embarrassment to you and to us. Native students continue to lag behind their peers on indicators such as reading and math. Our students at BIE schools have not shared in the improvement nationwide—graduation rates that the Department of Education has been applauding. Rather, Native graduation rates hover around 50 percent in many states, contributing to the unemployment, substance abuse, criminal acts, and epic suicide rates that Chairman Cladoosby mentioned.

NIEA supports the Administration's recent initiative announced, Generation Indigenous, or Gen I, as young people will say. This initiative is a crucial step in the right direction, providing much needed attention and funding for Native education. The Gen I focus on wrap-around services is critical to providing a comprehensive approach for our Native youth.

National Indian Education also generally—is generally supportive of the BIE reform, however, in October, in Anchorage, Alaska, our membership passed a resolution urging transparency in the design and execution of the reform process. Tribes must be fully consulted and incorporated into this process, and Congressional oversight is necessary to ensure that reform fulfills the Federal Government's treaty and trust responsibilities. NIEA looks forward to working with the committees of jurisdiction and the Administration to make the BIE reform successful for all native students.

Although we welcome renewed commitment to Native education in the Administration's budget request, full funding is more vital. The written testimony we have submitted for the record provides

a more complete view of our budget priorities, but I would like to highlight four issues.

First, full funding of BIE school construction and repair is necessary, and it would cost $263.4 million. And as a former superintendent of a BIE funded school, I am very aware of these issues. Our BIE schools are in terrible disrepair, and are often dangerous for students and staff. Over 60 BIE schools are rated in the poor condition. Over 60—meanwhile, as the GAO has reported, better school facilities are associated with better student outcomes. The shameful disrepair of BIE schools continues to place Native students at an educational disadvantage.

We also believe that full funding would be more cost effective in the long run, rather than attempting to maintain decrepit facilities that really need to be replaced or renovated. The Federal Government has committed to bring Department of Defense schools to a good or fair rating by 2018. We need a similar commitment to improving the BIE schools.

Secondly, lack of technology also places our youth at a severe disadvantage. NIEA strongly supports the Administration's request for 40.5 million to provide broadband to all BIE schools over the next three years. The information technology gap severely disadvantages our Native students. Broadband is a critical component to instruction, and to ensuring that all of our students are prepared to work in the 21st century environment.

Third, we also support the Administration's request for $75 million to fully fund tribal grant support costs for tribally operated schools. Full funding for tribal grant support costs is critical, as these dollars help tribes expand self-governance and tribal authority over education programs by providing needed funding for administrative costs, such as accounting, payroll, and other legal requirements.

The BIE currently funds only 60—65 percent of support costs in the 125 tribally controlled schools and residential facilities under the BIE purview. This forces schools to divert critical education funding in order to cover shortfalls in operational costs, which makes it unrealistic to expect improved educational outcomes and bridge the achievement gap among Native and non-Native students.

Finally, we want to stress the importance of reinstating $620,000 for education in the BIE funded juvenile detention facilities. Education is critical to rehabilitation. Nonetheless, this account was zeroed out in 2012, while our children in detention centers lose human potential and critical learning, while being idle in these facilities.

We urge the reinstatement of this program that is so important to some of our most vulnerable Native youth. Thank you for this opportunity to address the Subcommittee, which has always made sure that our native education goals are submitting as a long term investment in our Indian nations. Native education is one of the most effective and efficient investments the United States government can make, and I hope that you will help us achieve our goals with our Native youth. I would be happy to answer any questions you may have. Thank you.

[The statement of Patricia Whitefoot follows:]

Testimony of Patricia Whitefoot, President-Elect
National Indian Education Association

before the

United States House of Representatives
Committee on Appropriations, Subcommittee on
Interior, Environment, and Related Agencies

March 25, 2015

Introduction. Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee, thank you for this opportunity to provide testimony on behalf of the National Indian Education Association (NIEA). Founded in 1969, NIEA represents Native students, educators, families, communities, and tribes. NIEA's mission is to advance comprehensive educational opportunities for all American Indians, Alaska Natives, and Native Hawaiians throughout the United States. As the premiere organization advocating for Native students, NIEA works to achieve educational equity and excellence, as well as to ensure that all students are provided high-quality academic and cultural education.

The State of Native Education. Native education is in a state of emergency. As Interior Secretary Sally Jewell has stated, "Indian education is an embarrassment to you and to us. It is not for the lack of desire. This [the Bureau of Indian Education] is the one part of the Department of the Interior that deals directly with services to children. We know that self-determination and self-governance is going to play an important role in bringing the kind of academically rigorous and culturally appropriate education that children need."[1]

The Department of Education has recently applauded the improvement in nation-wide graduation rates, particularly among students of color. Bureau of Indian Education (BIE) students, however, are not experiencing the progress in graduation rates that the rest of the country is celebrating, with Native graduation rates often around 50% in many states. Native students also continue to lag behind their peers on other important educational indicators, such as reading and math.[2]

Despite the pressing need for funding parity and equal access, historical funding trends illustrate that the federal government has been abandoning its trust responsibility by decreasing federal funds to Native-serving programs by over half in the last 30 years. Some Native students have been wholly abandoned, such as those languishing in BIA-funded juvenile detention centers—desks sit empty because education funding for those facilities was cut in 2012. Other Native students attempt to learn in buildings that are literally falling down around them. Abandoning school construction funding, in particular, has been extremely detrimental to Native youth, as the GAO has reported that better school facilities are associated with better student outcomes.[3]

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[1] Hearing before the Committee on Indian Affairs, S. Hrg. 113-92 (May 15, 2013).
[2] See the National Indian Education Study, http://nces.ed.gov/nationsreportcard/nies/.
[3] See GAO, School Facilities: Physical Conditions in School Districts Receiving Impact Aid for Students Residing on Indian Lands, GAO-10-32 (Oct. 29, 2009).

Meanwhile, the costs of underfunding Native education are enormous in both human and monetary terms. Low graduation rates can lead to increased substance abuse, criminal acts, and extended periods of unemployment. Our young people also face an epidemic of Native youth suicides, with some reservations having youth suicide rates ten times the national average. The Native education crisis also has severe economic consequences for Native communities. For instance, if the 25,000 Native students who dropped out of the Class of 2010 had graduated, an additional $295 million would likely have been added to total annual earnings, supplementing their local economies. Investing in Native education is one of the most effective and efficient investments that the federal government can make.

Generation Indigenous and BIE Reform. We welcome the Administration's Generation Indigenous initiative, which provides a step in the right direction in terms of recommending much-needed funding for Native education. The Administration's FY 2016 proposal changes the trajectory of a dormant funding history for the BIE since the Recovery Act of 2009. Sequestration and its devastating effects further exacerbated BIE's inability to support and transition BIE-operated schools to tribally operated schools. NIEA is generally supportive of BIE-reform. However, we urge transparency in the design and execution of the reform to include tribal participation, facilitate congressional oversight, and ensure that reform fulfills the federal government's trust responsibility regarding delivery of trust- and treaty-based educational rights.[4]

We also commend Congress for its commitment to fulfilling its trust responsibility to Indian Country, and particularly the members of this Subcommittee for making sure that Native education issues are always on the table.

FY 2016 Recommendations. Although NIEA welcomes the renewed commitment to Native education reflected in the Administration's FY 2016 Budget Request, the trust responsibility will continue to be undermined until the federal government fully appropriates funding to bridge the educational attainment gap. NIEA, therefore, respectfully provides the following FY 2016 recommendations.

- **Provide $5 million for Tribal Education Agencies/Departments (TEAs).** This funding, along with $5 million we have requested from the Department of Education assists TEAs, which are uniquely suited at the local level to implement innovative education programs that improve Native education. Tribes best understand the circumstances of their populations, and tribal self-determination over education results in improved education parity.

- **Provide $263.4 million for BIE school construction and repair.** Schools operating within the BIE system are woefully outdated and, in some cases, dangerous for students and staff. We strongly support the Administration's request for funds for school construction, which will replace the final two schools on the 2004 BIE replacement index and provide funding to replace individual buildings and plan and design additional schools in FY 2017. The Administration has requested $133.2 million, and we request an additional $130 million to fully fund school construction and repair. Over 60 BIE schools are currently rated in "poor" condition, and construction issues continue to put Native students at an educational disadvantage.

[4] See NIEA Resolution #2014-11.

Full funding of school construction would likely decrease overall costs over time, as less money would be spent attempting to maintain decrepit facilities. We also request report language requiring BIE updates on consultation regarding use of school construction funds and progress made expending these funds. Accountability, in addition to funding, is required to ensure that BIE's school construction funds are used to effectively and efficiently improve the educational opportunities of Native students.

- **Provide $109 million for BIE facilities operations and $76 million for BIE facilities maintenance.** BIE schools use facilities operations funding for electricity, heating fuels, communications, GSA vehicle rentals, custodial services, and other vital operating expenses. For years, schools have had a roughly 50% shortfall in facilities operations funds. BIE facilities maintenance funding addresses preventative and routine upkeep and unscheduled maintenance of school buildings, grounds, and utility systems. Maintenance underfunding is a serious problem, as buildings are in poor condition and cannot maintain proper standards.

- **Provide $73 million for student transportation in the BIE system.** BIE schools incur significant student transportation costs due to their often-rural locations and poor road conditions. High transportation costs lead to funding shortfalls, which then either go unpaid or divert direct educational funds.

- **Provide $40.5 million for educational technology.** We support the Administration's request for funding to enhance broadband and digital access for Native students. These funds will help bring broadband to all BIE schools over the next three years, narrowing the information technology gap that severely disadvantages many Native students.

- **Provide $5 million for BIE immersion programs.** Funding for Immersion Demonstration Grants would protect the cultural and linguistic heritage of Native students by providing Native students immersion learning to strengthen language, improve academic outcomes, and become future leaders of their tribes. According to UNESCO, 74 Native languages stand to disappear in the next decade, with only 20 Native languages being spoken by 2050. Immersion funding is critical to preventing the irreparable loss of Native languages.

- **Provide $7.5 million for BIE employee housing repair.** We support the Administration's request for funding for teacher housing repair, which will complement the $10 million set-aside the Administration has requested for the Department of Housing and Urban Development. Additionally, we request the Subcommittee support increased teacher salary funding, loan forgiveness, and other measures to help retain the quality teachers that Native students need and deserve.

- **Provide $42 million for full funding of the Johnson O'Malley (JOM) program.** The JOM program provides grants to supplement basic student needs. JOM funds have decreased from $95 to $76 per student since 1995. We request funds to increase the current allocation per student to previous levels and prepare for future student count increases.

- **Provide $75 million for tribal grant support costs for tribally operated schools.** Tribal grant support costs fund the administrative costs of existing tribally operated schools and

prevent diverting program funds to cover shortfalls in operational costs. We support the Administration's FY 2016 request to fully fund tribal grant support costs.

- **Reinstate $620,000 for education in BIA-funded juvenile detention facilities.** This funding was essential in providing educational services to detained and incarcerated youth at 24 BIA-funded juvenile detention facilities. Education is critical to rehabilitation, and the elimination in FY 2012 of this important program contributes to costly increases in recidivism. **We urge the reinstatement of this program that is so important for some of our most vulnerable Native youth.**

- **Provide $94.3 million for Title I and II under the Tribally Controlled Colleges and Universities Assistance Act.** Title I of the Tribally Controlled Colleges and Universities Assistance Act of 1978 provides day-to-day operating funds for 26 tribally controlled colleges and universities (TCUs), and full funding would require $77.3 million. Accounting for inflation, Title I TCUs have had their funding cut by over $1,500 per student since the program's initial FY 1981 appropriation. Despite economic constraints, Congress has an obligation to make these critical institutions whole. Under Title II of the Act, Diné College has indicated a need for $17 million to operate its multiple campuses and education sites.

- **Provide a One-Time Appropriation of $22 million to forward fund five TCUs.** Forward funding is necessary for Haskell Indian Nations University, Southwestern Indian Polytechnic Institute, Institute of American Indian Arts, Navajo Technical University, and United Tribes Technical College. These five tribal colleges are the only educational institutions funded through the BIE that are not forward funded, and they were in danger of closing their doors during the October 2013 federal government shutdown.

- **Provide $13.3 million to the Center for Lifelong Education and the Institute of American Indian Arts (IAIA).** These funds should be provided pursuant to the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act. The Center and the IAIA are important educational institutions for Indian Country. The IAIA, for instance, is the only four-year degree fine arts institution devoted to the study of contemporary Native American and Alaska Native arts, and it has graduated over 3,800 students. We request $9.3 million in funding with an additional one-time payment of $4 million to allow for forward funding.

- **Provide $36.9 million to the Haskell Indian Nations University (HINU) and Southwestern Indian Polytechnic (SIPI).** These TCUs, which were the first TCUs, are funded separately, and require additional funding considerations. Appropriations of $14.3 million to HINU and $8.5 million to SIPI are necessary to ensure adequate services are provided, and a one-time payment of $13.2 million would help forward-fund these institutions.

Conclusion. FY 2016 funding has the potential to begin to change the future for BIE students by ensuring that schools have the facilities and resources they need to provide a college- and career-ready, 21st century education. Education is the only way that we will break the cycle of poverty on the many reservations that have BIE-funded schools and enable Native children to have productive futures. NIEA urges Congress to fulfill its trust responsibility to America's most vulnerable children by ensuring they have the access to educational resources that they deserve.

Mr. CALVERT. Thank you. Thank you very much.
Ms. Keeler, you are recognized for 5 minutes.

WEDNESDAY, MARCH 25, 2015.

NATIONAL COUNCIL OF URBAN INDIAN HEALTH

WITNESS

DONNA KEELER

Ms. KEELER. Thank you. Good afternoon, and thank you very much for this opportunity to testify. I am Donna Keeler. I am an enrolled member of the Eastern Shoshoni, and I am from the Wind River Reservation in Wyoming. I am the Executive Director at South Dakota Urban Indian Health Clinics, and I am here today as the President of the National Council of Urban Indian Health. On behalf of 37 Urban Indian Health programs that operate in 21 states, and manage 43 sites, I appreciate the opportunity to testify.

As NCUI has previously testified, the 2010 Census data shows that 71 percent of American Indian and Alaska Natives currently live off reservation lands, and in urban centers. Unfortunately, the President's 2016 budget has marked the fourth straight year that the funding for Urban Indian Health fell below one percent of the total Indian health service funding.

In 2009 this Subcommittee asked IHS to carry out a national Urban Indian Health needs assessment, and preliminary data of the needs assessment showed that, out of the $43.6 million that fund 37 Urban Indian Health program, meets only 18.65 percent of the total need. It is also important to understand and know that 33 of the Urban Indian Health programs are solely funded under a single IHS line item, and we do not have access to funding appropriated to other areas of the IHS budget. Therefore, the 486 million increase that the Administration has proposed to the broader IHS budget will not benefit directly the Urban Indian Health programs, or the Native communities that we serve.

In addition, all too often, the Urban Indian Health programs are excluded from the laws intended to benefit American Indians and improve the quality of health care, and this is due to the lack of the understanding of the history of urban Indian communities, and the complexity of the Indian Health Services system, which IHS, tribal and urban.

The lack of information and bureaucratic complexity has led to the exclusion of Urban Indian Health programs from a number of critical protections enjoyed by IHS and tribal programs. For example, the recent Veterans' Access, Choice, and Accountability Act of 2014, the IHS and Department of Veterans are working to jointly submit a report to Congress on the feasibility and advisability of providing direct care services to eligible veterans. Urban programs are not included in that, and we struggled for years without the benefit of these of protections and inclusions, compounding the problem of limited appropriations, and a general lack of understanding of the program's critical role in fulfilling the Federal trust responsibility.

The most urgent of these protections would be the inclusion of urban programs in 100 percent a Federal match for Medicaid services. This is a protection enjoyed by IHS and tribal facilities. This protection is known as 100 percent F map, and this would provide states with 100 percent of the cost of payments made to Urban Indian Health providers for the care of American Indian Medicaid patients.

Urban Indian Health programs, unlike IHS and tribal health programs, we are not eligible for the protections under the Federal Tort Claims Act. And, consequently, Urban Indian Health programs are required to spend thousands of program dollars each year to purchase malpractice insurance for our medical providers. Extending this coverage to Urban Indian Health programs would require a legislative change.

We would like the Urban Indian Health line item to be considered mandatory, due to that this is the only defined line item in the funding of our programs. NCUI also respectfully requests the Subcommittee to re-commit itself to the success of the funding for UIH at rates of 284, $620 million. This goal should be achieved at an annual increase of $23.7 million over a 12 year period.

We are also standing behind the National Tribal Budget Formulation Work Group's recommendations in requesting full funding of the Indian Health Service budget at $29.96 billion. The tribal budget formulation process includes urban participation, and for the past two years has included increased recommendations for the urban line item of $10 million and $15 million respectfully.

I appreciate the opportunity to share a little more about the Urban Indian Health programs, and how we fall within the ITU system, and that the underfunding, or the reduced funding, of our programs is a serious issue that we really need to address. Thank you very much for this opportunity.

[The statement of Donna Keeler follows:]

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Testimony of Donna Keeler, President of the National Council of Urban Indian Health
House of Representatives
Appropriations Subcommittee on Interior, Environment, and Related Agencies
Native American Witness Day Hearing
March 25, 2015

Good afternoon my name is Donna Keeler, I am enrolled member of the Eastern Shoshone Tribe from the Wind River reservation in Wyoming, and I am the Executive Director of the South Dakota Urban Indian Health Clinics, and the President of the National Council of Urban Indian health. On behalf of the 37 Urban Indian Health clinics and programs, which are located in 21 states and have 43 individual sites, I am grateful to the Chairman for this opportunity to testify before the Appropriations Subcommittee.

The National Council of Urban Indian Health is disappointed that, for the fourth[1] consecutive year, the administration has rejected the tribes' recommendation for increased funding for urban Indian health[2], instead proposing a third year of funding at post-sequester funding levels.

As NCUIH has previously testified, 2010 Census data shows that 71% of all American Indians and Alaska Natives live in urban centers. Unfortunately, the President's FY2016 budget has marked the fourth straight year that funding for urban Indian health fell below 1%[3] to total Indian Health Service funding. In 2009, Congress passed a long-overdue increase to the urban Indian health line item, after a decade of neglect. All the while, the number of American Indians living in American cities has continued to grow, in part because of the high unemployment and limited opportunities on tribal lands.

In FY 2009, this Subcommittee directed the Indian Health Service to carry out a National Urban Indian Health Needs Assessment. Preliminary data from the Needs Assessment shows that the 43.6 million dollars that fund 37[4] Urban Indian Health programs meets only 18.65% of total need. The permanently reauthorized Indian Health Care Improvement Act made it a national

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[1]Testimony on, 'FY 2013 Budget Request of the Indian Health Service and of the Office of the Special Trustee for American Indians" for tribal recommendation, pages 7, 12. http://democrats.naturalresources.house.gov/sites/democrats.naturalresources.house.gov/files/content/files/2012-03-06testimony_jimnavajo.pdf .

[2] The Department of Health and Human Services Fiscal Year 2014, page 14.

[3] Information accurate as based on calculation of data from FY 2014.

[4] KRC, Indian Health Care Improvement Act (IHCIA) Written Testimony of Geoffrey Roth, Executive Director National Council of Urban Indian Health before House Committee on Energy and Commerce On National Health Care Reform June 24th, 2009. http://krc.ncuih.org/details?publication_id=315

policy of the United States to address the health disparities suffered by American Indians, including those living in urban areas. Achieving meaningful progress toward this goal will be impossible without a renewed commitment to urban Indian health care.

It is important to bear in mind that 33 urban Indian health programs (UIHPs) are solely funded from a single IHS line item, and do not have access to funding appropriated to the other areas of the IHS budget. Thus, the $486 million dollar increase that the Administration has proposed for the broader Indian Health Service budget will not directly benefit Urban Indian Health programs or the Native communities they serve. The UIHPs are there to provide health care for AI/AN patients when they live in urban settings, thus helping to form a complete circle of care with tribal and IHS health providers. Fulfilling its role in the circle of care for AI/AN patients, UIHPs provide culturally competent, non-duplicative health services to more than 150,000 enrolled members of federally recognized Tribes. It is crucial that Congress direct resources to the urban Indian health line item in order to provide health care services to urban Indian patients in the face of inflation, as well as to the much needed infrastructure expansion to accommodate an ever growing population of urban AI/ANs. The estimated potential user population of the UIHP is almost 1 million people, and that's just in cities that *already have* UIHPs. To continually underfund, or potentially zero out this line item, would be detrimental to the impact that UIHPs have tirelessly worked on to address serious health disparities experienced by urbans.

All too often, Urban Indian Health programs are excluded from laws intended to benefit American Indians and improve their quality of health, because of a lack of the understanding of the history of urban Indian communities and complexity of the Indian Health Services, Tribal and Urban Indian organization programs/providers system. Lack of information and bureaucratic complexity has led to the exclusion of Urban Indian Health Programs from a number of critical protections enjoyed by IHS and tribal health providers. For example, as required by the Veterans Access, Choice, and Accountability Act of 2014, IHS and the Department of Veterans Affairs are working to jointly submit a report to Congress on the feasibility and advisability of entering into and expanding certain reimbursement agreements for costs of direct care services provided to eligible Veterans who are not American Indian or Alaska Native. Urban Indian Health Programs have had a difficult time being included at the forefront of these types of consultations. Urban programs have struggled for years without the benefit of these protections and inclusions, compounding the problem of limited appropriations and a general lack of understanding of the programs' critical role in fulfilling the Federal Trust Responsibility.

Although, Urban Indian Health has already been included in protections such as Federal Employee Health Benefit Program which allows Tribes, Tribal Employers and Urban Indian Organizations carrying out programs under either the Indian Self Determination and Education Assistance Act (ISDEAA) or Title V of the Indian Health Care Improvement Act (IHCIA) to purchase the rights and benefits of the Federal Employees Health Benefits (FEHB) Program for their employees,[5] there is much more to be done. The most urgent of these protections would be

[5] Section 10221 of the Affordable Care Act incorporated and enacted S. 1790, the Indian Health Care Improvement Reauthorization and Extension Act of 2009, resulting in the addition of § 409 to the Indian Health Care Improvement Act (IHCIA). IHCIA § 409 (now codified at 25 U.S.C. § 1647b) allowing Tribes, Tribal Employers

the inclusion of urban programs in 100% federal match for Medicaid services - a protection already enjoyed by IHS and tribal facilities. This protection – known as 100% FMAP- would provide states with 100% of the cost of payments made to urban Indian health providers for service provided to American Indian Medicaid patients, rather than requiring the states to assume a percentage of the cost of Indian health care. While Medicaid is a complex program and my time this morning is limited, I can illustrate the importance of 100%FMAP to urban programs by recounting how our California programs lost 3.5 million dollars of Medicaid revenue per year because the state no longer included adult dental care as a reimbursable service. Because tribal health programs receive 100% FMAP, these facilities are not able to once again bill Medicaid for adult dental services. Urban Indian Health Programs, however, will not be able to receive Medicaid payment for these services, because of their exclusion from 100% FMAP. The Department of Health and Human Services has estimated that providing Urban Indian Health Programs with 100% FMAP would cost only 5 million[6] dollars each year. Fulfilling this request for 100% FMAP would require a small legislative change. NCUIH would be more than happy to work with the Subcommittee to provide additional information to assist in this effort.

Urban Indian Health programs, unlike IHS and tribal health programs are excluded from the protections of the Federal Tort Claims Act. Consequently, Urban Indian Health Programs are required to spend thousands of program dollars each year to purchase malpractice insurance for their providers. Given the extremely sparse funding that is appropriated to serve American Indians in urban centers, urban Indian health programs should not be required to spend these precious resources on insurance coverage – especially since IHS and tribal programs have long been exempted from this burden. Extending this coverage to urban Indian health programs would also require a legislative fix.

I appreciate this Subcommittee's dedication to Indian health care, and I appreciate your steadfast resolve to fulfill America's trust obligation to tribes during this era of fiscal austerity and limited resources. Urban Indian health programs are an excellent investment of federal resources, levering an average of $1.50[7] for every dollar appropriated to our line item. We would like the urban line item to be considered mandatory due to this being the only defined line item source of funding for our programs. NCUIH also respectfully asks the subcommittee to recommit itself to

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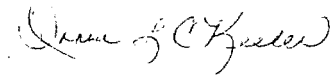
and Urban Indian Organizations carrying out programs under either under either the Indian Self Determination and Education Assistance Act (ISDEAA) or Title V of the Indian Health Care Improvement Act (IHCIA) to purchase the rights and benefits of the Federal Employees Health Benefits (FEHB) Program for their employees.

[6] Mark Merlis, "The Federal Employees Health Benefits Program: Program Design, Recent Performance, and Implications for Medicare Reform." The Henry J. Kaiser Family Foundation, May 2003. https://kaiserfamilyfoundation.files.wordpress.com/2013/01/the-federal-employees-health-benefits-program-program-design-recent-performance-and-implications-for-medicare-reform-report.pdf

[7] Testimony of D'Shane Barnett, Executive Director, National Council of Urban Indian Health To the U.S. House of Representatives Appropriations Subcommittee on the Interior, Environment, and Related Agencies Oversight Hearing: Indian Health, March 19, 2013. http://docs.house.gov/meetings/AP/AP06/20130319/100485/HHRG-113-AP06-Wstate-BarnettD-20130319.pdf

the success of this funding of UIHPs at rate of 284,620 million dollars. This goal could be achieved by annual increases of 23.7 million dollars over twelve years[8]. We also stand with the National Tribal Budget Formulation Workgroup's recommendation in requesting full funding of the Indian Health Service at 29.96 billion dollars. The Tribal budget formulation process does include urban participation and has for the past two years included recommendations for increases for the Urban line item ($10 million and $15 million, respectively).[9]In this same respect, we are grateful for the occasion to participate in Urban conferring opportunities (conferring letters submitted on the topics of Budget Formulation and Data Standards 12/31/14; Conferring session with IHS on 2/11/15 with Acting Director, Bob McSwain), as a tool to communicate with the federal government on specific Urban Indian health issues and concerns on our own behalf.

Thank you for the opportunity to speak, and I will be happy to take any questions you may have.



Donna LC Keeler
President, Board of Directors,
National Council of Urban Indian Health

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[8] 29.96 billion (IHS Total Budget Recommendation for FY 2017) *0.95% = 289,620 million 28,620/12(years0= 23.7million a year

[9] The National Tribal Budget Formulation Workgroup's Recommendation on the Indian Health Service FY 2015 Budget, May, 2013.
http://www.nihb.org/docs/07112013/FY%202015%20IHS%20budget%20full%20report_FINAL.pdf

Mr. CALVERT. Thank you for your testimony, Ms. Keeler.
Next, Maxine Feinberg, you are recognized for 5 minutes.

WEDNESDAY, MARCH 25, 2015.

AMERICAN DENTAL ASSOCIATION

WITNESS

MAXINE FEINBERG

Dr. FEINBERG. Thank you. Good afternoon, Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee. I am Dr. Maxine Feinberg, President of the American Dental Association, and practicing periodontist in Cranford, New Jersey.

Tooth decay in Indian Country has reached epidemic proportions. According to the Indian Health Service, more than 20 percent of one-year-old American Indian/Alaska Native children already have decayed teeth. The percentage rises significantly with age, 75 percent of five-year-olds having decayed teeth. American Indian/Native Alaska pre-school children have the highest level of tooth decay of any population group in the U.S., more than three times higher than white, non-Hispanic children. This is unacceptable.

The Administration has requested $181 million for the Division of Oral Health, a small increase that would barely accommodate population growth and the cost of living increases at current staffing levels. That amount is not sufficient to allow the Indian Health Service to expand services and improve delivery of oral health care. Sadly, it will not increase the Service's capacity to tackle the problem of oral disease in American Indian/Alaska Native communities, especially among children.

Preventing oral disease can lead to better overall health, as well as plus savings. A study in the Journal of the American Academy of Pediatrics found that children who had their first dental visit by age one were more likely to have routine dental visits, and lower dental related costs throughout their lives.

Community health representatives are increasingly aware of the importance of oral health for pregnant women and their babies. We know, from working with tribes, that the actual number of dentists needed is significantly greater than the number of advertised vacancies. Many more dental hygienists are needed. Currently there is only one hygienist for every four dentists. Currently there is only one hygienist for every four, while a ration of four hygienists to one dentist is the—would make the IHS more able to focus on prevention, which is the ultimate solution to the epidemic of untreated dental disease afflicting the American Indian and Alaska Native communities.

The ADA recently completed a pilot project to develop a new member of the dental team, the Community Dental Health Coordinator. The Community Dental Health Coordinator is focused on connecting patients with dentists. They work in communities to provide education on diet, dental hygiene, and the importance of good oral health. Equally important, they help connect people in need of care with dental teams that can provide it. Today 11 American Indian CDCHs are providing these services in 17 Native com-

munities. Community colleges nationwide are adopting the curriculum. We are working with the Navajo community to recruit members of that nation to train coordinators. We hope to expand that pipeline dramatically in the future.

Mr. Chairman, we are grateful for your efforts over the past two years to encourage the Indian Health Service to make the credentialing process simpler and more uniform. Unfortunately, despite your requests, this process continues to be a barrier to many of our member dentists, who would otherwise gladly volunteer their time to help care for people in Native communities. The IHS would, should, and could streamline this credentialing process.

The ADA is also grateful for the efforts of Congressman Valadao, who introduced the bill in the 113th Congress to amend the tax code to offer health care professionals who receive student loan repayments from the IHS the same tax free status enjoyed by those who received National Health Service core loan repayments. Making this loan repayment tax free would provide funding for an additional 109 awards, since the IHS is spending 20 percent of its Health Professions Account to pay these taxes. We understand that Congressman Valadao plans to re-introduce the bill in this Congress, and we urge you and your colleagues to please support this important legislation.

In 2013 dental care expenditures in the U.S. topped $111 billion, or 351 per capita. The proposed budget for IHS dental programs would allow only $82 of the 2.2 million served. That does not even cover one dental visit per year. We are requesting an additional $4 million for Fiscal Year 2016 in the Indian Health Service Division or Oral Health Account.

With this very modest increase, the division would be able to make strides in three important areas, purchasing portable equipment to provide care at the Bureau of Indian Education operated schools, expanding the number of clinical and preventive support centers and services, and expediting the implementation of the Electronic Dental Records Initiative.

Thank you again for this opportunity to testify. We appreciate your support of oral health care for American Indians and Alaska Natives, and we are committed to working with you, the IHS, and the tribes to aggressively reduce the level of oral disease in Indian Country. Thank you.

[The statement of Maxine Feinberg follows:]

ADA American Dental Association®

STATEMENT OF THE

AMERICAN DENTAL ASSOCIATION

TO THE

SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

COMMITTEE ON APPROPRIATIONS

U.S. HOUSE OF REPRESENTATIVES

ON

INDIAN HEALTH SERVICE APPROPRIATIONS

SUBMITTED BY

DR. MAXINE FEINBERG

PRESIDENT OF THE AMERICAN DENTAL ASSOCIATION

MARCH 25, 2015

Washington Office: 1111 14th Street NW Washington DC 20005 (202) 898-2400

Good afternoon Chairman Calvert, Ranking Member McCollum, and Members of the Subcommittee. I am Dr. Maxine Feinberg, President of the American Dental Association and a practicing periodontist in Cranford, New Jersey.

Tooth decay in Indian Country has reached epidemic proportions. According to the Indian Health Service, more than 20 percent of 1-year old American Indian/Alaska Native children already have decayed teeth. The percentage rises significantly with age, with 75 percent of 5-year-olds having decay. American Indian/Alaska Native preschool children have the highest level of tooth decay of any population group in the US: more than 3 times higher than white non-Hispanic children. This is simply unacceptable.

The Administration has requested $181 million for the Division of Oral Health, a small increase that would barely accommodate population growth and cost of living increases at current staffing levels. That amount is not sufficient to allow IHS to expand services and improve delivery of oral health care. Sadly, it will not increase the Service's capacity to tackle the problem of oral disease in American Indian/Alaska Native communities—especially among children.

Preventing oral disease can lead to better overall health as well as cost savings. A study in the Journal of the American Academy of Pediatrics found that children who had their first dental visit by age one were more likely to have routine visits and lower dental-related costs throughout their lives. Community health representatives are increasingly aware of the importance of oral health for pregnant women and their babies.

We know from working with the tribes that the actual number of dentists needed is significantly greater than the number of advertised vacancies. Many more dental hygienists also are needed. Currently, there is only one hygienist for every four dentists. With a ratio of four hygienists to one dentist, the IHS would be able to focus more resources on prevention, which is the ultimate solution to the epidemic of untreated dental disease afflicting AI/AN communities.

The ADA recently completed a pilot project to develop a new member of the dental team—the Community Dental Health Coordinator. CDHCs focus on connecting patients with dentists. They work in communities to provide education on diet, dental hygiene, and the importance of good oral health. Equally important, they help connect people in need of care with dental teams that can provide it. Today 11 American Indian CDHCs are providing these services in 17 Native American communities. Community colleges nationwide are adopting this curriculum. We currently are working with the Navajo to recruit members of that Nation to train as Coordinators, and we hope to expand that pipeline dramatically in coming years.

Mr. Chairman, we are grateful for your efforts over the past two years to encourage IHS to make the credentialing process simpler and more uniform. Unfortunately, despite your requests, this process continues to be a barrier to many of our member dentists who would

otherwise gladly volunteer their time to care for people in Native American communities. The IHS could and should streamline its credentialing process.

The ADA is also grateful for the efforts of Congressman Valadao, who introduced a bill in the 113th Congress to amend the tax code to offer health care professionals who receive student loan repayments from the IHS the same tax free status enjoyed by those who receive National Health Service Corps loan repayments. Making this loan repayment tax free would provide funding for an additional 109 awards since IHS is spending 20 percent of its Health Professions' account to pay these taxes. We understand that Congressman Valadao plans to reintroduce the bill in this Congress and we urge you and your colleagues to support this important legislation.

In 2013, dental care expenditures in the U.S. topped $111 billion, or $351 per capita. The proposed budget for IHS dental programs would allow only $82 for each of the 2.2 million people served. That doesn't even cover one dental visit a year.

We are requesting an additional 4 million dollars for the fiscal year 2016 IHS Division of Oral Health account. With this very modest increase, the Division would be able to make strides in three important areas:

- Purchasing portable equipment to provide care at Bureau of Indian Education-operated schools;
- Expanding the number of clinical and preventive support centers it services; and
- Expediting the implementation of the Electronic Dental Records initiative.

Thank you again for this opportunity to testify. We appreciate your support of the oral health care of American Indians and Alaska Natives and we are committed to working with you, the IHS, and the Tribes to aggressively reduce the level of oral disease in Indian Country.

Mr. CALVERT. Thank you, and thank you for your testimony. And I know oral health is important. Dr. Simpson here reminds us of that every day, as he eats his chocolate candy in front of us.

Mr. SIMPSON. And brushes my teeth.

Mr. CALVERT. And brushes——

Dr. FEINBERG. Yes.

Mr. CALVERT [continuing]. His teeth. Okay.

Ms. Whitefoot, I know that all of us here that have problems with school constriction—I know that has been a common theme here, and we are going to figure out a way to do this. I am on this, but I know the rest of the Committee feels the same way, and we have to get this done.

I am all for a BIE reform, and we will be looking closely at that also. What percent of Native Americans is it? 71 percent? Wow. I did not know that. That is—now, why is it that you are not eligible for the—in the Tort Claims Act?

Ms. WHITEFOOT. Well, I think a lot of it is—a lot of the Congressional stuff just does not understand the urban component of the IHS system. And when you really look at the system, it really is IHS for the Federal, the tribal, and then the urban programs. And so we have been included a lot of times by an ITU, where it is very clear that they meant to include urbans.

Mr. CALVERT. Um-hum.

Ms. WHITEFOOT. But more often than not, when, I think, just generally Congressional staff says Indian Health Service, well—and then tribes, that, when the language does not specifically say urban, you get attorneys looking at it like the VA, where we have a great relationship with the VA, and I think they really do want to—a contract with us to provide services for veterans——

Mr. CALVERT. So we——

Ms. WHITEFOOT [continuing]. But they just don——

Mr. CALVERT [continuing]. Need some language to clean that up?

Ms. WHITEFOOT. Exactly. And it—I think it is just an educational component too.

Mr. CALVERT. All right. Okay. Well, we are—we will see if we cannot work that up. Okay. Ms. McCollum?

Ms. MCCOLLUM. So—following up on that, so does each Urban Health Program have to buy its own policy, or do you buy one malpractice policy for——

Ms. KEELER. We each buy our own.

Ms. MCCOLLUM. So even if you could buy one malpractice policy, you may or may not have some savings, we do not know?

Ms. KEELER. Right.

Ms. MCCOLLUM. Okay. I have a question. Our Urban Indian Health Center in Minneapolis is not just an Urban Indian Health Center, it is also part of a larger community center.

Ms. KEELER. Right, um-hum.

Ms. MCCOLLUM. So how does that work, I mean, for doing malpractice insurance, and all that? How many of those do you have? And when you talk about full funding, then you have got a building, and all kinds of other things involved in it. So how many do you have that are stand-alones? And if you do not have that number on you right now today, that is fine. And how many do not you

have that are stand-alones? Because I think you would have to—this Committee would have to look——

Ms. KEELER. Um-hum.

Ms. MCCOLLUM [continuing]. At what it was doing, based on—

Ms. KEELER. Right.

Ms. MCCOLLUM [continuing]. The formula dollars that were going in.

Ms. KEELER. Right.

Ms. MCCOLLUM. So if you could get back to the Committee with that, that would be very helpful.

Ms. KEELER. Okay.

Ms. MCCOLLUM. I would appreciate that.

Ms. KEELER. Okay.

Ms. MCCOLLUM. And then, Mr. Chair, I brought this up earlier, Ms. Whitefoot, that when the authorization language for college education for students was first written back, many, many years ago, decades ago, was $8,000. And I just checked with staff, and we are about at $6,300 per student right now. And so if—in the—when the Act was, you know, fully—if it would have been fully funded at 8,000 back when it was enacted, and you would have cost for inflation, we would be well beyond the $8,000.

And there is a real misconception—I run into this every once in a while with people in Minnesota, and they are of good heart, they mean this very sincerely, they go, well, Native Americans go to college for free. And I—that is a real urban legend, urban myth, right?

So what—where should this Committee—and we are not going to be able to do everything all at once, but starting to set our sights for this year and future years, if you could get back to us where we should be—not just the 8,000, because that does not adjust for inflation—where we should be supporting our tribal colleges and universities?

Mr. Chair, I will close with this. I know that if you talk to a lot of our colleagues on both sides of the aisle, they know about the black historically colleges. They know about the Hispanic higher education institutions. They could have a two year tribal college in their district, and they do not even know it.

Ms. WHITEFOOT. Right.

Ms. MCCOLLUM. So we need to do a better job about promoting tribal colleges. So if you could get us that information, and give it to the Committee, I would appreciate it in the future.

Ms. WHITEFOOT. Great job, and I agree with you. Thank you very much.

Mr. CALVERT. Thank you.

Mr. Simpson.

Mr. SIMPSON. Thank you, Mr. Chairman. Dr. Feinberg, thanks for your testimony, and thanks for the work that the ADA does on behalf of the real problems that we face in this country. As I have traveled around to different Reservations all across the country, you always seem to take me into the new clinic and show me the dental part that they put in there. And so I have seen all the dental clinics across the country, and, frankly, I have thought about going back and practicing dentistry in some of them. Some of them are pretty nice.

Dr. FEINBERG. They are beautiful.

Mr. SIMPSON. One of the real challenges is——

Dr. FEINBERG. Putting a dentist——

Mr. SIMPSON [continuing]. Doctors out there. And I thought for a long time what we need to do is a better job of recruiting Native Americans into the dental profession. They are more likely to go practice back in their homes and on reservations, and mostly where they came from, than trying to attract other people, although we do the best we can in trying to attract people.

And some of these reservations are out in the middle of nowhere. There are no major cities next to them, or even minor cities next to them, and even finding housing for someone that would want to go there and practice is a difficult thing. So it is challenging, but I appreciate the work the ADA does.

Dr. FEINBERG. I was just at a program in Southern California, Congressman, with a group of a few hundred pre-dental students that volunteer in free dental clinics, and a number of the students were from very diverse backgrounds, and a few of them were Native American students. And the people there were really working to help these kids get into dental school and succeed. So——

Mr. SIMPSON. Good.

Dr. FEINBERG [continuing]. There is a future.

Mr. SIMPSON. Good. Ms. Whitefoot, let me ask you—well, I have been thinking whether I should do this or not, because this could be taken wrong. And we probably ought to have a conversation outside of this room, and outside of the hearing on it, but I have been perplexed over the years. Everybody agrees with you, everybody that has been there——

Ms. WHITEFOOT. Right.

Mr. SIMPSON [continuing]. That we have schools on reservations that we send Indian children to that, frankly, I have said, and not exaggerating, that I would not send my pets to. We have got to do something about it. It is a disgrace.

Ms. WHITEFOOT. Right.

Mr. SIMPSON. And this Committee has been committed to trying to address that, and we are going to do it under Chairman Calvert's leadership, and he has got some ideas on how to do some of these things, and I think we are going to make progress on that.

The question I have, and I do not know how to phrase this right—I grew up in Blackfoot, Idaho.

Ms. WHITEFOOT. Right.

Mr. SIMPSON. It is a town of 10,000. The Southern border is the Fort Hall Indian Reservation. Most of the children came to Blackfoot to go to school. They did not have a school there at the time on the reservation. They since have built one. It is a darn good school.

So I grew up with a lot of Native American children in our school. And as I look back at it, if you took the block of Native American students, and the block of white students, you would say that the Native American students were certainly underperforming from where the white students were. It is not because white students were smarter. The Indian kids were just as smart as all the white kids. We had the same teachers, we had the same materials,

supplies, and the same building. What is it that we need to do to prove their success?

When you say 50 percent of students do not graduate, there is something there that is beyond just the materials, the buildings, and those kind of resources. What do we have to do to make that successful? I know that is a question that probably you all struggle with every day and there is no easy answer that can be given here on this panel, and that is why I question whether I should ask it. We need to have this conversation beyond that, because obviously, to the future success of these kids, this is very important.

Ms. WHITEFOOT. Right. I appreciate the question, and just—I am just thinking about my own high school experience. And you have probably heard this from others, I am almost at 50 years when I graduated in White Swan, Washington, which is on the Yakima Reservation. Very rural remote, similar to Sho-Ban, the Shoshone-Bannock Blackfoot area.

And in—when I began in education, it was about 40 years ago, as a parent volunteer with Head Start, and have since managed all the tribes' education programs, plus worked up the state level in public education, and then back in public schools again, teaching. When I think—I ask myself that same question too, but I—for me, what is important, as a former travel leader, is making sure that the tribes are at the table on any issue.

And some of the testimony and recommendations I have been making not only here, but you as members of Congress, but also at the state level and county levels, is that the tribes need to be in control. We have—NIEA has made recommendations for a tribal education department, so that comes from tribal leaders who are saying we need to have tribal education departments.

And I have worked in various public schools on the Navajo reservation, and also on—in Washington, public schools from preschool to higher education. Unless tribes are in control about education, we are not going to, I think, make very much progress, because I think one of the things that I have seen is we are dealing with, you know, state policies, Federal policies, you know, the—Leave No Child Behind, and all of that. Tribes were not necessary at the table in discussing the implications of what Title 1 means back in our home communities, what my good education is, and what our interpretation of my good education, and homelessness—so there is a lot of interpretation, and I think dialogue, that needs to go on on all of the acts of the No Child Left Behind. Just—when you just hear that phrase, it just says, I just want to say, No Child Left Behind, just give me a break. Where were the tribes when that was being, you know, legislated?

And so, simply, I think where I have seen some differences, and I watch the test scores over the years, and see where—in our case, in the school district that I work, I have seen our children make progress, however, as they go from, you know, elementaries where they are doing exceptionally well—however, those transition points from elementary to middle school, middle school to high school, and high school, if you go on to college, there are some key issues just with education in general. There is just a need for a lot of work to be done, just with education in general. We are talking about career readiness, college readiness.

I am I am also on the Board of Trustees for a community college, and colleges also struggle with this as well, in addressing some of those issues of, you know, reading skills, match skills, with just—students have graduated from high school, so there is just a need for complete re-work as of just education in general, as far as I am concerned.

Mr. SIMPSON. Thank you. Thank you for being here today, and one of the things we have focused on is that if we are going to improve Indian education. It has got to be the tribes themselves that do it. I appreciate it. Thank you. Thank you all.

Mr. CALVERT. Thank you, and, if there are no further questions, we certainly appreciate your testimony today, and have a good day, you are excused.

Our next panel, and our last panel, Mr. Lester Secatero, right here on my right. Mark LeBeau, right next to him. Laura L. Quaha, and Brandie—is it Greany? Greany, okay. Treasurer, I should know that. Have a seat. We got everybody in the right order here? Okay. Is—Brandie is not here today?

Ms. GREANY. I am.

Mr. CALVERT. There you are, okay.

Ms. GREANY. Would not miss my opportunity.

Mr. CALVERT. There you go, yes. Somebody from back home, you got to have you here, yeah. Big old—empire.

Ms. GREANY. That is right.

Mr. CALVERT. Okay. Most of you have been here before and know the rules of the Committee. Five minute rule, but we certainly appreciate having you back. Lester, you are recognized for 5 minutes.

WEDNESDAY, MARCH 25, 2015.

NATIONAL INDIAN HEALTH BOARD

WITNESS

LESTER SECATERO

Mr. SECATERO. Mr. Chairman, members of the Committee, good afternoon, and thank you for holding this hearing on Fiscal Year 2016 budget. My name is Lester Secatero, and I am Chairman of the National Indian Health Board, and I also serve as a Chairman of—Health Board. I am a member of the—Band of Navajos. I am of the Mexican clan, born for—people, and IHB is a 501(c)(3) nonprofit organization which was formed by the tribes over 40 years ago to advocate on behalf of tribes in Indian Country when it comes to health concerns.

As the Committee is aware, historically trauma, poverty, and lack of adequate resources continue to plague tribal communities. Native Americans have a life expectancy of 4.2 years less than other Americans, and we suffer significantly higher mortality rates from suicide, Type II diabetes, and heart disease.

These disparities are not surprising when you look at the amount spent per capita in the Indian health care system. Per capita expenditures rise as patients are about 5,000 per year than that spent on the average American health care. In fact, IHS spending per capita is lower than all the other Federal health delivery pro-

grams. Fortunately, the investments made by this Committee are making serious progress. Thank you for your tireless support of Indian Health budget, leading to 39 percent increase in IHS funding since fiscal year 2008.

Still, we have a long way to go. Many of the increases in the IHS budget have not been direct health care expansion. When considering staffing for new facilities, inflation, medical inflation, population growth, and contract support cost obligations, which should have been appropriate all along, an effective increase which would allow tribes the resources necessary to actually improve health care is minimal. This would explain why the net effect that these increases, the actual level of need as calculated by IHS is still between 50 and 60 percent. We need to do more. Tribes have requested 28.7 million to fully fund the IHS in Fiscal Year 2016.

For example, NIHB recently received testimony from a man named Julian Shields. He is the Health Director for the Fort Peck Tribes in Montana. Mr. Shields injured his shoulder in December of 2012. It was not until July 2013, seven months later, that he received a referral from IHS for an MRI.

At the times, it was determined that he would need surgery, which was scheduled October, almost a year after the original accident. The surgeon told Mr. Shields that the procedure would not be fully successful because there was too much time between referral and surgery. Native Americans with private insurance live with these realities, yet situations like these, and many serious situations, are common American—in Alaska Native communities.

We appreciate that the Committee continues to recognize—as a priority, and urge you to resume the support in Fiscal year 2016. NIHB also supports the budget request to move contract support costs to mandatory funding, and encourages Congress to work to enact this change as soon as fiscal year 2016. The legislative change will guarantee legal compliance with fully paid contracts—while ensuring that these premiums do not take limited funds from other areas of IHS services budget.

Finally, NIHB would like to—support of advanced appropriations for the Indian Health Service. Advanced appropriations will allow IHS and tribal health providers more consistency as they plan and execute their budget. This means better care for patients, and more efficient use of taxpayer funds.

For example, when—Association, an Alaska Native Health provider, purchased this heating oil, it was cheaper to buy in September because they pull it in by barge. By December the oil must be flown in, a significantly greater expense. The Sault St. Marie Tribe in rural Michigan—that they lost six medical providers during the shutdown in 2014. With—the doctors said they were not sticking around. These types of problems can be avoided with advance appropriations.

Thank you again for the opportunity to testify here today. Indian Country is truly grateful for the work that has been done at this Committee to realize the increases in IHS budget. We still have a lot to do to ensure the Federal Government fulfills its just responsibility towards Indian Country and end the health disparities experienced by our people. We look forward to working with you as you develop your fiscal year 2016 budget. Thank you.

[The statement of Lester Secatero follows:]

National Indian
Health Board

TESTIMONY OF THE NATIONAL INDIAN HEALTH BOARD
LESTER SECATERO, CHAIRPERSON
AMERICAN INDIAN & ALASKAN NATIVE PUBLIC AND OUTSIDE WITNESS HEARING
HOUSE APPROPRIATIONS COMMITTEE, SUBCOMMITTEE ON INTERIOR
MARCH 25, 2015, 3:00PM

Chairman Calvert, Ranking Member McCollum and Members of the Subcommittee, thank you for holding this important hearing. On behalf of the National Indian Health Board and the 566 federally-recognized Tribes we serve, I submit this testimony on the Indian Health Service FY 2016 budget.

The federal promise to provide Indian health services was made long ago. Since the earliest days of the Republic, all branches of the federal government have acknowledged the nation's obligations to the Tribes and the special trust relationship between the United States and American Indians and Alaska Natives (AI/ANs). The United States assumed this responsibility through a series of treaties with Tribes, exchanging compensation and benefits for Tribal land and peace. The Snyder Act of 1921 (25 USC 13) legislatively affirmed this trust responsibility. Since its creation in 1955, IHS has worked to fulfill the federal promise to provide health care to Native people. In 2010, as part of the Indian Health Care Improvement Act, Congress reaffirmed the duty of the federal government to AI/ANs, declaring that "it is the policy of this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians -- to ensure the highest possible health status for Indians and urban Indians and to provide all resources necessary to effect that policy." [1]

Devastating consequences from historical trauma, poverty, and a lack of adequate treatment resources continue to plague Tribal communities. AI/ANs have a life expectancy 4.1 years less than other Americans and suffer significantly higher mortality rates from suicide, type 2 diabetes, and heart disease than other Americans. According to CDC data, 45.9 percent of Native women experience intimate partner violence, the highest rate of any ethnic group in the United States. American Indian / Alaska Native children have an average of six decayed teeth, when other US children have only one. These health statistics are no surprise when you compare the per capita spending of the IHS and other federal health care programs. In 2014, the IHS per capita expenditures for patient health services were just $3,107, compared to $8,097 per person for health care spending nationally.

The following recommendations follow the recommendations of the Tribal Budget Formulation workgroup for FY 2016.[2] Tribes recommend **$28.7 billion** to fully fund IHS. This includes amounts for personal health services, wrap-around community health services and facility capital investments. Within this $28.7 billion is: **$14.9 billion** for Medical Services; **$1.5 billion** for Dental and Vision Services; **$3.5 billion** for Community and Public Health Services; **$8.8 billion** for facility upgrades and upfront costs (non-recurring investments)

FY 2016 President's Budget Request – The administration has proposed $5.1 billion for IHS for FY 2016. This is $460.6 million above the FY 2015 level and as pointed out by the administration, a 53% increase over the FY 2008 Enacted budget. Overall, we believe that the current request contains many provisions that will be beneficial for Tribes. However, we must point out that the recent increases have

[1] Indian Health Care Improvement Act, §103(2009).
[2] The full FY 2016 Tribal Budget Request is available at http://nihb.org/legislative/budget_formulation.php

not allowed for program expansion. When considering staffing for new facilities, inflation, medical inflation, population growth, and Contract Support Cost obligations, the effective increase is minimal. This would explain why the reported net effect of these increases on the actual level of need, as calculated by IHS, is still hovering at a flat 56-59%. Instead of comparing appropriations levels, a better measure would compare the President's proposed FY 2016 budget of $5.1 billion and the Tribal recommended full funding level of **$28.7 billion**. The proposed budget amount is actually 17% of the total needed to adequately fund the Tribal Health System in a manner which would bring parity with the rest of the nation.

For FY 2016, to begin the 12 year phase-in of the full $28.7 billion request, Tribes recommend **$5.4 billion.** Within the $5.4 billion, Tribes have several priorities including *Purchased/Referred Care (PRC); Hospitals and Clinics; Mental Health; Alcohol & Substance Abuse Services;* and *Health Care Facilities Construction.*

Purchased/Referred Care (PRC) – In FY 2016, Tribes recommend **$1.1 billion** for the Purchased/Referred Care (PRC) program. This is $142.8 million over the FY 2016 request and $213.2 million above the FY 2015 level. The PRC budget supports essential health care services from non-IHS or non-Tribal providers and includes inpatient and outpatient care, emergency care, transportation, and medical support services such as diagnostic imaging, physical therapy, laboratory, nutrition, and pharmacy services. These funds are critical to securing the care needed to treat injuries, cardiovascular and heart disease, diabetes, digestive diseases, and cancer, which are among the leading causes of death for AI/ANs. In FY 2013, PRC denied over $760 million for an estimated 146,928 services needed. Tribal providers are not required to report denials, so the actual shortfall is likely to be far higher. It is critical that this account continue to be prioritized by Congress.

Hospitals and Clinics – In FY 2016, Tribes recommend **$2.1 billion** for Hospitals and Clinics (H&C) which is $194 million over the FY 2016 President's request and $293 million over the FY 2015 enacted level. This core budget line item provides for the direct service delivery to AI/ANs. IHS/Tribal/Urban Indian (I/T/U)-managed facilities are often located in rural settings with service at many locations limited to primary care, due to inadequate funding. IHS H&C face tremendous challenges. Some of these factors include: an increased demand for services related to trends in significant population growth, an increased rate of chronic diseases, rising medical inflation, difficulty in recruiting and retaining providers in rural health care settings, and the lack of adequate facilities and equipment. For many AI/ANs, IHS represents the health care access in its entirety, both in terms of monetary resources but also facility access. Consequently, any underfunding of H&C equates to *no health care*. For many in Indian Country, there are no alternatives.

Despite a proposed increase by the Administration, the FY 2016 budget request leaves out any increases for Tribal Epidemiology Centers (funded via H&C). These organizations work in partnership with the local Tribes to improve the health and well-being of their Tribal community members by offering culturally-competent approaches that work toward eliminating health disparities that are faced by AI/AN populations. In short, the Epi-centers serve as the public health authorities for Indian Country. This work is critical in reducing health disparities for AI/ANs. Yet, the agency continues to ask for level funding for this program meaning each center receives only $360,000 each year. This is not nearly enough to do this important work.

Mental Health – In FY 2016, Tribes are recommending **$136.3 million**. This is $51.8 million above FY 2015 and $55.1 million above the President's FY 2016 request. Expansion of mental health services are critically needed. In 2007, the National Center for Health Statistics noted that AI/ANs experience serious psychological distress 1½ times more than the general population. AI/ANs has the highest rates of suicide of any group in the U.S. for all ages. An eleven-year study (1999-2010) by Dr. Jacqueline Gray, University of North Dakota, reveals the suicide rate for AI adolescents and young adults from 15-34 is 2.5 times the national average for that age group. According to the American Foundation for Suicide Prevention, "90% of individuals who die by suicide had a diagnosable psychiatric disorder at the time of their death..." However, without adequate resources to address mental health needs, suicide rates for AI/ANs will continue its current trend.

Access to adequate care, from local paraprofessional providers to contracted specialty care providers, is critical to address the vast mental health needs for American Indians and Alaskan Natives who seek care from their Tribal health and direct service facilities. While the proposed $3.3 million increase appears to be substantial, it is important to note that there is little room for program expansion within the mental health budget. Within this increase, $1 million is for inflation; $1.3 million is for population growth; $616,000 is for pay costs; and $433,000 is for staffing of new facilities. What the administration shows as a 4% increase, is really not a program increase at all. We urge the Committee to carefully consider this as it proposes IHS budget priorities for FY 2016.

Alcohol and Substance Abuse – In FY 2016, Tribes recommend **$243.3 million** for the alcohol and substance abuse line. This is $16.3 million above the President's request and $52.3 million above the FY 2015 enacted level. Of the challenges facing AI/AN communities and people, no challenge is more far reaching than the epidemic of alcohol and other substance abuse. Now that Tribes manage a majority of alcohol and substance abuse programs, IHS is in a supportive role to assist the Tribes plan, develop, and implement a variety of treatment modalities. The collaboration has resulted in more consistent evidenced-based and best practice approaches to address substance abuse disorders and addictions. Successful treatment approaches include traditional healing techniques that link the services provided to traditional cultural practices and spiritual support.

NIHB is encouraged by the $25 million investment for the Methamphetamine Suicide Prevention Initiative in the FY 2016 request in order to hire additional "behavioral health staff positions focused on child, adolescent, and family services" (CJ-93). The FY 2016 request also includes $25 million in the Substance Abuse Mental Health Service Administration (SAMSHA) budget to develop community- or system-level infrastructure and service linkages and provide support for suicide and substance abuse prevention activities. These proposed investments are important. Tribes encourage the Committee to provide oversight to ensure that funds are coordinated across agencies. While the IHS is often the primary health provider for Indian Country, the federal trust responsibility is not limited to one agency or federal department. Tribes have asked that the Administration develop a plan of action, led by HHS that will demonstrate how programs for mental health and substance abuse, serving AI/ANs, are coordinated across agencies.

Health Care Facilities Construction – Health Care Facilities Construction funds support construction of functional, modern IHS and Tribally operated facilities and staff quarters. IHS utilizes a priority list to construct new facilities. According to the IHS, there was a $2 billion backlog on this list as of April 2014. Dedicated resources for construction should be one of the highest priorities of the federal

government and is necessary to improve quality of health care for hundreds of thousands of American Indians and Alaska Natives. The Administration's recommended $100 million increase in FY 2016 is much-needed and Tribes are pleased to see this proposed investment in the FY 2016 request.

Contract Support Costs – The FY 2016 Budget request also proposed that Contract Support Costs are funded on a mandatory basis starting in FY 2017. NIHB supports this request, and encourages Congress to work to enact this change as soon as FY 2016. This legislative change will guarantee legal compliance to fully pay Contract Support Costs, while ensuring that these payments do not take limited funds from other areas of IHS services budget. Creating a mandatory funding pathway for CSC must hold harmless other areas of the IHS budget. Taking allocations from other discretionary areas of the IHS budget to fund CSC will continue to widen the existing funding disparity, and the health of our people will suffer.

Other Recommendations – Tribes have also proposed other budget-related recommendations for IHS in FY 2016. One of these priorities is support for **advance appropriations for IHS** which would allow Tribes to have predictability on the IHS budget and place IHS on parity with other federal health providers. This Committee had a hearing on related legislation last year, and we hope to continue this progress in the 114th Congress.

Tribes continue to call for legislation that would require that purchased/referred care reimbursements to non-hospital providers are made at "**Medicare Like Rates** (MLR)." In December 2014, the IHS issued a proposed rule that would require Medicare-Like Rate payments for non-hospital based services, but we believe the enactment of legislation will make this provision stronger and more effective. NIHB and Tribes encourage Congress to swiftly enact the legislative change to make PRC subject to Medicare Like Rates for all non-hospital providers and suppliers which would result in millions of dollars in savings each year.

The **implementation of the IHCIA** remains a top priority for Indian Country. IHCIA provides new authorities for Indian health care, however additional funding is needed to fully implement the Act. The recommendations are to improve and enhance the services that IHS already provides; however, at least an additional $300 million is needed in order to begin to implement and fund the new authorities. Tribes fought for over 10 years to renew the Act, and Congress should act to fulfill the promises in the 2010 law.

As noted above, the trust responsibility for health extends beyond the IHS. We also encourage this Subcommittee to work with **other agencies at the Department of Health and Human Services to ensure that funds reach Tribal communities**. These agencies include, but are not limited to, the Centers for Disease Control and Prevention, SAMHSA, the Health Resources and Services Administration, and the Administration for Children and Families. Specific funding "set asides" for Tribes or language directing the HHS to fund Tribal communities specifically could be ways to ensure that appropriated dollars reach Tribes.

Thank you for the opportunity to offer this statement. We look forward to working with the Appropriations Committee as Congress considers FY 2016 Appropriations. If you have any questions, please do not hesitate to contact the National Indian Health Board.

Mr. CALVERT. Thank you, Lester, appreciate your testimony. Next, Mr. Mark LeBeau. You are recognized for 5 minutes.

WEDNESDAY, MARCH 25, 2015.

CALIFORNIA RURAL INDIAN HEALTH BOARD, INC.

WITNESS

MARK LEBEAU

Mr. LEBEAU. Thank you. Well, good afternoon, Chairman, and Committee members. My name is Mark LeBeau, and I am the California Rural Indian Health Board's Executive Director. Thank you for giving CRIHB the opportunity to testify about funding of the Indian Health Service. At CRIHB, similar to other tribal organizations across the country, many of us stand in the shoes of the Indian Health Service, and that ability is authorized by the Indian Self-Determination Act, which was originally signed in the 1970s by a President named Mr. Nixon.

Since that time, CRIHB provides health care services and technical assistance to a whole series of tribal clinics in California, and multiple tribal governments throughout the state. CRIHB was founded back in '69 to advocate for the return of Federal health services in California. Prior to the 1960s, of course, many tribes across the country experienced Federal termination, and that also pulled out a lot of health care funding, education funding, housing funding, road support, et cetera. But CRIHB was designed specifically to advocate for the return of IHS funding into California. Working with tribes across the state, we were successful. Today there are over 32 tribal health systems throughout the state. They serve over 80,000 Indian Health Service patients.

While our health in California has improved, and our population is growing, we still face some of the worst health inequities of any underserved population in the United States. Here are our requests. We request first that the Indian Health Service be funded at or above the level proposed by the Administration. Right now it is about 5.1 billion that is being proposed. We appreciate that this is a 460 million increase from 2015, but we are concerned that a large part of the increase may go towards contract support costs, and shortening health care service line items in other parts of the IHS budget.

The health care services line items are still not fully recovered from sequestration, and it is important to underscore that tribal health organizations have calculated that IHS needs over 18 billion just to bring the system up to part with other comparable health care delivery systems.

Second, we ask that the Committee consider funding the IHS Facilities Maintenance and Improvement Fund in the amount of 105 million. This line item has been flat-lined for many years at around 54 million, despite the fact that millions of square feet of facility space have entered into the IHS facility inventory during that same period. While the Administration has requested about 89 million, this is not enough to maintain the national investment of millions of dollars of Federal and tribal construction funding.

In California this funding is critically important because, despite many years of trying, and more than 50 applications being submitted to IHS, no tribal clinic or hospital facility has ever been put in California, nor added to what is called the IHS facility construction priority list. As a result, tribes in California, a state with more American Indians and Alaska Natives, more fairly recognized tribal governments than any other state, have had to cobble together funding, taking out loans in order to build Federal tribal health facilities for a growing population to assist IHS in fulfilling its just responsibility in the delivery of health care. If maintenance and improvement funding is increased, our share will go a long way to help maintain and improve those tribal clinics, and we can do a little bit of extra funding.

Third, we are requesting a professional and objective re-evaluation of the IHS facilities construction priority system. It has not been substantially revised since 1991. It is long overdue. The current list creates a backlog of about $1 billion in order to move through all of the tribal clinics that are on the list. It will take somewhere between 15 to 20 years to work through that list. Most of the listed facilities would provide inpatient care that today is provided as outpatient health care services. Again, there is no tribal clinic on the list, even though 50 applications have been submitted over many, many years. If we were to get on the list, we might be looking at 60 to 70 years to actually get a tribal clinic built in California.

Fourth, CRIHB has testified before about the lack of fundamental fairness in IHS allocation of contract health services, which is now referred to as purchased and referred care. The inequity has resulted in compromised care for our service population. It has been documented in numerous Government Accountability Office reports, the most recent from 2012. The foundation of the allocation method, the use of what is called base funding, is not tied to any measure of actual need. Instead, it is based on what a given program received the year before.

Today, Committee, CRIHB asks that Congress require IHS to develop and use a new and equitable method to allocate all CHS hospital and clinic program funds to account for variations across areas, like population expansion, inflation, cost of providing care in high cost regions, like our state, for example. Mr. Simpson's district in Idaho, we work closely with the Northwest Portland Health Board, and they serve Washington, Idaho, and Oregon, and so we have similar kinds of issues. Of course, in many of the states there are very similar issues where you—when you have small tribes serving a growing American Indian/Alaska Native population.

And then finally, Committee, we ask that you continue to fund two youth regional treatment centers in California. We are really thankful for the support of the staffing that is happening for the Southern California Youth Regional Treatment Center, ask for support for the next phase of the construction of the Northern California YRTC. Both of these items are funded in the Administration's 2016 budget. They will provide culturally appropriate treatment that is close to home, critically important to treating American Indian youth. They will no longer have to travel. With that,

I will conclude by thanking you again for the opportunity to present.

[The statement of Mark LeBeau follows:]

Testimony, House Appropriations Subcommittee on Interior and Related Agencies

March 25, 2015

Mark LeBeau, PhD, MS,
Executive Director, California Rural Indian Health Board

Good afternoon, Chairman and Committee members. My name is Mark LeBeau and I am CRIHB's Executive Director. Thank you for giving CRIHB the opportunity to testify about funding of the Indian Health Service. Standing in the shoes of the IHS, as authorized by the Indian Self Determination, Education, and Assistance Act, CRIHB provides health care services and technical assistance to eleven member tribal health programs. Our work is sanctioned by thirty federally recognized tribes.

CRIHB was founded in 1969 to bring federally funded health care services back to rural tribal communities in California. These services were withdrawn as a result of federal termination practices that began in the 1950's. Before CRIHB was established, many Indians in rural areas had no access to medical or dental services and child and maternal mortality rates were abysmal. Since CRIHB was founded, California tribes have built a network of 32 tribal health programs and serve more than 80,000 users. While our health has improved and our population is growing, we still face some of the worst health inequities of any underserved population in the United States. Here are our requests.

1. First, fund the Indian Health Service at or above the level proposed by the Administration, $5.1 billion. We appreciate that this is a $460 million increase from FY2015 but we are concerned that a large part of the increase will go toward contract support costs, shorting healthcare services line items. The healthcare services line items are still not fully recovered from sequestration. It is important to note that tribal health organizations have calculated that IHS needs over $18 billion to bring this system up to par with other comparable health delivery systems.

2. Second, we ask that you fund IHS Facilities Maintenance and Improvement in the amount of $105 million. This line item has flat-lined for many years at around $54 million despite the fact that millions of square feet of facility space have entered the IHS Facility Inventory during that same period. While the Administration has requested $89 million, this is not enough to maintain the national investment of millions of dollars of federal and tribal construction funding. In California this funding is critically important because despite many years of trying and more than 50 applications, no tribal health clinic or hospital facility has ever made it onto the IHS Facility Construction Priority List. As a result, tribes in California, a state with more American Indians and Alaska Natives and more federally recognized tribes than any other, have cobbled together funding and taken out loans in order to build health facilities for a growing population. If M&I funding is increased, our share will go a long way to help maintain and improve these tribal health clinics. We can do a lot with a little funding.

3. Third, a professional and objective reevaluation of the IHS Facilities Construction Priority system, which has not been substantially revised since 1991, is long overdue. The

current list creates a one billion dollar backlog that will prevent applications for new facilities for the next fifteen to twenty years. Most of the listed facilities would provide inpatient care that today is provided as outpatient care everywhere else.

4. Fourth, CRIHB has testified before about lack of fundamental fairness in IHS allocation of Contract Health Services, now referred to as Purchased/Referred Care. This inequity has resulted in compromised care for our service population. It has been documented in numerous Government Accountability Office reports, the most recent from June 2012. The foundation of the allocation method, the use of "base funding," is not tied to any measure of actual need. Instead it is based on what a given program received the year before.

   After reviewing CHS funding, the GAO wrote, "IHS's continued use of the base funding methodology undermines the equitable allocation of IHS funding to meet the health care needs of American Indians and Alaska Natives." (Id. p. 24).

   This inequity is compounded by a lack of access to the Catastrophic Health Emergency Fund (CHEF). The CHEF fund may only be accessed when care for a single episode of care for a patient exceeds a threshold of $25,000. This threshold is not as difficult for tribal health programs with access to an IHS-funded hospital to meet. Unfortunately, because California tribal health programs are grossly underfunded and "under-facilitied" to start with, it is almost impossible for California's tribal health programs to meet the spending threshold to access the fund.

   Today CRIHB asks Congress to require IHS to develop and use a new and equitable method to allocate all CHS program funds to account for variations across areas. We also agree with GAO that IHS should be required to use actual counts of CHS users in methods for allocating funding.

5. Last, we ask you to continue to support funding for the two Youth Regional Treatment Centers in California. This includes staffing for the Southern California Youth Regional Treatment Center, which is being built in Hemet, California and for the next phase of the Northern California Youth Regional Treatment Center in Davis, California. Both of these items are funded in the Administration's FY2016 budget. Culturally appropriate treatment that is close to home is critically important in treating American Indian youth. There is mounting evidence that nothing else works. In light of the crisis-level statistics on suicide and substance abuse among native youth, this project continues to be critically important to our children, our families, our communities, and our tribal governments.

   In conclusion, on behalf of CRIHB, thank you for your continued support of the YRTCs. We ask that IHS appropriations be increased to more fully fund direct services and programs. We ask that IHS Facilities M&I be increased to catch up with the amount of facility space in the IHS Facilities Inventory, including the California IHS Area. We also ask you to direct IHS to obtain an objective outside assessment of the IHS Facilities Construction Priority List and determine whether this program is being conducted in an equitable manner. We also ask that you make IHS accountable for inequities in CHS that

hobble our efforts to provide the level of care other IHS areas provide. It has to be rational, clear, and based on data.

Thank you. I am happy to answer any questions.

Mr. CALVERT. Thank you very much. We appreciate your testimony.

Ms. Quaha. Is that how you pronounce that?

Ms. QUAHA. It is Quaha.

Mr. CALVERT. Quaha?

Ms. QUAHA. Yeah.

Mr. CALVERT. Okay. Excuse me. You are recognized for 5 minutes.

WEDNESDAY, MARCH 25, 2015.

SOUTHERN INDIAN HEALTH COUNCIL

WITNESS

LAURA L. QUAHA

Ms. QUAHA. Thank you. Good afternoon. Thank you for inviting Southern Indian Health Council to testify today. My name is Laura Quaha, and I am an employee of SIHC, and an enrolled Campo member, Band of Mission Indians, of the Kumeyaay Nation. I am here on behalf of SIHC. This past week a great champion of access to quality health care for Southern California tribal communities, Chairman Leroy Elliott, passed away. It is truly an honor to be able to share with you some of the opportunities and challenges facing SIHC, especially as these issues were dear to the past Chairman of SIHC. I have served my tribal government in various capacities, such as tribal youth coordinator. I appreciate this opportunity to provide SIHC's and my personal testimony to the Subcommittee.

My personal experience are based on what I have witnessed living in my community. My community is a rural area 45 minutes from any full service grocery store. We have limited—we are limited on our transportation in our community. Our reservation is mostly made up of dirt roads, and make—and takes about an hour to get to the closest hospital. To safeguard the success for future generations, we work in dynamic ways to sustain economic development, grants, appropriations, and other sources of funding to ensure the prosperity of our culture, traditions, and our values for the Kumeyaay Nation to provide direct health care services.

Through my experience directly caring for the tribal members, my person and professional health care experience, I am here to discuss the health needs of this community I live and work. Your decisions regarding the funding these IHS programs affect me and my family, and many generations to come, as it does the members of the seven tribal governments that depend on SIHC. We at SIHC are passionate about providing access to quality health care to the tribal community. Part of this work is direct services. We operate an outpatient medical and dental clinic, community health and social services programs, and a pharmacy.

I bring three primary messages to you today. The first one is we need your support to increase social service programs. That I have heard a couple times since I have been in this room. Our community has suffered over 10 deaths of young adults, ages 25 and younger, in this past year. This is a shockingly high number of premature young deaths in our communities. The major factors in-

clude substance abuse, suicides, and violence in our homes. This does not account for attempted suicides.

We have only—of my youth—I was—when I was a youth coordinator, I had a youth group of 10 children, and that was in 2010. Of those, I only have three survivors left. That was only five years ago. Where will they be—where will we be in five more? We cannot keep losing, because that is our next generation. We must stop this trend, and we need your support, through appropriations, to help us do so. Congress can directly support this concern by making it priority with the budget to ensure funding is accessible and adequate.

The second primary message, we need Congress to provide predictable funding so that the health clinics, like Southern Indian Health Council, can operate in financial certainty through regular, predictable funding, by eliminating the impacts of sequestration, piecemeal funding, and annual funding uncertainty.

Third, the amount of funding for our programs is, and has been, insufficient to complete the tasks that we are required to undertake. It is clear, though President Obama's budget proposal, the Administration recognizes this, and we appreciate and support the current proposed budget. It is a great start. There are other budgetary items to discuss, such as electronic health care record, and IHS resource patient management systems, which have been chronically underfunded, but expected to be fully implemented.

SIHC supports the budget request of the National Congress of American Indians and the National Indian Health Board. These requests include the vital five year reauthorization of the special diabetes programs for Indians, which provides funding for one of the top diagnosis codes in our clinic. At Southern Indian Health, we are proud of the work that we do. We know we can achieve more with help—with your help and support.

Thank you for your time and consideration of our request today as we work to ensure the future generations of healthy tribal leaders and the families that we serve. Thank you.

[The statement of Laura L. Quaha follows:]

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ORAL TESTIMONY PRESENTED BY LAURA L. QUAHA
ENROLLED MEMBER OF THE CAMPO BAND OF MISSION INDIANS
SOUTHERN INDIAN HEALTH COUNCIL, INC. EXECUTIVE SECRETARY
THE U.S. HOUSE OF REPRESENTATIVES
THE FISCAL YEAR 2016 BUDGET
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES

March 25, 2015

Good afternoon distinguished members of the Subcommittee. Thank you for inviting Southern Indian Health Council, Inc. (SIHC) to testify today. My name is Laura Quaha. I am an employee here on behalf of SIHC and I am an enrolled member in the Campo Band of Mission Indians. This past week a great champion of access to quality healthcare for the southern California Tribal communities, Chairman Leroy Elliott, passed away. It is truly an honor to be able to share with each one of you some of the opportunities and challenges facing SIHC especially as these issues were near and dear to the past Chairman of SIHC. I appreciate this opportunity to provide SIHC's and my personal testimony to the Subcommittee.

My personal experiences are based on what I have witnessed living in my community. We have geographic and infrastructure issues affecting our community. My community is in a rural area about 45 minutes from any full service grocery store. There is a single form of mass transportation each day with one pick-up/drop-off. It would take you an hour to reach the closest hospital and you'd be driving mostly on dirt roads to get there. I have served my Tribal government in various capacities including tribal Youth Coordinator. We work with the Federal government as partners to protect our future generations. We are dynamic in our ways to sustain our people. This includes increasing efficiency, seeking grants, requesting appropriations, and searching for other sources of funding to ensure the sustainability of our culture, traditions, and values for the Kumeyaay Nation. At SIHC we directly contribute to the community by providing access to quality healthcare.

Through my experience directly caring for Tribal members, my personal and professional healthcare experience, I am here to discuss the health needs of the community I live and work. Your decisions regarding the funding of these IHS programs affect me and my family and the many generations to come, as it does the members of the seven Tribal governments that depend on SIHC. This is extremely vital as our community has suffered over 10 deaths of young adults, aged 25 and younger this past year. We at SIHC are passionate about providing access to quality healthcare to our Tribal community. Part of this work is direct services: we operate outpatient medical and dental clinics, community health and family services programs, and a pharmacy.

I bring you three primary messages today:

1. We need your support for increased social service programs and attention. Our community is suffering a shockingly high number of premature youth deaths due to

substance abuse, suicides, and violence in our homes. We must stop this trend and we need your support, through appropriations, to help us do so.

2. We need Congress to provide predictable funding so that Southern Indian Health Council and other health clinics can operate with financial certainty through regular, predictable funding, by eliminating the impacts of:
   a. sequestration;
   b. piecemeal funding and;
   c. annual uncertainty of funding amounts that undermine SIHC's ability to effectively budget, recruit, and deliver healthcare services.

3. The amount of funding for our programs is, and has been, insufficient to complete the tasks that we are required to undertake. It is clear through President Obama's budget proposal, the administration recognizes this and we appreciate and support the current proposed budget. It is a great start.

I will address each of these priorities in order below.

1. **Southern Indian Health Council asks Congress to create guaranteed social service support for integrated healthcare.**

   I can personally attest to several premature youth deaths, either caused by suicide, drugs and alcohol, or violence. This does not account for attempted suicides. We only have three survivors of nine from when I was a Youth Coordinator in 2010. That was only five years ago. Where will we be in five more years? Substance abuse and suicide rates among our youth are at an alarmingly high number. We cannot keep losing those that make up the next generation. Domestic violence and sexual assault among Native women occurs at an appalling rate—today, one in three Native American women are sexually assaulted—these types of numbers are simply unacceptable.

   We seek to overcome these challenges through integrated programs combining primary care with behavior health preventative initiatives. However, we are woefully understaffed and overmatched against enormous fiscal and geographic challenges. Our Clinic serves seven tribal governments that are separated by as many as 50 miles. A program in one location cannot be effective and available to Tribal members 50 miles away—we need the ability to build capacity into our behavioral health programs to serve our people.

   Congress can directly support this concern by making it a priority with the budget to ensure funding is accessible and adequate.

2. **Southern Indian Health Council asks Congress to create financial certainty through regular, predictable funding.**

   Southern Indian Health Council is significantly hampered in our ability to serve our communities because the funding is uncertain year-to-year and at times, uncertain

throughout the year. This unpredictability of funding has significant, lasting effects with the clinics. Behavioral health effectiveness is directly tied to trust and reliability; however, if programs erode year-to-year due to unpredictable funding, our health and behavioral health programs cannot be depended on by the community.

With the unreliable funding, comes the instability of programs and compromised results from those programs. SIHC cannot plan and develop medical and behavioral health programs when there is little certainty that a program will be funded the next year. The historic uncertainty of funding on a year-to-year basis is crippling these programs and making our jobs even more difficult. This uncertainty is unnecessary. We are certain Congress can make this happen as the VA's healthcare program does not suffer this uncertainty.

3. **Southern Indian Health Council supports the President's proposed budget, with reservations.**
   We support the President's proposed budget and its 8% increase in IHS proposed appropriations, which is absolutely necessary. With inflation, rising healthcare costs, increased population and Contract Support Costs (CSC), if funding is not increased for our programs, we have no choice but to cut health programs further.

   Over the years, Tribal programs are expected to complete more community priorities with less funding. While the programs still operate, they are not as vibrant and as effective as they should be to meet our people's needs.

   Our people and our staff are resilient despite inadequate funding. Increased funding is needed for our programs, and the FY 2016 President's Budget Proposal is a good start. But it really needs to be a budget that we can depend on. We encourage Congress to ensure full, immediate and advance funding of IHS programs, so that we can do our jobs in our communities.

Congress can take significant steps to resolve this situation:

a) **Mandate full Contract Support Costs Funding without damaging other programs.**
   Congress should reclassify CSC as a mandatory appropriation beginning in FY 2017. This must be separate from other available Tribal program funding. In 2014 and 2015, CSC appropriations were fully funded at the expense of other Tribal programs. This is not the intent of the law and should be corrected immediately.

b) **Protect the IHS budget from sequestration.**
   Southern Indian Health Council requests that Congress ensure ALL Tribal programs are exempt from sequestrations and the like. The quality and sustainability of SIHC's programs were heavily impacted by the 2013 sequestration. SIHC was limited in to increasing, expanding, or directly responding to needs in the community.

We recognize that FY2015 is the final year of the Ryan-Murray Bipartisan Budget Act of 2013; we also recognize that health services for our Native communities continue to be funded at only 56% of benchmarked need. This will not allow us to do our jobs. Please act immediately to exempt Tribal program funding and ensure we can proactively plan for our continued health care during a sequestration. We want to put trust back in the trust responsibility.

c) **Develop a system for Advanced Appropriations for Indian Health Service.** Southern Indian Health Council asks that Congress support advance appropriations for the IHS. Because Congress has enacted appropriations by the beginning of the fiscal year only once since 1998, SIHC cannot effectively plan for our tribal members' needs. Congress has the power to fix this situation by funding IHS one year in advance and giving tribal health providers adequate time to plan and deliver health care without interference.

Legislation in support of this budget option has been introduced in both chambers during the last Congress (HR. 3229 and S. 1570). The American Medical Association supports this request and this addresses the continuous late appropriations to IHS delaying funding to SIHC putting our services at risk and creates insecurity in our community.

Congress has done this before when legislation was successfully passed in 2010 to provide advance appropriations for healthcare accounts of the Veterans Administration (VA). Similar in operations, the VA and the IHS are the only agencies to provide direct, federally funded healthcare to specific populations, and should have similar access to advance appropriations. This will allow for stability in our funding and ensure timely payment to IHS by ensuring advanced appropriations that will empower SIHC to truly embrace the spirit of self-determination in our Clinic. Through correcting this funding time delay, Congress can improve the lives of tribal members by helping SIHC be fiscally responsible and plan critical services.

There are other budgetary items to discuss, such as Electronic Healthcare Records and IHS' Resource Patient Management System (RPMS) which have been chronically underfunded, but expected to be fully implemented. SIHC supports the budget requests of the National Congress of American Indians and the National Indian Health Board. These requests include the vital 5-year reauthorization of the Special Diabetes Program for Indians that provides funding for one of the top ten diagnosis codes in our clinic.

This Subcommittee directly impacts the opportunity for our children to have access to behavioral health services. This Subcommittee determines how much funding will be appropriated to support the basic essential needs for Native people to ensure the United States' is fulfilling its trust responsibility. At Southern Indian Health Council, we are proud of the work we do. We know we can achieve more with your help and support.

Thank you for your time and consideration of our requests today, as we work to ensure that there are future generations of healthy tribal leaders and families.

Mr. CALVERT. Thank you for your testimony.
Brandie, welcome. You are recognized. Good to see you.
Ms. GREANY. Good to see you too.
Mr. CALVERT. Yeah.

WEDNESDAY, MARCH 25, 2015.

RIVERSIDE-SAN BERNARDINO COUNTY INDIAN HEALTH, INC.

WITNESS

BRANDIE MIRANDA GREANY

Ms. GREANY. [Speaking native language.] My name is Brandie Miranda Greany, and I am a member of the Pechanga Band of Luiseno Indians, and the Treasurer for the Board of Directors for Riverside-San Bernardino County Indian Health. I would like to thank you for the opportunity to comment on the 2016 appropriations for Indian Health Services.

We are a consortium of nine tribes located in Riverside and San Bernardino Counties in California. We operate several health clinics under a self-governance compact with the Indian Health Service, and offer an array of services. We serve over 15,000 Native Americans, and 3,000 related family members, and experience over 100,000 patient visits each year. I have often thanked the Chairman and the Committee for your hard work to achieve full funding for our compact with IHS. We are extremely appreciative of your continued support, and your efforts to ensure that full funding continues into the future.

This last year has been a successful, yet frustrating, year. On the good side, we reached a settlement of our old claims in September, following several rounds of intense negotiations that stretched out over several months. However, on the bad side, the government still has not signed that agreement. Why? Complete mystery to us, and Treasury will not pay us until Justice signs the agreement. So here we are, waiting for more than six months. Perhaps, Chairman Calvert, maybe you can ask why. Our calls and e-mails continue to go unanswered.

2014 was a year without claims, but it was still a difficult year. The agency's reprogramming action proved that when IHS estimates to fully fund contract support costs are off the mark, other program funds will be compromised. This is why we support a permanent mandatory appropriation. Only that approach will separate contract support cost payments from the IHS service budget, while also guaranteeing that our contracts will always be paid in full.

As for the Administration's proposal, we do not believe that up to two percent of this appropriation needs to be set aside for agency administration. The appropriation is intended to fund tribal contracts, not the agency's bureaucracy. Besides, if the agency would just comply with Congress's instruction to simplify contract support cost calculations, the bureaucracy would be reduced, and no additional funds would be needed.

I would like to pause to mention Medicare-like rates. Our limited IHS dollars would be—go much further if we were able to pay

Medicare-like rates for the outpatient and specialty services our patients receive outside of our clinics. While we truly appreciate the Department's willingness to tackle this issue, we believe a legislative fix is necessary to produce a measure that can actually work and be enforced. The impact of a Medicare-like rate provision is huge. For our program alone, it would translate into an additional half million dollars each year that would be used to increase health care. We hope all members of the Committee will support legislation to cure this problem.

Lastly, we would like to ask the Committee to support the proposed budget amounts for staffing and operating costs for the California Youth Regional Treatment Centers. Construction of two California centers is almost complete, and we are excited that our youth will be able to receive culturally competent substance abuse treatment close to home, and in a setting where medical providers and families can work together.

Thank you again for the opportunity to be here today. [Speaking native language.]

[The statement of Brandie Miranda Greany follows:]

HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
HEARING ON THE PRESIDENT'S 2016 BUDGET REQUEST

Testimony of Brandie Miranda Greany, Treasurer
Riverside-San Bernardino County Indian Health, Inc.

I am Brandie Miranda Greany and I am a member of the Pechanga Band of Luiseno Indians and the Treasurer of Riverside-San Bernardino County Indian Health, Inc. Thank you for the opportunity to testify about the 2016 appropriations for the Indian Health Service.

Riverside-San Bernardino County Indian Health is a consortium of nine Tribes located in Riverside and San Bernardino counties. Our member Tribes are the Pechanga Band of Luiseno Indians, the Cahuilla Band of Indians, the Santa Rosa Band of Cahuilla Indians, the Ramona Band of Cahuilla Indians, the Soboba Band of Luiseno Indians, the Torres-Martinez Desert Cahuilla Indians, the Agua-Caliente Band of Cahuilla Indians, the Morongo Band of Mission Indians, and the San Manuel Band of Mission Indians. We operate several health centers under a self-governance compact with the Indian Health Service and we are very proud of the vast array of services offered at our clinics, including medical, dental, optical, behavioral health, pharmacy, laboratory, environmental health, community health representative, and nutrition services.

We serve over 15,000 Native Americans and 3,000 related family members, and experience over 100,000 patient visits each year. Our service area includes two of the largest counties in the contiguous United States, so our member Tribes have joined together to develop a way to economically and efficiently provide health care services for our people. We also provide health care for three other local Tribes: the Twenty-Nine Palms Band of Mission Indians, the Cabazon Band of Mission Indians, and the Augustine Band of Cahuilla Indians. Almost two-thirds of our patients come either from these three local Tribes or from members of other non-consortium Tribes who reside in our two-county service area.

Given the number of patients we treat, our IHS dollars can only go so far. But we are thankful for the support of Congress and the funding provided to ensure our people are healthy. We also cannot thank you enough for listening to the tribal representatives that appear at these hearings to share their experiences. We were pleased that last year's appropriations signaled that Congress heard our voice and we hope you will continue to pressure IHS to honor the government's trust responsibility to provide culturally-competent and high-quality health care for Native Americans.

Mandatory CSC appropriations. Last year, I thanked the Committee for its hard work in achieving full funding for our compact with IHS. This year we have a lot more to be thankful for due to the support of this Committee. Not only did Congress's instructions to IHS ensure that

our contract support costs were paid in full, but Congress encouraged the agency to reverse the hostile position it had taken with Tribes in the past. And perhaps more importantly, the agency has committed to working with tribal leaders to develop long-term solutions to ensure our contracts are never underfunded again. We are extremely appreciative of your support and your efforts to bring about this long-overdue change.

I had hoped to report that despite extremely contentious negotiations, we were finally able to reach a settlement of our prior year claims against the agency. And while we did reach a tentative settlement with the agency back in September following several rounds of in-person negotiations, our settlement agreement has yet to be signed by the government. We are ready to put these claims behind us, so we cannot understand the cause for this seemingly endless delay in just signing our agreement.

All that said, 2014 was a truly historic year. But, our gains came at a price, because when the agency realized it had not accurately estimated the total contract support cost need for 2014, it was forced to reprogram service funds to cover its obligations. This meant that while self-governance Tribes received full contract funding for the first time ever, our brothers and sisters that receive direct services at IHS facilities faced program reductions due to IHS's faulty predictions. Tribes made clear that we wanted our contracts paid in full, but not at the expense of reducing services for other Tribes. And throughout the year of consultation on long-term solutions, Tribes made clear the way to prevent this situation was with a permanent mandatory appropriation for CSC. Only that vehicle would separate CSC payments from the IHS services budget, protecting vital program funds, while also ensuring our contracts are always paid in full. There really could be no better solution to this predicament than a mandatory appropriation.

The agency listened to tribal requests and included a proposal to move CSC to a mandatory appropriation beginning in 2017. We believe the details of the proposal could use some improvement, but the message is right on—CSC must be moved to a mandatory appropriation. The Supreme Court has already ruled that the government must fulfill its statutory and contractual obligation to pay CSC in full, so these amounts must be paid regardless of the type of appropriation. A mandatory appropriation will meet this goal and also ensure service funds are not reduced to cover this obligation.

The agency proposed a three-year appropriation, but we believe the measure should actually be permanent. A permanent appropriation would obligate the government to fund only the amounts necessary to pay the full requirement each year, and no more; however, if the appropriation has a limited duration, IHS would have to estimate the total cost to fully fund CSC each year, and like any estimates these totals will necessarily be imprecise. Erring on the high side uses more money than is necessary in a tight budget climate.

Lastly, the Administration's proposal sets aside up to 2% of the appropriation for program administration. This provision should be eliminated. The appropriation is meant to

cover CSC and provide funds for Tribes, not the agency. Additionally, if the agency adopts the instruction from Congress to simplify CSC calculations, these changes will reduce bureaucracy, eliminating the need for this set aside. Our goal is to simplify this process, not build up a large monitoring bureaucracy that requires us to devote even more administrative resources to CSC calculations, negotiations and reconciliations.

In any event, the proposal is a historic first step. And we ask this Committee to ensure this proposal becomes law—a law that will complete the fight for CSC that Tribes have been waging for decades.

Medicare-like rates for outpatient services. Our IHS dollars can only go so far. However, they would go much farther if we were able to pay Medicare-like rates through the Purchased and Referred Care program (contract care) for the non-hospital outpatient and specialty services our patients need and that we are unable to provide in our clinics. The regulation at 42 C.F.R. 136 part D limits the amounts Tribes pay for hospital services to the amount Medicare would pay for these same services (the Medicare-like rate provision). For years, Tribes have been fighting for the implementation of a similar provision that covers outpatient services—the other half of the services we must send patients out to access, such as cardiology, pain management, nephrology, endocrinology and dialysis. Without such a provision, our contract care dollars are drained to pay the full billed charges, which are often several times higher than the Medicare rates.

Congress can fix this issue. Congress has already done so for the health programs administered by the Department of Defense, and the Department of Veterans Affairs issued a final rule to limit the amount its health programs pay for comparable services. Similarly, this past year IHS proposed a regulation to try and fix this issue and extend Medicare-like rates for outpatient services. However, IHS's proposal—while better than nothing—had some issues. First, the proposed regulation was mandatory, meaning it may interfere with contracts that Tribes have already negotiated. Second, the proposal did not have any flexibility, so Tribes could never negotiate a higher rate in case of emergency or the absence of providers willing to provide services at these lower rates. While we truly appreciate the agency's willingness to tackle this issue in response to tribal concerns, we believe a legislative fix is necessary because only legislation can address the enforcement mechanisms that will be needed to implement this reform.

In summary, a provision to extend Medicare-like rates for all contracted services could increase tribal buying power between an estimated $100 million to $340 million nationwide. For our program alone, access to Medicare-like rates for our outpatient referrals would save us on average 33% of the charges we are currently billed—an amount which would translate into approximately $500,000 in savings each year that could be used for additional health care. This legislation would expand and enhance tribal access to care and improve the health status of all

served. It is therefore no surprise that support for this legislation has been affirmed by a variety of organizations that are familiar with our programs, including the IHS California Area Office; National Congress of American Indians; National Indian Health Board and the IHS Office of Tribal Self Governance. We also note this change would be "budget neutral" to the federal government, so we ask you to take action on this measure as swiftly as possible.

YRTC Funding. The IHS 2016 budget includes $17.8 million for staffing and operating costs for newly-constructed facilities and Youth Regional Treatment Centers (YRTC). In 2014, the California Area Office finally started construction on the Southern California YRTC. That construction is scheduled to be completed in December 2015, so full funding for FY 2016 staffing needs are essential to ensure the facility opens on time and can serve a maximum number of patients. Additionally, the agency plans to start construction of the Northern California YRTC and this facility, too, will need funds for staffing and operation. Together, these facilities will provide much-needed care for our Native youth.

For example, when our Native children need this care we currently have to send them out-of-state for intensive care services. These programs are costly and we pay up to $10,000 per month for these intensive care services. Even worse, our families are forced to travel long distances to places like St. George, Utah for family visits. Large distances also impact the continuity of care because there are few opportunities for medical providers and families to interact on an ongoing basis. The California YRTCs will provide these crucial services locally in an environment where families and children can work together. These opportunities will allow the whole family to heal together.

For instance, the California YRTCs will provide residential chemical dependency treatment for Native youth from 12 to 17. Each facility offers comprehensive three to four month treatment programs, which incorporate mental health services, medical care, education, aftercare planning, and family therapy. They are also designed to respond to the unique cultural needs of our youth. These facilities will be critical for treating youth that are struggling, ensuring they can get back on track and lead healthy productive lives as adults. But, our new facilities will be meaningless without the talented professionals that will be needed to staff them. Therefore, we ask that Congress fully fund this line item and ensure our YRTCs live up to their potential.

* * *

Thank you once again for the opportunity to appear in front of this distinguished Committee and share our concerns.

Mr. CALVERT. Thank you, and I want to thank everyone for coming out there from California. You get the long distance award. Well, Alaska probably gets the long distance award. And, Brandie, good to see you.

You know what, because California, and those from California, and certainly Southern California, is such an urbanized area, a lot of the tribes are nearby to each other, close to each other, and I have had general conversations about this in the past, about having clinics at, you know, some of the clinics are older, building a new clinic——

Ms. GREANY. Um-hum.

Mr. CALVERT [continuing]. That is shared by, a number of the tribes in the southern part of the state, and that way we can bring in more specialists. Even though you are close to each other, sometimes it is difficult to get agreements, but do you think that that is possible?

Ms. GREANY. Well, the way our organization works is we are made up—we are a consortium of nine different tribes. Please do not ask me to name them all right now, but we do have nine tribes within Riverside and San Bernardino Counties, and we have various clinics throughout those counties, and we are all under one board. And so any of the members—actually, any Native American within—that resides within those two counties——

Mr. CALVERT. So you are——

Ms. GREANY [continuing]. Can be seen at any of the clinics.

Mr. CALVERT Sharing the specialists within those——

Ms. GREANY. Yes.

Mr. CALVERT [continuing]. Clinics?

Ms. GREANY. Yes. So sometimes we may have a specialist that is located at one specific clinic, but any Native American can be seen—that resides within those two counties can be seen at any of those clinics. So, for instance, we have two nephrologists on staff, one at our Morongo Clinic in the Banning area, and one at the Soboba Clinic in the Hemet-San Jacinto Area. And—so if we have a patient that comes in to, say, the Pechanga Clinic, and the doctor feels the need for that patient to see a nephrologist, we can just tell them—make them an appointment at one of those two clinics to see that specialist.

Mr. CALVERT. Okay. All right. Well, that is good. Laura, suicide, we have heard lots of testimony—today, and yesterday, it seems like, it is a terrible problem. And one group came here yesterday and was talking about people were advocating suicide on the Internet. I guess that is——

Ms. QUAHA. Yeah.

Mr. CALVERT. I do not follow a lot of this. I guess—I, you know, I guess—that is going on not just on Indian Country, but around——

Ms. QUAHA. Yeah.

Mr. CALVERT [continuing]. The country. And is—are Native Americans more susceptible to that, you think? Or what—why is it there seems to be this epidemic of suicide?

Ms. QUAHA. I can only speak with—for our region, because when I first started working with the youth, I definitely realized that it was a problem. Recently we have been just seeing that it is just

one after the other, and I think it is more depression. Sometimes it is bullying, sometimes—there are definitely a lot of reasons, but just recently it has been—it is really a lot.

And sometimes, like, when I would talk to them, it was just—more not thinking about the future, not having those—guidance, and saying, hey, we can stand up, and we can do this, we can go to school, and we can—we did not have that at home, because I think it is just—from the past, just the way that they are. And I think definitely guidance, and showing how we can make it out of this back——

Mr. CALVERT. Yeah.

Ms. QUAHA [continuing]. Can help the situation.

Mr. CALVERT. It is just depressing, just—to hear about it from one group after another.

Ms. QUAHA. Yeah. And I heard the same thing coming in here. I have heard it over—and I was like, wow.

Mr. CALVERT. Yeah. Diabetes I understand. Diabetes is basic—is diet nine times out of 10, and——

Ms. QUAHA. Um-hum.

Mr. CALVERT [continuing]. You know, I probably should eat better than I do, but I do not, but you can fix diabetes, but suicide is more of a——

Ms. QUAHA. Um-hum.

Mr. CALVERT [continuing]. You need help, and spiritual help, or psychiatric help, or——

Ms. QUAHA. Yeah, definitely.

Mr. CALVERT [continuing]. All of the above, and that is a big problem. Ms. McCollum?

Ms. MCCOLLUM. Thank you, Mr. Chair. And, Laura, thank you for sharing, and——

Ms. QUAHA. Um-hum.

Ms. MCCOLLUM [continuing]. You know, that is a form of post-traumatic stress that you went through, losing so many——

Ms. QUAHA. Um-hum.

Ms. MCCOLLUM. Young adults that you were working with. But they were lucky to have you. You know you made a difference in their lives.

Ms. QUAHA. Yeah.

Ms. MCCOLLUM. So thank you for doing that. You know, I am going to, you know, we are going to have some time here, I think, when we come back this spring and this summer. I am going to talk with some mental health people back home, and our tribes back home, but maybe we can, you know, collaborate and work with the National Congress of American Indians, and some of the Indian health professionals——

Ms. QUAHA. Um-hum.

Ms. MCCOLLUM [continuing]. And have a briefing, and have a roundtable. And I know that the Administration, when they bring the tribal leaders together, I am going to talk to Jody (ph), and see if we can elevate, and figure out—it is not going to be a one size fits all, but——

Ms. QUAHA. Um-hum.

Ms. MCCOLLUM [continuing]. I was talking to someone, Mr. Chair, and I knew this was true when I was in high school. Sometimes the kids actually form suicide pacts.

Ms. QUAHA. Um-hum.

Ms. MCCOLLUM. So—and adults and elders do not know about it, so—it has always been a problem, and now people are asking for help——

Ms. QUAHA. Um-hum.

Ms. MCCOLLUM [continuing]. And we are going to offer help, and then, with that, hope, right?

Ms. QUAHA. Yes, definitely.

Ms. MCCOLLUM. Yeah. So there is a lot of compassion for what tribal youth are going through here, so——

Ms. QUAHA. Thank you.

Ms. MCCOLLUM. I want to—just to go back, Mark, if I may so be informal and call you by your first name. One of the things I am concerned about that is going to happen, and Mr. Cole alluded to it earlier, was, you know, having accurate counts, not the Federal Government guessing the count.

So you can get an accurate count on a reservation, but getting an actual accurate count in an urban area is very difficult, and I know many of our tribal members come down in the winter, or they are down for a while because of actually accessing health needs. They get better, they go back up to the reservation, back and forth in the Twin Cities between that and our rural——

Mr. LEBEAU. Sure.

Ms. MCCOLLUM [continuing]. Communities is not uncommon. I am sure it is not uncommon where you are. But the national census that we do, where you actually have people in urban areas, is not going to ask people to identify whether or not they are Native American. And—so how much of what you get from Indian—urban Indian health, and that—do you think is from the census? Is—do you use that when you are making your case? And if that be—if that is—be true, then we could be looking for even a worse storm to find some of our health care clinics in.

Mr. LEBEAU. Sure. So if you take a look at the most recent U.S. Census, you know, in California, there is, you know, there are over 700,000 self-identified American Indian and Alaska Natives. And then what we do is we cross-reference that with IHS eligibility data to determine IHS users within the tribal clinics in California. There is good collaborative relationships with a lot of the urban Indian clinics and the tribal clinics, and we come together, you know, periodically to kind of, you know, talk about these kind of issues, and other shared interests as well.

I think with, you know, the role of electronic health records, and sort of where the—where that system is being implemented, and expanding, the ability for an urban Indian clinic to provide data to the home-based tribal clinic, maybe where the member is from, I think that that will be more efficient, and provide better quality of care, and accounting of, you know, the medical needs of those folks when they do migrate seasonally. And we do have that in California, and I am one of those. I am from Northern California, from the Pit River Tribe, way up by Mount Shasta, but I live in Sac-

ramento now, and I am very proud to say that all my life I have been a patient of Indian clinics in California, so——

Ms. MCCOLLUM. So—and my understanding is, if you are—and I am going to use the wrong terminology, so jump in and correct me, folks—I—not heard a story, in the fact that I do not doubt it is true, I know it is true, one tribal member had his mother living with him in one state, because that is where he was employed, actually working on some tribal issues for the Federal Government.

Mr. LEBEAU. Um-hum.

Ms. MCCOLLUM. His mother needed surgery. She had to go, leave, and go back to the reservation to access it——

Mr. LEBEAU. Sure.

Ms. MCCOLLUM [continuing]. And then lost her total support network.

Mr. LEBEAU. Sure.

Ms. MCCOLLUM. And so, as you would have people who are migrating back and forth, I think medical health records will help with that, but I think we also need to update and integrate through—what is going on with real lives with individuals in Indian Country so they can get the appropriate care where it is appropriate for them to get it. Because to lose the support of her adult child——

Mr. LEBEAU. Um-hum.

Ms. MCCOLLUM [continuing]. And her grandchildren for support was emotionally harmful, and they do not think really helped with her recovery being as good as it could have been. Could you maybe comment on that? And then that is all I have for questions, Mr. Chair.

Mr. LEBEAU. Sure. That is very insightful, and I really appreciate you raising that example. And, you know, there are, you know, contract health service funding. Now we call it purchased and referred care services. And there are some tribes who provide those services within their service—the Federally defined service delivery area.

When, you know, when a tribal member goes to work somewhere else, and takes mom, and they are living somewhere else, there is a time period in which they can apply at the local tribal clinic that they have recently moved to to work and reside. I believe it is a six month window in which they need to demonstrate they have residence there in order to access the purchased and referred care services at the clinic that they recently applied to be enrolled in.

That is a challenge too, though, because if there is not enough purchase and referred care funding, and it is documented—there are three government accountability reports that document that it is not being distributed equitably, and—so we are—many of us in Indian Country are working on resolving those kind of issues for that exact reason, that if there is enough funding and support at the local level, where the son is working with mom, that she will not have to necessarily drive three states away to get care at the home base tribal clinic.

It is a pressing problem, and IHB is one of the leaders in all of this kind of strategies to resolve the issue, so I would look to them too for guidance, and the Honorable Lester here to my left.

Ms. MCCOLLUM. Thank you, Mr. Chair.

Mr. CALVERT. Thank you—on the contract services. We made a lot of progress the last few years. We are going to continue to make progress. Difficult to do forward appropriations, as was mentioned by Mike earlier, for a number of reasons. But we are making progress, and I know that we would like to get our reimbursement levels up is—and the Indians should be treated just like anybody else, so we need to fix that too, so we are going to work on those challenges.

It has been great to have everyone here for the last two days. This concludes our fourth and final public witness hearing regarding the fiscal year 2016 budget for American Indian and Alaska Native programs under the jurisdiction of the Interior and Appropriations Subcommittee. I want to again thank all the distinguished tribal elders and leaders who testified today and sat in the audience.

As I said in my opening, I hope you will take the opportunity to meet with members of Congress outside of this subcommittee, because honoring a nation's trust obligations is the responsibility all members of Congress share, whether we have tribes in our district or not. I want to thank our staff, Darren especially, for the iconic staff work that has been done today. We certainly appreciate it. This hearing is now adjourned.

Written Testimony from Individuals and Organizations

FY 2016

HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT
AND RELATED AGENCIES

TESTIMONY
of
Millard J. Myers, Executive Director
1854 Treaty Authority

1854 TREATY AUTHORITY

The 1854 Treaty Authority (Authority) is a tribal organization funded by a P.L. 93-638 contract with the Bureau of Indian Affairs under its Trust-Natural Resources Management-Rights Protection Implementation (RPI) budget.

- **The Authority supports the Administration's proposal for an increase of $4.5 million for BIA Rights Protection Implementation and a corresponding increased allocation for the Authority.**

- **The Authority supports the full finding of contract support for its P.L. 93-638, Self-Determination contract. The Authority believes that at least the amount requested by the Administration should be appropriated, but it does not support the Administration's proposal to institute statutory caps on contract support. Not only have those caps been proposed without the consultation required for significant policy changes, but the Authority has no source of funding to make up for contract support shortfalls.**

- **The Authority supports maintaining funding for the EPA Great Lakes Restoration budget at least at its current level.**

The Authority is a tribal organization responsible for protecting, preserving, and regulating the Treaty-reserved hunting, fishing and gathering rights in the territory ceded to the United States by the Chippewa in the Treaty of September 30, 1854, 10 Stat. 1109. The Bois Forte Band and the Grand Portage Band created the authority following federal court affirmation of the rights in 1988. As part of a court-approved agreement with the State of Minnesota, the Bands have obligations to preserve the natural resources in the five (5) million acre ceded territory and to regulate the activities of Band members through a conservation code, enforcement officers, and a court. The Authority has also been involved with a variety of inter-agency efforts to study the effect of invasive species, climate change, and activities that impact treaty resources.

Although it has significant responsibilities in a geographic area the size of Massachusetts, the Authority has only eleven (11) full-time employees. With those limited resources, the

Authority has been able to collaborate with State, Tribal and Federal agencies to become a prominent presence in the conservation of resources critical to the subsistence hunting, fishing and gathering activities of the Chippewa.

However, the successes of the Authority are overshadowed by the challenges facing the trust resources that are at the heart of the Treaty rights. The Minnesota moose population has declined precipitously in just a few years and for reasons unknown. Invasive species threaten the Treaty fishing and wild rice production areas across the ceded territory, and human activities continue to deplete or displace wildlife populations.

The Authority urges the Committee and the Congress to acknowledge that the resources we seek to protect are **trust resources**, **reserved in treaties** that the United States has a legal obligation to protect and preserve.

TESTIMONY OF
THE ALASKA NATIVE TRIBAL HEALTH CONSORTIUM
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
March 25, 2015

For the fiscal year (FY) 2016 Indian Health Service (IHS) budget, the Alaska Native Tribal Health Consortium (ANTHC) requests prioritization of funding for Sanitation Facilities Construction, Renovation and Expansion of Existing Health Care Facilities, the Village Built Clinic Lease Program, Contract Support Costs, Medical Equipment and an exemption from sequestration for IHS. We are also requesting legislative support for IHS advance appropriations.

ANTHC is a statewide tribal health organization that serves all 229 tribes and over 143,000 Alaska Native and American Indian people (AN/AIs) in Alaska. ANTHC and Southcentral Foundation co-manage the Alaska Native Medical Center, the tertiary care hospital for all AN/AIs in Alaska. ANTHC is a self-governance tribal organization that compacts with IHS to provide health services to AN/AIs people under the authority of the Indian Self-Determination and Education Assistance Act, P.L. 93-638.

We understand the difficult fiscal considerations the federal government must take into account when making decisions on IHS funding for FY 2016 and that the FY 2016 appropriations bill cannot fully meet all the needs of tribal health providers. Recognizing this, we would like to highlight several specific areas that would effectively advance our mutual priority of strengthening the health and well-being of AN/AIs people.

Sanitation Facilities Construction

Sanitation facilities play a critical role in the health of our communities. Babies in communities without adequate sanitation are 11 times more likely to be hospitalized for respiratory infections and five times more likely to be hospitalized for skin infections. In villages with very limited water service, one in three infants requires hospitalization each year for lower respiratory tract infections. In Alaska alone we have over $800 million in unmet need for sanitation facilities construction. Despite the enormous, growing unmet need and the significant health benefits derived from sanitation facilities the funding for IHS sanitation facilities construction has actually decreased since FY 2012. As such, we fully support the $115.14 million request contained in the FY 2016 President's Budget Request (PBR) to more adequately address this unmet need.

Renovation and Expansion of Existing Health Care Facilities

According to a 2012 IHS Report to Congress on health care facilities need, the average age of IHS-owned health care facilities is over 30 years and over a third of IHS hospitals and health centers are over 40 years old. This is in contrast to the average age of private-sector hospitals, which is 9 to 10 years. As existing facilities age, without renovation or expansion, they become increasingly inefficient to operate and costly to maintain. The age of facilities also negatively impacts the ability of IHS and tribal health programs to efficiently and effectively provide health care services to AN/AIs in overcrowded and outdated facilities.

The estimated cost to complete the 17 inpatient and outpatient facilities currently on the IHS planned facilities construction list is approximately $2 billion, at the current level of funding for IHS construction facilities it would take 30 years to complete the existing list. As no funds are currently provided to IHS to renovate or expand existing facilities, this leaves many IHS Areas that have very old facilities without a way to improve them.

Fortunately, the reauthorization of the Indian Health Care Improvement Act (IHCIA) in 2010 amended section 301 of IHCIA to direct the Secretary ensure that the "renovation and expansion needs of Service and non-Service facilities...are fully and equitably integrated into" the IHS health care facility priority system, and to consult and cooperate with tribes to develop innovative approaches to address unmet need for construction of health facilities.

This Committee can spur IHS to innovation by providing funding for an area distribution fund for the renovation and expansion of existing health care facilities. This would provide funding for all IHS Areas and address the dire unmet need to renovate and expand existing IHS and tribal health facilities to provide more efficient and better care to AN/AIs throughout Indian Country. ANTHC requests $15 million be provided in FY 2016 to establish an area distribution fund for the renovation and expansion of existing health care facilities.

Village Built Clinic Lease Program

Village Built Clinics (VBCs) are essential to carrying out the Community Health Aide Program (CHAP) in villages throughout rural Alaska. Community health aides are often the only health providers available in rural communities and are critical to the Alaska Tribal Health System.

Under section 119 of the IHCIA, IHS is responsible for operating the CHAP program. VBC leases, administered by IHS, are used to fund facility operation and maintenance of health clinics in rural Alaska. Alaska has about 170 VBCs, generally owned by the local city, tribal government or the regional tribal health corporation serving that community. The clinic facilities are leased by IHS in order to provide clinic space for CHAPs. Unfortunately, years of underfunded facility operation and maintenance has left many of the clinic facilities in disrepair, and in some cases closed.

Without VBC facilities to provide CHAP services, the CHAP program cannot be properly operated. To ensure the continued operation of the CHAP program, the IHS has a responsibility to provide lease payments that cover the actual cost of operating VBCs.

Yet, the majority of VBC lease payments from IHS have not substantially increased since 1989 and current funding levels for the VBC leases provide only a fraction of the operations costs resulting in deteriorating clinic buildings, reduced operations, deferred building maintenance, accreditation compliance problems and ultimately a threat to the provision of safe patient care in villages.

VBC leases are "Full Service Leases" which should cover most basic expenses involved with maintenance and operation of the clinic facilities. Those expenses include basic rental costs (loan amortization/depreciation, fuel, electric, water/sewer/refuse, janitorial services/ supplies,

maintenance and repair services/supplies and building insurance). For most clinics, the IHS lease monies do not cover the actual cost of fuel, electricity, and water/sewer bill let alone provide funds sufficient to maintain a high quality healthcare environment.

An estimated $4.5 million was provided for the VBC lease program by IHS as part of the recurring base budget. This amount likely only covers a little over one-fourth of the full cost of operating VBC and we request an additional $12.5 million for VBCs that is needed to fully fund the operating cost of VBC for FY 2016.

Contract Support Costs

ANTHC thanks this Committee for its leadership in addressing the contract support cost (CSC) issue that has hindered tribally-operated health programs for decades. Not only did this Committee reject the CSC "cap" that was proposed for FY 2014, but it saw to it that tribal health programs were finally provided the CSC funding they are contractually due. ANTHC is also pleased to see that the administration followed the guidance provided by this Committee and requested full funding for IHS CSC in FY 2015 and again in FY 2016. We support the $717.97 million contained in the PBR for FY 2016.

Also included in the FY2016 PBR, the Administration proposed that CSC be transitioned from the discretionary budget to the mandatory category. If the proposal were enacted, CSC would be made mandatory for three years (FY2017-FY2019) with increases each year to account for the estimated growth in future CSC need. The funding would also be reclassified as "no year" funding and therefore available to be carried over in future years. This legislative change will guarantee legal compliance to fully pay CSC, while ensuring that these payments do not take limited funds from the other areas of the IHS services budget.

In concept, ANTHC is supportive of mandatory authorization to fund CSC appropriations, but there are two main concerns. The first is on the three-year period for authorization. Stable and predictable CSC funding is needed, and the uncertainty associated with Congressional reauthorization or extension of any legislation (as it approaches the third year of funding) fails to accomplish this goal. This Committee should support making it a permanent authorization. The second concern of the proposal is for a two percent maximum set-aside for IHS administrative purposes. IHS has been administering the CSC program with existing resources and should concentrate on CSC workgroup recommendations to align and bring efficiency to its current CSC policy and administration.

IHS Advance Appropriations

Timely receipt of appropriations is essential for IHS and tribal health programs so that they can properly plan and manage care for AN/AIs. If funding is not timely, it can significantly hamper IHS and tribal health care providers in budgeting, recruitment, retention, provision of services, facility maintenance and construction efforts.

The sixteen-day government shutdown that began FY 2014 put many tribal health programs in dire financial situations due to the fact that they received no federal funding during the shutdown. If IHS were provided advanced funding this problem would have been avoided, as IHS would have had its funding allocated a year in advance. The government shutdown merely

highlighted an IHS funding problem that already existed—even before the shutdown tribal programs were having difficulties properly planning for the FY due to the lateness of final appropriation bills being passed. There has been only one year since FY 1998 when the Interior, Environment and Related Agencies appropriations bill has been enacted by the beginning of the fiscal year.

On January 15, 2015, Representative Don Young along with Representative Ben Ray Lujan introduced the "Indian Health Service Advance Appropriations Act of 2015" (H.R. 395) which would allow for authorization of advance appropriations for IHS. ANTHC fully supports this legislation and ask that this Committee be fully supportive of it as well.

Medical Equipment

Current IHS funding levels for medical equipment cover only one-third of the level of need and only provide enough funding to replace medical equipment every 18 years. The industry standard for patient safety requires medical equipment to be replaced, on average, every six years.

In order to keep medical equipment up to date to ensure patient safety, meet accreditation standards and provide the best possible care, tribal health programs have to divert scarce resources from other program areas. The Alaska Native Medical Center alone has over $9 million of unmet need to upgrade medical equipment. We request a $5 million increase in FY 2016 for IHS medical equipment to ensure that IHS and tribal health programs can acquire and maintain adequate medical equipment without needing to take-away from other programs.

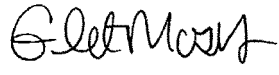
Exemption from Sequestration

The IHS was the only federal health program that was subject to full sequestration in FY 2013, with $220 million cut from its budget. Due to the sequestration, many tribal health programs had to reduce staff, reduce patient visits and delay medical procedures. IHS and tribal health programs still have not fully recovered from the cuts made due to sequestration. In order to ensure limited IHS funds are not unnecessarily reduced again, ANTHC requests this Committee support a permanent exemption from sequestration for the IHS.

Conclusion

With the support of this Committee, tremendous gains have been achieved in improving the health status of AN/AI people. As this Committee is well aware, a lot of work still remains to be done and we look forward to working with you to achieve further progress. Thank you for the opportunity to provide this testimony.

Sincerely,



Gerald Moses
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Dimitri Philemonof, President and CEO

Testimony submitted to the House and Senate Appropriations Subcommittee on Interior, Environment and Related Agencies
Regarding IHS Self-Governance Compact; Unalaska Hospital; and Atka Clinic Reconstruction

February 27, 2015

The requests of the Aleutian Pribilof Islands Association (APIA) for the FY 2016 Indian Health Service (IHS) budget are as follows:

- Require IHS to provide an additional $1.1 million in recurring funds to our Compact which has been reduced by $4.9 million due to St. Paul's transfer.
- Amend the Aleutian and Pribilof Islands Restitution Act to appropriate $100.4 million for reconstruction of the Unalaska Hospital and the Atka Island clinic, both of which were destroyed during World War II.
- Provide or require the IHS to allocate an additional $15 million to fully fund Village Built Clinic Leases and make it a line item in the budget.
- Place Contract Support Costs on a mandatory funded basis and
- Place IHS funding on an advance appropriations basis.

* * *

The Aleutian Pribilof Islands Association (APIA) is a regional non-profit tribal organization with members consisting of the 13 federally recognized tribes of the Aleutian Chain and Pribilof Islands Region. APIA provides health care services to the Alaska Natives in four of the Tribal communities of this Region through funding received from IHS under Title V of the Indian Self-Determination and Education Assistance Act (ISDEAA). We also provide health-related services through various non-IHS grants and agreements.

Our Regional Health Delivery System Imperiled. The Alaska Tribal Health system depends on strong regional care organizations coordinating limited resources to produce economies of scale enabling them to provide quality health care services to Alaska Natives in

their regions. For a Region like the Aleutian Pribilof Islands, achieving economy of scale is a fragile undertaking. Last May the Aleut Community of St. Paul Island, the largest community in our Region, notified us that they intended to withdraw from our Self-Governance agreement and transfer the responsibility of their health care services and associated funding from APIA to the Southcentral Foundation's Self-Governance agreement. This action became effective January 1, 2015, and it has resulted in the loss of 46% ($4.9 million) of our health budget. This will cause catastrophic disruption and reduction of services for the remaining communities in the APIA regional health system. It has greatly diminished economy of scale in providing the collaborative health arrangements throughout our area that we have worked so hard to establish. These collaborative arrangements also include funding outside of IHS such as Health Resources and Services Administration and Substance Abuse and Mental Health Services Administration grants which now must be untangled because of St. Paul's departure.

As you know, there has been in effect since 1998 a statutory provision which is designed to promote efficient use of IHS funds by maintaining a regionalized system of health care delivery in Alaska by prohibiting disbursal of funds to tribes that withdraw from regional health entities. St. Paul may have the right to switch from one Self-Governance agreement to another but it certainly is a blow to the carefully constructed regional health delivery system in Alaska.

IHS Self-Governance has an underlying principle to do no harm to other tribes. The program from its beginning in 1992 as a demonstration project is replete with congressional report language and IHS Budget Justification statements of support for the program and simultaneously noting that Self-Governance agreements are to do no harm to other tribes. The huge loss of funds as the result of St. Paul transferring its health care service is doing severe harm to the remaining members of the communities serviced by our Self-Governance agreement.

Hence, we are asking Congress to direct the IHS to provide an additional $1.1 million to APIA and that such funds be recurring to help us take the necessary steps and at least partially mitigate the loss of economy caused by the transfer of St. Paul.

Funding For Reconstruction of Two Health Care Facilities Destroyed During WWII. During World War II, communities within the APIA Region suffered historic losses, not only to their populations due to deaths arising from inadequate health care and poor living conditions during removal by the U.S. Government to camps in Southeast Alaska, but also to two health care facilities that were destroyed and never rebuilt or accounted for in prior restitution made to the Aleutian and Pribilof tribal communities.

On June 4, 1942, the Japanese bombed the 24-bed hospital operated at that time by the Bureau of Indian Affairs in Unalaska, Alaska. Since that time, the closest hospital is located in Anchorage, Alaska – 800 air miles away, and not accessible by roads. Ten days later and 350 miles to the east, on June 14, 1942, the residents of Atka Island were forcibly evacuated from the Island by the U.S. for their "safety," and the U.S. Navy burned all of the structures on the Island to the ground, including the Island's health clinic, to prevent their use by the Japanese.

Congress passed the "Aleutian and Pribilof Islands Restitution Act" in 1988 (PL 100-383), which led to creation of the Aleutian and Pribilof Islands Restitution Trust to administer

funds appropriated under the Restitution Act on behalf of the St. Paul, St. George, Unalaska, Atka, Akutan, Nikolski, Biorka, Kashega and Makushin communities. The Restitution Act provided very limited appropriations to partially address losses suffered by these communities during evacuations from 1942 to 1945. During that time, the treatment of the Aleut people in the evacuation camps lacked even the most basic attention to health and human safety matters, in extremely crowded, unheated, abandoned buildings with very poor sanitation conditions. Ten percent of the Aleuts who were evacuated died in the camps. For those who returned to their communities, many found their homes and community facilities destroyed, possessions taken, and churches stripped of religious icons by the U.S. military.

The time is now to replace the Unalaska hospital and the Atka Island Clinic. The Aleutian and Pribilof tribal communities are the most remote within Alaska. The next level of referred specialty and inpatient care is 800 air miles away in Anchorage. To say that our patients suffer from a lack of access to basic health care services is an understatement. Patients have died en route to Anchorage for emergency care; patients have died due to inability to receive timely screening of cancer; patients often must leave their families for months at a time when receiving care; and mothers must leave their families for four months to deliver their babies. This is unacceptable care, by any standard. The replacement hospital facility would directly serve the 5,000 year-round residents of Atka, Dutch Harbor, Nikolski and Unalaska, in addition to the typically hundreds of seasonal fishery workers requiring immediate emergency or primary care. Having a hospital would eliminate the need to send referrals to Anchorage at an average airfare cost of $1,400, not to mention the cost of lodging, meals and the personal hardship of having to leave the community for days at a time. Atka lies 350 miles away from Unalaska, so until its clinic has sufficient capacity to meet local need, that population is at severe risk due to its isolated, weather-challenged, location.

Based upon APIA budget estimates derived from the IHS Facility Budget Estimating System, the Unalaska hospital facility project cost for design, construction and equipping the total facility is $96,900,000. Based upon a 2003 Health Clinic Design Report funded by the Denali Commission, construction of a health clinic sufficient to meet the needs in Atka, and adjusting from 2003 for current inflation, will cost $3,500,000. APIA thus requests $100.4 million in funding for reconstruction of these facilities.

APIA is ranked near the top in the IHS's joint venture program, however we are unable to move forward without identified construction resources. For facilities subject to the IHS joint venture program, construction must be accomplished with non-IHS money. The Restitution Act offers the best legislative framework for an appropriation from Congress. We recommend that the Restitution Act be amended to add a new Section 1989C-4(b)(1)(D) to 50 U.S.C, to state as follows: "(D) One account for the construction, operation, and maintenance of an inpatient hospital facility in Unalaska and health clinic in Atka with a direct appropriation of $100,400,000 for those purposes." *We ask for the Committees' support of such an amendment and the related appropriation of funds.*

If we are to successfully receive this non-IHS construction project funding, the joint venture program would allow APIA to enter into a no-cost lease with the IHS for a period of 20 years; the IHS would in turn provide staff, equipment and supplies for the operations and

maintenance of the facilities. The joint venture program is competitive and funding is limited. This year the IHS announced the results of its 2014 Joint Venture solicitation – of 37 pre-applications, 13 were selected to submit final applications and six of those will be chosen to move forward. Yet, the IHS has indicated it does not have adequate resources to fund even those programs, with the next Joint Venture solicitation taking place in 3-5 years. Tribes in Alaska support the IHS joint venture program as one of the best solutions to immediately address critical health care needs in our communities.

Funding for Village Built Clinics in Alaska. For the last several years, APIA has submitted testimony on the need to address chronic underfunding of Village Built Clinics (VBCs) in Alaska. VBCs, which are clinic facilities leased by the IHS from other entities, are a vital component of the provision of basic health care services in rural Alaska, as they serve as the clinic space for the Community Health Aide Program (CHAP) under the Indian Health Care Improvement Act. The CHAP utilizes a network of community health aides and practitioners to provide primary health care services in otherwise unserved rural and isolated areas.

In 1989, Congress specifically authorized the operation of 170 VBCs in Alaska and provided approximately $3 million in funding. Since then, Congress has not provided amounts specifically for VBCs in the IHS appropriation, and IHS has had discretion to fund VBCs from its lump sum appropriation. IHS has needlessly treated the $3 million level as a cap, and has refused to increase funding for VBC leases. Funding therefore has not kept pace the rising costs of health care in rural and isolated areas. In fact, the chronic underfunding over decades has resulted in deterioration and in some cases closure of VBC facilities, threatening the Community Health Aid Program that hinges on the continued availability of properly maintained VBC space. Our facilities in Atka and Nikolski have been cited for numerous patient HIPPA and safety issues including no patient privacy and holes in the floor. In any other community, these clinics would be condemned; yet the IHS expects us to continue to provide care with no remedy at hand. It is no wonder that we have a difficult time recruiting and retaining providers to serve our communities. Unfortunately, we are not alone in our predicament.

A recent estimate is that $15 million additional dollars are needed to fully fund the VBC program. We urge you to provide or to direct the IHS to add $15 million to the current amount (about $4 million) provided for the VBCs and that this be made a line item in the budget.

Mandatory Contract Support Costs/ IHS Advance Appropriations. We join with many others in Indian Country in supporting the Administration's proposal to place Contract Support Costs (CSC) on a mandatory basis, although we and other tribes/tribal organizations urge that it be implemented beginning in FY 2016. It is heartening to see that the hard work of tribes on this issue has brought them around on the matter of the federal government honoring its contracts. We thank this Subcommittee for its support for full funding for CSC and urge that you take it to its logical conclusion which is that the funding be converted to a mandatory basis.

We also support placing the IHS budget on an advance appropriations basis, as Congress has done with the Veterans Administration health accounts. The FY 2016 budget justification for the VA said advance appropriation is necessary to "fulfill the Administration's commitment to provide reliable and timely resources to support the delivery of accessible and high-quality

Submitting Organization: Alliance to Save Energy
Appropriations Subcommittee: Senate Interior, Environment and Related Agencies
Department: Environmental Protection Agency

TESTIMONY OF KATERI CALLAHAN, CHIEF EXECUTIVE OFFICER OF THE ALLIANCE TO SAVE ENERGY, BEFORE THE SENATE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS SUBCOMMITTEE IN SUPPORT OF FY2016 ENERGY STAR FUNDING

March 25, 2015

Honorable Chairwoman, Ranking Member, and members of the Subcommittee, I am Kateri Callahan, President of the Alliance to Save Energy. The Alliance to Save Energy (the Alliance) is a nonprofit organization that promotes the goal of doubling U.S. energy productivity by 2030 through federal and local energy efficiency policies, programs, research, and education. The Alliance has worked for more than three decades to advance energy efficiency worldwide to achieve a healthier economy, a cleaner environment, and greater energy security.

We are submitting this testimony in support of funding for the ENERGY STAR program at the Environmental Protection Agency (EPA). We recognize the significant challenges facing the federal government to reduce spending and spur economic growth, yet we strongly believe that failing to fund ENERGY STAR at this level would undermine our national economic, environmental and security interests. This voluntary partnership program – which includes ENERGY STAR Buildings, ENERGY STAR Homes, ENERGY STAR Small Business and ENERGY STAR Labeled Products – helps businesses, state and local governments, institutions of higher education, homeowners and consumers save money by investing in energy efficiency.

Energy efficiency is our nation's most abundant energy source. Economy-wide improvements in energy efficiency, along with structural changes in our economy, have supplied more energy over the last 30 years than domestic coal, natural gas, and oil combined. The energy productivity of the U.S. economy—the amount of energy it takes to produce one dollar's worth of goods—has increased by 50% over the past three decades. The economic productivity improvements over this period reduced our national energy bill by about $700 billion.

ENERGY STAR accomplishes several highly desirable goals at once: it helps consumers reduce high energy bills, promotes economic growth by stimulating investment in new technology, reduces pollution through cost-effective measures and helps ensure the reliability of our electric system by reducing peak demand. In 2013 alone, Americans, with the help of ENERGY STAR, saved more than 380 billion kWh of electricity, prevented more than 293 million metric tons of greenhouse gas emissions – equivalent to the amount generated in providing electricity for 40 million homes for 1 year – and saved more than $30 billion on their energy bills. These benefits have tripled in the last 10 years, which shows just how impactful the ENERGY STAR program is to the nation. ENERGY STAR accomplishes this by applying the power of market drivers to the virtue of energy efficiency. Furthermore, ENERGY STAR helps overcome market barriers through brand recognition, information and positive publicity, providing the catalyst for many businesses, state and local government institutions and consumers to invest in energy efficiency.

To that end, **we respectfully request funding of $55 Million for ENERGY STAR in FY2016.**

Conclusion

In closing, we commend you for your important work and are fully aware of the difficult decisions required over the coming weeks. Energy efficiency offers solutions that drive the U.S. economy by creating jobs and saving energy. Energy efficiency investments also lessen dependence on imported energy sources, reduce pollution and its health and environmental impacts, improve America's global competitiveness, and alleviate stress to the electric grid and water infrastructure.

We urge the Appropriations Interior, Environment and Related Agencies Subcommittee to provide robust funding to the ENERGY STAR program in FY2016. Thank you for your consideration of our requests.

Testimony of Ford W. Bell, DVM
President of the American Alliance of Museums
www.aam-us.org
to the House Appropriations Subcommittee on Interior, Environment and Related Agencies
in Support of Funding for
NEH, NEA, Smithsonian Institution, and Historic Preservation Programs
March 25, 2015

Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee, thank you for inviting me to submit this testimony. My name is Ford Bell and I serve as President of the American Alliance of Museums (AAM). We urge your support for at least $155 million each in fiscal year 2016 (FY 2016) for the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH), as well as $935.8 million for the Smithsonian Institution. We also request your support for the Historic Preservation Fund (HPF), including at least $50 million for State Historic Preservation Offices, $15 million for Tribal Historic Preservation Offices, $32.5 million to preserve the sites and stories of the Civil Rights Movement, and restored funding for the Save America's Treasures and Preserve America programs.

Before detailing these funding priorities for the museum field, I want to express my deepest appreciation for the difficult position in which the Subcommittee finds itself, given inadequate 302(b) allocations in recent years. Like many museums, the Subcommittee will need to make many difficult decisions, each of which comes with a unique set of consequences. In this context, however, we would posit that each of our priorities outlined below is a vital investment that will both protect our nation's cultural treasures and provide a tremendous benefit to the overall economy.

AAM is proud to represent the full range of our nation's museums—including aquariums, art museums, botanic gardens, children's museums, culturally specific museums, historic sites, history museums, maritime museums, military museums, natural history museums, planetariums, presidential libraries, science and technology centers, and zoos, among others—along with the professional staff and volunteers who work for and with museums. AAM is proud to work on behalf of the nation's museums, which employ 400,000 people, invest more than $2 billion annually on educational programs, receive more than 55 million visits each year from primary and secondary school students, and directly contribute $21 billion to their local economies.

Museums are essential in our communities for many reasons:

- Museums are key education providers. Museums already offer educational programs in math, science, art, literacy, language arts, history, civics and government, economics and financial literacy, geography, and social studies, in coordination with state and local curriculum standards. Museums also provide experiential learning opportunities, STEM education, youth training, job preparedness, and a range of programs geared toward homeschooling families. They reach beyond the scope of instructional programming for schoolchildren by also providing critical teacher training. There is a growing consensus that whatever the new educational era looks like, it will focus on the development of a

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core set of skills: critical thinking, the ability to synthesize information, creativity, and collaboration. We believe museums are uniquely situated to help learners develop these core skills, and this is borne out by evidence. According to a recent University of Arkansas study, students who attended just a half-day field trip to an art museum experienced an increase in critical thinking skills, historical empathy and tolerance. For students from rural or high-poverty regions, the increase was even more significant.

- Museums create jobs and support local economies. Museums serve as economic engines, bolster local infrastructure, and spur tourism. Both the U.S. Conference of Mayors and the National Governors Association agree that cultural assets such as museums are essential to attracting businesses, a skilled workforce, and local and international tourism.
- Museums address community challenges. Many museums offer programs tailored to seniors, veterans, children with special needs, persons with disabilities, and more, greatly expanding their reach and impact. For example, some have programs designed specifically for children on the autism spectrum while others are addressing veterans' post-war trauma or providing youth job training opportunities.
- Digitization and traveling exhibitions bring museum collections to underserved populations. Teachers, students, and researchers benefit when cultural institutions are able to increase access to trustworthy information through online collections and traveling exhibits. Most museums, however, need more help in digitizing collections.

The National Endowment for the Humanities is an independent federal agency created by Congress in 1965. Grants are awarded to nonprofit educational institutions—including museums, colleges, universities, archives, and libraries—for educational programming and the care of collections. NEH supports museums as institutions of learning and exploration, and as keepers of our cultural, historical, and scientific heritages.

In 2014, through Preservation & Access, one of NEH's national program divisions, 67 peer-reviewed, competitive grants totaling over $4.8 million dollars were awarded to museums, historical societies and historic sites for a variety of projects to preserve and provide access to our nation's rich cultural heritage. Across all NEH divisions (including Preservation and Access, Research, Education, Public Programs, Challenge Grants and Digital Humanities), these institutions received 128 awards totaling over $13.5 million. Demand for humanities project support, as demonstrated by NEH grant application rates, far exceeds available funding. In FY 2014, NEH received 4,281 competitive grant applications representing more than $431 million in requested funds, but was only able to fund 15.2 percent of these peer-reviewed project proposals.

NEH also provides annual grants to state humanities councils located in every state and U.S. territory. In 2014, 55 state councils supported 2,402 events in museums, reaching a total audience of more than 5.8 million people.

Here are just two examples of how NEH funding supports museums' work in your communities:

- The University of Minnesota's Goldstein Museum of Design in Saint Paul received a $5,500 grant in 2014 from NEH's Preservation and Access Division to rehouse a collection of garments from Europe, Central and South America, Asia and the Middle East dating to the 19th and 20th centuries. The project will ensure the preservation of and access to this collection, which is used extensively by students and researchers.

- The Idaho State Historical Society received a $277,673 grant in 2013 to support the digitization of Idaho's historic newspapers published before 1923. These newspapers cover critical local and national history, including western settlement, statehood, the region's natural resource and shipping economy, and relations with native populations.

The National Endowment for the Arts makes art accessible to all and provides leadership in arts education. Established in 1965, NEA supports great art in every congressional district. Its grants to museums help them exhibit, preserve, and interpret visual material through exhibitions, residencies, publications, commissions, public art works, conservation, documentation, services to the field, and public programs.

In 2014, more than 2,200 museums participated as Blue Star Museums—a partnership between NEA, Blue Star Families, and the Department of Defense—to offer free admission to all active duty and reserve personnel and their families from Memorial Day through Labor Day. This particular effort served over 700,000 people, while many other museums offer military discounts or free admission throughout the year.

In 2014, NEA made more than 140 direct awards to museums, totaling over $5.4 million. Forty percent of NEA's grant funds are distributed to state arts agencies for re-granting, and many museums participate at this level as well.

Receiving a grant from the NEA confers prestige on supported projects, strengthening museums' ability to attract matching funds from other public and private funders. On average, each dollar awarded by the NEA leverages nine dollars from other sources.

Here are two examples of how NEA funding is used to support museums' work in your communities:

- As the Chairman is well aware, the Fender Museum of the Arts Foundation in Corona, California received a $10,000 Challenge America grant in 2014 to support music instructors for its Kids Rock Free music education program. This follows a 2013 grant to the same program.
- The Portland Museum of Art received a $30,000 Art Works grant in 2014 to support the reinstallation of the museum's collection and the production of the first scholarly publication about the collection in the museum's history.

In addition to these direct grants, NEA's Arts and Artifacts Indemnity program also allows museums to apply for federal indemnity on major exhibitions, saving them roughly $30 million in insurance costs every year and making many more exhibitions available to the public—all at virtually no cost to the taxpayer. We were glad last year to work with the Association of Art Museum Directors and with the Subcommittee to increase the indemnity limits as part of Public Law 113-235, and we remain extremely grateful for the Subcommittee's work on this matter.

The Smithsonian Institution comprises some of the most visited museums in the world, including the National Museum of American History, the National Air and Space Museum, and the National Museum of Natural History. The Smithsonian reaches visitors and learners of all ages, in the nation's capital and across the country, with innovative exhibits and programs. Its

20 museums—including the National Zoo—attract 30 million visits every year, and their content and curricula are used by teachers all over the country.

The president's FY2016 budget request of $935.8 million includes critical funding for the National Museum of African American History and Culture, which will tell an essential part of American history. Additional funding for collections care, ground-breaking research, facilities maintenance, and technology upgrades will allow the Smithsonian to care for the nation's treasures and increase access for all. We enthusiastically support this robust funding proposal for the Smithsonian Institution. However, we have serious concerns about the president's proposed STEM consolidation plan, which would eliminate or cut important programs that support museums at the National Institutes of Health, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration.

The Historic Preservation Fund (HPF) is the funding source of preservation awards to states, tribes, local governments, and nonprofits. State and Tribal Historic Preservation Offices (SHPOs and THPOs) carry out the historic preservation work of the federal government on state and tribal lands. These duties include making nominations to the National Register of Historic Places, reviewing impacts of federal projects, providing assistance to developers seeking a rehabilitation tax credit, working with local preservation commissions, and conducting preservation education and planning. This federal-state-local foundation of America's historic preservation program was established by the National Historic Preservation Act. We urge you to provide $50 million for SHPOs and $15 million for THPOs through the Historic Preservation Fund. We also urge you to restore funding of $25 million for Save America's Treasures and $4.6 million for Preserve America, which have not been funded in recent years.

Also in the context of the Historic Preservation Fund, we support the proposed Civil Rights Initiative, including $30 million for competitive historic preservation grants to preserve the stories and sites associated with the Civil Rights Movement as well as $2.5 million to help Historically Black Colleges and Universities conduct similar documentation and interpretation.

The 2005 Heritage Health Index of archives, libraries, historical societies, and museums concluded that action is needed to prevent the loss of 190 million artifacts that require conservation treatment: 59% have collections damaged by light; 56% have insufficient security to protect their collections; 80% do not have an emergency plan that includes collections; 71% need additional training and expertise for staff caring for collections; and only 13% have access to endowment funds for preservation.

Historic preservation programs matter now more than ever—not only because they are essential to protecting our national heritage, but because they serve as economic development engines and job creators. Funds invested in building rehabilitation have been shown to create more jobs and retail activity than those spent on new construction.

I want to once more acknowledge the difficult choices that the Subcommittee faces. I hope that my testimony has made it clear why these priorities are of critical importance to the nation and will provide a worthwhile return on investment to the American taxpayer. Thank you again for the opportunity to submit this testimony.

Written testimony submitted to:
House Appropriations Subcommittee on
Interior, Environment, and Related Agencies
in support of U.S. Geological Survey programs
by
Randi S. Martinsen
President, American Association of Petroleum Geologists

To the Chair and Members of the Subcommittee:

Thank you for this opportunity to provide testimony on behalf of the American Association of Petroleum Geologists (AAPG) about the importance of the geological programs conducted by the U.S. Geological Survey (USGS).

AAPG is the world's largest scientific and professional geological association. The purpose of the association is to advance the science of geology, foster scientific research, and promote technology. AAPG has over 40,000 members around the world, with roughly two-thirds living and working in the United States. These are the professional geoscientists in industry, government, and academia who practice, regulate, and teach the science and process of finding and producing energy resources from the Earth.

AAPG strives to increase public awareness of the crucial role that the geosciences, and particularly petroleum geology, play in our society. The USGS is crucial to meeting these societal needs, and several of its programs deserve special attention by the Subcommittee.

Unconventional Oil and Gas Research

Multiple Programs

As part of the effort to improve America's energy security, protect the environment, save consumers money, and maintain United States leadership in emerging energy technologies, the USGS, the U.S. Department of Energy (DOE), and the Environmental Protection Agency (EPA) have created an interagency program that aims to understand the potential environmental, health, and safety impacts of hydraulically fractured oil and gas resources.

AAPG would like to emphasize that while hydraulic fracturing technology continues to evolve, it is not a new technology and we have substantial knowledge about its impacts as well as evidence of its long-term safety. This should form the basis for any new research.

AAPG supports the USGS budget increase in the FY 2016 President's request that will support this research effort including: resource assessments and characterization; water quality; and water availability—areas of USGS scientific leadership. AAPG does not support proposed funding for Contaminants Biology. Collection of human health data is the responsibility of the EPA, as outlined in the Interagency Unconventional oil and gas strategy.

Geologic Resource Assessments

Energy Resources Program

The USGS Energy Resources Program (ERP) conducts both basic and applied geoscience research focused on geologic energy resources (both domestic and international), including oil, natural gas, coal, coalbed methane, gas hydrates, geothermal, oil shale, and bitumen and heavy oil.

AAPG supports the President's FY 2016 request for the Energy Resources Program.

An urgent problem addressed through the ERP is the **preservation of geological and geophysical data,** engineering data, maps, well logs, and samples. This effort has never been funded at the authorized level, $30 million/year. This financial neglect is compounded by the difficult financial situations facing state geological surveys that are responsible for preserving most of the country's subsurface data.

Responsible management and efficient development of natural resources requires access to the best available scientific information. Over many years industry, such as petroleum and mining companies, has invested billions of dollars to acquire geological and geophysical data. Because of changing company focus and economic conditions this data may no longer have value to the company that acquired it, and is in jeopardy of being discarded.

But this data still has value to society. The data is valuable for further natural resources exploration and development, and can be applied to basic and applied earth systems research, environmental remediation, and natural-hazard mitigation. It is the type of data that will enable future generations of scientists and policy makers to address the nation's energy, environmental, and natural hazard challenges of the 21st century.

For example, this data has been essential to the development of oil and gas from shales. Geoscientists require previously acquired subsurface cores and samples to identify prospective natural gas deposits that were bypassed before new technology made shale resources economically producible.

The NGGDPP was authorized at $30 million annually in EPACT 2005. Historical allocations for this program have ranged from $750,000 to $1,332,345 per year. These funding levels are inadequate to achieve the program's objectives. Furthermore, with the precipitous decline in oil prices some companies may go out of business or cease operations in a particular region. This could lead to additional obligations on public, primarily state, repositories.

AAPG supports the reauthorization of the Preservation of the Geological and Geophysical Data Program and recommends that the Subcommittee appropriate an additional $5 million in FY 2016 for the preservation of geological and geophysical data.

Mineral Resources Program

The United States is the world's largest consumer of mineral commodities. They form the building blocks of our economy.

It is therefore essential to the nation's economic and national security that the federal government understands both the domestic and international supply and demand for minerals and mineral materials. This data is used throughout government (Departments of Commerce, Interior, Defense, and State; the Central Intelligence Agency; the Federal Reserve) and the private sector.

The USGS Mineral Resources Program (MRP) is the only federal and publicly-available source for comprehensive information and analysis of mineral commodities and mineral materials.

AAPG supports the President's FY 2016 request for the Mineral Resources Program.

National Cooperative Geologic Mapping Program
AAPG supports the National Cooperative Geologic Mapping Program (NCGMP). This unique partnership between the federal and State governments and the university community demonstrates the importance of geoscience to society. The geologic maps produced by this program are used for natural resource management, natural hazard mitigation, water resource management, environmental conservation and remediation, and land-use planning.

NCGMP deserves special commendation for its EDMAP initiative. This university partnership enables students, working in a close mentoring relationship with faculty, to produce maps while learning essential mapping skills. As such, the program delivers an immediate return on the federal investment in terms of beneficial maps, as well as a future return in the form of a trained and competent next generation workforce.

AAPG supports the President's funding request of $25.3 million for the National Cooperative Geologic Mapping Program, including increases for Coastal Resilience and Landscapes and Sinkhole Hazards.

Thank you for the opportunity to present this testimony to the Subcommittee. AAPG also appreciates your leadership and support for the geosciences. As you deliberate appropriate funding levels for these USGS programs, please consider the important public policy implications these choices entail.

If you have any questions about AAPG or this testimony, please contact Edith Allison, the director of our policy office in Alexandria (phone: 202-643-6533, email: eallison@aapg.org).

Testimony of

Mr. Shawn Price
President, American Association of Radon Scientists and Technologists, Inc. (AARST)

Regarding

FY16 Appropriations for the Radon "SIRG" Program in EPA

March 18, 2015

Chairman Calvert, Ranking Member McCollum, thank you for this opportunity to testify today in support of $8 million in funding for EPA's State Indoor Radon Grant (SIRG) program.

I submit this written testimony upon behalf of the membership of the American Association of Radon Scientists and Technologists, Inc. (AARST) and the public we serve. AARST is a professional organization and an ANSI-accredited standards developer, [a 501 (c) (6)] that *has not been* and *is not* a recipient of EPA grants.

The Subcommittee has a strong, consistent history in supporting this appropriation and the SIRG program in the past. I would like to thank all the Members of the Committee for this support, and I ask that the Subcommittee do so again for FY16. I thank you for your foresight and leadership on this issue.

First, let me offer some brief facts about radon:

- Radon is a gas that is produced from the natural decay of uranium in the soil. It seeps into basements and collects within. It is a radioactive gas, easily inhaled into the lungs.

- According to CDC, radon is the leading cause of lung cancer in our country among non-smokers, second only to smoking, and the seventh leading cause of all cancer death.

- Radon causes more than 21,000 lung cancer deaths each year in America.

- If a house has a radon level of only 4 picocuries (the current EPA action level), that is **the equivalent of 200 chest x-rays per year -- or smoking 8 cigarettes per day**.

- Radon is odorless, colorless, tasteless. The only way to know if your health is being threatened by a large concentration of radioactive radon gas in your house is to conduct a test.

- Radon has been found in elevated levels in every state. No area is risk-free.

- The good news is that radon-induced lung cancer is nearly 100% preventable – IF you test the radon level in your home and take action to reduce high levels.

Ten years ago, the US Surgeon General issued a warning about radon, advising the public to test their homes and get elevated radon levels repaired. State radon programs are essential to helping fulfill this prescription. **EPA's SIRG program is the only federal funding program in existence to help states address reduce the morbidity and mortality caused by radon.**

Yet, the FY16 Budget proposes to eliminate SIRG funding.

EPA's SIRG program is essential to continuing the battle against radon-induced lung cancer.

The Success of the State Indoor Radon Grant Program in the United States

Given the EPA radon program's voluntary nature, SIRG is the only infrastructure that exists in the United States of America to prevent the tragedy of 21,000 American deaths that are attributed to radon induced lung cancer, each year, every year. The EPA funding of the State Indoor Radon Grants and related support needs to continue.

SIRG provides an ongoing education effort that is really one of the few tools that a voluntary national program has to address a serious health risk in over 30 unregulated radon states. It is truly a success story. All 45 State radon programs and up to 14 tribal programs have relied and do rely on SIRG to support radon awareness and education of their citizens. State radon programs work with community-based University extension services, local health departments, and partners such as the American Lung Association to make sure that consumer awareness is high and that they are able to find and locate trained service providers.

SIRG is a successful, voluntary non-regulated program and this will all be lost if SIRG is not funded. More individuals and families like those in Cancer Survivors Against Radon will learn about radon in an oncologists office rather than in a preventable education program.

Based on a 2013 Survey by Kansas State University, of the forty-five states that currently have state programs, our association believes that ***only five state programs will survive with minimal risk reduction efforts***. AARST believes that almost all territorial and tribal programs for radon consumer education programs will simply cease to exist. Even collateral materials and websites that educate the public of the risks will cease to exist at the state and local level.

Most State, Tribal and Territorial Radon Programs Will Close

The proposed EPA budget cuts to its indoor radon program will eviscerate a voluntary program that needs the minimum resources that the agency provides states, tribes and territories in creating radon risk reduction awareness for Americans. Under this budget, state, tribal and territorial programs will close and most consumer outreach on the state and local level will be lost. States that have codified an approach to radon education and licensure, the so called "regulated states", will focus on a primary mission of regulating professional radon service providers and educational outreach to citizens will dwindle.

Here is what AARST and I would respectfully request the Subcommittee to do:

1. **First, and by far the top priority, is our request for the Subcommittee to restore the $8 million for the SIRG program**, the $8 million that is proposed to be eliminated by the

President's FY16 Budget proposal. SIRG is the only federal program that provides essential matched funding to the states to conduct and continue programs designed to bring radon education and mitigation to your constituents. If SIRG funding were indeed cut, we should expect that nearly all the state programs would be rendered ineffective, or collapse altogether.

This request is not a request for an increase in funding or for new funding, but rather a continuation of funding. It is not new money.

While EPA's comments in the Budget submittal might indicate that SIRG has achieved its purposes and is no longer necessary, the facts indicate otherwise. AARST can produce for the record recent annual reports from nearly one-third of the states that document how SIRG funds are being used to good effect and the necessity of SIRG funds to continue that work.

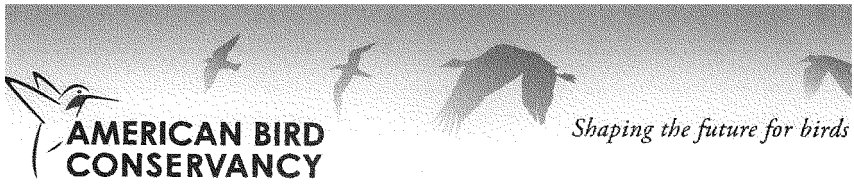
Further, EPA is in the process of rolling out its proposed National Radon Action Plan (NRAP). While EPA has denied that its shift from the existing Federal Radon Action Plan (FRAP) to NRAP does not signal a divestment by EPA on radon action, the proposal to eliminate SIRG raises doubts about that assertion. In fact, if NRAP were rolled out today as the first EPA action on radon, we would argue that SIRG would need to be invented for NRAP to be successful.

The bottom line is that the $8 million to support SIRG is essential to move forward in radon education and mitigation. Without it, state action to attack this problem will stagnate or halt.

2. **Secondary recommendation.** While the $8 million restoration in SIRG funding is the clear top priority, let me suggest other actions the Subcommittee can take with regard to funding, and language to ensure that funding is used to its best utility.

AARST supports the $1 million increase for Environmental Program Management – but with a condition added to the increase. The FY16 Budget proposes $3.36 million, an increase of $1 million. In 2014, AARST learned that, even with restored funding for SIRG, the administration of grants under the program was inhibited due to a shortage of FTEs. AARST believes that this funding increase would be helpful in enhancing the success of the SIRG program. **Mr. Chairman, we would recommend that if the Subcommittee does grant the $1 million increase for Environmental Program Management, that the Subcommittee include language to require the Administrator to use such funds in this account as necessary to secure the FTEs necessary for full and timely implementation of the SIRG program.**

Mr. Chairman, Ranking Member McCollum, all Members of the Subcommittee, thank you for your kind support for SIRG in the past and your leadership in combating radon-induced lung cancer. Your action will help save lives.



Anne Law
Director of Government Relations
American Bird Conservancy Written Testimony for the Record
Letter of Support for Fiscal Year 2016 US Fish and Wildlife Request for
Neotropical Migratory Bird Conservation Act Grants and Migratory Bird Joint Ventures

March 25, 2015

The Honorable Ken Calvert
Chairman
Interior Appropriations Subcommittee
B-308 Rayburn HOB
Washington, D.C. 20515

The Honorable Betty McCollum
Ranking Member
Interior Appropriations Subcommittee
1016 Longworth HOB
Washington, D.C. 20515

Dear Chairman Calvert and Ranking Member McCollum:

American Bird Conservancy (ABC) is a 501(c)(3) national non-profit organization dedicated to the conservation of wild native birds and their habitats throughout the Americas. Founded in 1994, ABC is the only U.S. based group dedicated solely to overcoming the greatest threats facing native birds in the Western Hemisphere. ABC supports the highest level of funding possible for the Neotropical Migratory Bird Conservation Act Grants and Migratory Bird Joint Ventures for Fiscal Year 2016.

Each spring, more than four billion birds make their spectacular migration from their winter habitats in Mexico, Central and South America, and the Caribbean to their breeding grounds throughout North America. Many species of birds that we see in our back yards are affected by habitat conditions in their wintering grounds located outside of the U.S. Birds like the Hermit warbler and the Golden-winged warbler are currently in decline and may become endangered or threatened resulting in the need for even more resources to be allocated making it more important than ever now to support funding for the Neotropical Migratory Bird Conservation Act.

Since 2002, the **Neotropical Migratory Bird Conservation Act** (NMBCA) has functioned as a matching grant program to fund projects that conserve neotropical migratory birds--those that breed in or migrate through the United States and Canada and spend the non-breeding season in Latin America and the Caribbean. Migratory birds make a significant contribution to the US economy. Recreation associated with migratory birds is big business in this country. The *2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation*, conducted by the U.S. Fish and Wildlife Service reports that nearly 47 million Americans enjoy watching and feeding birds, spending $107 billion on birdwatching equipment and travel within the United States that year alone creating 660,000 jobs and $13 billion annually in local, state, and federal tax revenue.

NMBCA has a proven track record of success over more than a decade. Since its inception, the program has received more than $50.1 million to positively affect 3.7 million acres and partners have leveraged federal funds with more than $190.6 million in non-federal contributions – a more than four-to-one match ratio.

As an organization that works with migratory birds, which by definition cross international borders during their migration patterns, we know that protection and restoration of habitat must occur across the continent if the goal is to protect the species. As a result, ABC respectfully requests that NMBCA be funded at the highest level possible. In Fiscal Year (FY) 2015 the program was funded at approximately $3.66 million and the President's Budget FY 2016 request is $4.16M.

Migratory Bird Joint Ventures (JVs) also exemplify a highly successful, cost-effective approach to conservation. By applying science and bringing diverse constituents together, JVs across the United States have created a model for solving wildlife management problems and restoring habitats critical to conserving declining species. Nationally, JVs have protected, restored, or enhanced more than 24 million acres of important habitat for migratory bird species. There are currently 21 JVs in the United States that provide coordination for conservation planning and implementation of projects that benefit all migratory bird populations and other species. Since the program's inception in 1986, Joint Ventures have worked with 5,700 partners to help enhance, conserve, restore, and protect nearly 24 million acres of essential habitat across North America.

Joint Ventures have a long history of success in implementing bird conservation initiatives mandated by Congress and by international treaties. Projects are developed at the local level and implemented through diverse public/private partnerships. These projects reflect local values and needs, while addressing regional and national conservation priorities. The projects benefit not only birds, but many wildlife species, and have a positive impact on the health of watersheds and local economies. For every dollar appropriated for Joint Ventures leveraged more than $33 in non-federal partner funds. ABC respectfully requests that JVs be funded at the highest level possible. Joint Ventures have been funded at approximately $13.1 million in FY 2015. The Administration's FY 2016 request for Joint Ventures is $18.591 million with an additional $5 million to help JVs increase species resilience.

America faces a serious challenge to reverse the decline of many of our bird species, but it is possible. Since birds are sensitive indicators of how we are protecting our environment as a whole, this decline signals a crisis that Congress must act now in order to reverse it. ABC strongly believes increased funding for NMBCA and JVs is essential to achieving conservation goals critical to our environment and the economy.

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American Cultural Resources Association (ACRA)

Testimony before the U.S. House Committee on Appropriations

Subcommittee on Interior, Environment, and Related Agencies
The Honorable Ken Calvert, Chairman

March 24, 2015

Our Request: $89.91 million for the Historic Preservation Fund

- $46.925 million for State Historic Preservation Offices (SHPOs)
- $9.985 million for the Tribal Historic Preservation Offices (THPOs)
- $500,000 in grants for underrepresented populations
- $30 million for the Civil Rights competitive grants initiative
- $2.5 million for competitive grants for Historically Black Colleges and Universities (HBCUs)

These programs are funded through withdrawals from the U.S. Department of the Interior's National Park Service Historic Preservation Fund (16 U.S.C. § 470h) (HPF).

ACRA Members Deliver Responsible Heritage Management Solutions that Balance Economic Development and Heritage Preservation

ACRA is the national trade association representing the interests of heritage management firms of all sizes, types and specialties. ACRA's member firms undertake much of the legally mandated heritage management studies and investigations in the United States.

There are approximately 1,300 heritage management firms nationwide that employ over 10,000 heritage management professionals, including archaeologists, preservation architects, architectural historians, historians, and an increasingly diverse group of other specialists. These firms generate over $1 billion in revenue annually. ACRA firms create and support jobs, providing employment for American-educated and trained professionals, and serve an important role in delivering responsible heritage management solutions for our communities that appropriately balance economic development and heritage preservation.

Funding SHPOs and THPOs Supports Development

In 1966, Congress, recognizing the importance of our heritage, enacted the National Historic Preservation Act (16 U.S.C. § 470) (NHPA), which established historic preservation as a federal government priority. Historic preservation recognizes that what was common and ordinary in the past is often rare and precious today, and what is common and ordinary today may be extraordinary in the future.

Instead of using federal employees to carry out the Act, the Department of Interior and the Advisory Council on Historic Preservation opted to partner with the States and use SHPOs and THPOs to, among other tasks, review all federal projects for their impact on historic properties. Heritage management firms work closely with federal, state and local government agencies, private industry and non-profit groups to conduct the reviews required by the NHPA.

In order for the review process to work smoothly, SHPOs and THPOs must have adequate funding. Proper financial support for their work allows SHPOs and THPOs to review and approve projects in a timely basis, facilitating development, moving projects forward in a timely and efficient manner, and ensuring that heritage management firms can get the job done. ACRA appreciates the Administration's efforts to support preservation and the HPF; however, we are disappointed that the Administration did not request increased funding for SHPOs.

The budget request does include a $1 million increase for THPOs. THPOs are chronically underfunded; the additional $1 million is a start to solving that challenge for tribes working to preserve and protect their culture and history. The request also includes $30 million for Civil Rights initiatives and $2.5 for HBCUs in recognition of the anniversary of the Civil Rights movement. ACRA supports these funding pieces, as well, and hopes that such funds will help diversify the sites preserved under the HPF.

Conclusion

On behalf of its 150 member firms, ACRA would like to thank you Chairman Calvert, and all the members of the House Appropriations Subcommittee on Interior, Environment and Related Agencies for the opportunity to submit testimony.

ACRA also thanks the Subcommittee for its commitment to historic preservation and heritage management.

/s/ Duane Peter

Duane Peter
President, American Cultural Resources Association

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American Forest & Paper Association

Dear Chairman Simpson and Ranking Member McCollum:

The American Forest & Paper Association (AF&PA) serves to advance a sustainable U.S. pulp, paper, packaging, and wood products manufacturing industry through fact- based public policy and marketplace advocacy. AF&PA member companies make products essential for everyday life from renewable and recyclable resources and are committed to continuous improvement through the industry's sustainability initiative - Better Practices, Better Planet 2020. The forest products industry accounts for approximately 4 percent of the total U.S. manufacturing GDP, manufactures approximately $210 billion in products annually, and employs nearly 900,000 men and women. The industry meets a payroll of approximately $50 billion annually and is among the top 10 manufacturing sector employers in 47 states.

Actions are needed to increase funding for programs that provide basic data about our nation's forests to inform industry, policymakers, and academics; and for restoring federal timber harvests to help ensure adequate fiber supply and to address forest health priorities on both federal and private lands. Within the jurisdiction of this Committee, we urge you to direct the United States Forest Service (USFS) to focus on the needs of the forest products industry and the vital jobs it supports. Specific recommendations follow.

Forest and Rangeland Research

Forest Inventory and Analysis - AF&PA supports funding for the FIA program at $83 million for FY16 and requests that Congressional supporters fully fund this vital program, as the government places increased reliance on the data.

The Forest Inventory and Analysis (FIA) program in the U.S. Forest Service is the backbone of our knowledge about the nation's forests, and it is a vital technical resource that allows the assessment of the sustainability, health, and availability of the forest resource.
FIA data is used for a variety of reasons - identifying trends in forest ownership; assessing fish and wildlife habitat; evaluating wildfire, insect, and disease risk; predicting the spread of invasive species; determining capital investment in existing forest products facilities and selecting locations for new forest product facilities; and identifying and responding to priorities identified in State Forest Action Plans.

The American Forest & Paper Association is a strong supporter of the FIA program and was intimately involved in the Blue Ribbon Panels in 1992 and 1998 to develop a national vision and strategy for the program. Language in the 1998 Farm Bill mandated the FIA program transition to a 5-year annualized inventory by directing measurement of 20% of all plots annually. The program has not yet been able to meet these statutory requirements due to being underfunded.

While AF&PA is supportive of the President's request for FY2016 funding at $83 million, to fully meet the statutory requirements and the increasing data needs, AF&PA believes that the program requires $130 million. This would allow sampling at a level of 1 plot per 3000 acres and would return the FIA to historic sampling levels in the Southeast, and allow other states to enjoy the same level of precision that is currently available in the Lake States. It also would include the urban inventory and Alaska. This would make FIA data more useful for emerging needs in the EPA biogenic carbon accounting framework. There is increasing interest in the data as new forest-using facilities are constructed and as the growth/drain ratios have become more important for issues such as carbon accounting for biogenic feedstocks.

National Forest System, Forest Products
To help create forest industry jobs, more federal timber should be made available for sale. AF&PA supports increasing funding for the Forest Products program and increasing outputs to put people back to work in our rural communities while improving the health and reducing the risk of forest fires.

For the sixth year in a row, the Administration has proposed creating a consolidated Integrated Resource Restoration (IRR) line item nationwide, with proposed funding of $820 million. The IRR would consolidate Wildlife and Fisheries Habitat Management, Forest Products, Vegetation and Watershed Management, Legacy Roads, and Hazardous Fuels line items. AF&PA does not believe IRR will create efficiencies in the management and outcomes on the National Forests, as the Administration claims. Combining line items that have different goals and outcomes hinders transparency and makes it difficult to track outcomes, including timber outputs. Congress should limit the IRR to the current pilot project, which is limited to several national forests, to better understand the effects of this approach.

National Forest System, Hazardous Fuels Reduction
Hazardous fuels reduction is essential to the federal forest health restoration effort and **AF&PA supports maintaining this vital program at $353 million**. However, we urge the subcommittee to instruct the USFS to implement these projects in forested stands using mechanical treatments that produce merchantable wood fiber for utilization by local mills. Prescribed burns and debris removal will not solve the hazardous fuel overload by themselves. The forest products industry plays a key role in reducing hazardous fuels from federal lands as evidenced by the fact that mechanical hazardous fuel reduction costs frequently are significantly lower in regions with a substantial forest products industry presence. The agency should take advantage of these synergies.

AF&PA supports the budget cap exception recommended in the President's budget that mirrors HR 167, the Wildfire Disaster Funding Act. During the past two years, the USFS was forced to redirect over 1 billion dollars from non-fire programs to pay fire suppression costs. The continued cycle of borrowing has a detrimental effect on other programs, including forest management and research, damaging the ability to effectively implement these programs. This new approach to funding fire suppression costs is promising and we urge the Committee to include the Wildfire Disaster Funding Act this year.

State and Private Forestry
AF&PA applauds the Committee's sustained support for USFS State and Private Forestry programs. With ongoing droughts, invasive species infestations, and significant forest health problems, private forest resources remain vulnerable to damage from threats that do not respect public/private boundary lines.

As you know, private forests provide the bulk of the nation's wood fiber supply, while providing millions of acres of wildlife habitat, and supplying clean drinking water for millions of Americans. USFS State and Private Forestry programs protect these resources from threats beyond the capability of small landowners to combat effectively. **Therefore, we urge funding at the FY 2012 enacted levels of $86 million for State Fire Assistance and $29 million for Forest Stewardship.**

International Forestry
AF&PA's believes that full and effective implementation and enforcement of the 2008 Lacey Act amendments will reduce the destructive effects of illegal logging on tropical forests, enable American forest product companies to compete on a level playing field, and contribute to cutting of global greenhouse gas emissions through reduced deforestation and sustainable

forest management practices. A 2004 AF&PA report on illegal logging found that up to 10 percent of global timber production could be of suspicious origin and that illegal logging depresses world prices for legally harvested wood by seven to 16 percent on average. The report also calculated that the economic cost of global illegal logging to the U.S. industry is approximately $1 billion per year in lost exports and depressed domestic prices.

The USFS International Forestry program lends critical technical assistance for Lacey Act implementation and to improve sustainable forest management practices in developing countries, which helps reduce illegal logging overseas. AF&PA believes cuts to the International Forestry accounts could be detrimental to full Lacey Act compliance and enforcement efforts, and advocates continued funding of the International Forestry program.

We also recommend continued funding within the USFS Research &Development program in support of the Agenda 2020 Technology Alliance. Working in partnership with universities and the private sector, the Agenda 2020 program works with USFS on research to develop and deploy wood production systems that are ecologically sustainable, socially acceptable, and economically viable to enhance forest conservation and the global competitiveness of forest product manufacturing and biorefinery operations in the United States. In particular, we encourage greater funding for research on forest productivity and utilization at the Forest Products Lab and Research Stations. Innovative wood and fiber utilization research, including nanotechnology research, contributes to conservation and productivity of the forest resource. The development of new forest products and important research on the efficient use of wood fiber directly address forest health problems through exploration of small diameter wood use and bioenergy production.

Regards,

Elizabeth Bartheld
Vice President, Government Affairs

Testimony of Tom Martin, President & CEO, American Forest Foundation
For the House Appropriations Committee:
Subcommittee on Interior, Environment and related Agencies
March 25, 2015

To help family forest owners get ahead of increasing threats from invasive pests and pathogens, wildfire, and development pressures. Complementing these efforts, the Landscape Scale Restoration Program provides an innovative approach to target resources for maximum impact, meaning support for this program will ensure measurable outcomes on the ground. It is also critical that funding for US Forest Service Forest Inventory and Analysis and overall Forest Service Research and Development programs are improved and maintained, so these programs continue to provide the information and technical resources for landowners to make informed decisions about America's forests. We make the following recommendations for fiscal year 2016 funding and encourage the Subcommittee to:

- Support the U.S. Forest Service Forest Health Protection (Federal and Cooperative) at the FY12 funding level of $111 million;
- Support the U.S. Forest Service Forest Stewardship Program FY12 budget level of $29 million;
- Support the President's funding request of $23.513 million for the Landscape Restoration Program;
- Support the Presidents funding request of $83 million for the Forest Inventory and Analysis research;
- Support the U.S. Forest Service Research and Development Program at the FY12 funding level of $231 million;
- Support the U.S. State Fire Assistance Program at the FY12 funding level of $86 million;
- Support the Wildfire Disaster Funding Act that will provide $86 million in funding for fire suppression activities.

Investments in forestry programs will help strengthen rural communities, support rural jobs, and ensure that communities that rely on the clean water and air, wildlife habitat, and forest products from family-owned forests, don't face additional costs for these goods and services.

The American Forest Foundation is a nonprofit conservation organization that works on the ground with more than 22 million family woodland owners through a variety of programs, including the American Tree Farm System®, to protect the values and benefits of America's family forests, with clear ecological and economic impact. Unfortunately, new data suggests that by 2020, more than 18 million acres of family forests are threatened by housing development. Furthermore, almost 14 million acres are at risk of mortality due to insects and disease, while 29 million are at high or very high risk of destruction from wildfire.[1] At the same time, less than 15% of family forest owners have sought out technical service for the stewardship of their forests. It is therefore essential we ensure these families have tools, technical information, and policy support to keep their forests as forests, for current and future generations.

[1] Family Forest Research Center, 2014 Preliminary Data

Forest Health Investments
Threats from invasive species and pests continue to pervade onto American tree-farmer's land, posing economic and environmental hardships. Close to 500 species of tree-damaging pests from other countries have become established in the country, and a new one is introduced, on average, every 2 to 3 years. The USFS Forest Health Protection (FHP) Program is a critical resource supporting efforts to prevent, contain, and eradicate dangerous pests and pathogens affecting trees and forests. The program provides critical assistance to other federal agencies, state agencies, local agencies and private landowners.

As we have seen cuts to this program over the last several years since FY 2011, we have also seen treatment on significantly fewer acres. Any further cuts to this program will necessitate deeper reductions in support for communities already facing outbreaks and expose more of the nation's family-owned forests to the devastating and costly effects of the Asian Longhorned Beetle, Emerald Ash Borer, Hemlock Wooly Adelgid, Thousand Cankers Disease, Western Bark Beetle and other pests. We urge Congress to restore cuts to the U.S. Forest Service Forest Health Protection (Federal and Cooperative) and provide funding for FY16 at the FY12 funding level of $111 million.

Forest Stewardship Program
The Forest Stewardship Program provides the guidance necessary to ensure our nation's family-owned forests can continue to provide benefits (clean air and water, etc.), while leaving them less susceptible to forest health threats and conservation to non-forest users. Approximately 14 billion tons of carbon are stored on family forests and close to 400,000 acres of family forests are critical for the health of headwater streams. Active family forest-owners that provide many environmentally sustainable benefits are in need of the Forest Stewardship Program (FSP) to help them perform forest management plans on their property. The FSP is also critical in engaging the 95% of woodland owners who are not actively managing their land, and therefore have forests that are more susceptible to the environmental and economic threats such as invasive species and pests.

Families and individuals are the largest group of forest owners in the U.S., therefore responsible for the stewardship of 35 percent of America's forest legacy[2]. Many of these families and individuals receive key advice and technical assistance from state service foresters. In 2013, the FSP provided more than 323,000 landowners with technical assistance and education; there have been significant cutbacks in recent years, which has decreased outreach to landowners who are in need of assistance and rely on this program.

With strong funding of $29 million for FY16 and strategic changes, FSP could do more. The program reaches hundreds of thousands of landowners each year, but that's a drop in the bucket compared to the more than 22 million family forest owners nationwide. Changes are already underway to focus resources in high-priority areas and to reach new landowners who have not previously been active in conservation practices on their land. With strong funding from Congress, FSP could do even more to accomplish both national priorities and those identified in state forest action plans.

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[2] USDA, May 2008, *Who Owns America's Forest?*

Support the Landscape Scale Restoration Program
The Landscape Scale Restoration Program helps to concentrate resources to accomplish outcomes on-the-ground where they are needed the most. This program complements the ongoing work of the FSP and further targets measureable outcome in high-priority areas. AFF strongly urges the Subcommittee to support the President's funding request of $23.513 million for the Landscape Restoration Program.

Forest Inventory and Analysis and Forest Service Research & Development Program
The Forest Inventory and Analysis Program provide extensive science and forest information. This essential data provides forest landowners with critical updates on forest health and market trends to help them know how to mitigate growing threats. FIA also provides a census of the trends in family forest ownership, demographics, and trends, so we can better understand how to work with this significant ownership group, most of whom, as mentioned above are "unengaged" in active forest management.

The USFS Research and Development Program provides the science to help manage invasive species in urban and rural forests. AFF believes it is vitally important to conduct research aimed at improving detection and control methods for the Emerald Ash Borer, Hemlock Woolly Adelgid, Sudden Oak Death, Thousand Cankers Disease, Gold-spotted Oak Borer and other non-native forests pests and diseases. The R&D function also provides new information about the use of wood products, which can help create new markets for products from family-owned woodlands. This information helps position wood in growing markets, like green building markets, where understanding the environmental impacts of building materials is key.

During FY 2014 FIA maintained annualized inventory activity in all 50 states, total area currently sampled represents about 90% of all U.S. forestland. Due to late budget allocations, FIA was not able to maintain annual plot production at efficient level in FY 2014. Total funding from all sources for the FIA program in FY 2014 was $77.7million; total funding from all sources was 14% below the amount needed for full program implementation[3]. AFF is urging support for the Presidents funding request of $83 million for the Forest Inventory and Analysis and FY 2012 funding level of $231 million for Research and Development in order to gain a stronger understanding of our woodlands in order to protect them from the increasing threats mentioned previously and to allocate woodland resources appropriately.

State Fire Assistance
In addition to the many threats mentioned previously, forest fires also pose a large threat to family and individual landowners as these fires continue to increase in frequency and intensity. The State Fire Assistance helps the 22 million family woodland owners protect their land from devastating forest fires through technical fire program assistance and enhances state, local, and rural organizations including: community-based wildfire hazard mitigation efforts, fire plan development, and fire adapted ecosystem restoration.

The funds from the State Fire Assistance also provides coordinated fire protection and mobilization for fire suppression on both federal and non-federal lands. It also supports state

[3] Forest Inventory and Analysis, February 2015, *Fiscal Year 2014 Business Report.*

coordinated hazard mitigation activities in the wildland-urban interface, focused on reducing property loss, decreasing fuels hazards, increasing public awareness, developing fire plans and citizen-driven solutions in rural communities[4]. These threatening factors continue to increase and require proper funding, therefore we are requesting support for the U.S. State Fire Assistance Program at the FY 2012 funding level of $86 million.

Wildfire Disaster Funding

Over the last decade, wildfire expenses have significantly increased, and the federal wildfire budgets often are not sufficient to cover the costs, leading the federal agencies to transfer funds from non-fire accounts to cover fire-fighting expenses. In FY 2012, the USFS transferred $440 million and in FY 2013 the transfer cost was upped to $600 million. Understandably, this has caused significant disruptions in forest programs, including programs like the Forest Stewardship and Forest Health Protection Programs that aide family woodland owners in their stewardship.

In order to have programs that do all of this work—(1) reduce the threat of invasive species, (2) provide technical assistance to woodland owner's for good stewardship, and (3) provide restoration activities and active management work to reduce future fire risks—we need a permanent solution to the wildfire funding problem. The American Forest Foundation is asking that Congress pass the Wildfire Disaster Funding Act (S. 235/ H.R. 167) as it would end disrupting, monetary transfers from the USDA Forest Service and Department of Interior to fund fighting wildfires. During FY 2014 there were several fire funding shortfalls, which resulted in funding offsets from other programs, negatively impacting the Forest Legacy Program, Forest Landscape Restoration Program, and Urban Forestry. The Wildfire Disaster Funding Act would expand funding for the Forest Legacy Program, further assist in sustaining private lands, maintain funding for forest trails, and funding for the Forest Inventory Analysis program.

The American Forest Foundation would like to acknowledge that the Subcommittee must find areas to reduce spending, but we hope that the Subcommittee will consider the impact these reductions have on millions of family forest owners, along with all other Americans who are effected by all the benefits well-managed, working forests provide.

We thank the Subcommittee for the opportunity to provide some insight on these programs and appreciate consideration of my testimony.

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[4] USFS, *Fire & Aviation Management: State Fire Assistance (SFA).*

Written Testimony
American Geosciences Institute

Testimony Submitted by
American Geosciences Institute
Maeve Boland, Director of Geoscience Policy
Abigail Seadler, Geoscience Policy Associate

To the United States House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

March 25, 2015

Thank you for this opportunity to provide the American Geosciences Institute's perspective on fiscal year (FY) 2016 appropriations for geoscience programs within the Subcommittee's jurisdiction. We ask the Subcommittee to support and sustain the critical geoscience work of the United States Geological Survey (USGS), the Bureau of Land Management (BLM), the National Park Service, and the Smithsonian Institution. **Specifically, we ask that you support the President's request for $1.2 billion for USGS, but we respectfully request that Congress place greater emphasis on the geological sciences within the USGS mission; $120 million for Energy and Minerals Management at the Bureau of Land Management; $351 million for the National Park Service's Natural Resource Stewardship and Everglades Restoration activities; and $936 million for the Smithsonian Institution.**

The Earth provides the energy, mineral, water, and soil resources that are essential for a thriving, innovative economy, national security, and a healthy population and environment. We must understand the Earth system, and particularly the geological characteristics of Earth's surface and subsurface, in order to sustain human health and safety, energy and water supplies, and the quality of the environment, while reducing risks from natural hazards.

AGI is a nonprofit federation of about 50 geoscientific and professional associations that represent approximately 250,000 geologists, geophysicists, and other Earth scientists who work in industry, academia, and government. Founded in 1948, AGI provides information services to geoscientists, serves as a voice of shared interests in our profession, plays a major role in strengthening geoscience education, and strives to increase public awareness of the vital role the geosciences play in society's use of resources, resilience to natural hazards, and the health of the environment.

U.S. Geological Survey

AGI supports the President's request for $1.2 billion for USGS. We respectfully suggest that Congress should allocate more resources to USGS's geoscience functions; there is no alternative source for this nationally important expertise.

Importance of Geoscience Functions at USGS: If we do not understand the platform upon which our existence depends – the Earth itself – we put all our achievements at risk. Congress has long recognized the national importance of understanding the geological structure, mineral resources, and products of the national domain, and has vested responsibility and authority for these functions in the USGS.

The need for geological information has not diminished since USGS was established in 1879. On the contrary, as we place increasing demands on Earth's system, many critical decisions rely upon geoscience information. The USGS has a wide-ranging mission to provide objective data, observations, analyses, assessments, and scientific solutions to support decision making; while there is merit to USGS's broad remit, its unique geological mission should be paramount.

Table 1 highlights those Mission Areas and Accounts that have been singled out for lower increases than other sections of USGS since FY 2014; we note that these contain the majority of USGS's geoscience functions. We respectfully ask Congress to recognize the importance of geoscience research, monitoring, information collection and analysis to the nation's safety, economy, defense, and quality of life, and to support USGS's mandated role by funding balanced investment in USGS programs.

USGS Mission Area or Account	FY 2014 Enacted	FY 2015 Enacted	% change, FY 14-15	FY 2016 request	% change, FY 15 – FY16 request	*% change, FY14 – FY16 request*
Ecosystems	152,811	157,041	2.8	**176,299**	12.3	*15.4*
Climate & Land Use	131,975	135,975	3	**191,828**	41	*45.4*
Energy, Minerals	71,901	70,826	-1.5	**75,785**	**7**	***5.4***
Environmental Health	19,614	21,445	9.3	**27,517**	28.5	*30.1*
Natural Hazards	128,486	135,186	5.2	**146,363**	**8.3**	***13.9***
Water Resources	207,281	211,267	1.9	**222,878**	**5.5**	***7.5***
Core Science Systems	108,807	107,228	-1.5	**126,667**	18.5	*16.4*
Science Support	110,704	105,611	-4.6	**112,828**	**6.5**	***1.9***
Facilities	100,421	100,421	0	**114,327**	13.8	***13.8***
Total USGS	**1,032,000**	1,045,000	1.3	**1,192,492**	14.3	*15.6*

Shaded areas: Mission Areas and Accounts with lowest percentage increases enacted (FY 2014-2015) and proposed (FY 2016)

Table 1: Trends in funding for USGS Mission Areas and Accounts, FY 2014 – FY 2016 request.

National Geospatial Program: Topographic mapping has been a core activity at USGS since its inception. New technologies for mapping the Earth reveal valuable details about the landscape that have multiple applications. AGI strongly supports the 3D Nation interagency partnership to build a modern elevation map of the nation's territories and urges Congress to support USGS's contribution, the 3DEP (3D Elevation) program. **AGI strongly supports investment in lidar and ifsar mapping, and the President's request for $75.7 million for the National Geospatial Program.**

Mineral Resources Program: AGI is a founding member of the Minerals Science and Information Coalition (MSIC), which supports minerals expertise in the federal government. We are concerned at the dearth of investment in this foundational component of the manufacturing supply chain, which is critical to our national economy and defense. **AGI**

supports the President's request for $47.7 million for the Mineral Resources Program and asks that Congress add $5 million in new funding to create minerals forecasting capabilities.

We note the success of the Critical Materials Hub in the Department of Energy (DOE) and suggest that an equivalent hub, the Critical Minerals Hub, is needed in USGS. There is no point developing new materials if we cannot supply the raw materials to manufacture them. **AGI suggests the creation of a Critical Minerals Hub, with funding of $25 million per year for 5 years,** to match the Critical Materials Hub in DOE.

Energy Resources Program: AGI supports increased funding for the Energy Resources Program. We note the importance of research on gas hydrates, which may play a significant role in future energy and climate scenarios. We are pleased to see interagency collaboration on several projects and urge USGS to develop opportunities to collaborate effectively with other agencies, including the possibility of integrating more geological information with DOE's Subsurface Technology and Engineering (SubTER) crosscut, to ensure prudent use of federal funds. **AGI supports funding of $28.1 million for the Energy Resources Program.**

Earth Observing Systems: One of the most fundamental concepts in the geosciences is that the Earth changes through time. It is impossible to overstate the importance of long-term, consistent monitoring of the Earth to provide a sound basis for decision making. **AGI supports the Landsat satellite program and supports the President's request for $77.6 million to ensure the seamless continuation of this important dataset.**

Water Resources Program: The extreme drought situation in large tracts of the country highlights the importance of understanding the quality, quantity, and distribution of our groundwater and surface water resources. **AGI urges Congress to ensure the continuity and expansion of nationwide, long-term data collection and research programs that support water planning and decision making across all states, and to fund Water Resources at $222.9 million.**

Natural Hazards Program: Detailed topographic data from the National Geospatial Program is the foundation for a step-change in assessing landslide, sinkhole, and other natural hazards; the sooner lidar data are analyzed by USGS, state, and other entities, the more potential tragedies may be avoided. **AGI supports increased funding at $8.0 million for the Landslides Hazards Program** in order to reap benefits from geospatial investments as quickly as possible.

USGS earthquake expertise is needed now more than ever. Earthquakes are being recorded more frequently in states like Oklahoma, and early warning systems are needed to avoid potential devastation from large earthquakes. **AGI is disappointed in the proposed cut to the Earthquake Hazards program and asks Congress to fund the program at $60 million.**

The Science Application for Risk Reduction (SAFFR) project and other elements of the Natural Hazards mission area are linking USGS scientific information with public awareness and action, adding great societal value for relatively small outlay.

AGI supports robust funding of the Natural Hazards Program and urges Congress to appropriate $150 million to this mission area.

National Cooperative Geologic Mapping Program (NCGMP): This important, decades-long, partnership between the USGS, state geological surveys, and universities provides the nation with fundamental geological data for addressing natural hazard mitigation, water resource management, environmental remediation, land-use planning, and raw material resource development. **AGI asks that Congress increase funding for the National Cooperative Geologic Mapping Program to $30 million in FY 2016.**

Libraries and Data Preservation: Geological and geophysical data include rock and ice cores, fossil, oil, and rock specimens, paper records, and computer files that are worth far more than the cost of preserving them. The National Geological and Geophysical Data Preservation Program (NGGDPP) produces more value in terms of economic, environmental, hazard mitigation, and regulatory efficiency than it costs to run. **AGI urges Congress to reauthorize NGGDPP and to fund it at the previously authorized level of $3 million.**

Bureau of Land Management

The Bureau of Land Management's Energy and Minerals Management program provides support for the safe and responsible extraction of natural resources on our nation's public lands. **We are disappointed in the proposed cut for the Energy and Minerals Management program, and we ask that Congress fund it at $130 million.**

Smithsonian Institution

The Smithsonian's National Museum of Natural History plays a dual role in communicating the excitement of the geosciences and enhancing knowledge through research and preservation of geoscience collections. **AGI supports the President's request of $936 million for the Smithsonian Institution in FY 2016.**

National Park Service

National parks are very important to the geoscience community and the public as unique national treasures that showcase the geologic splendor of our country and offer unparalleled opportunities for research, education, and outdoor activities. **AGI supports the President's request for $231 million for Natural Resource Stewardship activities and $10 million for Everglades Restoration.**

Thank you for the opportunity to present this testimony to the Subcommittee. If you would like any additional information for the record, please contact Maeve Boland at 703-379-2480, ext. 228 voice, 703-379-7563 fax, mboland@agiweb.org, or 4220 King Street, Alexandria VA 22302-1502.

THE AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

SUBMITTED TO THE U.S. HOUSE OF REPRESENTATIVES - COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
DEPARTMENT OF THE INTERIOR - BUREAU OF INDIAN EDUCATION

March 25, 2015

I. REQUEST SUMMARY

On behalf of the nation's Tribal Colleges and Universities (TCUs), which collectively are the American Indian Higher Education Consortium (AIHEC), thank you for this opportunity to present our Fiscal Year 2016 (FY 2016) appropriations recommendations for the 30 colleges funded under various titles of the Tribally Controlled Colleges and Universities Assistance Act (Tribal College Act); the Bureau of Indian Education postsecondary institutions; and the Institute of American Indian Arts. The Bureau of Indian Education administers these programs, save for the Institute of American Indian Arts, which is congressionally chartered and funded directly through the Department of the Interior.

In FY 2016, TCUs seek $89.220 million for institutional operations, an endowment building program, and technical assistance under the *Tribally Controlled Colleges and Universities Assistance Act of 1978* or Tribal College Act; of which, $88.5 million is for Titles I & II operating grants (28 TCUs); $109,000 for Title III (endowment grants), and $601,000 for increasingly needed technical assistance. TCUs are founded and chartered by their respective American Indian tribes, which hold a special legal relationship with the federal government, actualized by more than 400 treaties, several Supreme Court decisions, prior Congressional action, and the ceding of more than one billion acres of land to the federal government. Despite the trust responsibility and treaty obligations, the TCUs' primary source of basic operating funds has never been adequately funded. Further, our member institutions – already operating on shoestring budgets – have suffered the ramifications of sequestration. Should sequestration resume in FY 2016, along with added across the board cuts that have become part of the regular order, the TCUs will suffer even greater annual reductions to this already underfunded program. Regrettably, the long-term federal investment in this program, which has proven to be a cost-effective, efficient, and transformative, may be lost as some of tribal colleges could be forced to close their doors. They simply cannot continue to operate on the inadequate funding they receive. After 35 years since this essential grants program was first funded, our FY 2016 request seeks to finally achieve the authorized funding level for institutional operating grants, which is based on a per Indian student allocation; and to retain $601,000 to provide critically needed, ever changing and expanding technical assistance.

AIHEC's membership also includes two tribally controlled postsecondary career and technical institutions, a portion of whose institutional operations funding is authorized under Title V of the Tribal College Act. AIHEC requests $9,300,000 for this program. For the Institute of American Indian Arts, AIHEC supports the President's budget request of $11,619,000. Haskell Indian Nations University and Southwestern Indian Polytechnic Institute are the Bureau of Indian Education's two postsecondary institutions. AIHEC supports a minimum of $19,990,000, included in the President's FY 2016 budget, for these important institutions.

Lastly, but very important, AIHEC is seeking a one-time $20 million appropriation necessary to transition the institutional operating grants of the five TCUs that are still funded on the federal fiscal calendar to an academic schedule. These institutions are the ONLY schools, funded through the Department of the Interior, that still receive their institutional funding on the federal fiscal year (October 1) or more likely, later in the year when the annual Interior appropriation bill is passed, rather than the first week of July in

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preparation for the upcoming school year. Once forward funded these TCUs, like all other BIE/Interior schools, will be able to plan multiyear budgets and to start (and end) each school year with dependable funding. Forward funding does NOT increase the federal budget in the long-term. It simply allows vital education programs to receive basic operating funds before each school year begins, which is critically important when the federal government is funded under continuing resolutions.

II. TCU SHOESTRING BUDGETS: "DOING SO MUCH WITH SO LITTLE"

Tribal Colleges and Universities are an essential component of American Indian/Alaska Native (AI/AN) education. Currently, 37 TCUs operate more than 75 campuses and sites in 16 states, within whose geographic boundaries 80 percent of all American Indian reservations and federal Indian trust land lie. They serve students from well over 250 federally recognized tribes, more than 70 percent of whom receive federal financial aid. In total, the TCUs annually serve about 89,000 AIs/ANs through a wide variety of academic and community-based programs. TCUs are public institutions accredited by independent, regional accreditation agencies and like all U.S. institutions of higher education must periodically undergo stringent performance reviews to retain their accreditation status. Each TCU is committed to improving the lives of its students through higher education and to moving AI/ANs toward self-sufficiency. To do this, TCUs must fulfill additional roles within their respective reservation communities functioning as community centers, libraries, tribal archives, career and business centers, economic development centers, public meeting places, and child and elder care centers.

The federal government, despite its direct trust responsibility and binding treaty obligations, has never fully funded the TCUs' institutional operating budgets, authorized under the Tribally Controlled Colleges and Universities Assistance Act of 1978. In fact, TCU operating support is well below the level received by other institutions of higher education. The Administration requests and Congress appropriates approximately $200 million annually towards the institutional operations of Howard University (exclusive of its medical school), *the only other Minority Serving Institution (MSI) that receives institutional operations funding from the federal government.* Howard University's current federal operating support exceeds $20,000/student, because this is the level of need as determined by the U.S. government. In contrast, most TCUs receive $6,355/Indian Student (ISC) under the Tribal College Act, less than 80 percent of the authorized level. TCUs have proven that they need and have earned an investment equal to -- at the very least -- the congressionally authorized level of $8,000/Indian student. It is important to understand that we are by no means suggesting that our sister MSI, Howard University does not need or deserve the funding it receives; it does. We are only pointing out that the TCUs also need and deserve adequate institutional operations funding; however, TCU operating budgets are chronically underfunded.

TCU budgets are at a further disadvantage because the colleges receive funding for only about 76 percent of their enrolled students. Almost every other U.S. institution of higher education receives institutional operations funding based on its entire student body. However, it is important to note that although approximately 24 percent of the TCUs' collective enrollments are non-Indian students living in the local community, TCUs receive federal funding based only on Indian students, defined as members of a federally recognized tribe or the biological children of an enrolled tribal member. While many TCUs do seek funding from their respective state legislatures for their non-Indian, state-resident students (oftentimes referred to as "non-beneficiary" students) successes have been, at best, inconsistent. Yet, if a TCU's non-beneficiary students attended any other public institution in the state, the state would provide the college with ongoing funding toward its day-to-day operations. Given their locations, often hundreds of miles from another postsecondary institution, TCUs are open to all students, Indian and non-Indian, believing that education in general, and postsecondary education in particular is a catalyst to a better economic future for their areas.

III. FURTHER JUSTIFICATIONS & FACTS

a) TCUs provide access to valuable postsecondary education opportunities. Tribal Colleges and Universities provide access to higher education for American Indians and others living in some of the nation's most rural and economically depressed areas. In fact, seven of the nation's 10 poorest counties are home to a TCU. The American Community Survey/ U.S. Census Bureau reported the annual per capita income of the U.S. population as $28,184. However, the annual per capita income of AI/ANs is reported to be $16,777, or 40 percent lower than that of the general population. TCUs offer their students a high level of support and guidance to bolster their chances of achieving academic success. In addition to serving their student populations, these tribal institutions offer a variety of much-needed community outreach programs.

b) TCUs are producing a Native workforce that includes highly trained AI/AN teachers, tribal government leaders, nurses, engineers, computer programmers, and other much-needed professionals. By teaching the job skills most in demand on their reservations, TCUs are laying a solid foundation for tribal economic growth, with benefits for surrounding communities and the nation as a whole. In contrast to the high rates of unemployment on many reservations, graduates of TCUs are employed in "high demand" occupational areas such as Head Start teachers, elementary and secondary school teachers, agriculture and land management specialists, and nurses/health care providers. Just as important, the vast majority of TCU graduates remains in their tribal communities, applying their newly acquired skills and knowledge where they are most needed.

c) Growing number of TCUs - Compounding existing funding disparities is the fact that although the numbers of TCUs and students enrolled in them have dramatically increased since they were first funded in 1981, appropriations have increased at a disproportionately low rate. Since 1981, the number of tribal colleges has happily more than quadrupled and continues to grow; the number of Indian students enrolled has risen over 355 percent. In the past 10 years, six additional TCUs have become accredited and eligible for funding under Title I of the Tribal College Act, and there are several more colleges currently in the pipeline. TCUs are in many ways victims of their own successes. The growing number of tribally chartered colleges and universities and increasing enrollments have forced TCUs to slice an already inadequate annual funding pie into even smaller pieces.

d) Local Tax and Revenue Bases - TCUs cannot rely on a local tax base for revenue. Although tribes have the sovereign authority to tax, high reservation poverty rates, the trust status of reservation lands, and the lack of strong reservation economies hinder the creation of a reservation tax base. As noted earlier, on Indian reservations that are home to TCUs, the unemployment rate can well exceed 70 percent. By contrast, the national unemployment rate is currently 5.5 percent.

e) Gaming and the TCUs - Although several of the reservations served by TCUs do have gaming operations, these are not the mega-casinos located in proximity to urban outlets and featured in the broad-based media. Only a handful of TCUs receive regular income from the chartering tribe's gaming revenue, and the amounts received can vary greatly from year to year. Most reservation casinos are small businesses that use their gaming revenue to improve the local standard of living and potentially diversify into other, more sustainable areas of economic development. In the interim, where relevant, local TCUs offer courses in casino management and hospitality services to formally train tribal members to work in their local tribally run casinos.

Some form of gaming is legalized in 48 states, but the federal government has not used the revenues generated from state gaming as a justification to decrease federal funding to other public colleges or universities. Some have suggested that those tribes that operate the few extremely successful and widely publicized casinos should be financing higher education for all American Indians. And yet, no state is expected to share its gaming revenue with a less successful or non-gaming state.

V. APPROPRIATIONS REQUEST FOR FY 2016

As noted earlier, it has been 35 years since the Tribal College Act was first funded, and the TCUs have yet to receive the Congressionally authorized per Indian student funding level. Full funding for the TCUs' institutional operating grants ($8,000 per Indian student) for FY 2016 would require an increase of approximately $19.4 million over the FY 2015 appropriated level. Details of the request are outlined in the Request Summary above.

VI. CONCLUSION

AIHEC Member institutions/Tribal Colleges and Universities provide quality higher education to many thousands of American Indians and other reservation residents, as well as essential community programs and services to those who might otherwise not have access to such opportunities. The modest federal investment that has been made in TCUs has paid great dividends in terms of employment, education, and economic development. Continuation of this investment makes sound moral and fiscal sense.

We greatly appreciate your past and continued support of the nation's Tribal Colleges and Universities and your thoughtful consideration of our FY 2016 appropriations requests.

WRITTEN TESTIMONY
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Fiscal Year 2016
Submitted by: Nancy Perry, Senior Vice President, Government Relations
American Society for the Prevention of Cruelty to Animals
March 25, 2015

On behalf of our 2.5 million supporters, The American Society for the Prevention of Cruelty to Animals (ASPCA) appreciates this opportunity to submit testimony to the House Appropriations Subcommittee on Interior, Environment and Related Agencies. Founded in 1866, the ASPCA is the first humane organization established in the Americas and serves as the nation's leading voice for animal welfare. The ASPCA's mission is to provide effective means for the prevention of cruelty to animals throughout the United States; for this reason, we request that the Subcommittee consider the following concerns when making FY2016 appropriations.

Wild Horses and the BLM

In the 44 years since Congress charged the Bureau of Land Management (BLM) with protecting our country's wild horses and burros, Americans have witnessed the agency's Wild Horse and Burro Program deterioration into a continuous cycle of roundups and removals with little regard for the preservation-focused mandate specified in the Wild Free-Roaming Horses and Burros Act. Our wild horses and burros should be revered as historical icons, treated humanely, and managed fairly and respectfully on our public lands. We appreciate BLM's recognition of the great need for reform in the Wild Horse and Burro Program. We are encouraged by BLM's interest in incorporating the use of on-the-range management methods, such as immunocontraception, and in identifying alternatives to the confinement of wild horses in long-term holding facilities. However, the implementation of additional significant reforms must be immediate and effective.

Prohibit BLM funding for euthanasia or sale of wild horses as management methods

In December 2004, Congress passed the Consolidated Appropriations Act for Fiscal Year 2005, which amended the Wild Free-Roaming Horses and Burros Act to allow for the sale of certain wild horses and burros. This instant transfer of title from the U.S. government to the individual purchaser revokes the animal's status as a protected equine and leaves mustangs vulnerable to the still-thriving horse slaughter industry. Additionally, in 2008, BLM publicly announced that, for the first time, it was considering using its statutory authority to destroy old, sick, or unadoptable wild horses and burros by implementing mass euthanasia as a population control method. The public uproar that followed forced BLM to quickly withdraw the proposal. However, both the sale provision and the language allowing for the destruction of wild horses and burros remain in the law.

In September 2012, published reports revealed that since 2009, the BLM had sold more than 1,700 captured mustangs – 70% of the total number of animals sold since the program's onset – to a single Colorado livestock hauler known to be a longtime kill buyer for the horse slaughter

industry.[1] Although BLM has since implemented measures to prevent the sale of such a large number of horses to one individual, Congress must send a clear message that the slaughter of our nation's wild horses and burros is a gross violation of the Wild Free-Roaming Horses and Burros Act. In past appropriations bills, Congress has repeatedly confirmed its opposition to the slaughter of our nation's wild horses and burros; it did so most recently in the FY2015 Consolidated and Further Continuing Appropriations Act, the current funding vehicle for the Department of Interior. The President's FY2016 budget request includes an administrative provision to bar appropriations for the euthanasia of healthy horses and their sale to slaughter. **The ASPCA requests that the Subcommittee continue to include the following language, present in both the President's budget request and previous appropriations bills: "Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products."**

Ensure that removals do not exceed adoption demand

BLM spends much of its Wild Horse and Burro Program budget caring for wild horses in long-term holding facilities. Instead of allowing horses to remain in their natural habitats and family structures as part of their established herds, holding facilities remove horses to fenced facilities where taxpayer dollars pay for their care. There are now at least as many wild horses in holding facilities as in the wild. Without substantial change in management techniques, that number will only increase, as will the waste of more taxpayer dollars. The ASPCA believes wild horses belong in their natural habitats and should not be subjected to the terror and stress of removal and confinement with no hope of return to the range or adoption.

BLM removed approximately 5,900 animals from public rangeland in the last two previous fiscal years. In the same period, BLM adopted roughly 4,500 animals into private care, and currently holds over 17,000 horses and burros in short-term facilities and over 31,000 horses in long-term facilities.[2] Warehousing horses in holding facilities does nothing to manage the on-range populations; it merely delays the inevitable need for more preventative management. This cycle must be broken. **The ASPCA encourages BLM to limit the number of horses removed from the range each year to the number that matches the current adoption rate.**

Prioritize on-the-range management over roundup and removal

The Wild Free-Roaming Horses and Burros Act makes clear that on-the-range management should be preferred over roundup and removal as the primary method of wild horse management. BLM has multiple options to make that happen.

The ASPCA realizes that population control is necessary in some circumstances, and we appreciate BLM's public acknowledgement that fertility control methods must be a significant

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[1] "All the Missing Horses: What Happened to the Wild Horses Tom Davis Bought From the Gov't?" ProPublica: September 28, 2012.

[2] "Wild Horse and Burro Quick Facts." U.S. Department of the Interior, Bureau of Land Management. March 18, 2015. http://www.blm.gov/nv/st/en/prog/wh_b/quick_facts.html

part of wild horse population management. Porcine Zona Pellucida (PZP), the contraceptive vaccine that has been used for decades to manage horse and deer populations, was recently registered by EPA and is now commercially available. In FY2014, BLM administered 384 fertility control treatments, a decrease from nearly 1,200 treatments two years prior.[3] If PZP is to be a serious part of the solution, its use must be increased to levels that will significantly impact population growth. A 2013 National Academy of Sciences report noted the promising capabilities of this and other forms of chemical fertility control.[4] **The ASPCA recommends that the Subcommittee direct BLM to prioritize the use of humane, reversible fertility control when necessary to stem the population growth of wild horse or burro herds.**

In addition to escalating its use of immunocontraception, BLM must also reconsider Herd Management Areas (HMAs) that have been zeroed out as wild horse and burro habitat and make them available for reintroduction. More than 20 million acres of HMAs originally designated as wild horse and burro habitat have been zeroed out and horses have been removed and placed in holding facilities. This 40-year pattern has resulted in American taxpayers paying more each year for the cost of privatized care when millions of acres of habitat are available. **The ASPCA recommends that the Subcommittee direct BLM to reestablish zeroed out HMAs as viable wild horse and burro habitat wherever possible.**

Require humane and transparent roundup operations

Observers have witnessed horses suffering and dying due to brutal roundup practices. Foals have been run over such extreme distances that they lost their hooves, and mares have been driven to the point of physical exhaustion. In recognition of the need to reform its roundup protocol, BLM established its Comprehensive Animal Welfare Program (CAWP). The ASPCA applauds this acknowledgement and asks that the Subcommittee encourage BLM to prioritize animal welfare during gathers. No roundups for removal or any other purposes should occur unless such procedures are in place and being rigorously followed to ensure that incidents like those described above are never repeated. Public investment in this management program demands that no horse or burro suffers at the hands of BLM agents or contractors. **The ASPCA requests that, when roundups are necessary, the Subcommittee charge BLM with adhering to humane and transparent standards and procedures for those operations.**

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[3] *Ibid.*

[4] "Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward." National Research Council. The National Academies Press, 2013.

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Testimony to the U.S. House of Representatives Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies for Fiscal Year 2016
Christopher J. Heyde, Deputy Director of Government and Legal Affairs, March 25, 2015

White-Nose Syndrome (WNS)

U.S. Fish and Wildlife Service – $4.5 million (President's budget request) total. $2 million in Endangered Species Recovery; $2.5 million in Service Science.
U.S. Geological Survey – $1.424 million (President's budget request) in Ecosystems/Wildlife.
National Park Service – $3.155 million (President's budget request) in Operations/Park Management/Natural Resource Stewardship.
Bureau of Land Management – $500,000.
U.S. Forest Service – $2.5 million ($1.7 million increase over President's budget request of $800,000) in Research and Development. $500,000 in Forest Systems.

Nine years after the first known observation of white-nose syndrome, WNS remains at the root of North America's most precipitous wildlife die-off of the past century. WNS has killed at least 5.7 million bats and has spread to 25 states and 5 Canadian provinces. The disease is caused by an invasive species of fungus, *Pseudogymnoascus destructans* (*Pd*), that thrives in caves and abandoned mines and infects bats hibernating there, disrupting their physiological processes. WNS has struck seven species, including the federally endangered Indiana and gray bats, and has the potential to affect 25 of our 47 bat species. Declines are so severe that the U.S. Fish and Wildlife Service has proposed the northern long-eared bat for endangered listing due to WNS.

Bats are integral to our economy and environment. They are primary predators of night-flying insects, including agricultural pests that attack corn, soybeans, cotton, and other crops. By eating these pests, bats reduce the need for pesticides, lower food production costs, and save U.S. farmers an average of $22.9 billion per year. Bats also perform ecological services for 66 plant species that produce timber.

The federal government and its partners have responded admirably to the WNS crisis. Thanks to steady government funding, their research has unlocked much of the disease's basic biology and informed initial management decisions. More remains to be done, however.

The U.S. Fish and Wildlife Service is the lead agency for WNS response. The agency serves as an umbrella organization for nationwide WNS action, steering, facilitating, and managing information flow for the efforts of the more than 100 federal, state, local, tribal, academic, nonprofit, and other entities that contribute to the WNS fight. In this role, FWS creates dialogue among the partners that sets the direction for WNS work, advancing WNS science and identifying how best to spend WNS funds. FWS also catalyzes scientific research on WNS by distributing millions of dollars in research grants every year. The grants fund work that likely would not occur otherwise and increases our knowledge of the disease, such as a paper published last year on research suggesting that *Pd* can persist in caves and abandoned mines for long periods in the absence of bats. FWS is the largest source of funding for state agencies to monitor, manage, and research WNS. We support the President's request for FWS WNS activities.

The U.S. Geological Survey plays a critical role in WNS research. When WNS was first observed in 2006, both it and *Pd* were unknown to science. Since then, USGS's research has laid much of the foundation of our understanding of them. The agency continues to expand this

knowledge and has begun exploring ways to treat WNS. In recent years, USGS developed a more accurate WNS test for bats that, unlike previous methods, doesn't require euthanizing the animals; the agency now is collaborating with state agencies at the WNS border to deploy this test to monitor the disease. With a view to possible treatments, USGS also is studying *Pd*'s cave environment to identify conditions conducive to and hostile to the fungus, as well as whether other microbes found on bats' skin could mitigate the effects of *Pd*. We support the President's request for $1.424 million for USGS in the Wildlife account to continue this work.

The natural resources of the **National Park Service** provide opportunities and challenges related to WNS management and information-sharing. NPS conducts bat and disease monitoring in its many caves and abandoned mines, and plays an important role in educating the public about WNS. The many visitors that NPS hosts also heighten the need for the agency to prevent the human spread of *Pd*. Conducting chemical disinfection with visitors and staff when entering and exiting caves and abandoned mines has enabled NPS to research and advance knowledge of the efficacy of various decontamination methods used by natural resource-management personnel and recreational cavers across the country. Finally, NPS is integrating WNS into all staff bat-resource activities; for example, conducting wing swabs for WNS is becoming standard procedure whenever NPS staff handle bats. We support the President's budget request of $3.155 million in Natural Resource Stewardship for NPS to continue these activities.

With at least 3,000 caves and an estimated 31,000 abandoned mines on its lands, the **Bureau of Land Management** has much work to do on WNS but has never been allocated the funds for it. Most of BLM's lands, concentrated in the western U.S., have not yet suffered from WNS, but addressing the disease is necessary, and BLM has begun the task, thanks in part to directive language from Congress starting in FY12. To address a paucity of information about bats and their habitat on BLM lands, staff are conducting bat inventories. To minimize the risk of *Pd* spread, the agency has integrated decontamination into protocols for personnel who enter caves or abandoned mines and is producing educational programming on decontamination for visitors. BLM also aims to prevent *Pd* spread by closing abandoned mines, installing gates on other mines and caves to keep out people, and selectively closing caves to visitors. One way BLM has been carrying out these measures is through an internal small-grant program; field offices apply for up to $2500, which must be matched by other funds, often from state agencies or local NGOs. In the face of continued WNS spread these efforts must be increased. We request $500,000 for the BLM to implement on-the-ground WNS measures.

The **U.S. Forest Service** has an important role to play in WNS response. Drawing on resources such as the Center for Forest Mycology Research—specialized in the study of fungi—USFS scientists have contributed greatly to the understanding of WNS and *Pd*. In 2013, agency researchers taxonomically reclassified the WNS-causing fungus, laying the foundation for a better understanding of *Pd*. USFS is currently working to pinpoint *Pd*'s harmful genes, in the hope of silencing them. USFS also is exploring the use of a native soil bacterium to inhibit *Pd* and improve survival of WNS-infected bats. In response to directive language from Congress FY12, USFS wrote a WNS science strategy. With the goals of that strategy accomplished, USFS is about to issue an updated strategy. Implementing it will cost $2.5 million in the first year. The President's budget request for WNS in USFS's Research and Development account is $700,000; we request the Subcommittee provide the entire $2.5 million needed to implement its strategy. (The President's budget allocates $83 million to USFS Research and Development's Forest Inventory and Analysis (FIA) budget; according to agency officials, only $75 million can be spent efficiently inFY16. We request that the Subcommittee use the extra $8 million for non-FIA

Research and Development needs, including WNS.) We also ask for $500,000 for USFS's Forest Systems branch for WNS management, monitoring, and field research on USFS lands. Finally, we respectfully ask the Subcommittee not to tie WNS funds to, or otherwise encumber the prospective listing of the northern long-eared bat.

Fish and Wildlife Service – Office of Law Enforcement – $75.4 million

The FWS Office of Law Enforcement (OLE) is one of the most important lines of defense for America's wildlife. OLE enforces over a dozen federal wildlife and conservation laws that frequently impact both domestic and global security. Year after year, OLE protects the public against the illegal trade in wildlife and wildlife products—which ranks third only to the illicit trade in narcotics and weapons in terms of global revenue—and the U.S. remains a source of, or destination for, much of this contraband. Even those who may not concern themselves with wildlife are reaping benefits as OLE protects against smuggling illegal substances and helps to thwart potentially devastating human health threats. We support FWS's proposed appropriation of $75.4 million for OLE, an increase of $8.7 million over the FY15 enacted budget, and the addition of 45 full-time employees over the FY 2015 enacted budget. These increases will provide for expanded forensics capability at the National Fish and Wildlife Forensics Laboratory, support the work of Special Agents and Wildlife Inspectors, and enhance FWS's ability to combat wildlife trafficking.

National Fish and Wildlife Forensics Laboratory – $750,000 increase

The successful outcomes of enforcement cases would not be possible without the essential work of the National Fish and Wildlife Forensics Laboratory (NFWFL), used by FWS agents and inspectors to gather hard evidence in wildlife crime cases. Proposed funding will aid in the advancement of research involving genetic markers and isotope analysis, which will ultimately improve investigators' ability to determine the geographic origin of animals and animal parts.

Wildlife Trafficking – $4,000,000 increase +25 FTE

Combatting increased wildlife trafficking has become a high priority for the Administration, Congress, and numerous governmental agencies. Wildlife trafficking threatens not only species conservation, but also global peace given its close association with terrorism and criminal syndicates. High-speed electronic communication has expanded the rapidity, ease, and range by which criminal elements conduct business, and funds derived from this illegal activity are often used for other crimes and terrorist activities. With poaching reaching unprecedented levels worldwide, domestic and international governmental and private entities have been turning to FWS for leadership in coordinating, guiding, and implementing a workable response. This funding increase supports the Executive Order on combating wildlife trafficking; with it, FWS will hire 25 new personnel. Specifically, the new positions will focus on information analysis in order to forge permanent liaisons with the U.S. intelligence community and other federal law enforcement agencies. Currently, OLE does not have the staff to mount a focused, concerted, and effective effort to address high speed or electronic illegal activities. These new analysts will allow OLE to better combat and pursue traffickers of natural resources on the internet and in high speed transport. Other special agents will be assigned to FWS regions, headquarters, and selected overseas embassies as attachés to focus on investigating illegal electronic commerce.

Law Enforcement Activities – $4,000,000 increase +20 FTE

OLE's ability to enforce critical wildlife laws, such as the Lacey Act, and safeguard species has been increasingly limited by shortfalls in Special Agent staffing. Currently, a majority of the staff are thinly spread in single-agent duty stations across the country. Often, only one or two

agents cover an entire state, forcing agents to frequently work alone, which raises concerns about officer safety and efficiency as they can only focus on a limited number of cases at a time. With the increase, FWS will hire 20 new Special Agents to address staffing shortfalls that affect OLE's ability to perform ongoing investigations. The new agents will be deployed to the field for direct interdiction of illegal commercial activities.

Wild Free-Roaming Horses and Burros Act
The Bureau of Land Management (BLM) continues to round up wild horses and warehouse them on private lands at great public expense. This is not a humane or responsible solution, and for the last few years this Committee has called on the BLM to implement humane on-the-range solutions. It appears this message is being heard by the Agency. We appreciate the Committee's continued commitment to finding humane and responsible long-term solutions and encourage you to maintain this path. We support the BLM's proposed increase of $2.9 million for wild horse and burro management. These funds are to be used for humane population control research, including ongoing research into developing more effective and longer lasting fertility control agents. We support these efforts and request that any increase in appropriations under the Wild Free-Roaming Horses and Burros Act be used *solely* to implement humane, on-the-range management methods such as immunocontraception, and not unnecessary roundup. Finally, we strongly support the continued inclusion of this "no-kill" language to ensure that BLM does not kill healthy wild horses and burros: *Provided, that appropriations herein made shall not be available for the sale or destruction of healthy, unadopted wild horses and burros in the care of the Bureau or its contractors.*

National Wildlife Refuge System – Pilot Program and Data Collection
We support the Administration's request of $508.2 million for operating and maintaining the National Wildlife Refuge System (NWRS), which generates $2.5 billion in economic impacts and $342.9 million in tax revenues. To further enhance the NWRS's stated purpose of conserving fish and wildlife, including species that are threatened with extinction, we request that FWS implement the following two programs geared towards minimizing the damage and threats posed by indiscriminate and injurious body-gripping traps to humans, wildlife, and other animals on refuge land:
Pilot Program: The Committee should direct FWS to develop and implement a pilot program of no fewer than five years banning body-gripping traps (snares, Conibear traps, and leg-hold traps) from National Wildlife Refuges within Region 5 (Northeast Region). FWS will collect data on the program's effects on wildlife populations, other approved recreational uses, and FWS facilities, and report back to Congress within 90 days of the program's conclusion.
Data Collection Program: The Committee should direct FWS to compile data regarding the use of animal traps within the NWRS. Specifically, FWS should provide Congress information regarding the number and species of animals trapped, number of target versus non-target animals, the primary purposes for trapping on refuge land, the humaneness of body-gripping traps, the impacts of trapping on endangered and threatened species and domestic animals, and the extent to which trapping impacts other recreational uses allowed within the NWRS. Additionally, FWS should allow interested and qualified outside parties to submit data relevant to the request above through a public comment period of no less than 30 days. FWS should present a report to Congress containing this and any other relevant information within 120 days of this bill's enactment.

Statement of Christine Anagnos
Executive Director, Association of Art Museum Directors

for the record of the
House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies

The Association of Art Museum Directors (AAMD) respectfully requests funding of $155 million each for the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH) for Fiscal Year 2016. We also ask that the subcommittee provide the U.S. Fish and Wildlife Service (FWS) with the funding necessary to staff and train personnel in order to avoid placing any additional impediments on American art museums that are importing works of art containing ivory for the purposes of public exhibition.

ARTS AND ARTIFACTS INDEMNITY PROGRAM

AAMD wishes to thank the Subcommittee for the language included in the Consolidated and Further Continuing Appropriations Act that revised the statutory caps for international and domestic arts exhibition indemnity agreements. Museums have already applied for indemnity under the new caps, which will serve the public well by allowing major exhibitions to be organized and to travel across the United States. We are eagerly awaiting the announcement of the latest exhibitions to receive indemnification.

An excellent example of the type of exhibition that the indemnity program, which is administered by the National Endowment for the Arts, is furnished by *The Habsburgs: Rarely Seen Masterpieces from Europe's Great Dynasty*, currently on view at the Minneapolis Institute of Arts, after which it will travel to Atlanta and Houston. The estimate of insurance cost savings for the MIA alone is $308,370, and the museum estimates that 125,000 visitors will attend the exhibition in Minneapolis.

NATIONAL ENDOWMENT FOR THE ARTS

As stated above, AAMD requests that Congress appropriate $155 million for the NEA. The agency continues to make modest but important grants that leverage significant private support, disseminate best practices, and foster innovation.

For example, the NEA has awarded a 2015-16 grant to the Museum of Glass in Tacoma, Washington for *Hot Shop Heroes: Healing with Fire*, a glass-blowing program for wounded soldiers.

The act of glassblowing can heal the wounded. This was the hypothesis of Joint Base Lewis McChord (JBLM) General Robert Brown after seeing soldiers participate in hands-on activities at the Museum of Glass (MOG) on President's Day, 2012, when artist Dale Chihuly hosted Military Day at MOG. Gen. Brown believed that the precise

and orchestrated team processes of glassblowing, and the ability of the artists to calmly deal with a volatile material, echoed military life.

To explore this idea, MOG partnered with JBLM's Warrior Transition Battalion (WTB) to pilot a glassblowing program for wounded soldiers. The pilots took place over a year and were evaluated by a local college. With proven and moving results, particularly for soldiers suffering from PTSD, Hot Shop Heroes is now a core education program with two 8-week classes, introductory and intermediate, offered three times a year. Curriculum was developed with an occupational therapist from JBLM; each weekly class serves 12 soldiers. There is a waiting list to participate.

Hot Shop Heroes encourages life-long learning in the arts; many participants have said that the program awakened creativity they thought they had lost. The act of making objects fosters imagination, inquiry, experimentation, and healing in the bodies and minds of wounded soldiers.

At JBLM, more than 2,000 wounded soldiers are on base. With assistance from the NEA, MOG will serve these soldiers and veterans as well. MOG is working with the Soldier Family Assistance Program at JBLM to create a referral plan for participants. With NEA support, the program will be offered five times a year and will reach 120 critically wounded soldiers and veterans.

Job training will also be enhanced in the program. Some participants have shown an aptitude for glassmaking. At the invitation of MOG, soldiers will be selected for one-on-one master classes with the MOG's Lead Gaffer; eligibility for a scholarship to Pilchuck Glass School; and eligibility for master classes at the studios of Preston Singletary, John Kiley, Dale Chihuly and Benjamin Moore.

All participants will benefit. Participants learn skills that improve dexterity through new access to the arts which are transferrable to other occupations, such as machining and welding. MOG will partner with Rally Point 6, a soldiers/veteran's service organization, to connect participants with potential employers as appropriate.

An exhibition of work by project participants will be shown at MOG and JBLM at the end of the year. MOG is planning a best practices model so that this unique and effective program can be shared with glassmaking institutions and military bases across the U.S.

Comments received from participants in Pilot I after the conclusion of the class include:

"The positive feedback/accomplishments of this class was better than months of therapy."

"[The class] awakened previously hidden joy in creating things by hand. [Made me] able to actually 'feel' something other than numb."

"Glassblowing is very relaxing. You forget everything and focus on glass—I love it."

It should come as no surprise to members of the Subcommittee that the Museum of Glass is a Blue Star Museum, offering free admission to active duty military families (and up to five guests) from Memorial Day through Labor Day. In fact, about 80 percent of the AAMD member museums participate in the program, which offers museums a chance to give back to those in the armed forces.

NATIONAL ENDOWMENT FOR THE HUMANITIES

As stated above, AAMD requests that Congress appropriate $155 million for the NEH.

This important agency assists art museums in presenting humanities scholarship to the general public. It also has historically played an invaluable role in assisting with the preservation and conservation of important collections. This is exactly the type of unglamorous work for which it is chronically difficult to raise private funding, making federal support all the more valuable.

For example, a current grant is supporting a conservation assessment at the Portland Museum of Art of 300 of its most significant works on paper. This group of drawings, watercolors, pastels, and prints encompasses a wide variety of media, technique, and styles. Most works were made between the early 19th century and present day by American and European artists, particularly artists with strong ties to Maine, such as Marsden Hartley, Winslow Homer, Edward Hopper, Robert Indiana, Yvonne Jacquette, Andrew Wyeth, and William Zorach. These works showcase the diversity of human creativity, provide insight into the cultural conditions of a historical moment, and inspire and educate audiences. A conservator will examine each piece and prepare a survey form, summarizing the current condition and proposing treatment. This survey will allow the PMA to prioritize conservation treatments as the museum prepares for a major reinstallation in 2016.

AAMD is particularly encouraged by the NEH initiative The Common Good, which is designed to demonstrate the critical role that humanities scholarship can play in public life. Standing at the intersection of scholarship and the general public, museums have developed expertise in presenting complex ideas to non-specialists.

Both the NEA and NEH rely on the participation of non-governmental peer reviewers in making funding decisions, ensuring that political interference is non-existent. This system is the envy of many nations, and we strongly encourage Congress to maintain its vitality though continued and increased funding.

U.S. FISH AND WILDLIFE SERVICE

The AAMD has had extensive conversations with the Fish and Wildlife Service (FWS) about the importance of presenting works of many cultures to the American public, works that without temporary exhibitions, Americans would never see. These works, entrusted to our museums from both foreign museums and foreign private collectors,

are fragile, invaluable and represent the highest professional quality. American museums borrowing these works must be assured that the works can move quickly, safely and be fully protected.

This is especially true when moving works of art, made in whole or in part of ivory, through designated ports as called for in the Director's Order 210 issued February 25, 2014. The Director's Order 210 imposed strict requirements on importing works of ivory from abroad, with which museums are struggling to comply.

Unfortunately, the FWS has limited capacity to staff and train personnel at the designated ports to process works of ivory for special exhibitions. There must be sufficient staff to ensure that the works move in accordance with professionally accepted procedures, the new requirements and the speed that a temporary exhibition requires. The AAMD urges the committee to provide FWS with the funding necessary to staff and train personnel in order to avoid placing any additional impediments on American art museums.

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FY 2016 Testimony of the
ASSOCIATION OF PUBLIC AND LAND-GRANT UNIVERSITIES (APLU)
BOARD ON NATURAL RESOURCES (BNR)
To the House Appropriations Subcommittee on Interior, Environment, and Related Agencies

Submitted by John Tanaka, Chair of the Board on Natural Resources; and Department Head, Ecosystem Science and Management, College of Agriculture and Natural Resources, University of Wyoming, jtanaka@uwyo.edu

On behalf of the APLU Board on Natural Resources (BNR), we thank you for your support of science and research programs within the United States Geological Survey (USGS). We appreciate the opportunity to provide recommendations for the following programs within USGS: $8.8 million for the Water Resources Research Institutes and $18.6 million for the Cooperative Fish and Wildlife Research Units.

APLU BNR requests $8.8 million for the Water Resources Research Institutes (WRRI). The APLU BNR request is based on the following: $7,000,000 in base grants for the WRRI as authorized by Section 104(b) of the Water Resources Research Act, including state-based competitive grants; $1,500,000 to support activities authorized by section 104(g) of the Act, which is a competitive matching grants program that addresses national and regional water issues and $300,000 to support USGS administrative costs. Federal funding for the WRRI program is *the* catalyst that moves states and cities to invest in university-based research to address their own water management issues. State WRRIs take the relatively modest amount of federal funding appropriated, match it 2:1 with state, local and other funds and use it to put university scientists to work finding solutions to the most pressing local and state water problems that are of national importance. The Institutes have raised more than $16 in other funds for every dollar funded through this program. The added benefit is that often research to address state and local problems helps solve problems that are of regional and national importance. Many of the projects funded through this program provide the knowledge for state or local managers to implement new federal laws and regulations. Perhaps most important, the federal funding provides the *driving force of collaboration* in water research and education among local, state, federal and university water professionals. This program is essential to solving state, regional and inter-jurisdictional water resources problems. As USGS itself has stated: "The Water Institutes have developed a constituency and a program that far exceeds that supported by their direct Federal appropriations."

The institutes also train the next generation of water resource managers and scientists. Last year, these institutes provided research support for more than 1,400 undergraduate and graduate students at more than 150 universities studying water-related issues in the fields of agriculture, biology, chemistry, earth sciences, engineering and public policy. Institute-sponsored students

receive training in both the classroom and the field, often working shoulder-to-shoulder with the top research scientists in their field on vanguard projects of significant regional importance.

In addition to training students directly, Water Resources Research Institutes work with local residents to overcome water-related issues. For example, the California Institute for Water Resources, like most of its peers, holds field days, demonstrations, workshops, classes, webinars, and offers other means of education in an effort to transfer their research findings to as many users as possible. Outreach that succeeds in changing a farmer's approach to nitrogen application or reducing a homeowner's misuse of lawn treatments can reduce the need for restrictive regulation.

Below are some examples of work being done in various states:

- The current drought in California is creating serious economic hardship for agricultural producers and local communities. The University of California's (UC) **California Institute for Water Resources (CIWR)** has responded by creating an information hub that is being accessed by agricultural and urban interests to gain vital information on how to adapt during the drought. This hub contains valuable information from multiple units within the UC system. It also brings together information on workshops and seminars (many of which are and will be provided in video form on the web). In 2014, UC promoted and hosted over 150 workshops and has more than 25 planned (ciwr.ucanr.edu). The CIWR has also produced a webinar series of short (15-minute) talks with useful information on irrigation practices, salinity management, landscape management and more.

- The **Minnesota Water Resources Center** has funded a number of research projects that address important, nationally-relevant water resources issues with USGS/WRRA funding over the last 4 years. This funding has been highly leveraged with university funds and the Minnesota Environmental Trust Fund. Researchers have addressed critical issues, including determining the biogeochemical variables that can be used to predict how much arsenic will get into groundwater used for drinking water, and determining the degree of antibiotic resistance in wastewater treatment plant effluent.

- Researchers with the **Idaho Water Resources Research Institute** have collaborated with Idaho Department of Water Resources scientists to develop technology for assessing crop-water usage over large areas using satellite based remote-sensing information. This technology is now used routinely within the Idaho Department of Water Resources for investigating and resolving water rights conflicts, for aquifer depletion modeling and for stream flow management. This technology is also being adopted by 10 western states and parts of Africa, Europe and Australia.

APLU BNR requests at least $18.6 million for the Cooperative Fish and Wildlife Research Units (CRU). This program: 1) trains the next generation of fisheries and wildlife managers; 2) conducts research designed to meet the needs of unit cooperators; and 3) provides technical assistance to state, federal and other natural resource managers. Originally established in the 1930s to provide training for students in fisheries and wildlife biology, the units were formally

recognized by the Cooperative Units Act of 1960 (PL 86-686). The CRUs provide experience and training for approximately 600 graduate students per year, a critical need as state and federal workforces face unprecedented retirements over the next 5 to 10 years. The CRUs also provide valuable mission-oriented research for their biggest clients, the U.S. Fish and Wildlife Service and cooperating state agencies. Today, there are 40 Cooperative Research Units in 38 States.

Each unit is a true federal-state-university-private sector collaboration in that it is a partnership between the U. S. Geological Survey, a State natural resources management agency, a host university, and the Wildlife Management Institute. For every $1 the federal government puts into the program, $3 more are leveraged through the other partners. The U.S. economy has long relied on the bountiful natural resources bestowed upon this land. Federal investment in the CRUs will be returned many times over though the training of future natural resource managers who will guide the nation in sustainable use of our natural resources. The research conducted by CRU scientists directly supports the difficult management challenges faced by natural resources managers. The examples below demonstrate the value of the CRUs to wildlife issues with local and national importance.

- Minnesota: **The Minnesota CRU** is currently researching the olfactory sensitivity of Asian carps to putative sex pheromones. This work has recently received national attention, because Asian carps are an invasive species that threatens many of the nation's freshwater native fishes through competition for food. The Minnesota CRU hopes to use the sex pheromones to attract and trap Asian carp, removing them permanently from the nation's freshwater lakes and rivers. Minnesota CRU researchers are also studying human behavior, working to understand the motivations of agricultural producers enrolling in USDA water quality and wildlife habitat programs. They hope to gain insight into designing and developing programs, practices and messages that encourage broader participation in those programs.
- Tennessee: In 2011, an estimated 826,293 anglers fished in Tennessee, creating an economic impact of nearly $1.3 billion for the state. The **Tennessee CRU** supports this economic driver by assessing fish stocks, working on recovery efforts for threatened and endangered species, providing research and technical assistance to support state decisions related to fishing. For example, research on sauger in the Tennessee River showed that minimum size requirements by the state were not leading to increased mortality of released fish below the minimum size. Their research also kept "stinger" hooks available for fishermen by showing they also did not contribute to increased mortality.
- Oklahoma: The **Oklahoma CRU** is celebrating its seventh decade of activity. Since opening in 1948, the graduate students that conducted research at the CRU have completed over 400 theses and dissertations. One on-going research project is to gather an accurate count of the black bear population expansion out of Arkansas and into eastern Oklahoma. Wildlife managers need this information for appropriate management of the bear population now that black bear hunting has been reintroduced in Oklahoma.

About APLU and the Board on Natural Resources

APLU's membership consists of 238 state universities, land-grant universities, state-university systems and related organizations. APLU institutions enroll more than 4.8 million undergraduate students and 1.3 million graduate students, award 1.2 million degrees, and conduct $41 billion

annually in university-based research annually. The Board's mission is to promote university-based programs dealing with natural resources, fisheries, wildlife, ecology, energy, and the environment. BNR representatives are chosen by their president's office to serve and currently number over 500 scientists and educators, who are some of the nation's leading research and educational expertise in environmental and natural-resource disciplines.

Association of State Drinking Water Administrators

Testimony to the House Appropriations
Subcommittee on Interior, Environment, & Related Agencies for EPA Funding

The Association of State Drinking Water Administrators (ASDWA) respectfully submits the following recommendations for Fiscal Year 2016 appropriations on behalf of the drinking water programs in the fifty states, territories, District of Columbia, and Navajo Nation.

Summary of Request: *ASDWA respectfully requests that, for FY 16, the Subcommittee appropriate funding for three programs at levels commensurate with Federal expectations for performance; that ensure appropriate public health protection; and that will result in enhancing economic stability and prosperity in American cities and towns. ASDWA requests* ***$200 million*** *for the Public Water System Supervision (PWSS) program;* ***$1.186 billion*** *for the Drinking Water State Revolving Loan Fund (DWSRF) program; and* ***$10 million*** *for state drinking water program security initiatives. A more complete explanation of the needs represented by these requested amounts and their justification follows.*

Overview: The Importance of Safe Drinking Water for Our Communities and the Economy & the Role of State Drinking Water Programs

States need increased Federal support to maintain public health protection and to support the needs of the water systems they oversee. State drinking water programs strive to meet the Nation's public health protection goals through two principal funding programs: the Public Water System Supervision Program (PWSS) and the Drinking Water State Revolving Loan Fund (DWSRF) Program. These two programs, with their attendant state match requirements, provide the means for states to work with drinking water utilities to ensure that American citizens can turn on their taps with confidence that the water is both safe to drink and the supply is adequate. In recent years, state drinking water programs have accepted additional responsibilities in the area of water system security that include working with all public water systems to ensure that critical drinking water infrastructure is protected; that plans are in place to respond to both natural and manmade disasters; and that communities are better positioned to support both physical and economic resilience in times of crisis.

Vibrant and sustainable communities, their citizens, workforce, and businesses all depend on a safe, reliable, and adequate supply of drinking water. Economies only grow and sustain themselves when they have reliable water supplies. Over 90% of the population receives water used for bathing, cooking, and drinking from a public water system – *overseen by state drinking water program personnel.* Even people who have their own private wells will visit other homes, businesses, and institutions served by a public water system. As important as public water systems are to the quality of the water we drink and our health, the majority of water produced by public water systems is used by businesses for a variety of purposes, including processing, cooling, and product manufacturing. The availability of adequate supplies of safe water is often a critical factor in attracting new businesses to communities. Public water systems – as well as the cities, villages, schools, and businesses they support -- *rely on state drinking water programs* to ensure they are in compliance with all applicable Federal requirements and the water is safe to drink. Several recent incidents in the

U.S. have led to illnesses, death, or prohibitions against use, due to unsafe drinking water. These have included deaths in several states due to microbiological contaminants; unsafe drinking water in Charleston, West Virginia for over a week due to an upstream chemical spill; and unsafe drinking water in Toledo, Ohio for over a day due to algal toxins. These incidents serve as stark reminders of the critical nature of the work that state drinking water programs do -- every day -- and the reason why state drinking water programs must be adequately funded.

State Drinking Water Programs: How they Operate, Why Support is Needed, and Justifications for Requested Amounts

The Public Water System Supervision (PWSS) Program:

How the PWSS Program Operates: To meet the requirements of the Safe Drinking Water Act (SDWA), states have accepted primary enforcement responsibility for oversight of regulatory compliance and technical assistance efforts for over *155,000 public water systems* to ensure that potential health-based violations do not occur or are remedied in a timely manner. Over 90 contaminants are regulated in Federal drinking water regulations and the pace of regulatory activity has accelerated in recent years. Beyond the contaminants covered by Federal drinking water regulations, states are also implementing an array of *proactive* initiatives to protect public health from "source to tap." These include source water assessments and protections for communities and watersheds; technical assistance for water treatment and distribution for challenged utilities; and enhancement of overall water system performance. In recent years, states have also taken on an increasingly prominent role in working with Federal and local partners to help ensure sufficient water *quantity*. In short, state activities go well beyond simply ensuring compliance at the tap – and, states perform all of these tasks more efficiently and cheaply than would be the case if the program were Federally implemented. Well supported state drinking water programs are a good deal for America.

Why Adequate Support is Needed: Simply put, state drinking water programs are extremely hard pressed financially and the funding gap continues to grow. States must accomplish all of the above-described activities -- and take on new responsibilities -- in the context of a challenging economic climate. State funding has historically compensated for inadequate Federal funding, but state budgets have been less able to bridge this funding gap in recent years. State drinking water programs have often been expected to do more with less and states have always responded with commitment and integrity but they are currently stretched to the breaking point. Insufficient Federal support for this critical program increases the likelihood of contamination events that puts the public's health at risk. $101.9 million was appropriated for the PWSS program in FY 15 and the Administration requested only $109.7 million in FY 16 (or, on average, a paltry $2 million per state per year). These amounts are woefully inadequate for the enormity of the task faced by state drinking water programs. We believe, based on our rigorous assessment of every state's need (in a report we released in January 2014), that *at least twice that amount is needed.* Inadequate Federal funding for state drinking water programs has a number of negative consequences. Many states are simply unable to implement major provisions of the newer regulations, leaving the work undone or ceding the responsibility back to EPA, which is also challenged by the Agency's own resource constraints and lack of "on the ground" expertise. States also want to offer the flexibilities allowed under existing rules to local water systems. However, fewer state resources mean less opportunity to work one-on-one with water systems to meet their individual needs. This situation has created a significant implementation

crisis in several regions of the country and is ultimately delaying or hampering implementation of critically needed public health protections.

For the PWSS Program in FY 16, ASDWA Respectfully Requests $200 million: The number of regulations requiring state implementation and oversight as well as performance expectations continue to grow while at the same time, the Federal funding support necessary to maintain compliance levels and meet expectations has been essentially "flat-lined." Inflation has further eroded these inadequate funding levels. The recommended amount is based on ASDWA's aforementioned January 2014 resource needs report and *begins* to fill the above-described resource gap. These funds are urgently needed for implementing new drinking water rules, taking on a number of other new initiatives, and to account for the eroding effects of inflation. We further recommend that Congress not allow any Federal funds already appropriated to state drinking water programs to be rescinded.

The Drinking Water State Revolving Loan Fund (DWSRF) Program:

How the DWSRF Program Operates: Drinking water in the U.S. is among the safest and most reliable in the world, but it is threatened by aging infrastructure. Through loans provided by the DWSRF, states help water utilities overcome this threat. The historical payback to the DWSRF on this investment has been exceptional. In the core DWSRF program, $17.7 billion in cumulative Federal capitalization grants since 1997 have been leveraged by states into over $28 billion in infrastructure loans to small and large communities across the country. Such investments pay tremendous dividends -- both in supporting our economy and in protecting our citizens' health. States have very effectively and efficiently leveraged Federal dollars with state contributions to provide assistance to more than 10,000 projects, improving health protection for millions of Americans. The U.S. Conference of Mayors estimates that each public dollar invested in water infrastructure increases private long-term Gross Domestic Product output by $6.35. An important feature of the DWSRF program is states "set-aside" funds and another key reason for adequately funding this critical program. States can reserve up to 31% of these funds for a variety of critical tasks, such as shoring up the technical, managerial, and financial capacity of public water systems. Set-asides are thus an essential source of funding for states' core public health protection programs and these efforts work in tandem with infrastructure loans.

Drinking Water Infrastructure Investment is Well below the Documented Need: The American Society of Civil Engineers gave the nation's drinking water infrastructure a D+ grade and EPA's most recent National Drinking Water Infrastructure Needs Survey (2011) indicated that drinking water system infrastructure needs total $384 billion over the next 20 years. The American Water Works Association recently estimated that 20 year need at $1 trillion (which more fully accounted for more of the water distribution system replacement costs). Investment is needed for aging treatment plants, storage tanks, pumps, and distribution lines that carry water to our nation's homes, businesses and schools. The DWSRF must continue to be a key part of the solution to the nation's infrastructure crisis.

For the DWSRF Program in FY 16, ASDWA respectfully requests $1.186 billion: States were very encouraged by the $1.387 billion appropriated for the DWSRF in FY 10 but have been disappointed by the subsequent downward trend -- $963 million in FY 11, $919 million in FY 12,

$854 million for FY 13 (a figure not seen since 2006), and, a somewhat better $907 million in FY 14 and FY 15. The primary purpose of the DWSRF is to improve public health protection by facilitating water system compliance with national primary drinking water regulations through the provision of loans to improve drinking water infrastructure. Water infrastructure is needed for public health protection as well as a sustainable economy, as explained above. In light of these indicators of success and documented needs, we believe funding at the $1.186 billion level -- the level requested in the President's FY 16 budget -- will better enable the DWSRF to meet the SDWA compliance and public health protection goals for which it was designed.

State Drinking Water Security Programs

State Drinking Water Security Responsibilities: State drinking water programs are critical partners in emergency planning, response, and resiliency at all levels of government. In fact, states are typically the critical nexus between Federal and local levels officials in emergency situations. State primacy agencies provide key resources and critical support -- regardless of whether the emergency is rooted in terrorism, natural disasters, or cyber intrusions. States continually work toward integrating security considerations throughout all aspects of their drinking water programs.

State Drinking Water Security Funds Are Urgently Needed: After seven years of Congressional support for state security programs through a small grant of approximately $5 million in EPA's appropriations (from FY 02 through FY 08), *no funds* have been provided for this purpose since FY 09 and none are requested by the Administration for FY 15. It is very difficult to understand why this small, but essential grant to states has been zeroed out of EPA's proposed budget and why Congress has not supported state drinking water security programs. State drinking water programs urgently need funds to continue to maintain and expand their security activities, particularly in partnership with small and medium public water systems.

For State Drinking Water Security Programs in FY 16, ASDWA Respectfully Requests $10 million: Given the realities and the lessons learned from recent catastrophic events such as Hurricane Sandy in New York and New Jersey; tornados in central Oklahoma; wildfires and floods in Colorado; and continuing drought in California and Texas – to name but a few -- state drinking water programs are working more closely than ever with their water utilities to evaluate, assist, and support drinking water systems' preparedness, response, and resiliency capabilities. States continue to expand their efforts to reflect a resilient, "all hazards" approach to water security and to assist public water systems of all sizes – with a particular focus on smaller water systems that most need help.

Conclusion: *ASDWA respectfully recommends that the Federal FY 16 budget needs for states' role in the provision of safe drinking water be adequately funded by Congress. A strong state drinking water program supported by the Federal-state partnership will ensure that the quality of drinking water in this country will not deteriorate and, in fact, will continue to improve – so that the public can be assured that a glass of water is safe to drink no matter where they travel or live. States are willing and committed partners. However, additional Federal financial assistance is needed to meet ongoing and ever growing regulatory, infrastructure, and security needs. In 1996, Congress provided the authority to ensure that the burden would not go unsupported. For Fiscal Year 2016, ASDWA asks that the promise of that support be realized.*

Jim Maddy, President and CEO
Association of Zoos and Aquariums
Testimony – House Subcommittee on Interior, Environment, and Related Agencies

Thank you Chairman Calvert and Ranking Member McCollum for allowing me to submit written testimony on behalf of the nation's 214 AZA-accredited zoos and aquariums. Specifically, I want to express my support for the inclusion of $11,100,000 for the Multinational Species Conservation Funds (MSCF) operated by the U.S. Fish and Wildlife Service (USFWS), $14,700,000 for the USFWS's International Affairs program, and $11,000,000 for National Environmental Education Act programs at the Environmental Protection Agency (EPA) in the FY2016 Interior, Environment, and Related Agencies appropriations bill.

Founded in 1924, the Association of Zoos and Aquariums (AZA) is a nonprofit 501c(3) organization dedicated to the advancement of zoos and aquariums in the areas of conservation, education, science, and recreation. AZA-accredited zoos and aquariums annually see more than 180 million visitors, collectively generate more than $17 billion in annual economic activity, and support more than 165,000 jobs across the country. Annually, AZA-accredited institutions spend $160,000,000 on more than 2,650 field conservation projects in 130 countries.

MSCF programs support public-private partnerships that conserve wild tigers, elephants, rhinos, great apes, and marine turtles in their native habitats. Through the MSCF programs, the United States supplements the efforts of developing countries that are struggling to balance the needs of their human populations and endemic wildlife. MSCF programs help to sustain wildlife populations, address threats such as illegal poaching, reduce human-wildlife conflict, and protect essential habitat. By working with local communities, they also improve people's livelihoods, contribute to local and regional stability, and support U.S. security interests in impoverished regions. This federal program benefits AZA-accredited zoos and aquariums in their field conservation efforts and partnerships with the USFWS.

I also encourage you to continue to support the valuable environmental education initiatives at the EPA. Education programs at AZA-accredited institutions provide essential learning opportunities, particularly about science, for schoolchildren in formal and informal settings. Studies have shown that American schoolchildren are lagging behind their international peers in certain subjects including science and math. In the last 10 years, accredited zoos and aquariums formally trained more than 400,000 teachers, supporting science curricula with effective teaching materials and hands-on opportunities. School field trips annually connect more than 12,000,000 students with the natural world. Increasing access to formal and informal science education opportunities has never been more important.

Finally, much of the important conservation work at AZA-accredited zoos and aquariums depends on a robust and fully staffed USFWS. While I am aware of the budget challenges facing Congress and the agencies, I encourage you to ensure that the USFWS has sufficient resources to employ qualified professionals, particularly for the programs handling permits, which

support the science-based conservation breeding and wildlife education programs that require animals to be moved in an efficient, timely manner: International Affairs (Management Authority), Endangered Species, Law Enforcement, and Migratory Birds.

AZA-accredited zoos and aquariums are essential conservation and education partners at the federal, state, and local levels domestically as well as internationally. To ensure that AZA-accredited zoos and aquariums can continue to serve in these important roles, I urge you to include $11,100,000 for the Multinational Species Conservation Funds operated by the USFWS, $14,700,000 for the USFWS's International Affairs program, and $11,000,000 for National Environmental Education Act programs at the Environmental Protection Agency in the FY2016 Interior, Environment, and Related Agencies appropriations bill.

Thank you.

DAVID JONAS BARDIN
[redacted]

5 March 2015

Honorable Ken Calvert, Chairman
Honorable Betty McCollum, Ranking Member
Subcommittee on Interior, Environment and Related Agencies
Committee on Appropriations
United States House of Representatives

Re: **USGS FY16 request for improved geomagnetic monitoring**

Dear Chairman Calvert and Ranking Member McCollum,

Please examine and approve this unique $3.6 million request ($1.7 million increase) because of its ramifications for our national defense and security of critical infrastructure and communications – which face both malevolent risks (such as electromagnetic pulse attacks) and natural ones (such as geomagnetic disturbances). If Congress approves, USGS will help overcome vulnerabilities – for example, making our Nation's electric power grid more resilient and our communications via satellites (both military and civilian) more secure. Electric utilities, water and sewer systems, oil and gas drillers, and many others as well as our military will reap benefits of the proposal, as USGS explains:

> **Improved Geomagnetic Monitoring to Support Space Weather Situational Awareness**
> Geomagnetic storms driven by large solar flares are a hazard for our technology-dependent society. They are often global in extent and can regionally impact radio communications, GPS systems, satellite operations, pipelines, and electric power grids. Proposed funding will provide enhanced monitoring of magnetic and electric fields at ground-level and improve three-dimensional models of electrical conductivity. Investments will lead to a national capability in mapping geomagnetic hazards to assess space weather vulnerability and risk as well as improve situational awareness of space weather and its impacts.
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> In 2016, the USGS will provide enhanced monitoring of geomagnetic- and E-field activity at ground level, and establish a national project for mapping time-dependent geomagnetic hazards for assessing national space weather vulnerability and risk:
> • Expanded monitoring: Improve magnetic and electrical field monitoring by installing new observatories and variometer stations in the continental United States, adding a Wake Island and South Pole observatory, providing support for the existing Samoan observatory, monitoring the crustal electric field at every observatory, and eliminating reliance on transfers from AFWA ($0.5 million).

• E-field monitoring: Begin a national project for detailed geographic and depth-dependent mapping of U.S.-regional lithospheric electric conductivity, based on magneto-telluric (MT) methods that exploit known geological structures, the existing USGS magnetic observatory network, and the network expansion proposed above ($0.8 million).
• INTERMAGNET: Work on collaboration with academic and government institutes worldwide to integrate global observatory data with statistical and dynamic models of the magnetosphere and ionosphere to improve regional predictions of hazardous geomagnetic-field activity ($0.2 million).
• Scenario testing: Work in collaboration with electric-power companies, oil and gas drilling industry and the U.S. Air Force to compile information of magnetic-storm effects, and assess geomagnetic hazard vulnerability and risks for technological systems and continuity of operations ($0.2 million).

Please work with USGS to resolve any issues in order to initiate these measures to protect our Nation in FY 2016.

Faithfully,

David Jonas Bardin

========== Short bio ==========

Mr. Bardin, a retired member of Arent Fox LLP, has focused on energy, environmental, public utility, and governance issues in a number of public and private capacities.
• At Arent Fox beginning in 1980, he practiced energy, public utilities, and environmental law on behalf of corporate and governmental clients in the United States and abroad.
• As a private citizen, he addressed energy issues involving public information, research and development, incentives for enhanced oil recovery and carbon dioxide sequestration, unconventional petroleum resources (including Bakken oil resources of the Williston Basin), and District of Columbia and regional government matters (including the University of the District of Columbia).

He served as Deputy Administrator of the Federal Energy Administration (1977) and Administrator of the Economic Regulatory Administration of the Department of Energy (1977-79), under appointments by President Carter, and as New Jersey's cabinet-level Commissioner of Environmental Protection (1974-77) under appointment by Governor Byrne. He worked in Israel (1970-74) on public utility and environmental matters. He held federal civil service positions (1958-69) as trial attorney, assistant general counsel for legislation, and deputy general counsel at the U.S. Federal Power Commission (now FERC) during the Eisenhower, Kennedy, Johnson, and Nixon Administrations, and did active duty as an enlisted man in the U.S. Army Transportation Research & Engineering Command (1956-58).

He served on the board of directors of the D.C. Water & Sewer Authority (2001-2011). He is a graduate of Columbia University Law School (1956), Columbia College (1954), and the Bronx High School of Science (1950). He and his wife, Livia, have four children and five grandchildren.

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Developing Self-Confidence for Lifelong Success

Board President: Irene Begaye Vice-President: Victoria Nez Secretary: Lorraine Yazzie Member: VACANT

Written Testimony of Lorraine Yazzie
Black Mesa Community School Board

Before the

United States House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

Regarding the FY 2016 Indian Affairs Budget

March 25, 2015

My name is Lorraine Yazzie, and I serve on the Board of the Black Mesa Community School, located in a remote mountainous area, 26 miles North of Pinon, Arizona. We are a community grant school, and have an enrollment of nearly 60 students in grades K-8th. Our community is small, but the Black Mesa Community School lies at the center of it, providing a space not only for children to learn, but for parents to participate alongside them.

I testify during a time of both upheaval and promise in education for both Navajo and other Indian students. This Committee has shown an admirable commitment to Native schools with your recognition of needs in both program funding and facilities. The Administration has paid more attention to the issue of Indian education in the last two years than ever before, and has recognized the need to finish work on the now-11 year-old school replacement list. However, we recognize that with increased attention come new priorities and strategies, which could enhance our students' educational opportunities and safety or which could adversely impact our small community school depending on how these priorities are implemented. We submit this testimony with strong hope that our concerns will be considered and that through a partnership between the Congress, Administration, tribes and schools we will succeed in improving Indian education policy by better addressing the needs of Native students.

Our recommendations can be summarized as follows:

- Increase ISEP funding to $431 million in FY 2016.
- Fund Student Transportation at $73 million, and BIA road maintenance at $40 million.
- Fully fund Tribal Grant Support Costs and Fund Technology Improvements as proposed by the Administration
- Provide $109 million for facilities operation and $76 million for facilities maintenance.
- Embark on a comprehensive 60-year plan for school replacement and upkeep.
- Protect school funding from the proposed federal bureaucratic expansion.

1. Increase Funding for Indian School Equalization Programs

The most critical stream of funding for community grant schools like ours is increased funding in the Indian School Equalization Program (ISEP). The ISEP funds are those that schools use for

their day to day operation, whether that is paying teachers and staff, purchasing curriculum and supplies, or running student programs.

For years our ISEP funds have had to cover shortfalls due to the significant underfunding of grant support costs, facilities operations and maintenance, and school transportation. Thus, our need to use ISEP funds to paying utilities to ensure our students have heat or to repair one of our school buses has meant that we cannot provide retirement benefits to teachers and we must rely on part-time workers to perform vital staff services. The need for increases in our available ISEP funding is essential to attract and retain teachers for our school, since we are remote and some teachers find a small school environment challenging. We do not want to be in the situation where we are left only with those teachers who cannot find a job elsewhere.

We also need teachers with the capacity to provide culturally appropriate bilingual education consistent with requirements of the Navajo Department of Education. We have seen important student performance successes thanks to bilingual and cultural education programs, but have no additional funding sources for training, curriculum development, teacher certification and professional development. ISEP funding increases are vital to enhancing learning opportunities for all of our students through the training, development and retention of excellent teachers.

The Subcommittee should be aware that due to funding limitations, year-after-year we have also been forced to go without a school nurse or any security personnel. Because ambulance service and law enforcement is more than three hours away, our school staff members are the first responders in our community. Additional ISEP funding is necessary so that we can employ a school nurse and security personnel. Inadequate funding for these positions must be corrected so that our small size and remote location does not make our students vulnerable.

This year, we are gratified to see the Administration has requested $391.8 million for ISEP funding, an increase of $5 million to the program. This will be an important improvement that we fully support. We also stress that ISEP is our schools' lifeblood, and we are still struggling to make up for losses in past years. We encourage the Subcommittee to consider the National Congress of American Indians' (NCAI) recommendation of $431 million for ISEP funding.

2. Increase funding for Student Transportation

One of our school's largest challenges is getting our children to school and back home. Our community is at high altitude, and our weather takes a toll on our roads. In turn, our roads take a toll on our school buses, particularly the computer sensors and electrical systems that are not designed for the punishing road conditions our buses face. Maintenance costs for our vehicles are higher than average for this reason and because maintaining our buses requires long transport trips to garages in Flagstaff and Gallup which are 150 and 170 miles away, respectively. Furthermore, although we have the ability to perform many bus maintenance activities on site, we do not have the funding resources to meet the numerous federal environmental requirements applicable to those maintenance activities. With funds stretched so thin, we struggle to get our students to extracurricular activities such as sports or field trips that students at non-Indian schools enjoy as an everyday convenience. The Administration has requested $53.14 million for student transportation, but that is simply not enough given the challenges of our roads and equipment. We request at least $73 million for student transportation in the BIE system.

We also request that this Committee fund BIA road maintenance at a sustainable level. For example, we had to cancel school on February 25-27 and March 2nd, 3rd, 5th, and 6th because

our roads were impassable—and we only had a half day on the 4th. The condition of our roads is directly affecting our students' ability to learn. The Administration has only requested an increase of $232,000 to the meager $26.5 million budget for road maintenance. We echo NCAI's recommendation that the Committee appropriate $40 million for road maintenance in FY 2016.

3. We support the President's proposal to fully fund Tribal Grant Support Costs and Increase Technology Resources.

Tribal Grant Support Costs (TGSC) (formerly known as Administrative Cost Grants) are the BIE analogue to Contract Support Costs, and are necessary for community grant schools like Black Mesa to operate their schools. Not only do the TGSC funds pay for the administration of the school, but also fund all indirect costs like payroll, accounting, insurance, background checks and other legal, reporting, and recordkeeping requirements. TGSC is also critical in order for schools to comply with the increasingly burdensome reporting requirements imposed by BIE and to comply with grant funding assurances, such as the extensive and costly measures required by the Environmental Protection Agency (EPA).

Black Mesa School wishes to underscore the importance of TGSC for small schools like ours. Although our student population and staffing numbers may be smaller than others, the administrative responsibilities that we must meet are the same as those of large schools. As a result, these administrative duties disproportionately affect us. This year, the Administration has proposed to fully fund TGSC. Black Mesa Community School welcomes this important change, and applauds this Committee's and the Administration's decision to treat schools' support costs the same as contractors with the BIA and the Indian Health Service. We support the Administration's proposal that TGSC and startup costs be funded at $75.34 million.

Additionally, our limited internet connectivity and no qualified computer technician requires members of our staff to travel four hours roundtrip on a weekly basis to obtain suitable internet service to submit our School's required progress reports (Native STAR school improvement planning) and facilities management information system (FMIS). Our schools technology needs, only a daily basis, financial transaction/data (MIP Accounting software program), student information system (NASIS), transportation program, environmental compliance through the environmental management system (EMS), food service compliance through State Department of Education and related electronic sharing/reporting (i.e. fund drawdowns from ASAP/SAM, Clearinghouse to report our audits, etc.). Given our dependence on inadequate satellite internet access and the increasing importance of internet-based technologies in the classrooms and administration, we also fully support the President's call to expand access to broadband and other communications infrastructure and technology with a computer technician in every school.

4. Our schools need full funding for Facilities Operation and Maintenance.

The condition of BIE-funded schools has been the subject of national news attention for years. Some schools in the country are forced to teach their students in converted bus barns or go without hot water. We do the best we can with our facilities at Black Mesa School, but constantly struggle with the fact that we do not have enough funding for maintenance of our buildings, utilities, and every day repairs.

The effective operation of our facilities is vital not only for the learning readiness and comfort of our students, but also to protect their health and safety. It is hard to learn and progress if you're

too cold, or if the lights are dim or flickering. In the last year it was reviewed, the BIA listed our school condition as "poor" with a deferred maintenance backlog of over three-quarters of a million dollars. Our backlog has only grown in the intervening four years, and our students are the ones who suffer as a result. Our facilities face significant budgetary challenges, especially as EPA compliance requirements must be given priority attention to avoid citations. Meanwhile, because Facilities Operation and Maintenance funding for BIE schools is allocated based upon square footage, our small school receives insufficient funds to meet federal environmental compliance requirements while also covering immediate health, safety and maintenance needs.

We appreciate that the Administration has finally moved to complete the replacement of schools on a list dated from 2004, but we need to stress that these needs are ongoing. Further, it is critical for our schools to have the funds to maintain and thus lengthen the useful life of our facilities. We support the BIE's request for school construction, but request that funding for facilities operation and maintenance be increased to $109 million for operations and $76 million for maintenance. This will help us meet our ongoing needs, and will set us on the path to catching up with deferred maintenance from past years.

We also note that the completion of the 2004 school replacement list means that a new round of replacements will begin. We encourage this Committee and BIE to work together with schools and tribes to establish a comprehensive, long-term plan for school construction and maintenance. **We call on the Committee to embark on a 60-year schools replacement plan with adequate funding to maintain buildings throughout their life.** Recent testimony from the Government Accountability Office reported that even new construction is starting to fail due to inappropriate maintenance or poor construction oversight. Our school wants to protect the federal investment in our students' education, and we ask the Committee to empower local communities to do so by removing and streamlining the bureaucratic hurdles in the facilities management system.

5. Protecting School Funding and Programs from Federal Expansion

You have heard over the last year from us and other schools about our concerns with the BIE's "Blueprint for Reform" and its "One-Grant Initiative." We do not doubt the Administration's commitment to Native students or improving the education outcomes at Indian schools—even the President himself has commented on the issue. We have a different perspective on what will be the best strategies to use to achieve that goal and we fear that our views are not being heard.

Without delving into the detail of the Blueprint for Reform and the Secretarial Order that accompanied it in June of last year, we urge the limited amounts of new funding proposed by the President be directed to the community school level, not the BIE bureaucracy. Accordingly, we request that the Committee reprogram funds the Administration has proposed for bureaucratic reforms (like those contained in the "Enhancement" line item of the budget) to ISEP and Facilities. Any funding for the BIE's internal reforms must come from outside the Indian budget realm—our funds are scarce as is, and must not be diverted away from students.

Thank you for the opportunity to submit testimony. Please contact Black Mesa School Principal and Executive Director Marie Rose at (928) 674-3632 (wiyaa_rose@hotmail.com) if you have any questions.

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A 501(c)(3) organization

March 25, 2015

The Honorable Ken Calvert
Chairman
Interior, Environment, and
Related Agencies Subcommittee
House Appropriations Committee
B-308 Rayburn Office Building
Washington, DC 20515

The Honorable Betsy McCollum
Ranking Member
Interior, Environment, and
Related Agencies Subcommittee
House Appropriations Committee
1016 Longworth Office Building
Washington, DC 20515

Dear Chairman Calvert and Ranking Member McCollum,

On behalf of Born Free USA, a national nonprofit animal protection and wildlife conservation organization based in Washington, DC, I am writing to you to request the inclusion of language in the FY 2016 Department of the Interior appropriations bill that would prevent any U.S. Fish and Wildlife Service (USFWS) funding for the import of live elephants from Zimbabwe.

In December 2014, the Parks Authorities in Zimbabwe reportedly captured a number of wild elephant calves—approximately 80—in Hwange National Park, with a view to export them to captive facilities overseas. Shockingly, these elephants have apparently been captured with no specific destination authorized, and rumors exist that China and the United Arab Emirates are possible destination countries.

There are many upsetting aspects of this story – the taking of young elephants from a species already facing severe threats, the environment in which these animals are being held, and the fact they were taken from their mothers and family herds so young. As you are aware, the elephant poaching crisis has become increasingly severe over the past several years, driven by demand for ivory in Asia and America. Approximately 96 elephants are slaughtered daily by poachers, and more than 100,000 were killed between 2010-2012.

The actions of the Zimbabwean authorities have attracted a great deal of international public outrage. We are concerned the separation of elephant calves from their herds, capture, preparation for shipment, transport, and probable conditions at the ultimate destination are not in line with a strict interpretation of CITES requirements aiming to ensure the welfare of live animals, such as the requirements on preparation and shipment (Art. III and IV of the CITES Convention) and that the animals be shipped to appropriate and acceptable destinations (CITES Res.Conf.11.20).

The welfare impacts of the trade on animals concerned, the conservation impacts on the herds from which they are taken, and the resulting negative perception of Zimbabwe and destination countries for the animals are all legitimate causes for serious concern. It is notable that of the four calves exported from Zimbabwe to Chinese zoos in November 2012, three are believed to have died, and the survivor is thought to be in very poor condition, bringing into question the 'appropriateness and acceptability' of the facilities to which the animals were sent. [i]

The removal of African elephants from the wild for captive use has been condemned by the African Elephant Specialist Group of the International Union for the Conservation of Nature (IUCN) Species Survival Commission. [ii] In a recent letter to its members, David Field, the Chair of the European Association for Zoos and Aquaria

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(EAZA)'s Elephant Taxon Advisory Group (TAG), stated that *'the EEP (European Endangered Species Programme) and TAG do not endorse this particular import from Zimbabwe'*.

The French Environment Minister recently announced that no importation of live wild-caught elephants into France will be allowed. The French authorities are to be congratulated for taking this progressive and protective stance, and we are encouraging all EU Member State authorities and the US Management Authority to do the same.

Countries exporting animals belonging to CITES-listed species are required to determine that such exports will not be detrimental to the survival of that species. The Convention text outlines the 'non-detriment finding' mechanism hy which this determination is to be achieved.

In addition, annotations relating to certain animal populations listed on Appendix II of CITES, including elephant populations in Zimbabwe, [ii] restrict trade in live animals to 'appropriate and acceptable destinations'. CITES RC11.20[iii] defines appropriate and acceptable destinations as: 'destinations where the Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it'. Born Free believes that no captive facility is suitably equipped to care for these animals that require significant wild ranges to roam, natural substrate to prevent foot ailments, etc.

Corruption in Zimbabwe is rampant. Wildlife management is suspect at best and there are very real global concerns about the ability of Zimbabwean authorities to ensure the long-term viability of species such as elephants in the country. We believe it should be the policy of the United States government not to facilitate the shipment of live elephants from Zimbabwe to America, setting a precedent that the United States captive animal industry is open for business for animals from Zimbabwe. It would be a significantly dangerous precedent to set.

We respectfully urge you to include language in the FY2016 DOI appropriations bill that would prevent any funds appropriated under the act to be used to process permit applications for importation of live animals of the species *Loxodonta Africana* from Zimbabwe.

Thank you for your consideration.

Sincerely,

Rosalyn Morrison

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[i] http://www.iucn.org/about/work/programmes/species/who_we_are/ssc_specialist_groups_and_red_list_authorities_directory/mammals/african_elephant/statements/captive_use/
[ii] http://www.cites.org/eng/app/appendices.php#6
[iii] http://www.cites.org/eng/res/11/11-20.php

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Testimony submitted to the House and the Senate Appropriations Subcommittees on Interior, Environment and Related Agencies

Regarding FY 2016 Indian Health Service Budget/BIA Recognition for Knugank

March 19, 2015

The requests of the Bristol Bay Area Health Corporation for the FY 2016 Indian Health Service (IHS) budget and our comments on BIA Recognition are as follows:

- Allocate at least an additional $12.5 million to the IHS to fully fund Village Built Clinic (VBC) leases and make it a line item in the budget.
- Active support of the Subcommittee to change Contract Support Costs funding to a mandatory funded basis.
- Increased IHS behavioral health care funding.
- Funding for built-in costs.
- Department of Interior recognition of Knugank.

* * *

The Bristol Bay Area Health Corporation (BBAHC) was created in 1973 to provide health care services to Alaska Natives of Southwest Alaska. BBAHC began operating and managing the Kanakanak Hospital and the Bristol Bay Service Unit for the IHS in 1980, and was the first tribal organization to do so under the Indian Self-Determination and Education Assistance Act (ISDEAA). BBAHC is a co-signer to the Alaska Tribal Health Compact with the IHS under the ISDEAA and is now responsible for providing and promoting health care to the people of 34 Alaska Native Villages.

Village Built Clinics.

In our Bristol Bay region, our Village Built Clinic (VBC) facilities continue to face a significant funding crisis. The VBCs are essential for maintaining our Community Health Aide/Practitioner (CHAP) programs in our villages. The CHAP program provides the only local source of health care for our Alaska Native people.

Because the CHAPs could not operate in most of rural Alaska without clinic facilities in the Alaska Native villages, the IHS established the VBC leasing program in the 1970s, but the leases have been chronically underfunded. Moreover, IHS has taken the position that VBCs—

unlike comparable facilities in the lower 48—are not eligible for maintenance and improvement funding, for which Congress appropriated over $53.6 million in FY 2015. Current funding for the VBCs is not sufficient to cover the cost of repair and renovation as necessary to maintain the facilities in a safe condition. Many have been closed due to the hazards to the health service employees and patients, leaving villages without a clinic or access to CHAP services. Lease rental amounts for VBCs have failed to keep pace with costs; the majority of leases have not increased since 1989.

A very recent estimate is that $12.5 million more per year, in addition to the current VBC allocation from IHS of about $4 million, would be needed to maintain and operate Alaska VBCs on a par with similar tribal health facilities elsewhere. Congress typically has not appropriated VBC funding as a separate line item. Instead, IHS allocates VBC lease funds from the Hospitals and Clinics line in its multi-billion-dollar lump-sum appropriation. This leaves IHS the discretion, in its view, to allocate however much—or little—it wishes to VBCs. Congress, of course, can override this discretion. We respectfully request that you direct IHS to (1) identify the amount needed to fully fund all Alaska VBCs, (2) request that amount in a separate line in the IHS budget, and (3) allocate that amount to the VBC lease program.

Contract Support Costs Mandatory Funding.

We support the Administration's proposal to fund Contract Support Costs (CSC) on a mandatory basis, although we urge, along with many other tribes and tribal organizations, that Congress enable it to become effective with fiscal year 2016. The Administration's proposal differs from our and others in Indian Country proposal that CSC be funded indefinitely and not capped, but we gratefully acknowledge this proposal as a huge step for the Administration. We are hopeful that the $718 million proposed for CSC funds for IHS will be sufficient for full funding for FY 2016 – a lot of work has gone into the estimated calculation and that should bode well for future estimates as well.

We so appreciate your support for full funding of CSC and your blunt statement accompanying the FY 2014 Appropriations Act that the legal obligation to fully fund CSC had put the House and Senate Committees in the "untenable position of appropriating discretionary funds for the payment of any legally obligated contract support costs."

We ask for your active help in working with the Budget Committee and others in Congress who may want to weigh in on this proposal for mandatory CSC funding. You have had a great deal of experience in talking with Indian and Alaska Native leaders over the years about the frustrations and the inequity of tribes and tribal organizations who contract to assume administration of federal programs not being paid for the costs to administer them. We know that Member to Member communications are of the utmost importance and you have much to offer others in Congress who will impact this proposal.

Behavioral Health/Social Services Funding.

Alaska faces particular hardships in providing for our communities' behavioral and mental health needs. BBAHC has only one social service employee. There is a dire need for more prevention funding for suicide intervention as well as alcohol and substance abuse prevention, particularly for our youth. Alaska has twice the national rate of suicide, and ranks second in the nation in suicide attempts requiring hospitalization. Alaska Native teens commit suicide at a rate nearly six times that of non-Native teenagers. Compounding and complicating the suicide epidemic is alcohol and substance abuse, a mental health disorder. The overwhelming majority of the people we lose to suicide suffer from diagnosable, treatable mental health or substance abuse problems. However, the waiting list for treatment averages nearly 9 months, and due to lack of funding there is often no place to refer people, particularly young people.

Thus we urge you to support the Administration's *Generations Indigeneous* (or "Gen-I") proposal for increased resources for tribes to address youth behavioral, mental health and substance abuse and auxiliary issues. For the IHS, the *Gen-I* proposal would include a $25 million increase in Substance Abuse Prevention account for additional behavioral health staff and for youth-focused programs. For the BIA the proposal is an increase of $15 million to expand the *Tiwahe Initiative* designed to address the inter-related problems of poverty, violence and substance abuse faced by Native communities. Of note, but not under this Subcommittee's jurisdiction, is the request for a $25 million increase for SAMHSA as part of *Gen-I* -- $10 million from the Mental Health account and $15 million from the Substance Abuse Prevention account.

Built-in Costs.

We appreciate the Administration's FY 2016 request of $147.3 million for built-in costs consisting of $71.2 million for medical inflation at a 3.8 percent rate; $19.4 million for a 1.3 percent pay raise; and $56.7 million to partially fund population growth ($70.3 million needed for full funding according to IHS) and urge Congress to fund this request.

Built-in costs are often sacrificed in the budget negotiation process, but lack of them impacts all programs. Inflation -- medical and non-medical; required pay raises, and population growth are real facts of life and affect our ability to provide sufficient health care services.

While for FY 2015 the Administration requested $63 million for medical inflation and $2.6 million to partially fund pay raises, the final bill provided only $2.6 million for pay raises (estimated cost is $20 million) but no other built-in costs. For FY 2014 the only IHS built-in costs included in the appropriations act was $35 million for medical inflation for the Purchased/Referred Care program. In FY 2013 the only built-in costs provided was $1.7 million for a pay raise the Commissioned Corps program, and FYs 2011 and 2012 appropriations acts were similarly bleak in terms of built-in costs funding. The cumulative effect of underfunding of built-in costs takes a toll.

Knugank Recognition.

We bring to your attention the efforts to get the Department of Interior to correct the omission of Knugank (which is in the Bristol Bay region) from the list of federally-recognized tribes. We are supporting Knugank in this effort and are hopeful this this situation will be corrected soon although there has been a series of delays in issuing a decision.

In a January 2012 letter to Senator Murkowski, the Assistant Secretary of Indian Affairs explained that Knugank could be added to the list of recognized tribes if it meets the standards established by Congress in Section 1 of the Alaska Amendment to the Indian Reorganization Act (25 U.S.C. § 473a). Several months later, the office of the Assistant Secretary agreed to evaluate Knugank's extensive documentation, and based on the statutory standards, issue a decision regarding Knugank's eligibility to be included on the list of recognized tribes. Several times we have been told that a decision (which we believe will be favorable to Knugank) is imminent and that all needed information has been provided. It appears that, despite the significant investments made over the course of many years by BBAHC, Knugank, Members of Congress and the Agency to resolve this matter, the Offices of the Solicitor and Assistant Secretary now seem unable to find the time to take the final steps to finalize a decision. We and our attorneys are in frequent communication with the Offices of the Solicitor and Assistant Secretary and can tell you that delays at this point are not about serious questions, but are due to an unwillingness to give the issue the attention it deserves.

Knugank should be immediately added to the list of federally-recognized tribes, affirming their eligibility to organize as a tribe under the standards and precedent established by the Alaska Amendment to the Indian Reorganization Act, thus allowing them their rightful government-to-government status and access to an array of federal resources.

Other.

There is no room within the page limits to comment on every major issue of importance to us but want you to know that we join others in full support of extending the Special Diabetes Program for Indians, for establishment of Medicare-like Rates for non-hospital services thus stretching our Purchased/Referred Care dollars, and, as Congress has done for the Veterans Administration medical accounts, providing funding to IHS on an advance appropriations basis so that may have better lead time for our planning, budgeting, and purchasing processes and for our recruitment of personnel.

Thank you for your consideration of our concerns and needs.

Testimony
David V. Modeer
General Manager
Central Arizona Project

House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies

Support for $1.5 million for salinity control in Fiscal Year 20016 Funding for the Colorado River Basin Salinity Control Program under the Bureau of Land Management (BLM)
March 24, 2015

On behalf of the Central Arizona Water Conservation District (CAWCD), I encourage you to include $1.5 million for salinity specific projects in the Bureau of Land Management's (BLM) Soil, Water and Air Program in Fiscal Year 2016. This funding will help protect the water quality of the Colorado River that is used by approximately 40 million people for municipal and industrial purposes and used to irrigate approximately 4 million acres in the United States.

CAWCD manages the Central Arizona Project, a multi-purpose water resource development and management project that delivers Colorado River water into central and southern Arizona. The largest supplier of renewable water in Arizona, CAP diverts an average of over 1.6 million acre-foot of Arizona's 2.8 million acre-foot Colorado River entitlement each year to municipal and industrial users, agricultural irrigation districts, and Indian communities.

Our goal at CAP is to provide an affordable, reliable and sustainable supply of Colorado River water to a service area that includes more than 80 percent of Arizona's population.

These renewable water supplies are critical to Arizona's economy and to the economies of Native American communities throughout the state. Nearly 90% of economic activity in the State of Arizona occurs within CAP's service area. CAP also helps the State of Arizona meet its water management and regulatory objectives of reducing groundwater use and ensuring availability of groundwater as a supplemental water supply during future droughts. Achieving and maintaining these water management objectives is critical to the long-term sustainability of a state as arid as Arizona.

Negative Impaets of Concentrated Salts:

Natural and man-induced salt loading to the Colorado River creates environmental and economic damages. EPA has identified that more than 60 percent of the salt load of the Colorado River comes from natural sources. The majority of land within the Colorado River Basin is federally owned, much of which is administered by BLM. Human activity, principally irrigation, adds to salt load of the Colorado River. Further, natural and human activities concentrate the dissolved salts in the River.

The U.S. Bureau of Reclamation (Reclamation) has estimated the current *quantifiable* damages at about $382 million per year to U.S. users with projections that damages would increase to more than six hundred million by 2035 if the program were not to continue. These damages include:

- a reduction in the yield of salt sensitive crops and increased water use to meet the leaching requirements in the agricultural sector,
- increased use of imported water and cost of desalination and brine disposal for recycling water in the municipal sector,
- a reduction in the useful life of galvanized water pipe systems, water heaters, faucets, garbage disposals, clothes washers, and dishwashers, and increased use of bottled water and water softeners in the household sector,
- an increase in the cost of cooling operations and the cost of water softening, and a decrease in equipment service life in the commercial sector,
- an increase in the use of water and the cost of water treatment, and an increase in sewer fees in the industrial sector,
- a decrease in the life of treatment facilities and pipelines in the utility sector, and
- difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions, and an increase in desalination and brine disposal costs due to accumulation of salts in groundwater basins.

Adequate funding for salinity control will prevent the water quality of the Colorado River from further degradation and avoid significant increases in economic damages to municipal, industrial and irrigation users.

History of the BLM Colorado River Basin Salinity Control Program

In implementing the Colorado River Basin Salinity Control Act of 1974, Congress recognized that most of the salts in the Colorado River originate from federally owned lands. Title I of the Salinity Control Act deals with the U.S. commitment to the quality of waters being delivered to Mexico. Title II of the Act deals with improving the quality of the water delivered to users in the United States. This testimony deals specific with Title II efforts. In 1984, Congress amended the Salinity Control Act and directed that the Secretary of the Interior develop a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by BLM.

In 2000, Congress reiterated its directive to the Secretary and requested a report on the implementation of BLM's program (Public Law 106-459). In 2003, BLM employed a Salinity Coordinator to increase BLM efforts in the Colorado River Basin and to pursue salinity control studies and to implement specific salinity control practices. With a significant portion of the salt

load of the Colorado River coming from BLM administered lands, the BLM portion of the overall program is essential to the success of the effort. Inadequate BLM salinity control efforts will result in significant additional economic damages to water users downstream.

The threat of salinity continues to be a concern in both the United States and Mexico. On November 20, 2012, a five year agreement, known as Minute 319, was signed between the U.S. and Mexico to guide future management of the Colorado River. Among the key issues addressed in Minute 319 included an agreement to maintain current salinity management and existing salinity standards. The CAWCD and other key water providers are committed to meeting these goals.

Conclusion:

Implementation of salinity control practices through BLM Program has proven to be a very cost effective method of controlling the salinity of the Colorado River. In fact, the salt load of the Colorado River has now been reduced by roughly 1.2 million tons annually, reducing salinity in the Lower Basin by more than 100 ppm. However, shortfalls in funding levels have led to inefficiencies in the implementation of the overall Program. Therefore, additional funding is required in 2014 to meet this goal and prevent further degradation of the quality of the Colorado River with a commensurate increase in downstream economic damages.

The current drought that has significantly impacted the West affects the amount of and quality of available water, which in turn has the potential to exacerbate the salinity concentration levels. In addition to initiatives such as the Drought Response program and WaterSMART Grants, adequate funding for salinity control will prevent water quality of the Colorado River from further degradation and ensure the availability of supplies for future generations.

CAWCD urges the subcommittee to include $1.5 million for salinity specific projects in the BLM's Soil, Water and Air Program. If adequate funds are not appropriated, significant damages from the higher salt concentrations in the water will be more widespread in the United States and Mexico.

TESTIMONY OF
PATTY BROWN-SCHWALENBERG, EXECUTIVE DIRECTOR
CHUGACH REGIONAL RESOURCES COMMISSION
HOUSE APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
ON THE FY2016 BUDGET
MARCH 25, 2015

As Executive Director of the Chugach Regional Resources Commission ("CRRC"), located in Alaska, I am pleased to submit this testimony reflecting the needs, concerns and requests of CRRC regarding the proposed FY 2016 Budget. Like everyone, we are aware of the ongoing economic problems in the United States, and the growing concern over the federal deficit. While the government is trimming its spending, the federal government must still fulfill its legal and contractual spending obligations. The Bureau of Indian Affairs not only has a legal and contractual obligation to provide funding for the CRRC, but the CRRC is able to translate this funding into real economic opportunity for those living in the small Alaska Native villages located in Prince William Sound and Lower Cook Inlet.

We describe first, our specific requests and recommendations on the budget, and then why these are so important to us and the Alaska Native Villages and their members who we serve.

1. Budget Requests and Recommendations.

CRRC funding. We are once again very pleased that the BIA has recognized the importance of natural resource funding for CRRC and has requested at least $410,000 for CRRC in FY 2016 as part of the Trust-Natural Resources program, Tribal Management/Development subactivity. In its FY 2016 Budget Justification, the BIA recognized CRRC's role in developing the capabilities of its member Alaska Native Villages to better facilitate their active participation in resource use and allocation issues in Alaska. We urge the Subcommittee to include CRRC funding as proposed by the BIA.

BIA Trust-Natural Resources Management. We support the President's overall proposal to increase the BIA's Trust – Natural Resources Management programs, particularly the increases to Fish, Wildlife and Parks, and funding for projects that engage youth in the natural sciences and climate resiliency initiatives. We urge the Subcommittee to support this funding and include it in the final bill.

Contract Support Costs. In regards to Contract Support Costs, we fully support the Administration's proposal to fully fund Contract Support Costs.

2. Justification for CRRC's Budget Requests

The importance of adequate funding for these programs is based on the following.

Chugach Regional Resource Commission History and Purpose. CRRC is a non-profit coalition of Alaska Native Villages, organized in 1987 by the seven Native Villages located in

Prince William Sound and Lower Cook Inlet in South-central Alaska: Tatitlek Village IRA Council, Chenega IRA Council, Port Graham Village Council, Nanwalek IRA Council, Native Village of Eyak, Qutekcak Native Tribe, and Valdez Native Tribe. CRRC was created to address environmental and natural resources issues and to develop culturally-sensitive economic projects at the community level to support the sustainable development of the region's natural resources. The Native Villages' action to create a separate entity demonstrates the level of concern and importance they hold for environmental and natural resource management and protection – the creation of CRRC ensured that natural resource and environmental issues received sufficient attention and focused funding. The BIA, in its Budget Justification, summarizes CRRC's work, stating

> Initially, the emphasis of the CRRC natural resource program was on the development of fisheries projects that would provide either an economic base for a village or create economic opportunities for tribal members. In FY 1996, CRRC initiated a natural resource management program with the objective of establishing natural resource management capabilities in the villages to facilitate their active participation in resource use and allocation issues that affect the tribes and their members. The success of these programs from both an economic and a social standpoint have made them an integral part of overall tribal development.

Through its many important programs, CRRC has provided employment for up to 35 Native people in the Chugach Region annually – an area that faces high levels of unemployment – through programs that conserve and restore our natural resources.

An investment in CRRC has been translated into real economic opportunities, savings and community investments that have a great impact on the Chugach region. Our employees are able to earn a living to support their families, thereby removing them from the rolls of people needing state and federal support. In turn, they are able to reinvest in the community, supporting the employment of and opportunities for other families. Our programs also support future economic and commercial opportunities for the region – protecting and developing our shellfish and other natural resources.

Programs. CRRC has leveraged its BIA funding into almost $2 million annually to support its several community-based programs. Specifically, the base funding provided through BIA appropriation has allowed CRRC to maintain core administrative operations, and seek specific projects funding from other sources such as the Administration for Native Americans, the State of Alaska, Bureau of Indian Affairs, U.S. Forest Service, U.S. Fish & Wildlife Service, the U.S. Department of Education, the *Exxon Valdez* Oil Spill Trustee Council, the North Pacific Research Board and various foundations. This diverse funding pool has enabled CRRC to develop and operate several important programs that provide vital services, valuable products, and necessary employment and commercial opportunities. These programs include:

Alutiiq Pride Shellfish Hatchery. The Alutiiq Pride Shellfish Hatchery is the only shellfish hatchery in the State of Alaska. The 20,000 square foot shellfish hatchery is located in Seward, Alaska, and houses shellfish seed, brood stock and algae production facilities. Alutiiq Pride is undertaking a hatchery nursery operation, as well as grow-out operation research to

adapt mariculture techniques for the Alaskan Shellfish industry. The Hatchery is also conducting scientific research on blue and red king crab as part of a larger federally-sponsored program. Alutiiq Pride has already been successful in culturing geoduck, oyster, littleneck clam, and razor clam species and is currently working on sea cucumbers. This research has the potential to dramatically increase commercial opportunities for the region in the future. The activities of Alutiiq Pride are especially important for this region considering it is the only shellfish hatchery in the state, and therefore the only organization in Alaska that can carry out this research and production.

Natural resource curriculum development. Partnering with the University of Alaska, Fairbanks, and the National Oceanic and Atmospheric Administration, CRRC has developed and implemented a model curriculum in natural resource management for Alaska Native students. This curriculum integrates traditional knowledge with Western science. The goal of the program is to encourage more Native students to pursue careers in the sciences. In addition, we are working with the Native American Fish & Wildlife Society and Tribes across the country (including Alaska) to develop a university level textbook to accompany these courses.

In addition, we have completed a K-12 Science Curriculum for Alaska students that integrates Indigenous knowledge with western science. This curriculum is being piloted in various villages in Alaska and a thorough evaluation process will ensure its success and mobility to other schools in Alaska.

Alaska Migratory Bird Co-Management Council. CRRC is a member of the Council responsible for setting regulations governing the spring harvest of migratory birds for Alaska Natives, as well as conducting harvest surveys and various research projects on migratory birds of conservation concern. Our participation in this state-wide body ensures the legal harvest of migratory birds by Indigenous subsistence hunters in the Chugach Region.

Statewide Subsistence Halibut Working Group. CRRC participates in this working group, ensuring the halibut resources are secured for subsistence purposes, and to conduct harvest surveys in the Chugach Region.

Conclusion

At the very least, we urge Congress to sustain the current level of funding of $410,000 included in the BIA's FY 2016 budget for CRRC, but a modest increase in our funding will permit us to leverage those dollars to do more for the Alaska Native villages located in Prince William Sound and Lower Cook Inlet. With a five-to-one return on every federal dollar invested in CRRC, we believe this to be a terrific return for the Federal government and our communities.

We appreciate the opportunity to submit this important testimony.

Gloria Linnertz
President/Founder
Citizens For Radioactive Radon Reduction, Inc.
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Written Testimony for House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
B-308 Rayburn House Office Building
March 18, 2015, 9:00 a.m. and 1:00 p.m.

The elimination of the FY2016 U.S. Environmental Protection Agency; Indoor Environments Division (USEPA/IED) State Indoor Radon Grant (SIRG) is devastating to me. I urge and encourage the continuation of the appropriations of $8 million for EPA SIRG because most of our citizens have no idea that they might be living, attending school, or working in environments with elevated radon levels of radioactive radon gas. My plea to all of the Republican and Democratic subcommittee members on the House Appropriations Interior Environment Subcommittee is to consider that lung cancer is bipartisan, to realize that lung cancer victims are not here to fight for themselves in mass droves because lung cancer is the greatest cancer killer of all, and to imagine the horrible circumstance of receiving a diagnosis of lung cancer knowing that it could have been prevented with a simple test and the installation of a radon mitigation system.

Several years ago my husband, Joe, asked me if we should check our home for radon gas. I said, "No, our home is only 20 years old and we have a tight basement." I was very confident in my ignoranee, for I didn't know that radioactive radon gas can be in any type of home: old, new, basement, no basement, crawl space, or slab-on-grade. I didn't know that the tighter the home, the greater the possibility of high levels of radon, so we didn't test. In December 2006, Joe was diagnosed with lung cancer. The oncologist told us that radon was a known eause of lung cancer. Joe died six weeks after his diagnosis and never knew that for 18 years we had been living with over four times the EPA action level of radon. According to a recent survey 88% of the nation's population doesn't know that radon gas is the leading cause of lung cancer in nonsmokers or the leading environmental cause of cancer mortality.[1] Lung cancer is the leading cancer killer of all cancer. Most lung cancer patients are not diagnosed until this demon is in its final stages; there is only a 4% five-year survivor rate for late-stage lung cancer.[2] Most people are completely unaware if there is a presence of elevated radioactive radon gas in their home or not. The only way to know is to test and few people have done that. What a simple life-saving solution—if we had only known. The amount of funding to this program is minuscule compared to other programs that don't even have the public's safety at stake. I ask you to change your direction and to think of the lives of our citizens before closing the door to a program that is saving lives.

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[1] http://www.nationallungcancerpartnership.org/news-center/press-releases/in-the-dark.
[2] http://www.mayoclinic.org/diseases-conditions/cancer/in-depth/cancer/art-20044517

Over the last nine years since Joe's death from radon induced cancer, I've devoted my life to radon awareness, education, and action. During this time, I've become friends with and made acquaintances with many people throughout our nation who didn't know they were living with high levels of radioactive radon gas until they were diagnosed with lung cancer. Many of them are or were very young: Monica Pryor 37, mother of 3 small children from SC died in 2008; Steph Langstaat, 33, a middle school principal in IA; Naomi Herzberg, 37, an active young woman in CA; Lori Tassin a vibrant mother of two young children in IA; Linda D'Agostino was a mother of a young teenager in PA; and Elizabeth Hoffmann diagnosed at 37 was a passionate radon advocate for 10 years and many others in their early 40's. Five of my friends are or were teachers in middle schools—two of them have now passed: Susan McCormick in OR and Barb Neitge in MN. The individuals I mentioned are just a few of the people I've met and shared in their lives and stories of radon-induced lung cancer. My friends all wanted to make a difference so others wouldn't learn about radon in the manner they did. Many of them have passed now, so it is up to those of us left and YOU who know about the real danger of radon to help prevent future radon-induced lung cancer deaths. There are thousands and thousands of individuals whom I will never meet as they are no longer present physically, but I am here today to speak for them.

An American dies every 25 minutes from lung cancer related to radioactive radon gas exposure in homes, schools, and workplaces. With eight to ten million U.S. homes existing with elevated levels of radon gas, the Environmental Protection Agency needs a fully functioning vital radon program to help save human lives. In 1988, a federal law was passed—the Indoor Radon Abatement Act—which stated that our government would protect the citizens from radon gas with state radon programs providing education and awareness.[3] EPA has a moral duty and legal obligation to the public. The EPA estimates 9.2 million U.S. homes have an elevated radon level with 30 percent having an operating radon mitigation system.[4] Of course, the more homes that are tested, the greater validity to the radon levels. An example of that is demonstrated in the county in which I live. When Joe died of lung cancer, the radon zone we were supposedly living in was a Zone 2; now I live in a Zone 1 radon area. I haven't moved. There have just been more tests performed and people are finding out for the first time that their homes have elevated levels of radon. The National Cancer Institute in 2005 indicated 15,000-22,000 deaths were due to radon exposure; however, with more homes built with undetected high levels of radon than the small percentage of homes being mitigated, that number is most likely underestimated.[5] With radon ranking as the number one home hazard by Harvard University, with high levels of this radioactive gas having been detected in every state in our union, and with more deaths attributed to radon exposure than to carbon monoxide, fires and handguns combined, our citizens need to be aware of this increased danger of lung cancer that may be affecting their health. The carcinogenicity of radon is supported by a consensus of opinions among national and international health organizations such as the World Health Organization, American Medical Association, U.S. Surgeon General, Center for Disease Control, National Cancer Institute, U.S. Department of Health and Human Services, U.S. Public Health Service, and U.S. Environmental Protection Agency. By informing citizens about the health risk posed by radon exposure—the leading cause of death in our homes--and by providing practical advice about radon testing and

[3]http://www.law.cornell.edu/uscode/test/15chapter-53/subchapter-III
[4]http://www.epa.gov/radon/pdfs/Federal_Radon_Action_Plan.pdf
[5]http://www.cancer.gov/cancertopics/factsheet/Risk/radon.

mitigation, the State Radon Programs through the use of the State Indoor Radon Grants can impact on prevention of radon-induced lung cancer.

You may wonder what the states do with the State Indoor Radon Grant money received. I can attest from firsthand knowledge of the awareness, outreach, and education that occurs through the media blitz in newspapers, radio and sometimes TV, but always through appearances at health fairs, home shows, and conference presentations with community and organizational leaders as well as builders and realtors. Medical forums are also conducted to educate medical professionals with the knowledge and understanding of how they can help increase radon awareness and save lives through radioactive radon exposure prevention. Radon Education and Networking Days are held, radon video contests are conducted to increase awareness in high schools and involve the young generations in the importance of protecting themselves and their families from elevated radon exposure. Radon test kits are available at a very reasonable cost and sometimes free to the public. Through a survey it was revealed that without the SIRG appropriation, all but three state programs would close; and inevitably more deaths will occur through ignorance of the danger of radon exposure.

Radon-induced lung cancer occurs due to the ingestion of radioactive alpha particles, the attachment of those particles to the lining of the lungs, and the occurrence of DNA alteration which develops into cancerous cells spreading throughout the lungs and often to the liver, the bones, and the brain. My husband, Joe, was diagnosed with late state lung cancer as most lung cancer patients are. It was one month after his death when I found that we had been living with a radon level of 17.6 picocuries per liter of air (pCi/L). I cannot describe in words the devastation of hopelessness and helplessness I had when the oncologist told us that the lung cancer was inoperable and there was no cure. Nor can I completely tell you of my anger when I discovered that radon was the likely cause and contributor of Joe's death, and how easily it could have been prevented if we had only known.

Determination overtook my grief, devastation and anger as I gathered statistics, data and scientific studies to present to my Illinois representative with a proposal for mandated radon testing at the point of sale and mitigation required before occupancy if the level was 4.0 (pCi/L) or higher. For a solid year, I communicated with all of the Illinois legislators, informing them of the danger of living with elevated levels of radon, and sharing with them the 2006 Illinois Radon Status Report as well as my proposal. Although my proposal of mandated testing was filed, it wasn't called. The bill filed and called is known as the Illinois Radon Awareness Act[6], and as a result of its unanimous passage in the Illinois House and Senate and enactment in 2008, the number of homeowners testing their home at the point of sale has increased from 8% to nearly 50% according to the Illinois Emergency Management Agency. However, there is no state in our nation that mandates radon testing at the point of sale; nor is there a federal law. My ultimate goal is to have The Radon Awareness Act as a federal law. Minnesota copied this law and has seen the same positive results.

We speak about money and appropriations here today. I ask you to contemplate the value of life. A radon test kit costs approximately $20 and a radon mitigation installation averages about $1,200-$1,500. Isn't a life worth that much? Please don't sacrifice lives with budget cuts. We

[6]http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2913&ChapterID=37

have a government to provide protection for our citizens not just on the battlefields, but in our own homes, schools, and workplaces as well. However, people will not protect themselves and their families from something they are unaware of.

Your opportunity to make a difference and help save lives is present today. According to P. M. Sandman, a toxic Superfund site causes more concern than radon, even though radon exposure kills more Americans each year than all the Superfund sites combined.[7] However, because of sensationalism, the Superfund sites get most of the funding and attention. Our citizens don't stop dying from radon-induced lung cancer just because radon isn't in the news.

Please, I urge you to use your voice and your vote to make a difference and help save thousands and thousands of lives each year with the reinstatement of the State Radon Indoor Grants and increased attention and appropriations that this demonic, silent and radioactive killer deserves.

Respectfully Submitted,
Gloria Linnertz
Radon Reduction Activist, Advocate
March 3, 2015

[7] Sandman, P.M. Risk Communication: Facing Public Outrage. *EPA Journal*; 1987: 21-22

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EXECUTIVE DIRECTOR

Catherine Nagel

March 25, 2015

The Honorable Ken Calvert
United States House of Representatives
Washington, DC 20515

The Honorable Betty McCollum
United States House of Representatives
Washington, DC 20515

Dear Chairman Calvert and Ranking Member McCollum:

City Parks Alliance, the only national organization dedicated to urban parks, representing hundreds of park agencies and non-profits, has great interest in the Land and Water Conservation Fund (LWCF) and its equitable distribution to federal, state and urban parks. We are writing to you today to bring your attention to the lack of LWCF funds that reach urban communities.

While 98% of our counties in the nation have a park project funded by LWCF, **what is often overlooked is that over the past 50 years urban parks have received less than 3% of the overall funds distributed through LWCF.**

Eighty percent of Americans live in cities and cities generate 85% of our GDP. More than any other time in our history, cities are the engines generating our nation's wealth. Strong cities are the key to keeping America competitive in the rapidly changing global economy. One of the most important but least recognized essentials to an attractive and healthy urban environment is a well-designed and well-maintained network of city parks–a vital component of any city's infrastructure. Parks support public health, workforce development, the economy, the environment, education, and community cohesion. They are critical to creating sustainable, livable, and vibrant cities.

LWCF funding is an essential resource for cities as they seek to develop new or revitalize existing urban parks, green spaces, and recreation opportunities. However, many cities continue to have deteriorated parks and recreation facilities and greatly need the additional funding to achieve these benefits.

City Parks Alliance asks the Committee for a more equitable and robust distribution of LWCF to urban communities. When cities receive LWCF grants those grants are matched and often leverage millions more in public and private investments. For example, LWCF's $1.2 million in grants for the South Platte River in Denver galvanized over $2.5 billion in local public and private funding, an investment that has revitalized Denver's downtown and continues to drive economic development and job creation. Greenville, South Carolina, transformed its downtown by restoring Reedy River Falls Park, which was originally protected by a $16,000 LWCF grant. This park has now generated about $100 million in private investment in the adjacent area. There are many other examples across the country in cities large and small that show the true economic and health benefits that LWCF grants can have on communities.

Indeed, the bipartisan Mayors for Parks Coalition, managed by City Parks Alliance, brings together mayors from around the country who have seen the success of LWCF-funded projects in their cities and are urging Congress to reauthorize and fully fund LWCF. Co-chairs of the 41-member coalition are Mayor Michael B. Hancock (D) of Denver, CO and Mayor Betsy Price (R) of Fort Worth, TX.

In addition to urban parks, LWCF improves access to America's vast network of public lands, providing city dwellers greater opportunities to enjoy the mountains, deserts, and streams that are a day trip or less away. Proximity to public lands has shown to be an economic asset for cities across the country. The LWCF bolsters this asset for businesses and residents alike.

City Parks Alliance praises the President's FY 2016 request of $5 million for the Outdoor Recreation Legacy Partnership Program (ORLPP) and recognizes the transformative impact it will have in the few cities selected to benefit from this competitive pilot program. However, much more is needed for urban communities to strengthen our nation's health and future growth.

We also praise the President's request of $25 million from LWCF by reestablishing the Urban Parks Recreation and Recovery (UPARR) program within the National Park Service.

City Parks Alliance is conscious and respectful of the federal budget challenges. But we know that LWCF is a smart investment, particularly in cities where funds can be leveraged effectively through public private partnerships. We look forward to working with you to provide more funding to urban communities where this public investment is critically needed.

Thank you for your consideration.

Sincerely,

Catherine Nagel

Catherine Nagel
Executive Director
City Parks Alliance

Written Public Testimony from Members of the Coalition Against Forest Pests:
American Forest Foundation · American Forests · American Public Gardens Association · California Forest Pest Council · Center for Invasive Species Prevention · National Alliance of Forest Owners · National Association of Conservation Districts · National Association of State Foresters · National Network of Forest Practitioners · National Wild Turkey Federation· National Woodland Owners Association· Society of American Foresters· The Nature Conservancy · Tree Care Industry Association · Vermont Woodlands Association

Submitted to the House Subcommittee on Interior, Environment, and Related Agencies Concerning fiscal year 2016 USDA Forest Service Appropriations
March 25, 2015

Our organizations write to express strong support for the Forest Health Management programs – both federal and cooperative lands – and the Forest and Rangeland Research programs at the USDA Forest Service (USFS). We respectfully request your support in funding the Forest Health Management programs at $111 million – $63 million Federal Lands and $48 million Cooperative Lands – and the Forest and Rangeland Research program at $303 million in fiscal year (FY) 2016.

Our nation's forests and trees provide numerous benefits in both rural and urban areas. They sustain the health of our environment and our economy by providing clean air and water, wildlife habitat, enhanced property values, renewable energy sources, and carbon sequestration. Healthy forests also support jobs; for example, the U.S. forest products industry employs nearly 900,000 people in all 50 states. Visitors to National Forest System lands generate more than $13 billion of recreation and other related economic activity. One million tourists view fall foliage displays, generating $1 billion in revenue in New England annually.

The myriad benefits our forests produce are at risk. The ability of forests to continue providing benefits is threatened by damaging invasive species that are arriving and spreading at an increasing rate. At least 28 new tree-killing pests have been detected over the last decade. Some cause enormous damage. For instance, thousand cankers disease threatens black walnut trees; walnut growing stock is valued at $539 billion. Already, municipal governments across the country are spending more than $2 billion each year to remove trees on city property killed by non-native pests. Homeowners are spending an additional $1 billion to remove and replace trees on their properties and are absorbing an additional $1.5 billion in reduced property values.

The USFS Forest Health Management Program is a critical resource supporting efforts to prevent, contain, and eradicate these costly and dangerous pests and pathogens affecting trees and forests. In FY 2014, the Program helped combat native and invasive pests on over 327,000 acres of Federal lands and over 486,000 acres of Cooperative lands.[1] While these numbers

[1] USDA Forest Service Fiscal Year 2016 President's Budget Justification.

represent a vital component of our efforts to protect the nation's forests and trees, they also represent the real consequences of reductions in funding over the past five years, which have resulted in fewer acres treated. Any further cuts to this program will necessitate deeper reductions in support for communities already facing outbreaks and expose more of the nation's forests and trees to the devastating and costly effects of the forest pests. With this in mind, we are concerned with the President's Budget Proposal to reduce funding for the Cooperative Lands program and corresponding reductions for work to address Sudden Oak Death, Asian Longhorned Beetle, goldspotted oak borer, and other serious threats to our forests.

The USFS Forest and Rangeland Research program provides the scientific foundation for developing effective tools to detect and manage forest pests and the pathways by which they are introduced and spread. As forests face increasing pressure from the growing number of non-native pests support for research programs is critical. New pathways of introduction and spread have required analysis, *e.g.*, wood packaging and firewood. We are concerned that the President's Budget request for Forest and Rangeland Research would further limit our ability to prevent, contain, and eradicate damaging forest pests. We respectfully request your support in funding the USFS Forest and Rangeland Research program at $303 million in FY 2016.

In a time when America's forests and trees faces significant threats to their current and long-term health, the USFS needs adequate funding for the Forest Health Management and Forest and Rangeland Research programs to address current and emerging pests and keep their already staggering costs to a minimum. Accordingly, we urge the Subcommittee to restore funding for these critical programs in FY 2016. We request that you support the Forest Health Management programs at a total funding level of $111 million – with $63 million for Federal Lands and $48 million for Cooperative Lands – and the Forest and Rangeland Research program at $303 million.

We would be pleased to answer any questions you may have. Please contact Brent Keith, policy counsel with the National Association of State Foresters at bkeith@stateforesters.org or 202.624.5977 with any questions. Thank you for your time and consideration of this request.

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OUTSIDE WITNESS TESTIMONY
FY 2016 APPROPRIATION

TO: **The Honorable Ken Calvert, Chairman**
The Honorable Betty McCollum, Ranking Member
House Committee on Appropriations – Subcommittee on Interior, Environment, and Related Agencies

SUBJECT: **Continued Funding for the Colorado River Basin Salinity Control Program under BLM's Soil, Water and Air Program**

FROM: **Don A. Barnett, Executive Director**
Colorado River Basin Salinity Control Forum

DATE: **March 18, 2015**

Waters from the Colorado River are used by nearly 40 million people for municipal and industrial purposes and used to irrigate approximately 5.5 million acres in the United States. Natural and man-induced salt loading to the Colorado River creates environmental and economic damages. The U.S. Bureau of Reclamation (Reclamation) has estimated the current *quantifiable* damages at about $382 million per year. Congress authorized the Colorado River Basin Salinity Control Program (Program) in 1974 to offset increased damages caused by continued development and use of the waters of the Colorado River. Modeling by Reclamation indicates that the *quantifiable* damages would rise to approximately $614 million by the year 2035 without continuation of the Program. Congress has directed the Secretary of the Interior to implement a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the **Bureau of Land Management** (BLM). BLM funds these efforts through its **Soil, Water and Air Program**. BLM's efforts are an essential part of the overall effort. A funding level of **$1.5 million** for salinity specific projects in 2016 is requested to prevent further degradation of the quality of the Colorado River and increased downstream economic damages.

EPA has identified that more than 60 percent of the salt load of the Colorado River comes from natural sources. The majority of land within the Colorado

River Basin is federally owned, much of which is administered by BLM. In implementing the Colorado River Basin Salinity Control Act in 1974, Congress recognized that most of the salts in the Colorado River originate from federally owned lands. Title I of the Salinity Control Act deals with the U.S. commitment to the quality of waters being delivered to Mexico. Title II of the Act deals with improving the quality of the water delivered to users in the United States. This testimony deals specifically with Title II efforts. In 1984, Congress amended the Salinity Control Act and directed that the Secretary of the Interior develop a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by BLM. In 2000, Congress reiterated its directive to the Secretary and requested a report on the implementation of BLM's program (Public Law 106-459). In 2003, BLM employed a Salinity Coordinator to increase BLM efforts in the Colorado River Basin and to pursue salinity control studies and to implement specific salinity control practices. BLM is now working on creating a comprehensive Colorado River Basin salinity control program as directed by Congress and will be seeking a line-item appropriation in its 2017 budget request. With a significant portion of the salt load of the Colorado River coming from BLM administered lands, the BLM portion of the overall program is essential to the success of the effort. Inadequate BLM salinity control efforts will result in significant additional economic damages to water users downstream.

Concentration of salt in the Colorado River causes approximately $382 million in quantified damages and significantly more in unquantified damages in the United States and results in poor water quality for United States users. Damages occur from:

- a reduction in the yield of salt sensitive crops and increased water use to meet the leaching requirements in the agricultural sector,
- increased use of imported water and cost of desalination and brine disposal for recycling water in the municipal sector,
- a reduction in the useful life of galvanized water pipe systems, water heaters, faucets, garbage disposals, clothes washers, and dishwashers, and increased use of bottled water and water softeners in the household sector,
- an increase in the cost of cooling operations and the cost of water softening, and a decrease in equipment service life in the commercial sector,
- an increase in the use of water and the cost of water treatment, and an increase in sewer fees in the industrial sector,
- a decrease in the life of treatment facilities and pipelines in the utility sector, and
- difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions, and an increase in desalination and brine disposal costs due to accumulation of salts in groundwater basins.

The Colorado River Basin Salinity Control Forum (Forum) is composed of gubernatorial appointees from Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming. The

Forum is charged with reviewing the Colorado River's water quality standards for salinity every three years. In so doing, it adopts a Plan of Implementation consistent with these standards. The level of appropriation requested in this testimony is in keeping with the adopted Plan of Implementation. If adequate funds are not appropriated, significant damages from the higher salinity concentrations in the water will be more widespread in the United States and Mexico.

In summary, implementation of salinity control practices through BLM is a cost effective method of controlling the salinity of the Colorado River and is an essential component to the overall Colorado River Basin Salinity Control Program. Continuation of adequate funding levels for salinity within the Soil, Water and Air Program will assist in preventing the water quality of the Colorado River from further degradation and significant increases in economic damages to municipal, industrial and irrigation users. A modest investment in source control pays huge dividends in improved drinking water quality to nearly 40 million Americans.

STATE OF CALIFORNIA – THE NATURAL RESOURCES AGENCY EDMUND G. BROWN, JR., Governor

COLORADO RIVER BOARD OF CALIFORNIA
770 FAIRMONT AVENUE, SUITE 100
GLENDALE, CA 91203-1068
(818) 500-1625
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OUTSIDE WITNESS TESTIMONY
FY 2016 APPROPRIATIONS

TO: **The Honorable Ken Calvert, Chairman**
The Honorable Betty McCollum, Ranking Member
House Committee on Appropriations – Subcommittee on Interior, Environment, and Related Agencies

SUBJECT: **Continued Funding for the Colorado River Basin Salinity Control Program under BLM's Soil, Water and Air Program**

FROM: **Tanya Trujillo, Executive Director**
Colorado River Board of California

DATE: **March 23, 2015**

This testimony is in support of Fiscal Year (FY) 2016 funding for the Department of the Interior's Bureau of Land Management (BLM) associated with the sub-activity that assists Title II of the Colorado River Basin Salinity Control Act of 1974 (P.L. 93-320). This long-standing successful and cost-effective salinity control program in the Colorado River Basin is being carried out pursuant to the Colorado River Basin Salinity Control Act and the Clean Water Act (P.L. 92-500). Congress has directed the Secretary of the Interior to implement a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the **Bureau of Land Management** (BLM). BLM funds these efforts through its **Soil, Water and Air Program**. BLM's efforts are an essential part of the overall effort. A funding level of **$1.5 million** for salinity specific projects in 2016 is requested to prevent further degradation of the quality of the Colorado River and increased downstream economic damages.

The Colorado River Board of California (Colorado River Board) is the state agency charged with protecting California's interests and rights in the water and power resources of the Colorado River system. In this capacity, California participates along with the other six Colorado River Basin states through the Colorado River Basin Salinity Control Forum (Forum), the interstate organization responsible for coordinating the Basin States' salinity control efforts. In close cooperation with the U. S. Environmental Protection Agency (EPA) and pursuant to requirements of the Clean Water Act, the Forum is charged with reviewing the Colorado River water quality standards every three years. The Forum adopts a Plan of Implementation consistent with these water quality standards. The level of appropriation being supported in this testimony is consistent with the Forum's *2014 Plan of Implementation*. The Forum's *2014 Plan of Implementation* can be found on this website: http://coloradoriversalinity.org/docs/2014%20Final%20REVIEW%20-%20complete.pdf. If adequate funds are not appropriated, significant damages associated with increasing salinity

concentrations of Colorado River water will become more widespread in the United States and Mexico.

The EPA has determined that more than sixty-percent of the salt load of the Colorado River comes from natural sources. The majority of land within the Colorado River Basin is federally owned, much of which is administered by BLM. Through passage of the Colorado River Basin Salinity Control Act in 1974, Congress recognized that much of the salts in the Colorado River originate on federally-owned lands. Title I of the Salinity Control Act deals with the U.S. commitment to efforts related to maintaining the quality of waters being delivered to Mexico pursuant to the 1944 Water Treaty. Title II of the Act deals with improving the quality of the water delivered to U.S. users. In 1984, Congress amended the Salinity Control Act and directed that the Secretary of the Interior develop a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by BLM. In 2000, Congress reiterated its directive to the Secretary and requested a report on the implementation of BLM's program (Public Law 106-459). In 2003, BLM employed a Salinity Coordinator to coordinate BLM efforts in the Colorado River Basin states to pursue salinity control studies and to implement specific salinity control practices. BLM is now working on creating a comprehensive Colorado River Basin salinity control program as directed by Congress and will be seeking a line-item appropriation in its 2017 budget request. With a significant portion of the salt load of the Colorado River coming from BLM-administered lands, the BLM portion of the overall program is essential to the success of the entire effort. Inadequate BLM salinity control efforts will result in significant additional economic damages to water users downstream.

Over the thirty-one years since the passage of the Colorado River Basin Salinity Control Act, much has been learned about the impact of salts in the Colorado River system. Currently, the salinity concentration of Colorado River water causes about $382 million in quantifiable damages in the United States annually. Economic and hydrologic modeling by Reclamation indicates that the quantifiable damages could rise to more than $614 million by the year 2035 without the continuation of the Salinity Control Program. For example, damages can be incurred related to the following activities:

- a reduction in the yield of salt sensitive crops and increased water use to meet the leaching requirements in the agricultural sector,
- an increase in the amount of imported water,
- an increased cost of desalination and brine disposal for recycling water in the municipal sector,
- a reduction in the useful life of galvanized water pipe systems, water heaters, faucets, garbage disposals, clothes washers, and dishwashers, and increased use of bottled water and water softeners in the household sector,

- an increase in the cost of cooling operations and the cost of water softening, and a decrease in equipment service life in the commercial sector,

- an increase in the use of water and the cost of water treatment, and an increase in sewer fees in the industrial sector,

- a decrease in the life of treatment facilities and pipelines in the utility sector, and

- difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions.

The Colorado River is, and will continue to be, a major and vital water resource to the nearly 20 million residents of southern California, including municipal, industrial, and agricultural water users in Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties. The protection and improvement of Colorado River water quality through an effective salinity control program will avoid the additional economic damages to users in California and the other states that rely on Colorado River water resources.

The Confederated Tribes of the Grand Ronde Community of Oregon

Tribal Council
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U.S. House of Representatives
Committee on Appropriations
Interior, Environment and Related Agencies Subcommittee
The Honorable Chairman Rep. Ken Calvert

March 24, 2015

Re: Testimony for the Record on FY 2016 Dept. HHS Indian Health Services Budget

Dear Honorable Chairman Rep. Ken Calvert and members of the Committee:
The Confederated Tribes of Grand Ronde Community of Oregon (The CTGR) submits the following comments for the record regarding the proposed budget and policy provisions of the Department of Health and Human Services Indian Health Service 2016 FY Budget.

The Administration's proposed FY2016 Budget provides for an increase of about 9% for the IHS funding. We are appreciative of this proposed increase to accommodate existing needs and to address past recessions. We respectfully request the Committee fully restore the sequestration cuts from the FY2013 budget and exempt the IHS Budget from further budget recessions and discretionary reductions.

I. **Contract Support Costs**
The CTGR strongly supports and emphasizes the highest priority need for the Administration's request that Contract Support Costs be programed into the budget as an independent and new line item so this obligatory provision is budgeted annually. It has been the lack of a funding mechanism for these all-important operational costs that has been the source of years of Tribal medical center funding shortfalls and resulting litigation. We urge the Committee to authorize the inclusion of CSC funding as a mandatory appropriation and to appropriate funds for CSC in 2016 and 2017.
The proposed Budget provides for the required $718 million for CSC in 2016 which is required for the baseline operations of the CTGR Health and Wellness Center and for the new and expanded contracts and compacts in the pipeline.

II. **IHS Funding Required to Support *Current* Tribal Health Care Needs and Services**
Tribal medical, health and wellness care, though required by Treaty in our case and in the case of many Tribal Governments around the country, has never been budgeted to keep up with inflation or the increase in medical care or to accommodate the growth in

populations. Our Clinic is located in deeply rural western Oregon and services low-income, widely scattered populations far from the larger cities of Portland and Salem. The CTGR urges the Committee to provide an increase of $368.9 million over the Administration's proposed Budget to cover current costs projected to 2016. As Tribes have been forced to implement in the past, not providing this needed funding will result in cuts to health care services and the quality of health care in Indian Country.

III. Purchased and Referred Care (PRC)

The CTGR is a PRC-dependent Tribal Government, operating our own Health and Wellness Center in rural Grand Ronde, and having over 2,200 Tribal Members in our service delivery area and 2,600 throughout the rest of the country. We fully support and respectfully request the Committee provide for the Administration's requested $70.3 million increase that includes $43.6 million for medical inflation and $1.2 million for staffing/operating costs.

IV. Office of Tribal Self-Governance

Funding was reduced by 43% in 2003, followed by additional recessions causing a major loss of services and effectiveness for this agency so important to the provision of Federal Trustee services to Tribal Governments. There are now 351 Self-Governance Tribes in the Unites States – over 60% of all Federally-recognized Tribes. The CTGR supports and respectfully requests the Committee's support for an increase of $6 million for the IHS office of Tribal Self-Governance.

The CTGR clinic continues to see an increase in service delivery to Grand Ronde Tribal Members and the community. In 2014, there were 15,171 visits by CTGR Tribal members and 9,301 visits by other natives and community members. Service delivery includes medical, dental, optometry, behavioral health, and speech and language therapy. Our Contract Health Service Delivery Area includes the six counties of Polk, Yamhill, Marion, Washington, Multnomah and Tillamook in Oregon. In addition to direct care we provide health care support to CTGR Tribal members throughout the country.

The IHS funding plays a critical role in our ability to meet the health care needs of our Tribal members and community. Therefore, we respectfully submit this Testimony for the Record on the proposed FY 2016 Dept. HHS Indian Health Services Budget.

Respectfully,

Reynold L. Leno

Reynold L. Leno
Tribal Council Chairman
The Confederated Tribes of Grand Ronde

Umpqua Molalla Rogue River Kalapuya Chasta

March 25, 2014

David Houghton, Chair
Cooperative Alliance for Refuge Enhancement
1001 Connecticut Ave. NW, Suite 905
Washington, D.C. 20036

TESTIMONY OF THE COOPERATIVE ALLIANCE FOR REFUGE ENHANCEMENT (CARE) BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES REGARDING FISCAL YEAR 2016 APPROPRIATIONS FOR THE NATIONAL WILDLIFE REFUGE SYSTEM

Chairman Calvert, Ranking Member McCollum, and Members of the Subcommittee:

Thank you for the opportunity to submit comments on the fiscal year 2016 (FY 2016) Interior Appropriations bill. The National Wildlife Refuge System stands alone as the only land and water conservation system with a mission that prioritizes wildlife and habitat conservation alongside human, wildlife-dependent recreation. Since 1995, the Cooperative Alliance for Refuge Enhancement (CARE) has worked to showcase the value of the Refuge System and to secure a strong congressional commitment for conserving these special landscapes. Found in every U.S. state and territory, national wildlife refuges conserve a diversity of America's environmentally sensitive and economically vital ecosystems, including oceans, coasts, wetlands, deserts, tundra, prairie, and forests.

We thank you for the desperately needed funding increase for FY 2015 and respectfully request a funding level of $508.2 million for the Operations and Maintenance accounts of the National Wildlife Refuge System for FY 2016.

This testimony is submitted on behalf of CARE's 23 member organizations, which represent over 16 million American hunters, anglers, bird and wildlife watchers, scientists and concerned citizens passionate about wildlife conservation and related recreational opportunities.

American Birding Association
American Fisheries Society
American Sportfishing Association
Association of Fish and Wildlife Agencies
Congressional Sportsmen's Foundation
Defenders of Wildlife
Ducks Unlimited, Inc.
Izaak Walton League of America
Marine Conservation Institute
National Audubon Society
National Rifle Association
National Wildlife Federation
National Wildlife Refuge Association
Safari Club International
The Corps Network
The Nature Conservancy
The Wilderness Society
The Wildlife Society
Theodore Roosevelt Conservation Partnership
Trout Unlimited
U.S. Sportsmen's Alliance
Wildlife Forever
Wildlife Management Institute

The National Wildlife Refuge System, established in 1903, is responsible for management of approximately 568 million acres of lands and waters and includes 562 national wildlife refuges and 38 wetland management districts. From the Virgin Islands to Guam and the Pacific marine national monuments, the Refuge System spans 12 time zones and protects America's natural heritage in habitats ranging from arctic tundra to arid desert, boreal forest to sagebrush grassland, and prairie wetlands to coral reefs. With a refuge within an hour's drive of every metropolitan area in the U.S., the Refuge System attracts more visitors each year (47 million in FY14) with opportunities for hunting, fishing, wildlife observation, photography, kayaking, and outdoor education. From 2006 – 2011, visitation to our national wildlife refuges increased by 30%.

According to *Banking On Nature* visitors generated $2.4 billion annually to local economies – on average returning $4.87 in economic activity for every $1 appropriated – and support 35,000 jobs. Refuges also provide major environmental and health benefits, such as filtering storm water before it is carried downstream to fill municipal aquifers; reducing flooding by capturing excess rainwater; and minimizing the damage to coastal communities from storm surges. According to a 2011 report by Southwick Associates, refuges generate more than $32.3 billion in ecosystem services each year, returning over $65 for every $1 appropriated.

Yet declining budgets have caused a steep decline in staffing levels within the Refuge System. The Refuge System is now $72 million below what it needs to keep pace with inflation, relative to the FY10 budget of $503.2 million. Workforce has declined in that time by over 500 positions, who provided services such as administration, maintenance, fire management, and science support. With that substantive loss of workforce, refuges simply cannot be maintained or provide the adequate visitor services, environmental education, access for hunting, and law enforcement that will ensure habitat is being maintained as required or ensure a safe and enjoyable visitor experience.

In the Sacramento National Wildlife Refuge and the San Luis Refuge Complex, staffing reductions have impacted how staff can tackle challenges caused by California's severe drought. Water deliveries have been reduced dramatically, and proposals to change deliveries from higher quality surface water to brackish groundwater threaten the functionality of these refuges as waterfowl habitat. In Minnesota, the Morris Wetland Management District has seen a staffing reduction of 70% leading to a conversion of native prairie and waterfowl habitat to forest because of the changes in fire management critical to the proper management of the wetlands.

CARE estimates that the Refuge System needs at least $900 million in annual operations and maintenance funding to meet conservation targets. Unfortunately, inadequate funding threatens the System's ability to carry out its mission. Adjusted for inflation and including funding for prescribed fire in the Department of the Interior's budget, the Refuge System is operating 20% below where it was just five years ago in FY 2010. As a result, System performance levels dropped substantially.

The FY14 Refuge Annual Performance Plan (RAPP) reports revealed falling performance rates in several important System categories, including habitat condition, habitat restoration, recreation opportunities, volunteerism, and scientific research. The following data shows the systemic impact of budget cuts from FY10 – FY14.

Measures for which performance declined more than 50% from FY10 to FY14

- Acres of forest/shrubland improvement (-56%)
- Wetland acres restored (-69%)
- Open water acres restored (-89%)
- Acres of non-native, invasive plants controlled (-63%)
- Number of invasive animal populations controlled during the year (-59%)

Measures for which performance declined 15-50% from FY10 to FY14

- Riparian miles restored (-37%)
- Number of research studies (-22%)
- Number of Inventory and Monitoring surveys accomplished (-20%)
- Acres of moist soil managed (-23%)
- Acres of farming (-22%)
- Acres of mowed/hayed grasslands (-20%)

Measures for which performance declined 3%-15% from FY10 to FY14

- Total refuge acres receiving needed management (-9%)
- Wetlands receiving needed management (-9%)
- Acres infested by non-native, invasive plants (3% more acreage since FY11)
- Acres of water-level manipulation (-8%)
- Number of volunteers (-15%)
- Volunteer hours (down 6% from FY11 to FY14)
- Fishing visits (-7%)
- Hunting visits (-5% from FY11 to FY14)

On the opposite side, many measures increased for the Refuge System over this same time frame. These include:

- Number of visitors (+2.6%)
- Other migratory bird hunt visits (+17%)
- Number of auto tour visits (+11%)
- Number of boat trail/launch visits (+21%)
- Wildlife observation visits (+8%)
- Photography participants (+45%)
- Acres of prescribed grazing (+11%)

As habitat management declines, the System's fragile ecosystems are subject to opportunistic invasive species. And the foothold they gain in refuge lands can quickly transfer to adjacent private and state lands, an issue of great concern in places like southeastern Idaho where the CARE group visited in 2012. Between FY10 and FY14, the System treated 41% less acreage for invasive plants and, sadly, saw a 63% drop in acreage where invasive plants were successfully controlled. One step forward and several steps back is an inefficient way to manage the Refuge System and threatens years of cooperative efforts with partners and landowners.

CARE thanks the Subcommittee and Congress for the much needed increase in funding for FY15. It was hoped that the budget increase could reverse the systemic declines in performance but because the System needs at least $15 million annually to maintain management capabilities, the increase of $2 million was in actuality a decrease. And unfortunately, emergencies nationwide such as natural disasters and looming endangered species listing could force the System to deal with these crises instead, further exacerbating the issues.

Understanding the constraints of the budget process, CARE supports the President's request of $508.2 million for FY16, although it is substantially less than what the System needs. Albeit roughly half the optimal funding amount, $508.2 million is a $34 million increase, and we hope it may help the System maintain its ability to manage refuge lands as intended in their purpose. If the requested funding level is satisfied, the Refuge System can better address the following tasks:

- Conduct management and restoration activities to provide healthy habitats that attract wildlife and, in turn, draw visitors and increase economic return to communities;
- Keep refuges open and staffed so that quality recreational opportunities continue to be offered to the public;
- Maintain facilities and equipment used to serve the public and manage habitat;
- Provide law enforcement officers needed to keep refuge resources and the people who come to appreciate them safe.

Refuge visitation is growing and is expected to continue increasing. In fact, from FY10 to FY14, the Refuge System welcomed 2.6% more visitors. However, refuges are losing valuable staff committed to visitors and volunteers. **The number of volunteers has dropped by 15% and the number of volunteer hours has dropped by 6% - statistics that are particularly troubling considering this work force is a 20% boost to existing Refuge System staff.** Refuges rely on volunteers for welcoming and greeting visitors, staffing refuge nature stores, maintenance, interpretation, and much more. Arguably, the System's mission cannot be fully achieved without refuge volunteers and Friends groups. Volunteer service, however, is only possible if the System is sufficiently staffed to provide requisite volunteer training and oversight.

If the Refuge System is forced to sustain further reductions, future reports will likely show continued decline in the System's conservation work and public use opportunities. Funding cuts are already impacting America's refuges. If annual operations and maintenance funding does not rise, CARE anticipates further impacts both within and outside of refuge boundaries, including:

- A reduction in the treatment of invasive plants, reducing habitat quality needed to support wildlife (both game and non-game) and putting private lands at higher risk of infestations;
- A decrease in the use of prescribed fire, which is used on refuges both to improve habitat for wildlife and to reduce hazardous fuels that pose a wildfire risk to nearby communities;
- A decline in the number and quality of visitor programs, with visitor centers operating at reduced hours, and postponement of plans to add or expand hunting programs at refuges;
- Lost revenue for local communities as visitor numbers drop; according to the U.S. Fish and Wildlife Service (FWS) FY13 budget justification, "Each one percent increase or decrease in visitation impacts $16.9 million in total economic activity, 268 jobs, $5.4 million in job-related income, and $608,000 in tax revenue."
- Elimination of ancillary functions like FWS's operation of Henderson Field at Midway Atoll National Wildlife Refuge, which serves as a critical emergency landing site for trans-pacific flights, as well as the public's main window to the vast marine national monuments.

We urge Congress to fund the Refuge System at $508.2 m in FY16 – to bridge the growing gap between what the System needs and what it receives, enabling refuges to continue moving America forward. On behalf of our more than 16 million members and supporters, CARE thanks the Subcommittee for the opportunity to submit comments on the FY 2015 Interior Appropriations bill, and we look forward to meeting with you to discuss our request.

DANCE USA

Written Statement of
Amy Fitterer, executive director, Dance/USA

Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations United States House of Representatives

FY2016 Funding for the National Endowment for the Arts (NEA)
March 25, 2015

Mr. Chairman and distinguished members of the subcommittee, I am grateful for the opportunity to submit testimony on behalf of Dance/USA, its Board of Directors and its 500 members. **We strongly urge the Subcommittee on Interior, Environment, and Related Agencies in the Committee on Appropriations to designate a total of $155 million to the National Endowment for the Arts (NEA) for FY 2016.** This testimony and the funding examples described below are intended to highlight the importance of federal investment in the arts, so critical to sustaining a vibrant cultural community throughout the country.

The NEA makes it possible for everyone to enjoy and benefit from the performing arts. Before the establishment of the NEA in 1965, the arts were limited mostly to a few big cities. The NEA has helped to strengthen regional dance, opera, theater and other artistic disciplines that Americans now enjoy. NEA funding provides access to the arts in regions with histories of inaccessibility due to economic or geographic limitations. The Endowment embodies the ideal that no one should be deprived of the opportunity to have art in their lives. The Arts Endowment has helped the arts become accessible to more Americans, which in turn has increased public participation in the arts.

The NEA is a great investment in the economic growth of every community
Despite diminished resources, including a budget that has decreased by over $20 million since 2010, the NEA awarded more than 2,100 grants in 2014, totaling more than $100 million in appropriated funds. These grants nurture the growth and artistic excellence of thousands of arts organizations and artists in every corner of the country. NEA grants also preserve and enhance our nation's diverse cultural heritage. The modest public investment in the nation's cultural life results in both new and classic works of art, **reaching the residents of all 50 states and in every congressional district.**

The return of the federal government's small investment in the arts is striking. In 2013, the American creative sector was measured by the federal Bureau of Economic Analysis (BEA). The BEA and the NEA developed an "Arts and Cultural Production Satellite Account" which calculated the arts and culture sector's contributions to the gross domestic product (GDP) at 4.3 percent (or $698 billion) of current-dollar GDP in 2012. Additionally, the nonprofit performing arts industry generates $135.2 billion annually in economic activity, supports more than 4.13 million full-time equivalent jobs in the arts, and returns $9.59 billion in federal taxes.

On average each NEA grant leverages at least $9 from other state, local, and private sources. Few other federal investments realize such economic benefits, not to mention the intangible benefits that only the arts make possible. Even in the face of cutbacks in the recent years, the NEA continues to be a beacon for arts organizations across the country.

The return on investments is not only found in dollars. In 2012, 2.2 million people volunteered 210 million hours with arts and cultural organizations, totaling an estimated value of $5.2 billion – a demonstration that citizens value the arts in their communities.

NEA Grants at Work
Past NEA funding has directly supported projects in which arts organizations, artists, schools and teachers collaborated to provide opportunities for adults and children to create, perform, and respond to artistic works. NEA funding has also made the art form more widely available in all states, including isolated rural areas and inner cities; indeed, NEA funded projects cross all racial, geographic, and socioeconomic lines.

NEA grants are awarded to dance organizations through its core programs: Art Works; Challenge America Fast Track Grants; and Federal/State Partnerships. **In fiscal year 2015, the NEA awarded 88 grants to the dance field through the first round of Art Works, totaling $2,525,000.**

St. Catherine University (a.k.a. St. Kate's)
$20,000
St. Paul, MN
Choreographers Camille A. Brown and Maureen Fleming will offer public and school performances, workshops, master classes, lectures, and an art exhibit. Brown will present her works, "Black Girl," which explores themes of black identity young women face in contemporary society, and "Mr. Tol-E-Rance," which traces the history of black stereotypes in America. Fleming will present her work, "B. Madonna," inspired by the myth of Persephone.

Cleveland Modern Dance Company
$30,000
Cleveland, OH
To support DANCECleveland's presentation of dance companies along with accompanying residency, educational, and outreach activities. Companies to be presented may include Pilobolus Dance Theater, Compagnie Kafig, and Restless Creature (an evening of new dance created by New York City Ballet dancer Wendy Whelan and four American choreographers). In addition, Camille A. Brown & Dancers will be in residence for a week as part of a major commissioning project. All performances will be accompanied by master classes, community appearances, extensive program notes, pre-performance lectures, and post-performance question-and-answer sessions. DANCECleveland also will expand its early childhood literacy and movement program called Read to Learn, Dance to Move.

Diavolo Dance Theatre
$20,000
Los Angeles, CA
To support the creation of "Luminoir," by Artistic Director Jacques Heim. The new work is designed as a companion piece to "Trajectoire," one of Diavolo's most popular works. "Luminoir" will include some of the same collaborators that worked on "Trajectoire," including set fabricator Mike McCluskey and composer Nathan Wang. The new work will incorporate boat-like sets. Through collaborative creation, the dancers will explore the Diavolo aesthetic of Architecture in Motion, with influences that range from ballet to modern, acrobatics to gymnastics, hip-hop to martial arts, all on architectural set pieces. The project will include work-in-progress showings that will have question-and-answer sessions with the creative team that also will be streamed live on the Internet.

BalletX
$10,000
Philadelphia, PA
To support a full program of works by choreographer, Adam Hougland. The works to be presented include "Risk of Flight" (2007), "Mash Up" (2012), and a world premiere by Hougland featuring music by Philadelphia singer-songwriter Chris Kasper performed by his band. The project will include BalletX's signature audience engagement program, The X-Process, and will include an opening night question-and-answer session with the artists, which will be filmed and re-played every evening. Audiences also will be invited to attend an interactive lecture-demonstration during which a distinguished scholar will moderate a presentation about the role of collaboration in the creative process. The works will be part of BalletX's Summer Series, and will be presented at The Wilma Theater in Philadelphia.

Miami City Ballet
$50,000
Miami Beach, FL
To support the premier of a new ballet by choreographer Justin Peck. Set to Czech composer Bohuslav Martinu's "Piano Concerto No. 1," Peck may collaborate with costume designers Reid Bartelme and Harriet Jung, lighting designer Brandon Baker, and visual artist Shepherd Fairey for the set design. With this new work, the company will expand its repertoire and in doing so, engage the next generation of dance patrons while infusing dance with new artistic voices that embody the future of the art form.

The Non-Profit Professional Dance Community
America's dance companies perform a wide range of styles and genres. These include both classical and contemporary ballet, classical and contemporary modern, as well as jazz, tap, cross-disciplinary fusions and traditional to modern work rooted in other cultures. Over two-thirds of America's professional dance companies are less than 45 years old; as an established art form with national identity and presence, dance has burst onto the scene almost entirely within living memory. And yet, America can boast some of the greatest dance companies of the world and can take credit for birthing two indigenous dance styles – tap and modern dance.

One key to this spectacular achievement has been the creation of a national marketplace for dance. When the National Endowment for the Arts instituted its Dance Touring Program in the 1970s, great dance became accessible to every community in America. What used to be a handful of professional companies and a scattering of "regional" dance has become a national treasure spread across cities and through communities, schools and theaters in all 50 states. Based on data from almost 300 nonprofit dance companies from across the United States, Dance/USA estimates that dance companies:

- Employed over 14,800 people in a mix of full-time and part-time positions;
- Paid approximately $345.7 million, or 53% of expenses, in wages and benefits;
- Earned $200 million, or 29% of their income, from performances;
- Received $326.6 million, or 48% of their income in contributions (including public support, corporate contributions, foundation support, and individual donations);
- Generated more than $661.5 million in economic activity across the United States.

Dance/USA, the national service organization for the professional dance field, believes that dance is essential to a healthy society, demonstrating the infinite possibilities for human expression and potential, and facilitating communication within and across cultures. Dance/USA sustains and advances professional dance by addressing the needs, concerns, and interests of artists, administrators, and organizations. Dance/USA's membership currently consists of nearly 500 aerial, ballet, modern, culturally specific, jazz, and tap companies, dance service and presenting organizations, individuals, and related organizations. **Dance/USA's member companies range in size from operating budgets of under $100,000 to over $50 million**.

Conclusion

Despite overwhelming support by the American public for spending federal tax dollars in support of the arts, the NEA has never recovered from a 40% budget cut in the mid-nineties and found its budget further decreased by almost $22 million since 2010, leaving its programs seriously underfunded. **We urge you to continue toward restoration and increase the NEA funding allocation to $155 million for FY16.**

On behalf of Dance/USA, thank you for considering this request.

Dance/USA
1111 16th Street, NW
Suite 300
Washington, D.C. 20036
202.833.1717

1 Wildlife Drive, P.O. Box 565, Sanibel, FL • tel (239) 472-1100 • fax (239) 472-7803 • www.dingdarlingsociety.org

February 27, 2015

To: Members of the House Appropriations Sub-Committee on Interior, Environment, and Related Agencies

From: Doris Hardy, President, "Ding" Darling Wildlife Society

In recent years the annual operations and maintenance budget for the National Wildlife Refuge System has significantly failed to keep track with its needs. At the J. N. "Ding" Darling National Wildlife Refuge on Sanibel Island, Florida, the result has been a decline in staff levels, unfilled job openings, delayed maintenance, postponed research, and deferred projects. The refuge simply cannot fulfill its commitment to our visitors and to the American public in general without a remedy to this situation. On behalf of the "Ding" Darling Wildlife Society, I earnestly request your support for the recommendations of the National Wildlife Refuge Association, which asks that the Federal budget for the National Wildlife Refuge System be fully funded at $900M, with appropriation of $508.2M for fiscal 2016.

The "Ding" Darling Wildlife Society is a non-profit friends organization that supports environmental education, research, land acquisition, special projects and services at the refuge. The refuge is the second most popular attraction for visitors to Southwest Florida (after our beaches) with over eight hundred thousand annual visits. Many visitors identify the refuge as their primary reason for visiting this part of Florida. As a result, the refuge has a dramatic positive impact on the local economy returning some $34 to the local economy for every Federal dollar appropriated to the refuge, an impact directly threatened by inadequate Federal refuge funding.

We also request your support for the remaining legislative priorities of the National Wildlife Refuge Association. We particularly emphasize the need to appropriate funding in FY16 from the Land and Water Conservation Fund which will permit the acquisition of key land areas to enhance the ecological integrity of the National Wildlife Refuge System. Additionally, we view the funding of proactive public-private partnerships as a vital and cost-effective way to secure those species at risk from listing under the Endangered Species Act.

Thank-you for your consideration,

(signed)

Doris Hardy

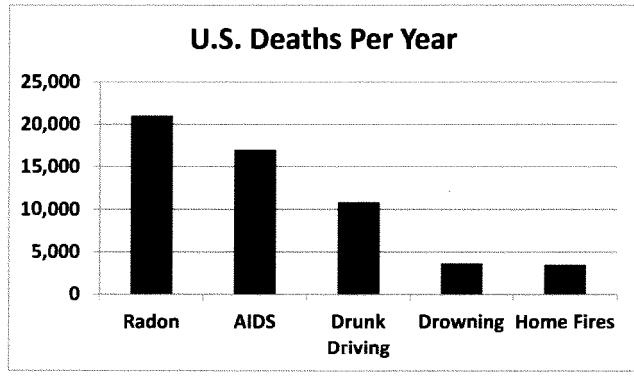
Written Testimony From: Dusty Donaldson, executive director & founder

Organization: Dusty Joy Foundation, a 501 (c)(3) public charity with a mission of promoting lung cancer awareness, early detection and compassion for people touched by lung cancer.

RE: House Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies (Environmental Protection Agency's State Indoor Radon Grants (SIRG) FY2016)

Dear Subcommittee on Interior, Environment, and Related Agencies:

As a lung cancer survivor, patient advocate and founder of a 501c3 nonprofit organization dedicated to advancing lung cancer education, early detection and compassion for those impacted by this disease, I am writing on behalf of the estimated 20,000 Americans who will die from radon-induced lung cancer this year. Because only 17 percent of lung cancer patients survive five years, I believe I have a moral responsibility to be a voice for those unable to speak. **My request is for Congress to fund the U. S. Environmental Protection Agency's (EPA) State Indoor Radon Grants (SIRG) FY2016 in the amount of $8.1 million.**



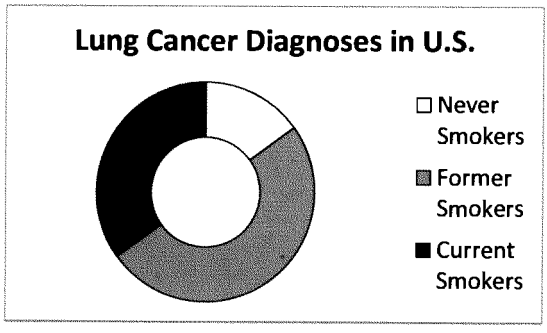
With more than **20,000** Americans deaths caused by radon-induced lung cancer this year, radon kills more Americans each year than AIDS, drunk driving, drowning or home fires.[1] Approximately **17,000** Americans will die from AIDS this year;[2] **10,839** will die as a result of drunk driving;[3] **3,650** will drown this year;[4] and **3,500** will die in home fires. [5] These other risks are well known. Unfortunately, the American public knows little about the risks of radon.

[1] U.S. Environmental Protection Agency website www.epa.gov/radon/
[2] U.S. Department of Health & Human Services website: http://www.aids.gov/hiv-aids-basics/hiv-aids-101/overview/statistics/
[3] Centers for Disease Control website, http://www.cdc.gov/motorvehiclesafety/impaired_driving/impaired-drv_factsheet.html
[4] Factsheet on Centers for Disease Control website, www.cdc.gov/homeandrecreationalsafety/water-safety/waterinjuries-factsheet.html
[5] U.S. Fire Administration/FEMA website, www.usfa.fema.gov/citizens/home_fire_prev/

Lung cancer is the #1 cancer killer. It kills nearly twice as many women as breast cancer and three times as many men as prostate cancer. In fact, lung cancer kills more people than breast, prostate, colon and pancreatic cancers combined.

While lung cancer is the number one cancer killer, it is the least funded in terms of federal research dollars. One reason lung cancer research is underfunded is because of the stigma associated with this disease. People often assume people with lung cancer brought it upon themselves, similar to the early days of AIDS.

Consider, however, the fact that approximately 79,000 U.S. **smokers** will be diagnosed with lung cancer this year. Yet, nearly twice that number—147,000—who are **former or never smokers** will also be told, "You have lung cancer."



Overall, approximately 34,000 Americans **who never smoked** will be diagnosed with lung cancer this year. Radon is the **number one cause of lung cancer in people who never smoked.** And for those with a history of smoking, radon exposure **greatly** increases their risk for developing lung cancer.

According to the American Cancer Society, each year approximately 3,400 Americans die from lung cancer caused by second-hand smoke. Across the county, restaurants, office buildings and schools have become smoke free. Although the air in these buildings may be smoke free, **radon in these buildings is killing 55 Americans each and every day. Radon-induced lung cancer claims six times as many lives as second-hand smoke.**

In our work as advocates for people touched by lung cancer, we have come to know many people who never smoked who are battling lung cancer or lost their battle with this disease. High radon levels have been found in every state across the country. Dorothy Blosser from Virginia's Shenandoah Valley was a Mennonite pastor's wife. After her diagnosis, her family discovered the radon level in the home was nearly 10 times the EPA's action level. Abby, a 17-year-old girl from Macon, Georgia, has been fighting Stage IV lung cancer since she was nine. And there's Taylor Bell, a former NC college athlete who interned for Senator Richard Burr. She was diagnosed with lung cancer at the age of 21. In Texas, there's Jerrold Dash, a former college football player who had a double lung transplant. Jerrold fights for every day he gets to spend with his wife and two daughters. Another person who never smoked, Debbie Greenman, a third-grade teacher from Loon Lake, Washington, had her home tested for radon after her lung cancer

diagnosis. The level was 75 times higher than the EPA action level. I could tell you about David, Lila, Julie, Marian, Brittany, Kathryn, Beau, Melissa and many, many more. There are 20,000-plus stories each year.

The Dusty Joy Foundation supports the EPA's work of warning the public about radon. We also stand in solidarity with other nonprofit organizations, including CanSAR (Cancer Survivors Against Radon), Citizens for Radioactive Radon Reduction and many others.

An easy way to reduce lung cancer deaths is to fund radon awareness. While radon is a serious and potentially deadly problem, the test is inexpensive and easy toconduct. And, if there is a problem, fixing it is quick and less expensive than most home improvement projects.

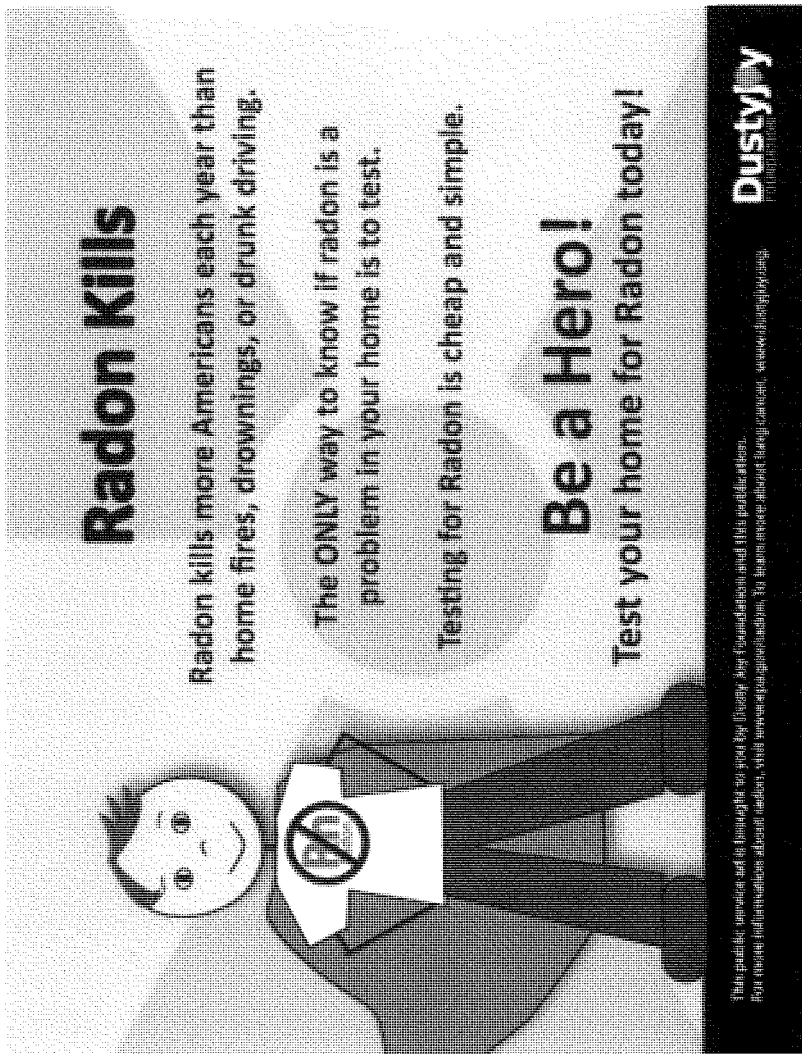
Our nonprofit organization distributes free radon test kits to targeted residents in several states, along with EPA radon awareness materials. If funds for radon programs are reduced, a message would be sent that radon awareness is unimportant...that more than 20,000 American lives do not matter. Our organization's good work would also be hindered. Please take this life-or-death matter seriously and do not perpetuate the cruel assumption that people with lung cancer deserve to die. How else will the American public know about the danger of radon without the EPA's steadfast commitment and financial support?

Frankly, with all the problems this country is facing, radon is one of the few we can actually resolve. Thank you again for your time and attention to this important matter.

Warm regards,

Dusty Donaldson
336.302.7714

dusty@dustyjoy.org
www.dustyjoy.org


Radon Kills
Radon kills more Americans each year than home fires, drownings, or drunk driving.
The ONLY way to know if radon is a problem in your home is to test.
Testing for Radon is cheap and simple.
Be a Hero!
Test your home for Radon today!
Dusty Joy

Dzilth-Na-O-Dith-Hle Community Grant School
35 Road 7585 # 5003
Bloomfield, New Mexico 87413
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HOME OF THE MUSTANGS

Written Testimony of Ervin Chavez, School Board President &
Faye BlueEyes, Assistant Executive Director

DZILTH-NA-O-DITH-HLE COMMUNITY GRANT SCHOOL (DCGS)

Before the

United States House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

Regarding the FY 2016 Indian Affairs Budget

March 19, 2015

Thank you for the opportunity to submit testimony on behalf of the Dzilth-Na-O-Dith-Hle Community School (DCGS) on the Navajo Reservation in Bloomfield, New Mexico. Our school, which has been in continuous service since 1968, operates a K-8 educational program and a dormitory program for students in grades 1-12, serving around 250 students in both programs. DCGS is a tribally controlled grant school is located approximately 170 miles northwest of Albuquerque. DCGS is primarily funded through appropriations received from the BIE, and pass-through funding from the Department of Education.

Our all-Navajo Board operates the DCGS through a Grant issued by the BIE under the Tribally Controlled Schools Act. The DCGS goal is to make a difference in the educational progress of our students and we believe that all of our students are capable of achieving academic success. However, we struggle with underfunding of practically every one of our educational and related programs that impacts our ability to fully meet our school goals and our ability to successfully operate our programs under the Indian Self-Determination policy.

Our recommendations can be summarized as follows:

- Protect school funding from the proposed federal bureaucratic expansion.
- Increase ISEP funding to $431 million in FY 2016.
- Fund Student Transportation at $73 million, and BIA road maintenance at $40 million.
- Fully fund Tribal Grant Support Costs in line with the Administration's proposal
- Provide $109 million for facilities operation and $76 for facilities maintenance.
- Embark on a comprehensive 60-year plan for school replacement and upkeep.

1. Protecting School Funding and Programs from Federal Expansion

You have heard over the last year from us and other schools about our concerns with the BIE's "Blueprint for Reform" and its "One-Grant Initiative." We do not doubt the Administration's

commitment—even the President himself has commented on the issue. This new level of visibility and attention, along with the strong commitment of this Committee signal we have entered a new era for Indian education. However, coming from the local reservation community, we have a different perspective on what will be the best strategies to use to reach the goals of improvement. We fear that our perspectives are not being heard.

Without delving into the detail of the Blueprint for Reform and the Secretarial Order that accompanied it in June of last year, we want to express our concern that the efforts will serve to centralize authority and decision-making in BIE headquarters, instead of at the local level as Congress intended and required by enacting the Tribally Controlled Schools Act. Proposed reforms in the Blueprint and Order that would direct the limited amounts of new funding to the federal bureaucracy rather than to the schools are missteps. Successful reform must be carried out from the ground up, not the top down—something BIE has ignored given the poor outreach when drafting the Blueprint and practically no opportunity for consultation on its proposals. Additionally, the expansion of funding "incentives" is less of an attempt to encourage best practices, and more of a stick with which to prod schools that resist bureaucrats seeking to dictate how their schools function.

The Navajo Nation was the recipient of one of the "Sovereignty in Indian Education" grants from the BIE last year, funding from which was used to produce a "feasibility study" by the Nation's education department on whether it could consolidate all education funding due to the Nation into a single grant under the BIE's "One-Grant Initiative." Through this process it has become clear that the BIE is pushing the Nation to sign on to the initiative before the Nation and its communities have had a chance to adequately evaluate the issue. The feasibility study suffered from the same defects as the Blueprint did: it was put together without local or school input, and was pushed forward without consultation with those it affects. Fortunately, the schools and Navajo Nation leaders have begun to more carefully examine the One-Grant process, and have engaged our schools in the process. Despite this, the BIE is still pressuring adoption before the Navajo Nation's internal process is completed.

The one-grant prospect may work for a tribe with a few schools, but the Navajo Nation has 64 schools spread over an area bigger than many states. Partly because of this, our communities make local decisions for our schools. Yet the BIE wants to add another layer of bureaucracy between it and schools like ours, and have used its grant funding as a way to pressure tribes to agree. Not only is this contrary to the idea of self-determination, it is contrary to the tenets of local control under the Tribally Controlled Schools Act (TCSA).

BIE officials have said that none of the proposed reforms in the Blueprint are mandatory, and that it is up to the tribe to choose to participate. The choice to participate might be meaningful if we were in a situation of full-funding and with abundant alternative funding sources. However, the programs in the Blueprint are tied to funding resources—no BIE funded school has the luxury of bypassing funding opportunities. Accordingly, we request that the Committee reprogram funds intended for the reforms (like some of those contained in the "Enhancement" line item of the budget) to ISEP and Facilities Operations. Any funding for the BIE's reforms or experiments must come from outside the Indian education budget—our funds are scarce as is, and must not be diverted away from students.

2. Increase Funding for Indian School Equalization Programs

The most critical stream of funding for community grant schools like ours is increased funding in the Indian School Equalization Program (ISEP). The ISEP funds are those that schools use for the day to day operation, whether that is paying teachers and staff, purchasing curriculum and supplies, or running student programs. Today, our ISEP funds are often put under pressure by unfunded needs elsewhere in our schools, which could be paying utilities or repairing one of our school buses. We also need increases in this funding to attract teachers to our school, since we are remote and some teachers find a small school environment challenging. We do not want to be in the situation where we are left only with those teachers that cannot find a job elsewhere. This hardship also makes the job of administrators, counselors, and support staff more challenging, meaning it is increasingly difficult to hire the all-star teachers our students deserve. Our wages and benefits must be sufficient to make up for the competitive disadvantage.

This year, we are gratified to see the Administration has requested $391.8 million for ISEP funding, an increase of $5 million to the program. However, the need in our schools is much greater. **The National Congress of American Indians has recommended that Congress appropriate $431 million for ISEP funding, which we think should be this Committee's baseline for funding this budget year.** ISEP is our schools' lifeblood, and we are still struggling to make up for losses in past years.

3. Increase funding for Student Transportation

One of our school's largest challenges is getting our children to school and back home. Maintenance costs for our vehicles are higher than normal for several reasons, including the fact that they travel more miles per day than the average school bus, those miles are often very rough, and the cost of maintaining our buses includes long transport time to garages or parts stores. This is not to mention the cost of fuel to cover those extra miles! Our funds are stretched so much that we struggle to get our students to extracurricular activities like sports or field trips that students at non-Indian schools enjoy as an everyday convenience.

The Administration has requested $53.14 million for student transportation, but that is simply not enough given the challenges of our roads and equipment. **We request at least $73 million for student transportation in the BIE system.** Such funding will enable us to maintain our six school buses, and will protect other funds that would otherwise be used for this purpose.

We request that this Committee fund BIA road maintenance at a sustainable level. The condition of our roads is directly affecting our students' ability to learn. The Administration has only requested an increase of $232,000 to the already meager $26.5 million budget for road maintenance. **We echo NCAI's recommendation that the Committee appropriate at least $40 million for road maintenance in FY 2016.**

4. We support the President's proposal to fully fund Tribal Grant Support Costs.

Tribal Grant Support Costs (TGSC) (formerly known as Administrative Cost Grants) are the BIE analogue to Contract Support Costs, and are necessary for schools like DCGS to operate our schools. Not only do the TGSC funds pay for the administration of the school, but also fund all indirect costs like payroll, accounting, insurance, background checks and other legal, reporting,

and recordkeeping requirements. TGSC also enables schools to comply with the increasingly burdensome reporting requirements imposed by BIE or to comply with grant funding.

This year, the Administration has proposed to fully fund TGSC, and to include in the budget funding for schools transitioning from BIE-operated status to local control and grant funding. Up to last year, schools had only received, at most, two-thirds of the TGSC needed to cover overhead costs. DCGS welcomes this long overdue change, and applauds this Committee's and the Administration's decision to treat schools' support costs the same as contractors with the BIA and the Indian Health Service. **We support the Administration's proposal that TGSC and startup costs be funded at $75.34 million.**

5. Our schools need full funding for Facilities Operation and Maintenance.

The condition of BIE-funded schools is a national disgrace, and has been the subject of national news attention for years. Some schools in the country are forced to teach their students in converted bus barns or go without hot water. We do the best we can with our facilities at Dzilth-Na-O-Dith-Hle, but constantly struggle with the fact that we do not have enough funding for maintenance of our buildings, utilities, and everyday repairs.

The operation of our facilities is an important one, not only for the comfort of our students, but one that affects their health and safety. It is hard to learn and progress if you're too cold, or if you're too hot due to radiator problems. Additionally, our cafeteria can only serve sack lunches because of water line leaks that make our kitchen inoperable. In the last year it was reviewed, the BIA listed our school condition as "poor" with a deferred maintenance backlog of **over $7.7 million dollars**. Our backlog has only grown in the intervening four years, and our students are the ones who suffer as a result.

We appreciate that the Administration has finally moved to complete the replacement of schools on a list dated from 2004, but we need to stress that these needs are ongoing. Further, it is critical for our schools to have the funds to maintain and thus lengthen the useful life of our facilities. **We support the BIE's request for school construction, but request that funding for facilities operation and maintenance be increased to $109 million for operations and $76 million for maintenance.** This will help us meet our ongoing needs, and will set us on the path to catching up with deferred maintenance from past years.

We also note that the completion of the 2004 school replacement list means that a new round of replacements will begin. We want to stress that this Committee and BIE must work together, with schools and tribes, to put together a comprehensive, long-term plan for school construction and maintenance. **We call on the Committee to embark on a 60-year schools replacement plan with adequate funding to maintain buildings throughout their life**. Recent testimony from the Governmental Accountability Office reported that even new construction is starting to fail because of inappropriate maintenance or poor construction oversight. Our schools want to protect the federal investment in our students' education, and we ask the Committee to empower local communities to do so by removing bureaucratic hurdles inherent in the BIE facilities system. As school boards, we are the best decision makers.

Thank you for the opportunity to submit testimony. Please contact me at 505-960-6681 if you have any questions.

701 Pennsylvania Avenue, N.W. | Washington, D.C. 20004-2696 | 202.508.5000 | www.eei.org

Power by Association℠

Edison Electric Institute

Written Statement
Submitted by Thomas R. Kuhn
President
Edison Electric Institute
Regarding Fiscal Year 2016 Appropriations
Subcommittee on Interior, Environment, and Related Agencies
House Committee on Appropriations
March 24, 2015

The Edison Electric Institute (EEI) respectfully submits this written testimony for the record to the House Appropriations Subcommittee on Interior, Environment, and Related Agencies. We appreciate this opportunity to share our views on two major Fiscal Year (FY) 2016 activities that are underway at the Environmental Protection Agency (EPA): the Waters of the U.S. proposed rule published April 24, 2014, and the proposed guidelines to regulate greenhouse gas emissions under Section 111(d) of the Clean Air Act. We also would like to briefly review the recently finalized Section 316(b) cooling water intake structures rule and coal ash regulation, both of which pose implementation issues for states and our industry and warrant continued attention by the Subcommittee.

Waters of the United States

Last April, EPA and the U.S. Army Corps of Engineers (the Corps) released a proposed rule to revise the definition of "Waters of the United States" (WOTUS) under the Clean Water Act (CWA). The proposed WOTUS rule would broadly expand federal control over both land and water resources, triggering substantial new regulatory requirements for electric utility facilities and projects. Critical utility operations -- including generation, transmission, and distribution -- as well as the siting and construction of renewable energy resources would be adversely impacted if the rule were to be finalized as proposed.

The proposed WOTUS rule fails to achieve EPA's stated goals of providing greater certainty, predictability, and clarity, and it would violate recent Supreme Court decisions limiting federal jurisdiction. Despite claims to the contrary, the rule – if adopted substantially as proposed – would significantly expand CWA jurisdiction and, therefore, require more CWA permits, resulting in greater costs, more delays, and greater uncertainty around all facets of power generation and supply.

In November, EEI submitted comments urging that the proposed rule be withdrawn. Additionally, we recommended that EPA and the Corps should engage in a dialogue with the regulated community and the states and localities that are responsible for managing water quality nationwide to develop more precise changes to the existing regulations.

Overall, more than 1 million comments were submitted to EPA and the Corps on the WOTUS proposal. More than 30 states weighed in, as did numerous congressional and local officials, opposing the rule because it would intrusively extend federal jurisdiction to many land and water features never previously regulated under the CWA. Still, EPA and the Corps are moving aggressively to finalize a rule by this summer. Therefore, as a vital step toward a more reasonable outcome, EEI urges the Subcommittee to adopt a legislative amendment in its FY 2016 legislation that would ban EPA from implementing a final WOTUS rule and instead, direct EPA and the Corps to issue a revised proposed rule for further input by states and the regulated community.

Proposed Guidelines to Regulate Greenhouse Gas Emissions under Section 111(d) of the Clean Air Act

Last June, EPA issued its proposed 111(d) guidelines, which contain state-specific emission reduction goals for carbon. For each state, an interim and final emission reduction goal is proposed. The final goal must be reached by 2030. The Agency determined the goals by using four sets of measures – or "building blocks" – to help all states achieve their goals.

EPA is expected to finalize the 111(d) guidelines this summer, and states then will be required to submit compliance plans for Agency approval that demonstrate how they will achieve these goals. EPA is expected to complete approvals of state implementation plans by mid-2018.

The proposed 111(d) guidelines would require dramatic changes in how electricity is produced, transmitted and consumed. As such, EEI worked closely with our members to thoroughly review EPA's guidelines and to assess the impacts of the proposal on the electric power sector. On December 1, we delivered more than 300 pages of comments to EPA; 3 million comments were submitted in total. EEI's comments provide EPA with suggestions for improvements based on many of the concerns that our companies have with the proposed guidelines.

Of greatest concern is the fact that EPA has not taken into account the amount of infrastructure development, time and planning that the transition to a cleaner generating fleet will require. In fact, by setting stringent interim goals, EPA effectively has turned the proposed rule's 2030 goal into a 2020 goal. Eighty percent of the states would have to achieve 50 percent or more of their final 2030 goals by 2020. Eleven of those states would be required to achieve 75 percent or more of their 2030 goals by 2020.

Achieving the goals envisioned in EPA's proposed 111(d) guidelines will require major changes to the electric system. New natural gas pipelines and electric transmission lines will be needed. Given the stringency of the interim goals, there is simply not enough time between now and 2020 for utilities and states to develop, plan, design, and complete the infrastructure needed to meet them as proposed, particularly since state implementation plans will not be finalized and approved until 2017-2018.

A number of stakeholders—including state public utility commissions, state environmental agencies and reliability organizations—also have raised serious concerns with the 2020 interim goals. In fact, the North American Electric Reliability Corporation has cautioned, "The proposed timeline does not provide enough time to develop sufficient resources to ensure continued reliable operation of the electric grid by 2020."

The 2020 interim goals must be substantially revised, if not eliminated entirely. This will give states flexibility to determine the most cost-effective actions and measures they need to take to achieve the 2030 goals. It also will allow states to establish a reasonable schedule for implementing such measures in a way that protects electric sources.

Also of concern, the guidelines do not recognize the value of nuclear and hydro power generation as zero-emissions resources. Nuclear and hydropower are critical baseload generating sources that do not emit carbon, and EPA should incentivize the continued development of nuclear and hydropower sources.

The nation cannot achieve its carbon-reduction goals without the building of new nuclear plants and the continued operation of the existing nuclear fleet. The states and operators that are making the investments necessary to bring these zero-emissions resources online should be allowed to count their clean output, once operational, toward compliance. The final rules must also find a better way to incent keeping existing nuclear units online. Doing so will send a positive signal to states to build new nuclear plants and maintain existing plants.

Similarly, the proposed 111(d) guidelines do not recognize the value of new and imported hydropower, particularly hydropower imported from Canada, in helping to provide affordable zero-emissions power in certain regions of the country. EPA should allow states to include generation from new hydro plants, increased generation at existing hydro plants, and hydro facilities that are relicensed in complying with the goals.

EPA also failed to consider the electric system as a whole when setting standards and compliance goals. In fact, the four building blocks that EPA has proposed for achieving compliance create serious concerns and raise questions about whether the state emission rate goals are achievable. For example, increasing the use of variable wind and solar power reduces the efficiency of generation units that back up these systems when weather conditions change.

EPA's four sets of measures do not take into account the interconnected nature of the integrated power system. Electric utilities and states engage in complex planning to maintain the reliability of this interconnected power system. Actions and measures to achieve gains under one building block may result in unintended consequences under the other building blocks when implemented simultaneously. EPA should modify the 2030 state-specific emission rate goals in the final guidelines to recognize that the building blocks affect each other in the context of the interconnected power system and to ensure that accurate data are used to determine a particular state's goal.

EPA's proposed 111(d) guidelines must be improved before they are finalized. The Agency must provide states the compliance flexibility to choose the most cost-effective reductions in order to ensure the overall reliability of the electric system and to minimize costs for electricity customers.

Section 316(b) Cooling Water Intake Structures Rule

Last May, EPA finalized its cooling water intake structures rule under Section 316(b) of the Clean Water Act. This rule was in development for years, and EEI worked throughout the rulemaking process to educate policymakers of the potential impacts of this regulation on electric generation facilities and our customers, and on the need for a flexible and cost-effective final rule.

Importantly, EPA's final 316(b) rule does not impose a categorical one-size-fits-all cooling tower mandate. The Agency acknowledged the importance of weighing costs with environmental protection and also included a significant degree of compliance flexibility in the final rule.

Still, the final rule will present significant operational and compliance challenges, and EEI is focused now on helping our members with implementation, including individual permits. Just before the final rule was issued, important new requirements related to endangered and threatened species listed under the Endangered Species Act were included. These requirements are likely to significantly complicate implementation of the rule, giving the U.S. Fish and Wildlife Service a new and influential role in Clean Water Act permitting. Consequently, implementation of the rule remains an area that may warrant the Subcommittee's attention, especially when considered together with current or pending air, water, and waste rules EPA may promulgate.

Coal Ash Regulation

In December, EPA finalized another long-awaited rule on coal ash regulation. The Agency's final rule made the proper determination that coal ash should be regulated as a non-hazardous waste in a way that will protect human health and the environment. EEI has long advocated for a final rule that establishes a non-hazardous regulatory framework with a workable timetable for implementation.

Despite the non-hazardous waste determination, we still have concerns with the self-implementing nature of the final rule, the legal authority of EPA to regulate inactive coal ash impoundments, and the way in which EPA has left the door open to one day regulate coal ash as a hazardous waste, creating additional uncertainty for electric utilities.

While we are working closely with states, member companies and other stakeholders during the rule's implementation phase, EEI also continues to advocate for legislation that will establish state-enforced federal requirements for the disposal of coal ash. Legislation offers a more effective way to address the safe management of coal ash sites that are no longer receiving coal ash, and would help to preserve jobs in industries that recycle coal ash, while safeguarding the environment and protecting the reliability and affordability of electricity for all consumers.

Conclusion

Thank you, Mr. Chairman, for this opportunity to discuss these environmental activities which are, without a doubt, the most significant EPA actions ever to impact our industry. EEI truly values the partnership that we share with your Subcommittee, and we look forward to continuing our dialogue with you on these and other issues that have the potential to impact electric generation, siting, permitting and construction efforts.

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Testimony of
Phil Mulder, PhD, President
Entomological Society of America
On
Fiscal Year 2016 Appropriations for the U.S. Forest Service and the U.S. Environmental Protection Agency
Submitted to the
Appropriations Subcommittee on Interior, Environment, and Related Agencies
United States House of Representatives

March 25, 2015

The Entomological Society of America (ESA) respectfully submits this statement for the official record in support of funding for entomology-related activities at the U.S. Department of Agriculture Forest Service and the U.S. Environmental Protection Agency (EPA). **ESA requests a fiscal year (FY) 2016 appropriation of $6.489 billion for the Forest Service and requests that the Forest and Rangeland Research budget is maintained at a level at least equal to the FY 2015 enacted amount of $296 million to preserve valuable invasive species research and development. The Society also supports continued investment in Forest Health Management programs across the Forest Service in FY 2016. In addition, ESA recommends an FY 2016 funding level of $8.6 billion for EPA, including support for Pesticides Licensing Program Area activities within its Science & Technology and Environmental Program & Management budgets, and continued support for State & Tribal Assistance Grants for Pesticide Program Implementation. Finally, ESA strongly supports EPA's commitment to work with other federal agencies to develop a strategy to improve pollinator health, including involvement by EPA to examine the potential impact of pesticides on pollinator health.**

Advances in forestry and environmental sciences, including the field of entomology, help to protect our ecosystems and communities from threats impacting our nation's economy, public health, and agricultural productivity and safety. Through improved understanding of invasive insect pests and the development of biological approaches to pest management, entomology plays a critical role in reducing and preventing the spread of infestation and diseases harmful to national forests and grasslands. The study of entomology also contributes to the development of Integrated Pest Management (IPM) techniques, which use science-based, environmentally friendly, comprehensive methods to take preventative action against pests, often resulting in lower costs and a more targeted use of pesticides. In addition, entomology improves our knowledge of pollinator biology and the factors affecting pollinator health and populations, helping to ensure safe, reliable crop production that meets the needs of a growing world population.

The U.S. Forest Service sustains the health, diversity, and productivity of 193 million acres of public lands in national forests and grasslands across 44 states and territories. Serving as the

largest supporter of forestry research in the world, the agency employs approximately 35,000 scientists, administrators, and land managers. In addition to activities at the federal level, the Forest Service provides technical expertise and financial assistance to state and private forestry agency partners.

The Forest Service's Forest and Rangeland Research budget supports the development and delivery of scientific data and innovative technological tools to improve the health, use, and management of the nation's forests and rangelands. Within Forest and Rangeland Research, the Invasive Species Strategic Program Area provides scientifically based approaches to reduce and prevent the introduction, spread, and impact of non-native invasive species, including destructive insects, plants, and diseases that can have serious economic and environmental consequences for our nation. For example, Forest Service scientists are working to prevent the devastation of ash trees across North America by the emerald ash borer, an invasive beetle that was accidentally introduced from Asia. Emerald ash borer was first detected in 2002 and, since then, has killed countless millions of ash trees. This biological invasion threatens to eliminate all ash trees from North America, and is the most costly invasion from a forest insect to date. To attempt to address the problem, researchers have developed a series of artificial traps for these pests. These traps will help the Forest Service detect the early presence of emerald ash borer and be able to implement a rapid response to lessen damage.[1] Emerald ash borer is just one of the exponentially growing list of invasive insects and diseases that cause harm to our nation's forests and to our nation's economy. Forest health is also affected by invasive weeds, and those weeds are often best controlled by beneficial insects used as biological control agents, resulting in permanent and often spectacular control. **ESA strongly opposes the proposed cuts to Forest and Rangeland Research included in the President's FY 2016 budget request, especially the 8.0 percent reduction directed at invasive species research and development.**

Also under the purview of the Forest Service is the Forest Health Management program, which conducts mapping and surveys on public and private lands to monitor and assess risks from potentially harmful insects, diseases, and invasive plants. The program also provides assistance to state and local partners to help prevent and control outbreaks that endanger forest health. According to a 2011 study, invasive forest insects cost local governments alone an average of over $2 billion per year; direct costs to homeowners from property loss, tree removal, and treatment averages $1.5 billion per year.[2] The program's "Slow the Spread" activities, for example, have led to a 60 percent reduction in the rate of the spread of an invasive species known as gypsy moth, resulting in an estimated benefit-to-cost ratio of 3:1. Without the program, it is estimated that 50 million additional acres would have been infested by the moth.[3]

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[1] Forest Service FY 2016 Budget Justification: http://www.fs.fed.us/sites/default/files/media/2015/06/2015-fy2016-budgetjustification-update-three.pdf.

[2] Aukema, J.E.; Leung, B.; Kovacs, K.; [et al.]. 2011. Economic impacts of non-native forest insects in the continental United States. PLoS ONE 6(9): e24587.

[3] Forest Service FY 2016 Budget Overview: http://www.fs.fed.us/sites/default/files/media/2015/06/2015-fy2016-budgetjustification-update-three.pdf.

To support these important functions, ESA requests that the subcommittee oppose proposed cuts to the Forest Health Management Program in FY 2016.

EPA carries out its mission of protecting human health and the environment by developing and enforcing regulations, awarding grants for research and other projects, conducting studies on environmental issues, facilitating partnerships, and providing information through public outreach. Through these efforts, EPA strives to ensure that our nation enjoys clean water, clean air, a safe food supply, and communities free from pollution and harmful chemicals.

EPA's Pesticides Licensing Program Area, supported by EPA's Science & Technology and Environmental Program & Management budgets, serves to evaluate and regulate new pesticides to ensure safe and proper usage by consumers. Through the mandate of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA utilizes scientific expertise and data, including knowledge gained from entomological sciences, to set maximum tolerated residue levels and to register pesticide products as effective and safe. By controlling insects that act as vectors of diseases of humans and domesticated animals, and invasive insect species that endanger our environment, pesticides registered by EPA help protect public health and the nation's food supply. EPA's activities in this area also include the development of educational information and outreach to encourage the use of IPM and other reduced-risk methods of controlling pests. For example, EPA continues to support work to protect children from pesticide exposure used in and around schools, helping to promote cost-effective strategies that reduce student exposure to pesticides and pests. Due to previous work in this area, 18 Indiana schools have reduced pest control costs by 90 percent by employing new IPM techniques.[4] IPM strategies used in schools reduce student exposure to pesticides as well as allergens from pests themselves. **Therefore, ESA supports continuing the modest funding that EPA has invested in school IPM.**

Among EPA's State & Tribal Assistance Grants, categorical grants in the area of Pesticides Program Implementation help to facilitate the translation of national pesticide regulatory information into real-world approaches that work for local communities. For example, these grants fund efforts to reduce health and environmental risks associated with pesticide use by promoting, facilitating, and evaluating IPM techniques and other potentially safer alternatives to conventional pest control methods. **ESA requests that the subcommittee support the proposed modest increase for Pesticides Program Implementation grants.**

ESA is in favor of increased funding for scientifically based studies of pollinator populations and health. Pollinators play a vital role in our nation's agriculture industry; for example, bees pollinate more than 90 crops in the United States and are essential for the production of an estimated 70 percent of all the food we eat or export. To ensure a healthy bee population, more research is needed to fully understand the complexities of Colony Collapse Disorder (CCD) and to examine the diverse factors that endanger bee health. Pesticides represent just one potential risk to bees, but both the risks and benefits must be balanced, and those risks and benefits will vary among different crops and different crop-producing regions of

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[4] March 12, 2014 EPA press release: http://yosemite.epa.gov/opa/admpress.nsf/596e17d7eac720848525781f0043629e/ebef2aed5d69e01585257c99006af60d!OpenDocument.

the United States. EPA is well-positioned to help identify methods for protecting bee health; the agency has previously awarded agricultural grants to three universities to aid in the development of IPM practices that lower pesticide risks to bees while protecting valuable crops from pests. **For this reason, ESA supports EPA's participation in multi-agency efforts to investigate pollinator health and develop implementation plans to prevent pollinator population decline.**

ESA, headquartered in Annapolis, Maryland, is the largest organization in the world serving the professional and scientific needs of entomologists and individuals in related disciplines. Founded in 1889, ESA has nearly 7,000 members affiliated with educational institutions, health agencies, private industry, and government. Members are researchers, teachers, extension service personnel, administrators, marketing representatives, research technicians, consultants, students, pest management professionals, and hobbyists.

Thank you for the opportunity to offer the Entomological Society of America's support for Forest Service and EPA programs. For more information about the Entomological Society of America, please see http://www.entsoc.org/.

To: House Appropriations Committee, Subcommittee on Interior, Environment and Related Agencies, Rayburn House Office Building, B308

Fr: John Steffenson, Director, National Government - Land and Resources, Esri, Inc., 8615 Westwood Center Drive, Vienna, VA 22182, 703-338-0023

Re: Written statement in support of the USDA Forest Service, State and Private Forestry, Forest Stewardship Program, Hazardous Fuels program and the new cap adjustment approach for budgeting for wildland fire suppression proposed in H.R. 167, the Wildfire Disaster Funding Act of 2015.

As the Committee is well aware, wildland fire over the past several decades have increased both in terms of frequency and in terms of size and severity as clearly demonstrated in this interactive map http://forest-atlas.fs.fed.us/chapter3/forest_fires/. According to a joint analysis of the Departments of Interor and Agriculture, just one percent of fires represent 30 percent of the suppression costs today (Prestemon and Gebert, "Wildfire suppression cost forecasts for the US Forest Service, Journal of Forestry 108(4): 173-178).

There are several contributing factors exacerbating this including over 100 years of aggressive fire suppression, severe drought, insect and disease and significant expansion of the wildland-urban interface increasing the cost of fire suppression and a significant increase in the risk to life and property.

Several programs including the USDA Forest Service, State and Private Forestry Hazardous Fuels, Integrated Resource Restoration (IRR), Collaborative Forest Landscape Restoration Program (CFLRP), Landscape Scale Restoration and the Forest Stewardship Program (FSP) have made significant progress in addressing restoration of forest landscapes and bring them into healthy balance with reasonable fuel loads and vigorous healthy forest stands better able to withstand drought and resist insect and disease that have devastated tens of millions of acres of Federal, State, Tribal and Private forest lands in the US, particularly severe in western states but significant nationwide.

These programs are by far the most effective tools we have for restoring major landscapes back to within the range of historic variation and mitigating the costs of wildland fire suppression. Furthermore, while it is tempting to reduce or eliminate funding of these programs as you continue to work towards reducing federal spending and the deficit, doing so will only postpone and exacerbate the inevitable and ultimately increase the costs, worsen the threat to life and property and will in fact, increase the overall financial burden to the American taxpayer over the long term.

Approximately 420 million acres of forest land (~56%) in the US is privately owned. The Forest Stewardship Program is effectively targeting priority landscapes by requiring States to create State Forest Action Plans, which are funded, tracked and monitored for

efficacy. This plays a significant role in making major Farm Bill conservation programs accessible to private forest landowners. Recent accomplishments include over 60 million acres under active stewardship as reported by the Forest Service in the following table:

(dollars in thousands)

Budget Line Item	FY 2013 Enacted	FY 2014 Enacted	FY 2015 Enacted
Funding	$30,441	$22,398	$23,036
Planned acres under active stewardship plans	22,000,000	20,000,000	21,000,000
Actual acres under active forest stewardship	20,687,279	25,981,974	n/a

The State and Private Forestry Hazardous Fuels program has treated nearly 33 million acres over the past decade and over 20 million (60%) of those were in high priority Wildland-Urban Interface (WUI) areas.

Treatments focus on the WUI with highest risk, high severity, where communities have invested in hazard mitigation.

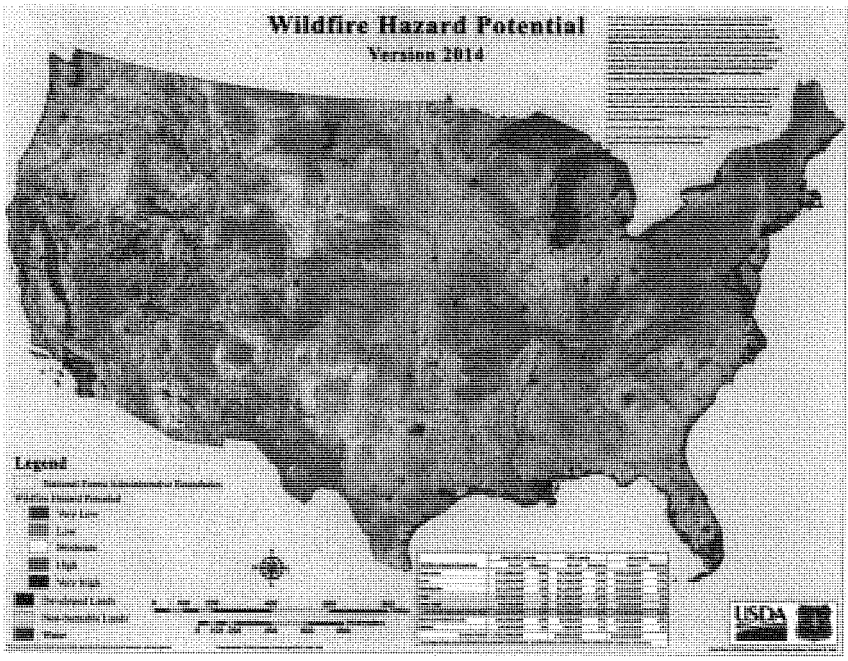
(dollars in thousands)

	FY 2013 Enacted	FY 2014 Enacted	FY 2015 Enacted
Funding*	$301,056	$306,500	$361,749
Planned – WUI Planned – Non-WUI**	1,100,000 acres 300,000 acres	1,250,000 acres 350,000 acres	1,460,000 acres 360,000 acres
Actual Completed – WUI Actual Completed - Non-WUI	1,736,926 acres 886,094 acres	1,725,077 817,244	N/A
Total Completed	2,623,021 acres	2,542,321	N/A

**This includes the funding that is later transferred to the IRR pilots.*
***Non-WUI accomplishments are part of IRR.*

- FY 2013:
  - Acres treated by wildfire increased more than 240 percent over 2012 levels, contributing to the substantial accomplishment above the target.
- FY 2014:
  - $15 million for treatment on non-Federal lands.
  - $7.5 million for biomass to support the USDA Wood to Energy Initiative.
- FY 2015:
  - $15 million for treatment on non-Federal lands.
  - $10 million for biomass to support the USDA Wood to Energy Initiative

Under the current budget strategy, wildfire suppression is funded through the Interior and Environment Appropriations bill at the 10-year average. This is fundamentally flawed approach under a fire regime where fires are increasing in frequency, size and severity. This forces agencies to borrow from other non-fire accounts to pay for suppression in years where wildfire costs exceed the budgeted amount, which is nearly every year now (eight of the past ten years). Raiding of these accounts virtually every year means that important projects don't get done making the forests ever more unhealthy and at increasing risk to catastrophic wildfires.



H.R. 167 would serve to treat catastrophic wildfires the same way as other natural disasters. Under this proposed legislation, routine wildland firefighting costs which make up approximately 70% of the annual wildfire suppression costs would continue to be funded through the existing appropriations process. The most significant fire events which make up roughly one percent of wildland fires but cost approximately 30% of the annual costs would be treated like similar disasters and funded through disaster programs.

The end result would be no net increase of the federal budget as assessed by the Congressional Budget Office which has determined that it doesn't score and it would alleviate the impacts on other programs including those that serve to restore America's

imperiled forest landscapes like the Forest Stewardship Program, Hazardous Fuels program and the like and would significantly contribute to the Forest Service's ability to start to gain the upper had in restoring forest health and resilience.

Esri is a significant partner with the Departments of Agriculture and Interior and works closely with all of the agencies to better analyze forest conditions, prioritize treatments and monitor results. We have been working as such for many years and are firmly committed to continuing this role and firmly believe that these measures are sound strategies and serve the best interests of the country and it's tax payers.

In summary, Mr. Chairman and Members of the Interior Subcommittee, as you develop your fiscal year 2016 Appropriations legislation it would be helpful to the nation's wildfire fighting community for Congress to seek ways to improve funding mechanisms available when wildfire disasters strike that exceed normal annual budget allowances provided by your Committee in your annual appropriations bills. Funding stability and predictability in other Forest Service programs is also vitally important. On behalf of ESRI employees located throughout the nation, we greatly appreciate the opportunity to provide you our perspectives on these important issues, and we thank each of you for your service to our great nation.

With Respect,

March 25, 2015

The Honorable Ken Calvert
United States House of Representatives
Washington, DC 20515

The Honorable Betty McCollum
United States House of Representatives
Washington, DC 20515

Dear Chairman Calvert and Ranking Member McCollum:

The undersigned organizations are writing to express our strong support for maintaining effective funding levels in the fiscal year (FY) 2016 appropriations process for essential wildfire risk reduction and protection programs at the USDA Forest Service (Forest Service) and the Department of the Interior (DOI). The important work accomplished through the Hazardous Fuels programs and the State Fire Assistance and Volunteer Fire Assistance programs help decrease total federal emergency wildfire suppression costs and reduce the threat of fire to people, communities, and both public and private lands.

America's forests and forest-dependent communities are at risk from outbreaks of pests and pathogens, persistent drought, and the buildup of hazardous fuels. Urbanization and development patterns are placing more homes and communities near fire-prone landscapes, leading to more destructive and costly wildfires. In 2014, 63,612 wildland fires burned more than 3.6 million acres. While a relatively light FY 2014 fire season in several geographic areas spared the federal land management agencies from having to transfer funds from non-fire programs to pay for fire suppression, the Forest Service was still forced to prepare for transfers. This meant stopping the land management work in the field and halting new contracts that are critical to the prevention and mitigation of future wildfire.

We appreciate the Committee's support of the bipartisan Wildfire Disaster Funding Act (WDFA - H.R. 167 and S. 235) and respectfully request the language be included in the FY 2016 Interior, Environment, and Related Agencies appropriations bill. The current wildfire suppression funding model and cycle of transfers and repayments has negatively impacted the ability to implement forest management activities. The WDFA proposal provides the structure to fund a portion of the Forest Service and DOI wildfire suppression costs through a budget cap adjustment under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. This would provide the Forest Service and DOI with a funding framework similar to that used by other agencies who respond to natural disaster emergencies.

We appreciate the Committee's attention to this increasing and unsustainable natural resource challenge. By addressing wildfire suppression through WDFA, the Committee would have the additional flexibility to reinvest in important forest management programs in the FY 2016 appropriations bill, providing for both necessary wildfire suppression and also fire risk reduction activities. These activities create jobs and reduce firefighting costs in the long run. We are

prepared to help and look forward to assisting Congress in developing a sustainable and long-term solution to fund emergency wildfire suppression.

The Hazardous Fuels Programs at the Forest Service and DOI are the primary source of funding used to reduce wildfire risk on federal lands. Our request includes support for the new Resilient Landscapes program, which the DOI has proposed in an effort to strengthen the Department-wide Wildland Fire Management program's contribution to restoring and maintaining fire-resilient landscapes. ***In FY 2016, we urge you to provide $479 million for the Hazardous Fuels program at the USDA Forest Service, and $178 million for the Fuels Management program and $30 million for the Resilient Landscapes program at the Department of the Interior.***

	FY 15 Enacted	FY 16 President's Proposal	Request*
	in millions		
USDA Forest Service Hazardous Fuels	$362	$479 **	$479
DOI Fuels Management	$164	$148	$178
DOI Resilient Landscapes (new program)	-	$30	$30

* Levels based on enactment of the Wildfire Disaster Funding Act.

** The President's FY16 Hazardous Fuels program level had to be calculated because the non-WUI portion is consolidated into the proposal for the Integrated Resources Restoration (IRR) program. The calculation is based on the budget's estimate that non-WUI Hazardous Fuels is 25% of total Hazardous Fuels - USFS FY16 Budget Justification Page 127.

State Fire Assistance (SFA) is the fundamental federal mechanism for assisting states and local fire departments in responding to wildland fires and in conducting management activities that mitigate fire risk on non-federal lands. SFA also helps train and equip local first responders who are often first to arrive at a wildland fire incident and who play a crucial role in keeping fires and their costs as small as possible. A small investment of SFA funds supports state forestry agencies in accessing and repurposing equipment from the Federal Excess Personal Property and the Firefighter Property programs. Between 2008 and 2012 these two programs have delivered more than $150 million annually in equipment for use by state and local first responders.

In FY 2014, SFA directly funded hazardous fuel treatments on 111,002 acres (with another 120,241 acres treated with leveraged funding) and provided assistance to communities around the country, supporting 3,117 risk assessment and fire management planning projects and 9,972 prevention and education programs.[1] ***In FY 2016, we urge you to provide $86 million for the State Fire Assistance program.***

The Volunteer Fire Assistance Program provides support to rural communities and is critical to ensuring adequate capacity to respond to wildfires, reducing the risk to communities, people, homes and property, and firefighters. This capacity is critical because these state and local resources are the first responders to more than 80% of wildland fires – whether on state, federal or private lands. According to the Forest Service FY 2016 Budget Justification, the small

[1] USDA Forest Service FY 2016 Budget Justification at pg. 270.

investment in the Volunteer Fire Assistance program helped provide assistance to 11,018 communities, helped to train 16,371 firefighters, expanded or organized 182 fire departments, and purchased, rehabilitated or maintained more than $6 million in equipment. ***In FY 2016, we urge you to provide no less than $13 million for the Volunteer Fire Assistance Program.***

We understand and appreciate the difficult task the Subcommittee faces in the current budget climate. However, these vital, interrelated programs safeguard human life, habitat, and property, and reduce the overall cost of wildland fire management. The short-term savings realized by cuts to any one of these programs is substantially outweighed by the ultimate increase in suppression costs and damages caused by wildland fires. Accordingly, we urge you to support funding for these critical programs. Thank you for your consideration of this important request.

Sincerely,

American Forest Foundation
American Forests
American Hiking Society
Choose Outdoors
Congressional Sportsmen's Foundation
Forest Business Network LLC
International Association of Wildland Fire
National Alliance of Forest Owners
National Association of Conservation Districts
National Association of RV Parks and Campgrounds
National Association of State Foresters
National Ski Areas Association
National Wild Turkey Federation
National Woodland Owners Association
North American Grouse Partnership
Public Lands Foundation
Rocky Mountain Elk Foundation
Ruffed Grouse Society
Society of American Foresters
Sustainable Northwest
The Conservation Fund
The Forest Guild
The National Institute for the Elimination of Catastrophic Wildfire
The Nature Conservancy
The Pinchot Institute
Watershed Research & Training Center

Cc: Members of the House Interior Appropriations Subcommittee

TESTIMONY ON FISCAL YEAR 2016 APPROPRIATIONS
FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA
KAREN R. DIVER, CHAIRWOMAN
BEFORE THE HOUSE COMMITTTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
March 25, 2015

I would like to thank this Committee for the opportunity to submit testimony on FY 2016 Appropriations for Indian programs funded through the Interior Department, Indian Health Service and Environmental Protection Agency. I am Karen R. Diver, Chairwoman of the Fond du Lac Band of Lake Superior Chippewa. The Band occupies a small reservation in northeastern Minnesota. We have approximately 4,200 members, and provide health, education, social services, public safety and other governmental services to more than 6,700 Indian people who live on or near our Reservation. We strive to find solutions that will break the cycle of poverty that has long-plagued our community. We have looked for and implemented innovative measures, including partnerships with the public and private sectors, to improve the lives of our members. But while we are beginning to make some inroads on the problems, considerable work remains to address the extensive unmet need. Adequate federal funding continues to be essential to our ability to educate our children, care for our elderly and infirm, prevent crime, and protect and manage natural resources.

Bureau of Indian Education. We rely on BIE funding to operate the Fond du Lac Ojibwe School. This school serves approximately 340 students in pre-K through grade 12. Most of our students come from very low income households; more than 90% of our students qualify for free or reduced rate lunches. We are making progress in improving the educational attainment of our students. But our progress is slow and very much handicapped by limited resources. There continues to be an urgent need for the federal government to help improve educational opportunities for America Indian students. In Minnesota alone, we continue to see a significant disparity between American Indians and the population statewide on education –one that directly correlates with poverty levels. Data compiled for Minnesota in 2013 illustrates this:

	Living below Poverty *	High School Grads Proficient in Reading^	High School Grads Proficient in Math^	High School Grads Enrolling in College^
Statewide	11.50%	67%	55%	69%
MN Indian	39.70%	56%	40%	49%

From: **Minnesota Compass*, http://www.mncompass.org/disparities/
^*Minnesota SLEDS, Statewide Longitudinal Education Data Systems,* http://sleds.mn.gov

Despite the well-documented and longstanding need, funding for Indian schools has been stagnant for many years. We support the President's proposed budget which would increase overall education funding by $93.9 million over the FY 2015 enacted level, including increases in funding for: Johnson O'Malley, which allows us to assist Indian children in public schools, as well as Early Childhood Development funds (FACE), which is critical to providing preschoolers with skills to be school-ready. As to other elements of the budget for education funding, we urge the following:

- ISEP. Increase ISEP to $565.5 million as requested in the President's budget. ISEP is the primary source of school funding, covering salaries for teachers, teacher aides, and

administrative personnel. ISEP is critical to our ability to recruit and retain qualified teachers and to cover shortfalls in other budget areas, such as transportation, facilities and maintenance.

- Tribal Grant Support Costs (TGSC). The President's proposed budget seeks $75 million for TGSC. While we very much support this increase (+$12.9 million) from FY 2015 levels, we urge Congress to appropriate more, $76.2 million for TGSC, as these funds are critical to our ability to cover the costs of accounting, insurance, background checks, legal and record-keeping requirements. Inadequate funding for TGSC forces us to use ISEP to meet these needs.
- School Facility Operations and School Facility Maintenance. Increase School Facility Operations to $66,098,000 (as requested in the President's budget), and School Facility Maintenance to $79,137,000 (above that requested in the President's budget). Such funds keep our building in safe condition, pay for preventative and unscheduled maintenance, and cover insurance and increasing utility costs.
- Student Transportation. Increase Student Transportation to $56,212,000. While the President's budget includes a modest increase in Student Transportation funding, more is needed if we are to cover the costs to maintain, repair, and replace buses. Otherwise we are compelled to pay those costs from education program funds which are already over-obligated.
- School Construction and Repair. We fully support the President's request for $133 million for School Construction and Repair. Such an increase is long overdue and essential if any progress is to be made on the deterioration of these facilities. Not addressing these critical infrastructure needs will only jeopardize student and staff safety.
- Tribal Education Departments (TEDs). We support the President's request for funding for the development and operation of Tribal Departments of Education in order to strengthen the management and oversight of the education programs serving Indian children. But we urge Congress, in appropriating these funds, not to limit their use to only those tribes having more than one school on the tribe's reservation (as proposed in the budget). Many tribes, like Fond du Lac, operate a single school on-reservation but would greatly benefit from TEDs.

BIA: Public Safety and Justice. We support the President's proposal to increase BIA funding for law enforcement. Although we are a small community in rural Minnesota, we are combating major crimes. Methamphetamine, alcohol, illegal prescription drug use, and gang-related activity create huge demands on our law enforcement. In addition, we are now facing a significant increase in heroin use. For example, in a recent drug bust, our officers seized heroin that had a street value of over $60,000. Many of our elders and others are the victims of assaults and robberies that are drug-related. Our officers must respond to a large number of drug overdoses and deaths, as well as juvenile offenses involving drugs, alcohol, thefts, assaults and burglaries. They also respond to a wide range of other matters, including domestic disputes, disturbances, disorderly conduct, property damage, theft, medical emergencies, fire, neglected children, runaways, suicide threats, as well as numerous traffic-related matters. In 2014 alone, our Law Enforcement Department responded to more than 6,000 incidents and requests for assistance. This is a substantial increase from past years, where incidents and requests for assistance from our Department were: 5,342 in 2013; 5,100 in 2012; and 4,900 in 2011.

We rely on a combination of tribal and available federal funds and cooperative agreements with local law enforcement agencies to meet law enforcement needs. To ensure effective law enforcement coverage 24/7, we need to have sufficient law enforcement staff, as well as

sufficient equipment for that staff. We are very fortunate that as a result of a COPS grant, we are now able to employ 20 sworn officers – the number we need to effectively patrol the Reservation. But our officers still need equipment to do this work. We do not yet have a sufficient number of patrol cars. We also need to replace our outdated analog radios with new digital radio equipment – both in-squad radios and portable radios that officers carry. The equipment is very expensive but necessary to meet FCC requirements. And we regularly need to acquire and replace other basic law enforcement equipment, like binoculars, video cameras and other surveillance tools. Federal funding is essential to meet those needs.

BIA Construction. We urge Congress to increase funding for BIA Construction. Fond du Lac needs a new facility for our law enforcement department. The Department is still housed in a 6-room building, which it shares with the Band's housing program. We have no room for investigative interviews. The evidence room and reception area are inadequate for law enforcement purposes. A new building with a garage, large evidence room, records storage room, and a training room for officers, is essential.

BIA: Trust-Natural Resources Management. We support the President's budget proposal, to fund BIA Natural Resources Management at $232.79 million in FY 2016, including funding for Tribal Climate Resilience. I was privileged to serve on the President's State, Local, and Tribal Leaders Task Force on Climate Preparedness and Resilience, and, based on the extensive work done by that Task Force, understand the serious threat that climate change poses, especially in Indian country, where the basic subsistence needs of Indian people often depend on natural resources. This is certainly true at Fond du Lac. Our Treaties with the United States reserved our right to access natural resources within and outside our Reservation. Many of our members hunt, fish and gather wild rice and other natural resources to put food on the table. The stewardship of those natural resources – through scientific study and resource management, and enforcement of Band conservation laws that regulate Tribal members who hunt, fish and gather those resources – are an important source of employment for many of our members. And those natural resources serve as the foundation for our culture.

US Fish and Wildlife Service. The US Fish and Wildlife Service is a valued partner of the Fond du Lac Band in wildlife and fisheries research and restoration programs. We request that the overall budget of the Fish and Wildlife Service be increased, with a particular increase to the Native American Liaison program. We support the President's requested increase to the Tribal Wildlife Grant Program, but urge that this program be funded at 5 times its current level, since current funding levels allow few grants to be awarded.

Environmental Protection Agency (EPA). The drastic funding cuts to EPA in past years threaten long-term damage to the Nation. We support, at a minimum, the $8.6 billion in funding recommended in the President's budget, as well the President's recommended increase in State and Tribal Assistance Grants, but urge that more be appropriated for these important programs.

- Great Lakes Restoration Initiative. The Band fully supports this initiative, and asks that it be funded at $500 million, two times what is requested in the President's budget. This initiative has broad-reaching benefits to resources of importance for all stakeholders (state, tribal and private) in the Great Lakes region.

- Water Quality. The Fond du Lac Band has a federally approved water quality standards program which has seen annual funding declines while the Band's responsibilities have increased. Given the current threats to water resources in our region from the expansion of iron and copper mining, we urge that Tribal section 106 funding be doubled.
- Air. In conjunction with our water quality monitoring responsibilities, the Band has a long-standing air monitoring program that has also faced a steady decline in federal funding. We request that air quality program funding for tribes be increased.
- Wetlands. One half of our reservation is made up of wetlands. Proper management and restoration of this valuable resource is impossible without adequate federal funding.

Indian Health Service. We fully support the President's proposed increase in funding for IHS and appreciate the commitment that the Administration and Congress have made to address the funding needs for health care in Indian country. The President's proposed increase is essential to address the high rates of medical inflation and the substantial unmet need for health care among Indian people. Indians at Fond du Lac, like Indians throughout the Nation, continue to face disproportionately higher rates of diabetes and its associated complications, than the rest of the population. Heart disease, cancer, obesity, chemical dependency and mental health problems are also prevalent among our people. All Indian tribes should receive 100% of the Level of Need Formula, which is absolutely critical for tribes to address the serious and persistent health issues that confront our communities. The Band serves over 7,000 Indian people at our clinics, but the current funding level meets only 42% of our health care funding needs.

As the epidemic of prescription drug abuse grows across the country, the IHS needs resources to expand its treatment and community education capacity. We are especially disappointed with the Pharma-driven position SAMHSA has followed for the past several years regarding Methadone Assisted Therapy (MAT). Many poorly administered MAT programs are pouring unprecedented amounts of cheap, liquid Methadone into Indian communities with very destructive results. In 2012, nearly 40% of the babies delivered by Fond du Lac Nurse-midwives were born to Methadone dependent mothers. Although those numbers improved in 2013, nearly 35% of all pregnant women seen by Fond du Lac primary care providers use illicit drugs, mainly opiates. Research shows that methadone users are cognitively impaired, and more recent research has shown that children born to methadone users are more likely to have low birth weight, neural tube defects, spina bifida, congenital heart defects and gastroschisis . Meanwhile, thousands of American Indians are falling victim to the chemical slavery now sponsored by SAMHSA. Additional funding for the Methamphetamine, Suicide Prevention Initiative should be made available to tribes and the IHS so that this "new sickness" can be addressed. Best practices in pharmacy inventory and prescription monitoring need to be modeled and replicated throughout Indian Country. The need is compounded by the fact that more government agencies expect local units of government, including Tribes, to address these problems and the increasing number of individuals who become homeless as a result of them, through the operation of supportive housing. But Fond du Lac's ability to establish new program initiatives, like supportive housing, depends on assistance from the federal government. We urge Congress to support programs that would fund supportive housing for tribes in every area of the country. Miigwech. Thank you.

March 19, 2015

Lloyd A. Culp, Jr.
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TESTIMONY
FOR THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
CONCERNING FISCAL YEAR 2015 APPROPRIATIONS

Mr. Chairman and Members of the Subcommittee:

Thank you for this opportunity to submit comments on the proposed FY 2016 Interior Appropriations bill. The Friends of Bon Secour National Wildlife Refuge (FBSNWR) support the funding of the U.S. Fish and Wildlife Service, the agency that administers the National Wildlife Refuge System. We concur with the priorities documented by the National Wildlife Refuge Association (NWRA) that are listed as follows:

1. Request $508.2 million for the National Wildlife Refuge System's operations and maintenance account for FY16.
2. Reauthorize and fully fund the Land and Water Conservation Fund (LWCF) at $900 million per year and provide $173.9 million in FY16 LWCF funding for conservation easements and refuge in-holdings.
3. Appropriate $60 million for the National Wildlife Refuge Fund in FY16, which offsets losses in local government tax revenue because lands owned by the Refuge System are exempt from taxation.
4. Pass a clean appropriation bill that is free from policy riders such as removing the Service's authority to establish new refuges administratively even though ninety percent of all refuges were created this way.

The Bon Secour NWR provides vital habitat for neotropical migratory birds and nesting habitat for endangered sea turtles. In addition, the refuge is a component of a thriving nature-based tourism along coastal Alabama. The coastal economy is dependent upon sound stewardship of natural resources of the Gulf of Mexico, so we believe the development and sustainment of a strong Bon Secour NWR and National Wildlife Refuge System is critical to creating a resilient economy in southern Alabama and the Gulf Coast.

We will briefly elaborate how the NWRA priorities support our efforts to maintain viable refuges that play key roles in sustaining coastal wildlife resources and our economy.

1. Request $508.2 million for the National Wildlife Refuge System's operations and maintenance account for FY16.

Inadequate operational funding for our coastal refuges could result in lost opportunities to leverage funds generated by criminal and civil penalties associated with the 2010 oil spill to improve refuge infrastructure. Our refuges already depend on volunteers just to keep the doors open to our visitors, and the maintenance backlog for equipment and facilities continues to grow.

Bon Secour NWR needs a functional visitor and education center. The Act that established the refuge in 1980 directed that the refuge "serve as a living laboratory for scientists and students". Bon Secour is a natural wonder that contains all aspects of the marine environment, so the refuge could demonstrate the importance of the marine environment to coastal culture and economy as well as the very survival of the planet.

2. Reauthorize and fully fund the Land and Water Conservation Fund (LWCF) at $900 million per year and provide $173.9 million in FY16 LWCF funding for conservation easements and refuge in-holdings.

Again, Gulf Coast wildlife refuges may lose opportunities to leverage oil spill funds into acquisition of in-holdings and sensitive habitats if LWCF funds are not available. Coastal properties are expensive, so it will be difficult to rely solely on spill funds to acquire land. However, combining LWCF funds with other sources would likely enhance our chances to acquire key properties.

3. Appropriate $60 million for the National Wildlife Refuge Fund in FY16, which offsets losses in local government tax revenue because lands owned by the Refuge System are exempt from taxation.

Lands within the Refuge System are removed from local tax rolls because the U.S. Government, like any other local or state government, is exempt from taxation. The Refuge Revenue Sharing Act allows a National Wildlife Refuge to offset these tax losses by annually paying the local unit of government an amount that could equal or exceed that which would have been collected from taxes if the lands were in private ownership. These revenues are derived from activities including timber sales and grazing leases that occur on refuges when these uses are compatible with refuge purposes.

According to the NWRA, declining revenues and appropriations have resulted in the refuge system unable to pay even 50 percent of its tax-offset obligations. Our local governments need the funds to operate fundamental infrastructure that include roads and schools, and our refuges need to be viewed by our neighbors as contributors to their communities.

We strongly concur with the NWRA that a policy adjustment is ultimately needed to link the Refuge Fund to Payment in Lieu of Taxes consistent with other land management agencies.

4. Pass a clean appropriation bill that is free from policy riders such as removing the Service's authority to establish new refuges administratively.

The Bon Secour NWR is one of three refuges within the Gulf Coast National Wildlife Refuge Complex that also includes the Mississippi Sandhill Crane NWR (Jackson County, Mississippi) and the Grand Bay NWR (Jackson County, Mississippi and Mobile County, Alabama). The Grand Bay NWR was established in 1992 under the authority of the Emergency Wetlands Resources Act of 1986, so this refuge would likely not exist if legislation interfered with the agency's ability to utilize legal existing authorities. Moreover, we believe the U.S. Fish and Wildlife Service has developed a good record of careful consultation with local and state governments when exercising these authorities.

I will conclude with a reminder that our National Wildlife Refuges are a vital component for the stewardship of coastal natural resources and represent decades of public investment. They directly support the environment and economy through the science-based management of the lands and waters for the benefit of wildlife, and they connect citizens to these resources through opportunities to enjoy the fish and wildlife.

We need to support these refuges so that they can be engaged partners in the coastal natural resource stewardship and resilience. Our culture and economy depend on these natural resources, and the Gulf Coast is a major component of the national economy.

Thank you for your consideration. Please do not hesitate to call upon the Friends of Bon Secour National Wildlife Refuge if we can be of any assistance.

Memorandum

To: Honorable Chair Ken Calvert, and members of the House Subcommittee on Interior, Environment and Related Agencies

From: Dr. Jay Bushnell, advocacy chair, the Friends of the Lower Suwannee and Cedar Keys National Wildlife Refuges

RE: Support the 2016 $508.2 million proposed funding of the National Wildlife Refuge system, full funding for Land and Water Conservation Fund, and providing funds to help cover tax loses to local communities

On behalf of over 200 Friends members, we strongly urge the increased funding for the National refuge system. Since 2006, the National system has grown from 500 to 560+ refuges. The funding support has not kept pace with the increase. During this time, the Lower Suwannee and Cedar Keys NWR has dropped from 14 to 9 staff members. By June of this year, we will be down to 7 members unless funding is available to replace two positions being vacated. As if that is not enough to worry about, our manager also has a title of Deputy Complex manager of the North Florida Complex with responsibilities extending from Tampa Bay to St. Vincent in the Big Bend area of Florida. He spends most of his time dealing with manatee issues in Crystal River. It appears that, this "complex" title is just another way of not fully supporting the refuge system.

We would also urge you to reauthorize the Land and Water Conservation Fund (LWCF) to the $900 million per year originally proposed funding. In our area, there have been excellent opportunities for both land acquisition, as well as, conservation easements.

We would also urge you to provide special funding to be used to help compensate local governments for their lose of property tax revenue.

While the primary mission of the refuge system is focused on wildlife conservation, it is also important to recognize that the system is an economic engine. The report, Banking on Nature, points out that in 2011 for every dollar invested in the refuge system, there had been a $4.87 return to the local communities. Over 70% of this revenue came from non-local visitors who were attracted to non-consumptive activities like wildlife viewing, photography and hiking in the refuges. The fact that the Friends of the Lower Suwannee and Cedar Keys NWR are having 3-4 thousand folks visit on our web page each month, verifies the fact that we are reaching a large non-local crowd (please check us out at friendsofrefuges.org). Funding of the refuge system should be considered an investment with a great rate of return.

The **Lower Suwannee NWR** comprises over 52,000 acres that is split by the historic Suwannee River for the last 20-25 miles where the river empties into the Gulf of Mexico. The **Cedar Keys NWR** is composed of some 727 acres on 13 islands in the Gulf of Mexico. Because of their non contiguous nature, both refuges face challenging management issues.

The **Lower Suwannee NWR** is special and unique in the following ways:

- The pristine natural condition of the refuge helps protect the environmental health of the Suwannee River and the surrounding area.
- The Suwannee River is home to a wide variety of plant and animal life. The river is the most important spawning ground for the protected Gulf sturgeon. The river is also an important habitat for the endangered manatee.

- The refuge contains a unique combination of upland hardwood, wetland/swamp, and saltwater marsh habitats. Uniquely, one can find both temperate and tropical types of vegetation in the refuge.
- The refuge provides habitat for a wide variety of birds including 15 endangered or threatened species like the Bald Eagle. The refuge is an important nesting site for the short-tailed hawks of which there are only an estimated 200 mating pairs in the wild. The swallowtail kite once widespread, now is restricted to just the Southeastern portion of the United States with the refuge being a very important nesting site.
- Combined with surrounding State Parks, the refuge will become an even more important conservation area as Florida's population increases.
- With constructed bat houses, the refuge has successfully established a viable bat population that serves as a model for future bat projects.
- Many important cultural heritage sites are also to be found in the refuge.

The **Cedar Keys NWR** is special and unique in the following ways:

- The 727 acre refuge composed of 13 islands is a major rookery for pelicans and a wide variety of shore birds.
- As studied by the University of Florida's Florida Marine Center, of particular interest is the symbiotic relationship of cottonmouth moccasins and nesting birds on Seahorse Key. The moccasins provide protection from predators like raccoons and rats for the nesting birds. In return, the birds provide a steady diet of fish for the moccasins. This is the only place on earth that such a relationship between snakes and birds exists.
- Lower Suwannee Archaeological Survey of the University of Florida has uncovered prehistorical sites dating back over 4,000 years.
- Historically, the refuge contains important historical structures including the Seahorse Key Lighthouse designed in the 1850s by Lieutenant George Meade, later to become General Meade of Gettysburg fame. It is also of interest that the lighthouse sits on a natural dune that is some 50+ feet above sea level. This makes it one of the highest points in the Big Bend area of Florida.
- This refuge also provides a vital barrier island system.

Presently, the most critical problem we face involves staffing. With adequate staffing, and with operational funding, the refuge staff, with the help of the Friends of the Lower Suwannee and Cedar Keys NWR, would be able to:

- Provide better monitoring of the health of the refuges' habitat,
- Consistently police the proper utilization of the resources of the refuges to protect the habitat and its wildlife,
- Conduct more programs for school children to learn about conservation,
- Expand the conservation efforts across other public agencies, as well as private stakeholders, to deal with common problems like invasive species eradication and the protection of endangered species,
- Upgrade and maintain public facilities like roads, docks, boardwalks, observation stations and signage,
- Expand public access and use of the refuges, and
- Monitor, manage, and protect the floral and fauna in the refuges.

Thank you for considering these requests,

Sincerely, Jay Bushnell, 15639 NW 46th Lane, Chiefland, FL 32626 Ph 352-493-1805

Friends of the Tampa Bay National Wildlife Refuges, Inc.
Barbara Howard, President
PO Box 40782
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Testimony
Before the House Subcommittee on Interior, Environment, and Related Agencies
On Issues Relating to the Refuge System
Concerning Fiscal Year 2016 Appropriations
March 23, 2015

Mr. Chairman and Members of the Subcommittee,

On behalf of the 225 members of the Friends of the Tampa Bay National Wildlife Refuges (FTBNWR), (Egmont Key National Wildlife Refuge (NWR), Passage Key NWR, and Pinellas NWR), I would like to thank you for your commitment to the National Wildlife Refuge System (NWRS) and the funding increase that you passed for FY15. We realize that in this time of tight budget, it may be difficult to justify increasing the NWRS funding, but once the Refuges start to decline it will cost many times more than these small increases to return them to a condition that will fulfill their mandates. We respectfully request that you consider the following in your appropriations for FY 2016:

- **Fund $508.2 million for the National Wildlife Refuge System including $5 million for the Pacific Marine Monuments.**
- **Fund $900 million for the Land and Water Conservation Fund (LWCF), including a minimal commitment of $173.8 million for the NWRS, including $10 million for Everglades Headwaters NWR and Conservation Area in FL, $3 million for Silvio O. Conte NWR, $3 million for Cache River NWR, $3 million for Flint Hills Legacy Conservation Area, $2 million for Bear River Watershed Conservation Area, $3.4 million for Blackwater NWR, and $1 million for Clarks River NWR.**
- **Fund $50 million for the North American Wetlands Conservation Act (NAWCA).**
- **Fund $70 million for State and Tribal Wildlife Grants.**
- **Fund $5 million for the Neotropical Migratory Bird Conservation Fund (NMBCF).**
- **Fund $14 million for FWS Coastal Grants.**
- **Fund $60 million for the Department of Interior's Fire Management Program.**
- **Fund $60 million for the Refuge Fund.**
- **Fund $11 million for the Multinational Species Conservation Fund**
- **Fund $75 million for the FWS Partners for Fish and Wildlife Program.**

The Cooperative Alliance for Refuge Enhancement (CARE) estimates that the NWRS needs a budget of at least $900 million annually in operation and maintenance funding in order to properly administer its 150 million acres and over 400 million acres of national marine monuments. The Refuge System cannot fulfill its obligation to the Refuge Improvement Act,

American public, our wildlife, and approximately 47 million annual visitors without increases in maintenance and operation funds. The current budget is far short of the amount actually required to effectively operate and maintain the Refuges. The Refuge System is currently funded at $474 million. Taking inflationary needs into account, they are about $72 million below where they were in FY10. Fy10's appropriation of $503.3 million was cut significantly in the following years and by FY13 was down to $452.6 million. These cuts were devastating to Refuge operations and staffing. We respectfully request that you increase the NWRS budget to $508.2 million so that the Refuges do not backslide even further in protecting these valuable lands and ecosystems. The investment yields an impressive return, generating approximately 35,000 jobs and $2.4 billion in economic output each year. Every dollar appropriated to the Refuge System returns an average of $5 to local economies as well as providing $33 billion dollars' worth of clean water and other environmental benefits such as clean air and water and a cool climate.

The Land and Water Conservation Fund was created in 1965 and authorized at $900 million. We ask that you reauthorize the LWCF at $900 million for FY16 with a minimal commitment of $173.8 million to the National Wildlife Refuge System. These funds are used for land acquisition as well as less expensive easements or leases to protect wildlife and their habitats. With the effects of a changing climate, it is more important now than ever to establish key wildlife corridors between protected areas so wildlife can migrate to more suitable habitat as their historic ones change. These landscape level conservation efforts through conservation easements and land purchases are the best way to protect the diversity of flora and fauna. The price of real estate is still recovering at this time and the $900 million can go much further in protecting habitats than it can in a higher market. When we start to lose species due to lack of food, water, shelter, or space, we are changing the balance of nature. We urge you to fund the LWCF at $900 million for FY16 with $173.8 million to acquire conservation easements on working lands and to purchase in-holdings and vital habitat for the NWRS. The LWCF is not funded by taxpayer money.

We ask that you appropriate $50 million in FY16 for the North American Wetlands Conservation Act (NAWCA). NAWCA supports habitat restoration, water quality improvements, and carbon sequestration. These projects developed by individuals and at the community level benefit our declining migratory bird species as well as ducks and waterfowl.

Essential conservation programs to protect habitat and wildlife will cut expenses in the future by protecting and improving what we have today. We request that you fund the State and Tribal Wildlife Grants Program at $70 million to fulfill the shared federal-state responsibility for keeping our nation's wildlife from becoming endangered. The NMBCF grants conserve habitats for Neotropical birds as they migrate. It covers areas outside of refuges and often outside the US that many of our birds utilize during critical periods of their life. We request you fund the NMBCF at $5 million for FY16. The Coastal Program provides technical and financial

assistance for voluntary efforts to protect and restore coastal habitats for wildlife. We ask that you fund this program at $14 million for FY16. Prescribed burns keep our refuges from becoming overgrown or having catastrophic fires due to high fuel loads due to fire suppression. It is an important tool for managing wildlife habitat. We urge you to provide $60 million in dedicated funding to the Refuge System's fire program through the Department of the Interior's Hazardous Fuel Reduction program. Lastly we ask that you fund the Multinational Species Conservation Fund at $11 million.

Funding for the Refuge Fund (Refuge Revenue Sharing Program) ensures that local communities receive proper compensation for having federal lands that are not on the tax rolls. Federal lands are exempt from real estate taxes. These taxes are the major revenue source for most local governments across the country, funding services such as schools, libraries, sanitation, law enforcement and fire protection. In 1935 Congress acknowledged the relationship between local communities and the Refuge System and enabled the refuges to give back to their local communities. The Refuge Revenue Sharing Program offsets lost local tax revenue by providing payments to local governments from net income derived from permits and wildlife refuge activities. The US FWS pays localities using a formula created by Congress. However, declining revenues and appropriation short-falls have resulted in the Service paying less than 50% of its tax-offset obligations since 2001. It's important that the National Wildlife Refuge System is a good neighbor and makes good on its obligations. Please fund the Refuge Fund at $60M in FY16.

The Tampa Bay Refuges are located at the mouth of Tampa Bay on the west central Gulf coast of Florida. The budget increases prior to 2011 meant increased management, protection, and restoration of the Refuges and the ability to better meet the Comprehensive Conservation Plan (CCP) goals. The wildlife on the refuges did well with the extra help. Due to those past increases in budget and personnel the TBRs were able to plan for big picture issues such as erosion and increased public use. Unfortunately, due to the budget decreases, much of that planning will not be implemented.

The budget decreases and the sequestration have hurt our refuges.

- The Tampa Bay Refuges have not had a full time manager for the past 1.5 years.
- We are coming into the summer nesting season on the Egmont Key NWR. Without a manager and with the heavy visitation in the warmer months, this is a big problem. The refuge law enforcement (LE) officers are not able to patrol Egmont Key as often during the key summer nesting season due to restrictions. This leaves the nesting birds open to more intrusions by refuge visitors and nesting failures. Pinellas and Passage Key NWR's are not open to the public but the refuges do not have the budget necessary to patrol these islands to prevent the public from causing unintentional harm as the birds nest.
- If a staff member leaves, he/she may not be replaced so the refuge can stay afloat financially for the rest of this fiscal year because of the budget shortfalls.

- The refuge was able to begin to eradicate exotic plants and predators on the refuges, but with the budget, there is little or no money to monitor and keep up with the work that has already been done. The result will be degraded habitat for refuges and their wildlife, including nesting failures. Birds have returned to nest on 2 more of the Pinellas Refuges because of these efforts. Without continued maintenance the birds may fail.
- Fire management budgets have been cut and prescribed fires have not been conducted Egmont Key as needed. This opens the island, its historic buildings, & visitor center up to a much higher catastrophic wildfire risk.
- The Ft Dade Guardhouse on Egmont Key NWR has been restored and is now the visitor center. The Refuge had grant money and installed the first phase of the displays, but with the budgets the way they are the refuge staff does not have time to keep this important environmental education center open to the public.
- Egmont Key NWR has a huge erosion problem and can possibly be lost. Because it is in an urban setting, the approximately 32,000 pairs of birds who nest there yearly don't have another location to go to. Passage Key NWR is starting to come back above water. Last year the colonial nesting birds including endangered Least Terns began to nest on the island. There is not enough funding to have law enforcement attending to that refuge to protect the birds from human intrusion and the nesting failed. Increased funding would go a long way in providing these birds the protection they need during the nesting season.

These are just a few of the things impacting the Tampa Bay Refuges. Bottom line, funding cuts hurt the wildlife that the NWRS is mandated to protect. The refuge system has a very small budget compared to the whole Federal Budget. It is not a big impact to the federal budget to give the refuges a little more funding whereas the impact of reduced funding is devastating.
Please consider funding $508.2 million for the FY16 Operations and Management budget.

The Friends of the Tampa Bay National Wildlife Refuges (FTBNWR) was incorporated and became a 501c3 in 2008 to better assist the Tampa Bay National Wildlife Refuges with volunteers and fundraising. In 2014 FTBNWR was able to provide over 2300 volunteer hours to assist the refuge staff with exotic invasive control, refuge cleanups, and education. Volunteers donated their time as bird stewards and visitor center docents on Egmont Key NWR to enhance the visitors experience on the refuge through education. Volunteers also ran youth education programs for grades K-5. Our refuges do not have enough staff to provide these education programs so we have filled that gap as volunteers. FTBNWR has been able to raise money to fund further removal of invasive plants on the Pinellas Refuges that degrade the habitat for the wildlife and contributed funding for the local storage of the FWS boat. Our volunteers are passionate about the Refuge System and donate their time, money, and expertise to protect them.

We again extend our appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System and hope you will consider these small budget increases.

Testimony of the
Geological Society of America
Kasey White
Director for Geoscience Policy

Regarding the
U.S. Geological Survey
FY 2016 Budget

to the
U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

March 25, 2015

Summary
The Geological Society of America (GSA) urges Congress to support the FY 2016 request for the U.S. Geological Survey (USGS). As one of our Nation's key science agencies, the USGS plays a vital role in understanding and documenting mineral and energy resources that underpin economic growth; researching and monitoring potential natural hazards that threaten U.S. and international security; and determining and assessing water quality and availability. Approximately two thirds of the USGS budget is allocated for research and development. In addition to underpinning the science activities and decisions of the Department of the Interior, this research is used by communities across the nation to make informed decisions in land use planning, emergency response, natural resource management, engineering, and education. Despite the critical role played by the USGS, funding for the Survey has stagnated in real dollars for more than a decade. The requested level would permit the USGS to add to its functions in these important areas. Given the importance of the many activities of the Survey that protect lives and property, stimulate innovations that fuel the economy, provide national security, and enhance the quality of life, GSA believes that growth in federal funding for the Survey is necessary for the future of our Nation.

The Geological Society of America, founded in 1888, is a scientific society with over 26,000 members from academia, government, and industry in all 50 states and more than 100 countries. Through its meetings, publications, and programs, GSA enhances the professional growth of its members and promotes the geosciences in the service of humankind.

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U.S. Geological Survey Contributions to National Security, Health, and Welfare
The USGS is one of the nation's premier science agencies. Approximately two thirds of the USGS budget is allocated for research and development. In addition to underpinning the science activities and decisions of the Department of the Interior, this research is used by communities across the nation to make informed decisions in land use planning, emergency response, natural resource management, engineering, and education. USGS research addresses many of society's greatest challenges for national security, health, and welfare. Several are highlighted below.

- Natural hazards – including earthquakes, tsunamis, volcanic eruptions, wildfires, and landslides – are a major cause of fatalities and economic losses. Recent natural disasters, including destructive landslides in Washington, Colorado, and Kentucky; earthquakes in California; and lava flows in Hawaii, provide unmistakable evidence that the United States remains vulnerable to staggering losses. Landslides alone, which occur in every state, cause more than $1 billion in damage each year. An improved scientific understanding of geologic hazards will reduce future losses through better forecasts of their occurrence, which allows for effective planning and mitigation in these areas. GSA urges Congress to support efforts for USGS to modernize and upgrade its natural hazards monitoring and warning systems to protect communities from the devastating personal and economic effects of natural disasters, including additional 3-D elevation mapping and earthquake early warning systems.

- A 2013 report by the National Research Council, *Emerging Workforce Trends in the Energy and Mining Industries: A Call to Action*, found, "Energy and mineral resources are essential for the nation's fundamental functions, its economy, and its security." In addition, many emerging energy technologies – such as wind turbines and solar cells – depend upon rare earth elements and critical minerals that currently lack diversified sources of supply. China accounts for 95 percent of world production of rare earth elements (USGS, 2010). Nevertheless, federal programs in minerals science, research, information, data collection and analysis have been severely weakened. Funding for the USGS Mineral Resources Program, the only primary source for minerals science and information, has been cut by 30% in constant dollar terms over the last decade, reducing its ability to provide critical information on mineral potential, production, and consumption that is used for decisionmaking across the federal government and by a range of businesses and industries. We support the increase proposed for these important programs that will allow for more economic and environmental management and utilization of minerals. In addition, GSA supports increases in research to better understand domestic sources of energy, including conventional and unconventional oil and gas and renewables.

- The ongoing drought in the western United States is a testament to our dependence on water. The availability and quality of surface water and groundwater are vital to the well being of both society and ecosystems. Greater scientific understanding of these resources through monitoring and research by the USGS is necessary to ensure adequate and safe water resources for the health and welfare of society.

- USGS research on climate impacts is used by the Department of the Interior and local policymakers and resource managers to make sound decisions based on the best possible science. The Climate Science Centers, for example, provide scientific information necessary

to anticipate, monitor, and adapt to climate change's effects at regional and local levels, allowing communities to make smart, cost-effective decisions.

- The Landsat satellites have amassed the largest archive of remotely sensed land data in the world, a tremendously important resource for natural resource exploration, land use planning, and assessing water resources, the impacts of natural disasters, and global agriculture production. GSA supports interagency efforts for future support of Landsat.

The Core System Sciences, Facilities, and Science Support programs support many activities in these important areas. These programs and services, such as geologic mapping and data preservation, provide critical information, data, and infrastructure that underpin the research that will stimulate innovations that fuel the economy, provide security, and enhance the quality of life.

Research in Earth science is fundamental to training and educating the next generation of Earth science professionals. The United States faces a looming shortage of qualified workers in these areas that are critical for national security. We are very concerned that cuts in earth science funding will cause students and young professionals to leave the field, potentially leading to a lost generation of professionals in areas that are already facing worker shortages. Investments in these areas could lead to job growth, as demand for these professionals now and in the future is assessed to be high.

The report *Emerging Workforce Trends in the Energy and Mining Industries: A Call to Action*, found, "In mining (nonfuel and coal) a personnel crisis for professionals and workers is pending and it already exists for faculty." Another recent study, *Status of the Geoscience Workforce 2011*, by the American Geosciences Institute found: "The supply of newly trained geoscientists falls short of geoscience workforce demand and replacement needs. ...aggregate job projections are expected to increase by 35 percent between 2008 and 2018....The majority of geoscientists in the workforce are within 15 years of retirement age. By 2030, the unmet demand for geoscientists in the petroleum industry will be approximately 13,000 workers for the conservative demand industry estimate."

Thank you for the opportunity to provide testimony about the U.S. Geological Survey. For additional information or to learn more about the Geological Society of America – including GSA Position Statements on water resources, mineral and energy resources, natural hazards, and public investment in Earth science research – please visit www.geosociety.org or contact Kasey White at kwhite@geosociety.org.

Stephen Roe Lewis
Governor
Gila River Indian Community

Written Testimony Before the U.S. House Appropriations Subcommittee on Interior, Environment and Related Agencies

Fiscal Year 2016 Funding Priorities for Indian Country
March 24, 2015

Chairman Calvert and Ranking Member McCollum, thank you very much for the opportunity to submit testimony to the House Subcommittee on Interior Appropriations ("Subcommittee") in regards to Fiscal Year ("FY") 2016 funding priorities for Indian Country. My name is Stephen Roe Lewis, and on behalf of the Gila River Indian Community ("Community"), I respectfully submit this written testimony to the Subcommittee in regards to three specific priorities for the Community: reformation of the federal Indian education system; increased opportunities for native youth; and greater support for tribal self-governance through full Congressional funding of contract support costs. These three issue areas are critical to the Community's ability to provide for our people and help ensure that they are equipped to simultaneously navigate a technology driven 21st century society and further our ability to become self-sufficient and effectively manage our own affairs.

I. Background on the Community

The Community is comprised of the Akimel O'otham and the Pee-Posh tribes, and has over 20,000 enrolled members. Approximately 12,000 of these members live on our reservation, which is roughly 372,000 acres and located in the Phoenix metropolitan area, just south of the cities of Phoenix, Tempe and Chandler. The expansive and rural character of our reservation, as well as a historical lack of resources, has created unique issues for our government to confront. The Community is the primary entity responsible for infrastructure needs and public safety services on the Gila River Reservation. While we do receive some federal resources to help with these costs, the Community's own economic development activities provide enough revenue to cover the bulk of the necessary funding. However, the Community's needs are great and the historic level of federal resources that we receive is inadequate to address all of our pressing issues.

II. Overview of the Community's Education System

The education system on the Reservation is very complex because of the size of our population and our proximity to the surrounding urban area. The Community is home to three Bureau of Indian Education ("BIE") grant schools, two of which, the Casa Blanca Day School and Gila Crossing Community School, are considered by the Department of the Interior to be in "poor" physical condition. The third BIE grant school, the Blackwater Community School, is also in a deficient physical condition and undersized but is unable to make improvements without jeopardizing its ability to receive BIE construction funding. In addition, we have three independent state-chartered schools, two state public schools and one parochial school on our

reservation. Other students attend off-reservation public schools and boarding schools. The Community is constantly seeking innovative ways to improve outcomes at our on-reservation schools but the federal centric model practiced by the BIE is a significant obstacle. One tool that we rely upon is government-to-government partnerships with the Bureau of Indian Affairs and Indian Health Service pursuant to "self-governance compacts" that were authorized by the Tribal Self-Governance Act of 1994, Pub. L. 103-435. These compacts allow the Community to directly administer a multitude of programs that were previously under federal management. In doing so, the Community is able to serve our members while building the infrastructure and experience that is necessary to ensure that self-governance is lasting attribute of the Community's relationship with the federal government.

III. Congress Needs to Fully Fund Contract Support Costs

Congress first embraced the concept of tribal self-determination in 1975 when it enacted the Indian Self-Determination and Education Assistance Act ("ISDEAA"), Pub. L. 93-638. This law embraced the idea of enhanced tribal control over programs that serve tribal communities. The ISDEAA has been amended over the years to expand tribal control over specific programs pursuant to self-determination contracts into self-governance compacts that allow tribes to negotiate a single self-governance compact for the administration of all programs previously administered by the Bureau of Indian Affairs. This expansion of the ISDEAA was based upon Congress's finding that tribal control over individual programs was often not enough to reverse the damaging effect of pervasive federal control over tribal affairs for multiple generations.[1] Despite growing support for tribal self-governance, funding the costs necessary to facilitate contract administration has been a serious problem for Indian Country and a significant liability for the federal government. Federal agencies can rely on an established administrative infrastructure to deal with overhead costs including audits, accounting, human resources and staff training. However, tribes often do not have this type of infrastructure in place and must often establish these services to satisfy self-determination and self-governance program requirements. The problem is that sufficient funds have not been made available to cover these contract support costs. As a result, tribal governments have been forced to operate without the benefit of fully funded contract support costs despite statutory mandates to the contrary. Even Congress has declared that that failure to fund these "contract support costs" is "[p]erhaps the single most serious problem with the implementation of the Self-Determination Act."[2]

The ISDEAA was eventually amended to require the provision of the contract support costs that are necessary to maintain tribal self-governance and self-determination but funding has remained subject to appropriations. Unfortunately, Congress has never fully funded these costs and tribal program administration has suffered as a result. It was not until 2012 with the Supreme Court's decision in *Salazar v. Ramah Navajo Chapter* that the federal government was ordered to pay contract support costs in full.[3] This case opened the floodgates for claims against the federal government for failure to pay contract support costs to tribes and tribal contractors administering self-governance and self-determination contracts over years and decades. The

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[1] 25 U.S.C. §§ 458aa-458aaa, originally enacted as Pub. L. No. 103-413, Title II, § 204, 108 Stat. 4272 (1994).

[2] S. Rep. No. 100-274 at 8 (1987).

[3] 132 S.Ct. 2181 (2012).

President's FY 2016 budget finally calls for sufficient appropriations to fully fund contract support costs in FY 2016. The federal government resisted this funding request for many years but persisting legal liability and significant input from Indian Country has now put us on the brink of having our contract support costs fully funded by Congress for the first time ever. The President's budget also calls for reclassifying contract support costs as permanent funding beginning in FY 2017. If enacted, full and permanent funding for contract support costs will help stabilize a funding stream that is critical for self-governance and self-determination efforts. As a tribal nation that relies upon self-governance compacting to provide services to our citizens, the Community strongly supports fully funding contract support costs for FY 2016 and reclassifying these costs as mandatory beginning in 2017. However, contract support costs should not be funded at the expense of other critical federal programs that tribes rely upon.

IV. Increasing Funding for School Construction Will Create Better Learning Environments for Native Youth

The BIE has classified two of the Community's BIE schools as being in poor condition while the other is also in great need of repair. Many of our students are forced to learn in old FEMA trailers that were installed many years ago and were never intended to be permanent classrooms. These trailers often have holes in the floor where rodents have chewed through to expose live wires and create hazards. Problems such as these are compounded by the fact that these classrooms currently have inadequate or retrofitted lighting and electrical infrastructure that is insufficient to support the type of technology driven education that is critical in today's society. This is an unacceptable learning environment yet the BIE's school construction requests are never funded at a level that allows these issues to be addressed in a meaningful way. The BIE has requested a total of $25.3 million in school replacement construction funds to replace dilapidated schools but this sum is only intended to fix two schools that have been on the BIE's short list of schools most in need of construction funds since 2004. Amounts such as these will chip away at the backlog of BIE schools in poor condition but a more significant level of Congressional appropriations is needed. The Community strongly supports this funding request, at a bare minimum, so that BIE schools can move towards becoming safe learning environments for our students.

V. Reforming the Interior Education System Towards a Tribal and Youth Centric Model will Bring Progress

In 2014, the BIE began awarding Sovereignty in Education ("SIE") grants to tribes to support greater tribal control in education. These SIE grants, which are also a part of the BIE's budget request for FY 2016, are aimed to build tribal education infrastructure and to help tribes move towards a time when they can fully operate what are now federal schools on Indian reservations. The BIE has requested an additional $10 million in its FY 2016 budget to provide additional SIE grants that will focus not just on tribal control but also to help tribal education departments improve fiscal management and develop culturally attuned curricula. We have already begun to embrace the tribal sovereignty in education movement as a recipient of one of BIE's initial SIE grants and look forward to continued improvement of the Community's education structure through the FY 2016 appropriations process. As such, the Community respectfully requests that the BIE's request for the funding of SIE grants be fully appropriated.

As a large tribe on a reservation that is mostly rural and spread over diverse terrain, the Community has grappled with the problem of not having sufficient telecommunications infrastructure and a lack of internet access for Community members. The inability of Community members to access every day needs like phone and internet service led the Community to start Gila River Telecommunications, Inc., which now extends these services all over the Reservation. Despite this, access to high speed internet at BIE schools remains very inconsistent at a time when the internet is the key to information and a 21st century education. The BIE has requested $34.2 million for information technology enhancements at BIE schools. This funding would go far in building high speed internet access where it doesn't currently exist and to otherwise enhance the capacity of our students to receive the technology driven education that has become so critical to succeed in the modern era. The Community strongly supports this funding request from the BIE.

The Department of the Interior's BIE plays a direct role in Indian education but works closely with the Department of Education in this sphere. A significant partnership that was announced last year and which is intended to promote a partnership between these departments for the betterment of native youth is "Generation Indigenous" or "Gen I." Gen I is focused on addressing barriers to success for native children and teenagers with a focus on high academic standards and tribal values. Within Interior, a total of $94 million has been requested to support various facets of Gen I, including improved teacher training; enhanced language and cultural programs; improved instructional services for native students; and tribal grants to promote the transformation of on-reservation schools to 21st century learning environments through creative but community driven solutions. This funding request also includes $3 million to support youth participation in education programs that focus on the protection and preservation of natural resources through science and cultural learning. These natural resource based education programs are designed to link youth up with positive role models who are tribal personnel but work on the ground to manage and protect tribal trust resources. The BIE has also requested authorizing language to activate the National Foundation for American Indian Education. The National Foundation will engage in fundraising to create additional opportunities for native students in and out of the classroom and to further break down barriers to success for our youth. The Community strongly supports these appropriations requests, which are specifically focused on increasing opportunities for Indian Country's next generation. Our youth are our future and we cannot afford to let them fall through the cracks anymore.

In closing, I would like to thank you for the opportunity for the Community to express its input on appropriations priorities for FY 2016.

Masapa (Thank You)
Stephen Roe Lewis
Governor
Gila River Indian Community

Hearing: House Committee on Appropriations
Subcommittee on Interior, Environment & Related Agencies
American Indian/Alaska Native Programs
Tuesday, March 24, 2015
John Yellowbird Steele, Chairman, Great Plains Tribal Chairman's Association

I am honored to present testimony for the Great Plains Tribal Chairman's Association (GPTCA).

The GPTCA was formed to promote the common interests of the 16 sovereign Tribal Nations of the Great Plains region; there are 11 Sioux Tribes, the Mandan, Hidatsa, Arikara, Turtle Mt. Ojibwa, Omaha, Ponca and the Winnebago. The Great Plains tribes have the 3rd largest geographical land base of any region in the United States. The total acreage in the Great Plains region is over 11,036,490 acres within the Borders of our Reservations and 6.1 million acres of Trust land. The Great Plains tribes hold over one-third of the country's trust allotments and tribal trust land tracts. The total population and Tribal Enrollment is over 208,000 people.

All of the member tribes of the GPTCA entered into solemn treaties with the United States. Many of our member tribes are constituent bands of the Great Sioux Nation, which entered into the Fort Laramie Treaty of 1868. In this treaty and others, our tribes formed nation-to-nation alliances with the United States. In these treaties, the United States recognized and secured our native homelands and our preexisting rights of self-government and self-determination. The Tribes have fulfilled their treaty obligations in giving up huge amounts of land. The US Government must fulfill its Treaty Obligations to the Tribes who signed the Ft. Laramie Treaty of 1868. Funding appropriated and distributed for services to Tribes and their members is based on the fact the United States Government has a fiduciary trust responsibility under the treaties to protect tribal/Indian property, land and rights , and to provide resources. Today's Government funding for tribes should be protected and guaranteed quid pro quo treaty benefits. Treaties are the supreme law of the land. As U.S. Supreme Court Justice Hugo Black said in 1960, *"Great Nations, like great men, should keep their word."*

Today, we are proud of our Nations because we truly exercise our sovereignty and self-governance even if we are not adequately funded. As functioning full-service governments and Direct Service tribes, we operate our own schools, Colleges, Law Enforcement Departments, Tribal courts, land and fire protection programs, Transportation Depts., Hospitals and Tribal administration offices, all of which require adequate, predictable funding available every day of the fiscal year. We call upon Congress to fund the BIA and the IHS budgets at the level necessary to allow them to play their proper roles as the principal providers of funding for tribal governmental services for our People. Further, the DOI, DOJ and the Department of Energy must adequately provide the funding intended by Congress when these programs were created.

Appropriated funding must keep pace with inflation and the increase in Service Populations. Funding should be tied to the actual needs of our Tribal Nations, not to short term grants. Funding should be stabilized at the start of the Fiscal year, not in the second or third quarter. We recommend eliminating the hodge-podge of federal grants and grant requirements and returning to base funding for each Tribe. OMB and federal agencies should be directed to streamline their programming to Indian Country, particularly for those Regions with Large & Needy Tribes.

Government funding streams should be consolidated and reporting requirements simplified and streamlined. Further, all federal agencies, especially the BIA and IHS, should be directed to stop the creation of massive sub-agencies in cities, and to start returning funding and decision-making authority to the BIA regional and reservation level. Finally, additional funding

should be allocated for the unique circumstances affecting tribes responsible for large governments and geographic areas.

Tribal Priority Programs (TPA): In the Great Plains, DOI funding for TPA Services is consistently designated our main Priority because our rural Tribes do not have significant sources of Revenue. TPA is a group of programs within the Office of Indian Program (OIP) Budget that provides funding for BIA Agency Operations, Tribal PL 93-638, and BIA Regional Office Field Operations. Tribes depend upon TPA funding for operations of Tribal Government Functions such as human services, economic development, judicial services, transportation and self-determination contracts. Recommendation: There must be fairness applied for funding to Agency TPA Programs and Direct Service, Large Land Based Tribes. Funding should not pit Direct Service Tribes against Self-Governance Tribes.

TOP 5 BUDGET INCREASE NEEDS IN RANK ORDER AND AMOUNTS:

1. Tribal Courts (TPA): Tribal courts are funded at only 66% of need with a current Deficit of Detention/Correction funding at $20,686,315 or 97%. Great Plains Tribes experience insurmountable problems in the effort to provide law enforcement and judicial services for our people. This is due to four factors: (1) the Federal government's increased reliance on funding from ineffective DOJ grant programs, (2) current BIA funding does not address the costs of providing basic services to large populations across great distances, (3) current funding does not account for the broader scope of tribal jurisdiction and lack of state police services, (4) inability to adjust programs because DOI has removed public safety decision-making from the Agency/Regional level.

The Tribal Law and Order Act (TLOA) has had virtually no impact on the Great Plains Tribes, is considered an unfunded mandate, and will not have a positive impact until adequately funded. Restore Public Safety and Justice back to the BIA and the Regions. What is happening now is not working! There is a current deficit of 68% for Criminal Investigations & Police Services funding in the Great Plains Region. The Department of Justice operates without Tribal needs based priorities, spends large dollar amounts on tribes which have only concurrent jurisdiction over police matters and fails to establish reliable sources of funding to operate effectively.

Construction & Renovation of Jails, Courts & Law enforcement Facilities. The BIA has to get back into the jail and court construction business. DOJ lacks the funds and the mechanism to replace the jails and courts required on large reservations and to plan for staffing, training and equipping the jails. Our facilities are falling apart. The U.S. has consistently requested less than 60% of the building maintenance dollars that its own formulas have determined are actually needed.

Indian Nations in the Great Plains Region need additional base funding to implement federal mandates such as requiring tribal courts to provide the same rights to defendants who are prosecuted under the Violence Against Women Reauthorization Act of 2013 (VAWA). For tribal courts to implement VAWA's new jurisdictional powers over non-Indians in domestic violence cases, tribal courts must also provide the same constitutional due process requirements mandated by the TLOA. Tribal courts cannot protect tribal members from domestic violence or deter methamphetamine and heroin drug trafficking without an increase in base funding for tribal courts.

The Great Plains Region is currently experiencing unprecedented violent criminal activity and recent upsurges in drug trafficking, human trafficking and racist attacks. The Region is in a crisis level drug epidemic that has overtaken a substantial part of North Dakota and put a direct strain on tribal judicial systems. Crime rates and the severity of crimes have burdened tribal courts as we see great influxes of people moving close to, or onto, our Nations' lands. This increase in crime is causing destructive impacts on the social and cultural fabric of our

Nations. For example, one particular Tribe's criminal caseload has quadrupled from two years ago. Criminal cases have had to be dismissed yet criminal caseloads remain extremely high. We need adequate funding and staff to process cases and sentence criminals. Also, we would like to see funding for a point-of-contact at the Regional level to provide technical expertise for updating law and order codes, court processes and corrective action plans.

2. Road Maintenance (TPA): The budget for Tribes has been around $26 million for 20 years, and it should be $160 million a year. The budget doesn't consider the maintenance backlogs of Tribes. Current funding is about 13% of need. Routine bridge maintenance is not being performed unless it becomes an emergency. Snow and ice control can take up to 50% of an annual budget. The United States should fully fund road maintenance and not rely on tribes' road construction funds to perform road maintenance. Also, Federal Highway Administration construction dollars are supplemental, not in lieu of Tribal Priority Allocations. The Roads Maintenance Program is responsible for maintenance of 29,500 miles of BIA-owned roads and more than 931 BIA-owned bridges constructed under the Indian Reservation Roads (IRR) program in Indian Country. The TPA funding that Tribes receive will only allow approximately $716.00 per mile for maintenance, which is wholly insufficient when maintenance can cost $4000 or more per mile. Construction investment must be protected to avoid higher costs later.

Funding needs to be allocated on a Region-by-Region basis with emphasis on the miles of roads, bridges, land base and population. The Tribes of the Great Plains have hundreds of miles of roads to maintain yet, in 2010, we were funded at $25 million while Alaska was funded at $71.4 million and the Midwest Region received $51.7 million (which is a 289 % increase). Consideration must be given to the differences in each region and to Large & Needy tribes. IRR funding must be limited to use on the interior Reservation Roads only. The GPTCA supports the new manager amendments to the MAP 21 Highway bill that allows for more equitable distribution of Transportation funding to large land based tribes with more needs and higher inventories. Funding in the legislation barely maintains current funding levels for IRR and needs to be increased to at least $500,000.00.

3. Human services/Social Services (TPA): The objective of the Human Services program is to improve the quality of life for individual Indians who live on or near Indian reservations and to protect children, the elderly, and the disabled from abuse and neglect. The Social Services program components include Child Protective Services, Child and Family Case Management, General Assistance, Emergency Assistance, Burial Assistance and Child Assistance. The Child Welfare League of America (CWLA) Standards of Excellence for Services to Abused or Neglected Children and their Families recommended that caseload standards for initial assessment and investigation should be a maximum of 12 active cases per month. In the Great Plains Region, there is an estimated 40 cases per 1 Social Worker for some Tribal and BIA Child Welfare programs. Social Workers serving the neediest children in the country are overwhelmed. With sequestration, jobs have been abolished or reduced to part time, while the caseloads increase. Poverty rates are directly linked to the number of children and families needing child protective services and national studies indicate children in families living at or below national poverty levels are at greater risk of removal from homes due to abuse and neglect. An increase in funding would support additional Social Workers, thereby reducing caseloads closer to recommended national standards and providing more quality services to Indian children and families served.

4. Indian Child Welfare Act (ICWA) (TPA): ICWA programs and their staff function as the liaisons between states and tribal court systems and receive the required notices when children are subjected to child custody proceedings (most commonly, abuse and neglect proceedings). The work of ICWA staff has resulted in improved coordination and compliance with the ICWA, thereby enhancing recognition of inherent tribal authority over Indian children in need of permanent placement. The sad reality is that ICWA programs in the Great Plains Region receive insufficient resources to provide necessary services. This results in tribal ICWA programs only

able to perform two functions: (1) intervention and participation in state child custody proceedings (child abuse and neglect) and (2) coordination with tribal programs and courts for suitable placement options for children whose cases are transferred back to tribal court jurisdictions under the ICWA. Increased funding is needed to help our Children.

5. Public Safety and Justice (TPA): The Criminal Investigations and Police Services program is meant to provide for the safety of Indian communities, ensuring the protection of life and property, enforcing laws, maintaining justice and order and confining American Indian offenders in a safe, secure and humane environment. This is simply not happening. Tribes are unable to secure safety within Indian Country Reservations on minimum budgets. BIA and DOJ are providing special initiatives in Indian Country to a small selection of tribes. The impacts are not felt in the Great Plains Region, however, in part, because costs have inflated, and the recruitment process is difficult with the stringent and time consuming background checks and lack of housing. We need more law enforcement training centers for Indian Country that would be more cost and time effective. Currently, all tribal law enforcement training is in Artesia, New Mexico. We request a 60% increase for adequate funding for DOI's Public Safety & Justice budget. We recommend that the United Tribes Technical College in Bismarck, ND be designated as a Training Center like Artesia, NM. We also recommend transparency and budget reports from the Office of Public Safety & Justice.

6. Bureau of Education (BIE): The Great Plains Region has approximately 33 BIE Schools and 1 dormitory (Rosebud), which is 18% of Tribal Schools nationwide. We have about 11,000 students attending BIE schools or 23% of the population for BIE schools nationwide. The Great Plains tribes have 10 Tribal Colleges on our Reservations. Tribal education in the Great Plains Region is at the center of our Priorities and we are proud of our Tribal Schools and our Tribal Colleges. Overall the Great Plains is the second largest provider of BIE Schools in the Nation, with 6 Tribal Education Departments.

Recommendations: Request $156,084,000 for Tribal Education.
-Adequately Fund Tribal Education Departments.
-Promote Tribal Education Department Development of Curriculum.
-Each Region is different, we are not all the same and the same is not equal.
-The GPTCA requests full consideration of cultural, political and economic differences.
-Fund the Schools before you fund BIE initiatives at the national level.
-Forward funding under the TCSA and ESEA should be held at the Tribal Education Department Level and Reservation Level for investment and not within BIE.
-Enforce 25 U.S.C. § 2011 Government-to-Government "Meaningful" Consultation.
-Fully Fund Tribal Colleges and Set Aside Funds from TRIO for tribal colleges.
-Fully fund the BIE school operations and maintenance at 100 %.
-Maintain the Tribal Education line Officer at the Local Tribal level.
-Restore functions & authority of Indian Education back to the Bureau of Indian Affairs to allow improved cost effectiveness and to further consolidation.
-Increase funding for Construction so all of our tribal schools can be repaired or replaced over the course of the next five years.

7. Trust and Natural Resources (TPA): The Great Plains Region has the responsibility for managing and protecting 6.1 million acres of Tribal and allotted lands for approximately 90,000 individual land owners. The annual value of grazing to the Indian landowners and Tribes is approximately $18 million, and of farm pastures and farm leases is approximately $14 million. Lease Compliance and Unresolved Rights funding must be restored.

The GPTCA is in favor of a Sunset for the OST but believes some strides have been made so we support a merger of functions and authorities back to the BIA. This will allow the Tribes to have essential and meaningful communication and service at the local Agency and Regional level rather than expending scarce dollars to go to Albuquerque or Washington DC. In the

Great Plains we have a back log of land appraisals, which is unacceptable given the large land base we manage. Some Tribes have been waiting from 3-5 years for an appraisal because functions are distributed among BIA, OST, Minerals & Energy and various offices.

8. Economic Development (TPA): The average unemployment rate on reservations in the Great Plains Region is 77%. Economic Development is imperative to improving the quality of life for tribal members through job creation. The GPTCA requests a special category/consideration for Large & Needy Tribes. The Great Plains Region is rural and lacks economic resources and infrastructure to fully implement the Department's initiatives for alternative and/or renewable energy projects. Restore full funding to the Indian Guaranteed Loan Program of at least $6 Million. Complete and publish annually the Labor Force report & statistics; this will assist Tribes in obtaining formula based funding. Restore all the programs, functions & authorities back to the BIA (from OIEED) for improved effectiveness for Tribal Economic Development. The Great Plains Tribes also support permanent funding for contract support costs.

9. Welfare Assistance (TPA): The GPTCA requests no cuts and full continuation of Child Assistance (CA). CA provides for the care of abandoned or neglected children placed in foster homes, private or group or residential homes designed to provide special care. Approximately 2,134 children have been placed in special care. The GPTCA requests full compliance with the ICWA. The GPTCA also requests full funding for Burial Assistance.

Tribal Position on Process: All TPA programs are a priority and essential to the overall livelihood of the Tribal members and the operation of the Great Plains Tribal governments. We ask Congress to protect the budgets that are the very life source for the First Nations, especially our Large & Needy Tribes. The Great Plains specifically asks the Administration to work with the Great Plains Tribes on developing direct funding and a technical assistance program. This should include funding for emergency preparedness and long-term recovery plans for Tribes.

Activity	Actual Budget (2013 Sequester Level)	Needs Budget
Tribal Government	36,769,000	72,657,000
Human Services	21,900,000	189,869,000
Trust-Natural Resources Mgmt	9,571,000	9,981,000
Trust-Real Estate Services	15,626,000	17,668,000
Public Safety and Justice	55,611,000	98,068,000
Community and Economic Development	2,246,000	5,035,000
Executive Direction & Administrative Svcs	9,127,000	13,173,000
Total, Bureau of Indian Affairs	**150,850,000**	**406,451,000**
Total, Bureau of Indian Education	**134,907,000**	**156,084,000**
Resources Management Construction	620,000	4,258,000
Total, Construction	**620,000**	**4,258,000**
TOTAL, DIRECT APPROPRIATED FUNDS	**286,377,000**	**566,793,000**

Testimony of Chairwoman Maria Lopez, Hoh Indian Tribe
Public Witness Hearing on Native American Issues
House Interior and Related Agencies Appropriations Subcommittee
March 25th, 2015

My name is Maria Lopez, and I am the Chairwoman of the Hoh Indian Tribe (Tribe). We are located on the Hoh Indian Reservation (Reservation) on the Pacific Coast of Washington State on the Olympic Peninsula. The Reservation was established by an Executive Order in 1893 and consists of 443 acres of land, located 28 miles south of Forks, WA and 80 miles north of Aberdeen, WA. I would like to thank Chairman Calvert, Ranking Member McCollum, and Members of the Subcommittee for holding this hearing to examine critical funding needs for programs across Indian Country.

Need to Relocate our Community to Higher Ground for Safety

The Hoh Indian Tribe Safe Homeland Act, Pub.L. 111-323, was signed into law in December, 2010. The law placed land at higher elevation into trust for the Tribe, and was the first step in moving our community to safer land at a higher elevation. There are only a few acres that exist from the original Reservation that remain safe from tsunami, flooding, and encroachment from erosion. The coastal bluffs are quickly eroding and insufficient land remains for many essential government functions. Only two homes remain on the ancient village site at the mouth of the Hoh River.

The plan for relocation envisions moving Tribal Government and commercial facilities to the Hoh Highlands parcel (Highlands), which adjoins Olympic National Park, and has direct access to Highway 101. The old Fletcher Tree Farm (Fletcher) is slated for new housing development. The Fletcher site adjoins the Lower Hoh Road and is out of the flood and tsunami zone, providing safety and privacy to residents.

While the Tribe will shift its daily life to the Highlands, it will not abandon cultural ties to the sacred village on the beach at the mouth of the river. A permanent break wall is needed to prevent the last of the site from eroding away. The Tribe hopes to construct a long house on the site to continue its history of cultural celebrations, feasts, and gatherings.

In addition to the work described above, the Hoh Tribe Safe Homelands Act also requires joint Federal-Tribal action to establish a Fire Department. Currently there is no fire protection and the nearest ambulance service is 45 minutes away. The Tribe has started a fire department but still needs training/equipment in order to be operational.

With enactment of the Hoh Indian Tribe Safe Homelands Act, relocation of the Hoh Village was completed on paper, but significant work remain to make this goal a reality on the land. *We urge the Subcommittee to work with the tribe to make true relocation a reality.*

Relocation of the Hoh Tribal Village

The master plan for the new village has three components to implement the mandates of the Hoh Indian Tribe Safe Homelands Act: Housing, Administration, and Economic Development. Funding is the primary challenge for all three components. With no means of sustainable economic development on the Reservation, our relocation vision includes self-sustaining commercial development on the higher ground together with tourism based industry focused on the original Reservation and nearby Olympic National Park.

The climate and extreme distances from sources of supplies, equipment, and skilled labor add to our funding challenges. Twelve feet of rain per year reduce the time available for site work to as little as four to eight weeks per year. Resources for constructing residential single-family homes are available in Port Angeles and Aberdeen, which are both two hours away. Commercial construction typically requires resources from the Seattle area, which is five hours away. These wide distances greatly increase costs for these projects and add to the many challenges.

Coastal Tribes are among the most vulnerable populations to suffer the devastating impacts of natural disasters such as storm surge, earthquakes and tsunamis. Funding from both State and Federal agencies are too often emergency based and do not adequately cover preventative measures to address ongoing hardship, property loss, and infrastructure damage to our villages. The Hoh Tribe supports the efforts of Congressman Kilmer to provide direct funding to protect and preserve costal tribal communities through the Tribal Coastal Resiliency Act. While working to relocate, we must not allow our culture and heritage to be destroyed by natural disaster. The Tribal Coastal Resiliency Act will give tribes resources to ensure their heritage areas are protected.

We applaud the Department of the Interior for including $50 million in their FY16 budget for tribes to prepare and respond to climate change. We urge the Subcommittee to direct the BIA to prioritize spending for tribes on the front lines of climate change, and include report language that mandates funding criteria, drafted in consultation with the tribes, that is flexible enough to address the needs described above.

Developing New Housing Units

To fully implement relocation, the Tribe must ensure housing for all 240 tribal members, in an area safe from tsunami, flooding, and erosion. Within the next two years, the Tribe plans to develop 20 acres of the Fletcher site to support 20 new homes for high to moderate income and two 4-plex apartment units for low income families. Development and construction are estimated to cost $2 million for infrastructure and $3 million for the 20 homes. This does not include the cost associated with the 4-plex apartment units.

We urge the Subcommittee to fully fund the BIA Housing Program and to allow flexibility in use of this funding for both new construction and renovation. We urge the Subcommittee to include report language to direct the BIA to work with the Department of Housing and Urban Development to address the outstanding need for quality housing in Indian country.

Installing Sewer Lines to New Housing Developments

The Tribe has worked with the Indian Health Service (IHS) to secure funding to construct a new sewer system. Due to a few pending measures with IHS, we do not anticipate construction to begin until 2016. Unfortunately, the Tribe was advised late last year that IHS could not provide services to a housing project funded under NAHASDA. However, we learned that H.R. 360, the current House version of NAHASDA Reauthorization pending in the 114th Congress, includes a provision that would allow for tribal coordination of agency funding. We are thankful to Members of this Subcommittee who are co-sponsors of H.R. 360, including Ranking Member Betty McCollum, Congressman Tom Cole, and Congressman Derek Kilmer for their support of this critical reauthorization measure.

We urge Subcommittee to support this vital measure in this Congress. In addition, we urge the Subcommittee to include report language to permit tribes to use IHS sanitation funding to improve water systems for NAHASDA funded homes.

Unless the Tribe can secure other sources of funding, we will need to find alternative methods to construct sewer mains to service the housing developments at the Fletcher and Highlands sites. The Tribe will also attempt to secure funding through an Indian Community Development Block Grant (ICDBG) grant, however there is no guarantee that this funding will be awarded.

Electricity and Energy Delivery to the Public Safety Building

The master plan for the Hoh Highlands envisions the completion of the Public Services Building to include offices for Police, Emergency Communications Center, and storage space for an evacuation/assembly center. These facilities will serve all of western Jefferson County. While the Tribe desires to provide these services in-house, it recognizes that there will be a long transition and cooperation with other agencies, especially BIA and Jefferson County Sheriff's Dept, will continue. None of this work can be done until 2-phase power is run to the site. This project is estimated to cost $270,000 and is critical to moving forward with overall development plans.

The Tribe is also in need of developing its access to broadband to improve its ability to communicate with law enforcement and first responders in emergency situations. It is important for the Tribe to have access to communication links that would prove vital to our residents and the surrounding communities in the event of a disaster or emergency scenario.

Providing Community Public Safety

The Tribe currently contracts with Jefferson County through the BIA to provide law enforcement services to the Reservation. The annual contract amount is $200,000 and has been in place since 2008-2009. The Tribe hopes to reassume this contract pursuant to the Indian Self-Determination Act. However, the current limited funding level requires us to maintain our current partnership with the Jefferson County Sheriff's Department. The Tribe hopes to renegotiate this contract to manage indirect and contract support dollars, and provide office space for Jefferson County Law Enforcement in the new Public Safety Building, which is currently under construction.

The BIA public safety construction (PSC) budget has funded only maintenance and repairs for the past five years. In FY09, PSC was funded at $39.3M. In FY10, PSC was funded at $64.4M. From FY11-15, PSC funding has not exceeded $11.3M. One rationale for the cuts was that new PSC funding would flow through the DOJ. This line at DOJ had averaged $34M/year from FY99-FY02. However, the DOJ PSC funding has leveled at $9-10M since FY06. *We urge the Subcommittee to restore BIA PSC funding to FY10 levels at $64.4M.*

A Fully Funded Court System

Strong tribal courts are essential to strong tribal governments and a healthy community. The Hoh Tribal Court has been operational since 2009. The Tribe supplements BIA Tribal Court funds to provide additional court staff, including a probation officer, a court clerk, and a public defender. The Court hears cases once a month on site and when needed over the telephone.

We ask the Subcommittee to support the Administration's request for $4 million for Law Enforcement Special Initiatives and $5 million for tribal courts to implement a comprehensive strategy to provide alternatives to incarceration and increase treatment in Indian Country. The $5 million for tribal courts would fall under the BIA Tribal Courts TPA funding line item.

We urge the Subcommittee to fund the Tribal Justice Support program re-authorized in the Tribal Law and Order Act at the fully authorized amount of $50 million. The Administration's request for this critical program is $6.245 million.

Conclusion

The Hoh Indian Tribe is working daily towards improving the quality of life for people on our homelands. Many challenges remain and it is our hope that in working with the Subcommittee we can overcome these barriers and meet our goals. We thank Congressman Derek Kilmer for his work on behalf of the Hoh people and urge the Subcommittee to uphold the federal government's treaty and trust obligations to the Tribe as we continue our work.

Jessica Feingold Lieberson
Federal Legislative Specialist
The Humane Society of the United States

House Appropriations Subcommittee on Interior, Environment, and Related Agencies Testimony of the Humane Society of the United States (HSUS), Humane Society Legislative Fund (HSLF), and Doris Day Animal League on the FY 2016 Budget March 25th, 2015

Thank you for the opportunity to offer testimony to the Interior, Environment, and Related Agencies Subcommittee on items of importance to our organizations. We urge the Subcommittee to address these priority issues in the FY 2016 Department of Interior appropriation.

Rock Creek Park Deer

We request that funds made available in this Act give preference to non-lethal deer management programs over lethal techniques at Rock Creek Park. The National Park Service (NPS) has been using lethal methods for controlling the deer population in Rock Creek Park despite the availability of non-lethal methods that in the long run will use significantly less taxpayer money and result in a more effective long-term solution to human-wildlife conflicts in the park and its environs. In the future, we ask that priority be given to humane, non-lethal methods with respect to decisions regarding funding deer management programs.

Environmental Protection Agency

Thousands of chemicals are currently used and hundreds of new ones are introduced each year for which toxicity assessments need to be conducted. To answer this need, EPA established the **National Center for Computational Toxicity** to predict hazard and prioritize chemicals for further screening and testing, developing and using high-throughput assays and predictive tools which are less expensive and time consuming and more predictive of relevant biological pathways.

Through EPA's **CompTox program**, EPA has screened more than 2,000 chemicals (industrial, food additives, and consumer products) and evaluated them in more than 700 high-throughput assays. Additionally, EPA is using **ToxCast** data to prioritize chemicals for evaluation in the Endocrine Disruptor Screening Program. **Tox21**, a collaboration between EPA, NIEHS, NCATS and the FDA is currently screening 10,000 chemicals to improve the effectiveness of drug development.

However, even as the need increases for this data, the program's budget has stagnated. An increase of $12,366 million to the NCCT budget is essential to achieving the goals presented in the CompTox program and assure a more predictable and relevant chemicals safety assessment.

Multinational Species Conservation Fund

The Administration's FY16 budget requests $11.1 million for the Multinational Species Conservation Fund (MSCF) program which funds African and Asian elephants, rhinos, tigers, great apes like chimps and gorillas, and sea turtles. The HSUS joins a broad coalition of organizations in support of the Administration's request while ensuring that the sales from the

semi-postal stamps benefiting this program remain supplementary to annually appropriated levels. We also support the FY16 budget justification request from the USFWS Office of International Affairs of approximately $14.7 million but request that at least $13 million of these funds be allocated to the Wildlife Without Borders and International Wildlife Trade programs.

While we wholeheartedly support continued funding for the MSCF, we are concerned about past incidents and oppose any future use of funds from these *conservation* programs to promote trophy hunting, trade in animal parts, and other consumptive uses—including live capture for trade, captive breeding, and entertainment for public display industry—under the guise of conservation for these animals. Grants made to projects under the MSCF must be consistent with the spirit of the law.

Bureau of Land Management - Wild Horse and Burro Program

The Humane Society of the United States (The HSUS) is one of the leading advocates for the protection and welfare of wild horses and burros in the U.S. with a long history of working collaboratively with the Bureau of Land Management (BLM) – the agency mandated to protect America's wild horses and burros – on the development of effective and humane management techniques.

The HSUS strongly supports a significant reduction in the number of wild horses and burros gathered and removed from our rangelands annually. We believe removing horses from the range without implementing any active program for suppressing the population growth rate has proven itself to be an unsustainable method of management of our nation's wild horses, and simply leads to a continual cycle of roundups and removals when more long-term, cost-efficient and humane management strategies, such as fertility control, are readily available.

For years, the BLM has removed far more wild horses and burros from the range than it could possibly expect to adopt annually, and as a consequence, the costs associated with caring for these animals off the range have continued to skyrocket. The annual costs associated with caring for one wild horse in a long term holding facility is approximately $500, and the average lifespan of a wild horse in captivity is 30 years. Today, there are more than 50,000 wild horses and burros in these pens, and the agency spends more than 50% of its annual Wild Horse and Burro budget on holding costs. The BLM must balance the number of animals removed from the range annually with the number of animals it can expect to adopt in a given year if it hopes to effectively reduce off-the-range management costs.

Further, the BLM's current program of management of wild horses has negative effects that go beyond a simple cost-benefit analysis. For instance, the recommendations in the National Academy of Sciences 2013 report "Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward," commissioned by the BLM itself, stated that it is BLM's own practices of managing wild horses "below food-limited carrying capacity" by rounding up and removing a significant proportion of the herd's population every three to four years that is facilitating high horse population growth rates on the range.

As such, it is incumbent that the BLM move away from current management practices to create a long-term, humane and financially sustainable path. It is our belief that the most cost-effective

and humane approach is for the BLM to move aggressively forward with a contraceptive program which prioritizes on-the-range management of wild horses and burros. This path forward is supported by the National Academy of Sciences report, which called for an increased usage of on-the-range management tools, including the usage of the fertility control vaccine PZP. Further, a 2008 paper determined that contraception on-the-range could reduce total wild horse and burro management costs by 14%, saving $6.1 million per year.[2] Finally, the results of a paper describing an economic model commissioned by The HSUS indicates that by treating wild horses on one hypothetical Herd Management Area (HMA) with the fertility control vaccine Porcine Zona Pellucida (PZP), the BLM could save approximately $5 million dollars over 12 years while achieving and maintaining Appropriate Management Levels (AML) of 874 horses. Since the BLM estimates that more than 40,000 wild horses roam on 179 HMAs in the U.S., the use of PZP could result in a cost-savings of tens of millions of dollars if applied broadly across all HMAs.

For these reasons, while we support the BLM's request for a 2.8 million dollar budget increase to fund additional research on contraception and population growth suppression methods, we request that the agency be required to immediately begin usage of the NAS-recommended fertility control methods that are currently available.

INDEPENDENT REVIEW TEAM

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ORAL TESTIMONY OF ELBRIDGE COOCHISE, CHIEF JUSTICE, RETIRED
INDEPENDENT TRIBAL COURTS REVIEW TEAM
BEFORE THE HOUSE INTERIOR, ENVIRONMENT AND RELATED AGENCIES APPROPRIATIONS SUBCOMMITTEE FOR THE FISCAL YEAR 2016
BUREAU OF INDIAN AFFAIRS – TRIBAL COURTS APPROPRIATIONS
March 25, 2015

Thank you for the opportunity to testify today and to address the serious funding needs that have limited and continue to hinder the operations of Tribal Judicial Systems in Indian Country. I am the Lead Judge representing the Independent Tribal Court Review Team. The Indian Tribal Justice Act was enacted in 1993 which authorized $58.4 million per year for seven years for Tribal Courts base funding. For more than two decades Congress has reauthorized the Act but funds have never been appropriated. In 2015 nothing has changed because the lack of funds to implement both the Tribal Law and Order Act (TLOA) and the Violence Against Women Act (VAWA) have not been appropriated. Without funding to support these measures the intent and goals of Congress will never be achieved and Tribal communities, Tribal citizens and Tribal women will never be safe. Tribal Courts remain underfunded and the result is negatively impacting law enforcement operations which also was not the intent or goal when these bills were enacted. It is the strong recommendation of the Independent Tribal Courts Review Team that the Federal Tribal Courts budget be substantially increased in FY 2016 to support the needs of Tribal judicial systems.

Budget Priorities, Requests and Recommendations

1. **+ $82 million/year (FY 2015 equivalent to $58.4 Million authorized under the Indian Tribal Justice Act of 1993, P.L. 103-176, 25 USC 3601 and re-authorized in year 2000 P.L. 106-559 no funds have been appropriated to date)**
2. **+$15 Million Increase for Tribal Courts above the FY 2010 enacted level**
3. **Support the requests and recommendations of the National Congress of American**

The increase will support:

1. **Hiring and Training of Court Personnel**
2. **Compliance with the Tribal Law and Order Act of 2010**
3. **Compliance/implementation of the VAWA Act of 2013**
4. **Salary Increases for Existing Judges and Court Personnel**
5. **State-of-the-Art Technology for Tribal Courts**
6. **Security and Security Systems to Protect Court Records and Privacy of Case Information**
7. **Tribal Court Code Development**
8. **Financial Code Development**

The Independent Court Review Team supports the proposed $5.0 million increase in the FY 2016 President's Budget for Tribal Courts. The fight against crime and drugs has led to more arrests which is increasing the caseload in the Tribal Court System. Provisions in both the Tribal Law and Order Act (TLOA) and the Violence Against Women Act (VAWA) will have a significant impact on Tribal Courts. Both requires that Attorneys be provided to represent Non-Indian defendants to further strain the capacity of the Tribal Judicial Systems which is underfunded, understaffed and ill-equipped to function effectively and in a manner comparable to non-Indian government judicial systems. Tribal Courts are at a critical stage in terms of need.

Background:

The Bureau of Indian Affairs (BIA) within the Department of the Interior provides funding to Tribal governments to supplement their justice systems including courts. Tribal courts play a "vital role" in Tribal Self-Determination and Self-Governance as cited in long-standing Federal policy and Acts of Congress. Funding levels from BIA to support Tribal Justice Systems have not met the Federal obligations and needs.

There is a great deal of variation in the types of Tribal courts and how they apply laws. Some Tribal courts resemble Western-style courts in that written laws and court procedures are applied. Others use traditional Native means of resolving disputes, such as peacemaking, elders' councils, and sentencing circles. Some Tribes have both types of courts. The Bureau of Indian Affairs (BIA) also manages seven (7) Code of Federal Regulations (CFR) courts.

Since 1999, the Bureau of Justice Assistance in the Department of Justice has administered the Tribal Courts Assistance Program, designed to provide funds for Tribes to plan, operate, and enhance Tribal Judicial Systems. They have made attempts to evaluate Tribal Courts but discovered their means of doing so was insensitive to American Indian and Alaska Native (AI/AN) people and unrealistic in the absence of elements that were key to Indian Country, such as: (1) the importance of Tribal culture and traditions; (2) the inability to apply state and local criminal justice initiatives to Tribal settings; (3) the lack of cooperation from non-Tribal entities; and, (4) the lack of available data on Tribal Justice.

The Independent Court Review Team has had more hands on success in reviewing Tribal Court Systems. For approximately seven (7) years, we have travelled throughout Indian Country assessing how Tribal Courts are operating. During this time, we completed 84 court reviews. We also completed 28 Corrective Actions. There is no one with more hands-on experience and knowledge regarding the current status of Tribal Courts than our Review Team.

Justification for Request:

1. **Hiring and Training of Court Personnel** - Tribal Courts make do with underpaid staff, under-experienced staff and minimal training. (We have determined that hiring Tribal members limits the inclination of staff to move away; a poor excuse to underpay staff.)

2. **Compliance with the Tribal Law & Order Act of 2010** – To provide Judges, Prosecutors, Public Defenders, who are attorneys and who are bared to do "enhanced sentencing" in Tribal courts
3. **Compliance/implementation of the 2013 VAWA Act** – to provide Tribal Courts with the ability to provide non-Indians with all the rights under the U.S. Constitution in domestic violence actions in Tribal courts (12 person juries, provide attorneys for non-Indians, provide attorneys in court personnel in domestic violence cases as in TLOA, etc.)
4. **Salary Increases for Existing Judges and Court Personnel** – Salaries should be comparable to local and State Court personnel to keep pace with the non-Tribal Judicial Systems and be competitive to maintain existing personnel.
5. **Tribal Courts Need State-of-the-Art Technology** - (software, computers, phone systems, tape recording machines) Many Tribes cannot afford to purchase or upgrade existing court equipment unless they get a grant. This is accompanied by training expenses and licensing fees which do not last after the grant ends.
6. **Security and Security Systems to Protect Court Records and Privacy of Case Information** - Most Tribal Courts do not even have a full time Bailiff, much less a State-of-the-Art security system that uses locked doors and camera surveillance. This is a tragedy waiting to happen.
7. **Tribal Court Code Development** - Tribes cannot afford legal consultation. A small number of Tribes hire on-site staff attorneys. These staff attorneys generally become enmeshed in economic development and code development does not take priority. Tribes make do with under-developed Codes. The Adam Walsh Act created a hardship for Tribes who were forced to develop codes, without funding, or have the state assume jurisdiction. (States have never properly overseen law enforcement in a Tribal jurisdiction.)
8. **Financial Code Development** - We have rarely seen Tribes with developed financial policies. The process of paying a bond, for example, varies greatly from Tribe to Tribe. The usual process of who collects it, where it is collected and how much it is, is never consistent among Tribes.

About Tribal Courts:

There are many positive aspects about Tribal Courts. It is clear that Tribal Courts and justice systems are vital and important to the communities where they are located. Tribes value and want to be proud of their Court systems. Tribes with even modest resources tend to allocate funding to Courts before other costs. After decades of existence, many Tribal Courts, despite minimal funding, have achieved a level of experience and sophistication approaching, and in some cases surpassing, local non-Indian Courts.

Tribal Courts, through the Indian Child Welfare Act, have mostly stopped the wholesale removal of Indian children from their families. Indian and Non-Indian Courts have developed formal and informal agreements regarding jurisdiction. Tribal governments have recognized the benefit of having law-trained Judges, without doing away with Judges who have cultural/traditional experience. Tribal Court systems have Appellate Courts, jury trials, well-cared-for Courthouses (even the poorer Tribes), and Tribal Bar listings and fees. Perhaps most importantly, Tribes recognize the benefit of an independent judiciary and have taken steps to insulate Courts and

Judges from political pressure. No longer in Indian country are Judges automatically fired for decisions against the legislature.

Nationwide, there are 185 Tribes with Courts that received $23.28 million in Federal funding in 2015. The Review Team's Assessments have indicated that the Bureau of Indian Affairs only funds Tribal Courts at 26% of the funding needed to operate. Now BIA faces the challenges in the new provisions of TLOA and VAWA with no appropriations. On the flip side, Tribes who cannot afford to assist in the financial operations of the Court are tasked with doing the best they can with what they have even at the expense of decreasing or eliminating services elsewhere. This while operating at a disadvantage with already overstrained resources and underserved needs of the Tribal citizens. The assessment suggests that the smaller Courts are both the busiest and most underfunded.

The grant funding in the DOJ is intended to be temporary, but instead it is used for permanent needs; such as funding a Drug Court Clerk who then is used as a Court Clerk with Drug Court duties. When the funding runs out, so does the permanent position. We have witnessed many failed Drug Courts, failed Court management software projects (due to training costs) and incomplete Code development projects. When the Justice funding runs out, so does the Project.

As a directive from the Office of Management and Budget in FY2005, our Reviews specifically examined how Tribes were using Federal funding. In the seven fiscal years through September of FY2011 there were only two isolated incidents of a questionable expenditure of Federal funds. It has been speculated that because of our limited resources, we compromise a person's due process and invoke "speedy trials" violations to save Tribal Courts money. Everyone who is processed through the Tribal judicial system is afforded their Constitutional civil liberties and civil rights.

We do not wish to leave an entirely negative impression about Tribal Courts. Tribal Courts need an immediate, sustained and increased level of funding. True. However, there are strong indications that the Courts will put such funding to good use.

Tribal Courts have other serious needs. Tribal Appellate Court Judges are mostly Attorneys who dedicate their services for modest fees that barely cover costs for copying and transcription fees. Tribal Courts do offer Jury Trials. In many Courts, one sustained Jury Trial will deplete the available budget. The only place to minimize expenses is to fire staff. Many Tribal Courts have Defense Advocates. These advocates are generally not law trained and do a good job protecting an individual's rights (including assuring speedy trial limitations are not violated.) However, this is a large item in Court budgets and if the defense advocate, or Prosecutor, should leave, the replacement process is slow.

This Congress and this Administration can do something great. Put your money where your promises have been and support the Acts you have passed. Thank You.

Statement of the Institute of Makers of Explosives (IME)
Submitted March 23, 2015 by
Cynthia Hilton, Executive Vice President
chilton@ime.org

For the Subcommittee on Interior, Environment, and Related Agencies
U.S. House of Representatives

FY 2016 Environmental Protection Agency Budget Request

Interest of IME

IME is a nonprofit association founded in 1913 to provide accurate information and comprehensive recommendations concerning the safety and security of commercial explosive materials. Our mission is to promote safety and the protection of employees, users, the public and the environment, and to encourage the adoption of uniform rules and regulations in the manufacture, transportation, storage, handling, use and disposal of explosive materials used in blasting and other essential operations.

IME represents U.S. manufacturers and distributors of commercial explosive materials and oxidizers as well as other companies that provide related services. Millions of metric tons of high explosives, blasting agents, and oxidizers are consumed annually in the U.S. Of this, IME member companies produce over 98 percent of the high explosives and a great majority of the blasting agents and oxidizers.

Commercial explosives are pervasively regulated by a myriad of federal and state agencies. Explosives manufacturing, storage and transportation facilities comply with Environmental Protection Agency ("EPA") regulations implementing various federal environmental statutes such as the Clean Air Act ("CAA"), including the Risk Management Program ("RMP"), and the Emergency Planning and Community Right To Know Act ("EPCRA"). EPA participates in the Chemical Facility Safety and Security Working Group, or Interagency Working Group ("IWG"), which is engaged in satisfying the requirements of Executive Order ("EO") 13650, *Improving Chemical Facility Safety and Security*. The IWG's June 6, 2014 status report, *Actions to Improve Chemical Facility Safety and Security - A Shared Commitment*, includes actions that have the potential to significantly impact the commercial explosives industry.

We offer the following comments on the need to provide EPA sufficient funds to address and improve chemical facility safety, and the concurrent need to ensure that the agency's actions complement the regulatory requirements of other federal agencies while avoiding unnecessary regulation and/or redundancy within and between agency programs.

FY 2016 Activities and Performance Plan - RMP and EPCRA

The Administration's FY 2016 budget request includes funds that would allow EPA to identify and focus its enforcement efforts on significant vulnerabilities at the nation's chemical facilities. The request would also be aimed at enhancing oversight, inspections and enforcement at high-

risk facilities subject to the RMP. Activities would include, among other things, RMP and EPCRA compliance inspections; national coordination for chemical accident prevention and emergency response planning program policy, inspections, compliance and enforcement; program oversight, monitoring, and support for the Computer-Aided Management of Emergency Operations ("CAMEO") system; training for inspectors; and communication/cooperation with state and local governments to provide outreach and training on RMP and EPCRA.

IME supports the agency's efforts to expand and enhance its current training, inspection and enforcement programs. In particular, EPA should be provided with sufficient resources to ensure that it has an adequately trained cadre of inspectors and is capable, at least, of inspecting all facilities designated by the agency as "high risk." According to EPA, the number of facilities is currently 1,900. We expect, however, that this number may grow as the agency identifies and scrutinizes additional facilities through its improved coordination with the Department of Homeland Security and its other IWG partners. The Subcommittee should take this into consideration as it examines the budget request.

Enhanced communication and coordination with state and local governments and organizations is critical if EPA is to identify high risk and other "outlier" facilities that are operating in violation of current regulatory requirements. As part of this effort, the IWG envisions improvements in the Local Emergency Planning Committee ("LEPC") program established under EPCRA. Although EPA administers the program, it does not control the distribution of funds to LEPCs. Rather, incongruously, the LEPC program is funded through the issuance of Hazardous Materials Emergency Program ("HMEP") grants administered by the Department of Transportation's Pipeline and Hazardous Materials Safety Administration ("PHMSA"), as authorized by the Hazardous Materials Transportation Act.

This bifurcated administrative and funding arrangement is awkward at best. In addition, PHMSA's management of the HMEP grant program is ineffective and is, in large part, responsible for the failure of the LEPC program in many areas of the country.[1] If the LEPC program is to be improved, a necessary first step would be to place the funding of the program under the control of the agency that is actually responsible for overseeing and administering it. The need to support LEPCs is highlighted in the IWG status report as essential to community engagement in properly planning for public safety and the safeguarding of property and the environment in the event of a chemical emergency. The LEPC system, if it is to be made workable, must be administered wholly by EPA in both its financial and programmatic elements. We ask the Subcommittee to support EPA's request for funds to support this program.[2]

FY 2016 Activities and Performance Plan – EO 13650

The Administration's FY 2016 budget request also includes funding for EPA's activities in support of EO 13650. As part of its effort to implement the requirements of the EO, EPA published a Request for Information ("RFI") on the RMP in 2014. Among other things, EPA inquired whether explosives and/or ammonium nitrate ("AN") should be included on an

[1] PHMSA's Inadequate Management and Oversight of Hazardous Materials Emergency Preparedness Grants Limited the Program's Effectiveness, DOT-OIG, AV-2012-040, January 12, 2012.
[2] FY 2016 USEPA Budget Justification, EPA-190-R-15-001 (Feb. 2015), at p. 360.

expanded RMP List of substances. We do not believe that any resources appropriated to support the RMP program should be used to fund an expansion of the program to include explosives or AN.

Explosives

As we stated in our comments on the RFI, an expansion of the RMP to include explosives would unnecessarily duplicate extant federal regulatory programs including EPA's EPCRA program, the Occupational Safety and Health Administration ("OSHA") Process Safety Management Standard ("PSM") and Explosives and Blasting Agents Standard, and quantity/distance requirements administered by the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"). This existing suite of controls already delivers the three key protections provided by the RMP, i.e.; (i) emergency response planning and communication (EPCRA), (ii) accident prevention (PSM), and (iii) protection against offsite consequences (ATF).

In short, there is no need for EPA to expend valuable resources reexamining the exclusion of explosives from the RMP. As noted, existing regulations administered by a variety of agencies, including EPA, already sufficiently cover the ground that RMP is intended to safeguard. Coverage under OSHA's PSM and Explosives and Blasting Agents Standards provide accident prevention at the same level that would be provided by the RMP. Compliance with PSM, EPCRA, and ATF rules furnish local responders with the information necessary to respond to an emergency. ATF and OSHA regulations incorporating the American Table of Distances (i.e., quantity/distance requirements) ensure that the effects of an accidental explosion would be confined to facility property, thus obviating the need for RMP rules aimed at estimating and responding to offsite consequences. Moreover, independent industry efforts to guarantee safety through the use of IMESAFR, a widely accepted quantitative risk assessment program developed by IME, and industry best practices and standards published in IME's Safety Library Publications and guidance documents operate as additional safeguards of worker and public safety. No further regulation is necessary.

Ammonium Nitrate

EPA's RFI also inquires whether there are safety gaps in current regulations covering AN that could be addressed under the RMP. We believe that no gaps exist and that the agency's resources would be better spent in addressing problematic but improvable areas such as the LEPC program and coordination between federal agency programs.

As we also noted in our response to the RFI, we believe that existing regulatory requirements, with recommended enhancements, are adequate to safely regulate the management of AN. AN can present a hazard if managed or stored improperly, but it does not warrant inclusion in a complex regulatory program like the RMP. The proper management of AN is not only straightforward, but, done correctly, effectively eliminates any potential hazard. AN is not a volatile or self-reactive chemical requiring constant diligence in its handling. The proper management of AN is simple, well understood, and easily accomplished. IME's *Safety and Security Guidelines for Ammonium Nitrate*[3] describe appropriate management parameters: AN

[3] *IME Safety and Security Guidelines for Ammonium Nitrate* (2013).

must be stored in non-combustible bins or storage buildings, isolated from potential contaminants, and protected from substantial and sustained heat sources (e.g., fire) and shock. Where these uncomplicated tenets are followed, the reactive hazard associated with AN is negligible if not nonexistent.[4]

IME would oppose any appropriation that could be used to expand the RMP to include AN (whether on its own or as a "reactive chemical"). Existing OSHA rules at 29 CFR 1910.109(i) are adequate to ensure the safe storage and handling of this material and the inclusion of AN in the RMP would do nothing to enhance the safety of workers or the public.[5] IME recommends that specific language be included in appropriations legislation prohibiting the expansion of the RMP to include AN.

Toxic Substances Control Act ("TSCA")

In EPA's Congressional Justification the agency has indicated that it plans to submit legislative language that would allow it to assess fees to manage chemical manufacturers' requests that the agency protect designated information as confidential business information ("CBI").[6] The legislative language would establish a revolving fund in the U.S. Treasury known as the TSCA CBI Management Fund that would be used by the agency to manage CBI claims, support its specialized CBI communications and database, and fund physical security and CBI reviews.

IME does not support this request. Chemical manufacturers, including the commercial explosives industry, expend hundreds of millions of dollars in researching and developing unique and innovative products that help fuel the U.S. economy. Manufacturers should not, in addition, have to pay fees to the federal government in order to safeguard the confidentiality of their own work product.

Conclusion

IME supports EPA's request for funding to support improvements in chemical facility safety and local and regional emergency preparedness planning. We oppose, however, any effort to expand the RMP to include explosives or AN, and we oppose the imposition of fees to safeguard CBI under TSCA.

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[4] This can be substantiated through quantitative risk assessment.

[5] IME has recommended, however, that 29 CFR 1910.109(i) be updated consistent with our Guidelines. IME is also a member of the National Fire Protection Association ("NFPA") 400 Committee and has made similar recommendations as part of the ongoing review of NFPA 400, Chapter 11, Ammonium Nitrate.

[6] FY 2016 USEPA Budget Justification, EPA-190-R-15-001 (Feb. 2015), at p. 1014-15.

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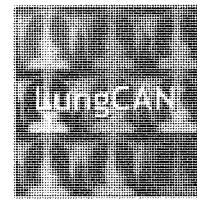

Written Testimony for House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
B-308 Rayburn House Office Building
March 18, 2015, 9:00 a.m. and 1:00 p.m.

Members of the Lung Cancer Action Network (LungCAN), a collaborative group of lung cancer advocacy organizations, respectfully request that Congress fund the U. S. Environmental Protection Agency's (EPA) State Indoor Radon Grants (SIRG) FY2016 in the amount of $8.1 million. In 2003, the National Academy of Sciences estimated that 21,000 people die each year from lung cancer related to radioactive radon gas exposure. Radon is not detectable with human senses; it is the number one cause of lung cancer in nonsmokers; it is the second leading cause of lung cancer, overall.

An estimated one in 15 homes across the nation has high levels of radon; however, most people are completely unaware if it is present in their homes or not. The State Radon Programs provide an important and potentially life-saving public service through extensive radon education and outreach. By providing pamphlets, seminars, webcasts, medical forums, booths and presentations at conferences and conventions, radio and TV public service announcements, and news articles, the State Radon Programs are working closely with the public health departments, nonprofit organizations, and university extension offices sharing facts and data on the danger of living, working, and attending school in environments with elevated levels of radioactive radon gas. Without the funds provided by the grants from EPA, the majority of these activities would cease as the states get no other funds for public radon education and most likely all but a handful of the State Radon Programs would close. Inevitably, more people would continue to be unaware of the real danger of lung cancer from this invisible killer and therefore take no preventive action with testing and mitigation.

We, the members of the Lung Cancer Action Network listed below, encourage your support for $8.1 million in FY16 for the State Indoor Radon Programs to help protect our citizens from this significant health threat—a Class A carcinogen—radon.

Respectfully submitted,

Bonnie Addario Lung Cancer Foundation
Cancer Care
Cancer Survivors Against Radon
Caring Ambassadors Lung Cancer Program
Citizens for Radioactive Radon Reduction
Dusty Joy Foundation
Free ME from Lung Cancer
Free to Breathe
Lung Cancer Foundation of America
Lung Cancer Circle of Hope
Lung Cancer Initiative of NC
Lung Cancer Research Council
Lung Cancer Research Foundation
LUNGevity
Rexanna's Foundation for Fighting Lung Cancer
Uniting Against Lung Cancer
Upstage Lung Cancer

Maniilaq Association

P.O. Box 256
Kotzebue, Alaska 99752
(907) 442-3311

Testimony on the FY 2016 IHS and BIA Budgets submitted to the House and Senate Subcommittees on Interior, Environment and Related Agencies
Tim Schuerch, President/CEO

Summary. The Maniilaq Association is an Alaska Native tribal organization representing twelve tribes in Northwest Alaska. We provide health services through a self-governance agreement with the Indian Health Service (IHS) and social services through a self-governance agreement with the Bureau of Indian Affairs (BIA). We make the following recommendations regarding FY 2016 IHS and BIA funding.

- Increase funding for the Village Built Clinic leases in Alaska by at least $12.5 million and make it a line item in the IHS budget;
- Make Contract Support Costs funding for the IHS and BIA mandatory.
- Fund the IHS budget on an advanced appropriations basis;
- Support the proposed increase in behavioral health spending in the IHS and BIA budgets.

Village Built Clinics

Our Village Built Clinic (VBC) facilities continue to face a significant funding crisis. The VBCs are essential for maintaining our Community Health Aide/Practitioner (CHAP) programs in our villages. The CHAP program provides the only local source of health care for our Alaska Native people.

Because the CHAPs could not operate in most of rural Alaska without clinic facilities in the Alaska Native villages, the IHS established the VBC leasing program in the 1970s, but the leases have been chronically underfunded. Moreover, IHS has taken the position that VBCs—unlike comparable facilities in the lower 48—are not eligible for maintenance and improvement funding, for which Congress appropriated over $53.6 million in FY 2015 and for which the Administration has requested a $35 million increase. Current funding for the VBCs is not sufficient to cover the cost of repair and renovation as necessary to maintain the facilities in a safe condition. Many have been closed due to the hazards to the health service employees and patients, leaving villages without a clinic or access to CHAP services. Lease rental amounts for VBCs have failed to keep pace with costs; the majority of leases have not increased since 1989.

A very recent estimate is that $12.5 million more per year, in addition to the current VBC allocation from IHS of about $4 million would be needed to maintain and operate Alaska VBCs on a par with similar tribal health facilities elsewhere. Congress typically has not appropriated VBC funding as a separate line item. Instead, IHS allocates VBC lease funds from the Hospitals and Clinics line in its multi-billion-dollar lump-sum appropriation. This leaves IHS the discretion, in its view, to allocate however much—or little—it wishes to VBCs. Congress, of course, can override this discretion. We respectfully request that you direct IHS to (1) identify the amount needed to fully fund all Alaska VBCs, (2) request that amount in a separate line in the IHS budget, and (3) allocate that amount to the VBC lease program.

An alternative way to secure full funding for VBC facilities that they own is through mandatory leases under Section 105(*l*) of the Indian Self-Determination and Education Assistance Act (ISDEAA). Maniilaq Association has submitted two such lease proposals, which has resulted in litigation with the IHS that is still ongoing. IHS has refused to provide full payment under the Section 105(*l*) leasing regulations or to incorporate the leases into Maniilaq Association's ISDEAA Funding Agreement. The IHS's rejection of Maniilaq's first lease proposal, for its VBC facility in Ambler, Alaska, was overturned by a federal district court in August, 2014, on the grounds that the IHS failed to respond to the proposal within the statutorily-mandated time frame. *Maniilaq Association v. Burwell*, Civ. No. 13-380 (D.D.C. Aug. 22, 2014). The district court ruled that Section 105(*l*) leases may be incorporated into an ISDEAA funding agreement, but did not reach the question of whether or not full funding under the Section 105(*l*) regulations is mandatory or discretionary. That question will likely be litigated in Maniilaq's appeal of its second lease proposal, for its VBC facility in Kivalina, Alaska, which was filed in the same district court on January 30, 2015.

IHS Advance Appropriations

The Maniilaq Association has been working for several years on the issue of transitioning the IHS budget to an advance appropriations basis. We know you are sympathetic to our frustrations caused by the funding of IHS and other federal agencies via a series of start and stop Continuing Resolutions. We are grateful to Representative Don Young for introducing legislation (HR 395) to authorize IHS advance appropriations and for our entire Alaska delegation in the 113th Congress for introducing the same legislation.

The current (FY 2015) fiscal year funding was enacted 2 ½ months after the beginning of the fiscal year; in FYs 2013 and 2014 it was 6 months and 3 ½ months, respectively, after the fiscal year. Following enactment, there is a couple month process of clearance through the agency and the OMB and then allotment to the Area Offices and finally to the tribes. Both the tribal and IHS programs suffer under this situation. We want to do the best job possible in planning, decision-making and administering programs but are limited by not knowing how much funding will be available or when it will be available. It also requires constant re-working of our budget, time we would much rather devote to providing health care services. Especially affected are recruiting and hiring decisions and our ability to buy things in bulk and thus at a cheaper cost, notably for us, heating fuel.

Congress has provided the authority for the Veterans Administration (VA) medical accounts funding to be appropriated on an advance basis and the Budget and Appropriations Committees have provided the necessary support for that authority. We are struck by the justification in the proposed FY 2016 budget (FY 2017 advance appropriations) for the VA. The term "Indian and Alaska Natives" could be appropriately be used each time it says "veterans". We ask for parity.

> For 2017, the Budget requests $63.3 billion in advance appropriations for the three medical care appropriations: Medical Services, Medical Support and Compliance, and Medical Facilities. This request for advance appropriations fulfills the Administration's commitment to provide reliable and timely resources to support the delivery of accessible and high-quality medical services for veterans. This funding enables timely and predictable funding for VA's medical care to prevent our Nation's veterans from being adversely affected by budget delays, and provides opportunities to more effectively use resources in a constrained fiscal environment. (Appendix, Budget of the U.S. Government, 2016, p.1058)

Contract Support Costs Mandatory Funding.

We and all of Indian Country appreciate the bipartisan support of the Interior Appropriations Subcommittees for full funding of Contract Support Costs (CSC). We support the Administration's proposal to move CSC funding to a mandatory funding basis although we and other in Indian Country would like it to begin in FY 2016 rather than waiting until FY 2017. It differs from our and others proposal that CSC be funded indefinitely and not capped, but we gratefully acknowledge this proposal as a huge step for the IHS, BIA and OMB. We are hopeful that the $718 million proposed for CSC funds for IHS and $277 million for the BIA will be sufficient for full funding for FY 2016 – a lot of work has gone into the estimated calculations and that should bode well for future estimates as well.

We ask for this Subcommittee's help in working with the Budget Committee and any others that may want to weigh in on this proposal for mandatory CSC funding. You have had a great deal of experience in talking with Indian and Alaska Native leaders about the frustrations and the inequity of tribes and tribal organizations who contract to assume administration of federal programs not being paid for the costs to administer them. It was helpful that the Joint Explanatory Statement for FY 2014 Appropriations included the statement that the Committees on Appropriations were in the "untenable position of appropriating discretionary funds for the payment of any legally obligated contract support costs." You have much to offer others in Congress who will weigh in on this issue. Indian Country will continue to do its part as well.

Behavioral Health, Suicide Prevention, and Alcohol & Substance Abuse Treatment

Alaska faces particular hardships in providing for our communities' behavioral and mental health. There is a dire need for more prevention funding for suicide intervention as well as alcohol and substance abuse prevention, particularly for our youth. Alaska has twice the national rate of suicide, and ranks second in the nation in suicide attempts requiring hospitalization. Alaska Native teens commit suicide at a rate nearly six times that of non-Native

teenagers. Compounding and complicating the suicide epidemic is alcohol and substance abuse, or a mental health disorder. The overwhelming majority of the people we lose to suicide suffer from diagnosable, treatable mental health or substance abuse problems. However, the waiting list for treatment averages nearly 9 months, and due to lack of funding there is often no place to refer people, particularly young people.

Thus we urge you to support the Administration's *Generations Indigeneous* (or "Gen-I") proposal for increased resources for tribes to address youth behavioral, mental health and substance abuse and auxiliary issues. For the IHS, the *Gen-I* proposal would include a $25 million increase ($10 million increase in Mental Health and $15 million increase in Substance Abuse Prevention accounts), plus the $5 million from last year for a total of $30 million for tribal behavioral health grants. For the BIA the proposal is an increase of $15 million to expand the *Tiwahe Initiative* designed to address the inter-related problems of poverty, violence and substance abuse faced by Native communities. Of note, but not under this Subcommittee's jurisdiction, is the request for a $25 million increase of SAMHSA as part of *Gen-I* -- $10 million from the Mental Health account and $15 million from the Substance Abuse Prevention account.

Oftentimes, tribes in Alaska have a difficult time working through the State of Alaska to provide social services, which adds layers of guidelines, regulations, and reduced funding. We have found that Tribes and tribal organizations can provide better services if they receive the funding directly, utilizing their local knowledge and cultural values.

Other. We cannot in four pages comment on everything of interest to us but want you to know that we join others in support of extending the Special Diabetes Program for Indians, for establishment of Medicare-like Rates for non-hospital services thus stretching our Purchased/Referred Care dollars, and stopping the drain on tribal and IHS health care programs caused by the lack of sufficient funding for annual built-in costs for.

**TESTIMONY OF JEFFREY KIGHTLINGER, GENERAL MANAGER,
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**

**ON CONTINUED FISCAL YEAR 2016 FUNDING FOR THE
COLORADO RIVER BASIN SALINITY CONTROL PROGRAM UNDER
THE BUREAU OF LAND MANAGEMENT'S SUBACTIVITY:
SOIL, WATER AND AIR MANAGEMENT**

MARCH 25, 2015

CHAIRMAN CALVERT, RANKING MEMBER McCOLLUM, AND MEMBERS OF THE SUBCOMMITTEE:

The Metropolitan Water District of Southern California (Metropolitan) encourages the Subcommittee's support for the U.S. Bureau of Land Management's (BLM) Subactivity: Soil, Water, and Air Management. This Subactivity includes Colorado River Salinity Control as a primary focus area. For fiscal year 2016, a funding level of $1.5 million for salinity specific projects is needed in this primary focus area to prevent further degradation of Colorado River water quality and increased downstream economic damages.

The concentrations of salts in the Colorado River cause about $382 million in damages to water users each year. While this figure is significant, had it not been for the efforts of the Colorado River Basin Salinity Control Program (Salinity Control Program), salinity concentrations of Colorado River water today would have been about 90 milligrams per liter (mg/L) higher, which has avoided additional damages of approximately $200 million per year.

Metropolitan is the regional water supplier for most of urban southern California, providing supplemental water to retail agencies that serve over 18 million people. Water imported via the Colorado River Aqueduct has the highest level of salinity of all of Metropolitan's sources of supply, averaging around 630 mg/L since 1976, which leads to economic damages. For example, damages occur from:

- A reduction in the yield of salt sensitive crops and increased water use for leaching in the agricultural sector;

- A reduction in the useful life of galvanized water pipe systems, water heaters, faucets, garbage disposals, clothes washers, and dishwashers, and increased use of bottled water and water softeners in the household sector;

- An increase in the cost of cooling operations, and the cost of water softening, and a decrease in equipment service life in the commercial sector;

- An increase in the use of water and the cost of water treatment, and an increase in sewer fees in the industrial sector;

- A decrease in the life of treatment facilities and pipelines in the utility sector;

- Difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions, and an increase in desalination and brine disposal costs due to accumulation of salts in groundwater basins, and fewer opportunities for recycling due to groundwater quality deterioration; and

- Increased cost of desalination and brine disposal for recycled water in the municipal sector.

Concern over salinity levels in the Colorado River has existed for many years. To deal with the concern, the International Boundary and Water Commission signed Minute No. 242, Permanent and Definitive Solution to the International Problem of the Salinity of the Colorado River in 1973, and the President signed into law the Colorado River Basin Salinity Control Act in 1974 (Act). High total dissolved solids in the Colorado River as it enters Mexico and the concerns of the seven Colorado River Basin states regarding the quality of Colorado River water in the United States drove these initial actions. To foster interstate cooperation and coordinate the Colorado River Basin states' efforts on salinity control, the seven Basin states formed the Colorado River Basin Salinity Control Forum.

The salts in the Colorado River system are indigenous and pervasive, mostly resulting from saline sediments in the Basin that were deposited in prehistoric marine environments. They are easily eroded, dissolved, and transported into the river system, and enter the River through both natural and anthropogenic sources.

The Salinity Control Program reduces salinity by preventing salts from dissolving and mixing with the River's flow. Irrigation improvements (sprinklers, gated pipe, lined ditches) and vegetation management reduce the amount of salt transported to the Colorado River. Point sources such as saline springs are also controlled.

The Salinity Control Program, as set forth in the Act, benefits the Upper Colorado River Basin water users through more efficient water management, increased crop production, benefits to local economies through construction contracts, and through environmental enhancements. The Salinity Control Program benefits Lower Basin water users, hundreds of miles downstream from salt sources in the Upper Basin, through reduced salinity concentration of Colorado River water. California's Colorado River water users are presently suffering economic damages in the hundreds of millions of dollars per year due to the River's salinity.

The Act provides that the Secretary of the Interior shall "develop a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the Bureau of Land Management." BLM is the largest landowner in the Colorado River Basin. Due to geological conditions, much of the lands that are controlled and managed by the BLM are heavily laden with salt. Past management practices have led to human-induced and accelerated erosion processes from which soil and rocks, heavily laden with salt have been deposited in various stream beds or flood plains. As a result, salts are dissolved into the Colorado River system causing water quality problems downstream.

Congress has charged federal agencies, including the BLM, to proceed with programs to control the salinity of the Colorado River. BLM's rangeland improvement programs can lead to some of the most cost-effective salinity control measures available. These measures significantly complement programs and activities being considered for implementation by the U.S. Bureau of Reclamation through its Basin-wide Program and by the U.S. Department of Agriculture through its on-farm Environmental Quality Incentives Program.

Over the past years, the Salinity Control Program has proven to be a very cost effective approach to help mitigate the impacts of increased salinity in the Colorado River. Continued federal funding of this important Basin-wide program is essential.

Metropolitan encourages the Subcommittee's support for sufficient funding in the Subactivity: Soil, Water, and Air Management to allow for general water quality improvement efforts in the Colorado River Basin and $1.5 million for salinity specific projects in 2016. This amount is needed to prevent further degradation of the quality of the Colorado River and increased downstream economic damages.

Statement of Chairman Colley Billie, Miccosukee Tribe of Indians of Florida
Public Witness Hearing on Native American Issues
House Interior Appropriations Subcommittee
March 25, 2015

My name is Colley Billie, and I am the Chairman of the Miccosukee Tribe of Indians of Florida (Tribe). Thank you for the opportunity to provide testimony on a critical issue to the Miccosukee people – our home, the Everglades. My testimony focuses on the Tribe's priorities for Everglades restoration and the protection of our traditional ways of life.

The Tribe strongly supports a comprehensive approach to restoration that focuses on improving water quality throughout the Everglades before it is too late and before the Everglades are forever damaged. I want to thank the Subcommittee for taking important steps in the Explanatory Statements of the FY14 Omnibus Appropriations (FY14 Omnibus) (P.L. 113-76) and FY15 Omnibus Appropriations (FY15 Omnibus) (P.L. 113-235) by urging the Department of Interior (DOI) to work with the Tribe on the water quality of the L-28 canal system that dead ends on the Tribe's Federal Reservation (Reservation) in the Everglades and dumps water that can exceed 10 times the US EPA approved standard for phosphorous in the Everglades. The Tribe asks for the Subcommittee's continued support by directing the Department toward finding solutions for the L-28 canal system that will benefit the whole Everglades ecosystem.

However, the Tribe strongly opposes the National Park Service's (NPS) continued efforts to construct a series of massive skyway bridges on the Tamiami Trail (Trail) including the currently proposed 2.6-mile bridge that is estimated to cost $143M (previously estimated at $193M in FY15 Budget) because: (1) the bridges will not be permitted to operate as designed due to flooding and water quality concerns; and (2) there already exists a series of culverts and gates that could effectively deliver water, especially during high water seasons, if properly maintained at a fraction of the cost. At a minimum, NPS should be held to the requirements of the FY14 Omnibus with respect to securing all the necessary funding for the project before being allowed to move forward with bridging.

For hundreds of years, the Everglades have been our home. The Everglades was our refuge as we evaded removal to the west. For generations, the land and the waters of the Everglades have sustained our people. We have always sought to honor and protect our environment through responsible stewardship of the land. However, after years of environmental degradation caused by others, our way of life has been irreversibly affected. Because we are the people most impacted by the health of the Everglades, the Tribe has fully supported restoration efforts of the Everglades. The Tribe was deeply engaged in the development of the Comprehensive Everglades Restoration Plan (CERP) and supported its passage by Congress as part of the Water Resources Development Act (WRDA) of 2000. We have always advocated for true restoration of the Everglades through a holistic approach focused on improving the quality of the water first.

While Congress has devoted significant financial resources to Everglades restoration, efforts have been piece-meal and have lacked coordination or follow through to completion, leaving many projects uncompleted even after millions of dollars have been spent on them. For example, water quality in the Western Everglades, including the L-28 canal system on the

Reservation, has not been addressed in any meaningful way. Instead, projects that do not address water quality and are not even part of the original Comprehensive Everglades Restoration Plan (CERP) have moved forward in a seemingly arbitrary way.

One such project is the skyway bridging of the Tamiami Trail. Over the last decade, there have been multiple plans and attempts to build bridges on the Trail culminating with appropriations bills authorizing bridging projects and circumventing proper regulatory and legislative procedure. The FY09 Omnibus Appropriations Act (P.L. 111-8) included a provision directing the Army Corps of Engineers to begin construction of a one-mile bridge "notwithstanding any other provision of law" so that NEPA no longer applied. The FY12 Omnibus Appropriations Act (P.L. 112-74) authorized NPS to construct an additional 5.5 miles of skyway bridging. With the one-mile bridge completed in 2013, the NPS requested $30M in FY14 "as a one-time contribution" to begin construction of a new 2.6-mile bridge. The FY14 Omnibus provided just $7.5M. In addition, the Subcommittee wisely included language in the bill requiring, "That a contract for the Tamiami Trail Project may not be awarded until sufficient Federal funds and written commitments from non-Federal entities are available to cover the total estimated cost of the contract..."

Both the FY15 and FY16 NPS budget request indicate that they are not seeking any discretionary funds for the construction of the bridge; instead, the Administration proposes the creation of a new transportation program called the "Nationally Significant Federal Lands and Tribal Transportation Projects Program" to help fund its bridging projects on the Tamiami Trail. However, the FY15 and FY16 NPS budget request also seem to indicate that, if this program is not authorized, then NPS would use their non-appropriated Federal Lands Transportation Program (FLTP) funds to cover the costs (at least $44.5M after cost sharing). However, under 22 U.S.C. 203(a)(1)(D), the entire FLTP, including funding for the Forest Service, BLM, and NPS, is capped at $10M per year for all environmental restoration projects throughout the country. Thus, the NPS plan to use the FLTP to fund the bridge is unrealistic and would seem to violate the FY14 Omnibus requirement to obtain sufficient funds to "cover the total estimated cost." Perhaps because NPS seeks this funding through a different account or perhaps because NPS will be transferring the funding directly to the state of Florida (State) so that they may enter into construction contracts, NPS does not believe that it must comply with the language in the FY14 Omnibus. However, the Miccosukee Tribe strongly believes that this requirement should be adhered to before the federal government is on the hook for tens of millions of dollars in total funding for the bridging. **The Tribe requests that the Subcommittee restate and enforce the FY14 Omnibus requirement for NPS to secure all funding before committing any funding for construction regardless of the funding source, methods, or accounting used.**

Skyway Bridging Must Stop

In March of 2013, the first 1-mile of bridging on the Tamiami Trail was opened, and several months later water began to flow under the bridge from the L-29 canal (parallel to the Tamiami Trail) into Everglades National Park (Park). (Although built to increase "ecological connectivity", the bridge does not actually connect the Park to the Water Conservation Areas to the north, but rather to the L-29 canal.) In addition, the Tamiami Trail road was raised to accommodate an 8.5-foot stage of the L-29 canal. However, as noted by the National Academies of Science *Progress Toward Restoring the Everglades: Fifth Biennial Review (2014)*, "There are

several unfinished features of Mod Waters and unresolved issues, however, that must be addressed before the project can be operated to deliver ecosystem benefits." Specifically, the State will not permit the water level in the L-29 canal to be raised to 8.5 feet because there is no operational plan or consistency with the federal Coastal Zone Management Act (CZMA) due to effects of downstream flooding and the potential for water quality violations.

The Tamiami Trail Next Steps Project (TTNS) cited the need for several flowage easements on privately held property within the Park that would be considerably affected by increased water flow, including significant Florida Power & Light (FP&L) holdings. The Park had hoped to resolve these issues before the first bridge was completed but has failed to resolve these issues or negotiate the required flowage easements with FP&L and other private landowners. Building a second and larger bridge before resolving the realty issues is irresponsible.

In addition, significant flooding concerns for communities in western Dade County remain due to the seepage of water brought on by the increased volume of water flowing into the Park. Seepage management projects that are designed to prevent the eastward seepage of water out of the Park are not yet completed and are untested. Without effective seepage management, a significant amount of water flowing under the 1-mile bridge will be lost through seepage out of the Park. Under the best case scenario, water is lost to the L-31N canal on the eastern side of the Park and then has to be pumped back into the L-29 canal and ultimately into the Park again in a circular flow pattern. That is not restoration; instead, this is wasted effort. The effectiveness of the 1-mile bridge and the ability of the seepage management projects to provide flood protection should be evaluated before building other costly bridges.

Most significantly, the Florida Department of Environmental Protection (FDEP) will not authorize an operational plan to raise the level of the canal due to water quality violation concerns. The 1991 Everglades Settlement Agreement entered into by the United States and Florida established water quality standards (Appendix A) for water flowing into the Park that sets a phosphorous limit on the water flowing into the Park through a formula based in part on the quantity of water flowing into the Park. The more water that flows into the Park the lower the phosphorous amount must be to protect the environment. Already, water flowing into the Park exceeded the phosphorous limit in September 2012 and preliminary data show that the phosphorous limit was again exceeded in July, August, and by 1.5 ppb in September of 2014. Given the current state of water quality in Water Conservation Area 3A, including the Tribe's land, the FDEP cannot be assured that increased water flows will not result in future water quality violations. Building a new bridge will neither solve these water quality problems nor convey significantly more water to the Park while these water quality problems exist. **The Tribe requests that the Subcommittee halt all federal funding for construction of the bridge until an operational plan is permitted to significantly raise the level of the L-29 canal.**

Without the ability to actually move more water, the water continues to stack up on the Tribe's lands in WCA 3A, damaging the tree islands and significantly affecting the wildlife and cultural resources of the Tribe. With its focus on bridging, the Park has neglected the existing culverts and gates that are underneath the Tamiami Trail that would convey a significant amount of water into the Park if they were simply cleared of downstream vegetation and swales added where necessary to help produce the natural sheet flow. A 2010 study by the University of Miami

commissioned by the Park to evaluate the effectiveness of clearing the culverts and adding swales concluded that this approach would be highly effective at moving water under the Trail at a fraction of the cost, with some culverts seeing water flow increases of 840%. Already, culverts are used widely throughout the Everglades on many roads to effectively convey water. In addition, the culverts are a permitted water delivery structure that needs no additional operational plan. **The Tribe asks the Subcommittee to direct the Park to clear the dense vegetation downstream of the culverts and gates and add swales where necessary to increase the flow of water into the Park and alleviate the high water levels affecting the Tribe's land.**

True Restoration of the Everglades Begins With Improving Water Quality
Everglades restoration will never be accomplished unless there is a comprehensive solution for cleaning up the contaminated water. While progress has been made in the Eastern and Central Flow Paths, the Western Everglades, including the L-28 canal system on the Reservation, has been largely ignored. With discharges of water with phosphorous that has averaged 60 ppb over the last 5 years and can exceed 100 ppb – 10 times greater than the protective standard, the L-28 canal system has had devastating impacts on the ecosystem of tribal lands, WCA3A, and the broader Everglades. Recent data from the 2014 South Florida Environmental Report shows that the discharge from the L-28 canal system comprises nearly 37.5% of the total phosphorus load discharged into WCA 3A. As that water flows south through tribal lands and WCA 3A, the water is slowly cleaned. Essentially, tribal lands are being used as a *de facto* Stormwater Treatment Area (STA) to clean and store water for the Park. However, DOI has as much if not more responsibility to the Tribe to clean the water on our lands in the Everglades as it does to the Park. To restore the Everglades, efforts should be targeted toward cleaning all of the polluted water before it enters the Everglades.

Recently, as a result of litigation initiated by the Tribe, EPA and the State entered into a "Framework Agreement" (Agreement) to address water quality issues in the Everglades. This Agreement calls for a number of projects, including the expansion of STAs and the creation of Flow Equalization Basins (FEBs). While the Tribe is encouraged by the potential success of these projects, the Agreement does nothing to address poor water quality in the L-28 canal system in the Western Everglades. Similarly, while the Central Everglades Planning Project (CEPP) includes an FEB storage component and firm water quality commitments, the CEPP does little to address poor water quality in the L-28 canal system.

Addressing contamination in the L-28 canal system must be a top priority for true restoration of the Everglades and to ensure that our homelands, culture, and traditions are protected. The Tribe believes that all options for resolving this must be considered; and, because the L-28 canal system directly impacts the Reservation, any final resolution must be consistent with the Tribe's policies and way of life. **The Tribe asks that the Subcommittee direct DOI to work with the Miccosukee Tribe to develop solutions to the poor water quality of the L-28 canal system.**

Conclusion
As the people who live in the Everglades, the Miccosukee Tribe is committed to its full restoration. We are deeply concerned that precious resources that should be spent on cleaning the water now before it is too late are being spent on costly and ineffective projects that ultimately will not help achieve restoration of the Everglades.

The Mountain Pact

Written Public Testimony from Western Mountain Communities

Submitted to the House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies

March 25, 2015

Western mountain communities urge the Committee to address the vexing issue of wildfire suppression funding in fiscal year (FY) 2016 appropriations. We respectfully request that the Committee correct this wildfire suppression funding issue by including language from the bipartisan Wildfire Disaster Funding Act (WDFA- H.R. 167; S. 235) in the FY 2016 Interior, Environment, and Related Agencies appropriations bill. This language provides the structure to fund a portion of the USDA Forest Service (USFS) and Department of the Interior (DOI) wildfire suppression costs through a budget cap adjustment under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. This would provide the USFS and DOI with a funding structure similar to that used by other agencies who respond to natural disaster emergencies.

The Mountain Pact represents mountain communities across the American West, approximately 250,000 permanent residents and forty million visitors each year. Positioned in rural mountain areas and often surrounded by federal land, Western mountain communities are especially vulnerable to economic, public health, and environmental damages from catastrophic wildfire. In order to protect communities in the wildland urban interface, significant levels of funding – particularly wildfire prevention – is needed to address the increase in frequency and severity of wildfires.

The Mountain Pact is concerned that spending levels for the suppression and FLAME accounts will not be sufficient for FY 16 and certainly not sustainable over the long term. In the past decade, wildfires have increased in frequency and severity, burning 57 percent more land than in the previous four decades, the fire season is two months longer, and the average size of fires is five times greater than in the 1970s. The current wildfire suppression funding model and cycle of transfers and repayments has negatively impacted the ability to implement forest management activities.

Under current budget structures, the funding to suppress wildfires is borrowed from the Forest Service and the DOI. The programs that are consequently cut include the removal of hazardous fuels and other important land management activities. This causes a devastating cycle in which forests that are not properly managed are more likely to have flammable tinder and undergrowth. Fires that start in these areas are more apt to grow out of control and each year forests are more susceptible to expensive catastrophic wildfires. Only one or two percent of fires escalate into out-of-control catastrophic fires, but these fires make up 30% of the costs

Mountain Communities for Environmental & Economic Resilience

Diana Madson, Executive Director diana@themountainpact.org 530.539.4071

for fire suppression. The agencies and first responders need a predictable, stable, and efficient budget structure to deliver their congressionally directed land management missions.

Numerous fire seasons over the past decade have required fire funding transfers from non-suppression accounts, clearly demonstrating the urgent need to change the suppression funding model at the USFS and DOI. Suppression is funded at the full ten-year average. However, with the increasing drought conditions across the nation, the 2015 fire season is expected to be particularly active and costly. There is every indication that the USFS and DOI will run out of suppression funds and be forced to transfer before the end of the season.

This pattern of funding is neither efficient nor sustainable. The Wildfire Disaster Funding Act would ensure funding for both wildfire first responders and for land managers who care for public forests and streams. This Act would not only provide emergency relief funding to protect our communities from more frequent and severe wildfires, but it would also provide urgently needed resources for wildfire prevention, recreation infrastructure, and conservation initiatives. Further, this change would end the highly disruptive process of canceling and/or significantly delaying ongoing project work, most often at the time such work is being executed on the ground.

We appreciate this Committee's attention to this increasing and unsustainable natural resource challenge. The FY 2016 appropriations bill can provide for both necessary wildfire suppression and also fire risk reduction activities that create jobs and reduce firefighting costs in the long run. We are prepared to help and look forward to assisting Congress in developing a sustainable and long-term solution to fund emergency wildfire suppression.

The following communities are supporting the Wildfire Disaster Funding Act:

- Park City, UT
- City of Aspen, CO
- Town of Vail, CO
- City of Durango, CO
- Tahoe Regional Planning Agency, CA/NV
- City of Ketchum, ID
- City of Bend, OR

Mountain Communities for Environmental & Economic Resilience

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National Assembly of State Arts Agencies

KNOWLEDGE ★ REPRESENTATION ★ COMMUNITY

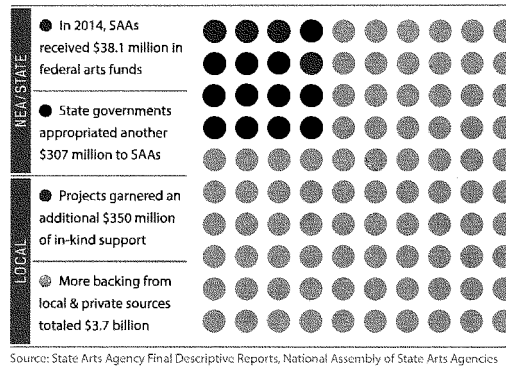
Prepared Testimony
To the Appropriations Subcommittee on Interior and Related Agencies
U.S. House of Representatives
March 18, 2015

Chairman Calvert, Ranking Member McCollum and members of the Committee, thank you for the invitation to prepare this testimony regarding federal appropriations for the National Endowment for the Arts in fiscal year 2016. I am Kelly Barsdate, Interim Chief Executive Officer of the National Assembly of State Arts Agencies (NASAA), the organization representing the state and jurisdictional arts agencies of the United States. Today I urge your committee to **support funding the National Endowment for the Arts (NEA) at $155 million in FY2016.**

In FY2015, this Committee voted unanimously to support level funding for the agency. The states and NASAA are extremely grateful to the Committee for this, particularly given the limitations Congress faces as a result of sequestration. As you look to the next budget, NASAA hopes you will consider increasing funding for the NEA which, now in its 50th year, makes a substantial impact in communities throughout the United States, even while operating with a budget that is more than $21 million (14%) lower than in FY2010.

In asking for an increase in funding for the NEA, it is important to acknowledge the continued bipartisan support that this Committee, and Congress as a whole, has demonstrated for state arts agencies. Through a **highly effective federal-state partnership**, the NEA distributes 40% of its programmatic funds to state and regional arts agencies each year.

Amounting to $46.7 million in FY2015, these dollars help to leverage additional public and private investment in the arts, empower states and regions to address their unique priorities, and serve far more constituents than federal funds alone could reach.



Source: State Arts Agency Final Descriptive Reports, National Assembly of State Arts Agencies

State arts agencies use their share of NEA funds ($38.1 million last year), combined with funds from state legislatures, to support **21,000 grants** to arts organizations, civic organizations, schools and artists in more than **4,400 communities** across the United States. Twenty-six percent of state arts agencies' grant awards go to nonmetropolitan areas, supporting programs that strengthen the civic and economic sustainability of **rural** America. Thirty-nine percent of state arts agencies' grant awards go to arts **education,** fostering student success in and out of school and providing the critical thinking, creativity and communications skills needed to meet the demands of today's competitive work force.

Congress's ongoing endorsement of the 40% formula is essential to state arts agencies, boosting their ability to drive innovation in their states. Throughout the country, state arts agencies play significant roles in shaping education policy, stimulating economic growth and helping communities thrive as rewarding and productive places to live, conduct business, visit and raise a family. Should Congress support an increase for

the NEA, state arts agencies will be in a position to expand their meaningful role helping in every congressional district have full opportunities to experience the economic, civic and cultural benefits that the arts offer.

NASAA and state arts agencies also **applaud the work of the NEA in its direct program areas and partnerships with other federal agencies.** The NEA's direct grants support tens of thousands of concerts, performances, readings and exhibitions, with annual live attendance of nearly 20 million people. Especially noteworthy partnerships include the NEA's work with the Department of Defense (to support arts therapy in healing programs for veterans at the Walter Reed National Military Medical Center and the National Intrepid Center of Excellence) and the Department of Commerce's Bureau of Economic Analysis (to track the economic contributions of cultural industries to the U.S. gross domestic product and export portfolio).

Thank you for your consideration. NASAA looks forward to continuing to work productively with this Committee, and we stand ready to serve as a resource to you.

Kelly J. Barsdate
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Testimony of the National Association of Clean Air Agencies
Provided to the House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
Regarding the FY 2016 Budget for the U.S. Environmental Protection Agency
March 24, 2015

On behalf of the National Association of Clean Air Agencies (NACAA), thank you for this opportunity to testify on the FY 2016 proposed budget for the United States Environmental Protection Agency (EPA), particularly grants to state and local air pollution control agencies under Sections 103 and 105 of the Clean Air Act, which are part of the State and Tribal Assistance Grant (STAG) program. Specifically, NACAA supports the President's request for an increase of $40 million over FY 2015 levels, for a total of $268.2 million for state and local air quality grants; recommends that state and local air pollution control agencies be provided with the flexibility to determine how best to use any additional resources, including the $40 million; and requests that grant funds for fine particulate matter monitoring remain under Section 103 authority, rather than being shifted to Section 105 authority, as EPA is proposing.

NACAA is a national, non-partisan, non-profit association of air pollution control agencies in 41 states, the District of Columbia, four territories and 116 metropolitan areas. The members of NACAA have the primary responsibility under the Clean Air Act for implementing our nation's clean air program. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the United States. These observations and recommendations are based upon that experience. The views expressed in this testimony do not necessarily represent the positions of every state and local air pollution control agency in the country.

Air Pollution Remains a Significant Threat to Human Health

While great strides have been made in addressing air pollution, and the Clean Air Act's programs have been extremely successful in providing significant health and welfare benefits throughout our country, there is still a lot of work to be done. According to EPA, "[e]ven with this progress, in 2012 approximately 45 percent of the U.S. population lived in counties with air that did not meet health-based standards for at least one pollutant."[1] Additionally, EPA's latest National Air Toxics Assessment (NATA) data showed that everyone living in the United States had an increased cancer risk of over 10 in one million (one in one million is generally considered "acceptable") in 2005, due to exposure to the hazardous air pollutants included in EPA's analysis.[2] Finally, global warming and climate change are expected to cause a host of problems, including rising sea levels, changing weather patterns and increases in diseases and other problems that threaten human health and the environment.[3]

[1] *FY 2016 EPA Budget in Brief* (February 2015), page 14
[2] National Air Toxics Assessment for 2005 – Fact Sheet (February 17, 2011), http://www.epa.gov/ttn/atw/nata2005/05pdf/sum_results.pdf
[3] *FY 2016 EPA Budget in Brief* (February 2015), page 13

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While this Subcommittee addresses many critically important problems, it is unlikely that any pose more of a threat to public health than air pollution. In fact, tens of thousands of people die prematurely each year[4] and many others suffer serious health problems as a result of exposure to air pollution. These include, among other things, premature mortality; cancer; and cardiovascular, respiratory, neurological and reproductive damage.[5] This Subcommittee has the opportunity to help address these serious public health and welfare problems by providing additional federal funding to assist state and local air agencies in their efforts.

State and Local Programs Need Significant Increases for Continuing and New Programs

For many years, state and local air pollution control agencies have struggled with insufficient resources. A NACAA study revealed an annual shortfall of $550 million in federal grants for state and local air programs,[6] which has caused our agencies to make difficult choices to cut air pollution programs that are important for public health and/or eliminate staff. Due to these economic hardships, states and localities increasingly rely on federal grants provided by the Clean Air Act.

While Section 105 of the Clean Air Act authorizes the federal government to provide grants for up to 60 percent of the cost of state and local air programs and calls for states and localities to provide a 40-percent match, in reality, state and local air agencies provide over three-fourths of their budgets (not including permit fees under the federal Title V program). To make matters worse, the purchasing power of federal grants has decreased by nearly 16 percent over the past 14 years due to inflation, during which time state and local responsibilities have expanded almost exponentially.

We recognize that Congress must support many programs and that providing full funding for any one effort is probably impossible. Therefore, although it is not enough to fund all of our responsibilities, NACAA appreciates and supports the Administration's proposed $40-million increase and hopes that Congress will provide that level of funding. Federal funding for state and local air programs – both continuing grants and the requested increase – would provide resources for a host of essential activities, such as our ongoing core programs and new efforts, including obligations under the Clean Power Plan.

Core Program Funding

State and local air quality agencies are continuously required to implement many essential programmatic responsibilities to obtain and maintain healthful air quality. These include not only new efforts, but also ongoing activities that constitute the "core" of our clean air activities and the day-to-day responsibilities that are the foundation of our programs. Just to list a few examples, in FY 2016, states must: develop and/or make revisions to their State Implementation

[4] http://epa.gov/ncer/science/pm/
[5] *FY 2014-2018 EPA Strategic Plan* (April 10, 2014), page 8
[6] *Investing in Clean Air and Public Health: A Needs Survey of State and Local Air Pollution Control Agencies,* (April 2009), NACAA, www.4cleanair.org/Documents/reportneedssurvey042709.pdf

Plans (SIPs) for each of the health-based national ambient air quality standards (NAAQS) – especially the ozone and $PM_{2.5}$ (fine particles) standards; continue implementing new and updated Maximum Achievable Control Technology (MACT) air toxics standards; address regional haze problems; implement motor vehicle and related fuels programs; etc. All of these tasks call for a variety of activities that are resource- and labor-intensive. These include, among other things, planning; compiling comprehensive emission inventories; carrying out complex modeling; analyzing extensive data; expanding and operating monitoring networks; adopting regulations; inspecting facilities and enforcing regulations, as necessary; addressing complicated transport issues; issuing minor source permits; and informing and involving the public in air quality decisions and issues.

Clean Power Plan Funding

In June 2014, EPA proposed the Clean Power Plan, which is a regulation under Section 111(d) of the Clean Air Act designed to reduce emissions of greenhouse gas emissions from existing electric utility power plants. It is expected to be issued as a final regulation this summer. Regardless of one's opinions about the need for climate change measures, the fact is that state and local air quality agencies are now expected to begin developing state plans and carrying out other activities to comply with the requirements that will shortly be in place. Likewise, even though these regulations will be litigated, in the meantime the requirements for state and local air agencies to move ahead with the program will remain in force and require significant resources.

Among the many activities state and local air agencies must undertake to comply with these regulations are the development and submission of state plans to meet the Section 111(d) requirements. According to EPA, these tasks include: "compile and assess information about energy and emissions; establish approaches to evaluating, measuring, and verifying plans for energy savings across environmental agencies and energy regulators, hold public meetings and conduct outreach with interested parties, and prepare and submit state plans."[7] Additionally, agencies will need to conduct modeling, technical analysis and training. The activities will be in addition to the tasks state and local air agencies are already performing to comply with other requirements of the Clean Air Act and will call for additional resources.

NACAA Recommends Flexibility in the Use of Grant Increases

As stated above, the proposed budget calls for an increase of $40 million in state and local air pollution control grants. The proposed budget would divide the increase into $25 million to implement the Clean Power Plan under Section 111(d) and $15 million for other continuing state and local air quality activities. While state and local air agencies do need additional funds to implement the Clean Power Plan, we are also in need of significant increases to operate our essential core programs. In fact, state and local air pollution control agencies would need amounts far greater than the $40-million proposed increase whether or not the Clean Power Plan were in effect in FY 2016. Accordingly, we request that Congress provide the $40-million increase but also allow full flexibility for state and local air agencies to use the additional funds for the highest priority activities in their areas. This could include the Clean Power Plan and/or

[7] *Draft OAR National Program Manager Guidance, Fiscal Years 2016-2017* (February 23, 2015)

other essential elements of state and local air quality programs, such as the core program activities noted above.

NACAA Recommends that Authority for Monitoring Grants Remain Under Section 103

EPA has proposed again this year to begin shifting funds for $PM_{2.5}$ monitoring from Section 103 authority, where no state or local matching funds are needed, to Section 105, which would require additional matching funds. We recommend that the funds remain under Section 103 authority. For individual agencies that have concerns about the matching requirements, this will ensure that they do not have to refuse essential monitoring funds because they do not have the resources to provide the required match. In past years, Congress has been very responsive to our requests on this issue, for which we are very grateful, and we recommend that Congress again call for these grants to be provided under Section 103 authority.

NACAA Supports Diesel Emission Reduction Act (DERA) Funds

NACAA is pleased that the proposed budget includes funding for the Diesel Emission Reduction Act (DERA) program ($10 million). This is an important program to address emissions from the large legacy fleet of diesel engines. We appreciate that the budget request did not fund DERA at the expense of the Section 103/105 grants and we strongly urge that any future funding for DERA not be in lieu of increases to state and local air grants. Additionally, since many of the DERA funds are not provided to state and local governments, we recommend that future DERA activities not be funded through the STAG account. Instead, we suggest that the grants be provided through one of EPA's other accounts.

NACAA Supports Resources for Additional State and Local Clean Power Activities

NACAA supports the recommended $4-billion Clean Power State Incentive Fund contained in the request because it will provide significant support for states and localities to achieve reductions in greenhouse gas emissions related to the Clean Power Plan.

Conclusion

NACAA supports the Administration's proposed increase of $40 million for grants to state and local air pollution control agencies under Sections 103 and 105 of the Clean Air Act for FY 2016, for a total of $268.2 million. We recommend that these increases be provided to state and local air agencies with full flexibility to be used for the programs that are the highest clean air priorities in each area, rather than being earmarked for specific programs, such as EPA's Clean Power Plan. We further request that grants for $PM_{2.5}$ monitoring remain under Section 103 authority, rather than being shifted to Section 105 authority.

Thank you for this opportunity to testify on this important issue and for your consideration of the funding needs of state and local air quality programs.

TESTIMONY OF DAVID TERRY, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION OF STATE ENERGY OFFICIALS, BEFORE THE HOUSE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS SUBCOMMITTEE IN SUPPORT OF FY'16 U.S. ENVIRONMENTAL PROTECTION AGENCY FUNDING

March 25, 2015

Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee, I am David Terry, Executive Director of the National Association of State Energy Officials (NASEO), which represents the 56 State and Territory Energy Offices. NASEO is submitting this testimony in support of funding for the ENERGY STAR program (within the Climate Protection Partnership Division of the Office of Air and Radiation) at the U.S. Environmental Protection Agency (EPA). NASEO supports funding of at least **$55 million**, including specific report language directing that the funds be utilized only for the ENERGY STAR program. The ENERGY STAR program is successful, **voluntary**, and cost-effective. With increasing electricity prices and volatile natural gas markets, ENERGY STAR helps consumers and businesses control expenditures over the long term. The program is strongly supported by product manufacturers, and ENERGY STAR leverages the states' efficiency actions. Voluntary ENERGY STAR activities are occurring, in conjunction with State Energy Offices, in Alabama, Arkansas, California, Colorado, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, U.S. Virgin Islands, Washington, West Virginia, Wisconsin, and Wyoming.

The ENERGY STAR program is focused on **voluntary** efforts that reduce the use of energy, promotes energy efficiency and renewable energy, and works with states, local governments, and business to achieve these goals in a cooperative, public-private manner. NASEO has worked very closely with EPA and approximately 40 states are ENERGY STAR Partners. With very limited funding, EPA's ENERGY STAR program works closely with the State Energy Offices to give consumers and businesses the opportunity to make better energy decisions and catalyzes product efficiency improvements by manufacturers **without regulation or mandates**.

ENERGY STAR focuses on energy efficient products as well as buildings (e.g., residential, commercial, and industrial). In 2013, nearly 300 million ENERGY STAR products were purchased across more than 70 product categories. The ENERGY STAR label is recognized across the United States. It makes the work of the State Energy Offices much easier, by working with the public on easily recognized products, services, and targets. In order to obtain the ENERGY STAR label a product has to meet established guidelines. ENERGY STAR's voluntary partnership programs include ENERGY STAR Buildings, ENERGY STAR Homes, ENERGY STAR Small Business, and ENERGY STAR Labeled Products. The program operates by encouraging consumers and working closely with state and local governments to

purchase these products and services. Marketplace barriers are also eradicated through education. State Energy Offices are working with EPA to promote ENERGY STAR products, ENERGY STAR for new construction, ENERGY STAR for public housing, etc. A successful example of how State Energy Offices are leveraging this key national program is the Nebraska Energy Office, which since 2005, has utilized ENERGY STAR as the standard for certifying home and office electronics that are eligible under the state's successful and long-running Dollar and Energy Savings Loan program.

In addition to the state partners, the program has over 16,000 voluntary partners including over 2,000 manufacturers using the label, more than 1,000 retail partners, more than 5,000 builder partners, 4,500 businesses, 550 utilities and thousands of energy service providers. The Home Performance with ENERGY STAR activity allows us to focus on whole-house improvements, not simply a single product or service. This is extremely beneficial to homeowners. Over 30 states, including Alabama, California, Kentucky, Minnesota, Nevada, and New Jersey, operate or support the Home Performance with ENERGY STAR programs. The New York and Illinois energy offices were recently honored with Partner of the Year awards by the program. We are also working closely with EPA to support the ENERGY STAR Challenge, which encourages commercial and industrial building owners to voluntarily reduce energy use by 10% or more within 5 years or less, usually through very simple actions.

The State Energy Offices are very encouraged with progress made at EPA and in our states to promote programs to make schools more energy efficient, in addition to an expanding ENERGY STAR Business Partners program. In Kentucky, the state has partnered with school districts and engineering firms to advance ENERGY STAR rated schools, resulting in more than 250 ENERGY STAR rated schools in the state, a 400% increase since 2010. Over the past few years, Kentucky has moved aggressively to promote zero-net energy schools. Other states that have over 150 ENERGY STAR rated schools include Arizona, California, Colorado, Florida, Georgia, Indiana, Michigan, Minnesota, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Texas, Utah, Virginia, Washington and Wisconsin.

EPA has been increasing the technical assistance work with the State Energy Offices in such areas as ENERGY STAR Portfolio Manager (how to rate the performance of buildings), setting an energy target, and financing options for building improvements and building upgrade strategies. ENERGY STAR Portfolio Manager is used extensively by State Energy Offices to benchmark performance of state and municipal buildings, saving taxpayer dollars. Nearly 40% of the country's commercial building space uses Portfolio Manager to measure, track, assess, and report energy and water consumption.

The State Energy Offices are working cooperatively with our peers in the state environmental agencies and state public utilities commissions to ensure that programs, regulations, projects and policies are developed recognizing both energy and environmental concerns. We have worked closely with this program at EPA to address these issues. We encourage these continued efforts.

Conclusion

The ENERGY STAR program saves consumers billions of dollars every year. The payback is enormous. NASEO supports robust program funding in FY'16. Funding for the ENERGY STAR program is justified. NASEO endorses these activities and the State Energy Offices are working very closely with EPA to cooperatively implement a variety of critical national programs without mandates.

NASORLO
National Association of State Outdoor Recreation Liaison Officers

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March 26, 2015

The Honorable Ken Calvert
United States House of Representatives
Washington, DC 20515

The Honorable Betty McCollum
United States House of Representatives
Washington, DC 20515

Dear Chairman Calvert and Ranking Member McCollum:

The National Association of State Outdoor Recreation Liaison Officers members are appointed officials and the primary administrators of the State Assistance Program of the LWCF in each of the 56 states and territories that receive LWCF appropriations. We are writing to you to ask your support for the FY 16 funding of LWCF and for restoration of fair and equitable funding between the state and federal uses of this program.

In the 50 year history of this program, the portion of LWCF funds dedicated for state and local grants have resulted in parks and outdoor recreation facilities in every Congressional District and projects in nearly every city or town in America. We are concerned that the intent of LWCF to provide close to home outdoor recreation opportunities for our citizens has been hampered in recent years by diversions.

The original act dedicated 60% of the program for state grants. Over the years various changes have been made to the Act, and in the appropriations process, which have reduced the percentage appropriated for state grants. In this year's Executive Budget only 13.1 % is set aside for state grants. We ask that in FY 16 you consider increasing the state share of the program to reflect a more equitable split between state and federal uses.

Even though state agencies and communities have been trying to address infrastructure upgrades, meeting new health and safety requirements and addressing changing population trends, we still have significant needs for a restoration of LWCF grants to previous levels. In addition to addressing these issues and providing outdoor recreation benefits to our residents, the economic impact of these projects are considerable. The construction, development, attendance and sales of equipment generated by these local projects is significant and also supports local jobs creation. These impacts are especially significant, when you double the investment due to contribution of state and local funds.

Therefore, NASORLO respectfully requests your support for funding of the LWCF in FY 16. Additionally we request that you seriously consider restoration of equity and fairness for the State Assistance program portion of the fund. Any effort you can make in this regard would certainly be appreciated by the states, territories and our citizens.

Sincerely,

Dr. Douglas Eiken
Executive Director

NASORLO is an 501 c(4) organization of appointed state and territorial officials working to provide outdoor recreation by investing proceeds from the LWCF state assistance program in state and local projects

Written Statement of Gerald Iwan

Submitted to the Subcommittee on Interior, Environment, and Related Agencies
U.S. House of Representatives Committee on Appropriations

Gerald R. Iwan, Ph.D., Executive Director
National Environmental Services Center
West Virginia University, Morgantown, WV
March 25, 2015

Chairperson Rogers, Ranking Member McCollum, and Members of the Subcommittee:

Thank you for the opportunity to offer testimony to the Subcommittee on Interior Environment and Related Agencies. We recommend that within existing funding levels, the USEPA Office of Wastewater Management (OWM) be directed to provide at least 20% of the Clean Water State Revolving Fund annually to support the use of onsite and decentralized wastewater treatment systems. We further recommend that 20% of the EPA's OWM budget be dedicated to providing staffing and resources for the Office of Decentralized Wastewater. Implementing this recommendation will help address the lack of federal support for the 85 million people in the US dependent on decentralized wastewater treatment, many in small, rural and disadvantaged communities.

Introduction:
I am Gerald Iwan and I am the executive director of the National Environmental Services Center (NESC), at West Virginia University. Since 1976, NESC has been home to the National Small Flows Clearinghouse (NSFC), National Drinking Water Clearinghouse (NDWC) and National Environmental Training Center for Small Communities (NETCSC). These centers have distributed comprehensive drinking water and wastewater information and services nationally to small rural and disadvantaged communities. Since their inception, they assisted communities with developing and maintaining onsite septic or decentralized wastewater treatment systems. In 1999, NESC began administering the State Onsite Regulators Alliance (SORA), the only national association of State onsite wastewater regulators in the US. SORA provides the resources and venues for state regulators to share information among each other and the wastewater industry on decentralized wastewater regulatory and technology issues. SORA was instrumental in collaborating with the USEPA in developing guidance for the management of decentralized wastewater systems following EPA's 1997 report to Congress on the use of decentralized wastewater treatment systems. It is currently, along with NESC, an original member of the EPA Decentralized MOU Partnership, which advises EPA on decentralized wastewater management.

NSFC, NETC and SORA were products of the 1977 Clean Water Act (CWA) and its subsequent reauthorizations. CWA mandated the NSFC to collect, distribute information, and provide training about wastewater treatment to small and rural communities. Thousands benefited from our water and wastewater technical assistance. EPA programs and management account funding for these activities ceased in 2005 along with much of the services previously provided.

Need

State regulators, technical assistance providers and the decentralized wastewater industry have long recognized a number of positive benefits provided by decentralized wastewater systems, including: job creation, water quality protection, aquifer recharge, affordability, low maintenance and the ability for people to live where municipal wastewater treatment is not feasible or available. For smaller communities, decentralized and onsite systems can usually be built and maintained more economically then municipal wastewater treatment plants and sewers. Larger utilities often consider decentralized systems as an option to help offset the costly replacement of aging wastewater infrastructure. Properly designed, sited constructed and maintained decentralized systems supported by well-trained professionals and knowledgeable state regulators, is a fiscally responsible approach to public health and environmental protection.
A recent survey of SORA regulators, conservatively estimated that approximately 27% of the US population or 85 million people are served by onsite systems. Onsite or decentralized systems are a permanent and necessary part of the US wastewater infrastructure for over a quarter of our population. However, EPA provides relatively little funding or support for decentralized wastewater compared to that directed to municipal wastewater treatment. As examples, less than 1% of Clean Water State Revolving Loan funds is distributed to decentralized projects annually, there is no direct federal funding available to States for decentralized wastewater regulatory programs, and EPA's own decentralized wastewater program has only one full time staff person.

Request

Having 35 years of expertise in decentralized wastewater treatment and management, and from our daily interactions in providing water and wastewater services to small, rural and often-disadvantaged communities, we are recommending that:
1. At least 20% of EPA's annual contribution to the Clean Water State Revolving Fund be designated to supporting the construction and use of onsite and decentralized wastewater treatment systems. Those funds should be distributed by the regulatory authority in each state that directly oversees and enforces onsite wastewater treatment,
2. At least 20% of the Office of Wastewater's funding be dedicated to increasing staffing and programmatic resources for the Office of Decentralized Wastewater.

NESC believes that by redirecting OWM funding as recommended above, positive results can be realized for the nation's wastewater infrastructure, economy and the population dependent on onsite systems by:

- Significantly expanding EPA's training of industry professionals through grants to entities, which exclusively specialize in decentralized training.
- Providing the resources that assure homeowners, business owners and industry professionals have an up-to-date source of information on decentralized technology.
- Providing direct financial and staff support to state onsite wastewater programs to increase training and support better development and enforcement of state regulations.
- Expanding research grants and onsite wastewater training centers and demonstration projects to help local decision-makers and design engineers better understand the benefits of onsite and decentralized wastewater treatment systems and technologies

Testimony

Before the House Interior, Environment and Related Agencies Subcommittee
March 25, 2015

By
Lauren Schapker, Government Affairs Director
National Ground Water Association
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The National Ground Water Association (NGWA) requests that $3.6 million be allocated to the Department of Interior, United States Geological Survey (USGS) Water Resources program to continue implementation and maintenance of a national groundwater monitoring network (NGWMN). NGWA is the world's largest association of groundwater professionals, representing public and private sector engineers, scientists, water well system professionals, manufacturers, and suppliers of groundwater related products and services.

Water is one of the most critical natural resources to human, ecosystem and economic survival. Nationally, more than 41 percent of the drinking water supply comes from groundwater and in some locations it is relied on by 80 percent of Americans. Groundwater also serves as a key source of agricultural irrigation water, as well as for other critical economic purposes.

While the nation's people, food supply, economy, and ecosystems depend on groundwater, no systematic nationwide monitoring network is in place to measure what is currently available and how groundwater levels and quality may be changing over time.

As with any valuable natural resource, our groundwater reserves must be monitored to assist in planning and minimizing potential impacts from shortages or supply disruptions. Just as one cannot effectively oversee the nation's economy without key data; one cannot adequately address the nation's food, energy, economic, and drinking water security without understanding the extent, availability and sustainability of a critical input – groundwater.

Congress acknowledged the need for enhanced groundwater monitoring by authorizing a national groundwater monitoring network with passage of Public Law 111-11 (Omnibus Public Land Management Act) in 2009 and viability of the network was proven through the completion of pilot projects in six state—Illinois, Indiana, Minnesota, Montana, New Jersey, and Texas. These states voluntarily pilot tested concepts for a national groundwater monitoring network as developed by the federal Advisory Committee on Water Information's (ACWI) Subcommittee on Ground Water (SOGW).

$2.6 million in funding was provided in FY2015 through P.L. 113-235 *the Consolidated and Continuing Appropriations Act,* which will help to begin implementation of the national network. However, FY2015 funding will only allow implementation to begin across a handful of states. Additional funding for FY2016 is requested to allow for implementation across more states.

Once implemented nationwide, the NGWMN will provide consistent, comparable nationwide data accessible through a public web portal for federal, state, local government, and private sector users. In these tight fiscal times, the proposed network will build on existing state and federal investments, maximizing their usefulness and leveraging current dollars to build toward systematic nationwide monitoring of the groundwater resource.

Funding from the NGWMN will be used for two purposes:

1. Provide grants to regional, state, and tribal governments to cost share increased expenses to upgrade monitoring networks for the 50 states to meet the standards necessary to understand the nation's groundwater resources.

2. Support the additional work necessary for USGS to manage a national groundwater monitoring network and provide national data access through an internet web portal.

Though the amount requested is small in the context of the Department of Interior's annual budget request, funding is vital when we understand that for a small investment we can begin finally to put in place adequate monitoring of the hidden resource that provides more than 40 percent of the nation's drinking water supply and serves as a key driver for our agricultural economy.

Thank you for your consideration of this request.

The National Ground Water Association is a not-for-profit professional society and trade association for the groundwater industry. NGWA is the largest organization of groundwater professionals in the world. Our 11,000 members from all 50 states and 61 countries include the leading public and private sector groundwater scientists, engineers, water well system professionals, manufacturers, and suppliers of groundwater related products and services. The Association's vision is to be the leading community of groundwater professionals that promotes the responsible development, use and management of water resources.

national ground water association®

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Web/ www.ngwa.org and www.wellowner.org
Address/ 601 Dempsey Road/ Westerville, Ohio 43081-8978 U.S.A.

NATIONAL HORSE & BURRO RANGELAND MANAGEMENT COALITION

Advocating for commonsense, ecologically-sound approaches to managing horses and burros to promote healthy wildlife and rangelands for future generations

DATE: 25 March 2015

TO: House Appropriations Subcommittee on Interior, Environment, and Related Agencies

RE: BLM Wild Horse & Burro Program Activities in FY 2016 Budget Proposal

FROM: Keith Norris, Chair, National Wild Horse & Burro Rangeland Management Coalition, keith.norris@wildlife.org, 301-897-9770 x 309

The National Horse & Burro Rangeland Management Coalition appreciates the opportunity to submit testimony regarding the FY 2016 appropriations for the **Bureau of Land Management Wild Horse & Burro Program**. The National Horse & Burro Rangeland Management Coalition includes a wide range of sportsmen's, livestock, wildlife, and land conservation organizations and professional societies. Collectively, we represent millions of Americans and focus on commonsense, ecologically-sound approaches to managing horses and burros to promote healthy wildlife and rangelands for future generations.

Our coalition is concerned about the exponentially growing population of wild horses and burros on our nation's rangelands and the lack of effort proposed in the President's FY 2016 budget to reduce the threat this poses to our nation's rangelands.

As of March 1, 2014, wild horse and burro populations surpassed 49,000 animals on BLM-rangelands. This threshold exceeds the BLM estimated ecologically-sustainable level of 26,684 horses and burros by more than 22,500. With the documented potential for 20% annual population increase, there are likely more than 58,000 animals currently on the range. This extreme level of overpopulation by an invasive species negatively impacts the country's rangelands, risking the future of the ecosystem. By continuing to allow horses and burros to exceed sustainable levels, the BLM is placing the future of wildlife, rangelands, livestock operations, and the horses and burros themselves, in jeopardy.

The focus of the BLM Wild Horse & Burro program should revert back to its original purpose and stated goal of achieving appropriate management levels (AML). Direct removal of horses and burros from impacted regions will aid in AMLs being achieved while simultaneously reducing their impact on the supporting ecosystem.

The President's FY 2016 Budget Proposal plans for the removal of only 2,000 horses and burros from the country's rangelands. Wild horse populations typically grow by 20% per year and double in size every 4-5 years. At the current rate, the wild horse population will likely grow by 9,000 animals in FY 2016, even with the removal of 2,000 horses. As a result, we could see as

many as 67,000 wild horses and burros degrading the country's rangelands by the end of 2016. This is an unacceptable rate of increase for a population that already greatly exceeds AMLs. Such population numbers will continue to cause an unacceptable level of damage to a valuable asset for our country.

We appreciate the BLM's increased attention to fertility control methods, as we believe that scientifically-based use of fertility control (*e.g.*, proven to be effective and safe) can be an important component to the solution to this problem. However, fertility control alone does not solve the problem and should not be the primary approach. There are currently Herd Management Areas (HMA) more than 500% over AML. Fertility control methods, if they are effective in reducing pregnancies, will only help maintain population levels in the short term, not reduce them. Direct removal of wild horses and burros from the range is the only way to achieve AMLs in a reasonable amount of time.

Without an increase in the rate of removal of horses and burros, populations will continue to expand and our nation will witness not only growing degradation to its rangeland ecosystem, but also growing costs to its taxpayers.

We urge this committee and other members of Congress to address this increasing problem for our nation's valuable rangelands by directing the BLM to remove horses at a rate substantial enough to produce impactful results and protect our resources.

Thank you for considering the input of our coalition. We invite your questions regarding this issue. Please feel free to contact our current Chair, Keith Norris at keith.norris@wildlife.org or 301-897-9770 x 309.

National Recreation and Park Association

Written Testimony of Kevin O'Hara, Vice President for Urban and Government Affairs
Committee on Appropriations,
Subcommittee on Interior, Environment, and Related Agencies
Regarding Fiscal Year 2016 Appropriations
March 25, 2015

Thank you Chairman Calvert, Representative McCollum, and other honorable members of the subcommittee for the opportunity to submit written testimony pertaining to funding for the Land and Water Conservation Fund's (LWCF) State Assistance Program and the Urban Parks and Recreation Recovery Program (UPARR) in the Fiscal Year (FY) 2016 Interior Appropriations bill.

Overview of Funding Request:
As outlined below, we encourage you to renew the federal investment in the LWCF. However, given that the purpose of the Act is to help preserve, develop, and assure access to outdoor recreation facilities to strengthen the health of U.S. citizens, we urge you to make a greater investment in states and local communities by:

- Allocating a minimum of 40 percent of FY 2016 LWCF appropriations to the State Assistance Program;
- Continuing the innovative, "Outdoor Recreation Legacy Program" (ORLP) competitive grant program in the amount of $5 million;
- Allocating up to $25 million in funding for UPARR out of total FY 2016 LWCF appropriations; and,
- Ensuring that any amount allocated to either the ORLP or UPARR program is not done at the expense of the existing core formula grants distributed to the States for public recreation.

About the National Recreation and Park Association:
The National Recreation and Park Association (NRPA) is a nonprofit organization working to advance parks, recreation and environmental conservation efforts nationwide. Through our network of approximately 48,000 citizen and professional members we represent park and recreation departments in cities, counties, townships, special park districts, and regional park authorities, along with citizens concerned with ensuring close-to-home access to parks and recreation opportunities exist in their communities. Everything we support and do is focused through our three pillars: Conservation, Health & Wellness and Social Equity.

40 Percent Allocation of Total LWCF Appropriations to the State Assistance Program:
There is a common misconception that LWCF is merely a federal land acquisition program. Nothing could be further from the truth, as the LWCF State Assistance Program provides dollar-for-dollar matching grants to states and local communities for the construction of outdoor recreation projects. The land purchased with LWCF State Assistance funding remains the property of the state or local government, and the resources developed through the LWCF remain publicly accessible in perpetuity.

The LWCF provides numerous benefits to local communities across America, and it does so through a well-recognized and dedicated funding source - namely oil and gas leasing revenues

from the Outer Continental Shelf (OCS). Over $9 billion was provided through these leases in 2013, with a small fraction provided to the LWCF. Unfortunately, an even smaller amount is provided to the State Assistance Program. This is in large part due to the fact that current law mandates that a minimum of 40 percent of the total LWCF annual appropriations must be provided to the federal land acquisition program without specifying an amount for the State Assistance Program.

As a result, states and local communities have historically received a very disproportionate share of the total LWCF appropriations, with little more than 12 percent of total LWCF funding going to the State Assistance Program since 1998. More recently, in Fiscal Year 2013, when final discretionary spending was subject to "sequestration," you provided $305 million overall to the LWCF and $39.9 million to the State Assistance Program – also 13 percent.[1] We appreciate that you've recently recognized the importance of the State Assistance Program and allocated a larger percentage of total LWCF appropriations to it in FY2014 and FY2015 – pre-sequestration levels of $45 million, which includes the innovative $3 million "Outdoor Recreation Legacy" competitive grant program. However, even over the past two years, the State Assistance Program continues receive less than 15% of overall LWCF appropriations.

What we find has gotten lost in the ongoing discussion over the reauthorization of the LWCF is, first and foremost, the issue of fairness in how LWCF dollars are being distributed. For nearly 50 years the bulk of the work to carry out the purpose of the Act has fallen on local communities to handle alone. While four-out-of-five Americans live in metropolitan areas, the LWCF is now only providing about 13% of overall funding to the very program – State Assistance – which impacts people where they live, and recreate, the most. Urban communities, in particular, suffer from the severe lack of resources currently provided through the State Assistance program.

The State Assistance Program is consistently listed as a key tenant of the overall LWCF program. We value preserving and providing access to our national treasures for all to enjoy, but we want to remind you that many treasured areas are NOT located on federal property.

We'd like to specifically note that the Administration's FY2016 Budget request includes a total of $400 million in discretionary funding for the LWCF with the current $50 million (12.5%) being allocated for the State Assistance Program continuing the pattern of falling well short of a fair and equitable percentage being made available for state and local outdoor recreation. We note that it would take $160 million of overall LWCF appropriations to State Assistance to achieve the 40% threshold.

For the reasons outlined below, we are asking you to empower states and local communities to do more to preserve, develop, and assure access to outdoor recreation facilities to strengthen our nation by allocating 40 percent of total LWCF appropriations to the State Assistance Program in FY2016.

LWCF State Assistance's Return on Investment and Return on Objective:

One of the key aspects of the LWCF State Assistance Program is the ability to create jobs. According to the Outdoor Industry Association, the industry generates $646 billion in consumer spending and supports over 6 million jobs annually.[2] Considering there are 7,800 state and over 100,000 locally managed parks throughout the country, it is obvious that outdoor recreation is

[1] Amounts reflect amounts provided through appropriations, including the mandatory sequestration reduction.
[2] Outdoor Industry Association, "The Outdoor Recreation Economy Report 2012"

most prevalent at the state and local level. In fact, the National Association of State Park Directors reports that America's state park system contributes $20 billion to local and state economies each year.[3] There is no doubt that it is the LWCF State Assistance Program that provides the places, spaces, and opportunities for outdoor recreation, which stimulates the outdoor industry.

When viewed through the lens of the importance of the American outdoor recreation industry, the LWCF State Assistance Program has, for more than four decades, achieved a proven return on investment (ROI) demonstrated by the fact that nearly $4 billion in federal support has leveraged over $4 billion additional dollars in matching funds. But the benefits of this program don't stop there; the State Assistance Program does a tremendous job of providing an outstanding return on objective for the American taxpayer by ensuring access to outdoor recreation for all.

It is well known that not everyone has the ability to visit one of our treasured national parks, and even those who do so are unable to on a regular basis, as national parks are often vacation destinations or once-in-a-lifetime trips. To the average American, however, the neighborhood park – down the street, open and accessible to the public, and without an admission fee – is the most important public space in their lives. Many of our country's local places, spaces, and opportunities for outdoor recreation are provided through this program, with more than 42,000 grant projects located in every county across America.

The LWCF State Assistance Program is the only federal investment tool dedicated to ensuring that Americans have access to local public recreation opportunities. Because the program provides close-to-home recreation opportunities, millions of Americans, young and old, are annually connected with nature and provided the ability to be physically active and simply enjoy a life that they may otherwise be denied.

The LWCF State Assistance Program ensures that local communities across America have places where adults and children can go to recreate and enjoy the outdoors. It is a means by which this committee can provide investment to critically important local parks, including: Rancho Jurupa Park in Riverside, California; the new soccer field at Sisterhood Park in Anchorage, Alaska; and William O'Brien State Park in Marine on Saint Croix, Minnesota. Each of the aforementioned communities benefited from State Assistance grant funding since 2012.

LWCF State Assistance Provides Health and Environmental Benefits:
In addition to creating jobs and ensuring access for all, the LWCF State Assistance Program delivers tangible health benefits, contributing to the overall health and well-being of Americans. The National Park Service recognizes this through its Healthy Parks, Healthy People US initiative, which aims to increase public recognition of parks and public lands (including state, local, and regional park and trail systems) as places for the promotion of physical, mental, and social health. The CDC reports that less than 25 percent of adults engage in recommended amounts of physical activity, childhood obesity has tripled in the last 30 years, and that obesity is a leading cause of chronic disease. The Institute of Medicine of the National Academies reports the annual medical costs associated with obesity-related illness at $190 billion.[4] As noted by the CDC, increased access to parks, green space, and recreation opportunities is essential to becoming a healthier nation and reducing ever-growing, unsustainable health care costs.

[3] NASPD Annual Report, March 2013
[4] Institute of Medicine of the National Academies

The LWCF State Assistance Program also significantly contributes to protecting the environment and promoting environmental stewardship. LWCF State Assistance projects have a historical record of contributing to reduced and delayed stormwater runoff volumes, enhanced groundwater recharge, stormwater pollutant reductions, reduced sewer overflow events, increased carbon sequestration, urban heat island mitigation and reduced energy demands, resulting in improved air quality, increased wildlife habitat, and increased land values on the local level.

Revitalizing Urban Parks and Recreation through Funding of UPARR:
While the LWCF has indeed benefited virtually every community in the country, many of our nation's cities and urbanized counties face distinct challenges that require additional resources. Recognizing this fact as well as the importance of public parks and recreation to larger urban renewal and community development efforts, Congress established the Urban Parks and Recreation Recovery Program (UPARR) to provide matching grants directly to localities in metropolitan areas. Over the course of more than two decades, UPARR provided $272 million for nearly 1,500 projects in 380 communities. This enabled neighborhoods across the country to restore both outdoor and indoor recreation facilities; support innovative recreational programming and enhance delivery of services and programs that provided constructive alternatives to at-risk youth.

Despite its successes, UPARR has not been funded since FY 2002, yet many of the urban open space and recreation challenges still exist today. NRPA is very pleased to see UPARR in the President's FY 2016 budget and calls on Congress to update and fund this needed program to enable metropolitan areas to address quality of life, health and wellness, and conservation issues, as they improve their communities and make them more attractive for families and businesses alike. Both LWCF State Assistance and UPARR are critical to providing Americans close to home recreation opportunities. The programs complement each other and NRPA implores Congress to fund UPARR from total LWCF appropriations but not at the expense of the already underfunded State Assistance Program.

Maintaining the Outdoor Recreation Legacy Competitive Grant Program:
The FY 2014 Interior Appropriations package included an "additional" $3 million of funding for a pilot "Competitive Grant Program" managed under the State Assistance Program. NRPA is pleased to have worked with NPS to help craft this pilot initiative and believes the first set of grantees will prove successful in highlighting the innovative projects and partnerships the State Assistance Program provides across America. We support the continuation of what is now called the "Outdoor Recreation Legacy" grant program, provided the funds allocated are not done at the expense of the existing core formula grants distributed to the States for public recreation.

Mr. Chairman and members of the committee, few programs can address so many national priorities as effectively as the LWCF State Assistance Program and UPARR do, with so few dollars and without negatively impacting the federal budget. This subcommittee and Congress have the rare opportunity to achieve national goals without increasing spending or adding to the deficit, and can do so by adopting three simple recommendations: Allocate a minimum of 40 percent of LWCF funding to the State Assistance Program; continue the innovative "Outdoor Recreation Legacy" grant program; and address the need for improved infrastructure in urban areas by allocating a portion of the total LWCF funding to UPARR.

Thank you again for the opportunity to share NRPA's recommendations and your consideration of our request.

22377 Belmont Ridge Road Ashburn, VA 20148-4501

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National Tigers for Tigers Coalition
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TESTIMONY BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES CONCERNING FISCAL YEAR 2016 APPROPRIATIONS, March 20, 2015

Mr. Chairman and Members of the Subcommittee:

Chairman Calvert, Ranking Member McCollum, and Members of the Sub-Committee:

On behalf of the National Tigers for Tigers Coalition (T4T), I am submitting testimony on behalf of critically important conservation programs of the U.S. Fish and Wildlife Service (FWS). Thank you for your continued support for USFWS-International Affairs Office and its role in protecting international wildlife. We sincerely appreciate the opportunity to respectfully request the following appropriations for FY16:

- $14.7M to the FWS International Affairs Office (IA);
- $11.1M for the Multinational Species Conservation Funds (MSCFs);
- $75.4M to support the FWS Office of Law Enforcement (OLE).

Tigers for Tigers is a student-led national organization dedicated to engaging students and fans of universities with tiger mascots in the protection of our majestic and endangered team emblem. Currently active in twelve universities across the nation, T4T is quickly expanding. Our goal is to eventually engage all 56 tiger mascot universities nationwide – reaching more than 450,000 enrolled college students who self identify with their tiger mascot. T4T amplifies this amazing school spirit and empowers students and fans to save tigers from the loss and fragmentation of habitat and from increasing levels of illegal poaching and trafficking.

Compared to a century ago, tiger habitat has declined by 93% and tiger populations have plummeted by 97%. As a result of such crippling losses, it is estimated that only 3,200 tigers remain in the wild – mainly in India, Russia and Sumatra. Prized for their beauty and admired for their strength, tigers are poached for a variety of purposes, including, but not limited to: traditional medicine, clothing, food, wine and decoration. Protecting tigers from poachers and reducing the demand for tiger parts is critical for their survival.

The wildlife trafficking and trade crisis is an immediate threat to global biodiversity and is an issue of U.S. national security that must be addressed without delay. Highly organized and sophisticated crime networks around the world are starting to take advantage of this lucrative business, which generates an estimated $10 billion annually. The resulting revenue is used to support the illegal trafficking of both humans and drugs and to fund terrorist activities. Reducing the demand for wildlife parts would not only benefit conservation efforts, but would also decrease the funds available to crime networks to support trafficking and terrorist activities.

In July 2013, President Obama announced the National Strategy for Combating Wildlife Trafficking as part of Executive Order 13684. In February 2015, the Presidential Task Force announced the Implementation Plan for the National Strategy to focus on strengthening law enforcement, reducing demand for illegal wildlife products, and increasing cooperation through public and private partnerships. The Implementation Plan contains forward-thinking solutions to halt the loss of tiger habitat and populations, and we request robust funding to support the Executive Order.

FWS – Office of International Affairs (IA) -- $14.7M requested:

The FWS International Affairs Office is responsible for protecting and supporting our world's rich biodiversity, flora and fauna through landscape conservation programs and the implementation of roughly 40 international treaties and conventions. The IA office administers an extensive grant program and works to conserve species at risk through regulation of international wildlife trade.

Two programs administered under the IA, Wildlife Without Borders (WWB) Global and Wildlife Without Borders Regional Programs, support groundbreaking conservation programs and foster partnerships with governments, agencies, local organizations, and community stakeholders. The WWB Global Programs focus on international treaties, partnership and grant programs like the Critically Endangered Animals Conservation Fund and the Amphibians in Decline Fund. WWB Regional Programs foster collaborative efforts with multiple stakeholders to conduct shared conservation initiatives abroad in Africa, East Asia, Latin America, Russia and Mexico. T4T has been working directly with WWB Global Programs Office to promote the Save Vanishing Species postage stamp on our tiger mascot campuses. With support from the Global office and Clemson University, T4T produced a 25-second public service announcement video that was displayed on the jumbo-tron at all home football games in 2013 within a stadium of 80,000 cheering tiger fans.

The U.S. is the second largest consumer of illegal wildlife products in the world behind China. In November 2013, FWS hosted an Ivory Crush and destroyed 6 tons of confiscated elephant ivory to show the international community that the U.S. does not support or condone illegal wildlife trade. Immediately after the event, other countries, including China, followed the U.S.'s lead and destroyed their stockpiles of elephant ivory. To continue taking a leading role on the international stage, the U.S. must continue improving our local enforcement policies and supporting international conservation programs.

We respectively request the committee to support the President's request of $14.7 M for FY16 for the FWS's Office of International Affairs.

Multinational Species Conservation Funds -- $11.1M request

The Multinational Species Conservation Funds (MSCFs) of the FWS provide crucial funding to support conversation projects for tigers, elephants, rhinos, great apes, and

marine turtles. These funds finance anti-poaching efforts to combat illegal wildlife trafficking, educate and incentivize local communities, and finance projects to protect critical habitat.

In FY 2015 Congress allocated $9.1M to support MSCFs. This year, we respectively ask the Subcommittee to support an $11.1M budget, an increase in $2M allocated at the President's request to support the African Elephant Conservation Fund and the Rhino and Tiger Conservation Fund.

- The African Elephant Conservation Fund promotes conservation, research, and habitat management for African elephants. At the current rate of 35,000 elephants poached annually for their ivory, the population of 470,000 to 690,000 will face imminent extinction within the next decade.

- The Rhinoceros and Tiger Conservation Fund, established in 1994, provides funding for education, research and management of species with the objective of conserving rhinos and tigers and decreasing demand for illegal trade of animal parts. In 2014, the FWS funded over 40 projects for $3.2M, which was leveraged by $5.5M in additional funds.

    - In Asia, rhino populations are dwindling with fewer than 50 Javan rhinos and 400 Sumatran rhinos remaining in the wild. Every poached one-horned rhino has a significant impact on the remaining populations.

    - The Conservation Fund has improved recovery programs for the 3,200 remaining tigers in the wild by helping implement consumer demand reduction strategies and expand wildlife enforcement networks. T4T has worked directly on reducing human-tiger conflicts by funding groups that train female forest guards in Central India to educate their communities about wildlife laws and how to mitigate human-wildlife conflicts.

In addition to funding landscape conservation projects, Multinational Species Conservation Funds also stimulate local economies, build long-lasting partnerships between stakeholders and provide a growing constituency for international wildlife. Between 2007 and 2013, $77M has been appropriated to support MSCFs and establish partnerships in more than 54 countries. The more than 2,000 grants awarded have leveraged $115M in private and in-kind donations.

MSCFs have consistently received bi-partisan support in Congress and the Administrations since the program began in the 1990s and we request allocation of the President's request of $11.1M .

Office of Law Enforcement -- $75.4M request

The FWS Office of Law Enforcement (OLE) is involved in all aspects of the agency's efforts to manage eco-systems and promote international conservation efforts. The 261

special agents and 140 wildlife inspectors are highly involved in combating illegal wildlife trafficking, training foreign law enforcement officers, and solving wildlife crimes through their forensic labs. Yet despite its proven track record of addressing international wildlife crimes, the OLE is extremely under-funded and under-staffed and lacks the capacity to stem the tide of illegal wildlife products imported into the U.S. through shipping ports such as Miami, Los Angles, or New York.

We commend the international efforts and global operation of Operation Cobra 2 in late 2013 that resulted in over 400 arrests and 350 wildlife seizures in Africa and Asia. We have seen similar success in the domestic operation – Operation Crash – conducted in conjunction with the Department of Justice. Last year, the FWS in coordination with the State Department placed FWS experts in U.S. embassies in Bangkok and Dar es Salaam to support wildlife enforcement capacity and to coordinate wildlife trafficking investigations with local authorities. The FY16 Presidential Budget proposes to add four more law enforcement experts in additional countries, including China.

It is critical that we continue to fund and support the OLE's efforts to catch and disrupt the import, distribution and export of illegal wildlife products. The National Strategy to Combat Wildlife Trafficking seeks to strengthen legal authorities and enforcement capacity, strengthen investigative efforts abroad, increase collaboration across agencies, and reduce demand for illegal wildlife products. Therefore we respectfully request $75.4M to support the OLE in FY16.

The President has also requested an additional $8M within his FY16 budget to be allocated to the FWS to address the wildlife trafficking crisis. Most of this funding would be part of the $75.4M for the OLE to fund the expansion of the Fish & Wildlife Service's ability to process incoming forensic evidence and prosecute the criminal violations of wildlife protection laws.

Members of the subcommittee, we sincerely appreciate the opportunity to provide our written testimony to advocate for the successful programs of FWS and our nation's commitment to international conservation efforts. Only by investing now in international conservation efforts to establish a healthy wild tiger population can we ensure that future generations will be able to fully appreciate the magnificent power of wild tigers – whatever the mascot of their favorite team.

And as a recent Clemson University Alumnus, I'd like to add – Go Tigers!

Joshua Saks
Legislative Director
National Wildlife Federation

Testimony Regarding Fiscal Year 2016 Appropriations
House Appropriations Subcommittee on Interior, Environment & Related Agencies

On behalf of the National Wildlife Federation (NWF), the nation's largest member-based conservation advocacy and education organization, and our more than five million members and supporters, we thank you for the opportunity to provide Fiscal Year 16 funding recommendations for the Department of the Interior and other agencies under the jurisdiction of this Subcommittee.

We understand the difficult budget choices facing Congress and the nation as we move forward under the constraints of the Budget Control Act of 2011 (P.L. 112-25), and applaud Congress for replacing part of sequestration in the Consolidated Appropriations Act of 2014. Disproportionate cuts to conservation programs are not consonant with the priorities of most Americans. These programs protect cherished lands and waters and conserve the natural resources that are vital to our nation's continued economic vitality. Recent studies estimate that outdoor recreation and conservation account for $1.06 trillion in overall economic activity and support 9.4 million jobs each year. Outdoor recreation alone generates more than $49 billion in annual federal tax revenue.

NWF is concerned about proposed funding reductions to many of the federal government's programs that protect and conserve fish and wildlife, sustaining and restoring important ecosystems, and maintaining clean air and water. Perhaps of even greater concern are efforts to rewrite the nation's landmark environmental laws through the use of policy riders on the appropriations bill. **National Wildlife Federation urges the Subcommittee to make the necessary investments in our essential conservation and environmental programs and commitments in the FY16 appropriations bill, and to pass a bill free of such riders.**

National Wildlife Federation is overall supportive of the President's FY16 budget request for conservation programs, which we view as balancing fiscal responsibility with continued investments in essential conservation and environmental programs. Following, we offer recommendations for specific budget items and programs.

I. U.S. FISH AND WILDLIFE SERVICE

State and Tribal Wildlife Grants

The State and Tribal Wildlife Grants program is the nation's core program for preventing wildlife from becoming endangered in every state. We are extremely concerned about the impact on the nation's wildlife of the nearly 30% cut this program has suffered in recent years. We urge Congress to honor its commitment to this effort by **maintaining funding at the President's request of $70 million.**

Cooperative Landscape Conservation

The Fish and Wildlife Service's Landscape Conservation Cooperatives represent an important tool for leveraging federal, state, and private resources to achieve effective conservation outcomes and safeguard fish and wildlife resources from climate change. We urge Congress to address the real threats of climate change to fish and wildlife and **support the President's request of $17.9 million for this program.**

National Wildlife Refuge System

The National Wildlife Refuge System is home to thousands of species of wildlife. With over 560 refuges, this system provides outdoor recreational and tourism opportunities for the 46.5 million Americans who visit refuges annually. And for every $1 invested by Congress, refuges generate over

$4 in economic benefits to local communities. NWF, along with the **Cooperative Alliance for Refuge Enhancement (CARE), endorses the President's FY16 funding request of $508.2 million for Operations and Maintenance for the National Wildlife Refuge System.**

II. U.S. GEOLOGICAL SURVEY

Climate and Land Use Change

The USGS Climate and Land Use Change program provides research that allows other land management agencies to make science-based decisions important to resiliency and adaptation regarding climate change. **We support the President's requested funding level of $149.1 million for Climate and Land Use, and of $37.4 million for the DOI Climate Science Centers.**

Ecosystems

The USGS Ecosystems program provides research that allows other land management agencies to make science-based decisions important to the conservation of our nation's wildlife and the habitats they depend upon. **We support the President's budget request of $176.3 million for this program.**

III. BUREAU OF INDIAN AFFAIRS

Trust Natural Resources Program

The BIA Trust Natural Resources (TNR) Program represents the largest amount of federal funding for tribal natural resource management. For the last decade-plus, funding for BIA has unacceptably lagged behind funding for other Interior agencies. Funding these programs should be a top priority of Congress for FY16. **In addition, we fully support the Presidents request of $232.796 million for TNR**. We are particularly supportive of the $50.4 million requested, a $40.4 million increase over 2015, in **funding across nine natural resources programs to** support tribal engagement in climate adaptation.

IV. BUREAU OF LAND MANAGEMENT

National Landscape Conservation System

The National Landscape Conservation System comprises some 27 million acres of congressionally and presidentially designated lands and waters. These lands are some of the best places to experience the rich history and scenic beauty of the American West. **We ask Congress to support the President's FY16 request of $48.47 million for the National Conservation Lands** in order to prevent critical damage to the resources found in these areas, ensure proper management, and provide for a quality visitor experience.

Master Leasing Plan

The Master Leasing Plan concept is a cornerstone of onshore oil and gas program reforms announced by the Department of the Interior in 2010 and represent a positive step in restoring recognition of the fish and wildlife values on public lands. **National Wildlife Federation, as part of the Sportsmen for Responsible Energy Development coalition, strongly supports the Administration's requested increase of $5.8 million to strengthen the oil and gas leasing program within the Oil and Gas Management budget**.

Greater Sage Grouse Conservation Strategy

This new initiative will support work that must be done to recover this important game species and habitat without the necessity of a listing under the Endangered Species Act. These efforts will have benefits that go beyond recovering the sage grouse: they will protect elk, mule deer, and pronghorn sheep as well as the $1 billion in recreation activity on BLM-managed sagebrush lands. **National Wildlife Federation strongly supports the President's request of $45 million for this program.**

V. POWERING OUR FUTURE INITIATIVE

The Powering our Future initiative provides resources for six bureaus across DOI for renewable energy planning, leasing, and permitting activities. The initiative presents an opportunity for the nation to facilitate large-scale clean energy projects without compromising crucial wildlife interests and investments. NWF **strongly supports the President's request of $100.4 million for FY16,** an increase of $8.4 million from FY15 enacted. In addition, NWF supports legislative proposals, such as the Public Lands Renewable Energy Development Act, that would both incentivize and add certainty for renewable energy on public lands while paying back the land by providing resources for fish, wildlife, recreational opportunities, local communities, and states.

VI. DOI YOUTH PROGRAMS

NWF supports the Department of the Interior's goal of providing 40,000 work and training opportunities over fiscal years 2014 and 2015 and to help implement the Secretary's Play, Learn, Serve and Work Youth Initiative. To this end, **we urge you to support the Administration's budget requests of $107.2 million for youth programs across the Department of the Interior, a $45.5 million increase from the FY15 enacted level**. Of this, $20 million would be provided to the National Park Service for youth activities, including bringing one million fourth-graders from low income areas to parks as part of the "Every Kid in a Park" initiative.

VII. U.S. FOREST SERVICE

Forest Fire Disaster Funding

Currently, federal land management agencies must shift money away from vital agency programs in order to fund wildfire suppression costs. This practice negatively impacts land management programs including those that decrease long-term wildfire risk and costs and the associated loss to wildlife, habitat and recreation. **NWF supports the President's efforts to address this problem by including wildfire emergency funding processes in his FY16 budget that are similar to those of other natural disasters.** We support legislative efforts to rectify this practice.

VIII. LAND AND WATER CONSERVATION FUND

The Land and Water Conservation Fund (LWCF) is a tool for the federal government to acquire both state and federal land that is important to maintaining wildlife habitat as well as open space. National Wildlife Federation **strongly endorses the President's FY16 budget request of full funding for LWCF at $900 million, with $500 million in mandatory funding and $400 million in discretionary funding**. We support all efforts to ensure LWCF is funded at its maximum authorized level, including legislative efforts to provide robust and dedicated funding outside of the budget process. Likewise, **NWF supports the President's request that $20 million goes to improving access to public lands for sportsmen and outdoor recreationists.**

IX. ENVIRONMENTAL PROTECTION AGENCY

Geographic Programs - Ecosystem Restoration Initiatives

America's Great Waters are the lifeblood of our nation. Sustained, consistent restoration funding is crucial for the successful implementation of multi-year ecosystem restoration plans. As such, we and the Subcommittee to **maintain funding for the Chesapeake Bay at the FY15 level of $73 million.** We also support sustained funding for other regional efforts, including but not limited to the Long Island Sound Program and Puget Sound Programs. **We are concerned about the significant proposed funding decrease for the Great Lakes Restoration Initiative, and support maintaining the FY15 enacted level of $300 million.**

EPA National Estuary Program

The National Estuary Program (NEP) works to restore and protect nationally significant estuaries. The program focuses not just on improving water quality, but on maintaining the integrity of the whole system -- its chemical, physical, and biological properties, as well as its economic, recreational, and aesthetic values. **NWF is glad to see funding maintained for this program, and supports the President's FY16 request for $27.3 million.**

Clean Water State Revolving Fund

Since the 1970's, CWSRF projects have helped improve the quality of wastewater treatment in communities throughout the country. Yet the job is far from complete and the nation faces trillions of dollars in funding needs to repair aging wastewater treatment systems and keep our rivers and streams pollution free. We believe now, particularly when America's infrastructure is rated at D+ by the American Society of Civil Engineers, is not the time to cut resources from communities. NWF strongly opposes the $430.9 million proposed cut to this program, and **urges funding at the FY15 level of $1.44887 billion.**

Clean Water Act 319 Nonpoint Pollution Reduction Program

When Congress recognized the need for greater federal leadership in assisting with nonpoint source pollution reduction efforts, The Clean Water Act was amended to establish Section 319. Continued funding for the Nonpoint Source Management Program will provide state and local nonpoint source remediation efforts with the funds that are crucial to the implementation of these projects. **As such we recommend that the Subcommittee fund the program at the President's requested level of $164.9 million.**

Climate & Air Pollution Reduction Programs

NWF supports EPA's priority goal of improving the country's air quality and taking action on climate change. **We support the requested $279.47 million for addressing climate change**, an increase of $88.8 million over FY15 enacted, allowing the Agency to support a full range of approaches for reducing carbon pollution and the risks posed to human health and the environment from climate change.

National Environmental Education Act (NEEA) Programs

EPA's Office of Environmental Education implements highly successful, nationwide environmental education programs. We are grateful for the Subcommittee's support of environmental education in previous years and **urge you to increase funding for the National Environmental Education Act (NEEA) programs at the Environmental Protection Agency by $2.7 million, to the President's requested level of $10.969 million.**

TESTIMONY TO THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
BY THE NEW ENGLAND FOREST POLICY GROUP
EMILY BATESON, CHAIR

MARCH 23, 2015

Mr. Chairman, and distinguished members of the Subcommittee, we are grateful for the opportunity to submit testimony today on behalf of the New England Forest Policy Group and the 92 conservation, forestry, and recreation interests listed at the end of my testimony.

We respectfully request an increase in overall funding for the Land and Water Conservation Fund to the Authorized level of $900 million, including $100 million for the Forest Legacy Program, $556.879 million for the federal LWCF, $100.121 million for the State Grants Program, and $25 million for the Urban Park and Recreation Fund in the FY 2016 Interior and Environment Appropriations bill. We also respectfully request a minimum of $5 million for the Community Forest and Open Space Conservation Program, $34.145 million for the North American Wetlands Conservation Act, $70 million for the State and Tribal Wildlife Grants Program, $10 million for the Recreational Trails Conservation Assistance Program, $31 million for Urban & Community Forestry, $48 million for the Cooperative Forest Health Program, and $29 million for the Forest Stewardship Program.

These levels are based upon the established needs of the New England states and in consideration of the demands these Programs face across the Nation. These conservation and forestry programs provide great benefit to communities that depend upon our region's forests and to the nation as a whole. Anything less than the requested funding will further impact these Programs' effectiveness, especially in light of notable funding declines over the past decade. Inscrutably, America is under-investing in its natural resources despite the clear economic, ecologic, and cultural value to our health, well-being, and future.

The New England Forest Policy Group is an informal coalition of forestry, recreation, and conservation organizations and businesses united by efforts to conserve and utilize the forested landscapes that characterize our region. New England's forests are the backbone of our forest products and recreation economies, and they provide other services of incalculable value including clean water and biodiversity protection, climate mitigation, and flood resilience. As the most forested region in the country, New England's economy is strongly dependent on the health and integrity of its forests. New England's forests are 80% privately owned, mostly in relatively small parcels, and landowners are facing profound challenges from rising land prices, escalating development pressures, climate change, and associated threats that will significantly diminish this irreplaceable landscape without the support of the programs we list here.

As the Subcommittee crafts its Interior & Related Agencies Appropriations bill, there are several key points we respectfully request you to consider:

1. **Overall Funding for the Land and Water Conservation Fund (LWCF) at $900M**. Funding at the recommended $900 million is critical for the conservation of the natural legacy of New England and the country. For 50 years, LWCF has protected our nation's natural and historic treasures and is a vital tool for conserving working forests, wildlife habitat, and supporting state and local parks. It is paid for by a portion of receipts from offshore oil & gas drilling; it is not funded from taxpayer dollars. All six New England states will receive funding for critically important LWCF & Forest Legacy projects if the

requested level of $900 million is provided in FY 2016. But more than half of New England's FY 2016 Forest Legacy projects are not likely to succeed unless full funding is appropriated.

2. **New England Needs for Federal Land Acquisition under LWCF.** In Fiscal Year 2016, New England's proposed federal LWCF projects are found in the "Discretionary" sections of the Administration's proposed budget; however if the full $400 million "Discretionary" funding level is not funded, it is likely several of these important projects will not be completed.

   a. ***National Park Service LWCF Acquisitions—New England National Scenic Trail in Massachusetts at $875,000, part of the Collaborative Landscape Proposal for the National Trails landscape (#17, Discretionary).*** The proposed FY 2016 LWCF funds are necessary for conserving and expanding the New England National Scenic Trail. New England's outdoor recreation economy is worth approximately $43 billion each year and supports more than 330,000 jobs, according to the Outdoor Industry Association.

   b. ***U.S. Fish and Wildlife Service LWCF Acquisitions—The Silvio O. Conte National Fish and Wildlife Refuge at $2M (#11, Discretionary).*** Securing protection of these ecologically rich watersheds and habitat corridors is a top regional priority. The Conte Refuge encompasses the spectacular Connecticut River watershed—a critical four-state habitat corridor and a treasure trove of ecological diversity, recreation, and economic opportunity.

   c. ***National Park Service LWCF Acquisitions—Acadia National Park at $2.476M (#17, Discretionary).*** Acadia National Park contributes $200 million to Maine's economy every year and supports more than 3,000 jobs. This project will secure an inholding that provides high priority access and protection to the paddling gem, Round Pond.

3. **LWCF State Grants Program—$100.21M (Programmatic, Discretionary and Mandatory).** The LWCF state assistance program provides matching grants to help states and local communities protect parks and recreation resources. This is the primary federal investment tool to ensure that families have easy access to parks and open space, hiking and riding trails, and neighborhood recreation facilities.

4. **US Forest Service Programs of Special Importance to New England—USFS Forest Legacy and USFS Community Forest Programs.** These two programs in the Interior Appropriations bill are particularly important to New England given our region's high percentage of private forestland ownership and the intense development pressures on these lands.

   a. ***USFS Forest Legacy Program (FLP) needs full $100M Appropriation to meet New England's needs.*** The FLP has protected more than one million acres of forestland in New England since its establishment in the 1990 Farm Bill. Originally created to help address needs in New England and New York, this program has expanded to 53 states and territories while funding levels remain static.

      New England has an outstanding group of FLP projects in the proposed FY 2016 Budget, including two of the top fifteen projects nationally. FLP must receive the full $100 million requested to ensure that all of New England's projects are funded. New England's full FY 2016 interests include:

      - ***$3.8M for Big Six Forest in ME (#6, Discretionary); $1.43M for Whip-Poor-Will Woods in CT (#12, Discretionary).***
      - ***$4M for the Worcester Woods in VT (#20, Mandatory); $1.35M for Groton Forest Legacy Initiative projects in VT (#28, Mandatory), $510,000 for Oliverian Valley in NH (#32, Mandatory), and $820,000 for Arcadia Woodlands in RI (#41, Mandatory).***

   b. ***USFS Community Forest Program needs a minimum of $5M.*** The Community Forest Program (CFP) is a 50-50 matching grant program to help local governments, tribes, and non-profit

organizations expand the region's proud tradition of locally owned and managed lands, such as town forests. In the FY 2014 round of CFP grants, project partners leveraged $2.3 million in federal funds to secure $4.9 million in non-federal funding. In our region, CFP grants have been awarded for spectacular community forest projects in Barre and Dorset, Vermont; and in Easton, New Hampshire. Funding the Community Forest Program at the $5M level will much better match demand than the Administration's proposed level. This program is critical to New England's community character and economic vitality.

5. **North American Wetland Conservation Act (NAWCA) at $34.145M.** The Nation's premier conservation program for wetland habitat protection and restoration is critical to New England. Our remarkable marshes and coastal and estuarine habitats support commercial and sport fisheries and myriad wildlife species. These lands are also important for protecting coastal communities—a high regional priority given recent devastating events like Hurricane Irene and Superstorm Sandy.

6. **State and Tribal Wildlife Grants Program (SWG) at $70M.** This important U.S. Fish and Wildlife Service program provides federal grant funds for developing and implementing programs that benefit wildlife and their habitats and provides core funding for research, habitat restoration, and monitoring under the State Wildlife Action Plans. $70 million will reinvigorate the program and benefit landowners by keeping species off the Endangered Species list.

7. **Rivers and Trails Conservation Assistance Program (RTCA) at $10M.** RTCA partners with communities to protect 700 miles of rivers, create 1,300 miles of trails, and conserve over 60,500 acres of open space annually. RTCA allows the NPS to support private conservation organizations as well as local and state governments, usually in coalition, to foster important recreation, river protection, and land conservation efforts. This program is of high value to the populous New England states.

8. **Cooperative Forestry Program (including Urban & Community Forestry at $31M, Cooperative Forest Health at $48M, Forest Stewardship at $29M).** These programs fund landowner services provided by State Foresters and Cooperative Extension Foresters. The proposed funding levels reflect the critical needs for private forestlands as endorsed by the National Association of State Foresters. The programs provide educational services to landowners and communities, and help ensure that our forested landscape remains healthy, resilient, and economically viable. Levels lower than those recommended will result in curtailing of vital services that help New England's family forest landowners sustainably manage their land.

9. **Urban Park and Recreation Fund (UPARR) at $25M.** The President's budget proposes that UPARR, which provides matching grants and technical assistance to urban communities, be included within the LWCF umbrella and the proposal for full funding. It helps provide Federal assistance for rehabilitation of critically needed recreation facilities and for recreation planning in many New England communities.

10. **Wildfire Disaster Funding at $2.118 billion.** This funds wildfire suppression to protect the nation's forest resources from wildfires. Our request reflects the modeled levels of suppression through the Interior bill and the wildfire budget cap adjustment to meet suppression needs in FY2016. Current spending levels for the suppression and FLAME accounts will not be sufficient for FY2016 and fighting fires will end up coming at the expense of other already constrained programs. We appreciate the Committee's support of the bipartisan Wildfire Disaster Funding Act (WDFA - H.R. 167; S. 235) and respectfully request that the language be highlighted in the bill.

In closing, we thank the Subcommittee for your continuing leadership on federal land conservation and forest viability matters and for the opportunity to provide this testimony. Signatory organizations represented by this testimony:

Androscoggin Land Trust (ME)
Appalachian Mountain Club
Aspetuck Land Trust (CT)
Audubon Connecticut
Audubon Society of NH
Audubon Society of Rhode Island
Audubon Vermont
Bear-Paw Regional Greenways (NH)
Boxford Trails Association/Boxford Open Land Trust (MA)
Cold Hollow to Canada (VT)
The Compact of Cape Cod Conservation Trusts (MA)
Connecticut Forest & Park Association
Connecticut Fund for the Environment/Save the Sound
Connecticut Land Conservation Council
Connecticut River Watershed Council (NH, VT, MA, CT)
Conservation Collaboratives, LLC
Conservation Law Foundation
Cornwall Conservation Trust (CT)
East Haddam Land Trust (CT)
East Quabbin Land Trust (MA)
Environmental League of Massachusetts
Essex County Greenbelt Association (MA)
Fairfield County Regional Conservation Partnership (CT)
Forest*Care (VT)
Franklin Land Trust (MA)
Friends of Acadia National Park (ME)
Friends of the Moshassuck (RI)
Friends of the Rachel Carson NWR (ME)
Friends of the Silvio O. Conte NWR (NH, VT, MA, CT)
Greater Lovell Land Trust (ME)
Green Mountain Club (VT)
Harris Center for Environmental Studies (NH)
High Peaks Alliance (ME)
Highstead Foundation
Housatonic Valley Association (MA, CT, NY)
Ipswich River Watershed Association
Kennebec Estuary Land Trust (ME)
Kestrel Land Trust (MA)
Land Conservancy of Ridgefield (CT)
Litchfield Hills Greenprint Collaborative (CT)
Littleton Conservation Trust (MA)
Loon Echo Land Trust (ME)
Lyme Timber Company
Maine Appalachian Trail Land Trust
Maine Coast Heritage Trust
Maine Wilderness Guides Organization
Mass Audubon
Massachusetts Rivers Alliance
MassConn Sustainable Forest Partnership (MA, CT)
MA Woodlands Institute
Middlesex Land Trust (CT)
Monadnock Conservancy (NH)
Mount Grace Land Conservation Trust (MA)
Mt. Agamenticus to the Sea Conservation Initiative (ME)
National Audubon Society
The Nature Conservancy
Natural Resources Council of Maine
New England Forestry Foundation
New England Wild Flower Society
NH Recreation and Parks Association
North Woods Resource Group, Inc.
Northeast Wilderness Trust
Northern Forest Center
Northland Forest Products, Inc.
Opacum Land Trust (MA)
Open Space Institute
Quabbin to Cardigan Partnership (NH, MA)
Randolph Community Forest (NH)
Rangeley Lakes Heritage Trust (ME)
Redding Conservation Commission (CT)
Rensselaer Plateau Alliance (NY)
RI Forest Conservators Organization
Rhode Island Woodland Partnership
Ridgefield, CT Conservation Commission
Salisbury Association Land Trust (CT)
Sandy River Land Trust (ME)
Sharon Land Trust (CT)
Shelburne Trails Club (NH)
Sierra Club, MA Chapter
Sierra Club, VT Chapter
Society of American Foresters, Green Mountain Division
Society for the Protection of New Hampshire Forests
Southeastern Massachusetts Pine Barrens Association
The Conservation Fund
The Trust for Public Land
The Wilderness Society
Upper Valley Land Trust (NH, VT)
Vermont Land Trust
Vermont Natural Resources Council
Vermont Woodlands Association
Wildlands Trust (MA)

David (Lefty) Durando
Durando Okeechobee Partnership
Northern Everglades Alliance

As a rancher and a member of the Northern Everglades Alliance, I thank you for your past support of the Everglades Headwaters National Wildlife Refuge (EHNWR). The Everglades Headwaters National Wildlife Refuge and Conservation Area was established in 2012 as a result of unprecedented cooperation among federal agencies, state agencies, cattle ranchers, sportsmen, and conservation groups. We respectfully request that you fully fund the Land and Water Conservation Fund and to specifically sustain funding for the refuge at the level of $10 million for Fiscal Year 2016. The monies from the LWCF fund are needed to purchase 100,000 acres of conservation easements over working ranch lands and to purchase 50,000 acres of fee simple lands within the headwaters of the Everglades

The Northern Everglades Alliance has 25 ranchers, farmers and landowners that own one million acres in the area. The NEA will continue to work with the administration and Congress to secure the necessary funding to maintain Florida's ranches and farms, water supply and wildlife. The request for $10 million for Fiscal Year 2016 is needed for the Everglades Headwaters in the U.S. Fish and Wildlife Service (FWS) land acquisition program because land values are rising fast and development pressure has returned to Florida. Individual landowners are working closely with the FWS to complete easements on ranches and farmers in the Everglades Headwaters.

There are additional federal and state funding sources that will be used for the Everglades Headwaters project. The State of Florida has provided funding for easements and land acquisition programs. The Florida Forever program, operated by the Florida Department of Environmental Protection, provides conservation easement monies for lands and the Rural and Family Lands program, operated by the Florida Department of Agriculture, provides easement funds for working agricultural lands. Both programs are partnering with FWS to protect high priority lands within the EHNWR. The

state and federal partnership is critical to the success. The Water and Land Legacy amendment (ballot initiative) was approved last November; this amendment will provide for dedicated revenue for land conservation annually for the next 20 years.

The EHNWR leverages existing efforts by the Natural Resource Conservation Service and the Department of Defense. Over the past four years, NRCS has provided over $300 million through the Wetlands Reserve Easement Program for Florida projects. The Department of Defense, through the Readiness and Environmental Protection Initiative buffer program, has spent $2 million to create buffers and easements surrounding the Avon Park Air Force Range. NRCS and DOD have signaled their interest in prioritizing additional funding for the Everglades Headwaters and are important partners.

By protecting agricultural lands in the Kissimmee River basin and their ability to store and filter water, we are protecting the future of the state. Cattle ranching is one of Florida's most important agricultural industries and with drought conditions in the west, Florida ranchers are making a significant contribution to American beef production at a crucial time.

Agriculture is second only to tourism as an economic driver in Florida. Through this plan, agricultural communities are able to preserve the way of life that makes these landscapes so special, while achieving conservation goals, watershed protection, military readiness and increasing opportunities for recreation, such as hunting and fishing, proven economic drivers to local communities. Existing Florida refuges return huge rates of economic output in relation to what is appropriated to run them; A.R.M Loxahatchee NWR returns $6.81 annually for every $1 appropriated; Hobe Sound NWR returns $9.88; Merritt Island NWR returns $17.61; Santee NWR returns $14.54; and St. Marks returns $10.62.

The Everglades Headwaters National Wildlife Refuge and Conservation Area will help

maintain open land north of Lake Okeechobee, which is the most efficient and cost effective method of enhancing water quality and increasing water storage to help satisfy Florida's water needs. It will also help preserve agriculture in this region, safeguarding a vital industry that employs thousands and helps secure our nation's food supply. Sportsmen, birdwatchers, and wildlife tourism participants generate enormous economic return for every one-dollar invested. An investment in the Everglades NWR and Conservation Area makes good conservation sense, good national security sense for both military preparedness and food production and good economic sense.

We appreciate your leadership and ongoing support for the Everglades Headwaters. We look forward to working with you and your staff in the coming year. Thank you for your consideration of this request

Sincerely,

David M. "Lefty" Durando
Durando Ranches

Norton Sound Health Corporation
P.O. Box 966, Nome, Alaska 99762
907-443-3311
Angie Gorn, President and CEO

Testimony submitted to the House and the Senate Appropriations Subcommittees on Interior, Environment and Related Agencies

Regarding FY 2016 Indian Health Service Appropriations
March 25, 2015

The requests of the Norton Sound Health Corporation (NSHC) for the FY 2016 Indian Health Service (IHS) budget are as follows:

- Direct the IHS to fully fund the Village Built Clinic (VBC) leases in accordance with Section 804 of the Indian Health Care Improvement Act and allocate an additional $12.5 million to VBC leases.
- Shield the IHS from sequestration in FY 2016 and beyond.
- Place contract support costs on a mandatory funding basis.
- Funding for built-in costs.
- Place IHS funding on an advance appropriations basis.
- Construction of clinics at Gambell and Savoonga on St. Lawrence Island, at a cost of $8.6 million, and clarify to IHS that Village Built Clinics are eligible for IHS construction funds.

The Norton Sound Health Corporation is the only regional health system serving Northwestern Alaska. It is on the edge of the Bering Sea, just miles from the Russian border. We are not connected by road with any part of the State and are 500 air miles from Anchorage - about the distance from Washington, DC to Portland, Maine. Our service area encompasses 44,000 square miles, approximately the size of Indiana. We are proud that our system includes a tribally-owned regional hospital which is operated pursuant to an Indian Self-Determination and Education Assistance Act (ISDEAA) agreement, and 15 village-based clinics.[1] The logistics and costs associated with travel and transportation are a daily challenge, to say the least.

[1] We serve the communities of: Brevig Mission, Council, Diomede, Elim, Gambell, Golovin, King Island, Koyuk, Mary's Igloo, Nome, St. Michael, Savoonga, Shaktoolik, Shishmaref, Solomon, Stebbins, Teller, Unalakleet, Wales, and White Mountain.

End Chronic Underfunding Of Village Built Clinics. The NSHC health care system includes 15 Village Built Clinics (VBCs). The VBCs are essential for maintaining the IHS Community Health Aide Program (CHAP) in Alaska, which provides the only local source of health care for many Alaska Native people in rural areas. The CHAP program is mandated by Congress as the instrument for providing basic health services in remote Alaska Native villages. The CHAP program cannot operate without the use of clinic facilities. This is a huge issue. Senator Murkowski noted in her hearing on the FY 2016 IHS budget that when she is in rural Alaska she hears as much or more about this issue than any other.

The IHS has for many years consistently under-funded the leases of VBCs even though the IHS has had available appropriations to fully fund the leases. Lease rental amounts for the VBCs have failed to keep pace with costs –the majority of the leases for VBCs have not increased since 1989. The IHS has instead shifted its statutory responsibilities onto the villages and NSHC, which does not have adequate financial resources to maintain and upgrade the VBCs for CHAP staff. As a result, many of the VBCs are unsafe or have had to be closed, leaving some villages in Alaska without a local health care facility.

NSHC and many other tribal organizations in Alaska have discussed this issue with the IHS on several occasions, and have proposed solutions that the IHS continues to ignore. IHS continues to assert that it provides for VBC leases all of the funds that Congress has appropriated for the program. In our view, the amounts historically traceable to the VBC leases are not capped by statute and are not the only funds available for that program. The Indian Health Facilities appropriation is a lump-sum appropriation that can be used for construction, repair, maintenance, improvements and equipment, and includes a sub-activity for maintenance and improvement of IHS facilities. The VBCs are IHS facilities acquired by lease in lieu of construction and should thus be eligible for maintenance and improvement funding. The IHS can also access other IHS discretionary funds to fully fund its VBC obligations.

For FY 2016, we urge that an additional $12.5 million be appropriated to more fully fund VBC leases. We also ask that IHS in its budget recommendations: (1) identify the amount needed to fully fund VBCs; (2) request that amount in a separate line in the IHS budget; and (3) allocate that amount to the VBC lease program.

Protect the IHS from Sequestration. As you are well aware, the IHS was subject to a FY 2013 sequestration of roughly 5 percent of the IHS's overall budget even though other health programs – notably the Veterans Administration, State Medicaid grants and most of Medicare - were exempted. We are heartened by comments made in Interior Appropriations hearings this year and last that the sequestration of IHS funds should not have taken place and a number of Members – including our delegation – are committed to protecting the IHS from future sequestration. We are grateful that Congress took action to avert a sequestration in FYs 2014 and 2015, but, of course, we are faced with the prospects of it in FY 2016 and beyond.

We thus strongly urge the Congress to fully exempt the IHS from any future sequestration, just as the VA and other health programs are exempt.

Contract Support Costs Mandatory Funding. We support the Administration's proposal to fund Contract Support Costs (CSC) on a mandatory basis, although we urge, along with many other tribes and tribal organizations, that Congress enable it to become effective with fiscal year 2016. The Administration's proposal differs from our and others in Indian Country proposal that CSC be funded indefinitely and not capped, but we gratefully acknowledge this proposal as a huge step for the Administration. We are hopeful that the $718 million proposed for CSC funds for IHS will be sufficient for full funding for FY 2016 – a lot of work has gone into the estimated calculation and that should bode well for future estimates as well.

We so appreciate your support for full funding of CSC and your blunt statement accompanying the FY 2014 Appropriations Act that the legal obligation to fully fund CSC had put the House and Senate Committees in the "untenable position of appropriating discretionary funds for the payment of any legally obligated contract support costs."

We ask for your active help in working with the Budget Committee on this proposal for mandatory CSC funding. You have had a great deal of experience in talking with Indian and Alaska Native leaders about the frustrations and the inequity of tribes and tribal organizations who contract to assume administration of federal programs not being paid for the costs to administer them. We know that Member-to-Member communications are of the utmost importance and you have much to offer others in Congress who will weigh in on this issue.

Funding for Built-in Costs. We appreciate the Administration's FY 2016 request of $147.3 million for built-in costs consisting of $71.2 million for medical inflation at a 3.8% rate; $19.4 million for a 1.3% pay raise; and $56.7 million to partially fund population growth ($70.3 million needed for full funding according to IHS) and urge Congress to fund this request.

Built-in costs are often sacrificed in the budget negotiation process, but lack of them impacts all programs. Inflation -- medical and non-medical; required pay raises, and population growth are real facts of life and affect our ability to provide sufficient health care services.

While for FY 2015 the Administration requested $63 million for medical inflation and $2.6 million to partially fund pay raises, the final bill provided only $2.6 million for pay raises (estimated cost is $20 million) but no other built-in costs. For FY 2014 the only IHS built-in costs provided was $35 million for medical inflation for the Purchased/Referred Care program. In FYs 2011-2013, appropriations for built-in costs were minimal.

IHS Advance Appropriations. As with our testimony last year, we ask that the IHS budget be transitioned to an advance appropriations basis. We know you are sympathetic to our frustrations caused by the funding of IHS and other federal agencies via a series of start and stop Continuing Resolutions. We are appreciative of Representative Don Young's introduction of HR 395 to authorize IHS advance appropriations and for our entire Alaska delegation in the 113th Congress for introducing the same legislation.

The current (FY 2015) fiscal year funding was enacted 2 ½ months after the beginning of the fiscal year; in FYs 2013 and 2014 it was 6 months and 3 ½ months, respectively, after the

beginning of the fiscal year. Following enactment, there is a couple month process of clearance through the agency and the OMB and then allotment to the Area Offices and finally to the tribes. Both the tribal and IHS programs suffer under this situation. We want to do the best job possible in planning, decision-making and administering programs but are limited by not knowing how much funding will be available or when it will be available. It also requires constant re-working of our budget, resources better devoted to providing health care services.

Congress has provided the authority for the Veterans Administration (VA) medical accounts to receive funding on an advance basis and the Budget and Appropriations Committees have provided the necessary support for that authority. We are struck by the justification in the proposed FY 2016 budget (FY 2017 advance appropriations) for the VA and we ask for parity:

> For 2017, the Budget requests $63.3 billion in advance appropriations for the three medical care appropriations: Medical Services, Medical Support and Compliance, and Medical Facilities. This request for advance appropriations fulfills the Administration's commitment to provide reliable and timely resources to support the delivery of accessible and high-quality medical services for veterans. This funding enables timely and predictable funding for VA's medical care to prevent our Nation's veterans from being adversely affected by budget delays, and provides opportunities to more effectively use resources in a constrained fiscal environment. (Appendix, Budget of the U.S. Government, p. 1058).

Clinic Construction. The NSHC has completed the final designs for replacement of the Village Built Clinics at Gambell and Savoonga on St. Lawrence Island. We are requesting $8.6 million in IHS construction funds for this purpose. The IHS does not have a definitive response to the question of VBC eligibility for construction funds and we ask that Congress clarify that they are eligible for these funds. There is no prohibition on it, and the VBCs are serving IHS beneficiaries the same as though those clinics in rural areas in the lower 48.

We would like you to know what we have done thus far on this project. Working with Bettisworth North Architects (BNA) and the communities, we modified a prototype village clinic design BNA developed for the Maniilaq Association several years ago which was successfully constructed throughout the NANA region. The clinics are 5,200 square feet with the floor plan having been slightly modified from the prototypical starting point in order to provide specific health programs delivered by NSHC in Gambell and Savoonga. The adaptation of the existing Maniilaq prototype design was cost effective with respect to design fees – totaling $400,000. The Denali Commission is supportive of our effort and contributed $120,479 under Project Authorization 1174-J.

The NSHC Board is investing in the development of this project and plans to make it "shovel ready" this summer, having approved $1.4 million from its 2015 Capitol Budget to complete site and foundation work

Thank you for the consideration of the concerns and requests of the Norton Sound Health Corporation.

Share the Arts

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Prepared Testimony

To the Appropriations Subcommittee on Interior and Related Agencies
U.S. House of Representatives

Chairman Calvert, Ranking Member McCollum, and members of the Committee, thank you for the invitation to prepare this testimony regarding federal appropriations for the National Endowment for the Arts in FY 2016. I am Jeffrey A. Rich, chair of the Ohio Arts Council (OAC) and CEO of Rich & Gillis Law Group. I am writing to urge the committee to support funding the National Endowment for the Arts (NEA) at $155 million in FY 2016.

Ohio Communities Value the Arts

From our state's largest metropolitan centers to our smallest towns, Ohioans place a high value on the arts. The arts are part of the fabric of community life in our state. They are part of our proud Midwest heritage and a key ingredient for an innovative and creative future. The arts connect our citizens across cultural and geographic lines. And Ohio citizens want government to do its part to foster the arts. A September 2014 OAC survey, which received responses from nearly 6,000 individuals across all Ohio counties, found that 91 percent of Ohioans believe public funds should be invested in the arts and 83 percent know public funds support the arts in Ohio.

The Arts Boost Ohio's Bottom Line

Our cultural institutions, artists, and arts teachers are much more than cherished resources. They are also business magnets and direct drivers of economic development and tourism revenues. Ohio's creative industries support nearly 231,000 jobs, contribute more than $31.8 billion to the state's economy, and generate $3.4 billion in annual tax revenues (federal, state, and local combined). Ohio's creative economy is especially potent: NEA research has cited that additional investment in the arts sector would comparatively generate more jobs in Ohio than all but three other states in the nation.

The Arts Strengthen Education

Beyond inspiring economy activity, the arts also inspire educational success. Research continues to demonstrate a positive relationship between arts education and improved academics for all students. In an economy increasingly driven by innovation and creativity, an education inclusive of the arts helps to train our workforce and produce critical thinkers and problem-solvers—the types of workers attractive to the employers of today and tomorrow.

NEA Funding Is Essential to Ohio

The Ohio Arts Council was created in 1965 to "foster and encourage the development of the arts and assist the preservation of Ohio's cultural heritage." This is primarily accomplished by the Council through grant funding programs. *Funding for the National Endowment for the Arts is vital in carrying out that mission.* The NEA provides invaluable leadership, and 40 percent of its grant-making funds are directed toward state and regional arts agencies. This unique partnership between the NEA and states leads to close collaboration and greatly enhances our ability to generate state and private investments in the arts in Ohio. By combining dollars from the NEA and the Ohio General Assembly, the OAC leverages a high match ratio from its grantees: $53 in local and private funding matches every one OAC dollar.

In Ohio's fiscal year 2015, the NEA provided $949,700 in Partnership Agreement funds to the Ohio Arts Council. These are critical funds, used in conjunction with state legislative dollars to support grants and services across the entire state of Ohio, amounting to more than 600 grants to arts organizations, civic groups, schools and artists each year. These grants support access to the arts, arts education programs, community development activities, and creative industry development initiatives. To highlight a few grants in particular:

- Through the Ohio Arts Council's flagship Sustainability grant, the agency invests in a wide range of activities by arts organizations throughout the state. Just as a sampling, the OAC has helped to finance arts education at the Ashtabula Arts Center in Ohio's northeast corner; production costs for *The Nutcracker* at the Fairmount Center in Russell Township; and performances by the Ohio Valley Symphony at the Ariel Theatre in Gallipolis. The agency's reach is varied and broad, stretching across Ohio, and gives special consideration to underserved communities, whether urban- or rural-based.

- The OAC offers Creative Economy grants, which require applicants to demonstrate a systematic approach, vision for change, clearly defined goals, community support, long-term sustainability, and—critically—partnership among at least three stakeholder groups to execute the project. Since their inception, these grants have grown in interest. Recent OAC-funded examples include an investment to help the Colony Theatre and its partners in Marietta launeh new arts programming and share their story with tourists. The OAC also invested a project to aid the Westcott House in Springfield create a virtual storefront, interactive tour of their Frank Lloyd Wright house, and other online content.

Ohio also benefits greatly from direct grants from the NEA to arts organizations in our state. *In fiscal year 2014, the NEA made 44 direct grants totaling $1,045,000 in Ohio.* Awardees included grantees such as the Fine Arts Association of Willoughby (to support middle school music programs and a theatre festival) and Music Alliance, Inc., in Mentor (for its work with honor bands).

Conclusion

Both the National Endowment for the Arts and the Ohio Arts Council are celebrating 50 years of public funding and support for the arts in 2015. In the past five decades of the federal-state partnership between the NEA and the OAC, we have accomplished much together – we have built a robust arts infrastructure in Ohio, revitalized blighted neighborhoods, improved the success of children in and out of school, and made the arts broadly accessible.

But we still have more work to do. In our next state biennium, the OAC will be rolling out a new strategic plan that will feature a new focus around four key action areas—invest, innovate, engage, and lead. These principles distill the agency's philosophy and will help to organize the state's arts sector around a shared perspective that is mission-driven, people-oriented, and forward-looking.

In sum, the arts are a sound investment. In a time when additional accountability is asked of government spending, Ohioans continue to appreciate, understand, and prioritize investment in the arts and view it as an important role of the public sector. An increase in funds to the NEA

will not only serve the nation well, it will help our state to strengthen itself culturally, educationally, and economically.

Thank you for your consideration of this request.

Respectfully yours,

Jeffrey A. Rich
Chairman
Ohio Arts Council

Testimony of April Snell, Executive Director, Oregon Water Resources Congress
Submitted to the United States House Appropriations
Subcommittee on Interior, Environment, and Related Agencies

March 18, 2015

RE: FY 2016 Budget for the U.S. Environmental Protection Agency's Clean Water State Revolving Fund Loan Program

The Oregon Water Resources Congress (OWRC) is concerned about continued reductions to the U.S. Environmental Protection Agency's (EPA) Clean Water State Revolving Fund Loan Program (CWSRF) and is requesting that appropriations for this program be increased to at least **$2 billion** in FY 2016. The CWSRF is an effective loan program that addresses critical water infrastructure needs while benefitting the environment, local communities, and the economy. However, OWRC is also concerned about efforts by EPA to increase regulatory authority and we urge the Subcommittee to direct funding towards the CWSRF program and not towards implementing the controversial "Waters of the US" rule drafted by EPA and the Army Corps of Engineers (ACOE). EPA's actions to increase its regulatory authority over water resources planning are counterproductive to collaborative planning and detract from the positive solutions achieved through the CWSRF program.

OWRC was established in 1912 as a trade association to support the protection of water rights and promote the wise stewardship of water resources statewide. OWRC members are local governmental entities, which include irrigation districts, water control districts, drainage districts, water improvement districts, and other agricultural water suppliers that deliver water to roughly 1/3 of all irrigated land in Oregon. These water stewards operate complex water management systems, including water supply reservoirs, canals, pipelines, and hydropower production.

FY 2016 Appropriations
We recognize that our country is facing difficult economic times and that we must make strategic investments with scarce resources. The CWSRF is a perfect example of the type of program that should have funding increased because it creates jobs while benefitting the environment, and is an efficient return on taxpayer investment. Oregon is facing record levels of unemployment and the CWSRF funded projects provide much needed construction and professional services jobs. Moreover, as a loan program, it is a wise investment that allows local communities to leverage their limited resources and address critical infrastructure needs that would otherwise be unmet.

Nationally, there are large and growing critical water infrastructure needs. In EPA's most recent needs surveys, *The Clean Watersheds Needs Survey 2008: Report to Congress and Drinking Water Infrastructure Needs Survey and Assessment: Fourth Report to Congress,* the estimated funding need for drinking water infrastructure totaled $335 billion (in 2007 dollars) and wastewater infrastructure needs totaled $298 billion (in 2008

dollars). Appropriations for water infrastructure, specifically CWSRF, should not be declining but remaining strong in order to meet these critical needs. In 2014 appropriations for the CWSRF program was approximately $2.021 billion and declined to $1.448 billion in FY 2015. The President's FY 2016 Budget proposes only $1.116 billion for the CWRSF program; a $332 million reduction from FY 2015 levels. We are concerned as we see this negative downward trend continuing while the infrastructure needs only become more critical.

OWRC is supportive of the President's Climate Action Plan and related efforts to support actions that help address, mitigate, and adapt to severe weather events, like drought, that are related to climate change. It is important that climate issues are addressed through programs like the CWSRF, and to date, despite a direct connection to water infrastructure the CWSRF funding continues to diminish. In fact, there has not been an increase in funding for CWSRF since 2009; meanwhile, both infrastructure needs and the costs to address those needs continue to grow each year. Continued funding reductions has led to delaying repairs or upgrades which in turn increase the potential for catastrophic failure and is counterproductive to the Administration's desire to encourage asset management and sustainable water infrastructure. To the extent practicable, funding for climate change should be incorporated into existing programs with proven successes like the CWSRF.

We also continue to be highly supportive of the Administration's desire to expand "green infrastructure," in fact, irrigation districts and other water suppliers in Oregon are on the forefront of "green infrastructure" through innovative piping projects that provide multiple environmental benefits, which is discussed in greater detail below. However, continually reducing the amount of funds available for these types of worthwhile projects is counterproductive to the Administration's desire and has created increased uncertainty for potential borrowers about whether adequate funding will be available in future years. CWSRF is often an integral part of an overall package of state, federal and local funding that necessitates a stronger level of assurance that loan funds will be available for planned water infrastructure projects. Reductions in the CWSRF could lead to loss of grant funding and delay or derail beneficial projects that irrigation districts have been developing for years.

Additionally, OWRC is pleased to see that EPA will continue "strategic partnerships" with the USDA's Natural Resources Conservation Services (NRCS) and other federal agencies to improve water quality and address nonpoint source pollution. Oregon had two priority watersheds eligible for funding through the National Water Quality Initiative in 2014 and anticipates that additional watersheds will be included in the future. As Oregon is a delegated state, OWRC also feels strongly that the Oregon Department of Environmental Quality (DEQ) is best situated to develop and implement activities to improve these and other impaired waterways in the state. DEQ and its administration of the CWSRF has been an extremely valuable tool in Oregon for improving water quality and efficiently addressing infrastructure challenges that are otherwise cost-prohibitive.

CWSRF Local Success and Needs
Six OWRC member districts have successfully received loans from the CWSRF over the last several years and many more will apply if funds are available. Numerous irrigation districts and other water suppliers need to pipe currently open canals, thereby improving water quality by eliminating run-off into the canals and increasing water availability for fish and irrigators by reducing water loss from the delivery system. Four irrigation districts received over $11 million funding in Oregon from the 2009 American Recovery and Reinvestment Act (ARRA) funding through the CWSRF for projects which created valuable jobs while improving water quality. These four projects were essential to DEQ not only meeting but exceeding the minimum requirement that 20% of the total ARRA funding for the CWSRF be used for "green" projects. Those districts' applications had been on DEQ's list of eligible projects for many years and would probably still be on that list had the ARRA funding not been made available. We provide that comment not to complain, but to emphasize the need for additional funding for this program.

What is being proposed for FY 2016 is far short of what is needed to address critical water infrastructure needs in Oregon and across the nation. This will lead to fewer water infrastructure projects, and therefore a reduction in improvements to water quality. The DEQ's most recent "Proposed Intended Use Plan Update #1 - State Fiscal Year 2015," lists 14 projects in need of a total of $144,926,822 in Oregon alone. The federal capitalization grant funding awarded FY 2014 will total $15,839,000, which is wholly inadequate to address and complete these much needed projects.

Unfortunately, due to recent cutbacks and lack of availability of funds, only one water improvement district submitted an application for funding in 2015, Rock Creek District Improvement Company. Rock Creek requested $270,786 for the design and construction of HDPE piping along 1.76 miles of main canal, and qualifies for water efficiency green project reserve funding. OWRC is hopeful that with an increase in money available, more districts will apply for funding to complete projects that will not only benefit the environment and the patrons served by the water delivery system, but also benefit the economy.

The Importance and Success of Local Watershed Planning
Oregon's success in watershed planning illustrates that planning efforts work best when diverse interests develop and implement plans at the local watershed level with support from state government. Oregon has recently revised their CWSRF rules; thus making conservation easier and its benefits to be better achieved in the State. That is why OWRC is very concerned about EPA's recent efforts to increase regulatory authority under the Clean Water Act without appropriate public process or legislative oversight. The proposed "Waters of the US" rule would greatly broaden EPA authority and illustrates an apparent desire to dictate watershed planning methods for the nation using a top-down regulatory approach from a desk in Washington DC. This regulatory overreach will lead to uncertainty for landowners and water users, increased litigation and destroy collaborative efforts (including CWSRF projects) already underway in Oregon and across the nation. OWRC would like to reiterate our request made in formal comment that the ACOE Regulatory Guidance Letter (RGL 07-02 from July 4th,

2007) be codified in the final rule which would provide our members with better clarity about how and when the rule would be used in relation to district facilities.

As the national model for watershed planning, Oregon does not need a new federal agency or Executive Branch office to oversee conservation and restoration efforts. Planning activities are conducted through local watershed councils, volunteer-driven organizations that work with local, state and federal agencies, economic and environmental interests, agricultural, industrial and municipal water users, local landowners, tribes, and other members of the community. There are over 60 individual watershed councils in Oregon that are already deeply engaged in watershed planning and restoration activities. Watershed planning in Oregon formally began in 1995 with the development of the Oregon Plan for Salmon Recovery and Watershed Enhancement, a statewide strategy developed in response to the federal listing of several fish species. This strategy led to the creation of the Oregon Watershed Enhancement Board (OWEB), a state agency and policy oversight board that funds and promotes voluntary and collaborative efforts that "help create and maintain healthy watersheds and natural habitats that support thriving communities and strong economies" in 1999.

Conclusion
In conclusion, we applaud the CWSRF program for allowing Oregon's DEQ to make targeted loans that address Clean Water Act issues and improve water quality but also help incentivize innovative water management solutions that benefit local communities, agricultural economies, and the environment. This voluntary approach creates and promotes cooperation and collaborative solutions to complex water resources challenges. Conversely, regulatory overreach destroys cooperation, creates mistrust and has a very negative effect on jobs and local economies. We respectfully request the appropriation of at least $2 billion for the U.S. Environmental Protection Agency's Clean Water State Revolving Loan Fund for FY 2016.

Sincerely,
April Snell, Executive Director
Phone: 503-363-0121 Address: 437 Union St. NE, Salem, OR 97301

OUTDOOR ALLIANCE

Testimony of Adam Cramer, Outdoor Alliance
United States House of Representatives
Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies
Public Witness Hearing, March 25, 2015

Executive Summary of Outdoor Alliance Fiscal 2015 Budget Recommendations

Agency	Program Funding Recommendations
Department of Agriculture Forest Service	• Land Management Planning/Assessment/Monitoring: $215M • Recreation, Heritage, and Wilderness: $290M • Capital Improvements and Maintenance: $360M
Department of Interior Bureau of Land Management	• Resource Protection and Maintenance—Resource Management Planning: $59M • Energy and Minerals Management: Oil and Gas: Leasing, Oversight and Environmental Studies: $5.8M increase • Recreation Management: $75M • National Landscape Conservation System: $81M • National Monuments/National Conservation Areas: $48.4M
Department of Interior National Park Service	• National Recreation and Preservation: $60.8M • Centennial Initiative: $859.1M
Interior and Agriculture Jointly	• Land and Water Conservation Fund: $900M

Chairman Calvert, Ranking Member Lowey, and Subcommittee members,

Outdoor Alliance is a coalition of six member-based organizations, including Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, Winter Wildlands Alliance, and the Mountaineers, that represents the interests of the millions of Americans who paddle, climb, mountain bike, hike, and backcountry ski and snowshoe on our nation's public lands, waters, and snowscapes. Collectively, Outdoor Alliance has members in all fifty states and a network of approximately 1,100 local clubs and advocacy groups across the nation.

For millions of Americans, active outdoor recreation is a central part of their lives and identities, bringing invaluable physical, mental, and spiritual benefits and fostering a sense of stewardship and connection to place. Outdoor recreation also makes a crucial economic contribution to communities across the country, driving $646 billion in annual consumer spending, employing 6.1 million Americans, and contributing $39.9 billion in federal taxes and $39.7 billion in state and local taxes. All of the myriad benefits provided to Americans by outdoor recreation depend on adequate funding for the maintenance of our public lands.

Moving forward, the quality of our public lands and the quality of the experiences they are able to provide for outdoor recreationists depend on capitalizing on opportunities for proactive planning on public lands and addressing the backlog of maintenance and management needs created by past inadequate funding. Our recommendations are presented in order of priority below.

USFS Land Management Planning

Among the best investments the country can make in its public lands is providing adequate resources for land management planning processes. In 2012, the U.S. Forest Service issued new regulations governing the process for creating management plans for the National Forests. Forest planning is an often overlooked, but profoundly important exercise that creates a long-term blueprint for balancing priorities and uses within a given forest. From the perspective of the human powered outdoor recreation community, the new planning rule is a thoughtful, nuanced, and modern approach to planning, but to realize its full benefits, the Forest Service must have the resources needed to implement the rule and adapt its management practices and analytical tools to the rule's requirements and opportunities.

This new approach to planning under the 2012 Rule includes a significantly broader swath of the public in the creation of forest plans, ultimately ameliorating future conflict and expense, but requiring significant up-front investment. In addition to helping to avoid the expenses created by land use conflicts, plans produced under the new rule will generate positive economic benefits by more efficiently and appropriately ordering opportunities for growth among sometimes competing uses of the Forests.

If funding for forest planning is inadequate, we fear that public engagement in the planning process will suffer and that Forest Service planning teams will be compelled to employ data collection, analysis, and planning techniques based on short-term budget considerations rather than what maximizes long-term benefits and best capitalizes on the opportunities of the new rule. While we agree with the Administration that ultimately, efficiencies created by the rule may reduce the cost of planning, we believe that successfully adapting to the rule and ensuring that the Forest Service has the resources it needs to implement it is a crucial investment in our public lands.

We recommend a minimum of **$215 million for Land Management Planning, Assessment, and Monitoring**, substantially more than the $184 million proposed by the Administration.

BLM Resource Management Planning

As with the development of land management plans for the Forest Service, Resource Management Planning is a critical exercise by the Bureau of Land Management for ensuring the best use of BLM lands. We support the agency in its request for additional resources for the expansion of funding for high priority planning efforts and expanded GIS capabilities. These efforts will not only help to ensure thoughtful and technically adept development of Resource Management Plans, but aid the agency in appropriately taking into account the type of place-specific information that is critical to meeting the needs of the outdoor recreation community. We support the Administration's request for **$59 million for Resource Protection and Maintenance: Resource Management Planning**.

Outdoor Alliance also supports the BLM's request for a **$5.8 million increase in funding for Leasing, Oversight, and Environmental Studies** as part of its Energy and Minerals Management, Oil and Gas Management programs. Our community recognizes the need for energy development on public lands, but strongly believes that this development must occur in a thoughtful and balanced way. Master Leasing Plans are a crucial tool for ensuring the balance between outdoor recreation, environmental protection, and energy development. This type of up-front planning is an exceedingly sound investment in that it benefits all stakeholders by ensuring orderly development while minimizing permitting delays, conflict, and litigation.

Wildfire Suppression Funding

Each year, our public lands are increasingly affected by "megafires," which have all of the destructive qualities of other natural disasters like tornadoes and hurricanes. In addition to their drastic effects on communities and landscapes, these fires have the effect of siphoning away funding from other programs, including recreation-focused initiatives like trail maintenance. Outdoor Alliance strongly supports the Administration's proposal—which mirrors proposals in Congress with broad bipartisan support—to fund wildfire suppression for the most destructive fires through a disaster funding cap adjustment.

Resources for USFS and BLM to Conserve Landscapes and Provide Sustainable Recreation for all Americans

The USFS **Recreation, Heritage and Wilderness** program oversees all recreation on national forest lands, and yet this program is chronically underfunded. We recommend **$290 million** for this program to allow the Forest Service to prioritize resources and facilities, maintain current on-the-ground staff, and continue basic recreation resource analysis and planning. A crucial component of the recreation program is travel management planning, work that will continue to be important in FY2016 as motorized recreation opportunities are designated that limit environmental impacts and user conflicts.

The National Forest System serves more than 50 million visitors annually who participate in activities like backcountry skiing, hiking, climbing, paddling, and mountain biking. More than 153,000 miles of trails support these activities, yet the Forest Service struggles with maintenance

backlogs in the billions of dollars. Given the vital health, well-being, and economic benefits provided by recreational resources on Forest Service lands, we recommend continuation of FY2015 funding levels of $360 million for **Capital Improvements and Maintenance** rather than the cuts proposed by the Administration. This funding will allow the Forest Service to avoid adding to the massive deferred maintenance backlog, improve trail infrastructure, mitigate resource impacts, and provide high-quality recreational experiences on national forest lands.

Regarding the treasures managed by the Bureau of Land Management, Outdoor Alliance supports the Administration's request for an increase in funding for **Monuments and National Conservation Areas** to **$48.4 million**. Similarly, we support the Administration's request for **$81 million in funding for the National Landscape Conservation System**.

Additionally, we wholeheartedly support the Administration's request for **$75 million for the BLM's Recreation Management** activities, including the agency's Mountain Bike Action Plan, a forward-looking approach to trail management which will ultimately serve as a model for managing users' experiential desires in a manner that complements broader conservation and ecosystem services goals for the landscape. Providing these exceptionally high quality experiences on BLM lands greatly benefits local economies by providing destination quality recreation experiences that attract users from across the globe.

Land and Water Conservation Fund

Outdoor Alliance wholeheartedly supports the Administration's request for **full funding for the Land and Water Conservation Fund at $900 million**.

Over the life of the program, LWCF has funded critical protections for river corridors in places like West Virginia's Gauley and New Rivers and helped establish public river access points for canoers, kayakers, and rafters in places like Washington's White Salmon River. LWCF has made possible thousands of miles of singletrack for mountain bikers and hikers, including at areas like the world-class trail system at Lory State Park near Fort Collins, Colorado, and Toro Park in California, home to challenging trails and spectacular views of Monterey Bay. LWCF has funded close-to-home recreation opportunities in all fifty states and every congressional district.

National Park Service

The National Park Service's **National Recreation and Preservation** program supports important community efforts aimed at preserving natural, cultural, and recreational resources. We request continuation of 2015 funding levels at **$63.1 million**. We strongly support the inclusion in this line item of $10.2 million for the Rivers, Trails, and Conservation Assistance program.

We also support the Administration's request for **$859.1 million for the Centennial Initiative** to address the Parks' maintenance backlog, support the work of volunteers, and get more kids outside into the Parks.

Thank you for the opportunity to present our recommendations for FY2016.

WRITTEN TESTIMONY TO THE HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES REGARDING FISCAL YEAR 2016 APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR, ENVIRONMENTAL PROTECTION AGENCY, AND U.S. FOREST SERVICE

Contact: Adeline Rolnick, Legislative Coordinator, National Wildlife Federation

Chairman Calvert, Ranking Member McCollum, and Members of the Subcommittee:

We, the undersigned members of the Outdoors Alliance for Kids (OAK), thank you for your past support of programs to connect children and youth with the outdoors, and we urge you to sustain funding for FY16 programs at the US Department of the Interior, Environmental Protection Agency, and U.S. Forest Service that increase engagement in the outdoors. We also urge you to maintain sufficient funding for agencies to adequately manage our public lands and waters.

OAK is a national strategic partnership of businesses and organizations representing more than 30 million individuals from diverse sectors of the economy with the common interest in expanding the number and quality of opportunities for children, youth, and families to connect with the outdoors. OAK supports public policies and investments that expand outdoor and environmental education opportunities, promote community health and wellness, and engage more youth in environmental stewardship.

We understand that we are in difficult fiscal times, but balancing the budget at the expense of programs and initiatives that ensure children and youth have opportunities to learn, get physically active, and increase their volunteerism in the outdoors will be a detriment to our great nation. Environmental education provides critical tools for a 21st century workforce by giving students the skills to understand complex environmental systems and issues, and prepares students to compete globally and address environmental challenges and opportunities that impact our economy, health, and national security. Community health and wellness investments are critical for the local economy, as well. The prevention of chronic diseases can save lives, as well as promote the physical and mental wellbeing of all Americans. Environmental stewardship programs provide young people with opportunities to spend more time outdoors while obtaining basic job skills at a time when youth unemployment rates are skyrocketing. In addition to contributing to our nation's robust outdoor recreation economy, youth volunteer and work programs help address a backlog of maintenance needs piling up on our public lands, address record youth unemployment, and prepare a diverse group of youth to be the next generation of natural resource employees.

These areas are vital to the success of the U.S. in the global economy, and to our ability to create a 21st century workforce that is healthy, skilled, and prepared to be the next generation of leaders. The outdoor industry alone provides 6.1 million jobs and $646 billion in direct consumer spending each year. Outdoor recreation, as enjoyed in national, state, and local parks and public lands, provides millions of America's children, youth, and families an opportunity to hike, bike, swim, paddle or simply connect with nature. The outdoor recreation economy generates $39.9 billion in federal revenue and another $39.7 billion in state and local revenue annually.

OAK supports funding and initiatives to increase outdoor and environmental education, promote community health and wellness, and provide young people with jobs, training, and service and volunteer opportunities that connect them to the outdoors and recreation. We urge the subcommittee to restore funding to allow land management agencies to adequately manage our public lands and waters and to provide robust funding for the following programs that get youth outdoors:

Department of the Interior: OAK supports the Department of the Interior's goal of providing 40,000 work and training opportunities over fiscal years 2014 and 2015 and to help implement the Secretary's Play, Learn, Serve and Work Youth Initiative. To this end, we urge you to support the Administration's budget requests of $107.2 million for youth programs across the Department of the Interior, a $45.5 million increase from the FY15 enacted level. This includes:

- $37,500,000 for the National Park Service
- $28,200,000 for the U.S. Geological Survey
- $18,500,000 for the Fish and Wildlife Service
- $12,600,000 for the Bureau of Indian Affairs
- $6,000,000 for the Bureau of Land Management
- $3,500,000 for the Bureau of Reclamation
- $1,000,000 for the Office of Surface Mining Reclamation and Enforcement

Of this, $20 million would be provided to the National Park Service for youth activities, including bringing one million fourth-graders from low income areas to parks as part of the "Every Kid in a Park" initiative. OAK strongly supports this initiative, which will also provide every fourth grader in America and their families with free entrance to National Parks in the 2015-2016 school year. We urge you to support funding within the National Park Service for transportation grants and for dedicated youth coordinators to welcome fourth graders and their families to our National Parks and public lands.

Another key component of the Department's youth efforts will be partnering with youth organizations through the 21st Century Conservation Service Corps (21CSC). The opportunities provided by 21CSC encourage youth to assume responsibility for the stewardship and preservation of America's great outdoors, teach them basic job skills at a time when youth unemployment is near record levels and young people are missing out on critical early job experiences, and improve public health by helping young people develop and maintain active lifestyles. We also urge you to sustain funding for the operational accounts of the National Park

Service, Bureau of Land Management, Bureau of Reclamation, Fish and Wildlife Service, and the U.S. Forest Service, all of which could fund partnerships with Conservation Corps.

In addition, we urge you to fund the National Park Service Centennial initiative, including the $40 million requested for Centennial Challenge, to support thousands of veterans, youth, and others to work to upgrade the National Park System for its 100th anniversary in 2016. The Centennial Challenge is an economically wise program that leverages private dollars to match federal funds, with at least one private dollar for each federal dollar, to support projects to improve the visiting experience to our national parks. It is a proven effective program initially launched during the George W. Bush Administration, when it leveraged nearly $50 million in donations after an initial federal investment of $40 million. The $40 million requested for the Centennial Challenge will reinvest in that initiative, and will be instrumental in garnering partner support to prepare park sites across the country for the centennial and the second century of NPS.

OAK also supports reauthorization and full and permanent funding of the Land and Water Conservation Fund. The federal land acquisition program and the state and local assistance programs supported by LWCF over the years have created countless opportunities for youth and families to enjoy the outdoors, both in their communities and on federal public lands.

Environmental Protection Agency: OAK urges the subcommittee to fund the National Environmental Education Act (NEEA) programs at the Environmental Protection Agency at $11 million. This program implements highly successful, nationwide environmental education programs. These programs support life-long environmental education and stewardship through several highly-leveraged, but under-resourced programs, including the National Environmental Education Training Program to provide professional development for teachers, the National Environmental Education Foundation to leverage public/private partnerships, and an environmental education grant program to support local environmental education providers.

OAK also supports the Urban Waters Federal Partnership, a fourteen agency collaboration spearheaded by the Environmental Protection Agency, to restore and connect youth with their waterways in nineteen pilot urban locations. While the EPA has not placed a line item in its budget for the UWFP, we commend the EPA for utilizing scarce resources to support this important effort to ensure children, youth and families in urban areas have close to home opportunities to experience nature.

We thank you in advance for your support for these critical programs and look forward to working with you and your staff in the coming year. Should you have any questions about this letter, please have your staff contact Adeline Rolnick at rolnicka@nwf.org or (202) 797-6608. Thank you for your consideration of this request.

This testimony is submitted on behalf of the following 33 members of Outdoors Alliance for Kids:

Alliance for Childhood

American Canoe Association

American Forests

American Hiking Society

American Society of Landscape Architects

Appalachian Mountain Club

Appalachian Trail Conservancy

Children & Nature Network

Choose Outdoors

Conservation Legacy

The Corps Network

Hipcamp

Hudson River Sloop Clearwater

International Mountain Bicycling Association

Izaak Walton League

Kids4Trees

Mohican School in the Out-of-Doors

National Interscholastic Cycling Association

National Recreation and Parks Association

National Parks Conservation Association

National Park Trust

North American Association for Environmental Education

The Outdoor Foundation

Outdoor Industry Association

Public Lands Service Coalition

National Wildlife Federation

Safe Routes to Schools National Partnership

Sierra Club

SOS Outreach

The Trust for Public Land

The Wilderness Society

Winter Wildlands Alliance

YMCA of the USA

Terry Mansfield, Landowner and Board Member of Partners for Conservation
16710 W Sterling Rd
Cheney, WA 99004

Written Testimony House Appropriations Subcommittee on Interior, Environment and Other Related Agencies Concerning Fiscal Year 2016 Appropriation March 25, 2015

Chairman Calvert, Ranking Member McCollum and members of the Appropriations Subcommittee: On behalf of myself and Partners for Conservation (PFC), thank you for the opportunity to provide comments on the fiscal year 2016 Interior Appropriations Bill. I am a rancher and consulting wildlife biologist from eastern Washington. PFC is a landowner-led non-profit organization for which I serve as a Board member. As ranchers and farmers working cooperatively with the U.S. Fish and Wildlife Service, we respectfully request that the Subcommittee support the following funding allocations for FY 2016:

- **Funding of $75 million for the Partners for Fish and Wildlife Program;**
- **Funding of $50 million for the North American Wetlands Conservation Fund;**
- **Funding of $18.6 million for the Habitat Joint Ventures within the North American Waterfowl Management Plan Program;**
- **Full funding of $900 million authorized for the Land and Water Conservation Fund; and**
- **Funding of $70 million for the State and Tribal Wildlife Grants Program.**

As a Board member of PFC, I want to share with you some background on the organization. We operate under the following principles: *Collaboration gets work done; Local lessons have national impact; Voluntary and incentive-based programs create trust and foster success; and Sustainability is achieved by balancing ecological and economic needs.*

PFC is growing with the goal of landowner representation in all 50 states. We currently have Board member representation in states extending from Montana and South Dakota to New Mexico and from California to Florida. In 2013, under a partnership agreement with the National Wildlife Refuge Association, PFC hired an Executive Director to coordinate our efforts. We are also working hard to develop effective working relationships with Federal and state agencies, non-government conservation organizations and like-minded landowners nationwide. As an example, PFC annually hosts a *Private Lands Partners Day* event, this year set for late September in North Platte, Nebraska.

As noted previously, I live and work in eastern Washington. My wife and I own and operate a ranch near Spokane, WA where we raise cattle and sheep. Our goal is to sustain the livestock operation and enhance wildlife habitat on our property. In 2004, we voluntarily enrolled a portion of our ranch in a permanent conservation easement under the US Department of Agriculture, Natural Resources Conservation Service (NRCS), Wetlands Reserve Program (WRP).

Partners for Fish and Wildlife Program ($75 million)

So what motivates me to be involved with PFC and why am I writing in support of the Partners for Fish and Wildlife and other Federal programs named above? The simple answer is public and private partners need to work cooperatively to focus our energy and available funding on cost-effective programs to sustain agriculture while conserving our natural resources on private lands. This concept also recognizes the need to balance conservation programs with economics at the local community level. It is my firm belief that there is a "sweet spot" in which we can focus our collective efforts and leverage financial resources to sustain working agricultural lands while conserving our valuable natural resources. These objectives naturally fit together and PFC is all about getting it done through voluntary landowner support and working collaboratively with partners, including Federal government agencies. In my area of eastern Washington, over 75% of the land is privately owned, so the Federal agencies cannot do the job of conserving fish and wildlife without willing landowner support. I think this model for voluntary, cooperative conservation on working agricultural lands is the best example of how the US Fish and Wildlife Service can leverage the funding you and your colleagues in Congress provide on behalf of your constituents.

I want to share my story with you. Our ranch lies in what is known as the Channeled Scablands Wetland Focus Area. We are on the east side of the Columbia Basin, an area of continental significance for migratory birds and other wildlife. The ranch is adjacent to the 18,000 acre National Wildlife Refuge. Partners for Fish and Wildlife Program staff assigned to the Refuge helped me complete a wetlands restoration project by providing technical assistance and native plants to enhance the wildlife habitat values within our wetlands and adjacent upland habitats. We were successful in integrating and leveraging the basic WRP conservation easement through USDA-NRCS with engineering by Ducks Unlimited, habitat restoration expertise by the Partners for Fish and Wildlife Program and technical assistance by the Washington Department of Fish and Wildlife. It is that level of cooperative conservation which I think makes the Partners for Fish and Wildlife Program work extremely well for landowners. Success was the result of voluntary partnerships.

Partners for Fish and Wildlife Program biologists have also helped several of my neighboring ranchers with wetlands restoration projects by cutting through the red tape involved in permitting processes, finding additional funding sources, including NRCS Farm Bill Programs, and developing restoration and management plans designed to achieve both ranching and natural resource conservation goals. In the last 25 years, the Partners for Fish and Wildlife Program has helped more than 45,000 landowners restore and enhance over 1 million acres of wetlands, 3 million acres of uplands and 11,000 miles of streams nationwide. It has leveraged each dollar of appropriated funds to generate over $8 in total project spending and over $15 in overall economic returns. The Program is supported by landowners as highly cost-effective.

North American Wetlands Conservation Act ($50 million); and Habitat Joint Ventures ($18.6 million)

So why link the PFC and my request as a rancher increased funding of the Partners for Fish and Wildlife Program to a request for additional funding for the North Ameriean Wetlands Conservation Act (NAWCA) and Habitat Joint Ventures (JVs)? Simply stated, because they can be used as integrated tools to achieve voluntary conservation program goals on private lands in an efficient and cost-effective manner.

I support funding for NAWCA at $50 million to help increase wetland restoration on private lands as an important tool in priority areas, including the Columbia Basin of eastern Washington. Wetlands are one of the most important habitats for fish and wildlife, but their abundance and quality has been greatly reduced by a number of factors. The highly competitive cost-share grant program provided under NAWCA is extremely valuable to government agencies, tribes, non-government conservation organizations and private landowners nationwide. It is just one of the tools the Partners for Fish and Wildlife Program biologists use to leverage resources to accomplish landscape level cooperative conservation on private lands.

With respect to the Habitat Joint Ventures (JV's), I support full funding of $18.6 million. Although the base funding for the JVs is provided through the US Fish and Wildlife Service's budget, these public-private partnerships are extremely effective in leveraging funding and staff resources specifically to conserve priority habitats for birds and other wildlife. I have experience working with the Intermountain West Joint Venture (IWJV) with a footprint of nearly 500 million acres in all or parts of 11 western states. In general, the JVs are self-directed and guided by Management Boards made up of diverse interests including representatives of government agencies, non-government conservation organizations, industries and private landowners. The JVs are extremely effective in collaborating with government agencies and, in my experience, very efficient in delivering habitat conservation programs on private lands in cooperation with the Partners for Fish and Wildlife Program. Together, the IWJV and Partners for Fish and Wildlife Program staff focus their efforts on Strategic Habitat Conservation, which means they focus their time and energy in priority fish and wildlife habitats, including those on private lands. I serve as the IWJV WA Conservation Partners Coordinator and have seen first-hand how the "Joint Venture Model" can leverage funding for habitat conservation at a ratio of 5:1 or greater. Coupled with the Partners Program, JVs are very beneficial to ranchers and farmers not only in Washington, but throughout the Country.

Land and Water Conservation Fund ($900 million); and State and Tribal Wildlife Grants ($70 million)

On behalf of PFC and myself, I respectively request full funding of $900 million for the Land and Water Conservation Fund (LWCF). It can be used to match and leverage other conservation funding, and it is very valuable to cooperative conservation partners nationwide in conserving priority fish and wildlife habitats on a large landscape scale. Conservation easements take advantage of willing partners entering into mutually beneficial agreements to sustain natural resources and maintain existing agricultural land uses. A number of PFC Board members have first- hand experience from California to Florida and South Dakota to Kansas with extremely effective use of LWCF as a critical source of funding for voluntary large-scale conservation easement programs on private lands. With much of the most productive fish and wildlife habitat on private lands, flexible tools are needed to sustain these valuable resources while avoiding the

need for the Federal government to acquire fee title to land. By keeping these lands in private ownership, productive and contributing to local property tax bases, we can also support local economies and sustain both working agricultural operations and fish and wildlife populations in priority areas.

Finally, I respectfully request funding of $70 million for the State and Tribal Wildlife Grants Program. Along with the LWCF, the State and Tribal Wildlife Grants Program provides cost-shared grants to implement the State Wildlife Action Plans designed to keep common species common and help avoid the need to list species under the Endangered Species Act. This proactive approach combined with voluntary and incentive based conservation programs leverage Federal, state and private landowner funds to conserve fish and wildlife on working ranches nationwide.

I thank you for the opportunity to provide this testimony.. We recognize the challenges you and your colleagues face in your decisions regarding the FY 2016 Budget. We also realize the value of sharing with you on-the-ground experiences using the proven and cost-effective programs in the Fish and Wildlife Service which work best for landowners willing to help conserve our natural resources while sustaining working agricultural lands nationwide.

Board members of PFC welcome you to visit any of our ranches to see first-hand how voluntary and incentives based conservation programs can work to benefit ranchers and farmers as well local economies nationwide. In light of the significant fiscal challenges you and your colleagues in Congress face, we need to set priorities and support programs which return the greatest benefits to the American people. We need your leadership and support by investing in community based landscape conservation through partnerships with private landowners. Government agencies cannot do it alone, and PFC stands ready to help.
Chairman Calvert and Subcommittee members, thank you for your consideration of this request.

Written Statement of Mario Garcia Durham: Chair, Performing Arts Alliance and Cristine Davis: General Manager, Performing Arts Alliance

Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations | United States House of Representatives

The Importance of Funding for the National Endowment for the Arts (NEA)
March 25, 2015

Mr. Chairman and distinguished members of the subcommittee, we thank you for the opportunity to submit this testimony on behalf of the Performing Arts Alliance (PAA). **We urge the Committee to designate a budget of $155 million to the National Endowment for the Arts for FY16.** PAA member organizations include:

- Alternate ROOTS
- American Composers Forum
- Association of Performing Arts Presenters
- Chamber Music America
- Chorus America
- Dance/USA
- Fractured Atlas
- League of American Orchestras
- National Alliance for Musical Theatre
- National Association of Latino Arts and Culture
- National Performance Network
- Network of Ensemble Theaters
- New Music USA
- OPERA America
- Theatre Communications Group

PAA is a national network of more than 33,000 organizational and individual members comprising the professional, nonprofit performing arts fields. We submit this testimony to highlight the importance of federal investment in the arts.

For 50 years, the National Endowment for the Arts has held a significant federal leadership role for the arts and culture in America. Its grants reach every congressional district and support arts education, the preservation and celebration of diverse American heritages, increased citizen access to the arts, and community engagement around social issues and current affairs.

The following examples of recent NEA grantees within the PAA network are a sample of the significant ways performing arts organizations are able to serve American citizens with support of the NEA.

<u>NEA grants support arts education programs and professional training opportunities for the next generation of American artists.</u>

Repertory Dance Theatre's (RDT) award-winning arts education activities offer curriculum material relating to history, music, art, and the environment to help students make stimulating and valuable connections to appreciate and understand the world. The Salt Lake City-based company received

FY14 Artworks funding to support a series of concerts and outreach activities inspired by the choreography of Michio Ito. The project provided dance students from a consortium of east coast colleges with a two-week residency of workshops, performances, and master classes on Ito's work lead by RDT dancers and Ito specialists. Repertory Dance Theatre is a member of Dance/USA.

The **American Composers Forum** based in Saint Paul, MN received an FY15 Artworks grant to support its BandQuest program which fosters the artistic development of middle school band students. The program brings world class American composers to middle schools to write music specifically for young musicians. Students experience a unique opportunity to hone their craft and learn professionalism from an accomplished artist.

Portland Opera Repertory Theatre (PORTopera) in Portland, ME has received Artworks funding in support of new productions of classic works, training for the next generation of vocal artists, and opportunities for multi-disciplinary artists to collaborate. A member of OPERA America, PORTopera received FY14 Artworks support for a new production of Verdi's "Rigoletto" set in the United States in the 1920s. The project invited young filmmakers to choose a musical theme from the opera and collaborate with a writer and musician to create a short film of their own.

American cultural and artistic heritage is preserved and celebrated through projects supported by NEA grants.

Performing arts organizations play a great role in preserving our nation's artistic heritage. The **Churchill Arts Council** in Fallon, NV—a member of the Association of Performing Arts Presenters—received an FY14 Artworks grant to present "GloboLocal Peregrinations" a musical performance and outreach series highlighting the cross-pollination of American music forms such as jazz and pop with folk and bluegrass. The series includes performance workshops and public lectures.

The Rose Ensemble in Saint Paul, MN—a member of Chorus America—received FY15 Artworks support for a choral performance commemorating the 150th anniversary of the end of the Civil War. Entitled "The Hutchinson Family Singers: Antislavery Reform in 19th-Century America," the performance tells the story of the Hutchinson family, rural farmers who became highly respected performers and participants in the grassroots abolitionist movement, often collaborating with Frederick Douglas and Abraham Lincoln. The Ensemble's performance included the family's music along with selections from anthologist Jairus Lincoln's 1843 songbook, "Anti-Slavery Melodies: For the Friends of Freedom.

Artists and organizations celebrate the heritage of all Americans, telling stories from and amplifying voices of diverse cultures. **History Theatre** in Saint Paul, MN—a member of Theatre Communications Group—received FY15 Artworks support for its production of "Debutante Ball." The play recounts an important annual rite of passage for the theatre's local Filipino-American community and explores the classic tensions between assimilation and retaining the ways of the "old country/old culture."

Quintet of the Americas in Douglaston, NY—a member of Chamber Music America—is preserving the local history and culture of the Corona community in Queens with its Memory Project. The ensemble received FY14 Artworks support for this community engagement initiative which is commissioning new chamber works by composer Harold Gutierrez informed and inspired by his interviews with local residents.

NEA funds benefit every congressional district, expanding arts access to all people in all communities—both urban and rural.

Broadway Center for the Performing Arts in Tacoma, WA—a member of the Association of Performing Arts Presenters—received FY14 Artworks support for its "Building Community by Celebrating Diversity" program. One of the Center's values is "inclusiveness:" inviting broad access to the arts and building relationships. This project will bring arts performances and related programming to underserved and low-income audiences in urban and rural Pierce County.

The NEA's Challenge America grant program was created to specifically support projects that extend the reach of the arts to underserved populations whose opportunities to experience the arts are limited by geography, ethnicity, economics, or disability. League of American Orchestra members the **Lawton Philharmonic** in Lawton, OK and the **Boise Philharmonic** in Boise, Idaho have received support from this funding stream to serve their communities. The Lawton Philharmonic received an FY14 grant to bring French composer Camille Saint-Saens' "The Carnival of the Animals" to local public school children with disabilities. The Boise Philharmonic received an FY15 grant to bring world renowned tenor saxophonist James Houlik to local universities and high schools in Nampa and Caldwell, ID to engage members of rural and economically challenged communities. The grant supported public concerts, lectures, education projects, and other outreach activities.

NEA funding supports arts organizations' work to bring awareness to current affairs and important social issues and create safe spaces for community dialogue.

The **Salt Lake Acting Company**—a member of Theatre Communications Group—has a mission of engaging and enriching community through brave contemporary theatre. The Company received FY15 Artworks funding to support the production of "Two Stories," a new play about America's changing demographics. The play tells the story of a newspaper journalist and her unemployed husband whose neighborhood is being joined by new residents, including a Pakistani family next door. The performance also brings together audiences in community panel discussions with scholars and experts on the issues raised in the play.

Part of the mission of **Teatro del Pueblo** in Saint Paul, MN is to promote Latino culture through the performing arts and promote cross-cultural dialogue. The organization is a member of the National Association for Latino Arts and Cultures and it received FY15 Artworks support for the commission and development of a new play by Luis Alfaro loosely based on "Romeo and Juliet." The new multi-generational story explores what happens when two people find love despite assumed cultural

differences and how class and race can unify communities. The production is designed to extend the theater's reach to Latino and Asian communities and to build artistic bridges among diverse communities.

The **Contemporary American Theater Festival** received FY15 Artworks support for the commission and world premiere of a play by Barbara Hammond inspired by real-life personal stories and actual events surrounding the Russian punk rock band, Pussy Riot. The play will explore the themes of courage in action and the opportunity for young women to tackle oppression by using words as their tools. The Festival based in Shepherdstown, WV and is a member of Theatre Communications Group.

Federal dollars invested in the National Endowment for the Arts realize significant returns both measurable and intangible. The artistic programming of the arts organizations supported by the NEA give vitality to their communities in numerous ways beyond the examples provided here.

We, the members of the Performing Arts Alliance, urge you to designate no less than $155 million to the National Endowment for the Arts in FY16. Thank you for considering our request.

David M. Plourd, M.D.
Volunteer Clinical Instructor
University of California, San Diego
[redacted]

March 13, 2015

To: Chairman Calvert and Ranking Member McCollum
Environmental Protection Agency, Subcommittee on Interior and Environmental Appropriations

From: David M. Plourd, M.D.; & Marine naturalist

Regarding: Testimony Submitted to the House Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies

Thank you for considering my appeals for your funding and support of the following issues:

1. Support whale and dolphin (cetaceans) bio acoustic work (research) – to determine which sound frequencies might be most disturbing to these animals in their ocean environment. Engine noise can propagate for hundreds of miles, in all directions, throughout the ocean. Information gleaned from bio acoustic research could be used to design marine engines and exhaust systems that produce different, less disturbing sound frequencies.

2. Support shipping companies that have re-routed their shipping lanes so as to mitigate their impact on migrating whales. Such longer routes that "detour" around whale migration paths cost these shipping companies millions of dollars in fuel costs by not taking the shortest possible route. Government subsidies of such increased costs will promote more companies to similarly alter their courses in deference to migrating pelagic species.

3. Coral reef preservation and restoration projects. 10-20 years ago, coral reefs in U.S. waters were abundant with life and vibrant with color. Today, as we continue to snorkel the same waters (e.g. Hawaiian waters), we are struck by the paucity of life and the bleached bland hues, as all that is left of some coral reefs is the dead bone-like exoskeleton. No longer thrive the beautiful animal polyps, and their resident zooxanthellae that are the basis of all life on our planet, including ours. Coral reefs occupy but 1% of the ocean floor, yet support over

David M. Plourd, M.D.
Volunteer Clinical Instructor
University of California, San Diego
[redacted]

30% of all marine life. With every second breath you take, the oxygen you just drew was produced by tiny organisms that depend critically upon the sustained viability of coral reefs. As ocean acidification and global climate change continue to accelerate the demise of once vibrant coral reefs, ocean-conscious dive groups and marine biologists are spearheading many projects in U.S. waters aimed at restoring ("re-planting") these coral ghost towns with new fresh live coral. These projects take more than an eco-conscience; they take money (e.g. for facilities and caregivers to raise the coral, for SCUBA gear to transplant the coral buds into the sea, etc).

4. Please support the passage of legislation that would preclude keeping cetaceans (dolphins and whales) in captivity at for-profit amusement/ water parks, except for those animals that have been rescued, and are deemed un-releasable back out into the wild.

   EXEMPTION FOR THE U.S. MILITARY: Laws should permit existing military installations to harbor and train marine mammals for specific military operations that cap on the amazing deep-dive and echolocation biologic capabilities of these animals (as they have been doing since the 1960's). These biologic capabilities are the envy of the U.S. Navy, and current efforts by engineers to develop drones that could perform similar functions are failing miserably compared to what dolphins and sea lions can do, naturally. The costs to meticulously maintain the nutrition, health, care and enclosures for these military marine mammals are understandably very high. Please continue to support them.

5. Please pass legislation that would make it illegal to harvest juveniles of coral reef fish species from the oceans/reefs. Such juvenile fish have yet to attain their sexual maturity, hence cannot yet reproduce. Thus, it becomes immediately apparent that removing such young fish from their natural environment will quickly result in the extinction of their species. Still aquarists, collectors, and some cultures of people consider juvenile coral reef fish to be prized possessions in their personal aquariums and delectable culinary delights on their dinner plates.

David M. Plourd, M.D.
Volunteer Clinical Instructor
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[redacted]

6. Pass legislation that will protect sharks from slaughter. Each year, about 100 million sharks are killed and their fins are viciously cut off, primarily for the purpose of making shark fin soup, popular for its mythologic (but scientifically unfounded) aphrodisiac and performance-enhancing properties. Most of these sharks are then left to suffocate and die on hot boat decks or docks; others are cast back to sea where, without their fins, they cannot swim, so drown over the course of many miserable minutes. Whether you happen to be afraid of sharks, we should all be afraid for, and respectful of, sharks. For these apex predators of the sea serve vital roles. They mostly scavenge the sea floor for detritus (dead organic debris) hence keeping the sea floor clean. Also, through their unique electro-vibratory perception abilities (through their Ampullae of Lorenzini), they are able to detect weak, sick, or infected fish, and remove those animals from the marine environment, hence maintaining the strength and cleanliness of our ocean's populations.

7. Toward the same goal as enumerated in number six (6), above, place a "non-sustainable species tax" on any seafood that is served at a restaurant, or sold in a store, hence making such food selections more expensive, by that tax. A list of such species is readily identified by the IUCN's (International Union for the Conservation of Nature) "Red List".

Thank you for your consideration of these important priorities,

David M. Plourd, M.D.

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Governor

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Written Testimony

Of

Governor Val Panteah
Pueblo of Zuni
Zuni, New Mexico

To

House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

March 25, 2015

Chairman Calvert, Ranking Member McCollum and Members of the Subcommittee, thank you for giving me the opportunity to submit my testimony for the record on the FY 2016 Interior, Environment, and Related Agencies appropriations bill.

Keshi. Hello. The Pueblo of Zuni is located about 150 miles from Albuquerque, New Mexico in McKinley and Cibola Counties in the western part of the state. Zuni Pueblo is the largest of the nineteen New Mexican Pueblos, covering more than 700 square miles and with a population of over 10,000.

We are considered the most traditional of all the New Mexico Pueblos, with a unique language, culture, and history that resulted in part from our geographic isolation. With perhaps 80% of our workforce involved in making arts, we are indeed an "artist colony." Our main "industry" is the production of arts, including inlay silverwork, stone "fetish" carving, pottery, and others of which we are world famous. Most of Zuni's residents live in the main village of Zuni and the nearby "suburb" community of Blackrock. Zuni is a sovereign, self-governed nation with our own constitutional government, courts, police force, school system, and economic base. Our year is marked by a cycle of traditional ceremonial activities; the most sacred and perhaps the most recognized is the annual Sha'lak'o event.

While the Pueblo of Zuni may offer the discerning visitor many rich experiences that draw from our deep cultural heritage, our special history, our exquisite arts, and awesome scenic beauty, we like the rest of Indian Country suffer from the same high poverty rates among our families. Our young people drop out of school at much higher rates than non-Native youth. And, our community is ravaged by drug and alcohol use and the ills that go along with it at much higher rates than the general population.

These modern experiences of Native people reflect ongoing social and economic hardships due to a legacy of dispossession, attempted subjugation, and economic deprivation over centuries. It is these hardships that have lead to a successful resurgence of tribal sovereignty and self-determination in remedying the challenges that have been forced upon Native peoples. But Washington's recent budget tightening and economic austerity (sequester, etc.) make it much more difficult. After all, leaders throughout Indian Country seek the same outcomes as other state and national leaders: to protect the

health, safety, and prosperity of the people we serve. It is my hope that Congress will do what is right by American Indians in the upcoming appropriations process and fund vital programs at appropriate levels. Adequate and sometimes increased funding to meet the educational needs of Indian youth; provide adequate health care via the Indian Health Service; ensure responsible resource development for the future; provide safe and secure tribal communities; and supply the long-term investments in tribal public infrastructure and services required to ensure every American Indian enjoys a decent quality of life and has an opportunity to succeed.

I would like to address the specific funding bill this Committee has jurisdiction over, the Interior, Environment, and Related Agencies appropriations bill for FY 2016, and highlight some of the areas of importance to the Pueblo of Zuni. The Pueblo of Zuni supports:

Support for Tribal Governments

- Provide full funding to BIA and IHS Contract Support Costs
- Full funding for Fixed and Tribal Pay Costs
- Increases via tribal base funding instead of through grants for Tribal Governments

Public Safety

- $82 million for base funding for tribal courts and the Indian Tribal Justice Act
- $528 million for BIA Law Enforcement

Education

- $5 million for Tribal Education Department within DOI
- $263.4 million for Construction/Repair BIE Schools
- $73 million Student Transportation
- $73 million for Tribal Grant Support Costs

Health Care

- $5,448,948,000 for Indian Health Service

Child Welfare

- $43 million for BIA Child Protection and Family Violence Prevention Act
- $10 million for Child Abuse Treatment

Economic & Workforce Development

- $15 million for Office of Indian Energy & Economic Development Indian Loan Guarantee Program
- $25 million for Office of Indian Energy & Economic Development

Environmental Protection and Natural Resources

- $75 million for Indian Environmental General Assistance Program
- $46 million tribal set-aside Clean Water Act State Revolving Fund

Energy

- $5 million for Office of Indian Energy and Economic Development

Transportation

- $40 million for BIA Roads Maintenance

Historic & Cultural Preservation

- $4 million for Native American Graves Protection and Repatriation Act
- $15million for Tribal Historic Preservation Officer Program

These funding levels as well as other increases in funding for important programs across Indian Country are vital to live up to the trust responsibility the United States government has to Indian Country. I am confident that this Congress will work in a way that is good for tribes and allow tribes to make progress on key issues such as energy, trust modernization, tribal infrastructure, housing, telecommunications, economic development, labor and tax reform.

Ela'kwa. Thank you.

PVC PIPE ASSOCIATION

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March 25, 2015

Written Statement to the House Committee on Appropriations Subcommittee on Interior, Environment and Related Agencies for the Hearing Record of March 25, 2015.
Bruce Hollands, Executive Director, PVC Pipe Association.

Open Competition for Water and Wastewater Piping Projects:
More Options, Innovation and Lower Costs

The Uni-Bell PVC Pipe Association is a not-for-profit organization representing 95 percent of the manufacturing capacity of the North American PVC pipe industry. Our pipe producing members operate over 90 facilities in the U.S. and our associate members (suppliers) hundreds more. PVC pipe extrusion facilities are found in 32 states across the United States: California has the most plants (9), followed by Texas (6), Arizona (5) and Pennsylvania (5).

The PVC pipe industry serves a vast and complex market including 54,000 drinking water systems, 10,000 wastewater facilities and 15,000 sewer and wastewater contracting firms. PVC water and sewer pipe producers contribute in excess of $14 billion annually to the U.S. economy and support over 25,000 jobs.

The Environmental Protection Agency (EPA) manages taxpayer dollars under the State Revolving Fund's (SRF's) for water and wastewater projects in every state. It is important for all states and municipalities receiving federal money to use open and free bidding processes and to consider all approved piping materials so that the most cost effective, longest lasting and best performing piping is used.

According to the U.S. Conference of Mayors, underground pipes represent 60 percent ($2.28 trillion) of the $3.8 trillion needed in investments for water and wastewater infrastructure over the next 20 years. As a result, it is here that open procurement policies and practices should be focused.

Since the 1970s the U.S. Department of Agriculture's (USDA) Rural Development Program has required that the funding it provides rural municipalities for water and sewer projects be spent in an open and competitive manner. It is time for the EPA to have similar requirements.

Richard Anderson, Ph.D., Senior Advisor to U.S. Conference of Mayors Water Council, who is also a proponent of procurement reform for underground infrastructure, reports that water and sewer pipelines are deteriorating faster than the rate at which they can be replaced because of corrosion, which is the leading cause of the water main break epidemic in North America (estimated at some 300,000 breaks annually). According to a 2002 congressional study, corrosion is also a drag on the economy, costing U.S. drinking water and wastewater systems over $50.7 billion annually. As a result, any comprehensive and truly sustainable underground infrastructure strategy must address corrosion.

Today's corrosion crisis is due to the materials used in America's piping networks over the last hundred years. At first, cast iron was used, with ductile iron gradually replacing it as the material of choice. Both now suffer from corrosion. In fact, studies have shown that newer iron pipes do not last as long as older versions because of their thinner walls.

The burden of old technology materials is not limited to the cost of repairing and replacing failed pipelines. It includes the cost of losing treated water from leaking systems. Leaking pipes made from old technology materials lose an estimated 2.6 trillion gallons of drinking water annually, or 17 percent of all treated water pumped in the United States.

The solution to these problems begins with sustainability, durability and corrosion resistance, and this is why more utilities must actively consider all approved piping materials like PVC in their bidding processes. Increased durability means fewer leaks, better water conservation and lower costs. As a result, any comprehensive action plan for water and wastewater infrastructure renewal must also include reform of municipal procurement practices that limit competition, shackle innovation and increase costs.

We believe that to get the most efficient and sustainable use of federal money for water and wastewater projects, free and open competition must be the operating standard. Federal grants provided to municipalities should have open competition stipulations similar to those required by the USDA Rural Development Program for water and sewer projects. In this way federal dollars obtain maximum value for taxpayers. When products are excluded from bidding, taxpayers suffer as does the efficiency of our infrastructure.

With over two million miles in service, PVC pipe has been celebrated by *Engineering News Record* as one of the top 20 engineering advancements of the last 125 years. A study by the American Water Works Research Foundation recently quantified the life expectancy of PVC pipe at more than 110 years – making it excellent for long-term asset management and sustainability. Furthermore, PVC pipe is more efficient to manufacture, taking four times less energy to make than concrete pressure pipe, and half that used for iron pipe.

As well, PVC pipe is cost effective, has watertight joints and its lightweight reduces transportation and installation costs, yielding additional greenhouse gas reductions. It is also totally recyclable, though most of it has yet to enter the recycling stream given its great durability.

Numerous organizations have published studies on the need to update procurement practices to more cost effectively finance our underground infrastructure. Below are links to some of these reports:

- *Procurement Process Improvements Yield Cost-Effective Public Benefits*
- *Reforming Our Nation's Approach to the Infrastructure Crisis: How Competition, Oversight, and Innovation Can Lower Water and Sewer Rates in the U.S.*
- *Lowering Costs in Water Infrastructure through Procurement Reform: A Strategy for State Governments*
- *Fixing America's Crumbling Underground Water Infrastructure: Competitive Bidding Offers a Way Out*

Also please find links to water main break rate and pipe longevity studies by Utah State University's Buried Structures Laboratory, which determined that PVC has the lowest break rate of all water piping materials and the longest lifespan:

- *Water Main Break Rates in the USA and Canada: A Comprehensive Study*
- *PVC Pipe Longevity Report: A Comprehensive Study on PVC Pipe Excavations, Testing, & Life Cycle Analysis*

The PVC pipe industry thanks you for letting us submit a statement for this important hearing and we will be pleased to answer any questions you may have.

Respectfully,

Bruce Hollands
Executive Director

Written Testimony of David Martinez, Jr., President
Ramah Navajo School Board, Inc.
Submitted to the US Congress:
HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENTAL AND RELATED AGENCIES
FY 2016 FEDERAL BUDGET REQUEST, SUPPORT AND CONCERNS FOR: DEPARTMENT OF INTERIOR (DOI)--BUREAU OF INDIAN AFFAIRS (BIA)

March 25, 2015

Mr. Chairman and Members of the Subcommittee:

My name is David Martinez, Jr., President of the Ramah Navajo School Board, Inc., (RNSB). Thank you for the opportunity to submit our written testimony for consideration under the DOI-BIA FY2016 Budget.

Request: We are requesting that Congress approve funding in the amount of **$3,864,540** under the 2016 federal budget to perform a *Preliminary Engineering Report* leading to the ***Redesign, Renovation and Upgrade of the Pine Hill School Campus Failing Public Water System*** that provides water to 2,000 community members as well as the K-12 school, medical clinic, EMS and volunteer fire station.

The Ramah Band of Navajos is a small rural community of 3,500 people located in the Northwest region of New Mexico spread across 250 sq miles. It is geographically separated from the main Navajo Nation Reservation. Our community is located on a dry plateau area over 7,300 feet high. There are no lakes, rivers, streams, nor dams therefore, we rely on underground water that must be pumped from an aquifer over 3,000-feet down, to 2-water storage tanks then distributed by underground waterlines.

Most of our water facilities were constructed when the school was built in the early 1970's. Today our community struggles with as many as 10 waterline breaks and outages per year caused by corrosion, rust, joint failure, poor design and pump failure. The system contains 18 miles of waterlines made up of approximately 4 miles of cast iron pipes, 2 miles of asbestos and 12 miles of PVC. The 4 miles of cast iron pipes are now 43 years old into their 50 to 60 year life expectancy but began failing as much as 4 times per year 5 years ago. The pipe is observed to have considerable amounts of rust and corrosion caused by hard waters and heavy metals found in our water supply. The asbestos line has broken 3 times in the past 2 years caused by poor design where the piping is not properly bedded. However, the 12 miles of PVC fails the most often at 3 to 4 times per year due to joint failure and improper bedding.

To worsen matters, this waterline system runs most frequently beneath the few paved roads located in our community. In 90% of repairs, paved roads must be destroyed to access the break points at considerable expense to the Ramah Navajo School Board, Inc. Necessarily, these once paved roads are now sites of pot holes the size of large trucks. The cost of the line repairs along with repaving road cost is insurmountable for our community school without a tax base.

Moreover the public water line system operates under a single water shut-off valve. Therefore, when repairs are made on the line the entire public water line system must be shut off. This

leaves critical services such as the school, EMS, volunteer fire station and the health clinic (which is the only healthcare provider within 40 miles) without water, forcing their closing until repairs are completed. In 2014 three separate occasions of water line breaks caused the water to be shut off for a total of 9 days. In 2013 water was shut off for 15 consecutive days requiring water tankers to haul water to the community and port-a-potties to be placed on street corners. A much needed system redesign would eliminate these required system wide shut downs.

Additionally, the Pine Hill School Campus Public Water System has two wells with one off-line due to unsafe levels of arsenic, iron, lead, uranium and other heavy metals. A near-by off campus well is the only other water source for this area. The pumps for both operational wells are overworked to keep up with the demand. To safeguard against long-term water outages, our operating (as well as off-line) wells require an upgraded water treatment facility to reduce amounts of heavy metals to stay within U.S. EPA acceptable levels. Finally, to develop a well rounded public water system, we require a monitoring system to check the piping, wells, valves, and water treatment levels as well as an additional 250,000 gallon water holding tank to store treated water.

To begin planning the water system redesign, renovation and upgrade we would develop a Preliminary Engineering Report that would describe our existing facilities along with a description of the issues being addressed by the proposed project. It will also identify alternatives, present a life cycle cost analysis of technically feasible alternatives and propose a specific course of action. The Preliminary Engineering Report will also include a detailed current cost estimate of recommended alternatives.

We calculate the following project costs:

1.	Preliminary Engineering Report	$ 318,140
2.	Final Preliminary Engineering Report	$ 165,000
3.	Upgraded Water Treatment Facility	$ 447,000
4.	250,000 Gallon Welded Tank	$ 400,000
5.	Est. New Water Lines (16 mi./84,480ft x$30)	$ 2,534,400
	Total:	$3,864,540

Background: It was only in the late 1960s when the Gallup McKinley County Public School in New Mexico refused to rebuild a local public school that was condemned and closed, resulting in having the Ramah Navajo people send their children away from their community to other public schools and to boarding schools, some of which were located out-of-State and their children were only able to come home once or twice a year. It was then that the Ramah Navajo community through their local government established the Ramah Navajo School Board, Inc., as a nonprofit organization under New Mexico State law and obtained its 501(c) 3 IRS status. The founding School Board members then traveled to Washington, DC and New York City to lobby Congress and Foundations to raise money for their own community controlled school. When they were successful, it was this effort and others that eventually led Congress to pass the now historic Public Law 93-638 "Indian Self Determination and Education Assistance Act" of 1975 (ISDEA). RNSB has since become the first Indian community to also operate its own Indian Health Service health center, and the first Indian community to have its own radio station, sorely needed in our early days when paved roads were non-existent and few people had phones in their

remote homes. RNSB is now known throughout Indian Country as a leader in Indian self-determination.

It is important to note that RNSB not only governs its K-12 School, but has many other programs that provide vital public services for the Ramah Navajo Community. In this dual capacity, the Board shares responsibilities with the Ramah Navajo Chapter (a political sub-unit of the Navajo Nation) in providing most major services to the Community by contracting federal and state programs. During its 40-plus years of operation, the School Board has established four divisions within RNSB consisting of over 215 employees in our Education, Health, Community Services and Administrative Services Divisions.

On behalf of the Board of Trustees for the Ramah Navajo School Board, Inc., I would like to express our appreciation for your support for our community endeavors that will help us become more self sufficient. I hope that our testimony will help you better understand the situation of our community as with many other American Indian tribal communities. Thank you for your time.

Respectfully Submitted,

David Martinez Jr., President
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OFFICIAL TESTIMONY OF
JEFFREY R. BENOIT
PRESIDENT AND CEO, RESTORE AMERICA'S ESTUARIES

FISCAL YEAR 2016 APPROPRIATIONS
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES APPROPRIATIONS

March 25, 2015

Restore America's Estuaries is a nonpartisan, nonprofit organization that has been working since 1995 to restore our nation's greatest estuaries. Our mission is to restore and protect estuaries as essential resources for our nation. Restore America's Estuaries is an alliance of community-based coastal conservation organizations across the nation that protect and restore coastal and estuarine habitat. Our member organizations include: American Littoral Society, Chesapeake Bay Foundation, Coalition to Restore Coastal Louisiana, Save the Sound—a program of the Connecticut Fund for the Environment, Conservation Law Foundation, Galveston Bay Foundation, North Carolina Coastal Federation, EarthCorps, Save The Bay—San Francisco, Save the Bay—Narragansett Bay, and Tampa Bay Watch. Collectively, we have over 250,000 members nationwide.

As you craft your Fiscal Year 2016 Interior, Environment and Related Agencies appropriations bill, Restore America's Estuaries and our members encourage you to provide the funding levels below within the Department of Interior, U.S. Fish and Wildlife Service (USFWS) and the U.S. Environmental Protection Agency (USEPA) for core programs which greatly support coastal community economies:

- **$15 million for USFWS Coastal Program**
  (Interior: USFWS: Resource Management: Habitat Conservation: Coastal Program)
- **$50 million for Department of Interior, Coastal Resilience Fund**
  (Interior: Office of the Secretary: Departmental Operations: Coastal Resilience Fund)
- **$27.2 million for USEPA National Estuary Program**
  (USEPA: Water: Ecosystems: National Estuary Program / Coastal Waterways)

These **non-regulatory** investments strengthen and revitalize America's coastal communities by improving habitat and local water quality. Healthy coastlines protect communities from flood damage and extreme weather, improve commercial fisheries, protect vital infrastructure, and support tourism and recreational opportunities.

USFWS COASTAL PROGRAM

The Coastal Program (CP) is a voluntary, incentive-based program that provides technical and financial assistance to coastal communities and landowners to protect and restore fish and wildlife habitat on public and private lands in 24 priority coastal ecosystems, including the Great Lakes. The Coastal Program works collaboratively within the USFWS to coordinate strategic priorities and make landscape-scale progress with other federal, state, local, and non-governmental partners and private landowners. Since 1985, the Coastal Program has:

- **Partnered** with more than 5,000 federal, tribal, state, and local agencies, non-governmental organizations, corporations, and private landowners.
- **Restored** 334,796 acres of wetland habitat; 148,160 acres of upland habitat; and 2,176 miles of stream habitat.
- **Protected** more than two million acres of coastal habitat.
- **Provided** technical assistance to a diverse range of conservation partners.

Our coastal communities and ecosystems are on the front lines of changing and more extreme weather, and support for the USFWS Coastal Program helps interested communities and partners address the new set of challenges facing coastal communities. The Coastal Program has been a key conservation delivery tool within the USFWS aimed at on-the-ground habitat restoration and technical assistance. Despite the program's relatively small cost, it is having a huge impact on the ground. A recent estimate by USFWS Coastal Program staff shows that the program **leverages $8 non-federal dollars** for every federal dollar spent. This makes the Coastal Program one of the most cost-effective habitat restoration programs within the U.S. Fish and Wildlife Service.

The Coastal Program **stimulates local economies** by supporting jobs necessary to deliver habitat conservation projects; positions supported include environmental consultants, engineers, construction workers, surveyors, assessors, and nursery and landscape workers. These jobs also generate indirect economic activities that benefit local hotels, restaurants, stores, and gas stations. The Coastal Program estimates that the average project supports 60 jobs and stimulates 40 businesses – this represents major local economic returns on the federal investment.

In Puget Sound, Washington, the Coastal Program invested $20,000 to support a project to clean up and remove old and abandoned fishing gear from the waters, resulting in a direct economic impact to the local economy of $51,000 from just $20,000 in federal funds. Around Puget Sound abandoned gear like nets, lines, crab and shrimp traps pose many problems for people, fish and marine animals. Just one lost net is estimated to result in 4,400 crabs trapped which results in a lost value to the crab fishery of $20,000. This project removed over 84 gillnets—returning an estimated value well over $1.5 million in value to just the crab fishery.

Restore America's Estuaries urges your continued support and funding for USFWS Coastal Program and asks that you provide $15 million for Fiscal Year 2016.

DEPARTMENT OF INTERIOR, COASTAL RESILIENCE FUND

The Department of Interior's newly proposed Coastal Resilience Fund will provide much-needed support for the restoration and conservation of key coastal natural systems, such as beaches, dunes, and wetlands that protect communities and infrastructure from the impacts of coastal storms. In collaboration with state, local, and tribal governments, non-government organizations, universities or other stakeholders, the program's goals are to mitigate the impacts of climate change on coastal and inland communities from storm wave velocity, erosion, flooding, sea-level rise and associated natural threats; to strengthen the ecological integrity and functionality of coastal and inland ecosystems to protect communities; and to enhance the ability of federal lands to support important recreational, wildlife and cultural values.

Restore America's Estuaries urges Congress to fund The Coastal Resilience Fund and recommends that USFWS' Coastal Program administer the program with the Office of the Secretary to ensure the funding leverages existing staff biologists, science capacity, and expertise within the USFWS and further advances the mission of the agency. The USFWS Coastal Program has experience working to strategically direct resources for greatest impact on the landscape scale and is the best program aligned to meet the Department's Coastal Resiliency objectives.

This proposed funding is modeled after the Department of Interior's Hurricane Sandy Coastal Resiliency Competitive Grants Program that Congress established after Hurricane Sandy. The previous funding successfully provided funds to the Hurricane Sandy affected region with great success, and should be continued and expanded before more costly efforts are needed down the road.

In New Jersey, American Littoral Society received funding to restore 50 acres of Delaware Bay's wetlands and six miles of beach in Cape May and Cumberland Counties, New Jersey. Still in implementation, the project will improve horseshoe crab spawning, provide shorebird stopover area, and improve ecological and economic community resilience. The project will also enhance the understanding of the impacts of extreme weather events and the benefits of nature-based infrastructure and ecosystem services, and will identify cost-effective, resilience tools that help mitigate for future events.

We are encouraged by Congress' past support for resiliency project funding within the Department of Interior and urge that **you provide $50 million for Fiscal Year 2016. This will help advance resiliency efforts in areas that still have time to prepare their coastal communities for future extreme weather.**

USEPA NATIONAL ESTUARY PROGRAM

The National Estuary Program (NEP) is a **non-regulatory** network of voluntary community-based programs that safeguards the health of important coastal ecosystems across the country. The program utilizes a consensus-building process to identify goals, objectives, and actions that reflect local environmental and economic priorities.

Currently there are 28 estuaries located along the Atlantic, Gulf, and Pacific coasts and in Puerto Rico that have been designated as estuaries of national significance. Each NEP focuses its work within a particular place or boundary, called a study area, which includes the estuary and surrounding watershed.

Each National Estuary Program demonstrates real environmental results through on-the-ground habitat restoration and protection. Their efforts reflect local environmental and economic priorities and involve the community as equal partners throughout the decision-making process. Collectively, NEPs have restored and protected more than **1.5 million acres** of land since 2000.

Restore America's Estuaries urges your continued support of the National Estuary Program and asks that you provide $27.2 million for USEPA National Estuary Program / Coastal Waterways. Within this amount for FY 2016, no less than $600,000 should be directed to each of the 28 NEPs in the field.

CONCLUSION

Restore America's Estuaries greatly appreciates the support this Subcommittee has provided in the past for these important programs. These programs help to accomplish on-the-ground restoration work which results in major benefits:

1. **Economic Growth & Jobs** – Coastal habitat restoration creates between 17 and 33 direct jobs for each million dollars invested, depending on the type of restoration. That is more than twice as many jobs as the oil and gas sector and road construction industries combined. The restored area supports increased tourism and valuable ecosystem services.
2. **Leveraging Private Funding** – From 2005 to 2012, federal investment in the USFWS Coastal Program leveraged non-federal dollars at a ratio of 8 to 1. The NEPs leveraged non-federal dollars at a ratio of 15 to 1. In a time of shrinking resources, these are rates of return we cannot afford to ignore.
3. **Resiliency** – Restoring coastal wetlands can help knock down storm waves and reduce devastating storm surges before they reach the people and property along the shore.

We greatly appreciate you taking our requests into consideration as you move forward in the Fiscal Year 2016 appropriations process, and thank you for doing so. We stand ready to work with you and your staff to ensure the health of our nation's estuaries and coasts.

Sac and Fox Nation
920883 S. Hwy. 99 Bldg. A • Stroud, OK 74079

Principal Chief GEORGE THURMAN
Second Chief ORVENA (TWIGGY) GREGORY
Secretary MARY F. MCCORMICK
Treasurer JARED A. KING
Committee Member STELLA NULLAKE

WRITTEN TESTIMONY OF THE HONORABLE GEORGE THURMAN, PRINCIPAL CHIEF SAC AND FOX NATION SUBMITTED TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES ON THE FY 2016 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS AND THE INDIAN HEALTH SERVICE

March 25, 2015

On behalf of the Sac and Fox Nation thank you for the opportunity to present our requests for the FY 2016 Budgets for the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS). The Sac and Fox Nation is home of Jim Thorpe, one of the most versatile athletes of modern sports who earned Olympic gold medals for the1912 pentathlon and decathlon.

The Nation supports and appreciates the President's FY2016 budget proposal for an overall increase of 12% for BIA over the FY 2015 enacted level, the largest increase in more than a decade (excluding Recovery Act funding). The IHS would receive a 9% increase.

In general, all Tribal programs including BIA and IHS line items should be exempt from any budget recessions and discretionary funding budget reductions. Further, the Nation is extremely concerned about the consequences of the 2013 sequestration and similar future reductions to Tribal program funding. *We strongly urge Congress to fully restore sequestration cuts from FY 2013 since it threatens the trust responsibility and reduces portions of the budget that are not major contributors to the deficit.*

Tribal Specific Requests:

I. <u>TRIBAL SPECIFIC REQUEST</u> - $4.95 Million to Fully Fund Operations and Maintenance of the Sac and Fox Nation Juvenile Detention Center (SFNJDC) - Bureau of Indian Affairs – Public Safety and Justice - Office of Justice Services – Detention/Corrections Facility Operations and Maintenance Account - The Tribal Law and Order Act (TLOA) requires Department of the Interior (DOI) Indian Affairs to develop guidelines for approving correction centers for long term incarceration, as well as work with the Department of Justice on a long-term plan for Tribal detention centers. In the absence of appropriations to fully fund and fully implement TLOA, the intent of Congress and the effectiveness and benefits of TLOA to Tribal courts, law enforcement and detention programs in Indian Country are less of a reality and more of what Tribes have experienced in the past – an unfulfilled trust obligation.

II. NATIONAL REQUESTS – BUREAU OF INDIAN AFFAIRS

1. **Authorize mandatory funding and fully fund Contract Support Costs (CSC)** - The President's budget request for **contract support costs** is $277.0 million, an increase of $26.0 million above the FY2015 enacted level. Based on the most recent analysis, the requested amount will fully fund 2016 Tribal contract support costs. The budget also includes – for the first time ever – a new proposal to fully fund BIA and Indian Health Service contract support costs as mandatory funding, beginning in FY2017.
2. ***Public Safety and Justice - Law and Order – Detention/Corrections: Fully fund all provisions of the Tribal Law and Order Act of 2010 and the Tribal Provisions in the Violence Against Women Act Reauthorization***
3. ***Restore 2013 Sequestered Cuts ($119 million) to Tribal Program Funding***
4. ***+ $319 million over FY 2015 for Tribal Priority Allocations Account*** - We support an increase of $139 million in FY2016 and that these increases be provided via Tribal base funding agreements.
5. **Office of Self-Governance (OSG) – Provide increased funding to the OSG to fully staff the office for the increase in the number of Tribes entering Self-Governance.**

III. NATIONAL REQUESTS – INDIAN HEALTH SERVICE

1. **Authorize mandatory funding and fully fund Contract Support Costs (CSC)** - The President's FY2016 Budget proposal fully funds the estimated need for CSC at $718 million, an increase of $55 million above FY 2015. The estimated increase includes funding for new and expanded contracts and compacts. The Budget also requests that CSC be reclassified to a mandatory appropriation beginning in FY 2017;
2. ***Restore 2013 Sequestered Cuts ($220 Million) to Tribal Health Services;***
3. ***+$368.9 million over the FY 2015 President's proposal budget for IHS Mandatory Funding (maintain current services)*** - Mandatories are unavoidable and include medical and general inflation, pay costs, contract support costs, phasing in staff for recently constructed facilities, and population growth;
4. ***+$70.3 million for Purchased and Referred Care*** - The President's FY2016 Budget includes $25.5 million increase, in addition to $43.6 million in ***Purchased and Referred Care*** (PRC) medical inflation and $1.2 million for staffing/operating costs (total PRC increase of $70.3 million). The PRC program pays for urgent and emergency and other critical services that are not directly available through IHS and Tribally-operated health programs.; ***and,***
5. ***Restore $6 million to the Office of Tribal Self-Governance (OTSG) to fulfill legal requirements under Title V of P.L. 106-260 which increased the responsibilities of OTSG.***

TRIBAL SPECIFIC REQUEST - $4.95 Million to Fully Fund Operations of the Sac and Fox Nation Juvenile Detention Center (SFNJDC) - Bureau of Indian Affairs – Public Safety and Justice - Office of Justice Services – Detention/Corrections Account

In 1996, the Sac and Fox Nation Juvenile Detention Center (SFNJDC) opened its doors as the first regional juvenile facility specifically designed for American Indians/Alaska Natives, as well as the first juvenile facility developed under P.L. 100-472, the Self-Governance Demonstration Project Act.

At that time, the Bureau of Indian Affairs made a commitment to fully fund the SFNJDC operations; however this commitment was never fulfilled. Even though the Nation continues to receive and use Federal dollars to address the issue of juvenile delinquency and detention for Tribes in the Southern Plains Region and Eastern Oklahoma Region, it has never received sufficient funds to operate the facility at its fullest potential.

Full funding would allow the Nation to provide full operations including (but not limited to):

- Juvenile detention services to the 46 Tribes in Oklahoma, Kansas and Texas;
- Rescue more of our at-risk youth and unserved youth in need of a facility like the SFNJDC;
- Re-establish programs we have lost due to inadequate funding such as: On-site Mental Health Counseling; Transitional Living, Vocational Training, Horticulture, Life Skills, Arts and Crafts, Cultural Education and Activities, Spiritual Growth and Learning;
- Offer job opportunities in an area that is economically depressed; and,
- Fully staff and expand staff training to address high volume of staff turnover which will allow for continuity in operations and service delivery.

At the FY 2016 Regional Budget Formulation Session, these Tribes continue to support and endorse full funding for operation of the SFNJDC and included it as a priority in their "Top 10 Budget Increases" for the FY 2016 BIA Budget.

The current funding level represents only approximately 10% of what is needed to fully fund the Juvenile Detention Center operations and maintenance. Additional funding in the amount of $4.95 million, over what Sac and Fox already receives in base funding ($508,000), would fully fund the facility at a level to address the need of juvenile delinquency in the tristate area and create opportunities for employment for more Tribal members.

The SFNJDC is a 50,000+ square foot, full service, 24 hour, 60 bed (expandable to 120 beds) juvenile detention facility that provides basic detention services to all residents utilizing a classification system based on behavioral needs to include special

management, medium and minimal security. Our facility was designed to provide programs including behavioral management, alcohol and substance abuse, spiritual and cultural growth and learning, self-esteem, arts and crafts, health and fitness, horticulture, nutrition, life skills, vocational technical training, counseling, educational programs and a Transitional Living Center.

Through a partnership with the local High School, students are afforded an education at the public school level, including a graduation ceremony and issuance of a certificate upon successfully achieving the state requirements. Additionally, the Sac and Fox Nation has an on-site Justice Center providing Law Enforcement and Tribal Court services and the Nation also operates an on-site health clinic which provides outstanding medical services that include contract service capabilities for optometry, dental and other health-related services.

The lack of adequate funding from the BIA and decreases in base funding have mushroomed into underutilization and erosion of the programs our facility was built to offer. Our current funding levels only allow us to provide an alcohol and substance abuse program, some health and fitness activities and a basic education program. We have lost our programs for vocational training, horticulture, life skills, arts and crafts, on-site counseling and transitional living. The passage of the 2010 Tribal Law and Order Act was applauded by the Sac and Fox Nation because we saw this as an opportunity for the Federal government to finally step up to its pledge to fully-fund the SFNJDC and honor its Treaty and Trust obligations to our people. However, the lack of funding is also impeding the implementation of TLOA!

In 1996, the SFNJDC was built as a model facility in Indian Country. And nearly 20 years later there is still a need for such a facility to help our youth return to their traditional healing and spiritual ways. As a Self-Governance Tribe we operate our Tribal government on the premise that we are the best provider of the services and know which services are most needed in our communities. We saw the increasing need in the 1990's for a facility like the SFNJDC and we acted on our instincts to help our youth by giving them a place to turn their lives around and the access to programs, services and holistic care they needed to recover and heal. Sadly, the number of Native American youth, and juveniles overall requiring detention has not decreased. The Sac and Fox Nation Juvenile Detention Center was built with the same intentions as the Tribal Law and Order Act Long Term Plan to Build and Enhance Tribal Justice Systems today. The SFNJDC has the facility, staffing, ability, commitment and capacity to provide superior detention and rehabilitation services to Native American youth, as well as any youth in the tristate area in need of our services. We do not understand the Federal government's desire to fund the construction of more detention facilities while our beds remain empty.

Thank you for allowing me to submit these requests on these FY 2016 Budgets.

TESTIMONY OF VICE-CHAIRMAN JOSEPH PAVEL
THE SKOKOMISH TRIBE OF WASHINGTON STATE
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE
ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
FISCAL YEAR 2016 BUDGET
MARCH 25, 2015

The Skokomish Indian Tribe is responsible for providing essential governmental services to the residents of the Skokomish Indian Reservation, a rural community located at the base of the Olympic Peninsula with a population of over 2,000 people, including approximately 700 Tribal members. The Tribe provides services through various departments – Tribal Administration, Community Development, Information Services, Early Childhood Education (including Head Start), Education, Health Clinic, Housing, Legal, Natural Resources, Public Safety, Public Works, and Tuwaduq Family Services. The Tribal government also works closely with community members to identify needs and prioritize services. Adequate federal funds are critical to the Tribe's ability to address the extensive unmet needs of our community.

I. BUREAU OF INDIAN AFFAIRS

Law Enforcement. We support the President's proposal to increase funding for BIA Public Safety and Justice Programs. The Skokomish Department of Public Safety (SDPS) provides 24/7 law enforcement services for the Tribe. SDPS is responsible for patrolling and enforcing justice both within the Tribe's 5,300-acre Reservation, and throughout the Tribe's 2.2 million-acre Treaty area where the Tribe has Treaty-protected hunting, fishing and gathering rights.

But with only 6 officers available for day-to-day patrol duties, individual officers often work alone. Understaffing exposes both the community members in need of assistance and SDPS officers to undue danger. Unfortunately, this is SDPS's reality. To meet mandated responsibilities, staffing must be increased. Vacancies due to illness, training and other leave force the Chief of Police to handle patrol duties. Budget limitations severely restrict overtime.

With the limited amount we receive as a self-governance Tribe, we have to use Tribal funds to hire the 6 officers who we use for regular patrol and natural resource enforcement. The Community Oriented Policing Services (COPS) program has been a good resource for us. We support the $35 million request in the President's FY2016 budget request.

Tribal Court. The Tribal Court has benefitted with the award of funding under the Coordinated Tribal Assistance Solicitation (CTAS) in 2012. Under Purpose Area #3, Justice Systems, the Tribe completed the objective of writing a Skokomish Judicial Master Plan (SJMP). This plan is intended to incorporate restorative justice principles that adequately address the needs of the community, while also ensuring that due process rights and requirements under the law are protected. To this end, the Judicial Master Plan has included the creation and implementation of new processes for the Skokomish Tribal Court.

As we seek a continuation of funding under the CTAS purpose areas, we join NCAI in support of the request for the 7% Tribal set-aside from all discretionary Office of Justice Programs to address Indian country public safety and tribal criminal justice needs.

Natural Resources. We strongly support the President's proposal for funding Trust-Natural Resources Management programs. Increased funding to foster sustainable stewardship and development of natural resources and support fishing, hunting and gathering rights on and off-Reservation, is essential to our people who depend on natural resources for their livelihood.

For example, the Pacific Salmon Treaty grant supports the Tribe's federally mandated salmon sampling program. Throughout the entire salmon season, and to ensure proper management of the resources, we must collect scale and coded-wire tag samples from Chinook and coho, and scale samples from chum on 20% of our catch. This information is used to determine run size and allows fisheries managers to properly structure the fisheries. Current funding levels have been sufficient to achieve this goal. Without proper funding for this program, it will become very difficult, if not impossible, for the Tribe to ensure the safety of ESA-listed salmon which may result in a loss of a Treaty-reserved resource and our members' ability to support themselves from that resource. We urge Congress to increase the current level of funding for this vital program.

Hatchery cyclical maintenance funds are also invaluable for supporting the Federal government's investment in tribal hatcheries. Most tribal hatcheries are underfunded and each year brings more decay to the facilities. Here too, adequate funding for hatchery maintenance is imperative to prevent these important pieces of the salmon restoration puzzle from crumbling away. Because of habitat destruction, the only reason we continue to have salmon for Treaty-harvest activities is the operation of salmon hatcheries. Congress cannot allow the main pillar of this all important Treaty right to take a reduction in funding.

A few years ago the Tribe was able to cobble together a wildlife program consisting of one biologist and one technician. The program is partially funded by Timber, Fish, and Wildlife funds of about $95,000 with the Tribe supplementing the program with an additional $35,000Wildlife grants are few and far between. The Tribe needs wildlife program funds not only to support biologists, but additional funding is required to staff three dedicated wildlife enforcement officers who will not only enforce the Tribe's regulations, but ensure that poaching of the Tribe's wildlife resources does not occur from outside entities who sometimes fail to recognize the Tribe's Treaty rights. We request additional funds in the amount of $240,000, so we will have stable funding for a complete wildlife program. Until then the wildlife populations will continue to decline and the current alarming rate.

The Tribe has been under attack by shellfish growers who blatantly steal the Treaty-protected oyster and clam resources in Hood Canal. It is imperative that the federal government provide monetary support so the Tribe may inerease its enforcement presence and seek reparations though the courts. Shellfish issues are often overlooked because of the popularity of salmon, but the availability of this equally-important resource to the Tribe is dwindling and action must be taken now to prevent a further decline. We suggest an additional $$250,000 for shellfish management and rights protection in FY 2016. This would allow for additional population surveyors, harvest monitors, and enforcement officers.

Transportation. The Moving Ahead for Progress in the 21st Century (Map-21) bill was enacted in July 2012. The legislation requires that federal grant funds be awarded through State DOTs. We support the bipartisan legislation to establish a tribal transportation self-governance program at the U.S. Department of Transportation (DOT). Currently, there are several ways for tribes to obtain DOT tribal transportation funds: (1) the funds are transferred from DOT to the Bureau of

Indian Affairs (BIA), which performs the transportation activities; (2) the funds are transferred from DOT to BIA and tribes enter into contract or compact agreements to perform part or all of the transportation activities; or (3) DOT provides the funds to tribes under DOT agreements and the tribes perform the activities. The Department of Transportation self-governance bill would add a fourth option -- establish a tribal self-governance program at the Department of the Transportation.

Skokomish receives approximately $224,889 per year for roadway and sidewalk maintenance, construction, and safety projects. In FY2015, the Tribe completed a re-build of a one mile road (reservation road). Reservation Road is the main road which connects most of the housing subdivisions within the reservation. Reservation Road has evolved over time after starting out as a trail. Eventually, the Mason County Roads assumed maintenance of it and they purchased sufficient right-of-ways to build a road. The road evolved from dirt, to gravel, and finally a repository for asphalt leftover from other county paving jobs. Absent proper storm-water drainage and proper base, the road became a series of patched potholes. The County relinquished the road to the Skokomish Tribe in 2011.

In May 2014, the Tribe broke ground and in August 2014 completed the Reservation Road project. Through negotiation with contractors and utilizing preliminary designs from previous engineering plans, the Tribe was able to replace the road completely, add storm water drainage, install a side path and add street lighting. The cost of this project was about $1 million for just one mile of road.

II. INDIAN HEALTH SERVICE

The Skokomish Tribe supports the President's FY2016 budget proposal for an overall funding increase of $460 million for the Indian Health Service. We operate a small ambulatory clinic with a staff of 28 people. We provide direct care services as well as purchased/referred care.

We continue to see the effects of heroin use in all ages at an alarming rate. The Skokomish Tribe struggles to find the resources to adequately address the treatment and long term needs of those addicted. We see the need for more long term care facilities to address the needs of those addicted and continue their journey of wellness far reaching the current 30 to 45 day in patient treatment process. This is often not adequate time to be healed from addiction and they often return only to re-establish their old habits and slip back into addiction.

We are pleased to see the funding under the Gen-I initiative for the funding of Tribal Behavioral Health for Native Youth. In our FY2012 Congressional Testimony, we identified a need for a youth mental health facility. There are Chemical Dependency youth substance abuse treatment facilities such as the Healing Lodge in Spokane, Washington which we have used and have recruited staff from to work for our Tribe directly. However, there are no facilities to treat mental health issues for youth, who do not have any substance abuse issues. Many originally venture into substance abuse due to mental health issues that perhaps could have been diverted with adequate mental health resources. We urge Congress to direct the IHS to report on its effort to develop a youth behavioral health facility to meet the growing mental health needs of our Native youth.

The FY2015 budget included $85 million for health care facilities construction and we congratulate the California Tribes in their construction of a Northern California Regional Youth Treatment Center in Davis, California. We respectfully ask for this continued priority of putting a high emphasis surrounding the need for additional facilities for chemical dependency and

mental health services. We see the devastation to our community members as well as their families and we need help in stopping it.

One area that we see a small increase is in the Sanitation Facilities Construction Program. The Skokomish Tribe has a project to review the potable water supply in the core reservation area where a majority of the on-reservation members live. This project is "on-hold" even though it was awarded three years ago. With previous budget cuts and with the Portland Area IHS office re-organization, the engineers were put on limited travel and all of their projects delayed indefinitely.

III. NATIONAL PARK SERVICE, TRIBAL HISTORIC PRESERVATION PROGRAMS

In 1995, Congress began encouraging tribes to assume historic preservation responsibilities as part of self-determination. These programs conserve fragile places, objects and traditions crucial to tribal culture, history and sovereignty. As was envisioned by Congress, more tribes qualify for funding every year. Paradoxically, the more successful the program becomes, the less each tribe receives to maintain professional services, ultimately crippling the programs. In FY 2001, there were 27 THPOs with an average award of $154,000. As of FY2014, 155 of the 336 eligible tribes have been certified as THPOs. Currently there are 155 tribes operating the program, each receiving less than $47,000 which is barely enough to fund one positon.

IV. ENVIRONMENTAL PROTECTION AGENCY

The Tribe has begun schematic design for a community center that includes a gymnasium, elder's area, fitness room, education classrooms, a computer lab and media and art studios for students. As we research for ways to design a facility with clean energy technology, we are pleased to see that the Strategic Technical Assistance Response Team (START) program will provide competitive grant programs for Tribes. We understand and appreciate the START technical assistance program. However, for Tribes who have limited revenue streams for construction, direct funding to assist with construction costs for efficient energy design would be more beneficial.

V. CONTRACT SUPPORT COSTS – BIA and IHS

We fully support the President's FY2016 legislative proposal to reclassify contract support costs as permanent funding beginning in FY2017.

VI. GENERATION INDIGENOUS

We have placed a high emphasis on our youth and their education. Through collaborative efforts by our departments and with other Tribes, we have been able to sponsor culture camps, sports and leadership camps, and other positive activities that allow our youth to experience various activities. We are proud to state that this year we have 12 Tribal and Community members on track to graduate from our local high schools. We support the White House initiative to improve the lives of Native Youth who are our future.

SOCIETY FOR AMERICAN ARCHAEOLOGY

Testimony of the Society for American Archaeology
Before the House Appropriations Committee
Subcommittee on the Interior, Environment, and Related Agencies

March 18, 2015

The Society for American Archaeology (SAA) appreciates this opportunity to submit testimony to the subcommittee concerning appropriations for cultural resources programs in FY2016, and would like to thank the panel for its support of the research, interpretation, and protection of American's archaeological heritage.

SAA is an international organization that, since its founding in 1934, has been dedicated to the research about and interpretation and protection of the archaeological heritage of the Americas. With more than 7,000 members, SAA represents professional archaeologists in colleges and universities, museums, government agencies, and the private sector. SAA has members in all 50 states as well as many other nations around the world.

DEPARTMENT-WIDE PROGRAMS—Cultural and Scientific Collections

The President's budget asks for $2 million for this initiative in FY2016, an increase of $1 million over FY2015 enacted. A 2009 OIG report entitled "Department of the Interior, Museum Collections: Accountability and Preservation" identified a number of serious, long-standing deficiencies in the Department's "accountability, management, oversight, and reporting for the more than 188 million objects, specimens, and archives" in its ownership. Interior subsequently launched a multi-year plan to correct the flaws.

This is a critical issue. The law requires the government to provide long-term management and protection of the cultural resources items found on federal land, so they can be made available for study and interpretation by tribal groups, scholars, students, and the general public. The improperly catalogued and stored materials in the Department's care could be lost forever, along with the information they contain, if they are not preserved and protected. Though some progress has been made in correcting the situation, the $2 million requested in the FY2016 budget will go toward additional inventorying, assessment, housing and oversight of the extensive collections still to be remedied. The SAA urges the subcommittee to approve this funding request.

NATIONAL PARK SERVICE—Park Base Operations, Cultural Resource Stewardship

NPS cultural resource stewardship activities within Base Operations provide the research, training, and management activities necessary to preserve and protect some of the nation's most important archaeological, historic, and cultural resources, both on site and in museum collections. The challenges facing NPS in maintaining the integrity of these resources, however, are great and growing. The crux of the issue is the long-term structural decline in NPS cultural resources staffing and funding. Attrition from

an aging workforce has led to an increasing number of vacant positions that are not being filled. In addition, funding levels for archaeological activities in many parks and regional centers have not seen a base increase in years. The archaeology program is simply being hollowed out. Given this situation, we fear that the NPS will be increasingly unable to deal with the new threats that our cultural resources will face in the years ahead. The impacts on sites and materials from climate change constitute one example. With each year that we delay in addressing these problems, our heritage suffers and the costs to remediating those effects increase, if they can be remediated at all.

The administration has proposed $109.24 million for the program in FY2016, an increase of $10.73 million over FY2015 enacted. Of the increase, $5.5 million would be allocated to better preserve National Parks resources associated with the Civil Rights Movement. Another $3 million (as part of the Cultural Resources Challenge) would go toward the creation of a baseline cultural resources inventory in the National Parks. The information to be gathered would include basic overviews and assessments, treatment plans, and emergency operations plans, all with an eye toward *"improved availability and accuracy of baseline information...better resource management and understanding"* and *"increased consideration of cultural resources in park management decisions."* While SAA supports both of these initiatives and believes them to be worthwhile, regarding the baseline inventory we feel compelled to point out that without adequate staffing and funding for the cultural program, it will be difficult to assemble this additional information or use it to its full potential. SAA thus respectfully requests a total increase of $15.73 million for the Cultural Resource Stewardship component in FY2016, with $5 million dedicated toward addressing the staffing and base funding issues discussed above.

NATIONAL PARK SERVICE—National Recreation and Preservation National Register Programs

NPS National Register Programs are vital for the technical assistance and other support they provide for resource protection within parks, to other federal agencies, and to state, tribal, and private sector stakeholders. These programs assist communities in preserving their significant historical and archaeological properties. The archaeological component works to identify, document, and inventory archaeological resources in parks; produces archaeological technical and programmatic publications; implements regulations for protecting archaeological resources; and assists other agencies through program development and training.

As with the Cultural Resources Stewardship function, our primary concern for the National Register Programs (NRP) is that they have seen flat funding for a number of years. The resulting erosion of spending power makes it increasingly difficult for these offices to protect historic resources in the national parks and elsewhere. Staffing is a major problem in this function as well, often due to open positions going unfilled. While we support the President's request for a $219,000 increase in fixed costs, and a new $703,000 over the $16.83 million FY2015 enacted (as part of the Cultural Resources Challenge) over the to digitize the records of the National Register of Historic Places, the NRP need a larger down payment in order to begin to reverse years of decline. SAA supports an appropriation of $18 million for the NRP.

NATIONAL PARK SERVICE—NAGPRA Grants Program

The NAGPRA Grants Program serves a crucial purpose. The funding it provides is often the only resource available to Indian tribes, Native Hawaiian organizations, and museums to facilitate repatriation

of culturally affiliated human remains, funerary objects, sacred objects, and objects of cultural patrimony under the NAGPRA statute.

Funding for the Grants Program has consistently fallen short of demand. As detailed in numerous reports by the National NAGPRA Program and NAGPRA Review Committee to Congress, the total number of grant proposals received by the program has always well exceeded allotted resources. If grant funding—which has fallen in real dollar terms over the past several years—is not increased, the collaboration and consultation between tribes, museums and scientific groups that the statute has helped foster on this important and sensitive matter will falter. This is why the President's proposed $1.67 million for the program, a reduction of $90,000 from the $1.74 million FY2015 enacted, is a step in the wrong direction. SAA urges that the National NAGPRA Grants Program receive $2 million for FY2016, in order to provide the assistance needed to carry out the applicable portions of the law.

HISTORIC PRESERVATION FUND

The Historic Preservation Fund provides crucial support to state and tribal historic preservation offices and matching grants to states to catalog and preserve their historic resources. Without the HPF, the preservation system established by the National Historic Preservation Act—particularly with regards to its Section 106 review process—simply would not function. In spite of this, appropriations have seldom equaled the Fund's authorized level. Though the President's request for the HPF in FY2016 contains a substantial increase, nearly all of it would go toward a competitive grants program for communities to survey and nominate historic properties associated with the Civil Rights Movement to the National Register. Tribal Historic Preservation Officers (THPO) would see an increase of $1 million (as another part of the Cultural Resource Challenge), while their counterparts in the states would be held to level funding once again. We strongly support the increase for the THPO's, and believe that the Civil Rights competitive grant initiative is another worthy idea. The fact remains, however, that the proposed funding for both the states and tribes is simply not sufficient for them to carry out their historic preservation programs effectively. They must be given adequate support to meet their increasing regulatory workloads.

We are therefore calling for an appropriation of $60 million for the states and $15 million for the tribes in FY2016, along with the administration's request of $2.5 million for Historically-Black Colleges and Universities, and the $30.5 million for the Civil Rights competitive grants program.

BUREAU OF LAND MANAGEMENT—Cultural Resources Management

The Bureau of Land Management (BLM) administers the nation's largest public land area. Less than ten percent of the agency's land, however, has been evaluated for archaeological and other heritage resources. BLM cultural heritage staff archaeologists do an outstanding job, yet they face a huge backlog of inventories, stabilization projects, interpretive projects, and collections management projects. Just as important, these personnel are key components of the federal regulatory framework. Without adequate expert staff and appropriate resources, development projects such as pipelines, transmission lines, mines, and solar and wind farms will at best be delayed, and at worst be subject to litigation from stakeholders who believe that cultural resources were inadequately addressed. Given this, SAA strongly supports the President's request of $17.2 million, an increase of $2 million over FY2015 enacted, to enable the agency to better inventory, protect, and stabilize sensitive sites from the negative effects brought about by natural events and illicit human activity.

US FOREST SERVICE—Heritage Resources

The President's budget calls for $28.59 million for FY2016 for the Heritage Resources program, a reduction of $196,000 from FY2015 enacted. The mission of USFS Heritage Resources is to provide stewardship and preservation of the cultural resources located within and upon Forest Service land. It does this through both direct management and key investments in public-private partnerships such as the Passport in Time program. This is an exemplary program that has consistently exceeded expectations. For example, the number of heritage programs managed to standard surpassed its target level by 21.3% in FY2014. In this context, the administration's proposed reduction doesn't make much sense. In order to enable the program to continue to produce such good outcomes, SAA urges the subcommittee to reject the proposed cut.

US FISH AND WILDLIFE SERVICE—Cultural and Historic Resources

The cultural and historic resources program is part of the US Fish and Wildlife Service's (USFWS) Refuge Visitor Services function. The President's request for Visitor Services in FY2016 is $76.79 million, an increase of $6.47 million from FY2015 enacted. Nearly all of the increase will go toward the Urban Wildlife Conservation program. The cultural resources (CR) program protects numerous culturally significant locations on USFWS land, including many places listed on the National Register. There are thousands of known archaeological sites under the agency's care, with many more remaining to be discovered. It also maintains a collection of millions of objects and artifacts housed in both federal and non-federal repositories.

The cultural resources professionals at the Service are very hard-working, dedicated, creative, and good at their jobs. The problem is that there are far too few of them, and they have inadequate resources to work with, in order to effectively carry out their mission. This has resulted in severe strains when it comes to agency compliance in many parts of the country. The effects of this strain are predictable. Too often the USFWS, in an effort to minimize its CR costs and personnel time, does its best to avoid its mandated role under the NHPA and other preservation statutes, especially in cases where there has been damage to protected sites and artifacts. For example, at the Eager Pond construction project in Amity Pueblo, Arizona, funded in part by the agency, extensive harm was done to cultural features, including human burials. Under Section 106 of the NHPA, the Service is responsible for mitigating this damage. Despite extensive consultation on the matter, however, the agency has resisted accepting responsibility, in contradiction of the plain language of the statute. Archaeologists and Native American tribes are understandably upset, particular since it took years to collect the human remains left on the surface. Damage to cultural features exposed to the elements continues. We suspect USFWS' recalcitrance to accept its legal responsibility is because it does not have the personnel or money needed to resolve the situation.

USFWS needs more cultural resources professionals. In order to start bringing the staffing and program funding levels up to par, we strongly urge the subcommittee to allocate a total of $81.79 million to Visitor Services, an increase of $11.47 million from FY2015 enacted, with $5 million of the new monies assigned to the Cultural and Historic Resources program for new staff and Section 106 mitigation work.

Thank you for your time and consideration.

Society for Historical Archaeology (SHA)

Testimony before the U.S. House Committee on Appropriations

Subcommittee on Interior, Environment, and Related Agencies
The Honorable Ken Calvert, Chairman

March 24, 2015

Our Request: $89.91 million for the Historic Preservation Fund

- $46.925 million for State Historic Preservation Offices (SHPOs)
- $9.985 million for the Tribal Historic Preservation Offices (THPOs)
- $500,000 in grants for underrepresented populations
- $30 million for the Civil Rights competitive grants initiative
- $2.5 million for competitive grants for Historically Black Colleges and Universities (HBCUs)

These programs are funded through withdrawals from the U.S. Department of the Interior's National Park Service Historic Preservation Fund (16 U.S.C. § 470h) (HPF).

SHA And Its Members

With more than 2,300 members, SHA is the largest organization in the world dedicated to the archaeological study of the modern world and the third largest anthropological organization in the United States. Most members are professional archaeologists who teach, work in museums or consulting firms, or have government posts. Through SHA's close relationship with the Advisory Council for Underwater Archaeology, our members also include many of the world's underwater archaeologists.

Funding SHPOs And THPOs Is Critical To Protecting U.S. Archaeology

In 1966, Congress, recognizing the importance of our heritage, enacted the National Historic Preservation Act (16 U.S.C. § 470, *et seq.*) (NHPA), which established historic preservation as a federal government priority. Historic preservation recognizes that what was common and ordinary in the past is often rare and precious today, and what is common and ordinary today may be extraordinary in the future.

Instead of using federal employees to carry out the Act, the Department of Interior and the Advisory Council on Historic Preservation opted to partner with the States and use SHPOs and THPOs to, among other tasks, review all federal projects for their impact on historic properties. In order for the review process to work smoothly and for historical archaeological sites to be protected, SHPOs and THPOs must have adequate funding. Proper financial support for their work allows SHPOs and THPOs to review and approve projects in a timely basis, moving projects forward in an efficient manner and protecting

irreplaceable cultural and historical resources and sites. SHA appreciates the Administration's efforts to support preservation and the HPF; however, we are disappointed that the Administration did not request increased funding for SHPOs.

The budget request does include a $1 million increase for THPOs. THPOs are chronically underfunded; the additional $1 million is a start to solving that challenge for tribes working to preserve and protect their culture and history. The request also includes $30 million for Civil Rights initiatives and $2.5 for HBCUs in recognition of the anniversary of the Civil Rights movement. SHA supports these funding pieces, as well, and hopes that such funds will help diversify the sites preserved under the HPF.

Conclusion

On behalf of its 2,300 members, SHA would like to thank you Chairman Calvert, and all the members of the House Appropriations Subcommittee on Interior, Environment and Related Agencies for the opportunity to submit testimony.

SHA also thanks the Subcommittee for its commitment to historic preservation.

Dr. Charles Ewen, SHA President
EWENC@ecu.edu

Testimony of Bishop M. Wright Jr.
Secretary, Florida Sportsman's Conservation Association
Chariman, Sportsman's Trust Group
Everglades Headwater's National Wildlife Refuge
March 18, 2015

My name is Bishop Wright Jr.; I am the Secretary of the Florida Sportsman's Conservation Association and Chairman of the Sportsman's Trust Group. These groups respectfully request that Congress to fund the Land and Water Conservation Fund at $900 million per year. We specifically request that the United States Fish and Wildlife Service be provided with 10 million to fund conservation easements and fee-simple acquisitions within the Everglades Headwaters National Wildlife Refuge. The monies from the LWCF fund are needed to purchase 100,000 acres of conservation easements over working ranch lands and to purchase 50,000 acres of fee simple lands within the headwaters of the Everglades.

The Everglades Headwaters National Wildlife Refuge and Conservation Area is very important to all Floridians and wildlife in the state. It will also conserve one of the last remaining grassland and longleaf pine savanna landscapes in eastern North America. It will provide cattle ranchers a way to preserve their lands and their way of life for future generations. And importantly, it will provide access to hunters, fishermen, hikers, and bird watchers and a beautiful outdoors for anyone wanting to use and enjoy this refuge for whatever appropriate type of recreation they choose. It will also provide a landscape to hold and clean water before it travels south down to Lake Okeechobee.

Today the South Florida Water Management Board spends millions and millions of dollars building storm water treatment areas to clean water before it is dispersed to the Everglades. Why not use this Everglades Headwaters project to do the same in a natural way and still help the ranchers, hunters, and recreationalists and provide opportunity for generations to enjoy what we have to share now?

The sportsmen of Florida have not always been supportive of this project because of the way the federal government (USFWS, NPS) has treated sportsmen in the past. USFWS has had very limited hunting on refuges in Florida. When this project was shown at 4 scoping meetings throughout the state, sportsmen showed up to voice their opinions. With the room filled at all 4 meetings by about 95% of sportsmen, at the time not one wanted to give one more acre of land to the federal government. That was 5 years ago.

The Sportsmen Trust Group has worked hard with USFWS to have our issues addressed and we feel like our voice is being heard.. We understand that no individual USFWS employee can fulfill these promises, but they are working hard to do consider hunting and fishing opportunities when management plans are up for review. The Sportsmen's Trust Group and the Northern Everglades Alliance (ranchers) are now partners in the campaign and fight to make this Everglades Headwaters project a success.

The Sportsmen's Trust Group and others are still working to resolve issues with the National Park Service, specifically in the Big Cypress Preserve. An additional 147,000 acres were added

to the Preserve in 1988 known as the "Addition Lands". The Addition Lands legislation called for these lands to be opened to the public for 'traditional cultural activities' within three years of the 1988 acquisition. Unfortunately, 23 years later, the National Park Service produced a "Final Alternative" which would turn 80% of the Addition Lands into Wilderness and/or Back Country Primitive, both of which would not allow future off-road vehicle trails, something sportsmen felt they were promised.

During the creation of the Preserve in 1974, it was clearly stated by Senator Lawton Chiles and others that no part of the Preserve was intended then or now to be Wilderness or Back Country Primitive areas. The Park Service allowed the Addition Lands to sit idle for 20 + years allowing the area to somewhat grow over. When the facts are exposed regarding the activities over the past 60 + years in the Addition Lands it will become clear that none of the Addition Lands qualify for Wilderness consideration. We have people prepared to verify ongoing activities in the Addition Lands over the past 60 + years including farming, ranching, timber removal, oil exploration, air strips, tram roads, private homes, private hunting cabins, existing off-road vehicle trails etc. etc. etc. to say nothing of the area being divided by I-75, a four lane interstate divided highway.

In closing I would like to say, you can see why, at the start of the Everglades Headwaters Project the sportsmen of Florida had a lot of trouble buying into this. We did not trust the federal government and met the initiative to create a new national wildlife refuge with skepticism. However, with hard work and good communication between The Sportsmen Trust Group, USFWS, FWC, NEA and the National Wildlife Refuge Association, our hesitance and anger turned to commitment and trust. We are all committed to this project; now all we need is your commitment to fund the LWCF and this project can come true and help Florida be saved for generations to come.

Testimony
Southeast Tourism Society & Western States Tourism Policy Council
Before the
Interior-Environment Subcommittee
House Committee on Appropriations
Public and Outside Witness Hearing
March 18, 2015

The Southeast Tourism Society (STS) and the Western States Tourism Policy Council (WSTPC) appreciate this opportunity to discuss our views on the important role this Subcommittee has to ensure federal land management agencies not only fulfill their mission to conserve and showcase America's special places but also their commitment to the nation's states and localities by collaborating to revitalize communities, preserve local history, celebrate regional heritage, and create opportunities for recreation and fun outdoors. We ask the Subcommittee to make clear its priorities within the funding structure in order to encourage partnerships with states and local communities with the goal of fully leveraging all available resources to increase visitation to federal lands and enhance the visitor experience. The upcoming Centennial of the National Park Service offers a tremendous opportunity to showcase the exceptional experiences to be found on our federal lands. We offer these proposals to ensure the Centennial celebration is truly a landmark, sustainable event.

Together, our organizations represent 23 states that are home to some of the America's most spectacular and iconic federal lands – sites well known to this Subcommittee and the legions of visitors from across the country and the globe. From Mount Hood National Forest and the Sequoia National Park to the Savannah National Wildlife Refuge and the Great Smokey Mountains National Park and many sites in between, federal lands, recreation, and conservation play a critical role in driving local economies, supporting gateway communities and creating extraordinary travel experiences.

National Park Service

We support a robust and transparent federal role in public lands management and in providing the funds needed to maintain these sites and, importantly, ensure public access to these national treasures. As members of the National Parks Second Century Action Coalition we support the President's proposed budget request for the National Park Service as follows:

- $2,515,131,000 for 'Operation of the National Park System' to restore funds lost over the last several years (FY15 Enacted Amount: $2,275,773,000);

- $250,967,000 for 'National Parks Construction' to help address the deferred maintenance backlog (FY15 Enacted Amount: $138,339,000);

- $50,000,000 for 'Centennial Challenge' to continue to leverage federal funding with private donations to help restore and modernize our parks (FY15 Enacted Amount: $10,000,000).

Wildfire Suppression

We also know this Subcommittee faces budgetary constraints associated with wildfire suppression, which has required "fire-borrowing" from important land conservation and forest management programs within the Departments of Agriculture and Interior to offset the costs of wildfires. This repeated transfer of funds is not sustainable and displaces funding for other public lands priorities, important conservation programs and better management of our national forests – all of which are directly linked to the health of our nation's public lands tourism economy.

For this reason, we support legislation introduced in the House and Senate to fund wildland fire suppression similar to how other natural disasters are funded. Enactment of this legislation would free-up needed resources for our public lands.

Federal Lands Recreation Enhancement Act (FLREA)

Although management of federal lands is funded primarily by appropriations, a significant and growing portion of this management depends upon entrance and recreation fees. Revenues collected through FLREA enhance visitor experiences by providing funds to repair, maintain, and improve facilities; restore wildlife habitat for visitor recreation; offer educational materials and services; and provide law enforcement. For example, since FLREA enactment in 2005, the National Park Service, one of the authorized agencies, has obligated $2.3 billion in fee revenues, which have funded over 9,800 projects and services with the National Park Service. These fees leverage other funding sources and complement appropriated funds, funding projects that directly benefit the visitor experience.

We support an extension of FLREA in the FY16 appropriations bill until a longer term reauthorization can occur. In addition, absent reauthorization this year, we urge the Subcommittee in consultation with the authorizing committee to consider taking additional steps in support of modest reforms to better engage states and local communities, enhance visitor and recreation experiences and drive increased visitation, revenues, and economic impact. The National Park Service Centennial offers a unique opportunity to build national and international awareness of recreation, historic, and cultural opportunities at our nation's public lands sites.

- Adopt a provision to make clear that it is permissible for FLREA fees to be used for promotional and cooperative efforts with tourism and community partners. This would encourage collaboration between federal sites and local gateway communities to promote

the sites and their activities. Investing in tourism promotion is a proven strategy for increased visitor spending and job creation in gateway communities. By encouraging federal land management agencies to develop strategies for engaging with the travel and tourism sector and local communities, FLREA will be driving policies to ensure the economic impact of federal lands visitation and recreation are broadly shared by the states, communities, and small business.

- Direct FLREA agencies to make better use of technology to enhance site operations and visitor services. We believe the FLREA agencies have authority to collaborate with gateway communities and local partners to develop technology tools and strategies to compile and share comprehensive recreation and visitor data related to the federal sites.

Conclusion

Our proposals and support for federal appropriations are meant to encourage and enhance visitation, historic preservation, cultural resources, and outdoor recreation to create opportunities for collaboration with states, local communities and the private sector. A snapshot of one segment of the public lands visitation data demonstrates that investing in visitation promotion efforts will pay significant economic dividends: in 2013, the National Park System received more than 273 million recreation visits. Those visitors spent $14.6 billion in gateway communities, supporting 238,000 jobs.

On an individual level, federal sites have proven to be terrific partners and we believe by making collaboration and visitation promotion a priority, the benefits of collaboration will be felt in communities across the country and assist this Subcommittee in its important mission and obligations to our federal public lands. We stand ready to work with you to advance these initiatives.

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Southeast Tourism Society is a not-for-profit membership association that works to elevate the talents and strategies of travel and tourism organizations and individual professionals within its twelve state region. STS's mission is to strengthen the economic vitality of the region by uniting all segments of the travel and tourism industry through collaboration, education, advocacy, networking, and recognition. Established in 1983, STS is an engaged network of more than 800 members from twelve states: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

Western States Tourism Policy Council is a consortium of 12 Western state tourism offices, including Alaska, Arizona, California, Colorado, Idaho, Hawaii, Montana, Nevada, New Mexico, Oregon, Utah, and Wyoming. Our members are predominantly appointed by governors and report to our state legislatures. WSTPC's creation was inspired by the 1995 White House Conference on Travel and Tourism, which urged greater regional attention to the interrelationships between Federal lands, the environment and tourism. The mission of the WSTPC is to foster and encourage a positive environment for travel and tourism by serving as a forum to identify research, analyze, and advocate the travel and tourism related issues of public policy and opinion in the Western United States.

Stillaguamish Tribe of Indians
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Testimony of Shawn Yanity
Chairman- Stillaguamish Indian Tribe
Before the Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies
United States House of Representatives

Submitted March 25th, 2015

Chairman Calvert, Ranking Member McCollum, and members of the Committee, thank you for the opportunity to provide a statement on behalf of the Stillaguamish Tribe of Indians on the Tribe's efforts to restore and protect Stillaguamish Chinook salmon populations in the Stillaguamish River watershed. My name is Shawn Yanity and I am the Chairman of the Stillaguamish Tribe of Indians. The Chinook salmon and shellfish are sacred cultural resources to the Stillaguamish Tribe protected under the Point Elliott Treaty of 1855. At present, the Tribe receives funding for its Chinook salmon restoration programs through, among other entities, the Environmental Protection Agency (EPA) and the Bureau of Indian Affairs (BIA). However, these programs are woefully underfunded to ensure preservation of the Chinook salmon population. The Stillaguamish Tribe requests additional annual funding for programs in the EPA and BIA that support critical hatchery operations, fisheries management, scientific research, education and outreach, commercial shellfish harvest, and habitat restoration.

Over several decades, the Stillaguamish Tribe has invested significant resources toward efforts to restore the Chinook salmon population to sustainable and harvestable levels. In a recent study, NOAA Fisheries determined that without the continued operation of the Tribe's Chinook recovery projects, there is a high risk of extinction of Stillaguamish Chinook. The current level of Chinook in the Stillaguamish watershed is alarmingly low. Historically, 46,000 adult Chinook returned to the Stillaguamish Watershed on an annual basis. Now that average has sunk dramatically to about 1,300 which include salmon produced by the Stillaguamish hatchery program. Efforts to limit harvests have slowed the rate of decline but have not reversed the trend towards extinction.

The preservation of the Stillaguamish Chinook not only impacts the Stillaguamish Tribe as an invaluable cultural resource, but also creates major economic consequences for Chinook fisheries in the Pacific Northwest and Alaska. The west coast of Oregon and Washington and the east and west coast of Vancouver Island are a migration corridor for west coast Chinook stocks on their way to Alaskan waters. Because these stocks generally all migrate together, regulations limiting the quantity of fish that can be caught are guided by the weakest affected population. The Stillaguamish Chinook population has been so poor that it has been categorized as an indicator stock since 1984 and as a result, the Stillaguamish Tribe has a long history of tagging and tag recoveries to determine where and when Stillaguamish Chinook are caught. This harvest rate information is applied to fisheries in areas where other strong stocks (high abundance) could otherwise be harvested. In this way, the diminishing stock of Stillaguamish Chinook creates major economic consequences for Chinook fisheries in the Northwest and Alaska.

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The Stillaguamish Tribe has long been recognized as the only entity in the Stillaguamish watershed with the capacity, technical expertise and experience to implement large scale Chinook recovery projects. However, for years, the Tribe has struggled to secure stable funding for programs that are integral to sustainable restoration efforts. Current funding levels can only support current programs to maintain already devastated population levels and prevent further decline; they cannot recover the resource. Habitat loss is continuing to outpace the Tribe's ability to restore and protect treaty resources, and additional funding for habitat protection and restoration projects is desperately needed.

In addition, many funding sources the Stillaguamish Tribe currently receives for fish and wildlife management and restoration have extremely narrow scopes that limit the Tribes ability to utilize funds in the most effective way. The Stillaguamish Tribe would like to request the Committee consider encouraging agencies under their jurisdiction to lump funds into block grants, or at the minimum widen the criteria for eligible activities under each source. This would allow the Tribe to determine the very best use of each federal dollar for the management and recovery of treaty resources.

Proposed Federal Funding Program Levels to Reverse the Chinook Salmon Population Decline:

CFDA # 66.121 – Puget Sound Protection and Restoration: Tribal Implementation Assistance Program

Environmental Protection Agency

Requested FY 2015 Program Funding: $50 million

This program has been a valuable source of funds for increasing the capacity of Tribes to be more fully involved in the implementation of the Puget Sound Partnership's Action Agenda. The Stillaguamish Tribe has utilized these funds to expand our riparian restoration program which removes invasive weeds and installs native plants along the Stillaguamish River and its tributaries. It has also utilized these funds to perform a scientific study on the harmful effects of emerging contaminants on juvenile Chinook and Coho salmon, to perform a study on the effectiveness of local regulations, to expand its capacity and participation in technical and policy advisory groups and to greatly expand its capacity and performance in education and outreach.

As stated above, habitat loss is continuing to outpace the Tribe's ability to restore and protect treaty resources, and additional funding for habitat protection and restoration projects is desperately needed. Increased funding in this program would allow continued work by our Tribe and others in riparian restoration, and education and outreach while increasing efforts in the other factors limiting Chinook salmon decline, such as estuary and floodplain restoration, and large woody debris placement. These types of projects require significant initial investment and are absolutely necessary if Puget Sound Chinook salmon are ever to fully recover.

CFDA # 15.036 – Indian Rights Protection
Bureau of Indian Affairs

Requested FY 2015 Funding: $75 million

This contract funding is utilized for several projects including fisheries management, hatchery operations, shellfish management, the Timber, Fish and Wildlife program, and climate change programs. The BIA determines each year how these funds will be split among each of the different programs.

NOAA Fisheries recently determined that there is a high risk of extinction of Stillaguamish Chinook without the continued operation of the Tribe's supplementation program. This hatchery program is unique in that it serves as a supplementation to wild populations, ensuring the survival of the gene pool until such time as the Chinook salmon have sufficient habitat to maintain their own population levels. Given that this program is standing between the Stillaguamish Chinook and their extinction and restoration efforts of other salmon, it is disturbing to note that the program is grossly underfunded.

Finally, the Tribe has performed a juvenile outmigration study for many years which aids in fisheries forecasting and population modeling. Even though the data from this study is essential, this type of study typically falls under the category of monitoring, which is becoming increasingly difficult to fund with either state or federal sources. Currently, the Tribe funds this program with CFDA #11.438 Pacific Coast Salmon Recovery Salmon Treaty Program dollars that could be used for habitat restoration and protection projects. This study is a priority, and must be maintained into the future. However, the cost is dear and increased funding levels in this program will go a long way in helping in the restoration efforts.

Closing:

The Stillaguamish Tribe has thrived on our lands since time immemorial and the preservation of the local salmon population is a solemn duty that we continue to carry forward. Fewer than 1,400 Stillaguamish Chinook return every year, which is less than 10% of the historical Stillaguamish Chinook population. The dramatic decline in population not only impacts the culture, economy and subsistence of the Stillaguamish Tribe, but the economies of all fisheries north of Cape Falcon in Oregon, including in Washington and Alaska. The Tribe takes this decline very seriously, and will not allow the extinction of these invaluable salmon.

The United States has an obligation defined by the Point Elliott Treaty of 1855 and confirmed by Judge Boldt in the 1974 US v. Washington decision to co-manage this resource alongside the tribes. Currently, the Stillaguamish Tribe is the only entity in the Stillaguamish Watershed with the capability and capacity to implement large scale Chinook recovery projects. Thus we urge you to seriously consider increasing funding in the programs listed here.

Chairman Calvert, Ranking Member McCollum, and members of the Committee, thank you again for the opportunity to submit testimony on the preservation and protection of Chinook salmon. I look forward to working with you and your staffs on this important issue.

March 25, 2015

The Honorable Ken Calvert
United States House of Representatives
Washington, DC 20515

The Honorable Betty McCollum
United States House of Representatives
Washington, DC 20515

Dear Chairman Calvert and Ranking Member McCollum:

The Sustainable Urban Forests Coalition (SUFC) represents more than 30 nonprofits and national associations of foresters, nursery and landscape professionals, public works professionals, city planners, arborists, water resource groups, and many others. Working together since 2004, these diverse organizations and their members monitor, care and advocate for sustainable urban trees and green infrastructure. Collectively, we are asking for your support for several programs under the Interior Subcommittee's jurisdiction that support urban forests and green infrastructure.

Our nation's 100 million acres of urban forests are vital to creating and maintaining healthy, livable communities of all sizes. Urban trees and forests provide a wide array of scientifically proven social, economic, and environmental benefits to people living in urban areas. Today, more than 83 percent of the Nation's population lives in urban areas. Studies have demonstrated urban forests enhance air and water quality, reduce energy use, increase property values, and provide quantifiable health and wellness benefits to people. Creating and maintaining a healthy tree canopy also creates a substantial demand for greencollar jobs in a sector poised for rapid growth.

SUFC is conscious and respectful of the federal budget challenges. It is critical that ~~the~~ decision makers are aware that the relatively small investment in our supported funding requests result in a positive return on that investment through matching funds, preventive measures, and community health and welfare benefits received by more than 80% of Americans.

USDA Forest Service

Urban and Community Forestry program
The Urban and Community Forestry (U&CF) program provides important technical and financial assistance to cities, suburbs, and towns across the nation to maintain and enhance urban tree and forest cover, respond to storm and other disturbance events, support integrated containment of invasive pest threats, and manage risks. U&CF also supports valuation work and cost-benefit analysis, enabling communities to better understand the benefits provided by urban forests to non-forest sectors, such as public health. The U&CF program's contribution to moving communities towards greater economic, environmental, and social sustainability has been significant; in FY 2014 alone, the U&CF program delivered assistance to over 190 million people (60% of the U.S. population) in 7,100 communities across the country. A key reason for the program's extended reach is that the federal investment made through the U&CF program leverages non-federal funding – often at a match of 2:1 or in many cases significantly

more. ***SUFC recommends funding the Urban and Community Forestry Program a return to pre-sequestration levels of $31.3 million in FY 2016.***

Landscape Scale Restoration
The Landscape Scale Restoration program strategically prioritizes resources by competitively allocating Cooperative Forestry Assistance Act funds. It focuses on targeting federal investments - leveraged by state and local resources - to areas of greatest need, highest value, or strongest innovation potential, as stipulated in each State Forest Action Plan. The SUFC is enthusiastic about this program's focus on landscape-scale approaches and collaboration with state and local partners. We are encouraged that urban forests are identified as priority areas in most State Forest Action Plans and see promise for urban forestry projects in the program's proposed expansion. ***SUFC recommends funding the Landscape Scale Restoration program at $23.5 million in FY 2016.***

Forest and Rangeland Research program
The Forest Service's Forest and Rangeland Research program is essential in providing support for urban forestry research activities to develop information and tools for understanding conditions and trends in our nation's urban and community forests and for assisting community groups and urban forestry practitioners in designing and implementing programs to sustain healthy and resilient urban forests. Forest Service researchers and partners have made huge strides in recent years through collaborative efforts to develop new tools, such as i-Tree, for mapping current tree cover and assessing trends and opportunities. Similarly, agency researchers have been helping communities and practitioners to understand the environmental, economic, and social services that trees and forests provide. ***The SUFC urges Congress to provide funding for the Forest and Rangeland Research line item at $303 million.***

The SUFC wishes to thank Congress for language it has included over the past several years in conference reports on Interior Appropriations, including the Interior, Environment, and Related Agencies Appropriations Act of 2015. This language encourages the Forest Service to maintain a vibrant urban forest research program to assist communities in assessing and developing plans to sustain their community forests. The agency has for several years recognized Urban Natural Resources Stewardship as one of its seven Priority Research Areas, covering research topics critical to sustainable communities, such as urban ecological health, watershed conservation, and urban forest stewardship and best management practices. In addition, the link between urban trees and public health has emerged as a major research topic among urban forestry partners around the country. ***In the absence of a budget line item for urban forest research, we urge the Subcommittee to continue including language in its Interior Appropriations reports encouraging the Forest Service to maintain a strong and vibrant urban forest research program.***

We also wish to call the Subcommittee's attention to our collaborative efforts with the Forest Service to make progress toward incorporating urban forest assessments into the agency's Forest Inventory and Analysis (FIA) program. ***We urge the Subcommittee to encourage the Forest Service to clarify and strengthen efforts to integrate urban forests into FIA so that its critical data-collection efforts on all of our nation's forests include the more than 100 million acres of urban forest lands.***

The SUFC is concerned about limited Forest Service research focused on tools to detect and manage tree-killing pests in urban areas and the pathways by which they are introduced and spread. Such tools are desperately needed to protect not only urban areas, but also rural and wildland forests from a rising tide of introduced insects and pathogens. ***We ask the Subcommittee to encourage the agency to strengthen research efforts on critical forest health issues in urban areas, including research programs for non-native pests.***

Forest Health Management

The numerous benefits provided by urban forests are threatened by damaging invasive species that are arriving and spreading at an increasing rate. At least 28 new tree-killing pests have been detected over the last decade. Already, municipal governments across the country are spending more than $3 billion each year to remove trees on city property killed by non-native pests. Homeowners are spending an additional $1 billion to remove and replace trees on their properties and are absorbing an additional $1.5 billion in reduced property values.

In nearly every case, these invasive pests enter the country through the cities and suburbs where imported goods arrive. While prevention is the desired approach, it is essential that programs countering these pests be initiated as soon as the pest is detected, and at the largely urban location where the pest is found. If such programs are not immediately carried out, the pest can then spread to threaten rural forests, including those in the National Forest system. The Forest Health Management programs (FHP) provide essential expertise and assistance to state and municipal agencies and private landowners in countering these introduced pests. High priority pests now threatening urban and traditional forests include the Asian longhorned beetle, goldspotted oak borer, polyphagous shot hole borer, and oak wilt. ***We ask further that the Subcommittee appropriate a total of $111 million for the Forest Health Management programs; of which, specifically $48 million for cooperative lands programs.***

<u>Environmental Protection Agency</u>

Clean Water State Revolving Funds

Green infrastructure is a cost-effective and resilient approach to stormwater infrastructure needs that provides many community co-benefits: improving water and air quality; reducing energy use and mitigating climate change; improving habitat for wildlife; reducing a community's infrastructure cost and promoting economic growth. SUFC supports the EPA's goal of strengthening green infrastructure activities to further sustainability goals by incorporating green infrastructure and enhancing stormwater management. SUFC also supports efforts to expand the use of green infrastructure to meet Clean Water Act goals through the Clean Water State Revolving Funds (CWSRF). ***SUFC supports the FY 2015 enacted level of $1.449 billion for CWSRF. SUFC also supports the President's FY 2016 request that not less than 20% the CWSRF funding be made available for green infrastructure or environmentally innovative projects that can promote water system and community resilience.***

Urban Waters Federal Partnership

The Urban Waters Federal Partnership is a unique 13 agency coordinated effort that helps stimulate local economies, create jobs, improve quality of life, and protect health by revitalizing urban waterways and the communities around them, focusing on underserved urban communities of all sizes. Partnership projects serve as a laboratory for developing and implementing innovative approaches to using Federal resources more efficiently and effectively – targeting

investments and leveraging local leaders and community partners. ***SUFC supports appropriating FY 2015 funding to the Urban Waters Federal Partnership, coordinated by the Environmental Protection Agency Office of Water. We are aware that the USGS has requested $500,000 in their budget for this partnership, and encourage such additional allocation be included in the other participating agency allocations.***

The National Park Service

Land and Water Conservation Fund
SUFC supports the Land and Water Conservation Fund (LWCF), including funding for the State and Local Assistance Program administered by the National Park Service. The LWCF state and local assistance grant program provides matching grants to states and localities for protection and development of parks and recreation resources and is the primary federal investment tool to ensure that families have easy access to parks and open space, hiking and riding trails, and neighborhood recreation resources. ***SUFC supports the President's FY 2016 request of $50 million for the state and local assistance program, which includes $5 million for the Outdoor Recreation Legacy Partnership Program (ORLPP).*** This new nationally competitive program complements the existing state and local assistance program by creating new opportunities for outdoor play as well as developing or enhancing outdoor recreation partnerships in cities.

Urban Parks Recreation Recovery Program
The reestablishment of the Urban Parks Recreation and Recovery (UPARR) program within the National Parks Service, proposed to be funded through the Land and Water Conservation Fund, is essential to bring nature to the urban communities. These competitive grants focus on engaging and connecting communities, especially young people, to their neighborhood parks through projects that would revitalize and rehabilitate park and recreation opportunities. ***SUFC supports the President's FY 2016 request of $25 million from LWCF for the Urban Park and Recreation Recovery Program (UPARR).***

Sincerely,

Alliance for Community Trees
America in Bloom
American Forests
American Planning Association
American Rivers
American Society of Landscape Architects
Arbor Day Foundation
Bartlett Foundation
Center for Invasive Species Prevention
Davey Tree Foundation
International Society of Arboriculture
Keep America Beautiful
National Association Clean Water Agencies
National Association of Conservation Districts
National Association of State Foresters
National Recreation and Park Association
Professional Landcare Network/PLANET
Society of American Foresters
Society of Municipal Arborists
The Nature Conservancy
Tree Care Industry Association
Utility Arborist Association
Water Environment Federation

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Dr. Maile Taualii
Assistant Professor
Head, Native Hawaiian and Indigenous Health
Office of Public Health Studies

House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

This testimony is to request an appropriation of 5 million to the Department of Commerce, National Oceanic and Atmospheric Administration to establish an Indigenous Regional Fisheries Management Organization to promote compliance with the management measures outlined by the Presidential Task Force on Combating Illegal, Unreported and Unregulated Fishing and Seafood Fraud. Combining Indigenous knowledge of the ocean with fisheries compliance management tools will ensure the most cost effective, timely, socially just, and efficacious strategy to enforce sustainable management of our oceans.

Thank you for the opportunity to submit testimony. My name is Dr. Maile Taualii. I am an Assistant Professor of Public Health with the Office of Public Health Studies and Hawai'inuiākea School of Hawaiian Knowledge at the University of Hawaii at Mānoa. I was hired to advance the work of a new initiative on Native Hawaiian and Indigenous Health, which includes a consortium of scholars throughout the university community charged with addressing compelling issues of indigenous and Native Hawaiian health, focusing on cross-disciplinary solutions to improve health and wellness, natural and cultural resource management, sustainability, and food security. Much of my work with Indigenous Peoples focuses on improving lives through the collection and reporting of data to inform and guide programs and services.

I write this testimony in support of the Department of Commerce, National Oceanic and Atmospheric Administration (RIN 0648-XD652) recommendations of the Presidential Task Force on Combating Illegal, Unreported and Unregulated Fishing and Seafood Fraud. Their report, issued on December 18th, 2014, made several recommendations in four thematic areas; International, Enforcement, Partnerships and Traceability.

Their report states; *"One of the biggest global threats to the sustainable management of the world's fisheries is illegal, unreported, and unregulated (IUU) fishing. Global losses attributable to IUU fishing have been estimated to be between $10-23 billion annually. Additionally, U.S. efforts to reduce global hunger, malnutrition, and coastal risks are being undermined by IUU fishing in developing countries. Over 2.5 billion people depend upon fish for food and nutrition, and IUU and unsustainable fishing threatens valuable food resources. Combating IUU fishing will directly contribute to U.S. commitments and efforts to enhance global food and nutrition security."*

While the report outlines several recommendations, I believe it fails to connect two critical and supportive priorities; the rights of Indigenous People to protect their subsistence fishing practices and the implementation of the recommendations put forth by the Presidential Task Force on Combating Illegal, Unreported and Unregulated Fishing and Seafood Fraud. I am requesting the House Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies to appropriate five million for the establishment of an Indigenous Regional Fisheries Management Organization (RFMO). RFMOs promote compliance with the management measures using a wide variety of tools. Indigenous fishermen are skilled with generations of knowledge of their traditional fishing practices. Combining

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Dr. Maile Taualii
Assistant Professor
Head, Native Hawaiian and Indigenous Health
Office of Public Health Studies

Indigenous knowledge with fisheries compliance management tools will ensure the most cost effective, timely, socially just, and efficacious strategy to enforce sustainable management of our oceans.

Lawrence A. Selzer, President and CEO, The Conservation Fund
Testimony for Subcommittee on Interior, Environment and Related Agencies
Regarding Department of Interior, Department of Agriculture, and
Environmental Protection Agency
March 24, 2015

Chairman Calvert, Ranking Member McCollum, and Members of the Appropriations Subcommittee on Interior, Environment, and Related Agencies, thank you for this opportunity to submit outside witness testimony on behalf of The Conservation Fund (TCF). TCF supports full funding of the President's Budget request of $900 million in fiscal year 2016 for the Land and Water Conservation Fund (LWCF) discretionary and mandatory proposals, which includes the federal land acquisition programs of the Bureau of Land Management ($93.397 million), National Park Service ($171.037 million), U.S. Fish and Wildlife Service ($164.772 million), U.S. Forest Service ($127.673 million), as well as three state grant programs: the U.S. Fish and Wildlife Service's Cooperative Endangered Species Conservation Fund ($100 million); National Park Service's State Conservation Grants ($100.2 million); and the U.S. Forest Service's Forest Legacy Program ($100 million). TCF also supports full funding of the President's request for the U.S. Fish and Wildlife Service—North American Wetlands Conservation Fund ($34.145 million); the U.S. Forest Service—Community Forest and Open Space Conservation Program ($1.683 million); and the Department of Interior (DOI)—Natural Resource Damage Assessment and Restoration Program ($9.2 million). TCF requests funding for the Environmental Protection Agency (EPA)—Great Lakes Restoration Initiative ($300 million); EPA—Clean Water State Revolving Funds ($1.449 million) and EPA—Drinking Water State Revolving Funds ($1.186 million). Additionally, TCF supports the proposals for the Federal Land Transaction Facilitation Act reauthorization, the National Park Service Centennial Initiative, and the U.S. Forest Service proposal for a fiscally responsible funding strategy that considers catastrophic wildland fires as disasters (i.e. in line with the Wildland Disaster Fund Act).

TCF is a national, non-profit conservation organization dedicated to conserving America's land and water legacy for future generations. Established in 1985, TCF works with landowners; federal, state and local agencies; and other partners to conserve our nation's important lands for people, wildlife and communities. To date, TCF has helped our partners to conserve over 7.5 million acres. These accomplishments are due, in large measure, to the leadership of this Subcommittee over many years to appropriate funds to acquire lands for future generations, working forests, recreational opportunities, wildlife habitat, and many other benefits.

Below are highlights of some benefits of the LWCF and land acquisition programs. While these projects show the tremendous diversity of benefits of land acquisition for the public, they have one thing in common—each of these projects is driven by landowners. Many farmers, ranchers and forestland owners have significant financial equity in their land. By enabling a landowner to sell a conservation easement or fee title, the LWCF program provides landowners with funds to stay in business, reinvest in businesses, or meet other financial goals.

As the Subcommittee crafts its Interior, Environment and Related Agencies Appropriations bill, there are several key points we respectfully request you to consider, listed below.

1. **Land and Water Conservation Fund (LWCF) at $900 million**: Funding at the recommended $900 million is critical for the nation's premier conservation program, a bipartisan agreement from almost 50 years ago. As the lists of ready LWCF projects below

show, there are many opportunities that will be lost without this funding. LWCF represents a promise to the nation that proceeds from offshore oil and gas development will help protect the public trust, and these projects will fulfill that mission.

The LWCF Budget includes Collaborative Landscape Planning (CLP) areas that we ask you to support: Island Forests at Risk, Upper Rio Grande, High Divide, Rivers of the Chesapeake, National Trails System, Florida-Georgia Long Leaf Pine, Pathways to the Pacific, and Northern California Coastal. In each CLP, several Federal land agencies are partnering with states, local groups, non-profits and private interests to support conservation and make a lasting impact.

Bureau of Land Management (BLM) Land Acquisition at $93.397 million. The BLM and its National Conservation Lands provide some of our nation's best recreation and historic areas. From fishing at the North Platte River in Wyoming to exploring ancient petroglyphs in the canyon at Agua Fria National Monument in Arizona, we request full funding of the agency's discretionary and mandatory project lists.

National Park Service (NPS) Federal Land Acquisition at $171.037 million. Hosting more than 292 million visitors every year, the over 400 National Park units provide an economic boost to their local communities and those employed directly and indirectly. Funding for NPS LWCF will help protect key access points for recreation, historic areas, trails and more, including at Little River Canyon National Preserve in Alabama and Olympic National Park in Washington. We respectfully request full funding of the agency's discretionary and mandatory project lists.

U.S. Fish and Wildlife Service (FWS) Land Acquisition at $164.772 million. National Wildlife Refuges (NWR) are our nation's protectors of clean water, clean air, abundant wildlife and world-class recreation. Funding for FY2016 FWS LWCF will help protect water quality in the Chesapeake Bay area, critical wildlife habitat at Bear River Watershed Conservation Area in Utah, Idaho and Wyoming, and many other important places. We respectfully request full funding of the agency's discretionary and mandatory project lists.

U.S. Forest Service (USFS) Land Acquisition at $127.673 million. USFS LWCF funds help with forest management by protecting key inholdings and reducing fire threats. From the North Carolina Threatened Treasures to the Missouri Ozarks, we are working with willing landowners at priority project areas and respectfully request full funding of the agency's discretionary and mandatory project lists.

LWCF State Grant Programs: FWS-Section 6 Cooperative Endangered Species Fund, NPS- State Conservation Grants, and USFS-Forest Legacy: We encourage the Subcommittee to fully fund FY2016 President's Budget request for:

- **FWS—Section 6 Cooperative Endangered Species Conservation Fund: $100 million**
- **NPS—State Conservation Grants: $100.2 million**
- **USFS--Forest Legacy Program: $100 million.**

2. **DOI and USFS Land Acquisition Programs:** TCF encourages the Committee to fund:

- **FWS—North American Wetlands Conservation Fund: $34.145 million**
- **USFS—Community Forest and Open Space Conservation Program: $5 million**

3. **Department of Interior—Natural Resource Damage Assessment and Restoration Program at $9.2 million.** The Restoration Program leads the national response for recovery of natural resources that have been injured or destroyed as a result of oil spills or releases of other hazardous substances. Recoveries from responsible parties can only be spent to implement restoration plans developed by the Trustee Council for each incident. These funds are one hundred percent private and represent the amount needed to restore environmental resources or compensate for lost public use since the damage in question. The FY2016 funds would allow the Program to add carefully targeted staff allocated to Interior bureaus and offices through its Restoration Support Unit in order to accelerate restoration activities.

4. **Environmental Protection Agency—Great Lakes Restoration Initiative (GRLI) at $300 million.** TCF urges funding of GLRI at $300 million. The Initiative provides critical support for on-the-ground restoration programs and projects targeted at the most significant environmental problems in the Great Lakes ecosystem. Over the past five years, the Initiative has opened up fish access to more than 3,400 miles of rivers, expanding recreational opportunities. It has also accelerated the cleanup of toxic hotspots, resulting in the delisting of three formerly contaminated sites.

5. **Environmental Protection Agency—State Revolving Funds.** TCF encourages the Committee to fund:
   - **Clean Water State Revolving Fund: $1.449 million**
   - **Drinking Water State Revolving Fund: $1.186 million**

6. **Reauthorization of the Federal Land Transaction Facilitation Act.** We support the FY 2016 President's Budget request to reauthorize the Federal Land Transaction Facilitation Act (FLTFA). FLTFA is a western federal lands program that facilitates strategic federal land sales by the BLM in order to provide funding for high-priority land conservation within or adjacent to federal lands in the eleven contiguous western states and Alaska. Over 150 groups are working together to support Congress' efforts to reauthorize FLTFA. FLTFA expired in 2011, and reauthorization will enhance the lands and economy by facilitating federal land sales and conservation transactions, at no cost to the taxpayer.

7. **Wildlife Disaster Funding Act (S. 235 and H.R. 167) and Avoiding Transfers to Wildland Fire Suppression:** We support the proposal in the President's Budget that would avoid transferring funds Congress appropriates to other priority programs to fund wildland fire suppression. We support language mirroring the bipartisan Wildfire Disaster Funding Act (S. 235 and H.R. 167), which is needed to prevent future transfers and ensure that the USFS and DOI can achieve their land management objectives by implementing activities needed to address the growing buildup of hazardous fuels on federal lands. This language provides the structure to fund a portion of the USFS and DOI wildfire suppression costs through a budget cap adjustment under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. The funding structure is similar to that used by other agencies who respond to natural disaster emergencies. We additionally request that the Committee

appropriate the modeled levels of suppression through the Interior bill and the wildfire budget cap adjustment to meet suppression needs in FY2016.

The Conservation Fund stands ready to work with you to secure full and consistent funding for the LWCF, Forest Legacy, and the other critically important programs that help protect the environment, economies, forests, and community values across our nation. Thank you for the opportunity to provide this testimony and your consideration of our request.

Testimony by Mary Ellen Sprenkel
President and CEO of The Corps Network

HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES

FY16 Department of Interior Funding

Chairman Calvert, Ranking Member McCollum, and members of the committee-

My name is Mary Ellen Sprenkel, and I am the President and CEO of The Corps Network; the national association of Service and Conservation Corps. The Corps Network has over 100 member organizations that operate in all 50 states and enroll over 23,000 young people between the ages of 16 and 25 each year. It is The Corps Network's mission to provide critical leadership to the Corps movement and to our nation's Service and Conservation Corps as they harness the power of youth and young adults to tackle some of America's greatest challenges and transform their own lives.

The Corps Network respectfully requests that in FY16 the subcommittee fund the following accounts:

- $2,515,131,000 for "Operation of the National Parks" (equal to the president's request)
- $50,000,000 for the "Centennial Challenge" for the National Park Service (equal to the president's request)
- $107,200,000 for youth programming across the DOI Bureaus (equal to the president's request)
    - $37,500,000 for the National Park Service
    - $28,200,000 for the U.S. Geological Survey
    - $18,500,000 for the Fish and Wildlife Service
    - $12,600,000 for the Bureau of Indian Affairs
    - $6,000,000 for the Bureau of Land Management
    - $3,500,000 for the Bureau of Reclamation
    - $1,000,000 for the Office of Surface Mining Reclamation and Enforcement
- Increased funding for operational accounts of DOI Bureaus and the United States Forest Service.

This funding will allow public land and water management agencies to engage young adults and veterans to meet our nation's backlogged maintenance needs; address record youth unemployment levels; and prepare a diverse group of youth to be the next generation of natural resource employees and stewards.

Corps are comprehensive youth development programs that engage diverse young people in service projects that address important community and environmental needs. Through their service, Corpsmembers develop job and leadership skills. Corps also provide members with access to academic programming, counseling career services and additional support. Corps are the direct descendant of the Depression-era Civilian Conservation Corps, which mobilized three million young men to dramatically improve the nation's public lands in exchange for food, shelter, education, and a precious $30-a-month stipend.

The Impact in Numbers

In 2014 alone, the Corpsmembers of the 100-plus member organizations of The Corps Network collectively:

- Restored and improved 125,000 acres of ecological habitat
- Maintained and improved 4,700 parks, gardens, and urban greenspaces
- Built and maintained 8,700 miles of trails
- Removed over 450,000 acres of invasive and exotic plant species
- Planted 2.3 million trees

Corps Enroll Participants Reflective of America's Diversity

At present, our member Corps enroll over 23,000 Corpsmembers a year, the majority of whom come from diverse and disadvantaged backgrounds and are looking for a second chance to succeed in life. More than 50% of Corpsmembers are young people of color and "opportunity youth," meaning that they have either dropped out of school or are unemployed at the time that they enter a Corps program.

Corpsmembers receive a wide range of personal and professional development opportunities and services including, but not limited to: guidance from adult leaders who serve as mentors and role models; academic programming designed to lead to a high school diploma or GED; opportunities to pursue certificates and credentials with demonstrated value; and a modest stipend – all to prepare them for postsecondary education and labor market success.

In 2013, 54% of all Corpsmembers were unemployed when they entered the Corps 30% were not in school and did not have a GED, 58% came from families below the poverty line, and 16% were formerly incarcerated or court-involved. After completing their programs, 62% of alumni said that they were employed or enrolled in further service. 40% reported that they were in college or a high school diploma / GED program.

Quality Work

Each year, Corps complete hundreds of high-quality and often technical projects on public lands and waters. Project sponsors consistently express a high degree of satisfaction with the quality of work and productivity of Corps. Virtually all federal project partners (99.6%) say they would work with Corps again.

Types of Corps projects include, but are not limited to:

- Protecting wildlife and improving access to public lands and waters
- Preparing communities for disasters and responding to disasters when needed
- Enhancing recreation on public lands
- Protecting communities and public lands from the devastating effects of wildfire
- Preserving historic structures
- Enhancing neighborhoods and community public spaces

Cost Savings

By partnering with Conservation Corps, federal land and water management agencies achieve

more with their operating budgets. Research conducted by Booz Allen for the National Park Service's Park Facility Management Division indicates that hiring Conservation Corps to complete maintenance and trail projects resulted in significant cost savings.

The analysis considered 15 diverse trail and maintenance projects throughout the country in places including Mesa Verde National Park, Glacier National Park, Point Reyes National Seashore, and Voyageurs National Park. The research found that using Conservation Corps to complete maintenance and trail projects provided a cost savings of over 50%.

FY16 Request Justification

The Corps Network requests the committee's support for FY16 programs that will allow public land and water management agencies to engage young adults and veterans to meet our nation's backlogged maintenance needs, address record youth unemployment, and prepare a diverse group of youth to become the next generation of natural resource employees.

The first two accounts fall under the National Park Service and the third account is under the Department of the Interior and Bureaus. National Park "Operations" is a preexisting account governing operation of our national parks. The "Centennial Challenge" is an effective program launched during the George W. Bush Administration that would leverage private funds with matching federal dollars for park projects throughout the country to restore facilities and improve the visitor experience. These funds will allow thousands of veterans, youth, and volunteers to work on upgrading the National Park System for its 100th anniversary in 2016.

As the National Park Service prepares for its 100th Anniversary, Congress has an opportunity to invest in the popular and economically important National Park Service. An investment this year will help parks recover from years of underfunding and restore parks in advance of the Centennial. Every dollar invested in the National Park Service generates $10 in economic activity. The operations investment would provide for park rangers to maintain facilities and provide services to park visitors. The Centennial Challenge investment would allow for the park service to leverage private matching funds through a 1:1 match for specific projects.

The Department's funding for youth programming would also provide work and training opportunities for young people and veterans during 2015 and 2016. The goal of these programs is to build the next generation of conservation and community leaders by supporting youth engagement and employment on public lands. A key component of the Department's efforts will be partnering with youth organizations through the 21st Century Conservation Service Corps (21CSC). The Department proposes that these programs provide work and training opportunities to 100,000 individuals, ages 15 to 35, through 2017. We also support increased funding for the operational accounts at the U.S. Forest Service that could fund partnerships with Conservation Corps.

In addition, we appreciate the Committee's support of the bipartisan Wildfire Disaster Funding Act (WDFA - H.R. 167; S. 235) and respectfully request the language be highlighted in the FY 2016 Interior, Environment, and Related Agencies appropriations bill. This language provides the structure to fund a portion of the USDA Forest Service (USFS) and Department of the Interior (DOI) wildfire suppression costs through a budget cap adjustment under the Balanced

Budget and Emergency Deficit Control Act of 1985, as amended. This would provide the USFS and DOI with a funding structure similar to that used by other agencies who respond to natural disaster emergencies. We additionally request that the Committee appropriate the modeled levels of suppression through the Interior bill and the wildfire budget cap adjustment to meet fire suppression needs in FY2016. The current wildfire suppression funding model and cycle of transfers and repayments has negatively impacted the ability to implement forest management activities. The Wildfire Disaster Funding bill would provide the USFS and DOI flexibility to reinvest in core land and water management activities which have been reduced in recent years due to a continued shift of limited resources to fund wildfire suppression.

Engaging the Next Generation in Service to Public Lands

Beginning with the creation of the Civilian Conservation Corps during the Great Depression, and continuing to the recent launch of the 21st Century Conservation Service Corps Initiative, organizations like California Conservation Corps and Conservation Corps Minnesota & Iowa have helped millions of young Americans gain job training, further their education, and contribute to America's communities through service and the conservation of national and state parks, forests, and other treasured places.

The future of our nation's public lands depends upon the next generation becoming active natural resource stewards. I hope that you will provide the funding to put thousands of youth and returning veterans to work restoring some of America's greatest historical, cultural, and natural treasures. With the approaching National Park Service Centennial, billions in backlogged maintenance across all of the land management agencies, record youth unemployment, and the cost savings nature of public private partnerships, this funding is an absolute win-win for America.

Testimony of Robin Bronk, CEO of The Creative Coalition

United States House of Representatives

Committee on Appropriations

Subcommittee on Interior, Environment, and Related Agencies

March 25, 2015

Chairman Calvert, Ranking Member McCollum and members of the Subcommittee, thank you for the opportunity to submit written testimony regarding the Fiscal Year (FY) 2016 funding level for the National Endowment for the Arts (NEA). I am writing on behalf of The Creative Coalition, the 501(c)3, non-profit, non-partisan public advocacy organization of the arts and entertainment community, to urge Congress to provide $155 million for NEA in the FY 2016 Interior, Environment, and Related Agencies Appropriations bill.

In 1989, actors Ron Silver, Christopher Reeve, Susan Sarandon, Alec Baldwin and others established The Creative Coalition to galvanize support for the arts and arts education. The Creative Coalition's membership includes actors, directors, producers, writers, entertainment industry executives, and others who make their living in theater, film, arts, letters and television. We take our roles as citizens very seriously and appreciate the opportunity to express our views on the importance of sufficient funding for the arts.

For the last four years, Congress has funded NEA at $146 million, which, in real dollars, is less than the $162 million provided for the Agency twenty years ago. Adjusted for inflation, NEA's funding is more than $100 million lower each year than it was two decades ago, providing less than 50 cents per capita currently versus 70 cents per capita in 1992. While we recognize the FY 2016 request of $155 million for NEA is a slight increase over President Obama's proposed level of funding of $148 million, $155 million is a level that has been supported in recent fiscal years by both the President and at the Committee level. The requested level of funding would better leverage growing state, local and private arts funding and help to restore critical federal arts programming -- which supports creativity and innovation, and provides measured cultural, educational and economic benefits.

Federal funding of the arts is a wise investment and should be viewed as a genuine public-private partnership due to the significant private philanthropic support that federal funds are leveraged against. Without federal support, we would struggle to share the richness of our culture, our history and our legacy, which is a national treasure and should be buoyed with federal resources so that **all** may enjoy it. The $155 million request for NEA is a small investment when compared to the enormous impact it will have on the programs it supports and in the communities where it makes the arts come to life.

I speak from the heart and from my own experience. I grew up in a small, rural town in South Carolina. The arts were the lifeblood of the community both economically, culturally and spiritually. I grew up in a town where the prom was in the high school gym; folks bought their clothes in a general store; and the newspaper came out once a week. I also grew up in a town that invested in and revered the arts; world history came alive in high school plays and in

community theatre productions; learning discipline, team work and strategic planning were the offshoot lessons of the school band; and mathematical skills were honed in design classes.

Speak to anyone of note in the areas of politics, business, media, community leadership and the entertainment industry, and you will find individuals who were drawn into the arts as young people. They were acting in community theater productions and school plays, playing in bands, spending their afternoons and weekends at local dance companies. The non-profit arts ecosystem nurtured them into the thought and idea leaders we know today.

I. The Positive Impact of Arts on the American Economy

Entertainment is a national commodity with international reach and revenue. Our nation's entertainment industry and non-profit arts pipeline are American success stories in productivity and innovation. To maintain the nation's leadership, we must sustain strong support for the arts as an industry, and as an educational investment.

According to statistics compiled by the Motion Picture Association of America, in 2013, the motion picture and television industry supported 1.9 million jobs and $113 billion in total wages. In 2013, we had $15.8 billion in film and television exports, with a trade surplus of $13.4 billion, equal to 6 percent of the total U.S. private-sector trade surplus in services. This trade surplus for the industry is greater than the surpluses in the advertising, mining, telecommunications, management consulting, legal, computer, health related and insurance services sectors.

The economic impact of the entertainment industry extends far beyond those who appear in front of the camera. A single television series or a movie is a vast and profitable enterprise. A series can employ hundreds of people in high quality, high paying jobs. In addition, filming provides huge support to local businesses (*i.e.* caterers, dry cleaners, hotels, florists, hardware, lumberyards, software, and digital equipment suppliers) as well as jobs in other companies doing business with consumers, such as DVD and Blu-ray retailers, theme parks and tourist attractions. And, this economic activity takes place all across the country, not just in Hollywood or New York. Those who make their livings from the entertainment industry can just as likely be found shooting in New Mexico, North Carolina, or Michigan.

Statistics show that non-profit arts and culture organizations generate $135 billion in annual economic activity, support more than four million full-time jobs and return nearly $10 billion in federal taxes.[1]

According to the U.S. Bureau of Economic Analysis, arts and cultural production contributed $699 billion, or 4.3 percent, to the nation's economy in 2012. This percentage represents a larger share of the economy than transportation, tourism and agriculture, and is larger than 45 states' individual contributions to the GDP. While the economy grew at a rate of 2.3 percent per year from 2007-2012, the category identified as Independent Artists, Writers and Performers' contribution to the economy was almost double at 4.4 percent.

With this rate of return, it should be clear that increasing federal funding for non-profit arts organizations and events like those the National Endowment for the Arts supports, is a sound, positive investment. Community theaters, children's theaters, symphonies, arts centers, dance troupes, etc. are the R&D of America's vibrant arts economy. In 2014, the Sundance Film

Festival, which started with the support of an NEA grant, generated over $86 million for the state of Utah over an eleven day period. The NEA historically supports significant artistic outlets such as the Vietnam Veterans Memorial design competition, Spoleto Festival USA and PBS' "Great Performances." These are just a few examples which demonstrate how the arts empower our veterans and support our military, and establish the U.S. as an incubator for globally acclaimed performing artists. In the case of "Great Performances", a television program originally initiated with federal funding, it is now sustained by private funding and continues to expose the American television audience to the finest in performing arts to which they may otherwise lack access.

The National Endowment for the Arts also provides desperately needed funding to smaller community arts efforts in cities and towns across America. NEA grants are intrinsic to communities building strong enterprise zones. Communities that are fortunate enough to receive a grant award from the NEA often see increased business activity as companies are able to offer employees and clients creative climates and more vibrant opportunities, which attracts and – most importantly – retains talent. Arts is indisputably revitalizing both rural and urban areas.

II. Fostering Americans' Access to the Arts

Every American, young and old, deserves to have access to the arts. It is the federal investment in the National Endowment for the Arts that brings the arts into so many of our communities. According to its most recent annual report, the NEA awarded 2,276 grants in nearly 16,000 communities across the country. More than 38 million Americans, including seven million children and youth, attended a live arts event supported by the NEA. These events included approximately 70,000 concerts, readings, and performances and 1,600 exhibitions. As a recipient of a grant from the National Endowment for the Arts, organizations are able to leverage these dollars from a wide variety of private sources. For every grant dollar awarded, the recipient leverages at least $9 dollars from other sources greatly multiplying the impact of the federal government's investment.

In addition to these live arts events, NEA grants support school-based arts programs that illustrate how arts education and arts in schools benefits students and prepares them for future success. Data shows that students with four years of arts education score roughly 100 points higher on their SATs. Despite the academic benefits of exposure to the arts, we are seeing a rising trend of eliminating arts programs when local school districts are forced to make cuts.

Bottom line: Without the support of NEA grants for arts education, fewer students would have the opportunity to participate in the arts and develop the creative skills that often lead to future success.

As a strong supporter of military families, The Creative Coalition is proud to be a partner with Blue Star Families to bring awareness to challenges facing our active-duty military families. Through our partnership with this outstanding organization, we have learned that military families often struggle to establish roots and make connections in their community as they move from base to base. As a result of a grant from the National Endowment for the Arts, our nation's active-duty military personnel and their families, including National Guard and Reserve, are able to access more than 2,000 museums across America for free. Not only are these families able to

access some of America's great cultural institutions, this program often allows them to better connect with their new communities by learning about local history, local artists and local traditions.

Federal funding for the NEA is critical to sustain many of the programs providing access to the arts for so many Americans. When public dollars for the arts are cut, we often see reductions in private funding as well. During the most recent economic downturn, we saw significant cuts in funding from philanthropic, corporate and private sources of funding for the arts. Sadly, when we reduce funding for the arts, the programs hardest hit are often ones for lower-income populations, rural communities and at-risk populations. Sufficient funding for the National Endowment for the Arts is the best way to ensure that **all** Americans will continue to have access to the arts in their communities.

Conclusion

The evidence is strong that the arts play an important role in our economy, our schools and our overall quality of life. The contributions of painters, musicians, poets and actors have greatly enriched our American culture and American artists have been a driving force in the world's largest economy. If we are to maintain our vital arts economy and ensure continued American competitiveness in a global market that increasingly values creativity, today, we must adequately invest in the arts and in the development of future American artists. As a result, The Creative Coalition urges the Committee to increase the funding level for the National Endowment of the Arts to $155 million in Fiscal Year 2016.

Thank you for your consideration.

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[i] Americans for the Arts, AEP IV study

Testimony of Kathy DeCoster
Vice President and Director of Federal Affairs, The Trust for Public Land
Regarding the Land and Water Conservation Fund
and other Federal Land Conservation Programs
House Appropriations Subcommittee on Interior, Environment and Related Agencies
March 25, 2015

Chairman Calvert, Ranking Member McCollum, and distinguished members of the Interior Subcommittee:

Thank you very much for the opportunity to testify on behalf of The Trust for Public Land in support of programs under your jurisdiction for the Fiscal Year 2016 appropriations process. The Trust for Public Land (TPL) is a national nonprofit land conservation organization working to protect land for people in communities across the nation. We are extremely grateful for the support members of this Subcommittee and other conservation leaders in Congress have shown for federal conservation programs during these challenging fiscal times. We recognize that the Subcommittee will again face enormous challenges in meeting the broad range of priority needs in the Interior and Environment bill this year. Our work in many of your districts and elsewhere around the country shows that there is tremendous support for conservation and access to recreation at the local, state and federal level, and the programs under your jurisdiction play a critical role in bringing those community visions to reality. Thank you for your support.

Federal funding is an absolutely critical part of the conservation toolbox and provides manifold benefits to the American people. Given the limited public conservation funding at all levels of government, TPL works to leverage federal conservation dollars, bringing to bear private philanthropic support as well as state and local funding to forge solutions to sometimes complex conservation funding challenges. The major programs under your jurisdiction that we count on year in and year out are the entire suite of Land and Water Conservation Fund (LWCF) programs – including BLM, FWS, NPS and USFS acquisitions, NPS state and local grants, the Forest Legacy Program, the Cooperative Endangered Species Conservation Fund and the American Battlefield Protection Program – as well as the USFWS North American Wetlands Conservation Act and the USFS Community Forest Program.

Land and Water Conservation Fund

The Land and Water Conservation Fund (LWCF) celebrated its 50th anniversary last year and is up for reauthorization this year. Over those 50 years, LWCF has been the cornerstone that sustains our federal public lands heritage. Today, it remains a compelling and urgently needed program that we urge the Subcommittee to strongly support. LWCF does not rely at all on taxpayer dollars. Instead, revenues generated from energy development and natural resource depletion are used for the protection of other natural resources such as parks, open space, and wildlife habitat for the benefit of current and future generations. We (and, polls show, most of America) believe it is both logical and necessary that this principle – using a small percentage of annual OCS receipts (which average over $6 billion) as a conservation offset – be fully honored.

Investments in conservation and outdoor recreation make sound economic sense, too. The Outdoor Industry Association estimates that active outdoor recreation contributes $646 billion annually to the U.S. economy, supports nearly 6.1 million jobs across the country, and generates $39.9 billion in annual national tax revenue.

For these and many other reasons we strongly support the FY 2016 President's Budget proposal to fully fund the Land and Water Conservation Fund at $900 million, with $400 million from discretionary sources and $500 million in mandatory funds, for the various component programs funded under LWCF. In the FY 2016 bill, we respectfully request that you allocate at least $400 million in discretionary funding as the budget proposes to support essential community-based conservation and outdoor recreation needs. We recognize that the mandatory funding request requires additional legislative action, and we appreciate the support of the Subcommittee as that process moves forward. Continued annual investment in the entire suite of LWCF programs as proposed in the budget is essential and we are ready to work with the Subcommittee to ensure that dollars invested are well spent on our nation's most urgent needs. We greatly appreciate the key role your Subcommittee plays in ensuring that program dollars are used for high-priority strategic investments and appreciate that in challenging budgetary times you have maintained a commitment to this bipartisan program.

We also support efforts to improve budgeting for forest fire management that will provide federal agencies the means to fight fires without raiding other important federal programs, like LWCF. We look forward to working with you to that end.

LWCF's programs bring specific and complementary conservation benefits to the American public. These key programs are:

BLM/FWS/NPS/USFS Land Acquisitions - Every year tens of millions of Americans, as well as visitors to our country, enjoy our federal public lands – national parks, forests, wildlife refuges and BLM conservation lands. Recent data shows that National Park Service units were visited by larger numbers than in the past 20 years. Strategic inholding and other acquisitions in these federal areas through LWCF ensure recreation access and nature education; foster vital economic growth; protect clean water and other community resources; enhance the incomparable natural and scenic treasures that belong to all Americans; and frequently resolve complex land-use conflicts and produce management savings. Without adequate funding, the unfortunate alternative often is an irretrievable loss of public use and enjoyment of these areas and irreversible damage to the resources we all care about.

This is precisely the choice for numerous outdoor recreation and natural resource protection projects budgeted in FY 2016, including lands in the Tahoe and Eldorado national forests in California, along the Bonneville Shoreline Trail near Salt Lake City, Utah, and the Appalachian Trail near Harpers Ferry, West Virginia, and, in the Chippewa and Superior national forests in northern Minnesota. The Trust for Public Land is working in these and other areas identified in the President's budget and looks forward to working with the Subcommittee as you consider these critical needs.

U.S. Forest Service/Forest Legacy Program – For 25 years, the Forest Legacy Program has been an extraordinarily effective program, providing assistance to states and localities seeking to preserve important working forests. It has protected nearly 2.5 million acres of forestland and has leveraged more than the required 25 percent match. For FY 2016, the President's Budget recommends projects that provide multiple public benefits through forest protection – clean water, wildlife protection, climate change adaptation and mitigation, public access to recreation, economic development and sustainable forestry. We urge your continued support for sustained investment in this strategic and successful program. Included in the FY 2016 budget proposal are numerous projects where TPL is working with states, landowners and other partners to protect

recreation access for snowmobilers and hikers, ensure jobs in the woods, buffer important federal and state conservation areas and provide strategic land conservation that fits a larger goal. Among these are the program's top priority project in Montana, which will protect the recreational access, a municipal water supply and critical wildlife habitat near Whitefish and Columbia Falls; an 1,800-acre property two miles from Zion National Park; a 6,700 acre working forest project on the Olympic Peninsula along Puget Sound in Washington, and a working forest project in Maine that represents 24 percent of the state's entire maple syrup production and about four percent of the entire national output.

U.S. Fish and Wildlife Service/Cooperative Endangered Species Conservation Fund – We are grateful for the Subcommittee's historic support for U.S. Fish and Wildlife Service grant programs, including the Cooperative Endangered Species Conservation Fund (CESCF), which leverages state and private funds and has protected threatened and endangered species habitat across the nation. The Habitat Conservation Plan (HCP) land acquisition program within CESCF has been critical to communities like Riverside County, CA; Washington County, UT; and Whitefish, MT where landowners and public wildlife managers are working together through integrated HCP's to foster species recover and appropriate economic development. In TPL's work with these and other communities, we have seen how essential CESCF federal cost-share dollars are to species conservation and local economies. The Recovery Land Acquisition (RLA) program under CESCF aids species where there is no HCP and where USFWS recovery plans lay out goals for federal, state, local, and private, partners.

National Park Service/State and Local Assistance grants – Since 1965, the state and local assistance grant program has provided over $4 billion in federal funds for more than 42,000 projects in states and local communities for park protection and development of recreation facilities. This program reaches deep into communities across our nation, supporting citizen-led efforts to conserve places of local importance and opportunities for close-to-home recreation. As TPL continues our work with many of these communities to meet these needs, we hope the Subcommittee will fully fund the Administration's discretionary request for stateside grants and that a mandatory full-funding LWCF solution will provide much-needed additional funding for this important program. We also strongly support the allocation of a portion of LWCF state and local assistance funds to the nationwide competitive program, which was included in the FY 2014 and FY 2015 omnibus appropriations bills at $3 million and is proposed in the President's FY 16 budget at $5 million. Through our Parks for People Program, The Trust for Public Land works with local communities to create, build, design, fund and care for parks, trails and playgrounds. At present, there is no other dedicated source of funding to support the desire by cities large and small, all across the country, to improve quality of life for their residents and support economic development. While $3 million is just a drop in the bucket compared to overall city park needs, we are deeply appreciative of the Subcommittee's leadership in setting aside these funds and hope you will increase that level in FY 16. The first grant round generated substantial interest in communities across the nation – we are a partner with Atlanta, GA; Bridgeport, CT; Boston, MA; and Denver, CO in applying for these grants – and we believe that this funding will leverage substantial non-federal match.

National Park Service/American Battlefield Protection Program – We applaud the Subcommittee for its longstanding commitment to this important program, which complements acquisitions of threatened Civil War battlefield properties in national park units with non-federal land protection of key sites from this critical moment in our nation's history. Congress recently expanded the program to include protection of non-federal Revolutionary War and War of 1812

battlefield sites, so the allocation of LWCF funds for the ABPP is needed more than ever. We are using ABPP funds at present to protect threatened properties on Missionary Ridge in Chattanooga, site of a critical Civil War battle.

National Park Service/Urban Park and Recreation Fund – The President's Budget for FY 2016 proposes $25 million in mandatory funding for the Urban Park and Recreation Recovery Program (UPARR). Funding UPARR in FY 2016 would enable the National Park Service to issue competitive grants for improvements to parks and playgrounds in the neediest cities throughout the country. From 1978 to 2002, UPARR grants assisted cities to make those improvements in 380 communities in 43 states as well as the District of Columbia and Puerto Rico. Grants have gone to places as diverse as Riverside County, CA; Lawton, OK; St. Paul, MN; and Portland, ME. The restoration of UPARR funding in the FY 16 Interior and Environment Appropriations bill would be a sound investment in the health and well-being of our nation's children.

Beyond LWCF, we urge the Subcommittee to provide adequate funding to other conservation programs including:

U.S. Fish and Wildlife Service/North American Wetlands Conservation Act – We respectfully request your support for program funding at the enacted and proposed level of $34.1 million in FY 2016. The North American Wetlands Conservation Act (NAWCA) provides much-needed matching grants to carry out wetlands conservation, restoration and enhancement projects. Our most recent grant through the NAWCA program will help ensure protection of a 215-acre property in the growing suburbs of Portland, Maine, including a 46 acre pond that provides habitat for waterfowl and migratory birds. NAWCA is a highly-leveraged program with a substantial record of success and is another important federal conservation tool to support critical wetland habitat.

U.S. Forest Service/Community Forest Program – We urge your continued support for the Community Forest Program (CFP), which complements existing conservation programs by helping communities and tribes identify, purchase, and manage locally important forestlands that are threatened with development. These community forests can be tailored to local needs, from timber revenue for municipal or county budgets to recreation access and outdoor education. Every federal dollar from CFP is evenly matched by funding from state, local, and private sources. The Forest Service has now approved 21 grants to innovative local and tribal projects, and the program has generated significant interest from local entities concerned about the future of their close-to-home forests. Given the strong interest in community forests from coast to coast, we urge you to include $5 million in the FY 2016 bill for this innovative conservation tool.

The programs highlighted here are critical to the future of conservation at the local, state and federal levels; reflect the continued demand on the part of the American people for access to outdoor recreation; and help sustain our economy and reflect the true partnership that exists in federal conservation efforts. As ever, we are deeply thankful for the Subcommittee's recognition of the importance of these programs and urge you to maintain robust funding for them in the FY 2016 Interior, Environment and Related Agencies bill. Thank you for your help and support, and for your consideration of our requests.

Written Statement of
Theatre Communications Group
Submitted March 22, 2015
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations | United States House of Representatives
The Importance of Federal Funding for the National Endowment for the Arts (NEA)

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Mr. Chairman and distinguished members of the subcommittee, Theatre Communications Group – the national service organization for the American theatre – is grateful for this opportunity to submit testimony on behalf of our 484 not-for-profit member theatres across the country and the nearly 35 million audience members that the theatre community serves. **We urge you to support funding at $155 million for the National Endowment for the Arts for FY16.**

Indeed, the entire not-for-profit arts industry stimulates the economy, creates jobs and attracts tourism dollars. The not-for-profit arts generate $135.2 billion annually in economic activity, support 4.13 million jobs and return $9.59 billion in federal income taxes. Art museums, exhibits and festivals combine with performances of theatre, dance, opera and music to draw tourists and their consumer dollars to communities nationwide. Federal funding for the arts creates a significant return, generating many more dollars in matching funds for each federal dollar awarded, and is clearly an investment in the economic health of America. In an uncertain economy where corporate donations and foundation grants to the arts are diminished, and increased ticket prices would undermine efforts to broaden and diversify audiences, these federal funds simply cannot be replaced. Maintaining the strength of the not-for-profit sector, along with the commercial sector, will be vital to supporting the economic health of our nation.

Our country's not-for-profit theatres develop innovative educational activities and outreach programs, providing millions of young people, including "at-risk" youth, with important skills for the future by expanding their creativity and developing problem-solving, reasoning and communication abilities – preparing today's students to become tomorrow's citizens. Our theatres present new works and serve as catalysts for economic growth in their local communities. These theatres also nurture – and provide artistic homes for the development of – the current generation of acclaimed writers, actors, directors and designers working in regional theatre, on Broadway and in the film and television industries. At the same time, theatres have become increasingly responsive to their communities, serving as healing forces in difficult times, and producing work that reflects and celebrates the strength of our nation's diversity.

Here are some recent examples of NEA grants and their impact:

The NEA awarded a $10,000 Art Works grant to support **Portland Stage** in achieving three goals for the upcoming production of *Papermaker* by Monica Wood. First, this production will tell the stories of the community—specifically the story of the dying paper mill industry in rural Maine. As Maine divides between the urban south and the smaller, more rural communities to the west and north, it is critical to be able to share stories that help us better understand one another and to build understanding between the "two Maines." Second, Portland Stage will share the process of creating new work. *Papermaker* marks acclaimed fiction writer, Wood's, first venture into playwriting. She has been writing about this experience through blog posts, and these short, eloquent essays provide insight into the creative process from the intimate and unique viewpoint of one discovering a new art form. Third, the theatre will invite their audience to participate in the art. By bringing the eommunity into the process of creating a new play about issues significant to them, the participants will experience the pride of creating art. Portland Stage will add an additional student matinee and is extending the production by a week to match the excitement and interest that is building around this production.

With a $10,000 Arts Works grant from the NEA, **Southern Rep** will produce *Boudin: The New Orleans Music Project*. This project asks music lovers from all over the world "How has New Orleans Music Saved Your Soul?" The play's dedicated website, boudinmusicproject.com, features the answers to the prompt via photos, narratives, film and audio recordings. These first-hand stories will culminate in a funny, poignant, and powerful theatre production that celebrates the music, art, magic and history of the city. Presented in partnership with esteemed WWOZ 90.7 FM Radio, *Boudin* is a mash-up of local visual art, storytelling, live New Orleans music and real stories. The NEA funding helps support the creation of this new work with 21 performances taking place during the city's historic Jazz Fest and it will be seen by up to 3,000 audience members.

With a $15,000 Art Works grant from the NEA, **Contemporary American Theater Festival (CATF)** in Shepherdstown, WV will share Barbara Hammond's commissioned story of five young Russian activists who were arrested, tried and put into labor camps for offering up a punk prayer in The Church of Christ the Savior in the city of Moscow. Educational outreach surrounding the play includes a *CATF In Context* lecture during which Dr. Joe Robbins will trace the political history of Russia as depicted through film. One of *CATF's Saturday Humanities Lectures* will include a presentation by Mike Lerner, the Director of the HBO documentary. These events will be free and open to the public. This production will reach 3,000 people during the month of July in over 16 performances. The audience reached will include CATF's Hostel YOUTH!–an immersion program for students aged 14-18. Annually, CATF reaches a geographically diverse audience with patrons coming from 35 different states and 3 different countries. Thanks to the NEA and their support this important play has been written and will be heard.

Thanks to a $15,000 NEA Arts Works grant, **Mu Performing Arts** in Minneapolis/Saint Paul, MN produced the world premiere of *Middle Brother* at The Southern Theater in Minneapolis, MN. Directed by award-winning artist Robert Rosen, a founding company member and co-artistic director of the late Theatre de la Jeune Lune, 1,635 audience members attended the 11-performance run. Loosely based on playwright Eric Sharp's reunion with his birth family, the play's themes of loss—of home, family, language, identity—resonated strongly with audiences, particularly those touched by adoption and also recent immigrants and refugees from Southeast Asia, the fastest growing populations in the Twin Cities. *Middle Brother* continued Mu's work of exploring the transnational adoption experience. According to Dr. Kim Park Nelson, a leading international adoption scholar, Mu is the only company in the world with a history of sharing adoption stories through theater. And this tradition has changed adoption conversations in Minnesota.

These are only a few examples of the kinds of extraordinary programs supported by the National Endowment for the Arts. Indeed, the Endowment's Theatre Program is able to fund only 50% of the applications it receives, so 50% of the theatres are turned away because there aren't sufficient funds. Theatre Communications Group urges you to support a funding level of $155 million for FY16 for the NEA, to maintain citizen access to the cultural, educational and economic benefits of the arts, and to advance creativity and innovation in communities across the United States.

The arts infrastructure of the United States is critical to the nation's well-being and its economic vitality. It is supported by a remarkable combination of government, business, foundation and individual donors. It is a striking example of federal/state/private partnership. Federal support for the arts provides a measure of stability for arts programs nationwide and is critical at a time when other sources of funding are diminished. Further, the American public favors spending federal tax dollars in support of the arts. The NEA was funded at $146 million in the FY15 budget; however, it has never recovered from a 40% budget cut in FY96 and its programs are still under-funded. We urge the subcommittee to fund the NEA at a level of $155 million to preserve the important cultural programs reaching Americans across the country.

Thank you for considering this request.

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Robert Gruenig
Tribal Environmental Policy Council
Testimony on FY 2016 Appropriations
House Appropriations Subcommittee on Interior, Environment & Related Agencies

On behalf of the Tribal Environmental Policy Center (TEPC), a 501(c)3 organization based in New Mexico and founded in 2013, we thank you for the opportunity to provide Fiscal Year (FY) 2016 funding recommendations for the Department of the Interior and other agencies under the purview of the House Appropriations Subcommittee on Interior, Environment & Related Agencies. The TEPC's mission is to provide Indian tribes with the requisite policy support to advance their efforts to protect, manage, and regulate environmental, energy, and natural resources based on their own values and priorities.

I. Bureau of Indian Affairs (BIA)

A. Interior Department (DOI) Cooperative Landscape Conservation Initiative. In 2009, DOI began the Cooperative Landscape Conservation Initiative (Initiative). During its first few years, the Initiative provided little or no money to tribes to address climate impacts to their communities, with tribes receiving less than one percent of federal climate funding as compared to other federal agencies. In fact, in 2011 and 2012, BIA had to reallocate its existing funding and take it from other programs to assist tribes. In each FY 2014 and FY 2015, BIA received $10 million to help the nation's 566 federally-recognized tribes with climate change. This increase was secured because of tribes' persistent testimony to Congress and federal agencies about the climate dangers that tribes must address.

Tribes have hundreds of millions of dollars of unmet climate needs. For example, the cost for the future protection of seven Alaska Native villages from climate-induced coastal erosion alone amounts to more than $200 million, while the relocation of four Alaska Native villages is estimated at between $300 and $500 million.[1] Further, the inundation of climate-induced sea level rise and tidal surges on residential and commercial structures for coastal tribes will result in significant costs. The Swinomish Reservation, for example, faces an estimated economic impact exceeding $100 million due to sea level rise and tidal surges.[2]

Tribal needs regarding the climate change impacts to their communities have never been fully addressed or supported by Congress and the federal government. The funding gap between states and tribes concerning climate change is highly inequitable, especially considering the disproportionate effect of climate change on tribes and their homelands. We believe that it is time for action.

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[1] USACE. 2006. Alaska Village Erosion Technical Assistance Program: An Examination of Erosion Issues in the Communities of Bethel, Dillingham, Kaktovik, Kivalina, Newtok, Shishmaref, and Unalakleet. Available at: http://www.housemajority.org/coms/cli/AVETA_Report.pdf.

[2] Swinomish Climate Change Initiative: Impact Assessment Technical Report. Office of Community Planning and Development. La Conner, WA. October 2009. Available at: http://www.swinomish.org/climate_change/Docs/SITC_CC_ImpactAssessmentTechnicalReport_complete.pdf.

We support the President's request of $50.4 million for Indian tribes, an increase of $40.4 million over FY 2015. Of this amount, $20 million should be provided for the Tribal Climate Resilience Program which would support tribal capacity building via activities such as the development of climate vulnerability assessments and climate adaptation plans. We believe that this Tribal Climate Resilience Program funding should allow individual tribes to assess and plan for their specific needs rather than having the program prioritize funding that involves multiple tribes. Of the $50.4 million, $30.4 million should be provided through BIA natural resource programs (Trust Natural Resources) so that tribes can start using funding support to implement climate adaptation, an undertaking that is not currently allowable under BIA climate program funding. **The TEPC requests that the allocation to tribes via BIA should be increased to $50.4 million for tribes to address and adapt to the impacts of climate change. We request that you include language in the bill directing the Secretary to set aside these funds for tribes.**

B. Trust Natural Resources Program. The BIA Trust Natural Resources (TNR) Program represents the largest amount of base federal funding for tribal natural resource management. In 1999, the BIA reported that Indian tribes had more than $356 million of unmet annual needs for natural resource management.[3] Despite some annual increases since then, BIA and the tribes have lagged significantly behind in funding for tribes compared to other DOI agencies. The President's FY 2016 budget request includes an increase of $48 million over FY 2015 for the TNR Program. Most of the increases are to support tribal communities in sustainable resource management, and in preparing and responding to the impacts of climate change, such as drought, wildfires, and changes in plants and animals important to subsistence and culture. **The TEPC requests that the President's budget request be fully funded.**

Tribes have repeatedly pointed out in previous Congressional testimony that tribal base programs, which fund tribes' day-to-day conservation responsibilities, have been flat for many years. This has resulted in tribes being unable to adequately manage their reservation resources. For tribes, most resource management activities, and the staff that perform them, are funded under the BIA budget categories of Tribal Management/Development; Natural Resources Tribal Priority Allocations (TPA); Wildlife and Parks TPA; and Forestry TPA. This is where additional attention needs to be focused. The TEPC urges you to provide an increase to these programs of at least $5 million each in FY 2016, above the President's request (the TEPC supports the President's requested $232,796,000 for natural resources, plus an additional $5 million each for the four programs preceding this sentence). **The TEPC requests that $252.8 million be provided to the BIA TNR Program.**

II. U.S. Fish and Wildlife Service (FWS)

A. Tribal Wildlife Grants Program. Tribes are not eligible for funding under federal wildlife and fishery restoration programs such as the Federal Aid in Wildlife Restoration Act or

[3] U.S. Department of the Interior, Bureau of Indian Affairs, *Report on Tribal Priority Allocotions*, July 1999, 52.

the Federal Aid in Sport Fish Restoration Act that fund activities through an excise tax on hunting and fishing equipment. Although tribal members pay taxes that support this funding, they remain excluded from receiving the benefits and only states are allowed to access them. In 2002, Congress authorized FWS to provide funding to tribes under the Tribal Wildlife Grant (TWG). Tribal proposals for support under the TWG Program often total more than $30 million annually. With 566 federally-recognized tribes, competition is severe and tribes rarely receive sufficient funds to fully support important conservation efforts. Since the inception of the TWG Program, no more than $7 million per year has been made available on a competitive basis to the nation's 566 federally-recognized tribes. At this low level of funding, very few tribes receive any TWG funding; those receiving funding typically get very little; and no tribe receives sufficient funding to sustain long-term tribal wildlife and natural resource management efforts. In FY 2011, the TWG Program received $6.99 million; in the ensuing four fiscal years, the program has only received about $4 million per year. **The TEPC requests that TWG Program funding be increased to at least $6 million, as provided in the President's request for FY 2016.**

III. Environmental Protection Agency (EPA)

A. General Assistance Program (GAP). EPA's GAP is intended to meet a critical need for tribes by providing them with funding to build capacity for environmental management. In FY 2004, the enacted GAP funding level was $62.5 million with each tribe receiving an average of $110,000 to help them achieve a minimal level of environmental protection. Unfortunately, GAP funding has not been adjusted for inflation since that time, with GAP receiving only $65.476 million in FY 2015. Further, GAP funding has not kept pace with the growth of tribal environmental programs over the years, forcing tribes to perform the increased duties of maturing programs with fewer resources. A $175,000 per tribe distribution (totaling more than $99 million) would be more appropriate for individual tribes. However, based on funding limitations of the federal government, **the TEPC requests that GAP be funded at the President's FY 2016 request of $96.375 million.**

B. Tribal Air Quality Management. For ten years, since 1998, EPA tribal air quality management funding remained relatively static, spanning a range between $10.7 million and $12.1 million, and in FY 2015, tribal air quality management was only funded at $12.829 million. Meanwhile, the number of tribes seeking funding for such management has grown substantially, while EPA is asking tribes to address more air-related issues in an environment of increasing regulation. Tribal air quality management funding must be increased to more accurately reflect the air quality-related needs of tribes. Funding is required for core air quality management program development and operations important to tribes (*e.g.,* national ambient air quality standards, air toxics, and indoor air quality) and implementation of EPA's newer initiatives such as those related to climate change, diesel retrofits, and woodstove changeouts. **The TEPC requests that tribal air quality management funding be funded at $22 million.**

C. Direct Implementation Tribal Cooperative Agreements. A means to help offset the limited dollars available to tribes under the GAP is the use of Direct Implementation Tribal Cooperative Agreements (DITCAs). DITCAs allow tribes and intertribal consortia to help EPA

implement federal environmental programs for tribes. DITCAs were initially authorized in the FY 2001 Appropriations Act, but must be approved annually by Congress. EPA has awarded more than 20 DITCAs to tribes to undertake such activities as CAA Title V permitting, development of smoke management plans, and National Pollution Discharge Elimination System stormwater permitting compliance. However, EPA is constrained by the limited availability of resources to award more DITCAs to tribes. To assure a consistent source of funding for DITCAs, a separate budget set-aside should be established within EPA. **The TEPC requests an increase of $10 million to the overall EPA budget to be set aside for DITCAs.**

D. Clean Water and Drinking Water State Revolving Funds. EPA has Clean Water State Revolving Fund that offers grants and low-interest revolving loans to municipalities for non-point source pollution control, stormwater control, watershed and estuary management, and wastewater treatment; and a Drinking Water State Revolving Fund that offers grants for drinking water treatment and protection of surface water and groundwater supply areas (collectively "State Revolving Funds). Two percent of each State Resolving Fund is set aside for tribes to conduct the same types of activities accorded to states. Increased funding is required for the State Revolving Funds. However, what is more important is that tribes are provided with a sufficient set aside of these State Revolving Funds to help them address the clean water and drinking water needs of their communities, whose needs the Indian Health Service has identified as extremely significant. **The TEPC recommends that a tribal set-aside of 3 percent for each State Resolving Fund, or a set aside of $50 million for the Clean Water State Revolving Fund and $30 million for the Drinking Water State Revolving Fund, whichever is greater.**

E. Tribal Water Pollution Control, Clean Water Act (CWA) Section 106. CWA Section 106 grants are critical to tribal efforts to control water pollution. Such efforts include water quality planning and assessments; developing and implementing water quality standards and total maximum daily loads; providing ground water and wetland protection; and engaging in nonpoint source control activities. Between 1998 and 2010, the number of eligible Indian tribes to receive CWA Section 106 funding increased from 141 to 257. The national CWA 106 allocation to tribes has remained flat and periodically decreased. Only 40 federally-recognized tribes have EPA-approved water quality standards, yet the vast majority of states have them. Section 106 grants would enable tribes to bridge this gap. **The TEPC requests that 20 percent of the national CWA Section 106 allocation be made specifically available to tribes.**

F. Nonpoint Source Pollutant Control – Clean Water Act 319. CWA Section 319 provides Indian tribes with grants to develop and implement polluted runoff control programs that address critical water quality concerns identified in the CWA Section 106 program and other monitoring programs. Tribal needs for this funding exceed availability. **The TEPC requests that any caps on tribal funding for Nonpoint Source Pollution Control be eliminated to help close the vast inequity in funding for Indian tribes.**

Barbara Hammes
Board member of the UMRIA (Upper Mississippi River Interpretive Association)
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March 17, 2015

Dear Congressman

I am on the board for UMRIA (Upper Mississippi River Interpretive Association) the Friends group supporting the Pools 7 & 8 of the Upper Mississippi River Wildlife and Fish Refuge. As board members and volunteers we are concerned about critical issues affecting not only our health, safety and environment, but also of those people and critters who live downstream. Right now as I write I see one of these frequent 110 car trains carrying hazardous unrefined crude oil, rattling the house I live in on the shores of the Mississippi river. The train crosses the main channel across an old swing bridge that was approved during the Civil War and completed in 1876, 140 years ago. That bridge, L4B is ranked 4th in most barge and boat-related collisions out of 22 states. Daily on the local and national news we are made aware of the dangers of these unending railroad trains crossing our Mississippi River and Refuge lands. Yet our refuge district has **zero funding for spill response planning in its budget**.

We are one of many volunteer groups on the Upper Mississippi River Wildlife and Fish Refuge comprising thousands of people and countless hours of volunteer hours working passionately to conserve the water and lands for people and critters for years to come.

On a national level we strongly implore you to

1. Appropriate $60 million for the National Wildlife Refuge Fund in FY16, which offsets losses in local government tax revenue because lands owned by the Refuge System are exempt from taxation.
2. Reauthorize and fully fund the Land and Water Conservation Fund (LWCF) at $900 million per year, and provide $173.8 million in FY16 LWCF funding for conservation easements and refuge in-holdings.
3. Request $508.2 million for the National Wildlife Refuge System's operations and maintenance account for FY16.
4. Pass a clean Appropriation bill free from policy riders such as removing the Service's authority to establish new refuges administratively even though ninety percent of all refuges were created this way.

On a local level we ask you to support the following priorities that would be funded by the above.

Priorities for the Friends of Upper Mississippi River Refuge

(Identified in the Comprehensive Conservation Plan for the Refuge)

Operations and Staffing: With approximately 240,000 acres over 261 miles and 3.7 million annual visits, managing and administering the refuge is a huge undertaking requiring staff and funding for programs, facilities, and equipment. Current staffing level of ±40 FTEs (full-time equivalents) is way below the national staffing model level of 73 FTEs and the 64 FTEs called-for in the CCP. New operations funding would fund new habitat projects and visitor facilities.

Current Funding: $4M *Need in CCP*: +$1.9M one-time, +$2.36M annually

Visitor Services Improvements/Construction: Status of visitor facilities/shops/administrative offices

Winona Headquarters and District Office/Shop/Visitor Facilities (Winona, Minnesota)
- Inadequate and antiquated leased office facilities – no visitor facilities
- City of Winona and local business neighbors contacted Refuge about developing a destination visitor center in the City.

La Crosse District (La Crosse, Wisconsin)
- Office/Visitor Facility completed in 2012?

McGregor District (McGregor, Iowa)
- Office/small visitor contact/shop station. Moving out of existing building due to mold. Searching for a building site.
- Estimated full cost $6 million

Savanna District (Savanna, Illinois)
- Excellent small office/visitor contact station
- Small office expansion needed for visitor services.

Available Funding: $100k *Need in CCP:* $13.5M

Land Acquisition: Acquisition of land remains a key conservation tool for the well being of fish and wildlife resources, for providing public use opportunities, and for maintaining the wild and scenic character of the Refuge and the Upper Mississippi River as a whole. It is also cost effective to acquire key lands before they are developed, both from a land-cost perspective and from the cost of dealing with negative impacts associated with development adjacent to a national wildlife refuge.

Need: $2.5 million per year for tracts from willing sellers

Environmental Management Program. 1990 Water Resources Development Act extended the original EMP authorization period for an additional 5 years, through fiscal year 2002. The 1999 Water Resources Development Act increased the annual authorization to $33 million and established two main elements as continuing authorities:

- Planning, construction, and evaluation of fish and wildlife habitat rehabilitation and enhancement projects (HREPs).
- Long term resource monitoring, computerized data inventory and analysis, and applied research (LTRMP).

The EMP is a coordinated habitat restoration program for the Upper Mississippi River system administered by the Corps of Engineers (funding in the Corps' budget) in partnership with several federal, state, and nongovernmental agencies. It is the primary way of Refuge habitat improvement!
Current Funding: Expect $19 million in FY 16 *Need:* $33 million annually

Navigation and Ecosystem Sustainability Program (NESP): In the 2007 Water Resources Development Act, Congress authorized NESP. The program has a dual purpose of navigation improvements and environmental improvement on the Mississippi and Illinois rivers above Cairo, Illinois. However, no funding has been appropriated except for planning. The environmental side of the legislation authorizes $1.5 billion over 50 years. This would pay for all the habitat needs of the refuge identified in the CCP ($150 million over 15 years).

Current Funding: ≤ $100K for Corps planning only *Need in CCP:* $10 million per year for habitat projects

Invasive Plants and Animals: Invasive plants continue to pose a major threat to native plant communities on the Refuge and beyond. Invasive plants displace native species and often have little or no food value for wildlife. The result is a decline in the carrying capacity of the Refuge for native fish, wildlife, and plants. Invasive animal species can often be a biological storm which wreaks havoc on native plants and animals in a matter of years. Zebra mussels swept through the Upper Mississippi River incredibly fast, decimating many native mussel beds. A variety of Asian carp are poised to make a similar assault and are perhaps of most concern since they may compete directly with a large number of native fish species through direct food competition.

Current Funding: $0 *Need in CCP*: $250K annually for inventory/planning

Spill Response Planning: Increasing shipments of hazardous "products" along either side of the Refuge poses significant risk to the River's ecosystems. Development of spill response plans is needed.

Current Funding: $0 *Estimated need:* $75K annually for the next 5 years.

Thank you for your careful consideration for funding the preservation and needs of our people and critters.

Sincerely,

Barbara Hammes, Board member of the UMRIA (Upper Mississippi River Interpretive Association) N5727 County Road Z, Onalaska, WI 54650
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SOUTHEAST ALASKA
CLUSTER INITIATIVE

March 25, 2015

Written Testimony of Brian Holst
Executive Director, Juneau Economic Development Council
on behalf of the Visitor Products Cluster Working Group of Southeast Alaska

Submitted to the U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

The Juneau Economic Development Council on behalf of the Southeast Alaska Visitor Products Cluster Working Group appreciates the opportunity to submit testimony to the U.S. House of Appropriations Subcommittee on Interior, Environment, and Related Agencies regarding the U.S. Department of Agriculture's fiscal year (FY) 2016 budget request for the U.S. Forest Service recreation accounts as follows: Recreation, Wilderness & Heritage: $263.94 million; Facilities: $71.69 million; and Trails: $82.51 million).

In 2010, the U.S. Department of Agriculture (USDA) and the U.S. Forest Service committed to the implementation of a Transition Framework for the Tongass National Forest in Alaska focused on supporting a diverse economy and developing a "region-wide job creation platform, with an emphasis on building upon current assets (e.g. workforce and natural resources) and current key economic sectors." (USDA Tongass Transition Framework, May 2010) To advance the goals and support implementation of the Transition Framework, the Juneau Economic Development Council (JEDC) convenes the Southeast Alaska Cluster Initiative under a contract from the U.S. Forest Service and support from USDA Rural Development.

Since 2011, the Visitor Products Cluster Working Group (VP-CWG) has successfully brought the region's private recreation and tourism industry sector together with federal, state and local agencies, university faculty, trade associations, economic development organizations, community leaders, and other stakeholders committed to addressing industry needs, concerns and opportunities on a cooperative basis.

Priorities and Recommendations

Our priorities and recommendations are focused on agency accounts which support the Tongass National Forest's recreation program and infrastructure. The VP-CWG identified two legislative priorities which its member businesses believe are critical to sustaining southeast Alaska's recreation and tourism economy.

- Address the critical decline in federally appropriated funding for the Tongass National Forest recreation program, trails, and facilities.
- Support the reauthorization of the Federal Lands Recreation Enhancement Act to ensure recreation site fees and outfitter & guide use fees are retained in the Tongass and reinvested to provide suitable visitor experiences and enhanced business opportunities.

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Phone 907-523-2300; Fax 907-463-3929
www.jedc.org

In line with VP-CWG priorities, we make recommend the Committee action as follows for the U.S. Department of Agriculture's (USDA) Forest Service budget proposal and request.

- ***Support USDA's proposed increase (average +2%) for the Forest Service's recreation program accounts including: Recreation, Heritage & Wilderness; Facilities; and Trails.***

  National Forest System: Recreation, Heritage, and Wilderness
  - FY16 Request: $263,942,000; 1% increase
  - *FY15 Enacted: $261,719,000*

  Capital Improvement and Maintenance: Facilities
  - FY16 Request: $71,695,000; level funding including national priority project funding in the amount of $799,000 for the Mendenhall Glacier Visitor Center (Juneau, AK) Elevator Replacement Accessibility and Sustainability.
  - *FY15 Enacted: $71,600,000*

  Capital Improvement and Maintenance: Trails
  - FY16 Request: $82,516,000; 6% increase
  - *FY15 Enacted: $77,530,000*

  Further, the VP-CWG would like to highlight our support for the proposed national priority project at Mendenhall Glacier Visitor Center (MGVC) located in Juneau, Alaska. The MGVC is the most visited Forest Service site in Alaska with visitation nearly doubling in the past 15 years. The agency has acknowledged that demand at the MGVC is outpacing the agency's available resources and capacity to improve access, services and facilities.

  Additionally, the VP-CWG requests that the Committee work toward increasing funding for these accounts to highest level possible with a minimum target of restoring funding to FY2010 levels in order to support reaching the goals outlined in the Forest Service's 2010 Tongass "Transition Framework" commitment to "invest in facilities, trails, and other activities to attract increased recreation and tourism use and jobs." (USDA Tongass Transition Framework, May 2010)

- ***Extend the authority for the Federal Lands Recreation Enhancement Act through September 30, 2016.***

  Further, the VP-CWG believes that a 1-year extension of authority is a minimum and would urge the Committee to consider enacting a multi-year extension.

Rationale: An Economic Partnership

The Forest Service's recreation program and infrastructure underpins a strong and growing visitor industry in southeast Alaska and the Tongass National Forest.

Travel southeast Alaska's famed Inside Passage—an intricate network of coastal waterways that wind through a chain of thousands of islands below the steep Alaska Coast Range of the mainland—and you're surrounded by the Tongass, our nation's largest national forest and the world's largest intact coastal temperate rainforest. At nearly 17 million acres, the Tongass is

roughly the size of West Virginia and comprises 80 percent of the region's land base making the Forest Service far and away the principal land owner and manager in southeast Alaska. An additional 18 percent of the land base is owned by the National Park Service (Glacier Bay National Park), the State of Alaska, and Alaska Native Corporations leaving less than 1 percent in municipal and private ownership.

Scattered throughout the rugged and remote landscape and within boundaries of the Tongass are 34 communities, home to the region's 74,000 residents. All but 3 of the communities are accessible only by plane or boat. The small size and remoteness of the communities combined with the island and steep mountain landscape limits options for transportation and other basic infrastructures needed for economic development.

Yet it is this same rugged remoteness, richness of the natural resources, and scenic beauty which draws visitors from around the world. Since 1990, visitation to southeast Alaska has quadrupled from 235,000 visitors in 1990 to over 1,000,000 visitors in the summer of 2014 with expectations for that number to continue to rise in coming years. This influx of visitors propels the regional tourism and recreation economy, one of southeast Alaska's strongest economic sectors. According to the most recent research conducted by the State of Alaska's Department of Commerce, Division of Economic Development found that statewide the visitor industry plays the most important role in southeast Alaska where it accounts for 20 percent of employment and 13 percent of labor income.

The tourism economy is anchored by the cruise industry which brings the vast majority of visitors to the Tongass. The high volume of cruise passengers and a small but economically valuable market for independent travelers has provided numerous opportunities for entrepreneurship in southeast Alaska including businesses directly or indirectly dependent on access and services provided by the Tongass National Forest.

The interdependence between the tourism industry and the Forest Service management is illustrated by the core challenges identified by VP-CWG priority initiatives:

- Safe, accessible, and diverse trails and visitor facilities which provide for optimum outdoor recreational use of the region by residents and visitors, promote increased visitation to local communities, grow local economic development opportunities, promote wellness through physical activity, and protect the region's natural and cultural resources.
- Outfitter and guide permitting processes which enhance rather than limit economic opportunity. With the growth in the tourism industry, increasingly demand for commercial access exceeds permitted levels and a lack of permitting flexibility hampers the Forest Service's ability to make quick changes in response to market conditions.
- Continuance of Federal Lands Recreation Enhancement Act as well as increased transparency and private sector input in the decision making process as to where recreation fees are allocated.

Similarly, recent small cruise vessel market research conducted by the State of Alaska, Department of Commerce, Division of Economic Development indicated that among the challenges to economic growth is sufficient access to public land for land-based activities.

Investing in Recreation, Investing in the Economy

Reversing the recent national trend of decreased investment in the agency's recreation program and infrastructure is crucially important in the Tongass National Forest. Federal investments to the region through the Forest Service recreation budget underpin the agency's ability to provide benefits including access, services, and infrastructure for the recreation and tourism economy across the country and in Alaska. The Forest Service estimates that outdoor recreation and tourism on the National Forest System contributes $13 billion and an estimated 194,000 jobs each year to the U.S. economy.

In the Tongass National Forest, the recreation and tourism industry is the largest private sector employer and one of the fastest growing sectors of the economy. Counter to the growth in our industry and its importance to the economy, the Forest Service's investment in recreation on the Tongass has plummeted. In the past 5 years, federal investment in the Tongass recreation program has declined by an estimated 50 percent, nearly three times the percentage of decline in USFS recreation program funding levels nationwide. Notably, the Forest Service's allocation of appropriated funding for the Tongass recreation expenditures is less than 10 percent of the Tongass' overall budget.

By comparison the recreation and tourism industry is the agency's largest revenue producer generating approximately 50 percent of Tongass National Forest's annual revenue, an average of $3.2 million annually for the past 5 years, through fees collected from commercial outfitter and guide operations, visitor centers, and other recreation facilities. This revenue is ensured through continued authorization of the Federal Lands Recreation Enhancement Act. Additionally, this return on investment would be maximized rather than undermined by enhanced appropriated support for the Tongass recreation program.

A recently released Region 10 Leaders Intent document indicates that due to the severe decline in funding the Forest Service will no longer be able to provide for the same level of recreation experiences and opportunities, or maintain the current inventory of cabins, trails and other recreation facilities currently in place. What concerns us the most is that even at current levels of funding, the lack of resources for and efficiency within the Forest Service recreation program are failing to meet the needs of the recreation and travel industry.

Summary

We appreciate the Committee's attention to these issues and the importance of the Forest Service's recreation budget to local economies nationwide including ours in a remote corner of Alaska. We are encouraged by the Administration's budget proposal which proposes a very small increase in the Forest Service's recreation accounts and seeks to extend the FLREA authority for 1 year. These actions are good first steps. With Committee support for these actions at the national level, we are optimistic that the deep declines in the Tongass National Forest recreation program can be reversed and the partnership between the Forest Service and the visitor products industry strengthened for the benefit of the southeast Alaska's economy, communities, residents, and visitors.

Washington Suburban Sanitary Commission

14501 Sweitzer Lane • Laurel, Maryland 20707-5901

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March 25, 2015

The Honorable Ken Calvert
Chairman
House Appropriations Committee
Interior Subcommittee
B-308 Rayburn HOB
Washington, DC 20515-6020

The Honorable Betty McCollum
Ranking Member
House Appropriations Committee
Interior Subcommittee
B-308 Rayburn HOB
Washington, DC 20515-6020

Re: Washington Suburban Sanitary Commission (WSSC) Written Testimony on Fiscal Year 2016 Budget

Dear Chairman Calvert and Ranking Member McCollum:

On behalf of the Washington Suburban Sanitary Commission (WSSC), thank you for the opportunity to express our support for full and robust funding for the Environmental Protection Agency (EPA). As described below, of particular importance to WSSC are (i) the EPA's Chesapeake Bay Program; (ii) the Clean Water State Revolving Fund (CWSRF); and (iii) the Drinking Water State Revolving Fund (DWSRF). These programs provide vital monies that help not only protect the fragile Chesapeake Bay ecosystem, but also ensure that millions of local residents have clean, safe drinking water. **We therefore strongly encourage the Subcommittee to fund the Environmental Protection Agency and, in particular, the Chesapeake Bay Program, the CWSRF and the DWSRF *at least* at the full levels requested by the President in his FY 2016 budget.**

Background on WSSC

By way of background, WSSC was established in 1918 and is the largest water and wastewater utility in Maryland and the Washington Metropolitan area and one of the largest in the nation. WSSC maintains an 11,000 mile pipeline network. Our service area spans nearly 1,000 square miles in Prince George's and Montgomery counties in Maryland, serving 1.8 million residents through approximately 460,000 customer accounts. WSSC manages two water filtration plants, seven wastewater treatment plants, nearly 5,600 miles of water mains and more than 5,400 miles of sewer mains. WSSC performs this work 24 hours a day, seven days a week, and always meets or goes beyond federal standards for drinking water.

WSSC's goal is to be a leader in wastewater management, and be a world class provider of safe, reliable water/wastewater services that protect the health, safety and quality of life for its customers in Montgomery and Prince George's counties.

Several years ago, WSSC began a 12-year program to develop a comprehensive wastewater collection improvement plan to dramatically minimize, and eliminate where possible, future sanitary system overflows. Over the initial twelve years of this effort, WSSC costs are estimated to be over $1 billion in operating and capital expenditures to enhance our wastewater collection system. WSSC continues to be a leader in environmental stewardship as we continue working with the Maryland Department of the Environment and federal agencies, like the National Park Service and the EPA, to protect the environment.

WSSC is able to accomplish this mission by being on the leading edge of leveraging clean technology and green technology. Wind power, hydropower, and energy efficient pumps are just a few of the technologies WSSC employs to efficiently use energy during the water and wastewater treatment processes. This allows us to fulfill our goal of being good stewards of the environment, while simultaneously keeping rates low for our ratepayers.

Importance of EPA's Chesapeake Bay Program

The President's FY 2016 budget funds the Chesapeake Bay Program (Program) at $70 million, which is $3 million below FY 2015 levels. This vital funding will allow the EPA-led interagency Federal Leadership Committee to continue to implement the President's Executive Order (EO) on Chesapeake Bay Protection and Restoration and meet the EPA's broad responsibilities under the Clean Water Act. This includes developing and implementing management strategies under the 2014 Bay Watershed Agreement. This agreement establishes 10 goals and 29 outcomes for sustainable fisheries, water quality, vital habitats, climate change, toxic contaminants, and other areas consistent with the EO. Full funding for the Program will ensure that EPA is able to develop and implement management strategies for all potential outcomes. It will also allow EPA to continue its oversight of the Chesapeake Bay Total Maximum Daily Load (TMDL), help local jurisdictions implement their Watershed Implementation Plans (WIPs) and basin-wide Best Management Practice verification framework, and also to refine and improve the publicly available web-based accountability tools Chesapeake *Stat* and the Bay Tracking and Accounting System.

Of particular importance, full funding of the Program will allow EPA to continue to lead the fight against regional water pollution and air pollution by implementing its pollution compliance and enforcement strategy. In FY 2014, the Program met its pollution control targets for sediment and phosphorus, but not for nitrogen. It is imperative that the Program receive funding that will allow the region to meet its short-, medium-, and long-term nitrogen, phosphorus and sediment reduction goals. It will also fund a variety of grant programs for local jurisdictions, governments and community organizations to assist in reducing nutrient and sediment loads from key sectors, such as urban development and agriculture. This includes providing assistance to watershed jurisdictions in order to improve the viability and integrity of their water quality offset and trading programs.

As noted above, the President's FY 2016 request is $3 million below the FY 2015 enacted amount. The funding level requested by the President is both modest and reasonable. Congress should provide at least $70 million in funding for the EPA's Chesapeake Bay Program.

The EPA's Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) programs represent a true partnership between states, localities, and the federal government. These programs provide federal financial assistance to protect the nation's water resources by providing funds for the construction of drinking water and wastewater infrastructure and treatment facilities. The state revolving funds are two vitally important elements of the nation's substantial investment in sewage treatment and drinking water systems, which provide Americans with significant benefits in the form of reduced water pollution and safe drinking water.

These programs help ensure that small and underserved communities have the tools they need in order to help address their pressing water infrastructure and other water quality needs. While WSSC is a large system, many smaller systems face significant investment needs critical for public health and environmental safety of the towns and cities they serve. Through these two programs, EPA is able to not only provide crucial resources to enable small and underserved communities to improve their water-related infrastructure, but EPA is also able to provide training, technical assistance, and allow communities to improve their financial planning for future infrastructure investments including submitting funding applications, exploring financing options, and enhanced planning and design.

The Clean Water State Revolving Fund

The Clean Water State Revolving Fund provides funding for vital wastewater, nonpoint source, estuary, stormwater, and sewer overflow projects. The CWSRF has been extremely effective in improving the quantity and quality of wastewater treatment facilities throughout the United States. Thanks in part to the CWSRF, over 99 percent of publicly-owned water treatment works, serving more than 222.6 million people, use secondary treatment or better. Water infrastructure projects supported by the program directly contribute to water ecosystem improvements by lowering the amount of nutrients and toxic pollutants in all types of surface waters. While great progress has been made, many rivers, lakes and ocean/coastal areas, including the Chesapeake Bay, still suffer a significant influx of pollutants after heavy rains, which may result in beach closures, infected fish, and degradation of the ability of watersheds to sustain a healthy ecosystem.

The President's FY 2016 proposed budget includes $1.116 billion to the Clean Water State Revolving Fund. We urge Congress to fully fund the CWSRF.

The Drinking Water State Revolving Fund

The President's FY 2016 request includes $1.186 billion in funding for the Drinking Water State Revolving Fund program. The DWSRF program helps address the costs of ensuring

safe drinking water supplies and assists small communities in meeting their responsibilities by providing assistance to small and underserved communities that have limited financial resources. It also provides funding for the new Water Infrastructure and Resiliency Finance Center (WIRFC), which works to promote public private collaboration, provide peer-to-peer learning and training workshops, develop public private partnership models and tools, and maintain an ongoing dialogue with the financial community to encourage investment in the water markets. The WIRFC also supports innovative financing and utilization of the green project reserve to increase climate resilient infrastructure projects.

Since its inception in 1997, the DWSRF has made $30.1 billion available to finance 11,448 infrastructure improvement projects nationwide, including a number of projects in Maryland. DWSRF funding is an efficient use of scarce federal resources. An average of $1.76 is made available to localities for every $1 of federal funds invested for these projects.

DWSRF funds are allocated to the states in accordance with each state's proportion of total drinking water infrastructure need based on the 2011 Needs Survey, which was reported to Congress in April 2013. As noted above, the President's FY 2016 budget funds the DWSRF at $1.186 billion. This money will be used to help ensure that water is safe to drink, to address the nation's aging drinking water infrastructure and to support new infrastructure improvement projects for public drinking water systems. We strongly urge Congress to fully fund the DWSRF.

Water Infrastructure Finance and Innovation Act (WIFIA) Implementation

Finally, although it is only tangentially relevant to WSSC due to its strong credit rating, we applaud the inclusion in the proposed budget of $5 million to help stand up the 2014 Water Infrastructure Finance and Innovation Act (WIFIA) loan program, which will provide federal loans and loan guarantees to support major water-infrastructure projects. We believe that this is a vitally important program for water infrastructure projects around the country, and we encourage the Committee to provide ample funding to stand up this important program.

The President has proposed a FY 2016 budget for the Environmental Protection Agency (EPA) at $8.6 billion, which represents an increase of approximately $700 million over the FY 2015 level of $7.89 billion. We believe that this is a prudent expenditure of federal taxpayer dollars. We strongly urge the Subcommittee to fund the Office at the level requested by the President, particularly the technologies identified above.

Sincerely,

Jerry N. Johnson
General Manager/CEO

cc: Maryland House Delegation

White Mountain Apache Tribe

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March 25, 2015

Testimony to the U.S. House Committee on Appropriation
Subcommittee on Interior, Environment, and Related Agencies
Budget FY2016

The White Mountain Apache Tribe of Arizona, submits testimony to the House Appropriations Subcommittee on Interior, Environmental, and Related Agencies on Fiscal Year 2016 Budget.

Please be advised, the White Mountain Apache tribe strongly supports the budget line item of **$15 million for the National Park Service – Historic Preservation Fund Fiscal Year 2016** proposed by the National Association of Tribal Historic Preservation Officers (NATHPO).

With each passing year more and more tribes are taking on the responsibilities previously administered by the State Historic Preservation Offices (SHPO) by establishing their own Tribal Historic Preservation Office (THPO), but the funding for such programs seems to remain the same and the responsibilities are ever increasing.

Furthermore, not all tribes are financially established and are not able to support their THPO Programs, therefore, any additional funds to assist such tribes will greatly benefit the ever increasing THPO programs throughout Indian Country.

Thank you. We look forward to continued collaborations in the protection and preservation of place of cultural and historical significance.

Sincerely,

Mark T. Altaha

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United States House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies

Testimony on American Indian/Alaska Native Programs

March 25, 2015

Chairman Calvert and Members of the Subcommittee, thank you for the opportunity to submit this written testimony on behalf of the Yankton Sioux Tribe. My name is Robert Flying Hawk and I am the Chairman of the Business and Claims Committee.

As a proud but small treaty tribe with very little private tribal income, we are still reeling from the devastation that FY 2013 sequestration had on the services available to our tribal members. While we appreciate the steps that this Subcommittee and the Congress took to prevent further sequestration cuts in FY 2014 and FY 2015, the actual BIA, BIE and IHS appropriations that we received during those two years did not restore the money that we lost as a result of that sequestration, nor did they return our base budgets to the level that they would have been had we not suffered that loss. Now, the threat of sequestration is here again.

Given that our BIA, IHS and BIE monies are provided as binding Treaty obligations, and given that that those programs were only funded at around 60% of actual need before sequestration was proposed, we need a permanent amendment to the Budget Control Act which exempts those Treaty programs from this re-occurring threat. We have no more flexibility in our funding base. If sequestration comes again, many of our Treaty based programs will cease to operate at anywhere close to an effective level.

The Congress also needs to give this Subcommittee the practical ability to address the Federal Government's actual obligations to Yankton and the other Treaty Tribes. We have every confidence that you understand what our real needs are and what the Federal Government has a legal and moral obligation to provide. Please continue to advocate for that spending authority so that we can continue to work together to resolve the problems that are plaguing our tribal communities.

Ensuring that the IHS is fully funded is of vital importance to the Tribe. My people suffer from more diseases and have more health problems than the average American. Today, Yankton Tribal members face soaring health care costs and the pervasive threat of racial or economic discrimination when they are forced to go to the nearest non-IHS emergency room.

This discrimination increases every time that the IHS is unable to pay its bills to that third party provider.

A sizable percentage of our tribal members have lost their credit worthiness simply because the IHS left them with a sizable medical bill. As a result, those tribal members now face difficulties when they attempt to take out student loans for their children, make basic purchases for their homes or obtain something as necessary as a car loan. This is wrong, but it happens every year because at Yankton funding for Referred Care has consistently dried up by the fall of each year despite the increases provided by this Subcommittee in recent years.

For these reasons alone, many of our members fail to seek referred care after August because they question whether IHS will really pay the bills. When this happens, treatable conditions escalate, people miss work, students miss school and communicable diseases spread. Isn't it time we broke this cycle by making those referred care bills a binding legal obligation of the Indian Health Service and the United States?

Preventative health care should also not be overlooked. Educating individuals about the food, exercise and personal health choices that they make goes a long way. For this reason, we were pleased to see that preventative health services are receiving a small increase in the President's FY 2016 Budget Proposal. We were, however, but disappointed that this important program did not receive more attention. The same is true for dental health services. We are pleased that the program is slated for an increase, but we must note that this proposed increase is so insignificant that we do not believe that it will lead to any real increases in dental services on our Reservation.

Drugs remain a serious problem in our community. Methamphetamine use has risen at an alarming rate and the Yankton Sioux Tribe, like other tribes in the Great Plains, are struggling to combat the use and production of this debilitating drug. When Congress was debating the Tribal Law and Order Act, a number of its sponsors talked about our need for treatment programs and drug courts rather than jails, but little has been done to implement that approach. If you want to decrease detention, health care and education costs, you need to provide real drug treatment options at the reservation level. Those treatment options need to include residential treatment for both adults and juveniles, and half-way houses for those in recovery. Until that treatment is made available, this terrible addiction problem will not subside.

While we are pleased that the President's overall requests for IHS begin to address the inflation and populations growth we have encountered, we are forced to point out that those increases still leave a huge gap between federal per capital expenditures for non-Indian programs like Medicare and Medicaid and IHS expenditures for our Indian people. A recent article noted that the average Medicare allocation is $12,042 per person while the average IHS allocation for a tribal member is $555. Is this an equitable plan? Absolutely not.

Now a few words about BIA. We are thrilled that the President has given serious consideration to the needs of Indian children and we support that effort. We are equally happy

about the proposed increases in social service programs. We only hope that some of the new social workers provided for in the BIA's request actually make their way to our reservation.

As you may be aware, protecting the rights of our children and families under the Indian Child Welfare Act has been a major problem for all of the South Dakota Tribes. We were therefore pleased to see a proposed increase in ICWA funding and we ask you to make every effort to honor that proposal.

Housing is still a major issue. While were pleased to see that the BIA's Housing Improvement Program is being continued, we were very disappointed to see that it is not restored to its earlier pre-sequester funding levels. Many of our members live in unhealthy and unsafe homes which are in dire need of repair. When a family is living in cold, damp, overcrowded rooms, where lack of sleep and poor nutrition abide, this family is going to get sick. A child living in that environment is not going to do well in school, and an adult is not going to be productive at work. HIPP can help to alleviate some of these conditions, but it needs additional funding to accomplish that goal.

Roads are also a big priority for Yankton and the other Sioux Tribes. Simply put, we need an increase in the Indian allocation from the Highway Trust Fund because reallocating the highly inadequate amount that the tribes currently receive is not going to solve anything.

We also need a sizable increase in roads maintenance dollars. Our Reservation is located in an area which experiences harsh winters, and today the largest portion of our roads maintenance monies goes to pay for nothing except snow removal. Our unmaintained roads are leading to unnecessary accidents, costly repairs to our police cars, ambulances and school busses and they are undermining our efforts at economic development. Please help us put a stop to these problems by appropriating a reasonable amount of roads maintenance dollars.

Education is a big priority for our Tribe. Our children are our most valuable resource and to succeed they need high quality teachers, textbooks, and the same educational tools provided to students in adequately funded educational institutions. We were therefore pleased to see the proposed increase in the ISEP formula and pleased to see that this Subcommittee is making a concerted effort to find a way of addressing the backlog in school construction. Finally, we were happy to see that the President has requested funds to incorporate the new Johnson O'Malley student counts into the JOM program.

Our schools also need adequate operations dollars. Today, our school officials are forced to dip into classroom funding and school maintenance monies just to pay for the heat and electricity in our school buildings. That is not fair to our students, and it is leaving our Indian schools in dismal condition.

Finally, the Yankton Sioux Tribe is located in a non-P.L. 83-280 State where jurisdiction rests largely with the Tribe and the Federal Government. Our lack of police officers is leaving our people feeling unsafe, and the lack of funding for our tribal court makes it impossible for us to provide the type of due process we want to afford to everyone who comes before our judicial system. Simply put, our Tribal Court has not seen an increase in funding for years, yet the

requirements imposed upon it have been increased substantially by new federal laws and regulations. This underfunding leaves us with no practical ability to fully implement the expanded jurisdiction offered by VAWA and TLOA because we simply cannot afford the pre-requisites. For all of these reasons, we ask you to do whatever you can to prioritize courts and law enforcement funding in your BIA funding proposal.

Lastly, the Tribe strongly supports the President's proposal to fully fund Contract Support Costs and its request to reclassify those costs as mandatory funding beginning in FY 2017. Contract Support Costs are not just a contractual obligation; they are a key component to the successful implementation of Indian self-determination.

Mr. Chairman, thank you for allowing me to present these concerns and please do everything that you can to help my people.

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